

By: Callegari

H.B. No. 1052

Substitute the following for H.B. No. 1052:

By: Menendez

C.S.H.B. No. 1052

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring warning signs before intersections at which a  
3 municipality uses a photographic traffic monitoring system to  
4 enforce compliance with a traffic-control signal.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 544, Transportation Code, is amended by  
7 adding Section 544.012 to read as follows:

8 Sec. 544.012. NOTIFICATION OF PHOTOGRAPHIC TRAFFIC  
9 MONITORING SYSTEM. (a) In this section:

10 (1) "Photographic traffic monitoring system" means a  
11 system that:

12 (A) consists of a camera and vehicle sensor  
13 installed to work in conjunction with an electrically operated  
14 traffic-control signal; and

15 (B) is capable of producing one or more recorded  
16 images that depict the license plate attached to a motor vehicle  
17 that is not operated in compliance with the instructions of the  
18 traffic-control signal.

19 (2) "Recorded image" means an image that:

20 (A) depicts a motor vehicle; and

21 (B) is automatically recorded on a photograph or  
22 digital image.

23 (b) This section applies only to a municipality that  
24 pursuant to an ordinance of the municipality employs a photographic

1 traffic monitoring system to enforce compliance with the  
2 instructions of traffic-control signals in the municipality.

3 (c) The municipality shall install signs along each roadway  
4 that leads to an intersection at which a photographic traffic  
5 monitoring system is in active use. The signs must be at least 100  
6 feet from the intersection or located according to standards  
7 established in the manual adopted by the Texas Transportation  
8 Commission under Section 544.001, be easily readable to any  
9 operator approaching the intersection, and clearly indicate the  
10 presence of a photographic monitoring system that records  
11 violations that may result in the issuance of a notice of violation  
12 and the imposition of a monetary penalty.

13 (d) A municipality that fails to comply with Subsection (c)  
14 may not impose or attempt to impose a civil or administrative  
15 penalty against a person, including the owner of a motor vehicle or  
16 an operator, for a failure to comply with the instructions of a  
17 traffic-control signal located at the applicable intersection.

18 (e) Subsection (d) does not prohibit a peace officer from  
19 arresting or issuing a citation and notice to appear to a person  
20 whom the officer observes to have failed to comply with the  
21 instructions of a traffic-control signal located at the  
22 intersection.

23 SECTION 2. This Act takes effect September 1, 2007.