

By: Martinez Fischer

H.B. No. 758

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an offense for certain prohibited uses
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) An operator [A person] may not use a
wireless communication device while operating a passenger bus with
a minor passenger on the bus except in case of emergency or if the
passenger bus is stopped [~~not in motion~~].

(b) An operator may not use a wireless communication device
to read, write, or send a text message while operating a motor
vehicle unless the vehicle is stopped. This subsection 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.

(c) An offense under Subsection (b) is punishable by a fine
of not less than \$2 or more than \$400 if the person who commits the
offense is at the time of the offense operating a motor vehicle in a
school crossing zone.

SECTION 2. The change in law made by this Act applies only

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

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