

By: Coleman

H.B. No. 3689

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) a 9-1-1 emergency service;

3 (2) a hospital;

4 (3) an emergency ambulance service;

5 (4) a fire department;

6 (5) a health clinic;

7 (6) a medical doctor's office;

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

9 or

10 (8) a police department.

11 (e) It is an exception to the application of this section
12 that the operator is an operator of an authorized emergency vehicle
13 using a wireless communication device while acting in an official
14 capacity.

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 purposes
20 of this section, an offense was committed before the effective date
21 of this Act if any element of the offense was committed before that
22 date.

23 SECTION 3. This Act takes effect January 1, 2008.