

BILL ANALYSIS

Senate Research Center

C.S.S.B. 154
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the *New England Journal of Medicine*, talking on a cell phone while driving a motor vehicle quadruples the chance of being in a motor vehicle accident. In 2001, the Department of Public Safety identified 1,032 accidents, with eight fatalities, where cell phone usage was a contributing factor. Eighteen states, plus the District of Columbia, have passed legislation related to cell phone use while driving.

C.S.S.B. 154 prohibits a motor vehicle driver from using a cell phone unless the car is stopped or the cell phone is used with a hands-free device. The bill provides an exception for an operator of an emergency vehicle using such a device while acting in an official capacity or certain persons licensed by the Federal Communications Commission.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.001, Transportation Code, as follows:

Sec. 545.001. New heading: DEFINITIONS. Defines "wireless communication device."
Makes a conforming change.

SECTION 2. Amends Section 545.425, Transportation Code, as follows:

Sec. 545.425. New heading: USE OF WIRELESS COMMUNICATION DEVICE;
OFFENSE. (a) Defines "hands-free device."

(b) Prohibits a vehicle operator (operator) from using a wireless communication device while operating the vehicle unless the vehicle is stopped or a hands-free device is used with the wireless communication device.

(c) Prohibits an operator, rather than a person, of a passenger bus with a minor passenger on the bus from using a wireless communication device unless the bus is stopped, rather than not in motion. Deletes existing text authorizing the use of a wireless communication device in case of emergency. Makes conforming changes.

(d) Provides that it is an affirmative defense to prosecution of an offense under this section that the wireless communication device was used to make an emergency call to certain entities.

(e) Provides an exception for an operator of an authorized emergency vehicle who, while operating an emergency vehicle, uses a wireless communication device while acting in an official capacity or for a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio communication device.

SECTION 3. Makes application of this Act prospective. Provides that an offense is committed before the effective date of this Act if any element of the offense was committed before that date for purposes of this section.

SECTION 4. Effective date: January 1, 2008.