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**HOUSE BILL NO. 177**

Offered January 10, 2018

Prefiled December 23, 2017

A *BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.2, relating to distracted driving; handheld personal communications devices; driving with an animal.*

Patron—Bell, Richard P.

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1078.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 8 of Title 46.2 a section numbered 46.2-818.2 as follows:**

**§ 46.2-818.2. Driving with animal prohibited.**

*No person shall (i) operate a moving motor vehicle with an animal on his lap, (ii) permit an animal to impede his free access to and use of vehicle controls while operating a moving motor vehicle, or (iii) permit an animal to obstruct his vision while operating a moving motor vehicle. For purposes of this section, "animal" means the same as that term is defined in § 3.2-6500.*

**§ 46.2-1078.1. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.**

A. It is unlawful for any person to operate a ~~moving~~ motor vehicle on the highways in the Commonwealth while using *his hands to use* any handheld personal communications device ~~to~~:

1. Manually enter multiple letters or text in the device as a means of communicating with another person; or

2. Read any email or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored within the device nor to any caller identification information.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;

2. An operator who is lawfully parked or stopped;

3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system; or

4. Any person using a handheld personal communications device to report an emergency;

5. Any person using a handheld radio-based communications device during an emergency or disaster relief operation; or

6. Any person using a handheld personal communications device to initiate or terminate a telephone call.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125 and, for a second or subsequent offense, by a fine of \$250.

D. For the purposes of this section, "emergency vehicle" means:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer;

2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;

3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;

4. Any emergency medical services vehicle designed or used for the principal purpose of emergency medical services where human life is endangered;

5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;

6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer; and

7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights pursuant to § 46.2-1029.2.

INTRODUCED

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**59**      ~~D.~~ *E.* Distracted driving shall be included as a part of the driver's license knowledge examination.