

Suspending limitations on conference committee
jurisdiction, H.B. No. 1623 (Phillips/Carona)

By: Carona

S.R. No. 1175

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 80th
2 Legislature, Regular Session, 2007, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on House
5 Bill 1623, relating to certain offenses and fees imposed for
6 operating a motor vehicle or vessel in violation of law, to consider
7 and take action on the following matters:

8 (1) Senate Rules 12.03(3) and (4) are suspended to permit
9 the conference committee to add the following:

10 SECTION 8. Section 521.457, Transportation Code, is amended
11 by amending Subsections (e) and (f) and adding Subsection (f-1) to
12 read as follows:

13 (e) Except as provided by Subsections [~~Subsection~~] (f) and
14 (f-1), an offense under this section is a Class C misdemeanor
15 [~~punishable by:~~

16 [~~(1) a fine of not less than \$100 or more than \$500,~~
17 ~~and~~

18 [~~(2) confinement in county jail for a term of not less~~
19 ~~than 72 hours or more than six months].~~

20 (f) If it is shown on the trial of an offense under this
21 section that the person has previously been convicted of an offense
22 under this section or an offense under Section 601.371(a), as that
23 law existed before September 1, 2003, the offense is a Class B [~~A~~]
24 misdemeanor.

1 (f-1) If it is shown on the trial of an offense under this
2 section that the license of the person has previously been
3 suspended as the result of an offense involving the operation of a
4 motor vehicle while intoxicated, the offense is a Class B
5 misdemeanor.

6 Explanation: The change is necessary to add a provision to
7 the bill related to the penalty for the offense of driving while
8 license invalid due to the operation of a motor vehicle while
9 intoxicated.

10 (2) Senate Rules 12.03(3) and (4) are suspended to permit
11 the conference committee to add the following:

12 SECTION 9. Subchapter D, Chapter 542, Transportation Code,
13 is amended by adding Sections 542.405 and 542.406 to read as
14 follows:

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

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

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

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

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

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

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

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

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

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

27 (2) deposit the remainder of the revenue in a special

1 account in the local authority's treasury that may be used only to
2 fund traffic safety programs, including pedestrian safety
3 programs, public safety programs, intersection improvements, and
4 traffic enforcement.

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

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

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

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

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

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

25 (f) If under Section 133.059, Local Government Code, the
26 comptroller conducts an audit of a local authority and determines
27 that the local authority retained more than the amounts authorized

1 by this section or failed to deposit amounts as required by this
2 section, the comptroller may impose a penalty on the local
3 authority equal to twice the amount the local authority:

4 (1) retained in excess of the amount authorized by
5 this section; or

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

7 Explanation: This change is necessary to provide for the
8 administration of a civil or administrative penalty imposed by a
9 local authority to enforce compliance with the instructions of a
10 traffic-control signal.

11 (3) Senate Rules 12.03(3) and (4) are suspended to permit
12 the conference committee to add the following:

13 SECTION 13. Section 133.004, Local Government Code, is
14 amended to read as follows:

15 Sec. 133.004. CIVIL FEES. This chapter applies to the
16 following civil fees:

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

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

21 (3) the filing fee in courts other than district court
22 for basic civil legal services for indigents imposed under Section
23 133.153;

24 (4) the filing fees for the judicial fund imposed in
25 certain statutory county courts under Section 51.702, Government
26 Code;

27 (5) the filing fees for the judicial fund imposed in

1 certain county courts under Section 51.703, Government Code;

2 (6) the filing fees for the judicial fund imposed in
3 certain statutory probate courts under Section 51.704, Government
4 Code;

5 (7) fees collected under Section 118.015;

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

8 (9) marriage license or declaration of informal
9 marriage fees for the child abuse and neglect prevention trust fund
10 account collected under Section 118.022; ~~and~~

11 (10) the filing fee for the judicial fund imposed in
12 district court, statutory county court, and county court under
13 Section 133.154; and

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

18 Explanation: This change is necessary to provide for the
19 administration of a civil or administrative penalty imposed by a
20 local authority to enforce compliance with the instructions of a
21 traffic-control signal.

