

1995 SESSION

HOUSE SUBSTITUTE

LD4899340

HOUSE BILL NO. 1890

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Roads and Internal Navigation
on January 26, 1995)

(Patron Prior to Substitute—Delegate May)

A BILL to amend and reenact § 46.2-1078 of the Code of Virginia, relating to operating motor vehicles, mopeds, or bicycles while using earphones.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1078 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1078. Unlawful to operate motor vehicle, moped, or bicycle while using earphones.

A. It shall be unlawful for any person to operate a motor vehicle, moped, or bicycle on the highways in the Commonwealth while using earphones on or in both ears.

For the purpose of this section, "earphones" shall mean any device worn on or in both ears which converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but shall not include (i) any prosthetic device which aids the hard of hearing or (ii) earphones installed in helmets worn by motorcycle operators and riders and used as part of a communications system. The provisions of this section shall not apply to the driver of any emergency vehicle as defined in § 46.2-920.

B. Notwithstanding the provisions of subsection A of this section, operation of a moped or bicycle while using earphones on or in one or both ears shall be lawful if the sound-producing element of any such earphone does not extend into the interior ear and the earphone's surrounding sound-attenuating structure does not extend beyond or behind the entire external ear.

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