

By: Gutierrez

H.B. No. 1792

A BILL TO BE ENTITLED

AN ACT

relating to the deposit of revenue from certain traffic penalties.

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

SECTION 1. Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and amended to read as follows:

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

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

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

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

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

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

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

(7) fees collected under Section 118.015;

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

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

6           (10) the filing fee for the judicial fund imposed in  
7 district court, statutory county court, and county court under  
8 Section 133.154; ~~and~~

9           (11) the portion of the civil or administrative  
10 penalty described by Section 542.406(c) [~~542.406(c)(1)~~],  
11 Transportation Code, imposed by a local authority to enforce  
12 compliance with the instructions of a traffic-control signal; and

13           (12) [~~(11)~~] the portion of the civil or administrative  
14 penalty described by Section 707.008(a) [~~707.008(a)(1)~~],  
15 Transportation Code, imposed by a local authority to enforce  
16 compliance with the instructions of a traffic-control signal.

17           SECTION 2. Sections 542.406(c) and (e), Transportation  
18 Code, are amended to read as follows:

19           (c) Not later than the 60th day after the end of a local  
20 authority's fiscal year, after deducting amounts the local  
21 authority is authorized by Subsection (d) to retain, the local  
22 authority shall~~+~~

23           ~~(11)~~ send 100 [~~50~~] percent of the revenue derived from  
24 civil or administrative penalties collected by the local authority  
25 under this section to the comptroller for deposit to the credit of  
26 the regional trauma account established under Section 782.002,  
27 Health and Safety Code~~+, and~~

1           ~~[(2) deposit the remainder of the revenue in a special~~  
2 ~~account in the local authority's treasury that may be used only to~~  
3 ~~fund traffic safety programs, including pedestrian safety~~  
4 ~~programs, public safety programs, intersection improvements, and~~  
5 ~~traffic enforcement].~~

6           (e) Chapter 133, Local Government Code, applies to fee  
7 revenue described by Subsection (c) ~~[(c)(1)]~~.

8           SECTION 3. Sections 707.008(a) and (c), Transportation  
9 Code, are amended to read as follows:

10          (a) Not later than the 60th day after the end of a local  
11 authority's fiscal year, after deducting amounts the local  
12 authority is authorized by Subsection (b) to retain, the local  
13 authority shall~~+~~

14                 ~~[(1)]~~ send 100 ~~[50]~~ percent of the revenue derived from  
15 civil or administrative penalties collected by the local authority  
16 under this section to the comptroller for deposit to the credit of  
17 the regional trauma account established under Section 782.002,  
18 Health and Safety Code~~, and~~

19                 ~~[(2) deposit the remainder of the revenue in a special~~  
20 ~~account in the local authority's treasury that may be used only to~~  
21 ~~fund traffic safety programs, including pedestrian safety~~  
22 ~~programs, public safety programs, intersection improvements, and~~  
23 ~~traffic enforcement].~~

24          (c) Chapter 133, Local Government Code, applies to fee  
25 revenue described by Subsection (a) ~~[(a)(1)]~~.

26           SECTION 4. The changes in law made by this Act to Sections  
27 542.406 and 707.008, Transportation Code, apply only to a penalty

1 collected on or after the effective date of this Act. A penalty  
2 collected before the effective date of this Act is governed by the  
3 law in effect on the date the penalty was collected, and the former  
4 law is continued in effect for that purpose.

5 SECTION 5. This Act takes effect September 1, 2011.