

By: Hall

S.B. No. 25

A BILL TO BE ENTITLED

AN ACT

relating to distracted driving; creating a criminal offense.

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

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

Sec. 542.2034. LIMITATION ON LOCAL AUTHORITIES' REGULATION OF DISTRACTED DRIVING. (a) In this section, "wireless communication device" has the meaning assigned by Section 545.425.

(b) Except as provided by Subsection (c), a local authority may not regulate or prohibit distracted driving, including the use of a wireless communication device while operating a motor vehicle.

(c) A local authority may enforce the laws of this state relating to distracted driving, including Sections 545.424, 545.425, 545.4251, 545.4252, and 545.4253.

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

(b-1) A [~~Except as provided by Subsection (b-2), a~~] municipality, county, or other local authority [~~political~~]

~~subdivision~~] that enforces this section shall post a sign that complies with the standards described by this subsection at the entrance to each school crossing zone in the municipality, county, or other local authority [~~political subdivision~~]. The 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 this subsection inform an operator that:

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

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

SECTION 4. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4253 to read as follows:

Sec. 545.4253. COLLISION DURING DISTRACTED DRIVING; OFFENSE. (a) A person commits an offense if the person causes or is at fault in a collision while operating a moving motor vehicle and engaging in an activity that:

(1) is not related to the operation of the motor vehicle; and

(2) interferes with the driver's ability to pay attention to the road.

(b) An offense under this section is:

(1) a Class C misdemeanor; or

(2) a state jail felony if it is shown on the trial of

1 the offense that as a result of the offense, an individual suffered
2 serious bodily injury or death.

3 SECTION 5. (a) Sections 545.425(b-2) and 545.4251(j),
4 Transportation Code, as effective September 1, 2017, are repealed.

5 (b) Sections 545.425(b-3), (b-4), (d-1), and (f) and
6 545.4252(e), Transportation Code, are repealed.

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

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