

AN ACT

relating to the disposition of fines for traffic violations collected by certain counties and municipalities.

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

SECTION 1. Section 542.402, Transportation Code, is amended by amending Subsections (a), (c), and (e) and adding Subsections (b-1), (b-2), (d-1), (f), and (g) to read as follows:

(a) Except as provided by Subsection (b-1), a [A] municipality or county shall use a fine collected for a violation of a highway law in this title to:

(1) construct and maintain roads, bridges, and culverts in the municipality or county;

(2) enforce laws regulating the use of highways by motor vehicles; and

(3) defray the expense of county traffic officers.

(b-1) Subject to Subsection (b-2), a county may use a fine collected for a violation of a highway law as the county determines appropriate if:

(1) the county has a population of less than 5,000; and

(2) the commissioners court of the county by resolution elects to spend the revenue in a manner other than as provided by Subsection (a).

(b-2) In each fiscal year, a county described by Subsection (b-1) may retain, from fines collected for violations of this title

1 and from special expenses collected under Article 45.051, Code of
2 Criminal Procedure, in cases in which a violation of this title is
3 alleged, an amount equal to 30 percent of the county's revenue for
4 the preceding fiscal year from all sources, other than federal
5 funds and bond proceeds, as shown by an audit performed under
6 Chapter 115, Local Government Code. After a county has retained
7 that amount, the county shall send to the comptroller any portion of
8 a fine or a special expense collected that exceeds \$1.

9 (c) The comptroller shall enforce Subsections [~~Subsection~~]
10 (b) and (b-2).

11 (d-1) In a fiscal year in which a county retains from fines
12 and special expenses collected for violations of this title an
13 amount equal to at least 20 percent of the county's revenue for the
14 preceding fiscal year from all sources other than federal funds and
15 bond proceeds, not later than the 120th day after the last day of
16 the county's fiscal year, the county shall send to the comptroller:

- 17 (1) a copy of the county's financial statement; and
18 (2) a report that shows the total amount collected for
19 that fiscal year from fines and special expenses under Subsection
20 (b-1).

21 (e) If an audit is conducted by the comptroller under
22 Subsection (c) and it is determined that the municipality or county
23 is retaining more than 20 percent of the amounts under Subsection
24 (b) or (b-2), as applicable, and has not complied with Subsection
25 (d) or (d-1), as applicable, the municipality or county shall pay
26 the costs incurred by the comptroller in conducting the audit.

27 (f) A municipality may include the revenue generated from

1 services provided in the municipality by a utility company
2 operating within the municipality as municipal revenue for a fiscal
3 year under Subsection (b) if:

4 (1) the municipality has a population of more than
5 1,000 but less than 1,200; and

6 (2) part of the municipality's boundary is a river that
7 forms part of the boundary between two counties.

8 (g) This subsection and Subsection (f) expire on September
9 1, 2021.

10 SECTION 2. The change in law made by this Act in amending
11 Section 542.402(e), Transportation Code, and in adding Sections
12 542.402(b-2) and (d-1), Transportation Code, applies only to the
13 fiscal year of a county that begins on or after the effective date
14 of this Act.

15 SECTION 3. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1517 was passed by the House on May 5, 2011, by the following vote: Yeas 142, Nays 4, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1517 on May 26, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1517 on May 29, 2011, by the following vote: Yeas 140, Nays 3, 1 present, not voting.

Chief Clerk of the House

H.B. No. 1517

I certify that H.B. No. 1517 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1517 on May 28, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor