

BILL ANALYSIS

Senate Research Center

H.B. 243
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Text-based messaging while driving can be an extremely hazardous practice for drivers. Currently, 31 states, the District of Columbia, and Guam prohibit texting while driving for all drivers. Another nine states prohibiting texting while driving by novice drivers, and three states restrict school bus drivers from texting while driving.

Nearly 80 percent of vehicle crashes are the result of some type of driver distraction. Because only 25 states collect cell phone use information at crash scenes, it is difficult to determine exactly how many vehicle accidents result from texting while driving. However, studies have shown that drivers sending or receiving text messages while driving had more than 20 times the risk of a crash or near crash than did drivers not using a phone and that drivers who text messaged while driving took their eyes off the road for an average of 4.6 seconds within a six second interval. This equates to traveling the length of a football field at 55 miles per hour without looking.

Section 545.425 (Use of Wireless Communication Device; Offense), Transportation Code, prohibits an operator from using a wireless communication device while operating a passenger bus with a minor passenger on the bus except in case of emergency or if the passenger bus is not in motion. This section also prohibits drivers from using a wireless communication device in a school zone if there was a sign posted in the school zone to that effect. Section 545.424 (Operation of Vehicle by Person Under 18 Years of Age), Transportation Code, also prohibits a person under 18 years of age from using a wireless communication device while operating a motor vehicle except in case of emergency. Current state law does not prohibit texting while driving. This bill will create such a prohibition.

H.B. 243 amends current law relating to the creation of an offense for certain uses 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. Provides that this Act may be cited as the Alex Brown Memorial Act.

SECTION 2. Amends Section 545.425(a), Transportation Code, by adding Subdivision (1-a) to define "text-based communication."

SECTION 3. Amends Section 545.425, Transportation Code, by amending Subsection (b-1) and adding Subsection (c-1), as follows:

(b-1) Requires a municipality, county, or other political subdivision that enforces Subsection (b) (relating to prohibiting an operator from using a wireless communication device while operating a motor vehicle within a school crossing zone, with certain exemptions), rather than that enforces this section, 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.

(c-1) Prohibits an operator from using a wireless communication device to write or send a text-based communication while operating a motor vehicle unless the vehicle is stopped.

SECTION 4. Effective date: September 1, 2011.