

SENATE AMENDMENTS

2nd Printing

By: Pitts, Cook, et al.

H.B. No. 347

A BILL TO BE ENTITLED

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. Section 545.425(b), Transportation Code, is amended to read as follows:

(b) Except as provided by Subsection (c), an operator may not use a wireless communication device while operating a motor vehicle:

(1) in ~~within~~ a school crossing zone, as defined by Section 541.302, Transportation Code, unless:

(A) ~~the~~ vehicle is stopped; or

(B) ~~the~~ wireless communication device is used with a hands-free device; or

(2) on the property of a public elementary, middle, or junior 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:

(A) the vehicle is stopped; or

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

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

6 SECTION 3. This Act takes effect September 1, 2013.

ADOPTED

MAY 15 2013

Atty. Gen.
Secretary of the Senate

By: Nichols

H.B. No. 347

Substitute the following for H.B. No. 347:

By: [Signature]

C.S. H.B. No. 347

A BILL TO BE ENTITLED

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 1, 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB347 by Pitts (Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 545.425 of the Transportation Code to extend the prohibition of using a wireless communication device while operating a motor vehicle to the property of a public or private elementary or middle school during the time a reduced speed limit is in effect for the school crossing zone unless the vehicle is stopped or a hands-free device is used. The bill sets forth that Section 545.425, Transportation Code, as amended, would preempt all local ordinances, rules, or regulations adopted by a political subdivision relating to the use of a wireless communication device by the operator of a motor vehicle except that a political subdivision may prohibit the use of a wireless communication device while operating a motor vehicle throughout its entire jurisdiction.

The Department of Public Safety estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

Costs associated with enforcement and prosecution, and revenue gain from fines imposed and collected would vary depending on the number of offenses committed; however, the amounts are not anticipated to have a significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: UP, SD, AG, JI, MMe, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 8, 2013

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB347 by Pitts (Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 545.425 of the Transportation Code to extend the prohibition of using a wireless communication device while operating a motor vehicle to the property of a public or private elementary or middle school during the time a reduced speed limit is in effect for the school crossing zone unless the vehicle is stopped or a hands-free device is used. The bill sets forth that Section 545.425, Transportation Code, as amended, would preempt all local ordinances, rules, or regulations adopted by a political subdivision relating to the use of a wireless communication device by the operator of a motor vehicle except that a political subdivision may prohibit the use of a wireless communication device while operating a motor vehicle throughout its entire jurisdiction.

The Department of Public Safety estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

Costs associated with enforcement and prosecution, and revenue gain from fines imposed and collected would vary depending on the number of offenses committed; however, the amounts are not anticipated to have a significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: UP, AG, JI, MMe, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB347 by Pitts (Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 545.425 of the Transportation Code to extend the prohibition of using a wireless communication device while operating a motor vehicle to the property of a public or private elementary or middle school unless the vehicle is stopped or a hands-free device is used.

The Department of Public Safety estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

Costs associated with enforcement and prosecution, and revenue gain from fines imposed and collected would vary depending on the number of offenses committed; however, the amounts are not anticipated to have a significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: UP, AG, JI, MMe, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

February 25, 2013

TO: Honorable Larry Phillips, Chair, House Committee On Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB347 by Pitts (Relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 545.425 of the Transportation Code to extend the prohibition of using a wireless communication device while operating a motor vehicle to the property of a public or private elementary or middle school.

The Department of Public Safety estimates there would be a minimal cost associated with implementing the provisions of the bill.

Local Government Impact

Costs associated with enforcement and prosecution, and revenue gain from fines imposed and collected would vary depending on the number of offenses committed; however, the amounts are not anticipated to have a significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: UP, AG, JI, MMe, TP