| **House Bill 771**  Senate Amendments  Section-by-Section Analysis | | |
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| HOUSE VERSION | SENATE VERSION (IE) | CONFERENCE |
| 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 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. [FA1(1)] |  |
| 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 this subsection inform an operator that:  (A) the use of a wireless communication device is prohibited in the school crossing zone; and  (B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.  (b-2) A local authority [~~municipality, county, or other political subdivision~~] that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle, including a prohibition that contains an exception for the use of a wireless communication device with a hands-free device, throughout the jurisdiction of the local authority [~~political subdivision~~] is not required to post a sign as required by Subsection (b-1) and shall:  (1) post signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the jurisdiction of the local authority [~~political subdivision~~] and that state:  (A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the jurisdiction of the local authority [~~political subdivision~~], and whether use of a wireless communication device with a hands-free device is allowed in the jurisdiction of the local authority [~~political subdivision~~]; and  (B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the jurisdiction of the local authority [~~political subdivision~~]; and  (2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, post a message that complies with Subdivision (1) on any dynamic message sign operated by the local authority [~~political subdivision~~] located on a state highway, U.S. highway, or interstate highway in the jurisdiction of the local authority [~~political subdivision~~].  (b-4) The local authority [~~political subdivision~~] shall pay the costs associated with the posting of signs under Subsections (b-1) and [~~Subsection~~] (b-2), unless the authority enters an agreement providing otherwise.  (d-1) The affirmative defense available in Subsection (d)(2) is not available for an offense under Subsection (b) committed in a school crossing zone located in the jurisdiction of a local authority [~~a municipality, county, or other political subdivision~~] that is in compliance with Subsection (b-2). | 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: [FA1(2)]  (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 this subsection inform an operator that:  (A) the use of a wireless communication device is prohibited in the school crossing zone; and  (B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.  (b-2) A local authority [~~municipality, county, or other political subdivision~~] that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle, including a prohibition that contains an exception for the use of a wireless communication device with a hands-free device, throughout the jurisdiction of the local authority [~~political subdivision~~] is not required to post a sign as required by Subsection (b-1) and shall:  (1) post signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the jurisdiction of the local authority [~~political subdivision~~] and that state:  (A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the jurisdiction of the local authority [~~political subdivision~~], and whether use of a wireless communication device with a hands-free device is allowed in the jurisdiction of the local authority [~~political subdivision~~]; and  (B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the jurisdiction of the local authority [~~political subdivision~~]; and  (2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, post a message that complies with Subdivision (1) on any dynamic message sign operated by the local authority [~~political subdivision~~] located on a state highway, U.S. highway, or interstate highway in the jurisdiction of the local authority [~~political subdivision~~].  (b-4) The local authority [~~political subdivision~~] shall pay the costs associated with the posting of signs under Subsections (b-1) and [~~Subsection~~] (b-2), unless the authority enters an agreement providing otherwise.  (c) An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the [~~passenger~~] bus is stopped. [FA1(3)]  (d-1) The affirmative defense available in Subsection (d)(2) is not available for an offense under Subsection (b) committed in a school crossing zone located in the jurisdiction of a local authority [~~a municipality, county, or other political subdivision~~] that is in compliance with Subsection (b-2).  (e-1) Subsection (c) does not apply to an operator of a school bus or passenger bus using a wireless communication device:  (1) in the performance of the operator's duties as a bus driver; and  (2) in a manner similar to using a two-way radio. [FA1(4)] |  |
| SECTION 3. This Act takes effect September 1, 2019. | SECTION 3. Same as House version. |  |