

By: Cook

H.B. No. 93

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of an offense for certain uses of a
3 wireless communication device while operating a motor vehicle;
4 providing penalties.

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

6 SECTION 1. Section 545.425, Transportation Code, is amended
7 by amending Subsection (b-1) and adding Subsections (c-1), (c-2),
8 (c-3), and (c-4) to read as follows:

9 (b-1) A municipality, county, or other political
10 subdivision that enforces Subsection (b) [~~this section~~] shall post
11 a sign that complies with the standards described by this
12 subsection at the entrance to each school crossing zone in the
13 municipality, county, or other political subdivision. The
14 department shall adopt standards that:

15 (1) allow for a sign required to be posted under this
16 subsection to be attached to an existing sign at a minimal cost; and

17 (2) require that a sign required to be posted under
18 this subsection inform an operator that:

19 (A) the use of a wireless communication device is
20 prohibited in the school crossing zone; and

21 (B) the operator is subject to a fine if the
22 operator uses a wireless communication device in the school
23 crossing zone.

24 (c-1) An operator may not use a wireless communication

1 device to read, write, or send a text-based communication while
2 operating a motor vehicle.

3 (c-2) Except as provided by Subsection (c-3), an offense
4 under Subsection (c-1) is a misdemeanor punishable by a fine of not
5 more than:

6 (1) \$100 for the first offense;

7 (2) \$150 for a second offense; and

8 (3) \$200 for a third or subsequent offense.

9 (c-3) An offense under Subsection (c-1) is a felony:

10 (1) of the third degree if it is shown on the trial of
11 the offense that as a result of the offense an individual suffered
12 serious bodily injury; or

13 (2) of the second degree if it is shown on the trial of
14 the offense that as a result of the offense an individual died.

15 (c-4) It is an affirmative defense to prosecution under
16 Subsection (c-1) that the wireless communication device:

17 (1) is permanently installed in the vehicle; or

18 (2) was used:

19 (A) while the vehicle was stopped;

20 (B) to engage in, dial, or deactivate a telephone
21 call;

22 (C) with a hands-free device; or

23 (D) to report a suspicious or criminal activity
24 to a law enforcement agency.

25 SECTION 2. This Act takes effect September 1, 2011.