

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 347
By: Pitts et al. (Nichols)
Transportation
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, drivers are prohibited from using cell phones in a school crossing zone unless the vehicle is stopped, or they are using a hands-free device. However, areas on school property such as pick-up and drop-off lanes or parking lots are excluded. This unnecessarily places young students at risk of being hit by a distracted driver. According to the Centers for Disease Control and Prevention, more than nine people are killed and more than 1,600 people are injured every day in the United States as a result of distracted driving, which includes using a cell phone.

C.S.H.B. 347 expands the current limitations on cell phone use in a school crossing zone to the property of a public elementary, middle, or junior high school for which a local authority has designated a school crossing zone. Cell phone use will only be restricted during the time a reduced speed limit is in effect for the school crossing zone. Further, it will not apply to vehicles that are stopped, or to drivers using a hands-free device. This bill will improve safety and reduce the risks posed to young students in Texas by distracted drivers.

C.S.H.B. 347 amends current law relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to a political subdivision in SECTION 2 (Section 545.4252, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 545.425, Transportation Code, 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; OFFENSE.

SECTION 2. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.4252, as follows:

Sec. 545.4252. USE OF WIRELESS COMMUNICATION DEVICE ON SCHOOL PROPERTY; OFFENSE. (a) Defines "hands-free device" and "wireless communication device" in this section.

(b) Prohibits a person who drives or has physical control of a vehicle (operator), except as provided by Section 545.425(c) (prohibiting an operator from using a wireless communication device while operating a passenger bus with a minor passenger on the bus unless the passenger bus is stopped), from using a wireless communication device while operating a motor vehicle on the property of a public elementary, middle, junior high, or high school for which a county, municipality, or other local entity authorized to enact traffic laws under the laws of this state or a school district created under the laws of this state only when it is designating school crossing guards for schools operated by the district (local authority) has designated a school crossing zone, during the time a reduced speed limit is in

effect for the school crossing zone, unless the vehicle is stopped, or the wireless communication device is used with a hands-free device.

(c) 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.

(d) Provides that this section does not apply to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity, or an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(e) Provides 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, except that a political subdivision is authorized to by ordinance or rule prohibit the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2013.