

1-1 By: Davis of Harris (Senate Sponsor - Zaffirini) H.B. No. 771
 1-2 (In the Senate - Received from the House April 24, 2019;
 1-3 May 13, 2019, read first time and referred to Committee on
 1-4 Transportation; May 17, 2019, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 17, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the placement of warning signs in areas where the use of
 1-20 a wireless communication device is prohibited.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Section 545.425, Transportation
 1-23 Code, is amended to read as follows:

1-24 Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A
 1-25 SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR
 1-26 PASSENGER; LOCAL AUTHORITY [~~POLITICAL SUBDIVISION~~] SIGN
 1-27 REQUIREMENTS; OFFENSE.

1-28 SECTION 2. Sections 545.425(b-1), (b-2), (b-4), and (d-1),
 1-29 Transportation Code, are amended to read as follows:

1-30 (b-1) Except as provided by Subsection (b-2), a local
 1-31 authority [~~a municipality, county, or other political subdivision~~]
 1-32 that enforces this section in a school crossing zone in the local
 1-33 authority's jurisdiction shall post a sign, or approve the posting
 1-34 of a sign by a school or school district, that complies with the
 1-35 standards described by this subsection at each [~~the~~] entrance to
 1-36 the [~~each~~] school crossing zone [~~in the municipality, county, or~~
 1-37 ~~other political subdivision~~]. The Texas Department of
 1-38 Transportation [~~department~~] shall adopt standards that:

1-39 (1) allow for a sign required to be posted under this
 1-40 subsection to be attached to an existing sign at a minimal cost; and

1-41 (2) require that a sign required to be posted under
 1-42 this subsection inform an operator that:

1-43 (A) the use of a wireless communication device is
 1-44 prohibited in the school crossing zone; and

1-45 (B) the operator is subject to a fine if the
 1-46 operator uses a wireless communication device in the school
 1-47 crossing zone.

1-48 (b-2) A local authority [~~municipality, county, or other~~
 1-49 ~~political subdivision~~] that by ordinance or rule prohibits the use
 1-50 of a wireless communication device while operating a motor vehicle,
 1-51 including a prohibition that contains an exception for the use of a
 1-52 wireless communication device with a hands-free device, throughout
 1-53 the jurisdiction of the local authority [~~political subdivision~~] is
 1-54 not required to post a sign as required by Subsection (b-1) and
 1-55 shall:

1-56 (1) post signs that are located at each point at which
 1-57 a state highway, U.S. highway, or interstate highway enters the
 1-58 jurisdiction of the local authority [~~political subdivision~~] and
 1-59 that state:

1-60 (A) that an operator is prohibited from using a
 1-61 wireless communication device while operating a motor vehicle in

2-1 the jurisdiction of the local authority [~~political subdivision~~],
2-2 and whether use of a wireless communication device with a
2-3 hands-free device is allowed in the jurisdiction of the local
2-4 authority [~~political subdivision~~]; and

2-5 (B) that the operator is subject to a fine if the
2-6 operator uses a wireless communication device while operating a
2-7 motor vehicle in the jurisdiction of the local authority [~~political~~
2-8 ~~subdivision~~]; and

2-9 (2) subject to all applicable United States Department
2-10 of Transportation Federal Highway Administration rules, post a
2-11 message that complies with Subdivision (1) on any dynamic message
2-12 sign operated by the local authority [~~political subdivision~~]
2-13 located on a state highway, U.S. highway, or interstate highway in
2-14 the jurisdiction of the local authority [~~political subdivision~~].

2-15 (b-4) The local authority [~~political subdivision~~] shall pay
2-16 the costs associated with the posting of signs under Subsections
2-17 (b-1) and [~~Subsection~~] (b-2), unless the authority enters an
2-18 agreement providing otherwise.

2-19 (d-1) The affirmative defense available in Subsection
2-20 (d)(2) is not available for an offense under Subsection (b)
2-21 committed in a school crossing zone located in the jurisdiction of a
2-22 local authority [~~a municipality, county, or other political~~
2-23 ~~subdivision~~] that is in compliance with Subsection (b-2).

2-24 SECTION 3. This Act takes effect September 1, 2019.

2-25

* * * * *