

By: Williams

S.B. No. 1426

Substitute the following for S.B. No. 1426:

By: Phillips

C.S.S.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the installation, operation, and maintenance of
3 automatic license plate identification cameras on a highway;
4 providing for the imposition of criminal penalties.

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

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

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

13 (b) The department may enter into an agreement with the
14 Department of Public Safety, a federal law enforcement agency, or a
15 local law enforcement agency operating an automatic license plate
16 identification camera under the authority of a federal law
17 enforcement agency that authorizes the Department of Public Safety,
18 federal law enforcement agency, or local law enforcement agency to
19 install, maintain, and operate an automatic license plate
20 identification camera on the right-of-way of a state highway.

21 (c) An agreement under this section must:

22 (1) be in writing;

23 (2) list the location of each automatic license plate
24 identification camera to be installed on the state highway

1 right-of-way;

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

4 (4) be for a fixed term; and

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

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

10 (1) enforcing:

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

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

15 (2) locating:

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

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

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

26 (3) prosecuting a criminal offense, other than a
27 traffic law the violation of which is a misdemeanor punishable by

1 fine only, if the images are otherwise admissible in a judicial
2 proceeding.

3 (e) A person commits an offense if the person uses an
4 automatic license plate identification camera to produce an image
5 other than in the manner and for the purpose specified by this
6 section.

7 (f) An offense under this section is a Class C misdemeanor.

8 SECTION 2. 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.