

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-818.2 of the Code of Virginia, relating to holding a handheld personal*
 3 *communications device while driving; driver improvement clinic.*

4 [S 686]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-818.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 46.2-818.2. Use of handheld personal communications devices in certain motor vehicles;**
 9 **exceptions; penalty.**10 A. It is unlawful for any person, while driving a moving motor vehicle on the highways in the
 11 Commonwealth, to hold a handheld personal communications device.

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

- 13 1. The operator of any emergency vehicle while he is engaged in the performance of his official duties;
- 14 2. An operator who is lawfully parked or stopped;
- 15 3. Any person using a handheld personal communications device to report an emergency;
- 16 4. The use of an amateur or a citizens band radio; or

17 5. The operator of any Department of Transportation vehicle or vehicle operated pursuant to the
 18 Department of Transportation safety service patrol program or pursuant to a contract with the Department of
 19 Transportation for, or that includes, traffic incident management services as defined in subsection B of
 20 § 46.2-920.1 during the performance of traffic incident management services.

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

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

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

28 F. For the purposes of this section:

29 "Emergency vehicle" means:

- 30 1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-
 31 enforcement officer while engaged in the performance of official duties;
- 32 2. Any regional detention center vehicle operated by or under the direction of a correctional officer
 33 responding to an emergency call or operating in an emergency situation;
- 34 3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in
 35 response to a fire alarm or emergency call;
- 36 4. Any emergency medical services vehicle designed or used for the principal purpose of supplying
 37 resuscitation or emergency relief where human life is endangered;
- 38 5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle,
 39 when responding to an emergency call or operating in an emergency situation;
- 40 6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections,
 41 when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related
 42 investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance
 43 from a law-enforcement officer; and
- 44 7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white
 45 secondary warning lights pursuant to § 46.2-1029.2.

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

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

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