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SENATE BILL NO. 686

Offered January 14, 2026

Prefiled January 14, 2026

A BILL to amend and reenact § 46.2-818.2 of the Code of Virginia, relating to holding a handheld personal communications device while driving; driver improvement clinic.

Patron—Suetterlein

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-818.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-818.2. Use of handheld personal communications devices in certain motor vehicles; exceptions; penalty.

A. It is unlawful for any person, while driving a moving motor vehicle on the highways in the Commonwealth, to hold a handheld personal communications device.

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. Any person using a handheld personal communications device to report an emergency;
- 4. The use of an amateur or a citizens band radio; or
- 5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the

Department of Transportation safety service patrol program or pursuant to a contract with the Department of Transportation for, or that includes, traffic incident management services as defined in subsection B of § 46.2-920.1 during the performance of traffic incident management services.

C. A violation of this section is a traffic infraction punishable, for a first offense, by a fine of \$125. A court may order the satisfactory completion of a driver improvement clinic, as provided in § 46.2-505, in lieu of a conviction only for a first violation of this section.

D. A violation of this section is a traffic infraction punishable, for a second or subsequent offense, by a fine of \$250.

E. If a violation of this section occurs in a highway work zone, it shall be punishable by a mandatory fine of \$250.

F. 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 while engaged in the performance of official duties;
- 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 supplying resuscitation or emergency relief 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.

"Highway work zone" means a construction or maintenance area that is located on or beside a highway and is marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress.

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