

By: Ellis

S.B. No. 390

A BILL TO BE ENTITLED

AN ACT

relating to an offense of using a telephone while operating a motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.425 to read as follows:

Sec. 545.425. USE OF TELEPHONE; OFFENSE. (a) In this section, "hands-free device" means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor vehicle, that allows use of the telephone without use of either of the operator's hands.

(b) An operator may not use a telephone while operating a motor vehicle unless:

(1) the vehicle is stopped; or

(2) the telephone is used with a hands-free device.

(c) It is an affirmative defense to prosecution of an offense under this section that the telephone was used to make an emergency call to:

(1) a 9-1-1 emergency service;

(2) a hospital;

(3) an emergency ambulance service;

(4) a fire department;

(5) a health clinic;

(6) a medical doctor's office;

1           (7) an individual to administer first aid treatment;

2   or

3           (8) a police department.

4           (d) This section does not apply to an operator of an  
5 authorized emergency vehicle using a telephone while acting in an  
6 official capacity.

7           SECTION 2. This Act takes effect September 1, 2003.