By: _____ H.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the participation of connected and automated vehicles in the statewide alert systems for abducted children, missing senior citizens and persons with Alzheimer's disease, missing adults in danger, and offenders who have killed or seriously injured a peace officer; creating a vehicle alert participation program administered by the Department of Public Safety; prohibiting the collection, storage, and transmission of license plate information not pertaining to an active alert; providing a civil penalty; providing immunity for certain good faith conduct; and providing incentives for voluntary participation, including in state fleet purchasing.

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

ARTICLE 1. FINDINGS; VEHICLE ALERT PARTICIPATION PROGRAM

SECTION 1.01. LEGISLATIVE FINDINGS.

The legislature finds that:

(1) the statewide alert systems administered by the Department of Public Safety — the AMBER Alert system, the Silver Alert system, the CLEAR Alert system, and the Blue Alert system — depend for their effectiveness on members of the public observing a vehicle described in an alert and reporting the observation promptly;

(2) that public observation has historically been supplied by drivers watching the road and by dynamic message signs operated by the Texas Department of Transportation;

(3) as motor vehicles assume more of the driving task, drivers will spend less time looking out of the windows of their vehicles, and the human observation network on which the alert systems depend will diminish;

(4) the sensors and connected services of modern vehicles can replace that diminishing human observation — the vehicles' digital eyes can do the watching that drivers will no longer do — if, and only if, the state publishes alert information in a form vehicles can use and vehicle participation is structured to protect the privacy of Texans;

(5) license plate readers and plate databases operated without retention limits have demonstrated the harms of collecting the movements of persons who are not the subject of any alert; a vehicle alert program must therefore be designed so that no database of non-alert plate information is created;

(6) the safeguards of this Act are accordingly architectural, not merely promissory: matching occurs on the vehicle, against the active alert list only, in memory; a plate that does not exactly match an active alert is a non-match that may not be collected, stored, or transmitted; and

(7) an occupied vehicle must never be made an instrument for reporting on its own occupants: compelling an occupied vehicle that is itself the subject of an alert to report itself would raise serious concerns under the Fifth Amendment to the United States Constitution and Article I, Section 10, of the Texas Constitution, and this Act therefore provides that an occupied vehicle makes no self-response of any kind, leaving every decision to report to the occupants themselves.

SECTION 1.02. Subchapter R, Chapter 411, Government Code, is added to read as follows:

SUBCHAPTER R. VEHICLE ALERT PARTICIPATION PROGRAM

Sec. 411.471. DEFINITIONS. In this subchapter:

(1) "Alert" means an alert activated under Subchapter L (AMBER Alert), Subchapter M (Silver Alert), Subchapter O (Blue Alert), or Subchapter Q (CLEAR Alert) of this chapter.

(2) "Alert feed" means the machine-readable feed of active alerts published by the department under Section 411.472.

(3) "Alert list" means the set of license plate numbers contained in the alerts carried on the alert feed at a given time.

(4) "Alert-pertaining information" means: (A) information contained in an alert carried on the alert feed; (B) a match report transmitted under Section 411.475; and (C) a subject notification transmitted under Section 411.476. Any other information perceived or generated by a vehicle is not alert-pertaining information.

(5) "Connected services" means the data communication services by which a motor vehicle, an automated driving system, a telematics provider, or a navigation or digital alert platform receives information over a commercial wireless or other data network. The term does not include the Wireless Emergency Alerts system, which delivers alerts to mobile handsets and not to vehicles.

(6) "Department" means the Department of Public Safety of the State of Texas.

(7) "Match" means an exact equality between a license plate number read by a participating vehicle and a license plate number in the alert list. A partial or wildcard correspondence is not a match.

(8) "Minimal risk condition" has the meaning assigned by Section 545.451(11), Transportation Code. No provision of this subchapter requires a participating vehicle to achieve a minimal risk condition in response to an alert.

(9) “Non-alert plate information” means any license plate information that does not pertain to an active alert, including a plate read that does not produce a match and a partial correspondence to a plate in the alert list.

(10) “Occupied” means, with respect to a motor vehicle, that a natural person is present in the vehicle. “Unoccupied” means that no natural person is present in the vehicle. If a vehicle cannot determine whether it is occupied, it is considered occupied for purposes of this subchapter.

