

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Pickett, et al.

H.B. No. 1899

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the posting of signs in school crossing zones regarding  
3 the prohibited use of a wireless communication device while  
4 operating a motor vehicle.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 545.425, Transportation Code, is amended  
7 by amending Subsections (b-1) and (f) and adding Subsection (b-2)  
8 to read as follows:

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

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

17 (2) require that a sign required to be posted under  
18 this subsection inform an operator that:

19 (A) the use of a wireless communication device is  
20 prohibited in the school crossing zone; and

21 (B) the operator is subject to a fine if the  
22 operator uses a wireless communication device in the school  
23 crossing zone.

24 (b-2) A municipality, county, or other political

1 subdivision that by ordinance or rule prohibits the use of a  
2 wireless communication device while operating a motor vehicle  
3 throughout the jurisdiction of the political subdivision is not  
4 required to post a sign as required by Subsection (b-1).

5 (f) Except as provided by Subsection (b-2), this [~~This~~]  
6 section preempts all local ordinances, rules, or regulations that  
7 are inconsistent with specific provisions of this section adopted  
8 by a political subdivision of this state relating to the use of a  
9 wireless communication device by the operator of a motor vehicle.

10 SECTION 2. This Act takes effect September 1, 2011.

# ADOPTED

MAY 18 2011

*Antony Spaw*  
Secretary of the Senate

By: *Jose Rodriguez*

H.B. No. 1899

Substitute the following for H.B. No. 1899:

By: *Chris Johnson*

C.S. H.B. No. 1899

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1 AN ACT

2 relating to the posting of signs in school crossing zones regarding  
3 the prohibited use of a wireless communication device while  
4 operating a motor vehicle.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

17 (2) require that a sign required to be posted under  
18 this subsection inform an operator that:

19 (A) the use of a wireless communication device is  
20 prohibited in the school crossing zone; and

21 (B) the operator is subject to a fine if the  
22 operator uses a wireless communication device in the school  
23 crossing zone.

24 (b-2) A municipality, county, or other political

1 subdivision that by ordinance or rule prohibits the use of a  
2 wireless communication device while operating a motor vehicle  
3 throughout the jurisdiction of the political subdivision is not  
4 required to post a sign as required by Subsection (b-1) if the  
5 political subdivision:

6 (1) posts signs that are located at each point at which  
7 a state highway, U.S. highway, or interstate highway enters the  
8 political subdivision and that state:

9 (A) that an operator is prohibited from using a  
10 wireless communication device while operating a motor vehicle in  
11 the political subdivision; and

12 (B) that the operator is subject to a fine if the  
13 operator uses a wireless communication device while operating a  
14 motor vehicle in the political subdivision; and

15 (2) subject to all applicable United States Department  
16 of Transportation Federal Highway Administration rules, posts a  
17 message that complies with Subdivision (1) on any dynamic message  
18 sign operated by the political subdivision located on a state  
19 highway, U.S. highway, or interstate highway in the political  
20 subdivision.

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

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

25 (d-1) The affirmative defense available in Subsection  
26 (d)(2) is not available for an offense under Subsection (b)  
27 committed in a school crossing zone located in a municipality,

1 county, or other political subdivision that is in compliance with  
2 Subsection (b-2).

3 (f) Except as provided by Subsection (b-2), this [~~This~~]  
4 section preempts all local ordinances, rules, or regulations that  
5 are inconsistent with specific provisions of this section adopted  
6 by a political subdivision of this state relating to the use of a  
7 wireless communication device by the operator of a motor vehicle.

8 SECTION 2. This Act takes effect September 1, 2011.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 18, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1899** by Pickett (Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

Current law requires a municipality, county or other political subdivision (political subdivision) to post a sign at each school crossing zone informing vehicle operators that the use of a wireless communication device is prohibited in the school zone. The bill would amend the Transportation Code to remove this requirement if the political subdivision instead posts signs at each highway that enters the political subdivision and on any dynamic message signs it operates that inform vehicle operators of the prohibition on the use of a wireless communication device while operating a vehicle. The bill would require a political subdivision to pay the costs associated with posting signs at highway entrances and on dynamic message signs.

The Texas Department of Transportation (TxDOT) reported it posts signs related to the prohibition of the use of wireless communication devices in a school zone on the state highway system in cities with a population of less than 50,000 and in rural areas. TxDOT anticipates that any fiscal impact resulting from the bill would not be significant.

