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HOUSE BILL NO. 1811

Offered January 9, 2019

Prefiled December 29, 2018

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to hands-free operation of handheld personal communications devices while operating a motor vehicle; exceptions.

Patrons—Collins, Mullin, Webert, Bulova, Jones, S.C., Krizek, Orrock, Peace, Plum, Ransone, Thomas and Watts

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 as follows:

§ 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 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 unless the device is specifically designed and configured to allow hands-free and voice operation and is being used in that manner.~~

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. ~~The use of a handheld personal communications device for purposes of navigation or generating audio transmission, provided that such device is physically mounted to the vehicle and any data that must be manually entered by the operator is so entered while the vehicle is lawfully parked or stopped;~~

5. ~~The use of an amateur radio or a citizens band radio;~~

6. ~~The use of a handheld personal communications device to activate, deactivate, or initiate a factory-installed feature or function on the vehicle;~~

7. ~~The operator of any Department of Transportation vehicle or vehicle operated pursuant to the Department of Transportation safety service patrol program or pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 during the performance of traffic incident management services; or~~

8. Any person using a handheld personal communications device to report ~~or in response to an~~ emergency.

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. If the violation of this section occurs in a highway work zone, it shall be punishable by a mandatory fine of \$250. For the purposes of this section, "highway work zone" means a construction or maintenance area that is located on or beside a highway and marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.

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 ~~while engaged in the performance of official duties;~~

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 ~~supplying resuscitation or emergency medical services relief~~ 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

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58 Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
59 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
60 request for assistance from a law-enforcement officer; and

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

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