

1-1 By: Huffines, et al. S.B. No. 15  
1-2 (In the Senate - Filed July 17, 2017; July 20, 2017, read  
1-3 first time and referred to Committee on Business & Commerce;  
1-4 July 24, 2017, reported favorably by the following vote: Yeas 7,  
1-5 Nays 2; July 24, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16		X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to prosecution of certain offenses involving and  
1-20 preemption of local regulation of the use of a wireless  
1-21 communication device while operating a motor vehicle.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 542, Transportation Code,  
1-24 is amended by adding Section 542.2034 to read as follows:

1-25 Sec. 542.2034. PREEMPTION OF LOCAL AUTHORITIES' REGULATION  
1-26 OF USE OF WIRELESS COMMUNICATION DEVICE. (a) In this section,  
1-27 "wireless communication device" has the meaning assigned by Section  
1-28 545.425.

1-29 (b) The authority of a local authority to regulate or  
1-30 prohibit the use of a wireless communication device while operating  
1-31 a motor vehicle is preempted by this code, including Sections  
1-32 545.424, 545.425, 545.4251, and 545.4252.

1-33 (c) This section does not affect the authority of a local  
1-34 authority's peace officers to enforce the laws of this state  
1-35 relating to the use of a wireless communication device while  
1-36 operating a motor vehicle.

1-37 SECTION 2. The heading to Section 545.425, Transportation  
1-38 Code, as effective September 1, 2017, is amended to read as follows:

1-39 Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A  
1-40 SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR  
1-41 PASSENGER; ~~[POLITICAL SUBDIVISION SIGN REQUIREMENTS,]~~ OFFENSE.

1-42 SECTION 3. Section 545.425(b-1), Transportation Code, is  
1-43 amended to read as follows:

1-44 (b-1) A local authority whose peace officers enforce  
1-45 [Except as provided by Subsection (b-2), a municipality, county, or  
1-46 other political subdivision that enforces] this section shall post  
1-47 a sign that complies with the standards described by this  
1-48 subsection at the entrance to each school crossing zone in the  
1-49 territory of the local authority [municipality, county, or other  
1-50 political subdivision]. The department shall adopt standards that:

1-51 (1) allow for a sign required to be posted under this  
1-52 subsection to be attached to an existing sign at a minimal cost; and

1-53 (2) require that a sign required to be posted under  
1-54 this subsection inform an operator that:

1-55 (A) the use of a wireless communication device is  
1-56 prohibited in the school crossing zone; and

1-57 (B) the operator is subject to a fine if the  
1-58 operator uses a wireless communication device in the school  
1-59 crossing zone.

1-60 SECTION 4. (a) Sections 545.425(b-3), (b-4), (d-1), and  
1-61 (f) and 545.4252(e), Transportation Code, are repealed.

2-1 (b) Sections 545.425(b-2) and 545.4251(g) and (j),  
2-2 Transportation Code, as effective September 1, 2017, are repealed.  
2-3 SECTION 5. The change in law made by this Act applies only  
2-4 to an offense committed on or after the effective date of this Act.  
2-5 An offense committed before the effective date of this Act is  
2-6 governed by the law in effect on the date the offense was committed,  
2-7 and the former law is continued in effect for that purpose. For  
2-8 purposes of this section, an offense was committed before the  
2-9 effective date of this Act if any element of the offense occurred  
2-10 before that date.  
2-11 SECTION 6. This Act takes effect September 1, 2017, if it  
2-12 receives a vote of two-thirds of all the members elected to each  
2-13 house, as provided by Section 39, Article III, Texas Constitution.  
2-14 If this Act does not receive the vote necessary for effect on that  
2-15 date, this Act takes effect on the 91st day after the last day of the  
2-16 legislative session.

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