

By: Carona

S.B. No. 1508

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain transportation and transit
3 authorities to enforce compliance with high occupancy vehicle lane
4 restrictions by an automated enforcement system; providing for the
5 imposition of penalties.

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

7 SECTION 1. Subchapter B, Chapter 451, Transportation Code,
8 is amended by adding Section 451.0615 to read as follows:

9 Sec. 451.0615. ENFORCEMENT OF HIGH OCCUPANCY VEHICLE LANES.

10 (a) In this section:

11 (1) "Automated enforcement system" means a system
12 that:

13 (A) consists of a camera or other electrical or
14 mechanical device that produces photographic, electronic, video,
15 or digital images of a motor vehicle; and

16 (B) is used to enforce compliance with
17 instructions for high occupancy vehicle lane restrictions.

18 (2) "High occupancy vehicle lane" has the meaning
19 assigned by Section 224.151(4).

20 (3) "Official traffic-control device" has the meaning
21 assigned by Section 541.304 and includes a traffic pylon and double
22 white lines on a highway.

23 (4) "Owner of a motor vehicle" means the owner of a
24 motor vehicle as shown on the motor vehicle registration records of

1 the department or the analogous department or agency of another
2 state or county.

3 (b) A board by resolution may implement an automated
4 enforcement system and provide that the owner of a motor vehicle,
5 other than an authorized emergency vehicle as defined by Section
6 541.201, is liable to the authority for a penalty if the vehicle is
7 operated in violation of the instructions of an official
8 traffic-control device regarding entering or exiting a high
9 occupancy vehicle lane.

10 (c) The resolution adopted under this section must:

11 (1) provide for a penalty of not more than \$100;

12 (2) authorize an attorney employed by the authority or
13 an attorney with whom the authority contracts to bring suit to
14 collect the penalty;

15 (3) provide for notice of the violation to the owner of
16 the motor vehicle that committed the violation;

17 (4) provide that a notice of violation is presumed to
18 have been received on the fifth day after the date the notice is
19 mailed if the notice was mailed to the owner of a motor vehicle;

20 (5) provide procedures by which the owner of the motor
21 vehicle may request an administrative adjudication hearing to
22 contest the imposition or the amount of the penalty;

23 (6) allow for the use of images recorded by the
24 automated enforcement system authorized by this section; and

25 (7) provide for other procedures the board determines
26 are necessary for the imposition of a penalty authorized by this
27 section.

1 (d) The images produced from an automated enforcement
2 system may not be used to prosecute a criminal offense.

3 SECTION 2. Subchapter B, Chapter 452, Transportation Code,
4 is amended by adding Section 452.0615 to read as follows:

5 Sec. 452.0615. ENFORCEMENT OF HIGH OCCUPANCY VEHICLE LANES.

6 (a) In this section:

7 (1) "Automated enforcement system" means a system
8 that:

9 (A) consists of a camera or other electrical or
10 mechanical device that produces photographic, electronic, video,
11 or digital images of a motor vehicle; and

12 (B) is used to enforce compliance with
13 instructions for high occupancy vehicle lane restrictions.

14 (2) "High occupancy vehicle lane" has the meaning
15 assigned by Section 224.151(4).

16 (3) "Official traffic-control device" has the meaning
17 assigned by Section 541.304 and includes a traffic pylon and double
18 white lines on a highway.

19 (4) "Owner of a motor vehicle" means the owner of a
20 motor vehicle as shown on the motor vehicle registration records of
21 the department or the analogous department or agency of another
22 state or county.

23 (b) This section applies only to an authority that:

24 (1) consists of one subregion governed by a
25 subregional board created under Subchapter O; and

26 (2) has entered into an agreement with a governmental
27 entity to:

1 (A) operate a high occupancy vehicle lane; or

2 (B) provide peace officers to enforce compliance
3 with instructions for high occupancy vehicle lane restrictions.

4 (c) A board by resolution may implement an automated
5 enforcement system and provide that the owner of a motor vehicle,
6 other than an authorized emergency vehicle as defined by Section
7 541.201, is liable to the authority for a penalty if the vehicle is
8 operated in violation of the instructions of an official
9 traffic-control device regarding entering or exiting a high
10 occupancy vehicle lane.

11 (d) The resolution adopted under this section must:

12 (1) provide for a penalty of not more than \$100;

13 (2) authorize an attorney employed by the authority or
14 an attorney with whom the authority contracts to bring suit to
15 collect the penalty;

16 (3) provide for notice of the violation to the owner of
17 the motor vehicle that committed the violation;

18 (4) provide that a notice of violation is presumed to
19 have been received on the fifth day after the date the notice is
20 mailed if the notice was mailed to the owner of a motor vehicle;

21 (5) provide procedures by which the owner of the motor
22 vehicle may request an administrative adjudication hearing to
23 contest the imposition or the amount of the penalty;

24 (6) allow for the use of images recorded by the
25 automated enforcement system authorized by this section; and

26 (7) provide for other procedures the board determines
27 are necessary for the imposition of a penalty authorized by this

1 section.

2 (e) The images produced from an automated enforcement
3 system may not be used to prosecute a criminal offense.

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