H.B. No. 771

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, 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.  Section 545.425, Transportation Code, is amended by amending Subsections (b-1), (b-2), (b-4), (c), and (d-1) and adding Subsection (e-1) 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 by a school or school district, 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 political subdivision~~] that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle, including a prohibition that contains an exception for the use of a wireless communication device with a hands-free device, throughout the jurisdiction of the local authority [~~political subdivision~~] is not required to post a sign as required by Subsection (b-1) and shall:

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

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

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

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

(b-4)  The local authority [~~political subdivision~~] shall pay the costs associated with the posting of signs under Subsections (b-1) and [~~Subsection~~] (b-2), unless the authority enters an agreement providing otherwise.

(c)  An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the [~~passenger~~] bus is stopped.

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

(e-1)  Subsection (c) does not apply to an operator of a school bus or passenger bus using a wireless communication device:

(1)  in the performance of the operator's duties as a bus driver; and

(2)  in a manner similar to using a two-way radio.

SECTION 3.  This Act takes effect September 1, 2019.

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    President of the Senate Speaker of the House

I certify that H.B. No. 771 was passed by the House on April 24, 2019, by the following vote:  Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 771 on May 23, 2019, by the following vote:  Yeas 132, Nays 4, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 771 was passed by the Senate, with amendments, on May 20, 2019, by the following vote:  Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

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               Governor