

By: Bucy

H.B. No. 2083

A BILL TO BE ENTITLED

AN ACT

relating to the use of automatic license plate reader systems.

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

SECTION 1. Subtitle J, Title 7, Transportation Code, is amended by adding Chapter 732 to read as follows:

CHAPTER 732. AUTOMATIC LICENSE PLATE READER SYSTEMS

Sec. 732.001. DEFINITIONS. In this chapter:

(1) "Automatic license plate reader system" means a system of one or more mobile or fixed high-speed cameras used independently or in combination with software or a computer algorithm to convert an image of a license plate into computer-readable data.

(2) "Captured plate data" means global positioning system coordinates, dates and times, photographs, license plate numbers, vehicle characteristics, and any other data collected by an automatic license plate reader system.

(3) "Department" means the Department of Public Safety.

(4) "Governmental entity" means:

(A) this state, a political subdivision of the state, or an agency or department of the state or a political subdivision of the state; or

(B) an officer or employee of an entity described by Paragraph (A).

1 (5) "Secured area" means an area:

2 (A) that is enclosed by definite boundaries;

3 (B) that is not open to the public; and

4 (C) to which access is limited by specific
5 access-control points.

6 Sec. 732.002. LIMITATIONS ON USE OF AUTOMATIC LICENSE PLATE
7 READER SYSTEM. Except as provided by Section 732.003, a
8 governmental entity may not operate an automatic license plate
9 reader system or use captured plate data produced by the system for
10 any purpose.

11 Sec. 732.003. AUTHORIZED USE OF AUTOMATIC LICENSE PLATE
12 READER SYSTEM. (a) Subject to Subsection (b), a governmental
13 entity may operate an automatic license plate reader system or use
14 captured plate data produced by the system only for the following
15 purposes:

16 (1) detecting or investigating a criminal offense
17 punishable as a felony;

18 (2) identifying unregistered or uninsured motor
19 vehicles;

20 (3) investigating a report of a missing person;

21 (4) identifying or recovering a stolen motor vehicle;

22 (5) collecting or enforcing tolls or enforcing parking
23 requirements; or

24 (6) controlling access to a secured area.

25 (b) A governmental entity, or a person acting on behalf of a
26 governmental entity, may not:

27 (1) operate an automatic license plate reader system

1 for the purpose authorized under Subsection (a)(2) in a manner that
2 intentionally targets individuals based on race, ethnicity, or
3 income level or disproportionately targets those individuals in a
4 manner that exceeds the applicable group's proportion of the
5 overall population in the boundaries of the governmental entity's
6 jurisdiction; or

7 (2) share captured plate data with, sell captured
8 plate data to, provide captured plate data through a subscription
9 to, transfer captured plate data to, or otherwise make captured
10 plate data available to:

11 (A) a person that is not a governmental entity,
12 except as provided by Subsection (d);

13 (B) a governmental entity for any purpose other
14 than a purpose authorized under Subsection (a); or

15 (C) the federal government, or any agency,
16 department, or person acting on behalf of the federal government.

17 (c) A governmental entity may not authorize a person acting
18 on behalf of the entity under a contract to access captured plate
19 data unless the contract specifically authorizes the access.

20 (d) A governmental entity or a defendant in a criminal case
21 may apply for a court order from a court of competent jurisdiction
22 to require the retention and disclosure of captured plate data. The
23 governmental entity or defendant must offer specific and
24 articulable facts showing that probable cause exists to believe the
25 captured plate data is relevant to an ongoing criminal
26 investigation involving a felony offense or a missing person.

27 Sec. 732.004. AUTHORIZED COMPARISON OF CAPTURED PLATE DATA

1 TO CERTAIN DATABASES. (a) For the purposes authorized by Section
2 732.003, a governmental entity may compare captured plate data with
3 data in the databases of:

- 4 (1) the Texas Department of Motor Vehicles;
- 5 (2) the criminal justice information system;
- 6 (3) the Texas Crime Information Center or the National
7 Crime Information Center;
- 8 (4) the National Center for Missing and Exploited
9 Children;
- 10 (5) the National Missing and Unidentified Persons
11 System; and
- 12 (6) the Federal Bureau of Investigation.

13 (b) A governmental entity that uses an automatic license
14 plate reader system in accordance with this chapter shall ensure
15 that the entity is using current, updated databases described by
16 Subsection (a) for each comparison of captured plate data described
17 by this section.

