

## **BILL ANALYSIS**

H.B. 3309  
By: Canales  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, the penalty for speeding through an active construction zone when workers are present is double the amount that would normally be applied to the offense. Signage alerting motorists of this law must be in place before entering a work zone and before altering the prima facie speed limit. H.B. 3309 seeks to authorize a local authority or law enforcement agency to implement or operate an automated traffic control system for the purpose of enforcing compliance with traffic laws in a construction or maintenance work zone and to provide for the issuance of citations for traffic violations detected using such a system.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3309 amends the Transportation Code to extend the applicability of the prohibition against a municipality implementing or operating 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 to any local authority or law enforcement agency, except as provided by the bill's provisions, and to expand the purposes of that enforcement to include enforcing compliance with any traffic laws. However, the bill authorizes a local authority or law enforcement agency to 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 traffic laws, including posted speed limits, in a construction or maintenance work zone. The bill requires a local authority or law enforcement agency that implements or operates such a system for that purpose to adopt policies requiring the prompt deletion of data produced by that system that is not related to an active criminal or civil investigation or proceeding. The bill authorizes a local authority or law enforcement agency to issue a citation for a violation of a traffic law detected using such a system for that purpose only if the citation is issued by a peace officer at the time of the violation and signs that comply with the bill's requirements are posted at the time of the violation.

H.B. 3309 requires a local authority or law enforcement agency that implements or operates an automated traffic control system for the purpose of enforcing traffic laws in a construction or maintenance work zone to post clear and conspicuous signs at least 100 feet from the beginning of the construction or maintenance work zone that meet the following criteria:

- indicate an automated traffic control system is actively being used to monitor motor vehicles in the construction or maintenance work zone; and

- conform to the manual and specifications adopted under the statutory rules of the road provision relating to the adoption of a sign manual for state highways.

H.B. 3309 defines the following terms for purposes of these bill provisions:

- "construction or maintenance work zone" by reference to provisions relating to obeying warning signs and barricades;
- "law enforcement agency" by reference to Code of Criminal Procedure provisions relating to law enforcement policy on racial profiling; and
- "traffic law" by reference to provisions relating to contracts for enforcement of certain arrest warrants.

H.B. 3309 exempts an automated traffic control system, as defined and authorized by provisions relating to the limitation on local authorities or law enforcement agencies, as amended by the bill, from statutory provisions relating to the prohibition against implementing or operating a photographic traffic signal enforcement system.

**EFFECTIVE DATE**

September 1, 2025.