

By: Williams

S.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

relating to the installation, operation, and maintenance of automatic license plate identification cameras on a highway.

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

SECTION 1. Subchapter C, Chapter 202, Transportation Code, is amended by adding Section 202.061 to read as follows:

Sec. 202.061. AGREEMENT TO LOCATE CERTAIN CAMERAS ON RIGHT-OF-WAY. (a) In this section, "automatic license plate identification camera" means a camera that produces images on which optical character recognition is used to read the license plate on a vehicle.

(b) The department may enter into an agreement with the Department of Public Safety or a federal law enforcement agency that authorizes the Department of Public Safety or the federal law enforcement agency to install, maintain, and operate an automatic license plate identification camera on the right-of-way of a state highway.

(c) An agreement under this section must:

(1) be in writing;

(2) list the location of each automatic license plate identification camera to be installed on the state highway right-of-way;

(3) list the responsibilities of each party to the agreement;

1 (4) be for a fixed term; and

2 (5) be executed before an automatic license plate
3 identification camera is installed.

4 (d) The images produced from an automatic license plate
5 identification camera installed under an agreement authorized by
6 this section may be used only for the purpose of:

7 (1) enforcing:

8 (A) a penal law of this state, other than a
9 traffic law the violation of which is a misdemeanor punishable by
10 fine only; or

11 (B) a penal law of the United States;

12 (2) locating:

13 (A) an abducted child for whom the statewide
14 alert system authorized by Subchapter L, Chapter 411, Government
15 Code, has been activated;

16 (B) a missing senior citizen for whom a statewide
17 silver alert authorized by Subchapter M, Chapter 411, Government
18 Code, has been activated; or

19 (C) a person for whom an alert has been issued
20 under an executive order of the governor because the person has
21 seriously injured or killed a local, state, or federal law
22 enforcement officer; or

23 (3) prosecuting a criminal offense, other than a
24 traffic law the violation of which is a misdemeanor punishable by
25 fine only, if the images are otherwise admissible in a judicial
26 proceeding.

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.