

By: Ortiz, Jr., Chavez, Coleman, Cook,
Lucio III, et al.

H.B. No. 662

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the operation of a motor vehicle by a person under 18
3 years of age while using a wireless communications device.

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

5 SECTION 1. Section 545.424, Transportation Code, is amended
6 by amending Subsections (a), (b), and (c) and adding Subsections
7 (b-1) and (f) to read as follows:

8 (a) A person under 18 years of age, during the six-month
9 period following issuance of an original Class A, B, or C driver's
10 license to the person, may not operate a motor vehicle:

11 (1) after midnight and before 5 a.m. unless the
12 operation of the vehicle is necessary for the operator to attend or
13 participate in employment or a school-related activity or because
14 of a medical emergency; or

15 (2) with more than one passenger in the vehicle under
16 21 years of age who is not a family member [~~+~~ ~~or~~

17 [~~(3) while using a wireless communications device~~].

18 (b) A person under 17 years of age who holds a restricted
19 Class M [~~motorcycle license~~] or moped license, during the six-month
20 period following the issuance of an original Class M [~~motorcycle~~
21 ~~license~~] or moped license to the person, may not operate a
22 motorcycle or moped [~~+~~

23 [~~(1)~~] after midnight and before 5 a.m. unless:

24 (1) [~~(A)~~] the person is in sight of the person's parent

1 or guardian; or

2 (2) [~~(B)~~] the operation of the vehicle is necessary
3 for the operator to attend or participate in employment or a
4 school-related activity or because of a medical emergency.

5 (b-1) A person under 18 years of age who holds a Class A, B,
6 or C driver's license may not operate a motor vehicle, and a person
7 under 17 years of age who holds a restricted Class M or moped
8 license may not operate a motorcycle or moped, [~~or~~

9 [~~(2)~~] while using a wireless communications device
10 unless the wireless communication device is used in case of an
11 emergency.

12 (c) Subsections (a) and (b) do [~~This section does~~] not apply
13 to:

14 (1) the holder of a hardship license; or

15 (2) a person operating a motor vehicle while
16 accompanied in the manner required by Section 521.222(d)(2) for the
17 holder of an instruction permit.

18 (f) In this section, "wireless communication device" means
19 a hand-held or hands-free device that uses commercial mobile
20 service, as defined by 47 U.S.C. Section 332.

21 SECTION 2. Section 543.204, Transportation Code, is amended
22 by adding Subsection (a-1) to read as follows:

23 (a-1) A justice of the peace or municipal judge may not
24 submit a written record of a conviction under Section 545.424.

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