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**PRESS
RELEASE**

April Traffic Focus

04 / 06 / 2023

El Paso, Texas— The El Paso Police Department’s Traffic Unit and Safe Communities of the Special Services Division have issued their traffic focus of the month. Use of Portable Wireless Communication Device for Electronic Messaging; Offense will be the Traffic Focus for April 2023.

545.4251. Use of Portable Wireless Communication Device for Electronic Messaging; Offense.

- (a) In this section: (1) “Electronic message” means data that is read from or entered into a wireless communication device for the purpose of communicating with another person.
- (2) “Wireless communication device” has the meaning assigned by Section 545.425.
- (b) An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. To be prosecuted, the behavior must be committed in the presence of or within the view of a peace officer or established by other evidence.
- (c) It is an affirmative defense to prosecution of an offense under this section that the operator used a portable wireless communication device:
- (1) in conjunction with a hands-free device, as defined by Section 545.425;
 - (2) to navigate using a global positioning system or navigation system;
 - (3) to report illegal activity, summon emergency help, or enter information into a software application that provides information relating to traffic and road conditions to users of the application;
 - (4) to read an electronic message that the person reasonably believed concerned an emergency;
 - (5) that was permanently or temporarily affixed to the vehicle to relay information in the course of the operator's occupational duties between the operator and:
 - (A) a dispatcher; or
 - (B) a digital network or software application service; or
 - (6) to activate a function that plays music.

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Promoting **Transparent & Consistent Communication**
Among All Members of the Community

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