

**SUBJECT:** Banning texting while driving

**COMMITTEE:** Transportation — committee substitute recommended

**VOTE:** 11 ayes — Phillips, Darby, Bonnen, Y. Davis, Fletcher, Harper-Brown, Lavender, Martinez, McClendon, Pickett, Rodriguez

0 nays

**WITNESSES:** For — Jeanne Brown, Johnny Mac Brown, Katrina Brown, Remembering Alex Brown Foundation; Philip Cortez, City of San Antonio; Jim Jones, San Antonio Police Department; Lisa Chapa; Leticia Cantu; (*Registered, but did not testify*: Tris Castaneda, Sprint; Carrie Kroll, Texas Pediatric Society; Anne O’Ryan, AAA Texas; Thomas Patterson, City of Fort Worth; Clyde Peterson, Texans Against Texting While Driving; Michael Peterson, AT&T)

Against — Terri Hall, Texas TURF, Campaign for Liberty, Texas, Texans for Accountable Government, We Texans; (*Registered, but did not testify*: Stefanie Collins)

On — Rebecca Davio, Texas Department of Public Safety

**BACKGROUND:** The Transportation Code prohibits drivers from using a wireless communication device for any communication in a school crossing zone unless the vehicle is stopped or unless they are using a hands-free device or making an emergency call. A political subdivision must post at the entrance to each school crossing zone a sign informing vehicle operators that use of a wireless communications device within the zone is prohibited and can result in a fine.

A bus driver with a minor on board may not use a wireless device unless the vehicle is stopped or the device is being used to make an emergency call.

Drivers under the age of 18 may not use a wireless device anywhere for any communication unless they are making an emergency call.

**DIGEST:** CSHB 243 would prohibit a driver from reading, writing, or sending a text-based communication unless the vehicle was stopped. Text-based communication would include a text message, instant message, and e-mail.

Posting requirements for political subdivisions enforcing the ban on using wireless devices for any communication in a school crossing zone would not apply to the texting ban.

The bill would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

CSHB 243 would promote driver safety by prohibiting drivers from texting, instant messaging, or e-mailing. Texting may not be the only distraction while driving, but it is one of the most dangerous. The bill would introduce a commonsense safety law that would help deter this dangerous behavior.

Accumulating research resoundingly concludes that texting while driving distracts drivers and increases response times to sudden traffic incidents. Like drunk driving, driving while texting has injured and killed drivers, passengers, and innocent bystanders.

Simply adding texting while driving to offenses that are punishable with a maximum \$200 fine would deter the activity. CSHB 243, like other sensible safety laws such as mandatory seat belts, would help educate Texans about the dangers of texting while driving.

To address the dangers of texting while driving, many municipalities have adopted ordinances prohibiting this behavior. While commendable, different local approaches to the problem can create confusion because the local ordinances may not be well-publicized and may vary among cities. A uniform statewide prohibition would create consistent, well-publicized standards barring texting while driving statewide.

In addition to saving lives and preventing car accidents, CSHB 243 would ease traffic congestion on Texas roads by eliminating a major distraction for drivers.

**OPPONENTS  
SAY:**

While its intent is good, CSHB 243 actually could have a detrimental effect on public safety. Drivers trying to hide their wireless devices while texting to avoid notice by a public safety officer may take their eyes

further from the road, becoming more distracted and causing an even greater hazard.

Instead of implementing an ineffective government ban on texting, a more successful initiative would involve insurance companies preventing drivers from texting while driving by instituting harsher penalties for policyholders who were texting during an accident or traffic violation.

OTHER  
OPPONENTS  
SAY:

CSHB 243 would single out texting among numerous distractions that can cause dangerous driving. Drivers are distracted by radios, various electronic controls, passengers, and many other activities that decrease awareness and distract from safe driving.

This bill would not address other distracting uses of a wireless device, including using smartphone applications like Google or Facebook or manually dialing a phone number.

Banning texting would not address the core issue of distracted driving. The state should focus on improving driver education and ensuring that driver's education courses fully cover the topic of distracted driving, including possible consequences.

Since it would be difficult to determine if an individual was texting, enforcing this bill would be very difficult. The bill should be revised to make texting while driving a secondary offense that could be enforced only while pursuing a driver for a primary offense, such as speeding or reckless endangerment.

NOTES:

The companion bill, SB 46 by Zaffirini, has been referred to the Senate Transportation and Homeland Security Committee, which considered in a public hearing and left pending a similar bill, SB 119 by Uresti, on March 16.