

By: Quintanilla

H.B. No. 738

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for an offense committed during the  
inattentive operation of a motor vehicle.

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

SECTION 1. Subchapter D, Chapter 542, Transportation Code,  
is amended by adding Section 542.408 to read as follows:

Sec. 542.408. INATTENTIVE DRIVING; FINE FOR OFFENSE. (a)  
An offense under this subtitle is punishable by a fine that is at  
least twice the minimum fine applicable to the offense and not more  
than twice the maximum fine that is applicable to the offense if the  
person who commits the offense is at the time of the offense  
operating a motor vehicle while:

(1) reading;  
(2) writing;  
(3) performing personal grooming;  
(4) consuming food or a beverage;  
(5) interacting with a pet;  
(6) interacting with a vehicle passenger;  
(7) using a personal communications device; or  
(8) engaging in another activity that prevents the  
operator from safely operating the motor vehicle.

(b) For the purposes of this section:

(1) "Personal grooming" includes:  
(A) applying makeup;

1                   (B) shaving;  
2                   (C) combing hair; or  
3                   (D) attending to another personal hygiene or  
4 appearance task.

5                   (2) "Personal communications device" includes:  
6                   (A) a radio;  
7                   (B) a personal stereo;  
8                   (C) a compact disc player;  
9                   (D) an audio or video device;  
10                   (E) a personal computer;  
11                   (F) a two-way radio, including a citizen's band  
12 radio;

13                   (G) a pager;  
14                   (H) a telephone;  
15                   (I) a wireless messaging device;  
16                   (J) a facsimile machine;  
17                   (K) a radar detector;  
18                   (L) a personal digital assistant;  
19                   (M) a geographic positioning system receiver; or  
20                   (N) a similar device.

21           SECTION 2. (a) The change in law made by this Act applies  
22 only to an offense committed on or after the effective date of this  
23 Act. For purposes of this section, an offense was committed before  
24 the effective date of this Act if any element of the offense  
25 occurred before that date.

26           (b) An offense committed before the effective date of this  
27 Act is covered by the law in effect when the offense was committed,

H.B. No. 738

1 and the former law is continued in effect for that purpose.

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