

By: Zaffirini

S.B. No. 238

A BILL TO BE ENTITLED

AN ACT

relating to the use of a wireless communication device by a state officer or employee while operating a motor vehicle.

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

SECTION 1. Chapter 651, Government Code, is amended by adding Section 651.011 to read as follows:

Sec. 651.011. USE OF WIRELESS COMMUNICATION DEVICE BY STATE OFFICER OR EMPLOYEE WHILE OPERATING MOTOR VEHICLE. (a) In this section:

(1) "Motor vehicle" has the meaning assigned by Section 541.201, Transportation Code.

(2) "State agency" has the meaning assigned by Section 2052.101.

(3) "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.

(4) "Wireless communication device" has the meaning assigned by Section 545.425, Transportation Code.

(b) An officer or employee of a state agency may not:

(1) use a wireless communication device to read, write, or send a text-based communication while operating a state-owned or state-leased motor vehicle;

(2) use a wireless communication device to read,

1 write, or send a text-based communication while operating a motor
2 vehicle for state business; or

3 (3) use a state-owned wireless communication device to
4 read, write, or send a text-based communication while operating a
5 motor vehicle.

6 (c) Subsection (b) does not apply to a vehicle that is
7 stopped outside a lane of travel.

8 (d) A state agency may exempt from Subsection (b) an
9 officer, employee, vehicle, or device engaged in law enforcement or
10 emergency activities.

11 (e) Each state agency shall:

12 (1) adopt rules, policies, or programs as necessary to
13 promote compliance with and enforce this section, including
14 disciplinary policies;

15 (2) establish an agency awareness program that
16 includes information on the dangers of using a wireless
17 communication device while operating a motor vehicle; and

18 (3) encourage officers and employees of the agency to
19 avoid using a wireless communication device while operating a motor
20 vehicle for purposes other than state business purposes.

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