

Amend HB 62 (house committee report) as follows:

(1) Strike SECTIONS 3, 4, and 5 of the bill (page 2, line 16, through page 6, line 2).

(2) On page 6, line 8, strike "for electronic messaging".

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 545.424(c), Transportation Code, is amended to read as follows:

(c) This section does not apply to[+]

~~[(1)]~~ a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit[+, or

~~[(2) a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device].~~

SECTION \_\_\_\_\_. 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; OFFENSE. (a) In this section, "wireless communication device" means a device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332.

(b) An operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle unless the vehicle is stopped.

(c) An offense under this section is a misdemeanor punishable by a fine of at least \$25 and not more than \$99 unless it is shown on the trial of the offense that the defendant has been previously convicted at least one time of an offense under this section, in which event the offense is punishable by a fine of at least \$100 and not more than \$200.

(d) The Texas Department of Transportation shall post a sign at each point at which an interstate highway or United States highway enters this state that informs an operator that:

(1) the use of a portable wireless communication device while operating a motor vehicle is prohibited in this state; and

(2) the operator is subject to a fine if the operator

uses a portable wireless communication device while operating a motor vehicle in this state.

(e) A peace officer who stops a motor vehicle for an alleged violation of this section may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless authorized by the Code of Criminal Procedure, the Penal Code, or other law.

SECTION \_\_\_\_\_. Sections 545.424(a), (b), and (f), 545.425, and 545.4252, Transportation Code, are repealed.