

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

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

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

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

8           (b-2) A local authority [~~municipality, county, or other~~  
9 ~~political subdivision~~] that by ordinance or rule prohibits the use  
10 of a wireless communication device while operating a motor vehicle,  
11 including a prohibition that contains an exception for the use of a  
12 wireless communication device with a hands-free device, throughout  
13 the jurisdiction of the local authority [~~political subdivision~~] is  
14 not required to post a sign as required by Subsection (b-1) and  
15 shall:

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

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

26           (B) that the operator is subject to a fine if the  
27 operator uses a wireless communication device while operating a

1 motor vehicle in the jurisdiction of the local authority [~~political~~  
2 ~~subdivision~~]; and

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

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

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

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

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

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

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

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

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President of the Senate

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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