

By: Truitt

H.B. No. 2361

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality, a county, or the Department of Public Safety to enforce compliance with posted speed limits by an automated traffic control system.

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

SECTION 1. Section 542.2035, Transportation Code, is amended to read as follows:

Sec. 542.2035. LIMITATION ON MUNICIPALITIES AND COUNTIES.

(a) A municipality or county may not implement or operate an automated traffic control system with respect to a highway or street under its jurisdiction for the purpose of enforcing compliance with posted speed limits. The attorney general shall enforce this subsection.

(b) In this section, "automated traffic control system" means a photographic device, radar device, laser device, or other electrical or mechanical device designed to:

(1) record the speed of a motor vehicle; ~~and~~
(2) obtain one or more photographs or other recorded images of:

(A) the vehicle;
(B) the license plate attached to the vehicle; or
(C) the operator of the vehicle; and

(3) permit the issuance of a citation without the personal and contemporaneous involvement of a peace officer.

1 (c) This section does not prohibit a municipality or county
2 from using a device that records the speed of a motor vehicle and
3 obtains photographs or other recorded images listed in Subsection
4 (b)(2), or from relying on evidence obtained from using the device
5 in the prosecution of a criminal offense, if:

6 (1) the device is used by a peace officer who
7 personally observes the violation and issues a citation to the
8 operator of the vehicle at the time of the violation or is unable to
9 issue the citation because of events beyond the control of the peace
10 officer; or

11 (2) the device is used by a peace officer working in a
12 team of peace officers engaged in a localized collective effort to
13 enforce compliance with posted speed limits, the peace officer
14 personally observes the violation, and another peace officer
15 working in the same team issues a citation to the operator of the
16 vehicle at the time of the violation or is unable to issue the
17 citation because of events beyond the control of the peace officer.

18 SECTION 2. Subchapter B, Chapter 542, Transportation Code,
19 is amended by adding Section 542.207 to read as follows:

20 Sec. 542.207. LIMITATION ON DEPARTMENT. (a) In this
21 section, "automated traffic control system" has the meaning
22 assigned by Section 542.2035(b).

23 (b) The department may not implement or operate an automated
24 traffic control system for the purpose of enforcing compliance with
25 posted speed limits. The attorney general shall enforce this
26 section.

27 (c) This section does not prohibit the department from using

1 a device that records the speed of a motor vehicle and obtains
2 photographs or other recorded images listed in Section
3 542.2035(b)(2), or from relying on evidence obtained from using the
4 device in the prosecution of a criminal offense, if:

5 (1) the device is used by a peace officer who
6 personally observes the violation and issues a citation to the
7 operator of the vehicle at the time of the violation or is unable to
8 issue the citation because of events beyond the control of the peace
9 officer; or

10 (2) the device is used by a peace officer working in a
11 team of peace officers engaged in a localized collective effort to
12 enforce compliance with posted speed limits, the peace officer
13 personally observes the violation, and another peace officer
14 working in the same team issues a citation to the operator of the
15 vehicle at the time of the violation or is unable to issue the
16 citation because of events beyond the control of the peace officer.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.