

By: Davis of Harris

H.B. No. 327

A BILL TO BE ENTITLED

AN ACT

relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.

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

SECTION 1. The heading to Section 545.425, Transportation Code, as effective September 1, 2017, 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; LOCAL AUTHORITY [~~POLITICAL SUBDIVISION~~] SIGN REQUIREMENTS; OFFENSE.

SECTION 2. Sections 545.425(b-1), (b-4), and (d-1), Transportation Code, are amended to read as follows:

(b-1) Except as provided by Subsection (b-2), a local authority [~~a municipality, county, or other political subdivision~~] that enforces this section in a school crossing zone in the local authority's jurisdiction shall post a sign, or approve the posting of a sign, that complies with the standards described by this subsection at each [~~the~~] entrance to the [~~each~~] school crossing zone [~~in the municipality, county, or other political subdivision~~]. The Texas Department of Transportation [~~department~~] shall adopt standards that:

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

(2) require that a sign required to be posted under

1 this subsection inform an operator that:

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

4 (B) the operator is subject to a fine if the  
5 operator uses a wireless communication device in the school  
6 crossing zone.

7 (b-4) The local authority [~~political subdivision~~] shall pay  
8 the costs associated with the posting of signs under Subsection  
9 (b-2).

10 (d-1) The affirmative defense available in Subsection  
11 (d)(2) is not available for an offense under Subsection (b)  
12 committed in a school crossing zone located in the jurisdiction of a  
13 local authority [~~a municipality, county, or other political~~  
14 ~~subdivision~~] that is in compliance with Subsection (b-2).

15 SECTION 3. Section 545.425(b-2), Transportation Code, as  
16 effective September 1, 2017, is amended to read as follows:

17 (b-2) A local authority [~~municipality, county, or other~~  
18 ~~political subdivision~~] that by ordinance or rule prohibits the use  
19 of a wireless communication device while operating a motor vehicle,  
20 including a prohibition that contains an exception for the use of a  
21 wireless communication device with a hands-free device, throughout  
22 the jurisdiction of the local authority [~~political subdivision~~] is  
23 not required to post a sign as required by Subsection (b-1) and  
24 shall:

25 (1) post signs that are located at each point at which  
26 a state highway, U.S. highway, or interstate highway enters the  
27 jurisdiction of the local authority [~~political subdivision~~] and

1 that state:

2 (A) that an operator is prohibited from using a  
3 wireless communication device while operating a motor vehicle in  
4 the jurisdiction of the local authority [~~political subdivision~~],  
5 and whether use of a wireless communication device with a  
6 hands-free device is allowed in the jurisdiction of the local  
7 authority [~~political subdivision~~]; and

8 (B) that the operator is subject to a fine if the  
9 operator uses a wireless communication device while operating a  
10 motor vehicle in the jurisdiction of the local authority [~~political~~  
11 ~~subdivision~~]; and

12 (2) subject to all applicable United States Department  
13 of Transportation Federal Highway Administration rules, post a  
14 message that complies with Subdivision (1) on any dynamic message  
15 sign operated by the local authority [~~political subdivision~~]  
16 located on a state highway, U.S. highway, or interstate highway in  
17 the jurisdiction of the local authority [~~political subdivision~~].

18 SECTION 4. This Act takes effect December 1, 2017.