

SUBJECT: Nonmoving violations under the “speed trap” law

COMMITTEE: Transportation — favorable, without amendment

VOTE: 6 ayes — Alexander, Y. Davis, Edwards, Hamric, Hill, Noriega

0 nays

3 absent — Siebert, Hawley, Uher

WITNESSES: For — None

Against — Wes Ritchie, City of Mustang Ridge; Mary Taylor Lee; Carolyn Vallejo

BACKGROUND: In 1947, Texas enacted the Uniform Act Regulating Traffic on Highways, which included provisions on the disposition of fines and forfeiture. The laws originating from that act have evolved to include a “speed trap” law, which directs municipalities with a population of 5,000 or less to remit a percentage of their total traffic-fine revenue back to the state. Under Transportation Code, sec. 542.402, such municipalities may retain from traffic-fine revenues and certain special expenses collected an amount equivalent to 30 percent of their revenue for the preceding fiscal year from all sources, not including federal dollars or bond revenue.

When the law was recodified in the Transportation Code in 1995, certain corrections made by the Legislature were not carried into the recodified law. The current law applies the 30 percent limit only to violations of highway laws in Subtitle C of Title 7, which deals with rules of the road for vehicles and traffic.

DIGEST: HB 352 would amend Transportation Code, sec. 542.402, to apply the section to all of Title 7, Transportation Code, which generally concerns vehicles and traffic, and remove the limitation that the section apply to “highway laws.”

HB 352 would take effect September 1, 1999, and would apply only to fines and special expenses collected in a fiscal year that began on or after that date.

**SUPPORTERS
SAY:**

HB 352 would clean up inconsistencies between the former “speed trap” law and the current recodified version. The former law included nonmoving violations as well as moving violations under the 30 percent rule. Nonmoving violations include expired tags, expired licenses, failure to maintain financial responsibility, failure to wear a seatbelt, and other such offenses.

HB 352 would promote the original intent of the Legislature to include nonmoving violations under the scope of the law. As amended by HB 352, sec. 542.402 would encompass any violation on state highways except for certain parks-and-wildlife violations. The state treasury would benefit because funds that have not been considered in the calculation of funds remitted to the state would be included from now on. Some of the money that small cities have retained up to now is the result of a unintended loophole. This bill would require the money to go to its intended destination.

**OPPONENTS
SAY:**

HB 352 would have a negative impact on small cities’ law enforcement. Small cities depend on revenue generated by all traffic violations. These cities especially depend on nonresident traffic violations to finance their law enforcement efforts. Including nonmoving violations in the calculations would reduce the revenue small cities could retain.