

By: Davis of Harris

H.B. No. 512

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. Sections 545.425(b-1), (b-2), (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 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 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.

(b-2) A local authority [~~municipality, county, or other~~

1 ~~political subdivision~~] that by ordinance or rule prohibits the use
2 of a wireless communication device while operating a motor vehicle
3 throughout the jurisdiction of the local authority [~~political~~
4 ~~subdivision~~] is not required to post a sign as required by
5 Subsection (b-1) if the local authority [~~political subdivision~~]:

6 (1) posts signs that are located at each point at which
7 a state highway, U.S. highway, or interstate highway enters the
8 jurisdiction of the local authority [~~political subdivision~~] and
9 that state:

10 (A) that an operator is prohibited from using a
11 wireless communication device while operating a motor vehicle in
12 the jurisdiction of the local authority [~~political subdivision~~];
13 and

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

18 (2) subject to all applicable United States Department
19 of Transportation Federal Highway Administration rules, posts a
20 message that complies with Subdivision (1) on any dynamic message
21 sign operated by the local authority [~~political subdivision~~]
22 located on a state highway, U.S. highway, or interstate highway in
23 the jurisdiction of the local authority [~~political subdivision~~].

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

27 (d-1) The affirmative defense available in Subsection

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

5 SECTION 2. This Act takes effect September 1, 2017.