

1-1 By: Carona S.B. No. 713
1-2 (In the Senate - Filed February 6, 2009; March 25, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 20, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; March 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 713 By: Carona

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

1-10 relating to a prohibition on the disclosure and use of certain
1-11 information recorded or collected by a transponder used to
1-12 electronically assess or collect a toll.

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

1-14 SECTION 1. Section 228.057, Transportation Code, is amended
1-15 by adding Subsection (g) to read as follows:

1-16 (g) This subsection applies only to the prosecution of an
1-17 offense under this code of which vehicle speed is an element. Trip
1-18 data consisting of vehicle speed information that was recorded or
1-19 collected by a transponder may not:

1-20 (1) be disclosed to a peace officer or a law
1-21 enforcement agency of this state for the purpose of prosecuting the
1-22 operator of the vehicle on which the transponder was placed; or

1-23 (2) be used in a prosecution of the operator of the
1-24 vehicle on which the transponder was placed.

1-25 SECTION 2. (a) The change in law made by this Act applies
1-26 only to the prosecution of an offense that occurs on or after the
1-27 effective date of this Act. For purposes of this section, an
1-28 offense was committed before the effective date of this Act if any
1-29 element of the offense occurred before that date.

1-30 (b) Prosecution of an offense committed before the
1-31 effective date of this Act is covered by the law in effect when the
1-32 offense was committed, and the former law is continued in effect for
1-33 that purpose.

1-34 SECTION 3. This Act takes effect September 1, 2009.

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