

**SUBJECT:** Limiting the use of vehicle speed data collected by toll transponders

**COMMITTEE:** Transportation — favorable, without amendment

**VOTE:** 10 ayes — Pickett, Phillips, Callegari, Y. Davis, Guillen, Harper-Brown, McClendon, Merritt, T. Smith, W. Smith

0 nays

1 absent — Dunnam

**SENATE VOTE:** On final passage, April 2 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** No public hearing

**BACKGROUND:** Transportation Code, sec. 228.057 defines a "transponder" as a device, placed on or within an automobile, that is capable of transmitting information used to assess or to collect tolls. The code authorizes TxDOT to enter into an agreement with one or more persons to market and sell transponders for use on state toll roads, and allows the department to charge reasonable fees for administering electronic toll collection customer accounts. Customer account information, including contact and payment information and trip data, is confidential.

**DIGEST:** SB 713 would prohibit vehicle speed information data recorded by a transponder from being disclosed to a peace officer for the purpose of prosecuting the vehicle's operator or being used in the prosecution of the operator. The bill would only apply to the prosecution of an offense under the Transportation Code that included speed as an element.

The bill would take effect September 1, 2009, and would apply to the prosecution of an offense committed on or after that date.

**SUPPORTERS SAY:** SB 713 would provide a legal safeguard to ensure that toll roads are not used as automated speed enforcement devices, which the 80th Legislature prohibited when it enacted HB 922 by Truitt. Certain toll authorities have made use of transponders used in the collection of tolls to register additional vehicle data, such as speed. These data generally are used to

assist in studying traffic patterns and for other traffic management purposes. The data should not, however, be used to enforce laws governing speed limits.

The bill would ensure that transponder data collected by a tolling authority specifically were not used to enforce speeding laws. The bill would not affect a tolling authority's ability to collect relevant information or to provide other vehicular information to a peace officer who made a request.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The House companion bill, HB 575 by Sheffield, was reported favorably, as substituted, by the Transportation Committee on March 24 and was withdrawn from the Local, Consent, and Resolutions Calendar.