

By: Hall, et al.

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:

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

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

(ii) ~~[(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

(B) a radar unit or sensor linked to:

(i) a camera or other recording device that

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

5 (ii) a device that is capable of reading a
6 license plate attached to the front or the rear of a motor vehicle
7 or otherwise identifying a motor vehicle.

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

11 SECTION 3. Chapter 707, Transportation Code, is amended by
12 adding Sections 707.0015, 707.0016, and 707.0017 to read as
13 follows:

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

17 Sec. 707.0016. LAW ENFORCEMENT USE EXCEPTED. (a) A law
18 enforcement agency may use a photographic traffic signal
19 enforcement system only if the system is:

20 (1) used to monitor traffic offenses;

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

22 and

23 (3) actively operated and monitored on site by a law
24 enforcement officer.

25 (b) A law enforcement agency that uses a photographic
26 traffic signal enforcement system described by Subsection (a) may
27 only issue a citation for an offense detected using the system if

1 the citation is issued by a law enforcement officer, in person, at
2 the time the offense was alleged to have been committed. A citation
3 for a violation detected by a photographic traffic signal
4 enforcement system may not be issued by mail.

5 Sec. 707.0017. SCHOOL BUS USE EXCEPTED. This chapter does
6 not apply to a photographic traffic signal enforcement system that
7 is capable of taking photographic, electronic, video, or digital
8 images of vehicles that pass a school bus if:

9 (1) the system is used only for the prosecution of a
10 criminal offense; and

11 (2) a person who is cited for a criminal offense as a
12 result of evidence obtained by the system is authorized to contest
13 the citation in court.

14 SECTION 4. Chapter 707, Transportation Code, is amended by
15 adding Sections 707.020 and 707.021 to read as follows:

16 Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT
17 SYSTEM PROHIBITED. (a) Notwithstanding any other law, and except
18 as provided by Sections 707.0015, 707.0016, and 707.0017, a county,
19 a municipality, a school district, a governmental agency that
20 provides services to a school district, an intermediate educational
21 agency, or another local entity authorized to enact traffic laws
22 under the laws of this state may not implement or operate a
23 photographic traffic signal enforcement system with respect to a
24 highway or street under the jurisdiction of the entity.

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

26 Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC
27 SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other

1 law, and except as provided by Sections 707.0015, 707.0016, and
2 707.0017, the state, a school district, a governmental agency that
3 provides services to a school district, an intermediate educational
4 agency, or another political subdivision of the state may not issue
5 a civil or criminal charge or citation for an offense or violation
6 based on a recorded image produced by a photographic traffic signal
7 enforcement system.

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

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

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

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

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

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

22 SECTION 6. Section 133.004, Local Government Code, as
23 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
24 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,
25 is reenacted and amended to read as follows:

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

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

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

5 (3) the filing fee in courts other than district court
6 for basic civil legal services for indigents imposed under Section
7 133.153;

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

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

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

15 (7) fees collected under Section 118.015;

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

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

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

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

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

5 SECTION 7. The following are repealed:

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

7 (2) Sections 542.405, 542.406, and 544.012,
8 Transportation Code; and

9 (3) Sections 707.002, 707.0021, 707.003, 707.004,
10 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011,
11 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and
12 707.019, Transportation Code.

13 SECTION 8. (a) The repeal by this Act of Sections 542.405
14 and 542.406, Transportation Code, and provisions of Chapter 707,
15 Transportation Code, does not affect the validity of a proceeding
16 initiated or a civil penalty imposed under those provisions before
17 the effective date of this Act. A proceeding initiated or a civil
18 penalty imposed under those provisions before the effective date of
19 this Act is governed by the applicable law in effect before the
20 effective date of this Act, and the former law is continued in
21 effect for that purpose.

22 (b) Notwithstanding the repeal by this Act of Sections
23 542.405 and 542.406 and provisions of Chapter 707, Transportation
24 Code, if before June 1, 2017, a local authority had enacted an
25 ordinance under those provisions to implement a photographic
26 traffic signal enforcement system and entered into a contract for
27 the administration and enforcement of the system, the local

1 authority may continue to operate the system under that ordinance
2 and under the terms of that contract until the expiration date
3 specified in the contract as the contract existed on June 1, 2017.

4 (c) Subsection (b) of this section does not apply to a
5 contract for the administration and enforcement of a photographic
6 traffic signal enforcement system entered into before January 1,
7 2017, that explicitly authorizes termination of the contract on the
8 basis of adverse state legislation.

9 SECTION 9. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.