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SENATE BILL NO. 1222

Offered January 9, 2013

Prefiled January 9, 2013

A BILL to amend and reenact §§ 46.2-341.20 and 46.2-853 of the Code of Virginia and to repeal § 46.2-1078.1 of the Code of Virginia, relating to unlawful use of handheld personal communications devices while driving; penalty.

Patrons—Norment, Barker and Howell

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.20 and 46.2-853 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.20. Disqualification for multiple serious traffic violations.

A. For the purposes of this section, the following offenses, if committed in a commercial motor vehicle, are serious traffic violations:

- 1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;
- 2. Reckless driving;
- 3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;
- 4. Improper or erratic traffic lane change;
- 5. Following the vehicle ahead too closely;
- 6. Driving a commercial motor vehicle without obtaining a commercial driver's license;
- 7. Driving a commercial motor vehicle without a commercial driver's license in the driver's immediate possession; and
- 8. Driving a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; and

~~9. A violation of § 46.2-1078.1 or a substantially similar law of any other jurisdiction.~~

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations.

B. Beginning September 30, 2005, the following offenses shall be treated as serious traffic violations if committed while operating a noncommercial motor vehicle, but only if (i) the person convicted of the offense was, at the time of the offense, the holder of a commercial driver's license; (ii) the offense was committed on or after September 30, 2005; and (iii) the conviction, by itself or in conjunction with other convictions that satisfy the requirements of this section, resulted in the revocation, cancellation, or suspension of such person's driver's license or privilege to drive.

- 1. Driving at a speed 15 or more miles per hour in excess of the posted speed limits;
- 2. Reckless driving;
- 3. A violation of a state law or local ordinance relating to motor vehicle traffic control arising in connection with a fatal traffic accident;
- 4. Improper or erratic traffic lane change; or
- 5. Following the vehicle ahead too closely.

C. The Department shall disqualify for the following periods of time, any person whose record as maintained by the Department shows that he has committed, within any three-year period, the requisite number of serious traffic violations:

- 1. A 60-day disqualification period for any person convicted of two serious traffic violations; or
- 2. A 120-day disqualification period for any person convicted of three serious traffic violations.

D. Any disqualification period imposed pursuant to this section shall run consecutively, and not concurrently, with any other disqualification period imposed hereunder.

§ 46.2-853. Driving vehicle that is not under control.

A person shall be guilty of reckless driving who drives a vehicle ~~which~~ that is not under proper control or ~~which~~ that has inadequate or improperly adjusted brakes on any highway in the Commonwealth.

"Driving a motor vehicle that is not under proper control" includes driving a motor vehicle on any highway in the Commonwealth while simultaneously using a handheld personal communications device for any purpose other than verbal communication.

2. That § 46.2-1078.1 of the Code of Virginia is repealed.