

By: Swanson

H.B. No. 4215

A BILL TO BE ENTITLED

AN ACT

relating to distracted driving collisions; creating an 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, 545.4252, and 545.4253.

SECTION 2. 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

1 subsection to be attached to an existing sign at a minimal cost; and

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

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

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

9 SECTION 3. Subchapter I, Chapter 545, Transportation Code,
10 is amended by adding Section 545.4253 to read as follows:

11 Sec. 545.4253. DISTRACTED DRIVING COLLISIONS. (a) A
12 person causing, or involved in, a collision from the operation of a
13 moving motor vehicle commits an offense if the person was engaged in
14 an activity that:

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

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

19 (b) An offense under this section is:

20 (1) a Class C misdemeanor; or

21 (2) a state jail felony if it is shown on the trial of
22 the offense that as a result of the offense, an individual suffered
23 serious bodily injury or death.

24 SECTION 4. Sections 545.425(b-2), (b-3), (b-4), (d-1), and
25 (f) and 545.4252(e), Transportation Code, are repealed.

26 SECTION 5. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

7 SECTION 6. This Act takes effect September 1, 2017.