

To the Mayor and Members of the City Council**May 19, 2015**

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**SUBJECT: TEXTING WHILE DRIVING**

The purpose of this Informal Report is to update the City Council on House Bill 80, filed during this legislative session, which would create a state-wide ban on texting while driving.

Currently, Texas does not have a state-wide ban on the use of cell phones while driving. However, Texas law prohibits the use of cell phones in limited circumstances. Section 545.424 of the Texas Transportation Code prohibits drivers under the age of eighteen from using a wireless communication device while driving, except in case of an emergency. Section 545.425 of the Texas Transportation Code prohibits all drivers from using a wireless communication device while driving within a school crossing zone, unless the vehicle is stopped or the driver uses a hands-free device.

If enacted, House Bill 80 would add Section 545.4251 to the Texas Transportation Code to prohibit all drivers from reading, writing, or sending text-based communications with a portable wireless communication device while driving. As proposed, "text-based communication" is defined as "data, other than a telephone number or global positioning system data that is read from or manually entered into a wireless communication device for the purpose of communicating with another person". The term includes text messages, emails, and instant messages. Furthermore, a person convicted of an offense under this new section would not acquire points towards his or her driver's license.

The Texas House of Representatives passed House Bill 80 on March 26, 2015. The Senate conducted a hearing on House Bill 80 on May 7, 2015.

Approximately forty Texas cities have adopted ordinances to regulate the use of cell phones while driving. Some cities have banned all use of cell phones while driving. Other cities have limited the ban to sending, reading, and writing text messages while driving.

The proposed language of House Bill 80 does not limit a city's ability to adopt more stringent local regulation regarding the use of cell phones while driving.

The Fort Worth Police Department supports the passage of House Bill 80. If enacted, the Fort Worth Police Department believes that the bill would improve the safety of Fort Worth streets and roadways over time.

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City Manager