

BILL ANALYSIS

C.S.H.B. 243
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent studies have found that drivers using a wireless communication device to write a text message, e-mail message, or instant message are distracted to a level of impairment equal to that of intoxicated drivers. Distracted drivers are considerably more likely to have an accident than undistracted drivers. Texting while driving may not be the most dangerous distraction a driver can face, but the increasing frequency with which drivers use cell phones to send texts or e-mails has made this practice one of the more common causes of dangerous driving and car crashes.

While common sense and personal responsibility are major components in the effort to make Texas roads safer, interested parties contend that a statutory requirement would greatly aid the cause. Other well-known efforts to improve public safety by changing driving laws, such as Texas' seat belt law, were successful because they included both criminalization of the risky behavior and an educational campaign to inform drivers about the risk. Several national transportation safety organizations have programs to educate drivers on the dangers of texting while driving. Additionally, wireless communication service providers and automobile insurance providers have promotional materials to educate their customers.

It is reported by national research organizations that approximately 30 states have banned text messaging for all drivers. In Texas however, current law does not prohibit drivers in most situations from using a wireless communication device to read, write, or send a text-based communication. In the absence of a statewide policy, several cities have opted to enact various local ordinances to ban texting while driving. Unfortunately, these well-intentioned local laws have resulted in some measure of confusion, due to the inconsistency of their application across the state.

C.S.H.B. 243 implements a statewide ban on texting while driving as a common sense safety measure that could save lives, reduce the risk of accidents, reduce traffic congestion, and generate additional revenue for the state in the form of fines assessed against drivers who break the law by texting while driving.

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. 243 amends the Transportation Code to make it an offense for an operator to use a wireless communication device to read, write, or send a text-based communication while operating a motor vehicle unless the vehicle is stopped. The bill clarifies that provisions requiring political subdivisions that enforce the prohibition against certain use of a wireless communication device while operating a motor vehicle to post signage for school crossing zones apply to political subdivisions that enforce the prohibition within a school crossing zone. The bill defines "text-based communication" to mean a communication sent from a wireless

communication device for the purpose of manually communicating with another person in a written medium, including a text message, an instant message, and e-mail. The bill provides a short title, the Alex Brown Memorial Act, for purposes of citing its provisions.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 243 contains a provision not included in the original providing a short title for purposes of citing its provisions. The substitute contains a provision not included in the original clarifying the applicability of provisions on enforcement by certain political subdivisions of the prohibition against certain use of a wireless communication device. The substitute differs from the original in a nonsubstantive way to conform to certain bill drafting conventions.