

BILL ANALYSIS

Senate Research Center
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H.B. 2628
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A municipality, county, or other political subdivision is required to post a sign in a school crossing zone regarding the prohibited use of a wireless communication device while operating a motor vehicle. Interested parties note that legislation is required to remove the sign-posting requirement and to eliminate the appearance of an unfunded mandate on local governments. H.B. 2628 seeks to address this issue.

H.B. 2628 amends current law relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.425(d), Transportation Code, as follows:

(d) Provides that it is an affirmative defense to prosecution of an offense under this section that the wireless communication device was used to make an emergency call to:

- (1) an emergency response service, including a rescue, emergency medical, or hazardous material response service;
- (2) a hospital;
- (3) a fire department;
- (4) a health clinic;
- (5) a medical doctor's office;
- (6) an individual to administer first aid treatment; or
- (7) a police department.

Deletes existing text providing that it is an affirmative defense to prosecution of an offense under this section that a sign required by Subsection (b-1) was not posted at the entrance to the school crossing zone at the time of an offense committed in the school crossing zone. Makes nonsubstantive changes.

SECTION 2. Repealer: Section 545.425(b-1) (relating to requiring a municipality, county, or other political subdivision that enforces this section to post a sign that complies with certain standards described at the entrance to each school crossing zone in the municipality, county, or other political subdivision), Transportation Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.