

By: Ortiz, Jr.

H.B. No. 662

A BILL TO BE ENTITLED

AN ACT

1
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 communications device is used:

11 (1) with a hands-free device; or

12 (2) in case of an emergency.

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

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

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

19 (f) In this section, "hands-free device" means speakerphone
20 capability or a telephone attachment or other piece of equipment,
21 regardless of whether permanently installed in the motor vehicle,
22 that allows use of the wireless communications device without use
23 of either of the operator's hands.

24 SECTION 2. This Act takes effect September 1, 2009.