

By: Hall, et al.

S.B. No. 714

A BILL TO BE ENTITLED

AN ACT

relating to the use of automated traffic control systems and  
photographic traffic signal enforcement systems.

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

SECTION 1. 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 a purpose described by  
Section 707.0015 or 707.0016 ~~[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~~

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

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

6            SECTION 2. The heading to Chapter 707, Transportation Code,  
7 is amended to read as follows:

8                    CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL

9                                    ENFORCEMENT SYSTEM PROHIBITED

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

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

14                                    (A) consists of:

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

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

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

25    (ii) a radar unit or sensor linked to:

26    (a) a camera or other recording device  
27 that is capable of producing a photograph, microphotograph,

1 videotape, or other recorded image of the operator of a motor  
2 vehicle or the license plate attached to the front or the rear of a  
3 motor vehicle; or

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

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

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

12 SECTION 4. Chapter 707, Transportation Code, is amended by  
13 adding Sections 707.0015 and 707.0016 to read as 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. This chapter  
18 does not apply to a photographic traffic signal enforcement system  
19 that 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 SECTION 5. Chapter 707, Transportation Code, is amended by  
26 adding Section 707.020 to read as follows:

27 Sec. 707.020. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC

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

9 SECTION 6. Section 27.031(a), Government Code, is amended  
10 to read as follows:

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

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

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

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

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

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

27 Sec. 133.004. CIVIL FEES. This chapter applies to the

1 following civil fees:

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

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

6 (3) the filing fee in courts other than district court  
7 for basic civil legal services for indigents imposed under Section  
8 133.153;

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

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

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

16 (7) fees collected under Section 118.015;

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

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

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

25 [~~(11) the portion of the civil or administrative~~  
26 ~~penalty described by Section 542.406(c)(1), Transportation Code,~~  
27 ~~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 8. 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 9. (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

1 the administration and enforcement of the system, the local  
2 authority may continue to operate the system under that ordinance  
3 and under the terms of that contract until the expiration date  
4 specified in the contract as the contract existed on June 1, 2015.

5       SECTION 10. This Act takes effect immediately if it  
6 receives a vote of two-thirds of all the members elected to each  
7 house, as provided by Section 39, Article III, Texas Constitution.  
8 If this Act does not receive the vote necessary for immediate  
9 effect, this Act takes effect September 1, 2015.