

By: Coleman

H.B. No. 2157

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibitions on the use of a wireless communication  
3 device while operating a motor vehicle.

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

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

8 (b) Except as provided by Subsection (c), an operator may  
9 not use a wireless communication device while operating a motor  
10 vehicle [~~within a school crossing zone, as defined by Section~~  
11 ~~541.302, Transportation Code,~~] unless:

- 12 (1) the vehicle is stopped; or  
13 (2) the wireless communication device is used with a  
14 hands-free device.

15 (c-1) An operator may not use a wireless communication  
16 device to read, write, or send a text-based communication while  
17 operating a motor vehicle unless the vehicle is stopped.

18 (d) It is an affirmative defense to prosecution of an  
19 offense under Subsection (b) or (c) [~~this section~~] that[+]

20 [~~(1)~~] the wireless communication device was used to  
21 make an emergency call to:

22 (1) [~~(A)~~] an emergency response service, including a  
23 rescue, emergency medical, or hazardous material response service;

24 (2) [~~(B)~~] a hospital;

- 1           (3) [~~(C)~~] a fire department;  
2           (4) [~~(D)~~] a health clinic;  
3           (5) [~~(E)~~] a medical doctor's office;  
4           (6) [~~(F)~~] an individual to administer first aid  
5 treatment; or

- 6           (7) [~~(G)~~] a law enforcement agency [~~police~~  
7 ~~department; or~~

8           ~~[(2) a sign required by Subsection (b-1) was not~~  
9 ~~posted at the entrance to the school crossing zone at the time of an~~  
10 ~~offense committed in the school crossing zone].~~

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

13           (1) an operator of an authorized emergency vehicle  
14 using a wireless communication device while acting in an official  
15 capacity; or

16           (2) an operator who is licensed by the Federal  
17 Communications Commission while operating a radio frequency device  
18 other than a wireless communication device.

19           SECTION 2. Section 545.425(b-1), Transportation Code, is  
20 repealed.

21           SECTION 3. The change in law made by this Act applies only  
22 to an offense committed on or after the effective date of this Act.  
23 An offense committed before the effective date of this Act is  
24 governed by the law in effect when the offense was committed, and  
25 the former law is continued in effect for that purpose. For  
26 purposes of this section, an offense was committed before the  
27 effective date of this Act if any element of the offense was

1 committed before that date.

2 SECTION 4. This Act takes effect September 1, 2011.