

1-1 By: Wentworth S.B. No. 154
1-2 (In the Senate - Filed December 15, 2006; January 29, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; May 1, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 3;
1-6 May 1, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 154 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an offense of using a wireless communication device
1-11 while operating a motor vehicle.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 545.001, Transportation Code, is amended
1-14 to read as follows:

1-15 Sec. 545.001. DEFINITIONS [DEFINITION]. In this chapter:

1-16 (1) "Pass" [,"pass"] or "passing" used in reference to
1-17 a vehicle means to overtake and proceed past another vehicle moving
1-18 in the same direction as the passing vehicle or to attempt that
1-19 maneuver.

1-20 (2) "Wireless communication device" means a device
1-21 that uses a commercial mobile service, as defined by 47 U.S.C.
1-22 Section 332.

1-23 SECTION 2. Section 545.425, Transportation Code, is amended
1-24 to read as follows:

1-25 Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE; OFFENSE
1-26 [BY CERTAIN MOTORISTS]. (a) In this section, "hands-free device"
1-27 means speakerphone capability or a telephone attachment or other
1-28 piece of equipment, regardless of whether permanently installed in
1-29 the motor vehicle, that allows use of the wireless communication
1-30 device without use of either of the operator's hands, except to
1-31 activate or deactivate the hands-free device.

1-32 (b) Except as provided by Subsection (c), an operator may
1-33 not use a wireless communication device while operating a motor
1-34 vehicle unless:

1-35 (1) the vehicle is stopped; or

1-36 (2) the wireless communication device is used with a
1-37 hands-free device.

1-38 (c) An operator [A person] may not use a wireless
1-39 communication device while operating a passenger bus with a minor
1-40 passenger on the bus unless [except in case of emergency or if] the
1-41 passenger bus is stopped [not in motion].

1-42 (d) It is an affirmative defense to prosecution of an
1-43 offense under this section that the wireless communication device
1-44 was used to make an emergency call to:

1-45 (1) a 9-1-1 emergency service;

1-46 (2) a hospital;

1-47 (3) an emergency ambulance service;

1-48 (4) a fire department;

1-49 (5) a health clinic;

1-50 (6) a medical doctor's office;

1-51 (7) an individual to administer first aid treatment;

1-52 or

1-53 (8) a police department.

1-54 (e) It is an exception to the application of this section
1-55 that the operator is:

1-56 (1) an operator of an authorized emergency vehicle
1-57 using a wireless communication device while acting in an official
1-58 capacity; or

1-59 (2) a person licensed by the Federal Communications
1-60 Commission to operate a wireless communication device or a radio
1-61 communication device.

1-62 SECTION 3. The change in law made by this Act applies only
1-63 to an offense committed on or after the effective date of this Act.

2-1 An offense committed before the effective date of this Act is
2-2 governed by the law in effect when the offense was committed, and
2-3 the former law is continued in effect for that purpose. For
2-4 purposes of this section, an offense was committed before the
2-5 effective date of this Act if any element of the offense was
2-6 committed before that date.
2-7 SECTION 4. This Act takes effect January 1, 2008.

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