

By: Lucio III

H.B. No. 1119

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Uninsured Vehicle Enforcement Program.

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

SECTION 1. Chapter 601, Transportation Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. TEXAS UNINSURED VEHICLE ENFORCEMENT PROGRAM

Sec. 601.501. DEFINITIONS. In this subchapter:

(1) "Automatic license plate reader system" means a system that reads and records license plate numbers taken from photographs.

(2) "Captured plate data" means data collected by an automatic license plate reader system.

(3) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers as defined by Article 2.12, Code of Criminal Procedure.

(4) "Program" means the Texas Uninsured Vehicle Enforcement Program established under this chapter.

Sec. 601.502. IMPLEMENTATION OF PROGRAM; RULES. (a) The department by rule shall, in consultation with law enforcement agencies, establish the Texas Uninsured Vehicle Enforcement Program to use automatic license plate reader systems to help law enforcement agencies identify uninsured motor vehicles.

1       (b) The department may contract with a person to provide  
2 necessary technology, equipment, and maintenance of automatic  
3 license plate reader systems used in the program.

4       (c) Notwithstanding any other law, the department may:

5           (1) install an automatic license plate reader system  
6 on appropriate infrastructure owned by this state or a political  
7 subdivision of this state, including traffic signals, highway  
8 signs, bridges, and overpasses; and

9           (2) use infrastructure described by Subdivision (1) as  
10 necessary to ensure that an automatic license plate reader system  
11 has access to the necessary power to operate.

12       (d) The department may enter into an interagency agreement  
13 or memorandum of understanding with another state agency to  
14 authorize the agency to access and use an automatic license plate  
15 reader system installed under the program for a purpose within the  
16 agency's statutory duties. An agency's access and use of an  
17 automatic license plate reader system under this subsection may not  
18 interfere with the operation of the system by the department or a  
19 law enforcement agency for the purposes of the program.

20       Sec. 601.503. CAPTURED PLATE DATA COLLECTION. (a) The  
21 department and law enforcement agencies may use automatic license  
22 plate reader systems to collect captured plate data to enforce the  
23 financial responsibility requirements of Section [601.191](#).

24       (b) The captured plate data may be accessed only by law  
25 enforcement agencies and individuals authorized by the department.

26       (c) The department may authorize a person under a contract  
27 described by Section 601.502(b) to perform required updates and

1 maintenance of the automatic license plate reader system software  
2 and to analyze captured plate data as necessary to ensure effective  
3 system performance.

4 Sec. 601.504. AFFIDAVIT. (a) A peace officer may verify by  
5 sworn affidavit that a photograph generated by an automatic license  
6 plate reader system identifies a particular vehicle operating on a  
7 public roadway that was uninsured at the time the vehicle was being  
8 operated.

9 (b) A peace officer may issue a citation to a person for a  
10 violation of Section 601.191 based on an affidavit under Subsection  
11 (a) of this section.

12 Sec. 601.505. USE OF CAPTURED PLATE DATA. (a) Captured  
13 plate data collected or retained under the program through the use  
14 of an automatic license plate reader system must be retained by a  
15 law enforcement agency if the data is being used as evidence of a  
16 violation of Section 601.191. If the captured plate data is no  
17 longer needed as evidence of a violation, the data must be deleted  
18 or otherwise destroyed.

19 (b) Captured plate data collected or retained by the  
20 department or a law enforcement agency through the use of an  
21 automatic license plate reader system, as authorized by this  
22 subchapter, may not be used for a purpose other than enforcing  
23 Section 601.191.

24 (c) The department, a law enforcement agency, and a person  
25 under contract with the department under Section 601.502(b) may not  
26 sell or share captured plate data for any purpose not expressly  
27 authorized by this subchapter.

1       Sec. 601.506. USE OF AUTOMATIC LICENSE PLATE READER SYSTEM.

2       This subchapter does not prohibit the use of an automatic license  
3       plate reader system by a person for a purpose not otherwise  
4       prohibited by law.

5       Sec. 601.507. ANNUAL REPORT. Not later than January 1 of  
6       each year, the department shall prepare a report on the  
7       administration and results of the program during the previous  
8       fiscal year. The report must include an evaluation of program  
9       operations and any recommendations for legislative or other action.

10       The department shall:

11               (1) publish the report on the department's Internet  
12       website; and

13               (2) deliver an electronic copy of the report to the  
14       lieutenant governor and the speaker of the house of  
15       representatives.

16       SECTION 2. This Act takes effect September 1, 2021.