

By: Williams

S.B. No. 772

A BILL TO BE ENTITLED

1 AN ACT
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 Subsection
7 (b-1) 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 except in case of emergency and regardless of whether the device is
11 equipped with a hands-free device.

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

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

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

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

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