(11) “Participant” means a manufacturer of motor vehicles, an automated driving system provider, a telematics provider, a navigation or digital alert platform provider, an owner or authorization holder of an automated motor vehicle, or another person that receives the alert feed under Section 411.473.

(12) “Remote assistance” means the event-driven provision, by a remotely located human, of information or advice to a vehicle in driverless operation to facilitate continuation of a trip when the vehicle’s automated driving system encounters a situation it cannot manage. A person providing remote assistance does not perform the dynamic driving task.

(13) “Remote assistance center” means a staffed facility or service, operated by or for a participant, through which remote assistance is provided to one or more vehicles and through which notices under this subchapter may be received and acted on. The term is distinct from, and in addition to, a fleet support specialist identified in a plan filed under Section 545.455(c)(2), Transportation Code; a remote assistance center may also serve as the communication point under such a plan if the plan so provides.

(14) “Subject vehicle” means a vehicle whose own license plate number appears in the alert list.

Sec. 411.472. ALERT FEED. (a) The department shall publish, in real time and without charge, a machine-readable feed of every active alert under Subchapter L, M, O, or Q of this chapter that includes a license plate number. The technical specification for the feed — including its data format, digital-signature method, and transmission method — shall be prescribed by department rule under Section 411.481 and published as an open specification available to any participant on the same terms.

(b) Each entry in the feed must be digitally signed by the department and must include the alert identifier, the alert type, the license plate number or numbers named in the alert, the department-issued vehicle description, if any, and the time the alert expires or terminates. An entry expires, and must be deleted by each participant, not later than the termination of the alert under the applicable subchapter.

(c) The department shall transmit feed entries to participants by means of the vehicles’ or platforms’ connected services, in the manner prescribed by the technical specification adopted under Section 411.481.

(d) The department's duty under Section 411.464 of this chapter and the corresponding provisions of Subchapters L, M, and O to recruit participants to assist in the alert systems includes recruiting manufacturers of motor vehicles, automated driving system providers, telematics providers, and providers of in-vehicle digital alert services to participate under this subchapter.

Sec. 411.473. VOLUNTARY PARTICIPATION; CONDITIONS OF ACCESS. (a) Participation in the program is voluntary. A vehicle or service of any level of driving automation, including a vehicle with no driving automation that is equipped with connected services, may participate.

(b) Access to the alert feed is conditioned on the participant's compliance with Sections 411.474–411.477. The safeguards imposed by those sections bind a participant, and any vendor or subprocessor acting for a participant, at all times and regardless of any exemption the participant may hold under Article 2 of this Act.

(c) Before receiving the alert feed, a participant shall file with the department a self-certification under Section 411.478. No other certification, approval, or audit by the department, the Texas Department of Motor Vehicles, or an independent auditor is required as a condition of participation.

Sec. 411.474. ON-VEHICLE MATCHING; NON-ALERT PLATE INFORMATION. (a) A participant may compare license plate numbers observed by a participating vehicle only against the alert list, and only on the vehicle or device performing the observation.

(b) The comparison must occur in volatile memory. A plate read that does not produce a match is a non-match: it may not be written to persistent storage, transmitted, sold, shared, logged, or used for any purpose, and must be discarded.

(c) A partial or wildcard correspondence to a plate in the alert list is a non-match for all purposes of this subchapter and may not be transmitted to the department, to a remote assistance center, or to any other person.

(d) A participant may not load into a participating vehicle or system any list of license plate numbers other than the alert list, and may not use the alert feed or alert-pertaining information for any purpose other than the responses authorized by Sections 411.475 and 411.476.

(e) A participant may not collect, store, or transmit license plate information not pertaining to an active alert.

Sec. 411.475. MATCH REPORTS. (a) This section applies when a participating vehicle observes a match on another vehicle.

(b) If the observing vehicle is occupied, the vehicle shall present the alert information to its occupants in accordance with Section 411.477(a). No report may be transmitted unless an occupant affirmatively elects to report the observation.

(c) If the observing vehicle is unoccupied, the vehicle shall transmit a match report to the department without requiring any person's action.

