

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 15  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 85th Legislature, in its regular session, passed H.B. 62, which prohibits written electronic communication (including texting) while operating a motor vehicle. H.B. 62 will apply statewide starting on September 1, 2017.

Several cities across Texas have created ordinances and regulations governing the use of mobile devices (cell phones) while operating a vehicle. According to information provided by the Texas Department of Transportation, 40 cities have ordinances that go further than banning texting by prohibiting any use of a cell phone that is not "hands-free."

S.B. 15 will create a clear and consistent set of rules related to cell phone use by drivers. The bill prevents local governments from maintaining or enforcing inconsistent and confusing local ordinances by prescribing statewide rules and regulations on the use of cell phones while operating a vehicle and expressly preempting local ordinances that might govern cell phone use by a driver.

Should S.B. 15 pass and become law, four state laws would govern the use of cell phones by drivers:

- Texting while driving (H.B. 62, 85R) - Section 545.4251, Transportation Code;
- Cell phone use in a school zone (S.B. 1257, 79R) - Section 545.425, Transportation Code;
- Cell phone use on school property (H.B. 347, 83R) - Section 545.4252, Transportation Code;
- Cell phone use by a driver under age 18 (SB 1257, 79R) - Section 545.424, Transportation Code.

As proposed, S.B. 15 amends current law relating to prosecution of certain offenses involving and preemption of local regulation of the use of a wireless communication device while operating a motor vehicle.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to a political subdivision is rescinded in SECTION 4 (Section 545.4252, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 542, Transportation Code, by adding Section 542.2034, as follows:

Sec. 542.2034. PREEMPTION OF LOCAL AUTHORITIES' REGULATION OF USE OF WIRELESS COMMUNICATION DEVICE. (a) Defines "wireless communication device."

(b) Provides that the authority of a local authority to regulate or prohibit the use of a wireless communication device while operating a motor vehicle is preempted by this code, including Sections 545.424 (Operation of Vehicle by Person Under 18 Years of Age), 545.425, 545.4251, and 545.4252 (Use of Wireless Communication Device on School Property; Offense).

(c) Provides that this section does not affect the authority of a local authority's peace officers to enforce the laws of this state relating to the use of a wireless communication device while operating a motor vehicle.

SECTION 2. Amends the heading to Section 545.425, Transportation Code, as effective September 1, 2017, 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 3. Amends Section 545.425(b-1), Transportation Code, as follows:

(b-1) Requires a local authority whose peace officers enforce this section, rather than 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 territory of the local authority, rather than in the municipality, county, or other political subdivision.

SECTION 4. Repealers: Sections 545.425(b-3) (relating to requiring that a certain sign be readable to an operator traveling at the applicable speed limit), (b-4) (relating to requiring the political subdivision to pay the costs associated with the posting of certain signs), (d-1) (relating to providing that a certain affirmative defense is not available for a certain offense committed in a school crossing zone), and (f) (relating to Section 545.425 preempting all local ordinances, rules, or regulations that are inconsistent with certain provisions) and 545.4252(e) (relating to Section 545.4252 preempting all local ordinances, rules, or regulations that are inconsistent with certain provisions), Transportation Code.

Repealers: Sections 545.425(b-2) and 545.4251(g) and (j), Transportation Code, as effective September 1, 2017.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017, or on the 91st day after the last day of the legislative session.