

By: Menendez

H.B. No. 237

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

14 (1) the vehicle is stopped; or

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

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

19 (1) an emergency response service, including a rescue,  
20 emergency medical, or hazardous material response service;

21 (2) a hospital;

22 (3) a fire department;

23 (4) a health clinic;

24 (5) a medical doctor's office;

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

2 or

3           (7) 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           (e) An offense under this section is a misdemeanor  
8 punishable by a fine of:

9           (1) not less than \$25 or more than \$100 if the offense  
10 occurs outside a school crossing zone; or

11           (2) not less than \$125 or more than \$200 if the offense  
12 occurs within a school crossing zone.

13           SECTION 2. This Act takes effect September 1, 2005.