(d) A match report may contain only:

(1) the matched license plate number, as read;

(2) an image of the observed vehicle;

(3) the time of the observation;

(4) the location of the observation;

(5) the direction of travel of the observed vehicle; and

(6) the identifier of the reporting vehicle.

(e) A participant may not include in, attach to, or transmit with a match report any other information, including any other license plate read, any location history of the reporting vehicle beyond the location of the observation, or any information derived from a plate read that did not produce the reported match.

(f) A reporting vehicle shall transmit a match report and may not retain the reported information after transmission, except the fact that a report was made, the alert identifier, and the time, retained solely for audit of the participant's own compliance and purged on the schedule the department prescribes by rule.

(g) A match report is a tip. A match report, standing alone, is not probable cause, does not by itself justify a stop or detention, and imposes no duty on any occupant of any vehicle to act. A match report must be verified by the receiving agency before enforcement action is taken in reliance on it.

(h) A match report transmitted in compliance with this section is alert-pertaining information and is not a violation of Section 411.474(e).

(i) On receipt, the department shall route a match report to the agency that requested the alert. A match report may not be retained by the department as part of a searchable archive of license plate locations after the alert to which it pertains terminates.

Sec. 411.476. SUBJECT VEHICLES. (a) If a participating vehicle is a subject vehicle and is occupied, the vehicle shall present the alert information to its occupants under Section 411.477(a) and shall make no report, notification, or other self-response of any kind. Whether to contact any authority is solely the occupants' decision.

(b) If a participating vehicle is a subject vehicle and is unoccupied, the vehicle shall silently transmit a subject notification to: (1) the department; (2) the vehicle's remote assistance center, if any; and (3) the vehicle's owner or authorization holder.

(c) A subject notification may contain only the alert identifier, the vehicle's identifier, the vehicle's location and direction of travel at the time of the notification, and the vehicle's occupancy status.

(d) Except for the notification required by Subsection (b), a subject vehicle shall continue operating without change. A subject response under this section does not include stopping, restricting, redirecting, or holding the vehicle, and does not authorize any person to stop or detain the vehicle by means of the program.

(e) A response under this subchapter never includes pursuing, following, blocking, or attempting to stop or detain any other vehicle or any person.

Sec. 411.477. OCCUPANT NOTICE. (a) When a participating occupied vehicle receives an alert entry or observes a match, it shall present to its occupants: the alert type in plain language; the issuing agency and alert identifier; the department-issued vehicle description for a match, labeled as a possible match; and the instruction to call 911 and not to approach, follow, or confront any person or vehicle.

(b) Presentation must be audio-first and must not mask, delay, or compete with a request by an automated driving system for a human to intervene or resume the driving task.

(c) An occupant may acknowledge or dismiss a notice, call 911, or, for an observed match, affirmatively report the observation under Section 411.475(b). An occupant who does nothing incurs no penalty, and no record of the notice may be transmitted.

Sec. 411.478. SELF-CERTIFICATION. (a) A participant shall certify to the department, in the form the department prescribes, that the participant's implementation complies with Sections 411.474–411.477, including that non-alert plate information is not collected, stored, or transmitted and that matching is performed only on the vehicle against the alert list.

(b) The department may not impose a certification regime beyond the self-certification required by this section.

(c) A participant shall renew its self-certification on a material change to its implementation.

Sec. 411.479. ENFORCEMENT. (a) A participant that collects, stores, or transmits non-alert plate information in violation of Section 411.474 is liable to the state for a civil penalty in an amount prescribed by the department by rule, assessed per violation. The attorney general may bring an action to recover the penalty.

(b) Evidence derived from a violation of Section 411.474 is inadmissible in any criminal or civil proceeding.

(c) The department may suspend or revoke a participant's access to the alert feed for a violation of this subchapter. Suspension or revocation of feed access is an administrative consequence of breach of the conditions of access and is in addition to the penalty and inadmissibility provided by this section.

(d) A violation of Section 411.474 does not constitute a criminal offense under this subchapter. This subchapter does not create a private right of action.

Sec. 411.480. NO SUNSET; REPORTING; NO PUBLICITY OF PARTICIPATION. (a) This subchapter does not expire.

