

BILL ANALYSIS

Senate Research Center

S.B. 369
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Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 78th Legislature enacted a provision aimed at preventing motorists from obscuring their license plate in order to prevent toll enforcement cameras from reading a vehicle's license plate and subsequently recovering that toll or prosecuting that individual. The Court of Criminal Appeals of Texas recently ruled that Section 502.409, Transportation Code, states that a motorist is in violation of this section if any part of the motorist's license plate is obscured. This law has been used by law enforcement to pull over otherwise law-abiding motorists although the license plate number and state are readable.

S.B. 369 clarifies that a vehicle is not in violation of the law as long as the state in which the vehicle is registered and the license plate number are not obscured or altered.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 502.409, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a)(5) Provides that it is an offense to display a number plate or registration insignia that has blurring or reflective material which significantly impairs the readability of the state in which the vehicle is registered or the letters or numbers on the license plate at any time, rather than at all times during daylight. Makes nonsubstantive changes.

(a)(6) Makes nonsubstantive changes.

(a)(7) Sets forth that a coating, covering, protective material, or other apparatus is only allowed on a license plate or registration insignia if it covers less than one-half of the name of the state the vehicle is registered in and does not alter or obscure the letters or numbers on the license plate or the color of the plate. Deletes existing text relating to an original design feature of the plate from the items that a coating, covering, or protective material may not alter or obscure.

(c) Provides that Subsection (a)(7) does not apply to a trailer hitch installed in a normal or customary manner, a transponder, as defined by Section 228.057 (Electronic Toll Collection), Transportation Code, attached in the method mandated by the issuing authority, a wheelchair lift or carrier installed in a customary manner, a trailer being towed, or a bicycle rack installed in a customary manner.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.