

By: Goldman

H.B. No. 171

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prosecution of certain offenses involving and  
3 preemption of local regulation of the use of a wireless  
4 communication device while operating a motor vehicle.

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

6 SECTION 1. Subchapter B, Chapter 542, Transportation Code,  
7 is amended by adding Section 542.2034 to read as follows:

8 Sec. 542.2034. PREEMPTION OF LOCAL AUTHORITIES' REGULATION  
9 OF USE OF WIRELESS COMMUNICATION DEVICE. (a) In this section,  
10 "wireless communication device" has the meaning assigned by Section  
11 545.425.

12 (b) The authority of a local authority to regulate or  
13 prohibit the use of a wireless communication device while operating  
14 a motor vehicle is preempted by this code, including Sections  
15 545.424, 545.425, 545.4251, and 545.4252.

16 (c) This section does not affect the authority of a local  
17 authority's peace officers to enforce the laws of this state  
18 relating to the use of a wireless communication device while  
19 operating a motor vehicle.

20 SECTION 2. The heading to Section 545.425, Transportation  
21 Code, as effective September 1, 2017, is amended to read as follows:

22 Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A  
23 SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR  
24 PASSENGER; [~~POLITICAL SUBDIVISION SIGN REQUIREMENTS,~~] OFFENSE.

1 SECTION 3. Section 545.425(b-1), Transportation Code, is  
2 amended to read as follows:

3 (b-1) A local authority whose peace officers enforce  
4 ~~[Except as provided by Subsection (b-2), a municipality, county, or~~  
5 ~~other political subdivision that enforces]~~ this section shall post  
6 a sign that complies with the standards described by this  
7 subsection at the entrance to each school crossing zone in the  
8 territory of the local authority ~~[municipality, county, or other~~  
9 ~~political subdivision]~~. The department shall adopt standards that:

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

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

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

16 (B) the operator is subject to a fine if the  
17 operator uses a wireless communication device in the school  
18 crossing zone.

19 SECTION 4. (a) Sections 545.425(b-3), (b-4), (d-1), and  
20 (f) and 545.4252(e), Transportation Code, are repealed.

21 (b) Sections 545.425(b-2) and 545.4251(g) and (j),  
22 Transportation Code, as effective September 1, 2017, are repealed.

23 SECTION 5. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 governed by the law in effect on the date the offense was committed,  
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense occurred  
3 before that date.

4 SECTION 6. This Act takes effect September 1, 2017, if it  
5 receives a vote of two-thirds of all the members elected to each  
6 house, as provided by Section 39, Article III, Texas Constitution.  
7 If this Act does not receive the vote necessary for effect on that  
8 date, this Act takes effect on the 91st day after the last day of the  
9 legislative session.