

By: Swanson

H.B. No. 1105

A BILL TO BE ENTITLED

AN ACT

relating to the preemption and prosecution of certain offenses involving the use of a wireless communication device while operating a motor vehicle.

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. PREEMPTION OF LOCAL AUTHORITIES' REGULATION OF USE OF WIRELESS COMMUNICATION DEVICE. (a) In this section, "wireless communication device" has the meaning assigned by Section 545.425.

(b) The authority of a local authority to regulate or prohibit the use of a wireless communication device while operating a motor vehicle is preempted by this code, including by Sections 545.424, 545.425, 545.4251, and 545.4252.

(c) This section does not affect the authority of a local authority's peace officers to enforce the laws of this state relating to the use of a wireless communication device while operating a motor vehicle.

SECTION 2. 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; [~~POLITICAL SUBDIVISION SIGN REQUIREMENTS,~~] OFFENSE.

1 SECTION 3. Section 545.425(b-1), Transportation Code, is
2 amended to read as follows:

3 (b-1) A local authority whose peace officers enforce
4 ~~[Except as provided by Subsection (b-2), a municipality, county, or~~
5 ~~other political subdivision that enforces]~~ this section shall post
6 a sign that complies with the standards described by this
7 subsection at the entrance to each school crossing zone in the
8 territory of the local authority ~~[municipality, county, or other~~
9 ~~political subdivision]~~. The department shall adopt standards that:

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

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

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

16 (B) the operator is subject to a fine if the
17 operator uses a wireless communication device in the school
18 crossing zone.

19 SECTION 4. Sections 545.425(b-2), (b-3), (b-4), (d-1), and
20 (f), 545.4251(g) and (j), and 545.4252(e), Transportation Code, are
21 repealed.

22 SECTION 5. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 6. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.