

- SUBJECT:** Prohibiting use of a wireless device while driving on school property
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 10 ayes — Phillips, Martinez, Burkett, Y. Davis, Fletcher, Guerra, Harper-Brown, Lavender, Pickett, Riddle
- 0 nays
- 1 absent — McClendon
- WITNESSES:** For — Beaman Floyd, Texas Coalition for Affordable Insurance Solutions; Joshua Newman and Scott Niven, Red Oak Independent School District; (*Registered, but did not testify*: Chase Bearden, Coalition of Texans with Disabilities; Frank Galitski, Farmers Insurance; Bo Gilbert, United Services Automobile Association; Brock Gregg, Association of Texas Professional Educators; Jonna Kay Hamilton, Nationwide Insurance; Shanna Igo, Texas Municipal League; Bryan Sperry, Children’s Hospital Association of Texas; Theodore Spinks, Texas Medical Association; Randy Teakell, AT&T)
- Against — (*Registered, but did not testify*: Terri Hall, Texans Uniting for Reform and Freedom)
- On — (*Registered, but did not testify*: John Barton, Texas Department of Transportation)
- BACKGROUND:** Transportation Code, sec. 545.425(a)(2) defines a “wireless communication device” as a device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332. This term includes cell phones.
- Subsection 545.425(b) prohibits drivers from using a wireless communication device in a school crossing zone unless their vehicle is stopped or they are using a hands-free device.
- DIGEST:** HB 347 would prohibit a driver from using a wireless communication device while on public or private elementary or middle school property unless the vehicle was stopped or the driver used a hands-free device.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 347 would create consistency and promote safety by implementing a statewide prohibition on the use of cell phones by drivers on school property.

Lanes and parking lots that are on school property where drivers drop off and pick up students currently are not included in the state's ban on cell phone use by drivers who are in school crossing zones. HB 347 would add school property to the ban and improve pedestrian safety at elementary and middle school campuses.

Motorists already are accustomed to the prohibitions on cell phone use in school crossing zones, so extending the prohibition to school property makes sense because pedestrian safety is especially important at pick-up and drop-off zones. Distracted driving places young students at risk at their schools and is a growing problem the bill would help address. More than nine people are killed and more than 1,600 people are injured each day in the United States as a result of distracted driving, which includes using a cell phone, according to the Centers for Disease Control and Prevention.

The bill would provide reasonable provision for motorists on school property to use cell phones to communicate in a safe manner if the vehicle were stopped or the driver used a hands-free device. This is key for a driver trying to reach a student that the driver is trying to collect. Provisions in current law that create an affirmative defense to prosecution for drivers who use a cell phone to make an emergency call in a school zone also would apply to a person who made such a call while driving on school property.

**OPPONENTS
SAY:**

While its intent is admirable, HB 347 would address just one of the innumerable distractions that can cause dangerous driving. Other distractions – including listening to the radio, talking to passengers, and using vehicle navigation systems – contribute to decreased awareness and reduced judgment time. Efforts to prevent dangerous driving in the vicinity of schools should take this into account in addressing the core issue of distracted driving.