

1-1 By: Carona S.B. No. 125  
1-2 (In the Senate - Filed November 29, 2006; February 14, 2007,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; March 12, 2007, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 8,  
1-6 Nays 0; March 12, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 125 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a civil or administrative penalty imposed by a local  
1-11 authority to enforce compliance with a traffic-control signal.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 542, Transportation Code,  
1-14 is amended by adding Sections 542.405 and 542.406 to read as  
1-15 follows:

1-16 Sec. 542.405. AMOUNT OF CIVIL PENALTY; LATE PAYMENT  
1-17 PENALTY. If a local authority enacts an ordinance to enforce  
1-18 compliance with the instructions of a traffic-control signal by the  
1-19 imposition of a civil or administrative penalty, the amount of:

1-20 (1) the civil or administrative penalty may not exceed  
1-21 \$75; and

1-22 (2) a late payment penalty may not exceed \$25.

1-23 Sec. 542.406. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC  
1-24 PENALTIES. (a) In this section, "photographic traffic signal  
1-25 enforcement system" means a system that:

1-26 (1) consists of a camera system and vehicle sensor  
1-27 installed to exclusively work in conjunction with an electrically  
1-28 operated traffic-control signal;

1-29 (2) is capable of producing one or more recorded  
1-30 photographic or digital images that depict the license plate  
1-31 attached to the front or the rear of a motor vehicle that is not  
1-32 operated in compliance with the instructions of the traffic-control  
1-33 signal; and

1-34 (3) is designed to enforce compliance with the  
1-35 instructions of the traffic-control signal by imposition of a civil  
1-36 or administrative penalty against the owner of the motor vehicle.

1-37 (b) This section applies only to a civil or administrative  
1-38 penalty imposed on the owner of a motor vehicle by a local authority  
1-39 that operates or contracts for the operation of a photographic  
1-40 traffic signal enforcement system with respect to a highway under  
1-41 its jurisdiction or that operates or contracts for the operation of  
1-42 any other type of electronic traffic law enforcement system  
1-43 consisting of a camera system that automatically produces one or  
1-44 more recorded photographs or digital images of the license plate on  
1-45 a motor vehicle or the operator of a motor vehicle.

1-46 (c) Not later than the 60th day after the end of a local  
1-47 authority's fiscal year, after deducting amounts the local  
1-48 authority is authorized by Subsection (d) to retain, the local  
1-49 authority shall:

1-50 (1) send 50 percent of the revenue derived from civil  
1-51 or administrative penalties collected by the local authority under  
1-52 this section to the comptroller for deposit to the credit of the  
1-53 trauma service area regional advisory council account established  
1-54 under Section 780.007, Health and Safety Code; and

1-55 (2) deposit the remainder of the revenue in a special  
1-56 account in the local authority's treasury that may be used only to  
1-57 fund traffic safety programs, including pedestrian safety  
1-58 programs, public safety programs, intersection improvements, and  
1-59 traffic enforcement.

1-60 (d) A local authority may retain an amount necessary to  
1-61 cover the costs of:

1-62 (1) purchasing or leasing equipment that is part of or  
1-63 used in connection with the photographic traffic signal enforcement

2-1 system in the local authority;  
2-2 (2) installing the photographic traffic signal  
2-3 enforcement system at sites in the local authority, including the  
2-4 costs of installing cameras, flashes, computer equipment, loop  
2-5 sensors, detectors, utility lines, data lines, poles and mounts,  
2-6 networking equipment, and associated labor costs;

2-7 (3) operating the photographic traffic signal  
2-8 enforcement system in the local authority, including the costs of  
2-9 creating, distributing, and delivering violation notices, review  
2-10 of violations conducted by employees of the local authority, the  
2-11 processing of fine payments and collections, and the costs  
2-12 associated with administrative adjudications and appeals; and

2-13 (4) maintaining the general upkeep and functioning of  
2-14 the photographic traffic signal enforcement system.

