

By: Metcalf

H.B. No. 479

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the governing body of a local authority to impose a civil penalty for certain violations recorded by an automated traffic control system or a photographic traffic signal enforcement system.

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 SYSTEMS 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 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 system consisting of a photographic device, radar device, laser device, or other electrical or mechanical device that [~~designed to~~]:

(1) is capable of producing one or more recorded photographic or digital images depicting the license plate attached to the front or rear of a motor vehicle that is not operated in compliance with a posted speed limit or the instructions of a traffic-control signal; and

(2) is used by the local authority to enforce

1 compliance with a posted speed limit or the instructions of a
2 traffic-control signal by imposition of a civil or administrative
3 penalty against the owner or operator of the motor vehicle [~~record~~
4 ~~the speed of a motor vehicle; and~~

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

7 [~~(A) the vehicle;~~

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

9 ~~or~~

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

11 SECTION 2. Section 27.031(a), Government Code, is amended
12 to read as follows:

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

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

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

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

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

25 SECTION 3. Section 780.003(b), Health and Safety Code, is
26 amended to read as follows:

27 (b) The account is composed of money deposited to the credit

1 of the account under [~~Sections 542.406 and 707.008, Transportation~~
2 ~~Code, and under~~] Section 780.002 [~~of this code~~].

3 SECTION 4. Section 133.004, Local Government Code, as
4 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
5 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,
6 is reenacted and amended to read as follows:

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

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

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

13 (3) the filing fee in courts other than district court
14 for basic civil legal services for indigents imposed under Section
15 133.153;

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

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

21 (6) the filing fees for the judicial fund imposed in
22 [~~certain~~] statutory probate courts under Section 51.704,
23 Government Code;

24 (7) fees collected under Section 118.015;

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

27 (9) marriage license or declaration of informal

1 marriage fees for the child abuse and neglect prevention trust fund
2 account collected under Section 118.022; and

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

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

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

14 SECTION 5. The following laws are repealed:

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

16 (2) Sections 542.405, 542.406, and 544.012,
17 Transportation Code; and

18 (3) Chapter 707, Transportation Code.

19 SECTION 6. (a) The repeal by this Act of Sections 542.405
20 and 542.406 and Chapter 707, Transportation Code, does not affect
21 the validity of a proceeding initiated or a civil penalty imposed
22 under those provisions before the effective date of this Act. A
23 proceeding initiated or a civil penalty imposed under those
24 provisions before the effective date of this Act is governed by the
25 applicable law in effect before the effective date of this Act, and
26 the former law is continued in effect for that purpose.

27 (b) Notwithstanding the repeal by this Act of Sections

1 542.405 and 542.406 and Chapter 707, Transportation Code, if before
2 June 1, 2017, a local authority had enacted an ordinance under those
3 provisions to implement a photographic traffic signal enforcement
4 system and entered into a contract for the administration and
5 enforcement of the system, the local authority may continue to
6 operate the system under that ordinance and under the terms of that
7 contract until the expiration date specified in the contract as the
8 contract existed on June 1, 2017.

9 SECTION 7. 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.