**Local Government Impact**

Political subdivisions that have existing city-wide bans on the use of wireless communication devices while operating a motor vehicle could experience a cost to post signs that do not currently exist at highway entrances to the political subdivision or on dynamic message boards. The extent to which a political subdivision would post new signs rather than adhere to the current requirement to post signs at school crossing zones cannot be determined and the cost to post new signs would vary depending upon the number of highway entrances into and number of dynamic message signs operated by a political subdivision.

According to the Texas Association of Counties, counties do not generally ban the use of wireless communications devices within the county limits. As a result, there will be no significant fiscal impact to counties.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, SD, TP, KJG, JI, MM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 13, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1899** by Pickett (Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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Current law requires a municipality, county or other political subdivision (political subdivision) to post a sign at each school crossing zone informing vehicle operators that the use of a wireless communication device is prohibited in the school zone. The bill would amend the Transportation Code to remove this requirement if the political subdivision instead posts signs at each highway that enters the political subdivision and on any dynamic message signs it operates that inform vehicle operators of the prohibition on the use of a wireless communication device while operating a vehicle. The bill would require a political subdivision to pay the costs associated with posting signs at highway entrances and on dynamic message signs.

The Texas Department of Transportation (TxDOT) reported it posts signs related to the prohibition of the use of wireless communication devices in a school zone on the state highway system in cities with a population of less than 50,000 and in rural areas. TxDOT anticipates that any fiscal impact resulting from the bill would not be significant.

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Political subdivisions that have existing city-wide bans on the use of wireless communication devices while operating a motor vehicle could experience a cost to post signs that do not currently exist at highway entrances to the political subdivision or on dynamic message boards. The extent to which a political subdivision would post new signs rather than adhere to the current requirement to post signs at school crossing zones cannot be determined and the cost to post new signs would vary depending upon the number of highway entrances into and number of dynamic message signs operated by a political subdivision.

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**LBB Staff:** JOB, TP, KJG, JI, MM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 28, 2011**

**TO:** Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1899** by Pickett (Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

Current law requires a municipality, county, or other political subdivision to post a sign at each school crossing zone informing vehicle operators that the use of a wireless communication device is prohibited in the school zone. The bill would amend the Transportation Code to exempt a municipality, county, or other political subdivision that prohibits the use of a wireless communication device while operating a motor vehicle within its entire jurisdiction from the sign requirement.

The Texas Department of Transportation (TxDOT) reported it posts signs related to the prohibition of the use of wireless communication devices in a school zone on the state highway system in cities with a population of less than 50,000 and in rural areas. TxDOT anticipates that any fiscal impact resulting from the bill would not be significant.

**Local Government Impact**

There could be a savings to a political subdivision that currently has a jurisdiction-wide ban on the use of wireless communication devices that would not be required to post signs. According to the analysis by TxDOT, larger cities, such as Austin and El Paso that currently have existing city-wide bans could experience a more significant savings from the provisions of the bill, but the overall fiscal impact cannot be estimated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, JI, MM, TP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 15, 2011**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1899** by Pickett (Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

Current law requires a municipality, county, or other political subdivision to post a sign at each school crossing zone informing vehicle operators that the use of a wireless communication device is prohibited in the school zone. The bill would amend the Transportation Code to exempt a municipality, county, or other political subdivision that prohibits the use of a wireless communication device while operating a motor vehicle within its entire jurisdiction from the sign requirement.

The Texas Department of Transportation (TxDOT) reported it posts signs related to the prohibition of the use of wireless communication devices in a school zone on the state highway system in cities with a population of less than 50,000 and in rural areas. TxDOT anticipates that any fiscal impact resulting from the bill would not be significant.

**Local Government Impact**

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**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, JI, MM, TP

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 5, 2011**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1899** by Pickett (Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

Current law requires a municipality, county, or other political subdivision to post a sign at each school crossing zone informing vehicle operators that the use of a wireless communication device is prohibited in the school zone. The bill would amend the Transportation Code to exempt a municipality, county, or other political subdivision that prohibits the use of a wireless communication device while operating a motor vehicle within its entire jurisdiction from the sign requirement.

The Texas Department of Transportation (TxDOT) reported it posts signs related to the prohibition of the use of wireless communication devices in a school zone on the state highway system in cities with a population of less than 50,000 and in rural areas. TxDOT anticipates that any fiscal impact resulting from the bill would not be significant.

**Local Government Impact**

There could be a savings to a political subdivision that currently has a jurisdiction-wide ban on the use of wireless communication devices that would not be required to post signs. According to the analysis by TxDOT, larger cities, such as Austin and El Paso that currently have existing city-wide bans could experience a more significant savings from the provisions of the bill, but the overall fiscal impact cannot be estimated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, KJG, JI, MM, TP