

By: Carona

S.B. No. 125

Substitute the following for S.B. No. 125:

By: Cohen

C.S.S.B. No. 125

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a civil or administrative penalty imposed by a local  
3 authority to enforce compliance with a traffic-control signal and  
4 use of the money collected to help fund trauma facilities and  
5 emergency medical services.

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

7 SECTION 1. Subchapter D, Chapter 542, Transportation Code,  
8 is amended by adding Sections 542.405 and 542.406 to read as  
9 follows:

10 Sec. 542.405. AMOUNT OF CIVIL PENALTY; LATE PAYMENT  
11 PENALTY. If a local authority enacts an ordinance to enforce  
12 compliance with the instructions of a traffic-control signal by the  
13 imposition of a civil or administrative penalty, the amount of:

14 (1) the civil or administrative penalty may not exceed  
15 \$75; and

16 (2) a late payment penalty may not exceed \$25.

17 Sec. 542.406. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC  
18 PENALTIES. (a) In this section, "photographic traffic signal  
19 enforcement system" means a system that:

20 (1) consists of a camera system and vehicle sensor  
21 installed to exclusively work in conjunction with an electrically  
22 operated traffic-control signal;

23 (2) is capable of producing one or more recorded  
24 photographic or digital images that depict the license plate

1 attached to the front or the rear of a motor vehicle that is not  
2 operated in compliance with the instructions of the traffic-control  
3 signal; and

4 (3) is designed to enforce compliance with the  
5 instructions of the traffic-control signal by imposition of a civil  
6 or administrative penalty against the owner of the motor vehicle.

7 (b) This section applies only to a civil or administrative  
8 penalty imposed on the owner of a motor vehicle by a local authority  
9 that operates or contracts for the operation of a photographic  
10 traffic signal enforcement system with respect to a highway under  
11 its jurisdiction or that operates or contracts for the operation of  
12 any other type of electronic traffic law enforcement system  
13 consisting of a camera system that automatically produces one or  
14 more recorded photographs or digital images of the license plate on  
15 a motor vehicle or the operator of a motor vehicle.

16 (c) Not later than the 60th day after the end of a local  
17 authority's fiscal year, after deducting amounts the local  
18 authority is authorized by Subsection (d) to retain, the local  
19 authority shall:

20 (1) send 50 percent of the revenue derived from civil  
21 or administrative penalties collected by the local authority under  
22 this section to the comptroller for deposit to the credit of the  
23 regional trauma account established under Section 782.002, Health  
24 and Safety Code; and

25 (2) deposit the remainder of the revenue in a special  
26 account in the local authority's treasury that may be used only to  
27 fund traffic safety programs, including pedestrian safety

1 programs, public safety programs, intersection improvements, and  
2 traffic enforcement.

3 (d) A local authority may retain an amount necessary to  
4 cover the costs of:

5 (1) purchasing or leasing equipment that is part of or  
6 used in connection with the photographic traffic signal enforcement  
7 system in the local authority;

8 (2) installing the photographic traffic signal  
9 enforcement system at sites in the local authority, including the  
10 costs of installing cameras, flashes, computer equipment, loop  
11 sensors, detectors, utility lines, data lines, poles and mounts,  
12 networking equipment, and associated labor costs;

13 (3) operating the photographic traffic signal  
14 enforcement system in the local authority, including the costs of  
15 creating, distributing, and delivering violation notices, review  
16 of violations conducted by employees of the local authority, the  
17 processing of fine payments and collections, and the costs  
18 associated with administrative adjudications and appeals; and

19 (4) maintaining the general upkeep and functioning of  
20 the photographic traffic signal enforcement system.

21 (e) Chapter 133, Local Government Code, applies to fee  
22 revenue described by Subsection (c)(1).

23 (f) If under Section 133.059, Local Government Code, the  
24 comptroller conducts an audit of a local authority and determines  
25 that the local authority retained more than the amounts authorized  
26 by this section or failed to deposit amounts as required by this  
27 section, the comptroller may impose a penalty on the local

1 authority equal to twice the amount the local authority:

2 (1) retained in excess of the amount authorized by  
3 this section; or

4 (2) failed to deposit as required by this section.

