



Senate Bill 2305

“Safe Driving” Fact Sheet

UPDATING DEFINITIONS:

- Under this bill, the definitions for the following terms are established: ‘mobile telephone’, ‘electronic message’

BANNING TEXTING WHILE DRIVING:

- Bans all operators of motor vehicles from text messaging, regardless of age.
- Punishes violators by the following fines:
 - 1st offense: \$100 fine
 - 2nd offense: \$250 fine
 - Subsequent offenses: \$500 fine
- Exempts the use of mobile devices for emergency purposes, which are defined.
- All offenses under this provision are primary enforcement but are not considered moving violations subject to an insurance surcharge.
- Establishes a fine of up to \$200, two years in jail, or both for anyone who causes an accident while texting and driving.

ENSURING THE SAFETY OF JUNIOR OPERATORS:

- Prohibits junior operators under 18-years from using any type of cell phone or mobile electronic device, whether hand-held or hands-free.
- Punishes violators by the following fines:
 - 1st offense: 60-day license/learner’s permit suspension & \$100 fine and the completion of an attitudinal course
 - 2nd offense: 180-day license/learner’s permit suspension & \$250 fine
 - Subsequent offenses: 1-year license/learner’s permit suspension & \$500 fine
- Exempts the use of mobile devices for emergency purposes, which are defined.
- All offenses under this provision are primary enforcement but are not considered moving violations subject to an insurance surcharge.
- Currently 21 states and the District of Columbia ban all cell phone use by junior operators.

ENSURING THE ABILITIES OF ELDERLY DRIVERS:

- Requires drivers age 75 and older to renew their license in person at an RMV site and submit an assessment form completed by the driver's primary care physician or treating health care professional to provide a more accurate assessment of the driver's abilities.
- The assessment form will be developed jointly by the RMV and their Medical Advisory Board.
- Drivers over the age of 80 will be required to renew their license every 3 years; and the cost of renewal will be limited to no more than \$30.
- Requires the RMV to issue a Commonwealth Identification Card to any driver whose license is not renewed under the new process to ensure that individuals who cannot drive safely are still able to provide a recognized form of Commonwealth identification.

TARGETING HISTORICALLY BAD DRIVERS:

- Drivers who have 3 or more surchargeable incidents within a 24-month period will be subject to an examination to determine their capacity for driving safely.

ASSISTING MEDICAL AND LAW ENFORCEMENT PROFESSIONALS:

- If Physicians or Law Enforcement officers have cause to believe an operator is not physically or medically capable of driving safely, they may report their opinion to the registrar for a medical evaluation.
- Expedites the appeals process for any driver that has had their license suspended to in part for operator's physical or mental handicap, the hearing shall be held within 10 days and further requiring the registrar to consider all medical evidence and make a decision within 7 days after the hearing.
- Protects from civil liability those police officers and healthcare providers who notify the RMV that a driver may not be able to safely operate a motor vehicle, and provides immunity from liability for a failure to report.

ENSURING THE SAFETY OF THE PUBLIC:

- Bans operators of public transportation vehicles from using any mobile telephone.
 - Violations are punishable by a \$500 fine
 - Exempts emergency phone calls from the ban
 - Exempts emergency response and public safety personnel from the ban
- Allows for the use of citizens band and federally licensed two-way radios.

- Updates the criminal statute to include a crime of 'reckless vehicular homicide' carrying a sentence of 2 ½ to 10 years.
- Prohibits illegal or undocumented aliens from applying for a driver's license.
- Requires the RMV to reinstate expired license notifications.
- Requires written approval before medical evidence offered at hearing is released, unless the dissemination of the medical evidence was otherwise authorized or required by law.