

By: Moreno of El Paso

H.B. No. 1810

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for an offense committed during the inattentive operation of a motor vehicle.

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

SECTION 1. Subchapter D, Chapter 542, Transportation Code, is amended by adding Section 542.405 to read as follows:

Sec. 542.405. INATTENTIVE DRIVING; FINE FOR OFFENSE. (a)

An offense under this subtitle is punishable by a fine that is at least twice the minimum fine applicable to the offense and not more than twice the maximum fine that is applicable to the offense if the person who commits the offense is at the time of the offense operating a motor vehicle while:

(1) reading;

(2) writing;

(3) performing personal grooming;

(4) consuming food or a beverage;

(5) interacting with a pet;

(6) interacting with a vehicle passenger;

(7) using a personal communications device; or

(8) engaging in another activity that prevents the

operator from safely operating the motor vehicle.

(b) For the purposes of this section:

(1) "Personal grooming" includes:

(A) applying makeup;

- 1           (B) shaving;
- 2           (C) combing hair; or
- 3           (D) attending to another personal hygiene or
- 4 appearance task.

5           (2) "Personal communications device" includes:

- 6           (A) a radio;
- 7           (B) a personal stereo;
- 8           (C) a compact disc player;
- 9           (D) an audio or video device;
- 10          (E) a personal computer;
- 11          (F) a two-way radio, including a citizen's band
- 12 radio;
- 13          (G) a pager;
- 14          (H) a telephone;
- 15          (I) a wireless messaging device;
- 16          (J) a facsimile machine;
- 17          (K) a radar detector;
- 18          (L) a personal digital assistant;
- 19          (M) a geographic positioning system receiver; or
- 20          (N) a similar device.

21           SECTION 2. (a) The change in law made by this Act applies

22 only to an offense committed on or after the effective date of this

23 Act. For purposes of this section, an offense is committed before

24 the effective date of this Act if any element of the offense occurs

25 before that date.

26           (b) An offense committed before the effective date of this

27 Act is covered by the law in effect when the offense was committed,

1 and the former law is continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2005.