

By: Carona

S.B. No. 374

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county or the Department of Public Safety of the State of Texas to enforce compliance with posted speed limits by an automated traffic control system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 542.2035, Transportation Code, is amended to read as follows:

Sec. 542.2035. LIMITATION ON MUNICIPALITIES AND COUNTIES.

(a) A municipality or county may not implement or operate an automated traffic control system with respect to a highway or street under its jurisdiction for the purpose of enforcing compliance with posted speed limits. The attorney general shall enforce this subsection.

(b) In this section, "automated traffic control system" means a photographic device, radar device, laser device, or other electrical or mechanical device designed to:

(1) record the speed of a motor vehicle; and  
(2) obtain one or more photographs or other recorded images of:

- (A) the vehicle;
- (B) the license plate attached to the vehicle; or
- (C) the operator of the vehicle.

SECTION 2. Subchapter B, Chapter 542, Transportation Code, is amended by adding Section 542.207 to read as follows:

1       Sec. 542.207. LIMITATION ON DEPARTMENT. (a) In this  
2 section, "automated traffic control system" has the meaning  
3 assigned by Section 542.2035.

4       (b) The department may not implement or operate an automated  
5 traffic control system for the purpose of enforcing compliance with  
6 posted speed limits. The attorney general shall enforce this  
7 section.

8       SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2009.