5 SECTION 2. Section 133.004, Local Government Code, is  
6 amended to read as follows:

7 Sec. 133.004. CIVIL FEES. This chapter applies to the  
8 following civil fees:

9 (1) the consolidated fee on filing in district court  
10 imposed under Section 133.151;

11 (2) the filing fee in district court for basic civil  
12 legal services for indigents imposed under Section 133.152;

13 (3) the filing fee in courts other than district court  
14 for basic civil legal services for indigents imposed under Section  
15 133.153;

16 (4) the filing fees for the judicial fund imposed in  
17 certain statutory county courts under Section 51.702, Government  
18 Code;

19 (5) the filing fees for the judicial fund imposed in  
20 certain county courts under Section 51.703, Government Code;

21 (6) the filing fees for the judicial fund imposed in  
22 certain statutory probate courts under Section 51.704, Government  
23 Code;

24 (7) fees collected under Section 118.015;

25 (8) marriage license fees for the family trust fund  
26 collected under Section 118.018;

27 (9) marriage license or declaration of informal

1 marriage fees for the child abuse and neglect prevention trust fund  
2 account collected under Section 118.022; ~~and~~

3 (10) the filing fee for the judicial fund imposed in  
4 district court, statutory county court, and county court under  
5 Section 133.154; and

6 (11) the portion of the civil or administrative  
7 penalty described by Section 542.406(c)(1), Transportation Code,  
8 imposed by a local authority to enforce compliance with the  
9 instructions of a traffic-control signal.

10 SECTION 3. Subtitle B, Title 9, Health and Safety Code, is  
11 amended by adding Chapter 782 to read as follows:

12 CHAPTER 782. REGIONAL EMERGENCY MEDICAL SERVICES

13 Sec. 782.001. DEFINITIONS. In this chapter:

14 (1) "Commission" means the Health and Human Services  
15 Commission.

16 (2) "Commissioner" means the executive commissioner  
17 of the Health and Human Services Commission.

18 Sec. 782.002. REGIONAL TRAUMA ACCOUNT. (a) The regional  
19 trauma account is created as a dedicated account in the general  
20 revenue fund of the state treasury. Money in the account may be  
21 appropriated only to the commission to make distributions as  
22 provided by Section 782.003.

23 (b) The account is composed of money deposited to the credit  
24 of the account under Section 542.406, Transportation Code, and the  
25 earnings of the account.

26 (c) Sections 403.095 and 404.071, Government Code, do not  
27 apply to the account.

1       Sec. 782.003. PAYMENTS FROM THE REGIONAL TRAUMA ACCOUNT.

2       (a) The commissioner shall use money appropriated from the  
3 regional trauma account established under Section 782.002 to fund  
4 uncompensated care of designated trauma facilities and county and  
5 regional emergency medical services located in the area served by  
6 the trauma service area regional advisory council that serves the  
7 local authority submitting money under Section 542.406,  
8 Transportation Code.

9       (b) In any fiscal year, the commissioner shall use:

10           (1) 96 percent of the money appropriated from the  
11 account to fund a portion of the uncompensated trauma care provided  
12 at facilities designated as state trauma facilities by the  
13 Department of State Health Services;

14           (2) two percent of the money appropriated from the  
15 account for county and regional emergency medical services;

16           (3) one percent of the money appropriated from the  
17 account for distribution to the 22 trauma service area regional  
18 advisory councils; and

19           (4) one percent of the money appropriated from the  
20 account to fund administrative costs of the commission.

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

24       SECTION 4. Section 542.406, Transportation Code, as added  
25 by this Act, and Section 782.002, Health and Safety Code, as added  
26 by this Act, apply to revenue received by a local authority unit of  
27 this state from the imposition of a civil or administrative penalty

1 on or after the effective date of this Act, regardless of whether  
2 the penalty was imposed before, on, or after the effective date of  
3 this Act.

4 SECTION 5. Not later than December 1, 2007, the executive  
5 commissioner of the Health and Human Services Commission shall  
6 adopt rules to implement Chapter 782, Health and Safety Code, as  
7 added by this Act.

8 SECTION 6. (a) Except as provided by Subsection (b) of  
9 this section, this Act takes effect September 1, 2007.

10 (b) This Act takes effect only if Senate Bill No. 1119, Acts  
11 of the 80th Legislature, Regular Session, 2007, is enacted and  
12 becomes law.