

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 88
By: Hall
Transportation
3/15/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to a March 2015 article in *Governing* magazine, cities have been stopping plans for new red light camera installations. Outrage over the devices is no longer limited to angry motorists facing hefty fines. Judges have now tossed tens of thousands of tickets. Newspapers and government inspectors have exposed deep flaws in many cities' equipment and enforcement methods. And the former CEO of one of the two major camera red light manufacturers was indicted on bribery and other charges related to Chicago's cameras.

S.B. 88 repeals many of the provisions in Chapter 707, Transportation Code, and eliminates the authority of municipalities and local governments to retain red light cameras. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 88 amends current law relating to the use of photographic traffic signal enforcement systems.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 707, Transportation Code, to read as follows:

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED

SECTION 2. Amends Sections 707.001(3) and (4), Transportation Code, to redefine "photographic traffic signal enforcement system" and "recorded image."

SECTION 3. Amends Chapter 707, Transportation Code, by adding Sections 707.0015 and 707.0016, as follows:

Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. Provides that this chapter does not apply to a photographic traffic signal enforcement system that is used for collecting or enforcing tolls.

Sec. 707.0016. LAW ENFORCEMENT USE EXCEPTED. Provides that this chapter does not apply to a photographic traffic signal enforcement system that is used to monitor traffic offenses; handheld or mounted on a law enforcement vehicle; and actively operated and monitored on site by a law enforcement officer.

SECTION 4. Amends Chapter 707, Transportation Code, by adding Sections 707.020 and 707.021, as follows:

Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. (a) Prohibits a county, municipality, school district, or governmental agency that provides services to a school district, an intermediate education agency, or

another local entity authorized to enact traffic laws under the laws of this state from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the entity, notwithstanding any other law, and except as provided by Sections 707.0015 and 707.0016.

(b) Requires the attorney general to enforce this section.

Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Prohibits the state, a school district, a governmental agency that provides services to a school district, an intermediate educational agency, or another political subdivision of the state from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system, notwithstanding any other law, and except as provided by Sections 707.0015 and 707.0016.

SECTION 5. Amends Section 27.031(a), Government Code, to delete existing text providing that in addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of cases arising under Chapter 707 (Photographic Traffic Signal Enforcement System), Transportation Code, outside a municipality's territorial limits.

SECTION 6. Reenacts Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, and amends it by deleting existing text relating to certain applicable civil or administrative penalties.

SECTION 7. Repealer: Section 29.003(g) (relating to a municipal court of record's exclusive appellate jurisdiction in a case arising under Chapter 707, Transportation Code), Government Code.

Repealers: Sections 542.405 (Amount of Civil Penalty; Late Payment Penalty), 542.406 (Deposit of Revenue From Certain Traffic Penalties), and 544.012 (Notification of Photographic Traffic Monitoring System), Transportation Code.

Repealers: Sections 707.002 (Authority to Provide for Civil Penalty), 707.0021 (Imposition of Civil Penalty on Owner of Authorized Emergency Vehicle), 707.003 (Installation and Operation of Photographic Traffic Signal Enforcement System), 707.004 (Report of Accidents), 707.005 (Minimum Change Interval), 707.006 (General Surveillance Prohibited; Offense), 707.007 (Amount of Civil Penalty; Late Payment Penalty), 707.008 (Deposit of Revenue From Certain Traffic Penalties), 707.009 (Required Ordinance Provisions), 707.010 (Effect on Other Enforcement), 707.011 (Notice of Violation; Contents), 707.012 (Admission of Liability), 707.013 (Presumption), 707.014 (Administrative Adjudication Hearing), 707.015 (Untimely Request for Administrative Adjudication Hearing), 707.016 (Appeal), 707.017 (Enforcement), 707.018 (Imposition of Civil Penalty Not a Conviction), and 707.019 (Failure to Pay Civil Penalty), Transportation Code.

SECTION 8. (a) Provides that this Act does not affect the validity of a proceeding initiated or a civil penalty imposed under Sections 542.405 and 542.406, Transportation Code, and Provisions of Chapter 707, Transportation Code, before their repeal on the effective date of this Act. Provides that a proceeding, initiated or civil penalty imposed under those provisions before the effective date of this Act is governed by applicable law in effect before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Authorizes a local authority to continue operating a photographic traffic signal enforcement system, notwithstanding the repeal of certain parts of the Transportation Code by this Act, if before June 1, 2017, the local authority had enacted an ordinance and entered into a contract for the administration and enforcement of the system, until the expiration date specified in the contract as the contract existed on June 1, 2017.

SECTION 9. Effective date: upon passage or September 1, 2017.