18 Sec. 732.005. RETENTION OF CAPTURED PLATE DATA IN CERTAIN
19 DATABASES. (a) Unless otherwise authorized by this section, a
20 governmental entity shall destroy captured plate data in the
21 possession of the entity not later than 48 hours after the time the
22 data is collected.

23 (b) Captured plate data may be retained by a governmental
24 entity as long as reasonably necessary if the captured plate data
25 is:

- 26 (1) evidence in a criminal action that is pending
27 final disposition;

1 (2) subject to a preservation request described by
2 Subsection (c);

3 (3) subject to an order described by Subsection
4 (c)(2); or

5 (4) subject to a warrant.

6 (c) A governmental entity that operates an automatic
7 license plate reader system under this chapter, on receiving a
8 written preservation request from a governmental entity or a
9 defendant in a criminal proceeding, shall preserve specified
10 captured plate data in the entity's possession until the later of:

11 (1) the seventh day after the date the request is
12 received; or

13 (2) a date specified in a court order described by
14 Section 732.003(d) addressing the required retention and
15 disclosure of the captured plate data.

16 (d) A preservation request under Subsection (c) must:

17 (1) specify the camera for which captured plate data
18 is requested to be preserved;

19 (2) specify the date and time period during which
20 captured plate data is requested to be preserved; and

21 (3) include a sworn statement that the requestor will
22 seek a court order for the retention and disclosure of the captured
23 plate data that is the subject of the request not later than the 7th
24 day after the date the request is submitted.

25 (e) A governmental entity that receives a written
26 preservation request from a governmental entity or a defendant in a
27 criminal proceeding but does not receive a court order described by

1 Subsection (c)(2) shall notify the requestor on the eighth day
2 after the date the request was received that the data that is the
3 subject of the request has been destroyed.

4 Sec. 732.006. RULES. Each governmental entity that uses an
5 automatic license plate reader system shall:

6 (1) adopt rules governing the use of the system,
7 including rules prohibiting data collection and sharing that is not
8 essential and rules protecting the security of captured plate data;
9 and

10 (2) post the rules on the entity's Internet website.

11 Sec. 732.007. REPORT. Not later than January 1 of each
12 year, each governmental entity that uses an automatic license plate
13 reader system shall submit a report to the department regarding:

14 (1) the number of automatic license plate reader
15 system readings made by the governmental entity;

16 (2) a list of databases under Section 732.004 to which
17 the governmental entity compared captured plate data;

18 (3) the number of persons arrested and prosecuted for
19 a criminal offense as a result of a comparison described by
20 Subdivision (2);

21 (4) the number of written preservation requests
22 received by the governmental entity under Section 732.005;

23 (5) the number of written preservation requests
24 granted by the governmental entity;

25 (6) the number of court orders granting retention and
26 disclosure of captured plate data received by the governmental
27 entity; and

1 (7) any changes in the policies of the governmental
2 entity that affect the privacy of individuals.

3 Sec. 732.008. CONFIDENTIALITY OF CAPTURED PLATE DATA. (a)
4 Captured plate data is confidential and not subject to disclosure
5 under Chapter 552, Government Code.

6 (b) Captured plate data that is released in violation of
7 this section is not admissible in a judicial or government
8 proceeding, unless the disclosure is in a criminal proceeding and
9 the captured plate data is offered as exculpatory evidence.

10 (c) On presentation to a governmental entity that possesses
11 captured plate data of a protective order protecting a person who is
12 a registered owner of the vehicle, the captured plate data may not
13 be disclosed to another governmental entity or a defendant in a
14 criminal case unless specifically authorized by an order described
15 by Section 732.003(d).

16 Sec. 732.009. CIVIL ACTION. (a) A person may bring an
17 action against another person who violates this chapter or a rule
18 adopted under this chapter for damages incurred as a result of the
19 violation.

20 (b) A prevailing claimant in an action brought under this
21 section is entitled to recover:

22 (1) either:

23 (A) actual damages, including damages for loss of
24 business, personal injury and death, loss of reputation, and mental
25 pain and suffering; or

26 (B) statutory damages in the amount of \$1,000;

27 and

1 (2) court costs and reasonable attorney's fees
2 incurred in bringing the action.

3 (c) Sovereign and governmental immunity to suit and from
4 liability is waived to the extent of liability created by this
5 section.

6 SECTION 2. Section 732.009, Transportation Code, as added
7 by this Act, applies only to a cause of action that accrues on or
8 after the effective date of this Act.

9 SECTION 3. This Act takes effect September 1, 2025.