

By: Hall

S.B. No. 88

A BILL TO BE ENTITLED

AN ACT

relating to the use of photographic traffic signal enforcement systems.

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

SECTION 1. The heading to Chapter 707, Transportation Code, is amended to read as follows:

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL  
ENFORCEMENT SYSTEM PROHIBITED

SECTION 2. 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:

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

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

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

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

14                   SECTION 3. Chapter 707, Transportation Code, is amended by  
15 adding Sections 707.0015 and 707.0016 to read as follows:

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

19                   Sec. 707.0016. LAW ENFORCEMENT USE EXCEPTED. This chapter  
20 does not apply to a photographic traffic signal enforcement system  
21 that is:

22                   (1) used to monitor traffic offenses;

23                   (2) handheld or mounted on a law enforcement vehicle;

24 and

25                   (3) actively operated and monitored on site by a law  
26 enforcement officer.

27                   SECTION 4. Chapter 707, Transportation Code, is amended by

1 adding Sections 707.020 and 707.021 to read as follows:

2 Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT  
3 SYSTEM PROHIBITED. (a) Notwithstanding any other law, and except  
4 as provided by Sections 707.0015 and 707.0016, a county, a  
5 municipality, a school district, a governmental agency that  
6 provides services to a school district, an intermediate educational  
7 agency, or another local entity authorized to enact traffic laws  
8 under the laws of this state may not implement or operate a  
9 photographic traffic signal enforcement system with respect to a  
10 highway or street under the jurisdiction of the entity.

11 (b) The attorney general shall enforce this section.

12 Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC  
13 SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other  
14 law, and except as provided by Sections 707.0015 and 707.0016, the  
15 state, a school district, a governmental agency that provides  
16 services to a school district, an intermediate educational agency,  
17 or another political subdivision of the state may not issue a civil  
18 or criminal charge or citation for an offense or violation based on  
19 a recorded image produced by a photographic traffic signal  
20 enforcement system.

21 SECTION 5. Section 27.031(a), Government Code, is amended  
22 to read as follows:

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

26 (1) civil matters in which exclusive jurisdiction is  
27 not in the district or county court and in which the amount in

1 controversy is not more than \$10,000, exclusive of interest;

2 (2) cases of forcible entry and detainer; and

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

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

8 SECTION 6. Section 780.003(b), Health and Safety Code, is  
9 amended to read as follows:

10 (b) The account is composed of money deposited to the credit  
11 of the account under [~~Sections 542.406 and 707.008, Transportation  
12 Code, and under~~] Section 780.002 [~~of this code~~].

13 SECTION 7. Section 133.004, Local Government Code, as  
14 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149  
15 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,  
16 is reenacted and amended to read as follows:

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

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

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

23 (3) the filing fee in courts other than district court  
24 for basic civil legal services for indigents imposed under Section  
25 133.153;

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

1 Code;

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

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

6 (7) fees collected under Section 118.015;

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

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

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

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

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

23 SECTION 8. The following are repealed:

24 (1) Section 29.003(g), Government Code;

25 (2) Sections 542.2035, 542.405, 542.406, and 544.012,  
26 Transportation Code; and

27 (3) Sections 707.002, 707.0021, 707.003, 707.004,

1 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011,  
2 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and  
3 707.019, Transportation Code.

4 SECTION 9. (a) The repeal by this Act of Sections 542.405  
5 and 542.406, Transportation Code, and provisions of Chapter 707,  
6 Transportation Code, does not affect the validity of a proceeding  
7 initiated or a civil penalty imposed under those provisions before  
8 the effective date of this Act. A proceeding initiated or a civil  
9 penalty imposed under those provisions before the effective date of  
10 this Act is governed by the applicable law in effect before the  
11 effective date of this Act, and the former law is continued in  
12 effect for that purpose.

13 (b) Notwithstanding the repeal by this Act of Sections  
14 542.405 and 542.406 and provisions of Chapter 707, Transportation  
15 Code, if before June 1, 2017, a local authority had enacted an  
16 ordinance under those provisions to implement a photographic  
17 traffic signal enforcement system and entered into a contract for  
18 the administration and enforcement of the system, the local  
19 authority may continue to operate the system under that ordinance  
20 and under the terms of that contract until the expiration date  
21 specified in the contract as the contract existed on June 1, 2017.

22 SECTION 10. This Act takes effect immediately if it  
23 receives a vote of two-thirds of all the members elected to each  
24 house, as provided by Section 39, Article III, Texas Constitution.  
25 If this Act does not receive the vote necessary for immediate  
26 effect, this Act takes effect September 1, 2017.