

BILL ANALYSIS

Senate Research Center
79R2334 JRJ-D

S.B. 146
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Transportation & Homeland Security
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As Filed

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 Texas Department of Public Safety identified 1,032 accidents, with eight fatalities, where cell phone use was a contributing factor. Seventeen states, plus the District of Columbia, have passed legislation related to cell phone use while driving. As proposed, S.B. 146 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.

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 Subchapter I, Chapter 545, Transportation Code, by adding Section 545.425, as follows:

Sec. 545.425. USE OF TELEPHONE; OFFENSE. (a) Defines "hands-free device."

(b) Sets forth certain restrictions on telephone use for an individual operating a motor vehicle.

(c) Provides that usage of the telephone to make emergency calls to certain entities is an affirmative defense to prosecution under this section.

(d) Provides that it is an exception to the application of this section that the operator is an operator of an authorized emergency vehicle using the telephone while acting in an official capacity.

SECTION 2. Effective date: January 1, 2006.