

By: Isett, et al.

H.B. No. 2639

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the power of a local authority to enforce compliance
3 with speed limits or a traffic-control signal on a highway or street
4 under its jurisdiction by an automated traffic control system.

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

6 SECTION 1. Section 542.2035, Transportation Code, is
7 amended to read as follows:

8 Sec. 542.2035. AUTOMATED TRAFFIC CONTROL SYSTEMS
9 PROHIBITED [~~LIMITATION ON MUNICIPALITIES~~]. (a) A local authority
10 [~~municipality~~] may not implement or operate an automated traffic
11 control system with respect to a highway or street under its
12 jurisdiction [~~for the purpose of enforcing compliance with posted~~
13 ~~speed limits~~]. The attorney general shall enforce this subsection.

14 (b) In this section, "automated traffic control system"
15 means a system consisting of a photographic device, radar device,
16 laser device, or other electrical or mechanical device that
17 [~~designed to~~]:

18 (1) is capable of producing one or more recorded
19 photographic or digital images depicting the license plate attached
20 to the front or rear of a motor vehicle that is not operated in
21 compliance with a posted speed limit or the instructions of a
22 traffic-control signal; and

23 (2) is used by the local authority to enforce
24 compliance with a posted speed limit or the instructions of a

1 traffic-control signal by imposition of a civil or administrative
2 penalty against the owner or operator of the motor vehicle [~~record~~
3 ~~the speed of a motor vehicle; and~~

4 [~~(2) obtain one or more photographs or other recorded~~
5 ~~images of:~~

6 [~~(A) the vehicle;~~

7 [~~(B) the license plate attached to the vehicle;~~

8 ~~or~~

9 [~~(C) the operator of the vehicle].~~

10 SECTION 2. Section 27.031(a), Government Code, is amended
11 to read as follows:

12 (a) In addition to the jurisdiction and powers provided by
13 the constitution and other law, the justice court has original
14 jurisdiction of:

15 (1) civil matters in which exclusive jurisdiction is
16 not in the district or county court and in which the amount in
17 controversy is not more than \$10,000, exclusive of interest;

18 (2) cases of forcible entry and detainer; and

19 (3) foreclosure of mortgages and enforcement of liens
20 on personal property in cases in which the amount in controversy is
21 otherwise within the justice court's jurisdiction[~~, and~~

22 [~~(4) cases arising under Chapter 707, Transportation~~
23 ~~Code, outside a municipality's territorial limits].~~

24 SECTION 3. Section 133.004, Local Government Code, as
25 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
26 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,
27 is reenacted and amended to read as follows:

1 Sec. 133.004. CIVIL FEES. This chapter applies to the
2 following civil fees:

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

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

7 (3) the filing fee in courts other than district court
8 for basic civil legal services for indigents imposed under Section
9 133.153;

10 (4) the filing fees for the judicial fund imposed in
11 certain statutory county courts under Section 51.702, Government
12 Code;

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

15 (6) the filing fees for the judicial fund imposed in
16 statutory probate courts under Section 51.704, Government Code;

17 (7) fees collected under Section 118.015;

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

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

23 (10) the filing fee for the judicial fund imposed in
24 district court, statutory county court, and county court under
25 Section 133.154[~~, and~~

26 ~~[(11) the portion of the civil or administrative~~
27 ~~penalty described by Section 542.406(c)(1), Transportation Code,~~

1 ~~imposed by a local authority to enforce compliance with the~~
2 ~~instructions of a traffic-control signal;~~

3 ~~[(11) the portion of the civil or administrative~~
4 ~~penalty described by Section 707.008(a)(1), Transportation Code,~~
5 ~~imposed by a local authority to enforce compliance with the~~
6 ~~instructions of a traffic-control signal].~~

7 SECTION 4. The following are repealed:

8 (1) Section 29.003(g), Government Code;

9 (2) Chapter 782, Health and Safety Code;

10 (3) Sections 542.405 and 542.406, Transportation
11 Code; and

12 (4) Chapter 707, Transportation Code.

13 SECTION 5. (a) The repeal by this Act of Chapter 707,
14 Transportation Code, does not affect the validity of a proceeding
15 initiated or a civil penalty imposed under that chapter before the
16 effective date of this Act. A proceeding initiated or a civil
17 penalty imposed under Chapter 707 of that code before the effective
18 date of this Act is governed by the applicable law in effect before
19 the effective date of this Act, and the former law is continued in
20 effect for that purpose.

21 (b) Notwithstanding the repeal by this Act of Chapter 707,
22 Transportation Code, if before June 1, 2009, a local authority had
23 enacted an ordinance under former Section 707.002 of that chapter
24 to implement a photographic traffic signal enforcement system and
25 entered into a contract for the administration and enforcement of
26 the system, the local authority may continue to operate the system
27 under that ordinance and under the terms of that contract until the

H.B. No. 2639

1 expiration date specified in the contract as the contract existed
2 on June 1, 2009.

3 SECTION 6. This Act takes effect September 1, 2009.