

2010 SESSION

BILL NO. _____

Offered April 15, 2010

A BILL to amend and reenact § 46.2-1078.1 of the Code of Virginia, related to the use of handheld personal communications devices in certain motor vehicles.

Patron—Trinity Episcopal School

Referred to Committee on _____

Be it enacted by the YMCA Model General Assembly:

1. That § 46.2-1078.1 of the Code of Virginia is amended and reenacted as follows:

.Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It shall be 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 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 the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information.

3. Communicate verbally unless the device is mounted inside the vehicle in such a way as to allow the driver to use both hands to operate the vehicle.

B. The provisions of this section shall not apply to:

1. The operator of any emergency vehicle;

2. An operator who is lawfully parked or stopped;

3. The use of factory-installed or aftermarket global positioning systems (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. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.~~

36 D. A violation of any provision of this section shall constitute a traffic infraction
37 punishable, for a first offense, by a fine of \$20 and, for a second or subsequent offense,
38 by a fine of \$50.

39 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
41 local 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
43 correctional officer responding to an emergency call or operating in an emergency
44 situation;
- 45 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles,
46 when traveling in response to a fire alarm or emergency call;
- 47 4. Any ambulance, rescue, or life-saving vehicle designed or used for the principal
48 purpose of supplying resuscitation or emergency relief where human life is endangered;
- 49 5. Any Department of Emergency Management vehicle or Office of Emergency Medical
50 Services vehicle, when responding to an emergency call or operating in an emergency
51 situation;
- 52 6. Any Department of Corrections vehicle designated by the Director of the Department
53 of Corrections, when (i) responding to an emergency call at a correctional facility, (ii)
54 participating in a drug-related investigation, (iii) pursuing escapees from a correctional
55 facility, or (iv) responding to a request for assistance from a law-enforcement officer; and
- 56 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red
57 and white secondary warning lights pursuant to § [46.2-1029.2](#).

House Patron:

Patrick Brown

Senate Patron:

Kathryn Gilley

