

By: Carona, Nichols

S.B. No. 713

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the disclosure and use of certain information recorded or collected by a transponder used to electronically assess or collect a toll.

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

SECTION 1. Section 228.057, Transportation Code, is amended by adding Subsection (g) to read as follows:

(g) This subsection applies only to the prosecution of an offense under this code of which vehicle speed is an element. Trip data consisting of vehicle speed information that was recorded or collected by a transponder may not:

(1) be 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

(2) be used in a prosecution of the operator of the vehicle on which the transponder was placed.

SECTION 2. (a) The change in law made by this Act applies only to the prosecution of an offense that occurs on or after the effective date of this Act. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) Prosecution of an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for

1 that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.