

By: Menendez

H.B. No. 220

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on the use of 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 [~~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 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;

(6) an individual to administer first aid treatment;

or

(7) a law enforcement agency.

(e) This section does not apply if:

(1) the operator is a peace officer or an emergency response provider; and

(2) the use of the wireless communication device is in connection with official duties.

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

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

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

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense was  
2 committed before that date.

3 SECTION 3. This Act takes effect September 1, 2009.