

House Bill 771
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 this subsection inform an operator that:

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

SENATE VERSION (IE)

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. 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

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(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~~].

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(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~~].

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(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 3. This Act takes effect September 1, 2019.

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(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. Same as House version.

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