(b) This subchapter does not impose a reporting requirement beyond the reporting applicable to the alert systems under Subchapters L, M, O, and Q of this chapter.

(c) The department may not publish a list of participants, and may not publish the identity of any manufacturer or provider that has not participated, for the purpose of public pressure or for any other purpose except as required by other law.

Sec. 411.481. RULEMAKING; TECHNICAL IMPLEMENTATION. (a) The department shall adopt rules under Chapter 2001 to administer this subchapter, including rules prescribing:

(1) the technical specification for the alert feed under Section 411.472, including data format, digital-signature method, and transmission method;

(2) implementation standards for on-vehicle matching under Section 411.474;

(3) the form of the self-certification under Section 411.478 and the mechanics of its renewal;

(4) the schedule for purging the audit information a reporting vehicle may retain under Section 411.475(f);

(5) presentation standards for occupant notice under Section 411.477, consistent with that section; and

(6) the form of a generation filing, and the procedure for reclassification, under Article 2, Section 2.01(2), of this Act.

(b) The department shall adopt the rules under this section in consultation with the Texas Department of Transportation and the Vehicle Alert Technical Advisory Committee established under Article 3, Section 3.04, of this Act.

(c) A rule adopted under this section may not: (1) authorize the collection, storage, or transmission of non-alert plate information; (2) expand the contents of a match report beyond Section 411.475(d) or of a subject notification beyond Section 411.476(c); (3) treat a partial or wildcard correspondence as a match; or (4) alter the responses required or prohibited by Sections 411.475–411.477 for occupied and unoccupied vehicles. The safeguards of Sections 411.474–411.477 are statutory and are not delegable.

SECTION 1.03. CONFORMING RECRUITMENT AMENDMENT.

Section 411.464, Government Code, and the corresponding recruitment provisions of Subchapters L, M, and O, Chapter 411, Government Code, are amended to include manufacturers of motor vehicles equipped with connected services or an automated driving system, automated driving system providers, telematics providers, and providers of in-vehicle digital alert services among the private commercial entities the department shall recruit to assist in the alert systems, for participation under Subchapter R, Chapter 411, Government Code, as added by this article.

ARTICLE 2. SEVERABLE BACKSTOP — GENERATION-TRIGGERED DUTY

The provisions of this article are expressly severable from Articles 1 and 3 of this Act under Section 4.02. If every provision of this article were held invalid, Articles 1 and 3 would continue in full effect as the permanent program.

SECTION 2.01. DEFINITIONS.

In this article:

(1) “Duty” means the duty imposed by Section 2.02 to integrate the alert feed published under Subchapter R, Chapter 411, Government Code, and to perform the matching, notice, report, and subject-notification functions of that subchapter.

(2) “New model generation” means, for a vehicle line, the first model year in which that line is offered for sale in this state: (A) on a vehicle platform not previously used for that line; or (B) with a substantial redesign of the line’s body structure, electrical or electronic architecture, or automated driving system sensor or compute architecture, as designated by the manufacturer in a generation filing made with the department before the line is first offered for sale in this state. A change limited to trim, badging, exterior styling panels, powertrain options within the same architecture, or software, including over-the-air updates, is not a new model generation. The department may, on notice and an opportunity to respond, reclassify a filing that does not meet this definition. The form of a generation filing, and the procedure for reclassification, shall be prescribed by department rule under Section 411.481, Government Code.

(3) “Covered manufacturer” means a manufacturer of motor vehicles, or an automated driving system provider for a vehicle line, that offers for sale in this state a vehicle of a new model generation equipped with connected services and a camera system capable of reading license plates of surrounding vehicles.

SECTION 2.02. DUTY.

(a) A covered manufacturer shall perform the duty for each new model generation it offers for sale in this state, beginning with the first model year of that generation.

(b) The duty does not apply to: (1) any vehicle of a model generation first offered for sale before the effective date of this article; (2) any vehicle already sold; or (3) any modification of a vehicle after sale. Nothing in this article requires the retrofit of any vehicle.

(c) A covered manufacturer performing the duty is a participant under Subchapter R, Chapter 411, Government Code, and is subject to all of that subchapter's safeguards. Compliance with the duty is shown in the manner provided by Article 3, Section 3.02, of this Act.

