

By: Johnson of Harris

H.B. No. 3381

A BILL TO BE ENTITLED

AN ACT

relating to the placement and use of video recording equipment in vehicles used by certain child-care facilities.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0429 to read as follows:

Sec. 42.0429. VIDEO SURVEILLANCE OF DAY-CARE CENTER VEHICLES. (a) Each day-care center shall:

(1) place video recording equipment in each vehicle used by the center to transport more than two children who are under seven years of age; and

(2) record the inside of each vehicle described by Subdivision (1) during any time the vehicle is used to transport children.

(b) A day-care center is not required to operate video recording equipment required by this section when children are not present in a vehicle used by the day-care center.

(c) Video recording equipment required by this section must:

(1) visually monitor all areas of a vehicle used by the day-care center; and

(2) record video and audio from all areas of a vehicle used by the day-care center.

(d) Except as provided by Subsection (e), a day-care center

1 shall retain video recorded from video recording equipment required  
2 by this section for at least 90 days after the date the video is  
3 recorded.

4 (e) If a person described by Subsection (f) requests to view  
5 video recorded from video recording equipment required by this  
6 section, a day-care center shall retain the video from the date of  
7 receipt of the request until the person has viewed the video and a  
8 determination has been made as to whether the video documents an  
9 alleged incident. If the video documents an alleged incident, the  
10 center shall retain the video until the alleged incident has been  
11 resolved, including the exhaustion of all appeals.

12 (f) A video of a child recorded from video recording  
13 equipment required by this section is confidential and may not be  
14 released or viewed except as provided by this subsection or  
15 Subsection (g). A day-care center shall release a video for viewing  
16 by:

17 (1) an employee who is involved in an alleged incident  
18 that is documented by the video and has been reported to the  
19 commission;

20 (2) a parent of a child who is involved in an alleged  
21 incident that is documented by the video and has been reported to  
22 the commission, on request of the parent; or

23 (3) appropriate commission, department, or law  
24 enforcement personnel as part of an investigation of a report of  
25 alleged or suspected abuse or neglect of a child.

26 (g) A contractor or employee performing job duties relating  
27 to the installation, operation, or maintenance of video recording

1 equipment or the retention of recorded videos who incidentally  
2 views a video is not in violation of Subsection (f).

3 (h) The executive commissioner may adopt rules to implement  
4 and administer this section.

5 SECTION 2. Notwithstanding Section 42.0429, Human  
6 Resources Code, as added by this Act, a day-care center is not  
7 required to be equipped with video recording equipment as required  
8 by that section before January 1, 2020.

9 SECTION 3. This Act takes effect September 1, 2019.