

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 15, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: SB138** by Wentworth (Relating to prohibitions on the use of a wireless communication device while operating a motor vehicle.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would prohibit an operator from using a wireless communication device while operating a motor vehicle unless the vehicle is stopped or the wireless communication device is used with a hands-free device.

The bill would repeal Section 545.425(b-1) of the Transportation Code which requires a municipality, county, or other political subdivision that bans the use of wireless communication devices in school zones to post a sign that notifies motor vehicle operators of the ban and that violators are subject to a fine.

The Texas Department of Public Safety (DPS) reports a new offense code will need to be created to implement the provisions of the bill. DPS and the Texas Department of Transportation do not anticipate a significant fiscal impact as a result of the bill.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

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