

AN ACT

relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

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

SECTION 1. The heading to Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR PASSENGER; OFFENSE.

SECTION 2. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4252 to read as follows:

Sec. 545.4252. USE OF WIRELESS COMMUNICATION DEVICE ON SCHOOL PROPERTY; OFFENSE. (a) In this section:

(1) "Hands-free device" has the meaning assigned by Section 545.425.

(2) "Wireless communication device" has the meaning assigned by Section 545.425.

(b) Except as provided by Section 545.425(c), an operator may not use a wireless communication device while operating a motor vehicle on the property of a public elementary, middle, junior high, or high school for which a local authority has designated a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

(1) the vehicle is stopped; or

1           (2) the wireless communication device is used with a  
2 hands-free device.

3           (c) It is an affirmative defense to prosecution of an  
4 offense under this section that the wireless communication device  
5 was used to make an emergency call to:

6           (1) an emergency response service, including a rescue,  
7 emergency medical, or hazardous material response service;

8           (2) a hospital;

9           (3) a fire department;

10          (4) a health clinic;

11          (5) a medical doctor's office;

12          (6) an individual to administer first aid treatment;

13 or

14          (7) a police department.

15          (d) This section does not apply to:

16          (1) an operator of an authorized emergency vehicle  
17 using a wireless communication device while acting in an official  
18 capacity; or

19          (2) an operator who is licensed by the Federal  
20 Communications Commission while operating a radio frequency device  
21 other than a wireless communication device.

22          (e) This section preempts all local ordinances, rules, or  
23 regulations that are inconsistent with specific provisions of this  
24 section adopted by a political subdivision of this state relating  
25 to the use of a wireless communication device by the operator of a  
26 motor vehicle, except that a political subdivision may by ordinance  
27 or rule prohibit the use of a wireless communication device while

1 operating a motor vehicle throughout the jurisdiction of the  
2 political subdivision.

3           SECTION 3. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 governed by the law in effect on the date the offense was committed,  
7 and the former law is continued in effect for that purpose. For  
8 purposes of this section, an offense was committed before the  
9 effective date of this Act if any element of the offense occurred  
10 before that date.

11           SECTION 4. This Act takes effect September 1, 2013.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 347 was passed by the House on April 23, 2013, by the following vote: Yeas 130, Nays 15, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 347 on May 20, 2013, by the following vote: Yeas 105, Nays 37, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 347 was passed by the Senate, with amendments, on May 15, 2013, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor