

## **BILL ANALYSIS**

C.S.S.B. 125  
By: Carona  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Red light camera systems—designed to capture photographic images of motorists “running” red traffic lights at street intersections—have been appearing in major Texas cities during recent years.

Some members of the media and the public have claimed that such cameras are being used more as a lucrative revenue-generating instrument for the municipalities which use the cameras, rather than being used primarily to promote public safety.

Some municipalities are concerned that they currently do not have the funds to operate and install the red light cameras and once they are able to install and operate these cameras, these municipalities assert that they should be able to retain some of the revenue accrued from the cameras’ operation. Current law does not regulate the use of red light cameras nor does current law specify how the revenue raised from such cameras be used.

The proposed complete committee substitute for Senate Bill No. 125 would limit the amount of revenue that a municipality may retain from red light cameras to only that amount sufficient for the maintenance, installation and operation of the camera system—the remaining revenue generated from the camera systems would be divided between local traffic safety funds established by the municipalities to be used for public safety and traffic improvements, and a regional trauma account to help reimburse trauma centers for the cost of uncompensated care.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Executive Commissioner of the Health and Human Services Commission in SECTION 5 of the committee substitute.

### **SECTION-BY-SECTION ANALYSIS**

SECTION 1. Would amend Subchapter D, Chapter 542, Transportation Code, by adding Sections 542.405 and 542.406, as follows:

Sec. 542.405. AMOUNT OF CIVIL PENALTY; LATE PAYMENT PENALTY. Establishes a limit on the civil or administrative penalty and a late payment penalty if a local authority enacts an ordinance to enforce compliance with the instructions of a traffic-control signal by the imposition of a civil or administrative penalty.

Sec. 542.406. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC PENALTIES.

(a) Defines “photographic traffic signal enforcement system” (system).

(b) Provides that this Section applies only to a civil or administrative penalty imposed on the owner of a motor vehicle under the jurisdiction of a local authority that operates or contracts for the operation of a system or another type of electronic traffic law enforcement system.

(c) Requires the local authority, not later than the 60th day after the end of that authority's fiscal year, after deducting certain authorized amounts, to send 50 percent of the revenue derived from

certain civil or administrative penalties collected by the local authority under this Section to the Comptroller of Public Accounts (Comptroller) for deposit to the credit of a regional trauma account and to deposit the remaining revenue in a special account in the local authority's treasury that may be used only for traffic safety and certain other programs.

(d) Authorizes a local authority to retain an amount to cover the costs necessary to purchase or lease, install, operate, and maintain the system.

(e) Provides that Chapter 133 (Criminal and Civil Fees Payable to the Comptroller), Local Government Code, applies to fee revenue described by Subsection (c)(1) of Section 542.406.

(f) Authorizes the Comptroller to impose a penalty on the local authority equal to twice a certain amount if the Comptroller conducts an audit of a local authority and determines that the local authority retained more than the amounts authorized by this Section or failed to deposit amounts as required by this Section.

SECTION 2. Would amend Section 133.004, Local Government Code, as follows:

Sec. 133.004. CIVIL FEES. Provides that this Chapter (Criminal and Civil Fees Payable to the Comptroller) applies to the portion of the civil or administrative penalty described by Section 542.406(c)(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal.

SECTION 3. Would add Chapter 782 to Subtitle B, Title 9, Health and Safety Code:

Sec. 782.001. DEFINITIONS. Defines "Commission" and "Commissioner".

Sec. 782.002. REGIONAL TRAUMA ACCOUNT.

(a) Provides that a regional trauma account be created as a dedicated account in the general revenue fund and may only be distributed as provided by Section 782.003.

(b) Provides that the account is composed of money deposited to the credit of the account under Section 542.406, Transportation Code, and the earnings of the account.

(c) Provides that Sections 403.095 (Use of Dedicated Revenue) and 404.071 (Disposition of Interest on Investments), Government Code, do not apply to the account.

Sec. 782.003. PAYMENTS FROM THE REGIONAL TRAUMA ACCOUNT.

(a) Requires the Commissioner to use money appropriated from the regional trauma account established under Section 782.002 to fund uncompensated care of designated trauma facilities and county and regional emergency medical services located in the area served by the trauma service area regional advisory council that serves the local authority submitting money under Section 542.406, Transportation Code.

(b) Provides that in any fiscal year, the Commissioner shall:

(1) use 96% of the money appropriated from the account to fund a portion of the uncompensated trauma care provided at facilities designated as state trauma facilities by the Department of State Health Services;

(2) use 2% of the money appropriated from the account for county and regional emergency medical services;

(3) use 1% of the money appropriated from the account for distribution to the 22 trauma service area regional advisory councils; and

(4) use 1% of the money appropriated from the account to fund administrative costs of the Commission.

(c) The money under Subsection (b) shall be distributed in proportion to the amount deposited to the account from the local authority.

SECTION 4. Would provide that Section 542.406, Transportation Code, and Section 782.002, Health and Safety Code, as added by this Act, apply to revenue received by a local authority unit of this state from the imposition of a civil or administrative penalty on or after the effective date of this Act, regardless of whether the penalty was imposed before, on, or after the effective date of this Act.

SECTION 5. Would require the Executive Commissioner of the Health and Human Services Commission to adopt rules to implement Chapter 782 of the Health and Safety Code, as added by this Act, not later than December 1, 2007.

SECTION 6.

(a) Would establish the effective date of the Act as September 1, 2007—except as provided by Subsection (b).

(b) Would make application of this Act contingent upon the enactment of Senate Bill No. 1119 of the Regular Session of the 80th Texas Legislature.

#### **EFFECTIVE DATE**

This Act would take effect September 1, 2007, provided that Senate Bill No. 1119 is enacted by the 80th Texas Legislature, Regular Session.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

In SECTION 1: Subsection (c)(1) of Section 542.406, the words “trauma service regional advisory council account” in the Senate engrossment version of the bill were replaced with the words “regional trauma account” in the proposed complete committee substitute (Page 2, Line 23).

In SECTION 2: Subsection (11) of Section 133.004, the citation “542.405(1)” in the Senate engrossment version of the bill was deleted and was replaced with the citation “542.406(c)(1)” in the committee substitute (Page 5, Line 7).

In SECTION 3: Subsection (b)(1) of Section 782.003, the word “commission” in the Senate engrossment version of the bill was deleted and was replaced with the words “Department of State Health Services” in the substitute (Page 6, Line 13).