

1-1 By: Pickett, et al. (Senate Sponsor - Rodriguez) H.B. No. 1899
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 April 28, 2011, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 16, 2011, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 6, Nays 0; May 16, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1899 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the posting of signs in school crossing zones regarding
1-11 the prohibited use of a wireless communication device while
1-12 operating a motor vehicle.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 545.425, Transportation Code, is amended
1-15 by amending Subsections (b-1) and (f) and adding Subsections (b-2),
1-16 (b-3), (b-4), and (d-1) to read as follows:

1-17 (b-1) Except as provided by Subsection (b-2), a [A]
1-18 municipality, county, or other political subdivision that enforces
1-19 this section shall post a sign that complies with the standards
1-20 described by this subsection at the entrance to each school
1-21 crossing zone in the municipality, county, or other political
1-22 subdivision. The department shall adopt standards that:

1-23 (1) allow for a sign required to be posted under this
1-24 subsection to be attached to an existing sign at a minimal cost; and

1-25 (2) require that a sign required to be posted under
1-26 this subsection inform an operator that:

1-27 (A) the use of a wireless communication device is
1-28 prohibited in the school crossing zone; and

1-29 (B) the operator is subject to a fine if the
1-30 operator uses a wireless communication device in the school
1-31 crossing zone.

1-32 (b-2) A municipality, county, or other political
1-33 subdivision that by ordinance or rule prohibits the use of a
1-34 wireless communication device while operating a motor vehicle
1-35 throughout the jurisdiction of the political subdivision is not
1-36 required to post a sign as required by Subsection (b-1) if the
1-37 political subdivision:

1-38 (1) posts signs that are located at each point at which
1-39 a state highway, U.S. highway, or interstate highway enters the
1-40 political subdivision and that state:

1-41 (A) that an operator is prohibited from using a
1-42 wireless communication device while operating a motor vehicle in
1-43 the political subdivision; and

1-44 (B) that the operator is subject to a fine if the
1-45 operator uses a wireless communication device while operating a
1-46 motor vehicle in the political subdivision; and

1-47 (2) subject to all applicable United States Department
1-48 of Transportation Federal Highway Administration rules, posts a
1-49 message that complies with Subdivision (1) on any dynamic message
1-50 sign operated by the political subdivision located on a state
1-51 highway, U.S. highway, or interstate highway in the political
1-52 subdivision.

1-53 (b-3) A sign posted under Subsection (b-2)(1) must be
1-54 readable to an operator traveling at the applicable speed limit.

1-55 (b-4) The political subdivision shall pay the costs
1-56 associated with the posting of signs under Subsection (b-2).

1-57 (d-1) The affirmative defense available in Subsection
1-58 (d)(2) is not available for an offense under Subsection (b)
1-59 committed in a school crossing zone located in a municipality,
1-60 county, or other political subdivision that is in compliance with
1-61 Subsection (b-2).

1-62 (f) Except as provided by Subsection (b-2), this [This]
1-63 section preempts all local ordinances, rules, or regulations that

2-1 are inconsistent with specific provisions of this section adopted
2-2 by a political subdivision of this state relating to the use of a
2-3 wireless communication device by the operator of a motor vehicle.
2-4 SECTION 2. This Act takes effect September 1, 2011.

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