

By: Canales

H.B. No. 3309

A BILL TO BE ENTITLED

AN ACT

relating to the use of automated traffic control systems by local authorities and law enforcement agencies.

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 LOCAL AUTHORITIES AND LAW ENFORCEMENT AGENCIES [~~MUNICIPALITIES~~]. (a) Except as provided by Subsection (b), a local authority or law enforcement agency [~~A municipality~~] 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 traffic laws [~~posted speed limits~~]. The attorney general shall enforce this subsection.

(b) Notwithstanding Subsection (a), and subject to Subsection (c), a local authority or law enforcement agency may 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. A local authority or law enforcement agency that implements or operates an automated traffic control system under this subsection shall adopt policies requiring the prompt deletion of data produced by that system that is not related to an active criminal or civil

1 investigation or proceeding.

2 (c) A local authority or law enforcement agency may issue a  
3 citation for a violation of a traffic law detected using an  
4 automated traffic control system under Subsection (b) only if:

5 (1) the citation is issued by a peace officer at the  
6 time of the violation; and

7 (2) signs that comply with the requirements of  
8 Subsection (d) are posted at the time of the violation.

9 (d) A local authority or law enforcement agency that  
10 implements or operates an automated traffic control system for the  
11 purpose of enforcing traffic laws in a construction or maintenance  
12 work zone under Subsection (b) shall post clear and conspicuous  
13 signs at least 100 feet from the beginning of the construction or  
14 maintenance work zone that:

15 (1) indicate an automated traffic control system is  
16 actively being used to monitor motor vehicles in the construction  
17 or maintenance work zone; and

18 (2) conform to the manual and specifications adopted  
19 under Section 544.001.

20 (e) In this section: [7]

21 (1) "Automated [~~automated~~] traffic control system"  
22 means a photographic device, radar device, laser device, or other  
23 electrical or mechanical device designed to:

24 (A) [~~(1)~~] record the speed of a motor vehicle;  
25 and

26 (B) [~~(2)~~] obtain one or more photographs or other  
27 recorded images of:

- 1                    (i) [~~(A)~~] the vehicle;
- 2                    (ii) [~~(B)~~] the license plate attached to
- 3 the vehicle; or
- 4                    (iii) [~~(C)~~] the operator of the vehicle.

5                    (2) "Construction or maintenance work zone" has the

6 meaning assigned by Section 472.022.

7                    (3) "Law enforcement agency" has the meaning assigned

8 by Article 2B.0053, Code of Criminal Procedure.

9                    (4) "Traffic law" has the meaning assigned by Section

10 702.001.

11                    SECTION 2. Chapter 707, Transportation Code, is amended by

12 adding Section 707.022 to read as follows:

13                    Sec. 707.022. CONSTRUCTION OR MAINTENANCE WORK ZONE

14 EXCEPTION. This chapter does not apply to an automated traffic

15 control system, as defined by Section 542.2035, that is authorized

16 by Section 542.2035(b).

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