

By: Cook of Navarro

H.B. No. 397

A BILL TO BE ENTITLED

AN ACT

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

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 BY CERTAIN MOTORISTS; OFFENSE. (a) Unless the vehicle is stopped, an operator [A person] may not use a wireless communication device while operating:

(1) a passenger bus with a minor passenger on the bus;

or

(2) a motor vehicle within a school crossing zone

~~[except in case of emergency or if the passenger bus is not in motion].~~

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

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

2 or

3           (7) a police department.

4           (c) This section does not apply to an operator of an  
5 authorized emergency vehicle using a wireless communication device  
6 while acting in an official capacity.

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

9           (e) Notwithstanding Section 542.402(a), a municipality or  
10 county, at the end of the municipality's or county's fiscal year,  
11 shall send to the comptroller an amount equal to 50 percent of the  
12 finances collected by the municipality or the county for violations of  
13 this section. The comptroller shall deposit the amount received to  
14 the credit of the foundation school fund.

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

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