SECTION 2.03. EXEMPTIONS.

(a) *First request — shall grant.* On a first request by a covered manufacturer with respect to a new model generation and a stated component of the duty, the governor or the governor's designee shall grant an exemption for the period requested, not to exceed five years. The designee's review of a first request is limited to whether the requester is a covered manufacturer, the generation and duty component are identified, the period requested does not exceed five years, and the filing is complete and includes a compliance plan stating the steps to be taken during the exemption and the estimated date of full compliance. If the governor or designee does not act on a complete first request within 60 days of filing, the request is considered granted for the period requested.

(b) *Extensions — may grant.* On reapplication before the expiration of an exemption, the governor or designee may grant an extension, in whole or in part, for a stated period, on a showing of the compliance steps actually taken, the reason full compliance was not achieved, and a firm new compliance date. The governor or designee may condition an extension on milestones or interim reporting. A timely extension request continues the exemption until the governor or designee decides.

(c) *Scope.* An exemption is personal to the requester, applies only to the generation and duty component stated, and does not excuse vehicles manufactured before the exemption's effective date from a duty that had already attached. A vehicle manufactured during a valid exemption is permanently excused from the exempted component.

(d) *Safeguards are not exemptible.* An exemption under this section exempts the holder only from a duty imposed by Section 2.02. An exemption does not exempt the holder, and may not be construed to exempt any person, from Sections 411.474–411.477, Government Code. A person that receives the alert feed or performs license plate matching under Chapter 411, Government Code, is subject to those sections regardless of whether the person holds an exemption. An exemption terminates automatically if the holder violates Section 411.474, Government Code.

(e) *First request defined.* A request is a first request only if no exemption for the same generation and duty component has previously been granted to the requester or to a predecessor or affiliate of the requester.

(f) *Publication.* Each request, grant, extension, denial of an extension, and termination under this section shall be recorded by the administering agency and published in the Texas Register, stating the requester, the generation, the duty component exempted, the term, and the compliance date promised.

(g) *Termination for misrepresentation.* The governor or designee may terminate an exemption granted on the basis of false, fraudulent, or misleading representations in the request.

SECTION 2.04. FEDERAL-OCCUPATION CIRCUIT-BREAKER.

(a) If a federal motor vehicle safety standard takes effect that governs the display of alerts in a vehicle or automated driving system perception or matching behavior, the duty under Section 2.02 is suspended by operation of law as to the aspect of performance governed by the federal standard, pending department rulemaking to conform the duty or direction by the legislature.

(b) Nothing in this article requires any person to violate federal law or an applicable federal motor vehicle safety standard, or to comply with a state standard that is not identical to a federal standard governing the same aspect of performance within the meaning of 49 U.S.C. Section 30103(b).

(c) A suspension under this section does not affect Article 1 or Article 3 of this Act.

ARTICLE 3. INCENTIVES FOR VOLUNTARY PARTICIPATION

SECTION 3.01. GOOD FAITH IMMUNITY.

(a) A participant, and an occupant of a vehicle or a person providing remote assistance who reports an observation, that in good faith displays an alert issued under Chapter 411, Government Code, transmits a match report under Section 411.475, Government Code, or transmits a subject notification under Section 411.476, Government Code, is not liable in civil damages for an act or omission arising from that conduct, unless the act or omission is wilfully or wantonly negligent.

(b) This section does not apply to, and confers no immunity for, a violation of Section 411.474, Government Code, and does not limit the department’s authority under Section 411.479, Government Code, the civil penalty under that section, or the inadmissibility rule under that section.

(c) This section creates immunity from civil liability only. No provision of this Act establishes a state certification mark for participation, and no designation of that kind is authorized.

SECTION 3.02. ADVANCE COMPLIANCE CREDIT.

(a) A vehicle generation that is a participating generation — the alert feed integrated, matching performed to the specification under Subchapter R, Chapter 411, Government Code, and the participant's self-certification under Section 411.478, Government Code, in effect — satisfies any duty that would otherwise attach to that generation under Article 2 of this Act, for so long as participation continues. A participating generation is deemed in compliance with Article 2; it is not exempt from Article 2.

(b) A generation participating before the duty under Article 2 takes effect as to that generation is deemed in compliance when the duty takes effect, without any further filing.

