

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 36

An Act to amend and reenact § 46.2-1078 of the Code of Virginia, relating to use of earphones while operating certain vehicles.

[H 1985]

Approved March 2, 1997

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.

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, *or (iii) nonprosthetic, closed-ear, open-back, electronic noise-cancellation devices designed and used to enhance the hearing ability of persons who operate vehicles in high-noise environments, provided any such device is being worn by the operator of a vehicle with a gross vehicle weight rating of 26,000 pounds or more.* The provisions of this section shall not apply to the driver of any emergency vehicle as defined in § 46.2-920.