

BILL ANALYSIS

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C.S.H.B. 1899
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 545.425, Transportation Code, currently 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, which banned the use of wireless communications devices with the 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 was an unfunded mandate from the state, and the City of El Paso was unable to fund the installation at all school sites. The consequence of the budget shortfall was that school crossing zones where there were no signs were the only place within the City of El Paso where the El Paso Police Department could not issue citations for the use of wireless communications devices while driving.

By adopting C.S.H.B. 1899, the legislature will cure the problem and will remove the requirement for the signs in communities that have adopted the ban within their jurisdiction. It is redundant and unnecessary for signs to be posted at school crossing zones when there is a city-wide ban and removing the requirement will save the taxpayers hundreds of thousands of dollars.

C.S.H.B. 1899 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 Subsections (b-2), (b-3), (b-4), and (d-1), 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.

(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) if the political subdivision:

(1) posts signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the political subdivision and that state that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the political subdivision, and that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the political subdivision; and

(2) subject to all applicable United States Department of Transportation Federal Highway Administration rules, posts a message that complies with Subdivision (1) on any dynamic message sign operated by the political subdivision located on a state highway, U.S. highway, or interstate highway in the political subdivision.

(b-3) Requires that a sign posted under Subsection (b-2)(1) be readable to an operator traveling at the applicable speed limit.

(b-4) Requires the political subdivision to pay the costs associated with the posting of signs under Subsection (b-2).

(d-1) Provides that the affirmative defense available in Subsection (d)(2) is not available for an offense under Subsection (b) committed in a school crossing zone located in a municipality, county, or other political subdivision that is in compliance with Subsection (b-2).

(f) Provides that, except as provided by Subsection (b-2), 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.