

BILL ANALYSIS

H.B. 2639
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2007, the 80th Legislature, Regular Session, enacted S.B. 1119, which established a legal framework for allowing municipalities to install photographic traffic signal enforcement systems, also known as red light cameras. Since then, 42 local governments have installed more than 350 red light cameras, generating tens of millions of dollars in revenue through civil penalties. Although such cameras have become more prevalent, questions continue to be raised regarding their safety benefits and the enforcement mechanisms current law allows. Concerns have been raised about systems that interpret the act of turning right on a red light as a violation and about fines that are imposed as civil penalties, rather than criminal charges, which can limit the fine recipient's right to appeal.

H.B. 2639 amends the Transportation Code to prohibit the installation of photographic enforcement systems and to remove provisions relating to the civil or administrative penalties currently assessed by such systems and amends the Government Code and Local Government Code to make conforming changes.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2639 amends a Transportation Code provision prohibiting a municipality from implementing or operating an automated traffic control system with respect to a highway or street under its jurisdiction by extending its application to any local authority, rather than to a municipality specifically.

H.B. 2639 redefines "automated traffic control system" to mean a system consisting of a photographic, radar, laser, or other electrical or mechanical device that is capable of producing one or more recorded photographic or digital images depicting the license plate attached to the front or rear of a motor vehicle that is not operated in compliance with a posted speed limit or the instructions of a traffic-control signal and is used by a local authority to enforce compliance with a posted speed limit or the instructions of a traffic-control signal by imposition of a civil or administrative penalty against the owner or operator of the motor vehicle. The bill removes the description of an automated traffic control system as such a device designed to record the speed of the motor vehicle and obtain one or more photographs or other recorded images of the vehicle, the license plate attached to the vehicle, or the operator of the vehicle.

H.B. 2639 amends the Government Code and the Local Government Code to make conforming changes.

H.B. 2639 authorizes a local authority that enacted an ordinance and entered into a contract relating to a photographic traffic signal enforcement system before June 1, 2009, to continue

operating the system under the ordinance and under the terms of that contract until the expiration of the contract.

H.B. 2639 repeals the following:

- Chapter 707, Transportation Code, relating to the implementation and enforcement of a photographic traffic signal enforcement system by a local government, and makes conforming changes
- Sections 542.405 and 542.406, Transportation Code, relating to civil and administrative penalties for violations involving such a system
- Chapter 782, Health and Safety Code, relating to regional emergency medical services provided through the regional trauma account, which is funded by those penalties
- Section 29.003, Government Code, relating to a municipal court's jurisdiction in a case arising under the repealed Chapter 707, Transportation Code.

EFFECTIVE DATE

September 1, 2009.