

By: Truitt

H.B. No. 1158

A BILL TO BE ENTITLED

AN ACT

relating to an enhanced penalty for an operator who commits certain traffic offenses while using a wireless communication device.

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

SECTION 1. Subchapter D, Chapter 542, Transportation Code, is amended by adding Section 542.407 to read as follows:

Sec. 542.407. PENALTY FOR OFFENSE COMMITTED WHILE USING WIRELESS COMMUNICATION DEVICE. (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) An offense under this subtitle is punishable by a fine that is at least twice the minimum fine applicable to the offense and not more than twice the maximum fine that is applicable to the offense if the person who commits the offense is at the time of the offense operating a motor vehicle while using a wireless communication device without the use of a hands-free device.

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 covered 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 effective date of

1 this Act if any element of the offense occurred before that date.

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