

BILL ANALYSIS

C.S.H.B. 3558
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a municipality, county, or other local entity authorized to enact traffic laws in Texas may hold the owner of a motor vehicle liable for a civil penalty if, while facing a steady red signal displayed by an electrically operated traffic-control signal monitored by a photographic traffic signal enforcement system, the driver operates the vehicle in violation of the traffic-control signal. Such local entities, however, currently do not have the authority to require the owner of a motor vehicle who commits such a violation to take an intersection safety course. Motor vehicle owners currently can be assessed a penalty, but offenders are not receiving any instruction on proper driving procedures and safety precautions at intersections to correct the behavior. The imposed monetary fine for a moving violation at an intersection monitored by a photographic traffic signal enforcement system is comparable to the type of penalty imposed for a parking violation rather than penalties assessed for more dangerous moving violations.

According to a study by the National Automotive Sampling System/General Estimates System crash database, more than 1.5 million collisions or approximately 27 percent of all police reported collisions occur at intersections, resulting in over 9,000 fatalities (almost 25 percent of all traffic fatalities) and 1.5 million injuries (50 percent of all traffic injuries) per year. It is imperative that local authorities be given the ability to provide instruction to motor vehicle owners who are found by photographically monitored traffic-control signals to violate driving laws at intersections on how to exercise proper safety procedures at intersections.

C.S.H.B. 3558 authorizes a local authority to require an owner of a motor vehicle who operates the vehicle in violation of a traffic-control signal monitored by a photographic traffic signal enforcement system to complete an intersection safety course as part of the civil penalty imposed for such an offense. The bill provides requirements regarding the notice that must be given to a motor vehicle operator concerning the required intersection safety course. The bill ensures that the motor vehicle owner is afforded similar rights and procedures regarding admission of liability, adjudicative hearings, appeal, and enforcement that are afforded a citizen who is required by the local authority to pay a civil penalty for the same offense.

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

C.S.H.B. 3558 amends the Transportation Code to authorize a local authority to require the owner of a motor vehicle operated in violation of the instructions of a traffic-control signal monitored by a photographic traffic signal enforcement system and consequently liable to the local authority for a civil penalty to successfully complete an intersection safety course in addition to a monetary penalty. The bill authorizes a local authority that requires completion of an intersection safety course to charge a fee set by the governing body of the local authority for the course. The bill requires an approved intersection safety course to provide not less than one

hour or more than three hours of classroom instruction and information about traffic laws of Texas, safe driving techniques, including recommended vehicle speeds and the definition of a traffic-control signal, and pedestrian safety, including information about crosswalks. The bill sets forth requirements for a third-party entity that provides an intersection safety course required by a local authority.

C.S.H.B. 3558 makes conforming changes reflecting the addition of an intersection safety course requirement. The bill adds to the information required to be included in the notice of violation mailed to the owner of the motor vehicle that, if applicable, the person incurs an additional penalty in the amount of a late payment penalty if the person fails to complete a required intersection safety course by the date specified in the notice, and instructions for completing an approved intersection safety course and information regarding the fee charged for the course.

C.S.H.B. 3558 authorizes the owner of a motor vehicle who is required by a local authority to complete an intersection safety course to rebut the presumption that the owner committed the violation depicted in a photograph or digital image taken by a photographic traffic signal enforcement system by presenting evidence establishing that the vehicle was operated by another person at the time of the violation. The bill requires the presentation of evidence to be made by affidavit, through testimony at the administrative adjudication hearing, or by a written declaration under penalty of perjury, and authorizes the affidavit or written declaration to be submitted by mail to the local authority. The bill prohibits the owner of the motor vehicle from being required to complete the intersection safety course if the established presumption is rebutted.

C.S.H.B. 3558 amends the Education Code to exempt an intersection safety course required by a local authority from provisions in that code relating to driver and traffic safety education.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3558 removes a definition in the original for "civil penalty" and makes conforming changes in the substitute by changing references to an intersection driving safety course to instead refer to an intersection safety course.

C.S.H.B. 3558 adds a provision not in the original authorizing a local authority to charge a fee set by the governing body of the local authority for the intersection safety course. The substitute differs from the original by requiring an approved intersection safety course to provide not less than one hour or more than three hours of instruction, whereas the original requires the course to provide at least three hours of classroom instruction, and by requiring that the course provide information about safe driving techniques, rather than defensive driving techniques as in the original. The substitute adds a provision not in the original establishing certain requirements for a third-party entity that provides an intersection safety course required by a local authority.

C.S.H.B. 3558 adds conforming changes not in the original to reflect the intersection safety course requirement.

C.S.H.B. 3558 adds a provision not in the original regarding a statement in a notice of violation specifying that the additional penalty for a person who fails to complete a required course by the specified date be in the amount of a late payment penalty. The bill adds a provision not in the original requiring a notice of violation to contain information regarding the fee charged for the course.

C.S.H.B. 3558 adds a provision not in the original authorizing the owner of a motor vehicle to rebut the presumption that the owner committed a violation by presenting evidence establishing that the vehicle was operated by another person at the time of the violation, sets forth general requirements regarding the presentation of such evidence, and prohibits the owner from being required to complete an intersection safety course if the established presumption is rebutted.