2018 SESSION

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1	SENATE BILL NO. 74
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee on Transportation
4	on January 17, 2018)
5	(Patrons Prior to Substitute—Senators Surovell and Wexton [SB 441])
6	A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, relating to hands-free operation of
7	handheld personal communications devices in motor vehicles; exceptions.
8 9	Be it enacted by the General Assembly of Virginia:
9 10	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;
11	exceptions; penalty.
12	A. It is unlawful for any person to operate a moving motor vehicle on the highways in the
13	Commonwealth while using any handheld personal communications device to:
14	1. Manually enter multiple letters or text in the device as a means of communicating with another
15	person; or
16	2. Read any email or text message transmitted to the device or stored within the device, provided
17	that this prohibition shall not apply to any name or number stored within the device nor to any caller
18	identification information unless the handheld personal communications device is specifically designed
19 20	and configured to allow voice and hands-free operation and the device is being used in that manner. B. The provisions of this section shall not apply to:
20 21	1. The operator of any emergency vehicle while he is engaged in the performance of his official
22	duties;
$\frac{1}{23}$	2. An operator who is lawfully parked or stopped;
24	3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless
25	communications devices used to transmit or receive data as part of a digital dispatch system; or
26	4. The use of a handheld personal communications device for purposes of navigation or generating
27	audio transmission, provided that such device is physically mounted to the vehicle;
28 29	5. The use of an amateur radio or a citizens band radio; 6. An operator who activates, deactivates, or initiates a factory-installed feature or function on the
3 0	vehicle;
31	7. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the
32	Department of Transportation safety service patrol program or pursuant to a contract with the
33	Department of Transportation for, or that includes, traffic incident management services as defined in
34	subsection B of § 46.2-920.1, during the performance of traffic incident management services; or
35	8. Any person using a handheld personal communications device to report or in response to an
36 37	emergency. C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125
38	and, for a second or subsequent offense, by a fine of \$250.
39	D. For the purposes of this section, "emergency vehicle" means:
40	1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local
41	law-enforcement officer while engaged in the performance of official duties;
42	2. Any regional detention center vehicle operated by or under the direction of a correctional officer
43	responding to an emergency call or operating in an emergency situation;
44 45	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;
45 46	4. Any emergency medical services vehicle designed or used for the principal purpose of <i>supplying</i>
47	<i>resuscitation or</i> emergency medical services vehicle designed of used for the principal purpose of supprying resuscitation or emergency medical services relief where human life is endangered;
48	5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services
49	vehicle, when responding to an emergency call or operating in an emergency situation;
50	6. Any Department of Corrections vehicle designated by the Director of the Department of
51	Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a
52 53	drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law enforcement officer; and
53 54	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
55	secondary warning lights pursuant to § 46.2-1029.2.
56	D. E. Distracted driving shall be included as a part of the driver's license knowledge examination.

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