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HOUSE BILL NO. 461

Offered January 13, 2016

Prefiled January 8, 2016

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to use of handheld personal communication devices while driving; penalty.

Patrons—Anderson, Helsel, Boysko, Plum and Rasoul

Referred to Committee on Militia, Police and Public Safety

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 ~~select multiple icons or~~ 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 information displayed on the device~~, provided that this prohibition shall not apply to any name or number stored within the device ~~nor to, any information displayed through the use of a global positioning system (GPS) for the purpose of navigation, or 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)~~ 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.

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.

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.

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

INTRODUCED

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