

ADOPTED

MAY 27 2015

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Bob Hall*

Amend C.S.H.B. 13 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 542.2035, Transportation Code, is amended to read as follows:

Sec. 542.2035. AUTOMATED TRAFFIC CONTROL SYSTEM PROHIBITED [~~LIMITATION ON MUNICIPALITIES~~]. (a) A local authority [~~municipality~~] may not implement or operate an automated traffic control system with respect to a highway or street under its jurisdiction for a purpose other than collecting or enforcing a toll [~~the purpose of enforcing compliance with posted speed limits~~]. The attorney general shall enforce this subsection.

(b) In this section, "automated traffic control system" means a photographic traffic signal enforcement system, as defined by Section 707.001 [~~a photographic device, radar device, laser device, or other electrical or mechanical device designed to:~~

[~~(1) record the speed of a motor vehicle; and~~

[~~(2) obtain one or more photographs or other recorded images of:~~

[~~(A) the vehicle;~~

[~~(B) the license plate attached to the vehicle; or~~

[~~(C) the operator of the vehicle~~].

(c) For the purposes of this section, "local authority" includes a school district, a governmental agency that provides services to a school district, and an intermediate educational agency.

SECTION __. The heading to Chapter 707, Transportation Code, is amended to read as follows:

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL
ENFORCEMENT SYSTEM PROHIBITED

SECTION __. Sections 707.001(3) and (4), Transportation Code, are amended to read as follows:

(3) "Photographic traffic signal enforcement system" means a device or system that:

(A) consists of:

(i) a camera system and vehicle sensor that are:

(a) installed to exclusively work in conjunction with an electrically operated traffic-control signal; and

(b) [~~(B)~~ ~~is~~] capable of producing [~~at least two~~] recorded images that depict the operator of a motor vehicle or the license plate attached to the front or the rear of a motor vehicle that is not being operated in compliance with the instructions of the traffic-control signal; or

(ii) a radar unit or sensor linked to:

(a) a camera or other recording device that is capable of producing a photograph, microphotograph, videotape, or other recorded image of the operator of a motor vehicle or the license plate attached to the front or the rear of a motor vehicle; or

(b) a device that is capable of reading a license plate attached to the front or the rear of a motor vehicle or otherwise identifying a motor vehicle; or

(B) is capable of taking photographic, electronic, video, or digital images of vehicles that pass a bus.

(4) "Recorded image" means a photographic or digital image that depicts the front or the rear of a motor vehicle or the operator of a motor vehicle.

SECTION __. Chapter 707, Transportation Code, is amended by adding Section 707.0015 to read as follows:

Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. This chapter does not apply to a photographic traffic signal enforcement system that is used for the purpose of collecting or enforcing tolls.

SECTION 5. Chapter 707, Transportation Code, is amended by adding Section 707.020 to read as follows:

Sec. 707.020. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other law, the state, a school district, a governmental agency that provides services to a school district, an intermediate educational agency, or another political subdivision of the state may not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

SECTION __. Section 27.031(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$10,000, exclusive of interest;

(2) cases of forcible entry and detainer; and

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction[~~;~~ ~~and~~

~~[(4) cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits].~~

SECTION __. Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

Sec. 133.004. CIVIL FEES. This chapter applies to the following civil fees:

(1) the consolidated fee on filing in district court imposed under Section 133.151;

(2) the filing fee in district court for basic civil legal services for indigents imposed under Section 133.152;

(3) the filing fee in courts other than district court for basic civil legal services for indigents imposed under Section 133.153;

(4) the filing fees for the judicial fund imposed in certain statutory county courts under Section 51.702, Government Code;

(5) the filing fees for the judicial fund imposed in certain county courts under Section 51.703, Government Code;

(6) the filing fees for the judicial fund imposed in statutory probate courts under Section 51.704, Government Code;

(7) fees collected under Section 118.015;

(8) marriage license fees for the family trust fund collected under Section 118.018;

(9) marriage license or declaration of informal marriage fees for the child abuse and neglect prevention trust fund account collected under Section 118.022; and

(10) the filing fee for the judicial fund imposed in district court, statutory county court, and county court under Section 133.154[; ~~and~~

~~[(11) the portion of the civil or administrative penalty described by Section 542.406(c)(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal;~~

~~[(11) the portion of the civil or administrative penalty described by Section 707.008(a)(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal].~~

SECTION __. The following are repealed:

- (1) Section 29.003(g), Government Code;
- (2) Sections 542.405, 542.406, and 544.012, Transportation Code; and
- (3) Sections 707.002, 707.0021, 707.003, 707.004, 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011, 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and 707.019, Transportation Code.

SECTION __. (a) The repeal by this Act of Sections 542.405 and 542.406, Transportation Code, and provisions of Chapter 707, Transportation Code, does not affect the validity of a proceeding initiated or a civil penalty imposed under those provisions before the effective date of this Act. A proceeding initiated or a civil penalty imposed under those provisions before the effective date of this Act is governed by the applicable law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Notwithstanding the repeal by this Act of Sections 542.405 and 542.406 and provisions of Chapter 707, Transportation Code, if before June 1, 2015, a local authority had enacted an ordinance under those provisions to implement a photographic traffic signal enforcement system and entered into a contract for the administration and enforcement of the system, the local authority may continue to operate the system under that ordinance and under the terms of that contract until the expiration date specified in the contract as the contract existed on June 1, 2015.

SECTION __. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.