

BILL ANALYSIS

Senate Research Center
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S.B. 1095
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires political subdivisions that want to enforce the prohibition against the use of wireless communication devices while operating a vehicle within school zones to post signs at the entrance of each school crossing zone. Failure to post such signs means the political subdivision cannot enforce the ordinance.

The City of El Paso adopted Ordinance 17286 on March 9, 2010, banning the the use of wireless communications devices while operating a vehicle within city limits, effective April 1, 2010. At the time of the adoption of Ordinance 17286, the City of El Paso had not completed installing signs at each school crossing zone. The estimated cost of installation at the average school is approximately \$1,273.78 per school.

The requirement that such signs be installed is an unfunded mandate from the state, and the City of El Paso was unable to fund the installation at all school sites. A consequence of the budget shortfall was that school crossing zones without signs were the only places where the El Paso Police Department could not issue citations for the use of wireless communication devices while operating a vehicle within a school zone.

S.B. 1095 cures the problem and removes the requirement for the signs in communities that have adopted the ban within their jurisdiction. It is both redundant and unnecessary for signs to be posted at school crossing zones when there is a city-wide ban. Additionally, the removal of this requirement will potentially save taxpayers hundreds of thousands of dollars.

As proposed, S.B. 1095 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, Transportation Code, by amending Subsections (b-1) and (f) and adding Subsection (b-2), as follows:

(b-1) Requires a municipality, county, or other political subdivision that enforces this section, except as provided by Subsection (b-2), to post a sign that complies with the standards described by this subsection at the entrance to each school crossing zone in the municipality, county, or other political subdivision. Requires the Department of Public Safety of Texas to 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.

Makes a nonsubstantive change.

(b-2) Provides that a municipality, county, or other political subdivision that by ordinance or rule prohibits the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision is not required to post a sign as required by Subsection (b-1).

(f) Authorizes a municipality, county, or other political subdivision of this state by rule or ordinance to regulate the use of a wireless communication device by the operator of a motor vehicle.

Deletes existing text providing that this section preempts all local ordinances, rules, or regulations that are inconsistent with specific provisions of this section adopted by a political subdivision of this state relating to the use of a wireless communication device by the operator of a motor vehicle.

SECTION 2. Effective date: September 1, 2011.