

By: Lucio III

H.B. No. 2106

A BILL TO BE ENTITLED

AN ACT

relating to the use of a portable wireless communication device to send a text-based communication while operating a motor vehicle; creating a criminal offense.

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

SECTION 1. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4251 to read as follows:

Sec. 545.4251. USE OF PORTABLE WIRELESS COMMUNICATION DEVICE TO SEND TEXT-BASED COMMUNICATION; OFFENSE. (a) In this section:

(1) "Text-based communication" means data that is read from or entered into a wireless communication device, including an SMS text, e-mail, instant message, or other form of electronic data retrieval or electronic data communication.

(2) "Wireless communication device" has the meaning assigned by Section 545.425.

(b) An operator commits an offense if the operator causes or is at fault in a motor vehicle accident while operating a motor vehicle and using a portable wireless communication device to read or manually write or send a text-based communication.

(c) Subsection (b) does not apply to:

(1) an operator of an authorized emergency or law enforcement vehicle using a portable wireless communication device while acting in an official capacity; or

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

4 (d) This section does not preempt a local ordinance, rule,
5 or regulation adopted by a political subdivision relating to the
6 use of a wireless communication device by the operator of a motor
7 vehicle that is consistent with or more stringent than the
8 provisions of this section.

9 (e) An offense under this section is a Class B misdemeanor.

10 SECTION 2. This Act takes effect September 1, 2015.