

By: Branch

H.B. No. 55

A BILL TO BE ENTITLED

AN ACT

relating to an offense of using a wireless communication device while operating a motor vehicle.

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

SECTION 1. Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE; OFFENSE
[~~BY CERTAIN MOTORISTS~~]. (a) In this section, "hands-free device"
means speakerphone capability or a telephone attachment or other
piece of equipment, regardless of whether permanently installed in
the motor vehicle, that allows use of the wireless communication
device without use of either of the operator's hands.

(b) Except as provided by Subsection (c), an operator may
not use a wireless communication device while operating a motor
vehicle within a school crossing zone unless:

(1) the vehicle is stopped; or

(2) the wireless communication device is used with a
hands-free device.

(c) An operator [~~A person~~] may not use a wireless
communication device while operating a passenger bus with a minor
passenger on the bus unless [~~except in case of emergency or if~~] the
passenger bus is stopped [~~not in motion~~].

(d) It is an affirmative defense to prosecution of an
offense under this section that the wireless communication device

1 was used to make an emergency call to:

2 (1) an emergency response service, including a rescue,
3 emergency medical, or hazardous material response service;

4 (2) a hospital;

5 (3) a fire department;

6 (4) a health clinic;

7 (5) a medical doctor's office;

8 (6) an individual to administer first aid treatment;

9 or

10 (7) a police department.

11 (e) This section does not apply to an operator of an
12 authorized emergency vehicle using a wireless communication device
13 while acting in an official capacity.

14 SECTION 2. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect when the offense was committed, and
18 the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense was
21 committed before that date.

22 SECTION 3. This Act takes effect September 1, 2009.