

By: Lucio

S.B. No. 1775

A BILL TO BE ENTITLED

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AN ACT

relating to an offense of using a telephone while operating a motor vehicle in a school crossing zone.

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

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.426 to read as follows:

Sec. 545.426. USE OF TELEPHONE; OFFENSE. (a) An operator may not use a telephone while operating a motor vehicle within a school crossing zone unless the vehicle is stopped.

(b) 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) an emergency response service, including a rescue, emergency medical, or hazardous material response service;

(2) a hospital;

(3) a fire department;

(4) a health clinic;

(5) a medical doctor's office;

(6) an individual to administer first aid treatment;

or

(7) a police department.

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

1 (d) An offense under this section is a misdemeanor
2 punishable by a fine of not less than \$125 or more than \$200.

3 (e) Notwithstanding Section 542.402(a), a municipality or
4 county, at the end of the municipality's or county's fiscal year,
5 shall send to the comptroller an amount equal to 50 percent of the
6 finances collected by the municipality or the county for violations of
7 this section. The comptroller shall deposit the amount received to
8 the credit of the foundation school fund.

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