

By: Menendez

H.B. No. 1094

A BILL TO BE ENTITLED

AN ACT

relating to an offense of using a wireless communications device while operating a motor vehicle by certain minors.

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

SECTION 1. Sections 545.424(a) and (b), Transportation Code, are amended to read as follows:

(a) A person under 18 years of age, during the six-month period following issuance of an original Class A, B, or C driver's license to the person, may not operate a motor vehicle:

(1) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; ~~or~~

(2) with more than one passenger in the vehicle under 21 years of age who is not a family member; or

(3) while using a wireless communications device.

(b) A person under 17 years of age who holds a restricted motorcycle license or moped license, during the six-month period following the issuance of an original motorcycle license or moped license to the person, may not operate a motorcycle or moped:

(1) after midnight and before 5 a.m. unless:

(A) ~~[(1)]~~ the person is in sight of the person's parent or guardian; or

(B) ~~[(2)]~~ the operation of the vehicle is

1 necessary for the operator to attend or participate in employment
2 or a school-related activity or because of a medical emergency; or
3 (2) while using a wireless communications device.

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