

By: Harless

H.B. No. 108

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of an offense for use of a handheld
3 wireless communication device for text-based communication while
4 operating a motor vehicle.

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

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

8 (1-a) "Text-based communication" means a
9 communication that is designed or intended to be transmitted
10 between wireless communication devices for the purpose of manually
11 communicating in a nonspoken manner with another person in a
12 written medium. The term includes:

- 13 (A) a text message;
14 (B) an instant message; and
15 (C) an e-mail.

16 SECTION 2. Section 545.425, Transportation Code, is amended
17 by amending Subsection (b-1) and adding Subsections (c-1) and (c-2)
18 to read as follows:

19 (b-1) Except as provided by Subsection (b-2), a
20 municipality, county, or other political subdivision that enforces
21 Subsection (b) [~~this section~~] shall post a sign that complies with
22 the standards described by this subsection at the entrance to each
23 school crossing zone in the municipality, county, or other
24 political subdivision. The department shall adopt standards that:

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

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

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

7 (B) the operator is subject to a fine if the
8 operator uses a wireless communication device in the school
9 crossing zone.

10 (c-1) An operator may not use a handheld wireless
11 communication device to read, write, or send a text-based
12 communication while operating a motor vehicle unless the vehicle is
13 stopped.

14 (c-2) It is a defense to prosecution under Subsection (c-1)
15 that:

16 (1) the operator used a handheld wireless
17 communication device:

18 (A) to read, select, or enter a telephone number
19 or name for the purpose of making a telephone call;

20 (B) in conjunction with voice-operated
21 technology or a hands-free device; or

22 (C) to navigate using a global positioning
23 system; or

24 (2) the handheld wireless communication device was:

25 (A) used by the operator to relay information
26 between the operator and a dispatcher in the course of the
27 operator's occupational duties; and

1 (B) affixed to the vehicle.

2 SECTION 3. This Act takes effect September 1, 2013.