CHAPTER 239

H.B. No. 341

AN ACT

relating to the exclusion of certain mineral interests from the property interests that may be condemned by a regional tollway authority.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 366.165, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) An authority shall, in a statement or petition in condemnation, exclude from the interest to be condemned all the oil, gas, and sulphur that can be removed from beneath the real property. This exclusion shall be made without providing the owner of the oil, gas, or sulphur any right of ingress or egress to or from the surface of the land to explore, develop, drill, or mine the real property.

SECTION 2. The change in law made by this Act applies only to a condemnation in which a condemnation petition is filed on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 15, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 240

H.B. No. 347

AN ACT

relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Section 545.425, Transportation Code, is amended 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. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4252 to read as follows:

Sec. 545.4252. USE OF WIRELESS COMMUNICATION DEVICE ON SCHOOL PROPERTY; OFFENSE. (a) In this section:

(1) “Hands-free device” has the meaning assigned by Section 545.425.
(2) "Wireless communication device" has the meaning assigned by Section 545.425.

(b) Except as provided by Section 545.425(c), an operator may not use 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 local authority has designated a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

(1) the vehicle is stopped; or
(2) the wireless communication device is used with a hands-free device.

(c) 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) This section does not apply to:

(1) an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or
(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(e) 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 may 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. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

Passed by the House on April 23, 2013: Yeas 130, Nays 15, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 347 on May 20, 2013: Yeas 105, Nays 37, 2 present, not voting; passed by the Senate, with amendments, on May 15, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.