

BILL ANALYSIS

S.B. 713
By: Carona
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some toll authorities have transponders that can capture vehicle data such as speed. This data is often used for statistical purposes or for the purpose of studying traffic patterns. For example, the data may be used to study the general speed of traffic on the toll road and time of arrival. This legislation's purpose is to ensure that such data cannot be used to enforce speed laws.

Under current law, electric toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code. However, Section 228.057 (Electronic Toll Collection), Transportation Code, does not prohibit the use of this information for the purposes of enforcing speed limits.

This legislation makes it clear that information collected by the transponder on a toll road cannot be used to enforce speed. The 80th Legislature prohibited the use of cameras to enforce speed in municipalities and this legislation is consistent with that policy.

S.B. 713 amends Section 228.057, Transportation Code, to prohibit information collected by a transponder on a toll road from being disclosed to a peace officer or other law enforcement for the purpose of enforcing or prosecuting an offense under this code where vehicle speed was a factor.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 228.057, Transportation Code, by adding Subsection (g), to provide that this subsection applies only to the prosecution of an offense under this code of which vehicle speed is an element. Prohibits trip data consisting of vehicle speed information that was recorded or collected by a transponder from being disclosed to a peace officer or a law enforcement agency of this state for the purpose of prosecuting the operator of the vehicle on which the transponder was placed or from being used in a prosecution of the operator of the vehicle on which the transponder was placed.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009