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HOUSE BILL NO. 532

Offered January 11, 2012

Prefiled January 10, 2012

A BILL to amend and reenact § 46.2-341.20 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 46.2-1078.2, and to repeal § 46.2-1078.1 of the Code of Virginia, relating to the operation of a motor vehicle while engaged in other activities.

Patrons—Orrock and Torian

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-341.20 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1078.2 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;
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~~ 46.2-1078.2 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.

§ 46.2-1078.2. *Operation of a motor vehicle while engaged in other activities.*

A. *Any person who operates a moving motor vehicle on the highways in the Commonwealth while engaged in an activity that is not necessary to the operation of the vehicle and that actually impairs his ability to operate the vehicle is guilty of a traffic infraction.*

B. *A violation of this section constitutes a separate and distinct offense.*

C. *The provisions of this section shall not apply to:*

1. *The operator of an emergency vehicle;*
2. *An operator who is lawfully parked or stopped;*

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- 59 3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless
60 communications devices used to transmit or receive data as part of a digital dispatch system; or
61 4. Any person using a handheld personal communications device to report an emergency.
62 D. For the purposes of this section, "emergency vehicle" means:
63 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
64 law-enforcement officer while engaged in the performance of official duties;
65 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
66 responding to an emergency call or operating in an emergency situation;
67 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when
68 traveling in response to a fire alarm or emergency call;
69 4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal purpose of
70 supplying resuscitation or emergency relief where human life is endangered;
71 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services
72 vehicle, when responding to an emergency call or operating in an emergency situation;
73 6. Any Department of Corrections vehicle designated by the Director of the Department of
74 Corrections when (i) responding to an emergency call at a correctional facility, (ii) participating in a
75 drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a
76 request for assistance from a law-enforcement officer; and
77 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white
78 secondary warning lights pursuant to § 46.2-1029.2.
79 2. That § 46.2-1078.1 of the Code of Virginia is repealed.