(c) If participation in a generation ends by withdrawal or by revocation of feed access, the duty under Article 2 applies to that generation beginning on the later of the first anniversary of the end of participation or the first day of the generation's next model year.

(d) An exemption under Section 2.03 for a generation is suspended during any period in which the generation is participating, and the exemption period continues to run during the suspension.

(e) The specification to which a participant self-certifies under this section is the same specification that measures compliance with the duty under Article 2. Participation is not a lesser form of compliance.

SECTION 3.03. STATE FLEET PROCUREMENT.

(a) *Best-value factor.* Section 2155.074, Government Code, is amended to include, among the best value considerations in the purchase of a motor vehicle for state use, whether the vehicle is alert-capable — that is, equipped to participate, and the subject of an effective self-certification, under Subchapter R, Chapter 411, Government Code.

(b) *Fleet composition.* Chapter 2158, Government Code, is amended by adding a provision, modeled on Subchapter A of that chapter, providing that a state agency that operates a fleet of more than 15 motor vehicles shall purchase alert-capable vehicles for that fleet where an alert-capable vehicle in the class being purchased is available at no greater lifecycle cost, subject to waiver by the comptroller's office of vehicle fleet management on the grounds applicable under Subchapter A of that chapter, including unavailability of a suitable vehicle, availability only at greater lifecycle cost, or unsuitability for the agency's mission.

(c) *Scope.* This section applies to purchases by state agencies across state government. No agency, fleet, or cohort is designated for first or separate application. This section governs only vehicles a governmental entity purchases for its own use and does not impose any requirement on the purchase of a vehicle by any other person.

SECTION 3.04. TECHNICAL ADVISORY COMMITTEE.

(a) The department shall establish a Vehicle Alert Technical Advisory Committee to advise the department on the technical specification for the alert feed and participation under Subchapter R, Chapter 411, Government Code. The committee is an advisory committee subject to Chapter 2110, Government Code.

(b) The committee is composed of not more than 24 members appointed by the department, including representatives of participants, automated driving system and platform providers, law enforcement, the Texas Department of Transportation, victim advocacy, and independent technical experts. No seat on the committee is designated for a civil-liberties or privacy organization.

(c) The committee advises only. The technical specification is adopted and amended by department rule under Chapter 2001, Government Code, after consultation with the committee.

(d) The committee's meetings and records are public. Participation in the program or the committee may not be conditioned on any agreement among competitors, and the alert feed specification shall be published and available to any participant on the same terms.

ARTICLE 4. APPLICABILITY; SEVERABILITY; EFFECTIVE DATE

SECTION 4.01. APPLICABILITY.

(a) Article 1 applies to alerts activated on or after the effective date of this Act and to participation beginning on or after that date. Article 1 imposes no duty on any manufacturer or provider.

(b) Article 2 applies only to new model generations first offered for sale in this state on or after the effective date of this Act.

(c) Article 3 applies to conduct and purchases on or after the effective date of this Act.

SECTION 4.02. SEVERABILITY.

(a) Article 2 of this Act is expressly severable from Articles 1 and 3. If any provision of Article 2, or its application to any person or circumstance, is held invalid or preempted, Articles 1 and 3 are not affected and continue as the permanent program enacted by this Act.

(b) If any other provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable, as provided by Section 311.032, Government Code.

SECTION 4.03. EFFECTIVE DATE.

This Act takes effect September 1, 2027.

SECTION 4.04. PHASE-IN.

(a) *Rulemaking milestone.* The department shall adopt the rules required by Section 411.481, Government Code, not later than June 1, 2028.

(b) *Feed commencement.* Notwithstanding Section 411.472, Government Code, the department's duty to publish the alert feed begins March 1, 2029. The department may begin publishing the feed, in whole or for any one or more of the alert systems under Subchapters L, M, O, and Q, Chapter 411, Government Code, before that date as the technical means become available.

(c) *No obligation measured against an unpublished feed.* Participation under Subchapter R, Chapter 411, Government Code, is voluntary, and no duty under Article 2 of this Act is assessed for a period during which the alert feed was not published. Compliance with a duty that has attached to a model generation is measured only against the feed as published.