

By: Davis of Harris

H.B. No. 771

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. 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. 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, 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

1 this subsection inform an operator that:

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

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

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

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

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

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

1 ~~subdivision~~]; and

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

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

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

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