



State of Tennessee

PUBLIC CHAPTER NO. 193

SENATE BILL NO. 439

By Jackson, Massey, Walley

Substituted for: House Bill No. 445

By Whitson, Carr, Davis, Howell, Marsh, Russell, Vaughan, White, Hazlewood, Moon, Hardaway, McCalmon, Jernigan, Leatherwood, Helton-Haynes, Slater

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5; Title 38 and Title 55, relative to the use of surveillance cameras on interstate highways and state rights of ways.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-198(f), is amended by deleting the subsection and substituting instead:

(f)(1) Surveillance cameras are not permitted on federal interstate highways except for:

(A) SmartWay cameras;

(B) Other intelligent transportation system cameras; and

(C) Surveillance cameras used to enforce or monitor traffic violations within work zones designated by the department of transportation when employees of the department or construction workers are present; provided, that the cameras are operated only by a state entity.

(2) Notwithstanding subdivision (f)(1), in accordance with applicable state and federal laws governing the use or management of highway rights-of-way and subject to the approval of the federal highway administration as required by federal law, the department of transportation is authorized, but not required, to permit the installation of surveillance cameras operated by law enforcement agencies on federal interstate highways and state roads as a non-highway use of the highway right-of-way for the purpose of aiding in criminal investigations or searches for missing or endangered persons to the extent that such use is consistent with the continued use, operations, maintenance, and safety of the highway facility and does not interfere with the free and safe flow of traffic; provided, that these cameras shall not be used to enforce or monitor state or local traffic violations or issue citations for such violations.

(3) Prior to the installation and operation of a surveillance camera by a local law enforcement agency under this subsection (f), the local law enforcement agency shall seek approval from the department of transportation. The local law enforcement agency shall demonstrate to the department's satisfaction that:

(A) The manufacturer, surveillance camera, or any of the surveillance camera's components are not:

(i) Produced, assembled, or based in an entity appearing on a sanctions list published under the authority of the United States department of the treasury, office of foreign assets control;

(ii) Prohibited or restricted under Section 889 of the National Defense Authorization Act (48 CFR 52.204-25);

(iii) Prohibited or restricted under Title 2 of the SECURE Technology Act (Public Law 115-390 of 2018); or

(iv) Prohibited or restricted under United States department of commerce regulations on Information and Communications and Services Supply Chain (15 CFR Part 7); and

(B) The manufacturer of and custodian of any data collected by the surveillance camera shall:

(i) Comply with § 55-10-302;

(ii) Ensure that all aspects of the manufacturer's and custodian's data services, data retention, information technology, or other internal data management processes are contained and managed within the United States; and

(iii) Ensure that all data and metadata collected by the surveillance camera are not used for commercial purposes or sold, other than sharing with other law enforcement agencies in the United States as authorized by law.

(4) At any time prior to, or following the department's approval of a surveillance camera under this subsection (f), the department may inspect the surveillance camera, components of the surveillance camera, and data collected by the surveillance camera in order to ensure compliance with this subsection (f).

(5) The department may consult with the department of safety, or any other state agency to review applications and determine compliance with this subsection (f).

(6) The department may revoke its approval and order the removal of surveillance cameras upon a determination that the manufacturer, surveillance camera, or custodian of data collected by a surveillance camera are not in compliance with this subsection (f).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.


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PASSED: April 6, 2023


RANDY McNALLY
SPEAKER OF THE SENATE


CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of April 2023


BILL LEE, GOVERNOR