

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

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.

ADOPTED

VV  
MAY 20 2019

*Larry Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

*Zufferni*

1 Amend H.B. No. 771 (senate committee printing) as follows:

2 (1) In SECTION 1, amending the heading to Section 545.425,  
3 Transportation Code (page 1, line 25), strike "SCHOOL BUS" and  
4 substitute "[SCHOOL] BUS".

5 (2) In the recital to SECTION 2, amending Section 545.425,  
6 Transportation Code (page 1, lines 28 and 29), strike "Sections  
7 545.425(b-1), (b-2), (b-4), and (d-1), Transportation Code, are  
8 amended" and substitute "Section 545.425, Transportation Code, is  
9 amended by amending Subsections (b-1), (b-2), (b-4), (c), and (d-1)  
10 and adding Subsection (e-1)".

11 (3) In SECTION 2 of the bill, in amended Section 545.425,  
12 Transportation Code (page 2, between lines 18 and 19), insert the  
13 following:

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

17 (4) In SECTION 2 of the bill, in amended Section 545.425,  
18 Transportation Code (page 2, between lines 23 and 24), insert the  
19 following:

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

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

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 20, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB771** by Davis, Sarah (Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited. ), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to broaden the application of an existing law that requires posting of certain signage concerning the prohibition of a wireless communication device while operating a motor vehicle within in a school crossing zone. The bill clarifies that the Department of Transportation (TxDOT) is required to adopt standards for this signage. The bill would authorize school crossing guards to enforce this law.

According to TxDOT, no fiscal impact to the agency is anticipated. While the bill would clarify current law to require that TxDOT, rather than TxDPS, adopt standards for the required signs required, TxDOT is already the agency required to adopt these standards and has already done so.

**Local Government Impact**

According to Bexar, Ector, and Harris Counties no significant fiscal impact is anticipated.

**Source Agencies:** 405 Department of Public Safety, 601 Department of Transportation

**LBB Staff:** WP, JGAn, SD, GP, SMi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 15, 2019**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB771** by Davis, Sarah (Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

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**LBB Staff:** WP, JGAn, SD, GP, SMi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 19, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB771** by Davis, Sarah (Relating to the placement of warning signs in areas where the use of a wireless communication device is prohibited.), **As Introduced**

**No fiscal implication to the State is anticipated.**

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