

## **BILL ANALYSIS**

C.S.H.B. 771  
By: Giddings  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, drivers are not prohibited from using telephones while operating a school bus. Without a change in the law, using a cell phone while driving a school bus could possibly endanger the lives of school children and other motorists on the road. The purpose of the Committee Substitute to House Bill 771 is to prohibit the bus driver from using a cell phone while operating a bus except in certain circumstances.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 771 amends Chapter 545, Subchapter I, of the Transportation Code to prohibit an operator of a school bus from using a telephone while operating the school bus except in certain circumstances. The bill creates an affirmative defense to prosecution if the telephone is used to make an emergency call to, or receive a call from, an emergency response service, a hospital, a fire department, a health clinic, a medical doctor's office, an individual to administer first aid treatment, a police department, or a school bus dispatcher or other school district personnel.

### **EFFECTIVE DATE**

September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 771 adds a provision to the original bill detailing affirmative defenses to the prosecution of the offense of using a telephone while operating a school bus. C.S.H.B. 771 removes language in the original bill that using a telephone is acceptable if the school bus is stopped or there are no passengers on the school bus.

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