

By: Lucio III

H.B. No. 438

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of an offense for certain uses of a
3 wireless communication device while operating a motor vehicle.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 545.425, Transportation Code, is amended
6 to read as follows:

7 Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE [~~BY~~
8 ~~CERTAIN MOTORISTS~~]. (a) An operator [A person] may not use a
9 wireless communication device while operating a passenger bus with
10 a minor passenger on the bus except in case of emergency or if the
11 passenger bus is stopped [~~not in motion~~].

12 (b) An operator may not use a wireless communication device
13 to read, write, or send a text-based communication while operating
14 a motor vehicle unless the vehicle is stopped. This subsection does
15 not apply if:

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

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

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

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense was
3 committed before that date.

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