

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: H.638 Name of Bill: Motor vehicles; portable electronic devices; operation; points

Agency/Dept: Public Safety Author of Bill Lt. John Flannigan  
Review: \_\_\_\_\_

Date of Bill Review: 2/1/2016 Related Bills and Key Players: Rep. Masland and seven co-sponsors

Status of Bill: (check one)

X Upon Introduction \_\_\_\_\_ As passed by 1<sup>st</sup> body \_\_\_\_\_ As passed by both bodies

Recommended Position:

\_\_\_\_\_ Support \_\_\_\_\_ Oppose \_\_\_\_\_ Remain Neutral X Support with modifications identified in # 8 below

**Analysis of Bill**

**1. Summary of bill and issue it addresses.**

Statement of purpose of bill as introduced: This bill proposes to require the assessment of points against a person's driving record for a second or subsequent conviction of violating the law that prohibits handheld use of a portable electronic device while driving.

**2. Is there a need for this bill?**

Make consistent with other moving violations.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

None identified.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

None identified.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)**

None identified.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?**

Unknown.

**6.2 Who else is likely to oppose the proposal and why?**

Highway safety advocates, LE, etc. More accountable for those who violate.

**7. Rationale for recommendation:**

This would add (2) points for second and subsequent offenses as currently it is zero points with increased fines. However, zero points for a moving violation is inconsistent in all VT MV laws. When the law was passed almost two years ago there this was a "soft" approach. However, data and violations issued show that many are still not complying with the law. It is believed adding points to a first offense in addition to a second offense may help deter operators from using their devices while operating.

8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*  
**Add (2) points for first offense, consistency with other moving law violations and increasing the deterrent effect.**
9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?**  
**NO.**

**Secretary/Commissioner has reviewed this document**



**Date: 2/4/16**