

## **BILL ANALYSIS**

C.S.H.B. 1899  
By: Pickett  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Observers note that there is a prohibition on the use of a wireless communication device, such as a cellular telephone, when operating a motor vehicle within a school crossing zone and that municipalities, counties, or other political subdivisions are required to post signs at the entrances to each school crossing zone to notify drivers of the prohibition and the associated fine. It is further noted that it is an affirmative defense to prosecution for a violation of the prohibition that such a sign was not posted. However, interested parties also note that some counties and municipalities have enacted a rule or ordinance prohibiting the use of a wireless device throughout the jurisdiction of the political subdivision. The interested parties note that legislation is required to add an exception for such a political subdivision from the requirement to post such a sign. C.S.H.B. 1899 seeks to address this issue.

### **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. 1899 amends the Transportation Code to establish that a municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision is not required to post a sign at the entrance to each school crossing zone in the political subdivision informing the operator of a motor vehicle that the use of a wireless communication device is prohibited in the school crossing zone. The bill makes conforming changes.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1899 differs from the original by retaining language in a statutory provision establishing that provisions regulating the use of a wireless communication device by the operator of a motor vehicle preempt all local ordinances, rules, or regulations adopted by a political subdivision of the state that are inconsistent with those provisions, whereas the original removes that language in that statutory provision.

C.S.H.B. 1899 omits a provision included in the original authorizing a municipality, county, or other political subdivision of the state by rule or ordinance to regulate the use of a wireless communication device by the operator of a motor vehicle.

C.S.H.B. 1899 differs from the original in a nonsubstantive way by making a conforming change.