

By: Wentworth

S.B. No. 154

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  
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 January 1, 2008.