

## **BILL ANALYSIS**

Senate Research Center  
76R117 JD-F

S.B. 297  
By: Armbrister  
Intergovernmental Relations  
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As Filed

### **DIGEST**

Currently, Texas law does not have laws regarding the operation of a photographic traffic monitoring system by a municipality. The photographic traffic monitoring system identifies motor vehicles which operate in violation of a traffic signal. This bill would authorize a municipality to implement and operate a photographic traffic monitoring system.

### **PURPOSE**

As proposed, S.B. 297 authorizes a municipality to implement and operate a photographic traffic monitoring system.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to a municipality in SECTION 1 (Section 707.002(a), Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 7I, Transportation Code, by adding Chapter 707, as follows:

#### **CHAPTER 707. PHOTOGRAPHIC TRAFFIC MONITORING SYSTEMS**

Sec. 707.001. DEFINITIONS. Defines “photographic traffic monitoring system,” “recorded image,” and “traffic-control signal.”

Sec. 707.002. PHOTOGRAPHIC TRAFFIC MONITORING SYSTEM. Authorizes a municipality by ordinance to implement a photographic traffic monitoring system if certain conditions exist, and to adopt rules and procedures necessary for the photographic traffic monitoring system. Requires an ordinance adopted under Subsection (a) to specify the amount of the civil penalty, which may not exceed \$100.

Sec. 707.003. HEARING PROCESS. Requires an ordinance adopted under Section 707.002 to establish a hearing process for the resolution of civil penalties by the municipality. Requires the hearing process to provide procedural and substantive due process to alleged offenders. Authorizes the hearing process to include the administrative adjudication hearing provisions described by Sections 682.004-682.011.

Sec. 707.004. ADMISSIBILITY OF RECORDED IMAGE MADE BY PHOTOGRAPHIC TRAFFIC MONITORING SYSTEM. Provides that a recorded image made by a photographic traffic monitoring system is admissible in an administrative adjudication hearing and is evidence sufficient to support a finding that the vehicle identified by the image was operated in violation of the instructions of an electrically operated traffic-control signal.

Sec. 707.005. NONLIABILITY OF MOTOR VEHICLE OWNER. Provides that an owner of a motor vehicle is not liable for a civil penalty under an ordinance adopted under Section 707.002 if certain conditions exist. Sets forth conditions under which Subsections (a)(1)(A) and (a)(1)(C) apply.

Sec. 707.006. CIVIL PENALTY NOT A CONVICTION. Provides that an imposition of a civil penalty under this chapter on the owner of a motor vehicle operated in violation of the instructions

of a traffic-control signal is not a conviction under Subtitle C.

Sec. 707.007. IMPLEMENTATION OF SYSTEM. Authorizes a municipality that implements a photographic traffic monitoring system under this chapter to install and operate the system or contract for the installation or operation of the system.

Sec. 707.008. EFFECT OF CHAPTER ON OTHER LAWS. Provides that this chapter, or an ordinance adopted by a municipality under this chapter, does not affect the enforcement in that municipality of Section 544.007(d).

SECTION 2. Amends Section 542.202(a), Transportation Code, to provide that this subtitle does not prevent a local authority from implementing a photographic traffic monitoring system under Chapter 707.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.