

By: Menendez

H.B. No. 201

A BILL TO BE ENTITLED

AN ACT

relating to an offense of using a wireless communication device while operating a motor vehicle.

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

SECTION 1. Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE; OFFENSE
[~~BY CERTAIN MOTORISTS~~]. (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 wireless communication
device without use of either of the operator's hands.

(b) Except as provided by Subsection (c), an operator may
not use a wireless communication device while operating a motor
vehicle unless:

(1) the vehicle is stopped; or

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

(c) An operator [~~A person~~] may not use a wireless
communication device while operating a passenger bus with a minor
passenger on the bus unless [~~except in case of emergency or if~~] the
passenger bus is stopped [~~not in motion~~].

(d) It is an affirmative defense to prosecution of an
offense under this section that the wireless communication device

1 was used to make an emergency call to:

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

4 (2) a hospital;

5 (3) a fire department;

6 (4) a health clinic;

7 (5) a medical doctor's office;

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

9 or

10 (7) a police department.

11 (e) This section does not apply to an operator of an
12 authorized emergency vehicle using a wireless communication device
13 while acting in an official capacity.

14 (f) An offense under this section is a misdemeanor
15 punishable by a fine of:

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

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

20 SECTION 2. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 governed by the law in effect when the offense was committed, and
24 the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense was
27 committed before that date.

1 SECTION 3. This Act takes effect September 1, 2007.