

BILL ANALYSIS

C.S.H.B. 55
By: Branch
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Bans on the use of wireless communication devices in active school zones are emerging across the state, beginning with a ban passed by the City of Highland Park in November 2007. At least 17 communities of varying size and population followed suit, creating a patchwork approach to safeguarding students and other pedestrians at critical times and places in communities throughout Texas. Currently, additional municipalities and neighborhoods are considering similar measures.

C.S.H.B. 55 establishes a statewide approach to the bans to ensure consistency across communities while providing an important safeguard for our students and other pedestrians.

C.S.H.B. 55 adds a provision to the Transportation Code to limit driver usage of a wireless communication device within an active school zone, with certain exceptions related to operators of authorized emergency vehicles, and FCC licensed operators. The bill also clarifies existing language relating to the use of a wireless communication device by a school bus operator when a minor is present on the bus. The bill prohibits a school bus operator from using a wireless communication device under any circumstance unless the vehicle is stopped.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 55 amends the Transportation Code to make it an offense for an operator to use a wireless communication device while operating a motor vehicle within a school crossing zone unless the vehicle is stopped or the wireless communication device is used with a hands-free device. The bill removes the exception to a driving offense that allows an operator to use a wireless communication device while operating a passenger bus with a minor passenger on board in case of an emergency regardless of whether the bus is in motion. The bill provides that it is an affirmative defense to prosecution of an offense that the wireless communication device was used to make an emergency call to an emergency response service, hospital, fire or police department, health clinic, physician's office, or to an individual for first aid treatment. The bill exempts from the application of these provisions an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity or an operator who is licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device. The bill defines "hands-free device" and "wireless communication device."

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 55 adds a provision not in the original to exempt an operator who is licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device from the bill's provisions. The substitute adds a provision not in the original to define "wireless communication device."