

BILL ANALYSIS

C.S.H.B. 348
By: Callegari
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the 78th Session, the legislature passed S.B. 439 in an attempt to curb the use of technologically advanced products designed to obscure information on license plates to defeat photo radar and enforcement cameras. When the bill became effective on 1 September 2003, some law enforcement agencies interpreted the measure to prohibit a wide array of license plate brackets. Consequently, some motorists were issued traffic tickets for the use of license plate brackets on their motor vehicles. C.S.H.B. 348 clarifies state law to specify that the use of certain license plate brackets no longer constitutes an offense under the Texas Transportation Code. In particular, the bill specifies that a license plate bracket is lawful if at least one-half of the name of the state in which the vehicle is registered is visible, and if the letters and numbers of the license plate number are un-obscured. C.S.H.B. 348 also provides for the lawful use of toll transponders and trailer hitches that may obscure a portion of a license plate.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends §502.409(a), Transportation Code, to prohibit the use of blurring or reflective matter on a license plate that impairs the readability of the name of the state in which the vehicle is registered and the letters and numbers of the license plate number at any time. Prohibits the use of material or an apparatus that alters or obscures one-half or more of the name of the state in which the vehicle is registered. Prohibits the use of material that alters or obscures the license plate number or the color of the plate. Removes language from statute prohibiting the use of materials that obscure other original design features of a license plate. Adds §502.409(c), Transportation Code, to exempt the use of trailer hitches, toll road transponders, wheelchair lifts or carriers, trailers, or bicycle racks from the prohibition regarding the obstruction of a portion of a license plate.

SECTION 2. Implementation language clarifying that the changes in statute made by the Act apply to offenses committed on or after 1 September 2007.

SECTION 3. Effective date on 1 September 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. Adds language prohibiting the use of an "apparatus" that alters or obscures the letters, numbers, or name of state on a license plate. Expands exemptions to include a wheelchair lift or carrier, a trailer being towed by a vehicle, or a bicycle rack that is attached to a vehicle in a normal or customary manner.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

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