22 (4) Senate Rules 12.03(3) and (4) are suspended to permit
23 the conference committee to add the following:

24 SECTION 14. Subtitle B, Title 9, Health and Safety Code, is
25 amended by adding Chapter 782 to read as follows:

26 CHAPTER 782. REGIONAL EMERGENCY MEDICAL SERVICES

27 Sec. 782.001. DEFINITIONS. In this chapter:

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

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

5 Sec. 782.002. REGIONAL TRAUMA ACCOUNT. (a) The regional
6 trauma account is created as a dedicated account in the general
7 revenue fund of the state treasury. Money in the account may be
8 appropriated only to the commission to make distributions as
9 provided by Section 782.003.

10 (b) The account is composed of money deposited to the credit
11 of the account under Section 542.406, Transportation Code, and the
12 earnings of the account.

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

15 Sec. 782.003. PAYMENTS FROM THE REGIONAL TRAUMA ACCOUNT.
16 (a) The commissioner shall use money appropriated from the
17 regional trauma account established under Section 782.002 to fund
18 uncompensated care of designated trauma facilities and county and
19 regional emergency medical services located in the area served by
20 the trauma service area regional advisory council that serves the
21 local authority submitting money under Section 542.406,
22 Transportation Code.

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

24 (1) 96 percent of the money appropriated from the
25 account to fund a portion of the uncompensated trauma care provided
26 at facilities designated as state trauma facilities by the
27 Department of State Health Services;

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

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

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

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

11 Explanation: This change is necessary to provide that money
12 from civil or administrative penalties imposed by a local authority
13 to enforce compliance with the instructions of a traffic-control
14 signal is to be used for regional emergency medical services.

15 (5) Senate Rules 12.03(3) and (4) are suspended to permit
16 the conference committee to add the following:

17 SECTION 15. Section 542.406, Transportation Code, as added
18 by this Act, and Section 782.002, Health and Safety Code, as added
19 by this Act, apply to revenue received by a local authority unit of
20 this state from the imposition of a civil or administrative penalty
21 on or after the effective date of this Act, regardless of whether
22 the penalty was imposed before, on, or after the effective date of
23 this Act.

24 Explanation: This change is necessary to implement the
25 changes in law that provide for the administration of a civil or
26 administrative penalty imposed by a local authority to enforce
27 compliance with the instructions of a traffic-control signal.

1 (6) Senate Rules 12.03(3) and (4) are suspended to permit
2 the conference committee to add the following:

3 SECTION 16. Not later than December 1, 2007, the executive
4 commissioner of the Health and Human Services Commission shall
5 adopt rules to implement Chapter 782, Health and Safety Code, as
6 added by this Act.

7 Explanation: This change is necessary to implement the
8 changes in law that provide for the use of money from civil or
9 administrative penalties imposed by a local authority to enforce
10 compliance with the instructions of a traffic-control signal.

11 (7) Senate Rules 12.03(3) and (4) are suspended to permit
12 the conference committee to add the following:

13 SECTION 18. (a) Except as provided by Subsection (b) of
14 this section, this Act takes effect September 1, 2007.

15 (b) Sections 9, 13, 14, 15, and 16 of this Act take effect
16 only if Senate Bill No. 1119, Acts of the 80th Legislature, Regular
17 Session, 2007, is enacted and becomes law.

18 Explanation: The change to the applicability provision of the
19 bill is necessary to reflect the addition of SECTIONS 9, 13, 14, 15,
20 and 16 to the conference committee report and to make the
21 effectiveness of those SECTIONS contingent on the passage of Senate
22 Bill No. 1119, Acts of the 80th Legislature, Regular Session, 2007.