

1-1 By: Williams S.B. No. 1426
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; March 31, 2009, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 31, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the installation, operation, and maintenance of
1-9 automatic license plate identification cameras on a highway.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter C, Chapter 202, Transportation Code,
1-12 is amended by adding Section 202.061 to read as follows:

1-13 Sec. 202.061. AGREEMENT TO LOCATE CERTAIN CAMERAS ON
1-14 RIGHT-OF-WAY. (a) In this section, "automatic license plate
1-15 identification camera" means a camera that produces images on which
1-16 optical character recognition is used to read the license plate on a
1-17 vehicle.

1-18 (b) The department may enter into an agreement with the
1-19 Department of Public Safety or a federal law enforcement agency
1-20 that authorizes the Department of Public Safety or the federal law
1-21 enforcement agency to install, maintain, and operate an automatic
1-22 license plate identification camera on the right-of-way of a state
1-23 highway.

1-24 (c) An agreement under this section must:

1-25 (1) be in writing;

1-26 (2) list the location of each automatic license plate
1-27 identification camera to be installed on the state highway
1-28 right-of-way;

1-29 (3) list the responsibilities of each party to the
1-30 agreement;

1-31 (4) be for a fixed term; and

1-32 (5) be executed before an automatic license plate
1-33 identification camera is installed.

1-34 (d) The images produced from an automatic license plate
1-35 identification camera installed under an agreement authorized by
1-36 this section may be used only for the purpose of:

1-37 (1) enforcing:

1-38 (A) a penal law of this state, other than a
1-39 traffic law the violation of which is a misdemeanor punishable by
1-40 fine only; or

1-41 (B) a penal law of the United States;

1-42 (2) locating:

1-43 (A) an abducted child for whom the statewide
1-44 alert system authorized by Subchapter L, Chapter 411, Government
1-45 Code, has been activated;

1-46 (B) a missing senior citizen for whom a statewide
1-47 silver alert authorized by Subchapter M, Chapter 411, Government
1-48 Code, has been activated; or

1-49 (C) a person for whom an alert has been issued
1-50 under an executive order of the governor because the person has
1-51 seriously injured or killed a local, state, or federal law
1-52 enforcement officer; or

1-53 (3) prosecuting a criminal offense, other than a
1-54 traffic law the violation of which is a misdemeanor punishable by
1-55 fine only, if the images are otherwise admissible in a judicial
1-56 proceeding.

1-57 SECTION 2. This Act takes effect immediately if it receives
1-58 a vote of two-thirds of all the members elected to each house, as
1-59 provided by Section 39, Article III, Texas Constitution. If this
1-60 Act does not receive the vote necessary for immediate effect, this
1-61 Act takes effect September 1, 2009.

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