

SUBJECT: Prohibiting a minor from using a cell phone while driving

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Swinford, Miller, B. Cook, Farrar, J. Keffer, Martinez Fischer, Villarreal, Wong

0 nays

1 absent — Gattis

WITNESSES: For — Anne O’Ryan, AAA Texas; Dorothy Grisham; Patrick Leas

Against — None

On — David K. Willis, Texas Transportation Institute, Texas A&M University System

BACKGROUND: Transportation Code, sec. 545.424 imposes restrictions on driving by minors during the first six months after receiving an original driver's license or a restricted motorcycle or moped license. A person under the age of 18 with a new driver's license or a person under the age of 17 with a new restricted motorcycle or moped license generally is prohibited from driving between the hours of midnight and 5 a.m. A person under the age of 18 with a new driver's license also may not drive with more than one passenger under age 21 who is not a family member. The section does not apply to the holder of a hardship license or a person holding an instruction permit who is accompanied by a licensed driver at least 21 years old with at least one year of driving experience. Under sec. 542.401, an offense is punishable by a fine of between \$1 and \$200.

This system of graduated licenses was added to ensure that inexperienced new drivers focus on the task of driving during the first six months after receiving their licenses. These young drivers have an extremely high number of accidents, often caused by distractions while driving.

DIGEST: HB 1094 would prohibit a person under age 18 with a new driver's license or a person under age 17 with a new restricted motorcycle or moped

license from using a wireless communications device while driving.
The bill would take effect September 1, 2005.