

By: Lucio III

H.B. No. 69

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

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

SECTION 1. This Act may be cited as the Alex Brown Memorial Act.

SECTION 2. Section 545.425(a), Transportation Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Text-based communication" means a communication sent from a wireless communication device for the purpose of manually communicating with another person in a written medium. The term does not include a text-based communication that is voice-activated and displayed in a manner that allows the driver to view the material on the dashboard or above the steering wheel.

The term includes:

(A) a text message;

(B) an instant message; and

(C) e-mail.

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

(b-1) Except as provided by Subsection (b-2), a municipality, county, or other political subdivision that enforces Subsection (b) ~~[this section]~~ shall post a sign that complies with

1 the standards described by this subsection at the entrance to each
2 school crossing zone in the municipality, county, or other
3 political subdivision. The department shall adopt standards that:

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

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

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

10 (B) the operator is subject to a fine if the
11 operator uses a wireless communication device in the school
12 crossing zone.

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

16 SECTION 4. This Act takes effect September 1, 2013.