

By: Lucio III

H.B. No. 4634

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on the use of a wireless communication device while operating a commercial 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, "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) Except as provided by Subsection (c), an operator of a commercial motor vehicle, as defined by Section 522.003, may not use a wireless communication device while operating the vehicle unless:

(1) the vehicle is stopped;

(2) the wireless communication device is used with a hands-free device; or

(3) the wireless communication device is used as part of a digital dispatch system or global positioning satellite location system.

(c) An operator [~~A person~~] may not use a wireless communication device while operating a passenger bus with a minor

1 passenger on the bus unless [~~except in case of emergency or if~~] the
2 passenger bus is stopped [~~not in motion~~].

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 SECTION 2. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect when the offense was committed, and
12 the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense was
15 committed before that date.

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