

1-1 By: Carona S.B. No. 374
1-2 (In the Senate - Filed December 16, 2008; February 17, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 9, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 8,
1-6 Nays 0; March 9, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 374 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of a county or the Department of Public
1-11 Safety of the State of Texas to enforce compliance with posted speed
1-12 limits by an automated traffic control system.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 542.2035, Transportation Code, is
1-15 amended to read as follows:

1-16 Sec. 542.2035. LIMITATION ON MUNICIPALITIES AND COUNTIES.

1-17 (a) A municipality or county may not implement or operate an
1-18 automated traffic control system with respect to a highway or
1-19 street under its jurisdiction for the purpose of enforcing
1-20 compliance with posted speed limits. The attorney general shall
1-21 enforce this subsection.

1-22 (b) In this section, "automated traffic control system"
1-23 means a photographic device, radar device, laser device, or other
1-24 electrical or mechanical device designed to:

1-25 (1) record the speed of a motor vehicle; and
1-26 (2) obtain one or more photographs or other recorded
1-27 images of:

1-28 (A) the vehicle;
1-29 (B) the license plate attached to the vehicle; or
1-30 (C) the operator of the vehicle.

1-31 SECTION 2. Subchapter B, Chapter 542, Transportation Code,
1-32 is amended by adding Section 542.207 to read as follows:

1-33 Sec. 542.207. LIMITATION ON DEPARTMENT. (a) In this
1-34 section, "automated traffic control system" has the meaning
1-35 assigned by Section 542.2035.

1-36 (b) The department may not implement or operate an automated
1-37 traffic control system for the purpose of enforcing compliance with
1-38 posted speed limits. The attorney general shall enforce this
1-39 section.

1-40 SECTION 3. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2009.

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