2-15 (e) Chapter 133, Local Government Code, applies to fee  
2-16 revenue described by Subsection (c)(1).

2-17 (f) If under Section 133.059, Local Government Code, the  
2-18 comptroller conducts an audit of a local authority and determines  
2-19 that the local authority retained more than the amounts authorized  
2-20 by this section or failed to deposit amounts as required by this  
2-21 section, the comptroller may impose a penalty on the local  
2-22 authority equal to twice the amount the local authority:

2-23 (1) retained in excess of the amount authorized by  
2-24 this section; or

2-25 (2) failed to deposit as required by this section.

2-26 SECTION 2. Section 133.004, Local Government Code, is  
2-27 amended to read as follows:

2-28 Sec. 133.004. CIVIL FEES. This chapter applies to the  
2-29 following civil fees:

2-30 (1) the consolidated fee on filing in district court  
2-31 imposed under Section 133.151;

2-32 (2) the filing fee in district court for basic civil  
2-33 legal services for indigents imposed under Section 133.152;

2-34 (3) the filing fee in courts other than district court  
2-35 for basic civil legal services for indigents imposed under Section  
2-36 133.153;

2-37 (4) the filing fees for the judicial fund imposed in  
2-38 certain statutory county courts under Section 51.702, Government  
2-39 Code;

2-40 (5) the filing fees for the judicial fund imposed in  
2-41 certain county courts under Section 51.703, Government Code;

2-42 (6) the filing fees for the judicial fund imposed in  
2-43 certain statutory probate courts under Section 51.704, Government  
2-44 Code;

2-45 (7) fees collected under Section 118.015;

2-46 (8) marriage license fees for the family trust fund  
2-47 collected under Section 118.018;

2-48 (9) marriage license or declaration of informal  
2-49 marriage fees for the child abuse and neglect prevention trust fund  
2-50 account collected under Section 118.022; ~~and~~

2-51 (10) the filing fee for the judicial fund imposed in  
2-52 district court, statutory county court, and county court under  
2-53 Section 133.154; and

2-54 (11) the portion of the civil or administrative  
2-55 penalty described by Section 542.405(1), Transportation Code,  
2-56 imposed by a local authority to enforce compliance with the  
2-57 instructions of a traffic-control signal.

2-58 SECTION 3. Chapter 780, Health and Safety Code, is amended  
2-59 by adding Section 780.007 to read as follows:

2-60 Sec. 780.007. TRAUMA SERVICE AREA REGIONAL ADVISORY COUNCIL

2-61 ACCOUNT. (a) The trauma service area regional advisory council  
2-62 account is created as a dedicated account in the general revenue  
2-63 fund of the state treasury. Money in the account may be

2-64 appropriated only to the Health and Human Services Commission to  
2-65 make distributions to trauma service area regional advisory

2-66 councils in proportion to the amount deposited to the account from  
2-67 local authorities served by each trauma service area regional

2-68 advisory council.

2-69 (b) The account is composed of money deposited to the credit

3-1 of the account under Section 542.406, Transportation Code, and the  
3-2 earnings of the account.

3-3 (c) Sections 403.095 and 404.071, Government Code, do not  
3-4 apply to the account.

3-5 SECTION 4. Section 542.406, Transportation Code, as added  
3-6 by this Act, and Section 780.007, Health and Safety Code, as added  
3-7 by this Act, apply to revenue received by a local authority unit of  
3-8 this state from the imposition of a civil or administrative penalty  
3-9 on or after the effective date of this Act, regardless of whether  
3-10 the penalty was imposed before, on, or after the effective date of  
3-11 this Act.

3-12 SECTION 5. (a) Except as provided by Subsection (b) of  
3-13 this section, this Act takes effect September 1, 2007.

3-14 (b) This Act takes effect only if Senate Bill No. 1119, Acts  
3-15 of the 80th Legislature, Regular Session, 2007, is enacted and  
3-16 becomes law.

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