

By: Coleman

H.B. No. 3736

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition on the use 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) In this section, "wireless communication device" means a hand-held or hands-free device that uses commercial mobile service, as defined by 47 U.S.C. Section 332.

(b) Unless the vehicle is stopped, an operator [~~A person~~] may not use a wireless communication device while operating a motor vehicle [~~passenger bus with a minor passenger on the bus except in case of emergency or if the passenger bus is not in motion~~].

(c) It is an affirmative defense to prosecution under this section that the wireless communication device was used to make an emergency call to:

(1) an emergency response service, including a rescue, emergency medical, or hazardous material response service;

(2) a hospital;

(3) a fire department;

(4) a health clinic;

(5) a medical doctor's office;

(6) an individual to administer first aid treatment;

1 or

2 (7) a law enforcement agency.

3 (d) This section does not apply if:

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

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

8 (e) An offense under this section is a misdemeanor
9 punishable by a fine of not less than \$25 or more than \$200.

10 (f) Notwithstanding Section 542.402(a), a municipality or
11 county, at the end of the municipality's or county's fiscal year,
12 shall send to the comptroller an amount equal to 50 percent of the
13 finances collected by the municipality or the county for violations of
14 this section.

15 SECTION 2. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect when the offense was committed, and
19 the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense was
22 committed before that date.

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