

By: Lozano

H.B. No. 2500

A BILL TO BE ENTITLED

AN ACT

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

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), and (d-1) 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) A county having a population of less than 5,000 may use a fine collected for a violation of a highway law as the county determines appropriate.

(b-2) In each fiscal year, a county having a population of less than 5,000 may retain, from fines collected for violations of this title and from special expenses collected under Article 45.051, Code of Criminal Procedure, in cases in which a violation of this title is alleged, an amount equal to 30 percent of the county's revenue for the preceding fiscal year from all sources, other than

1 federal funds and bond proceeds, as shown by an audit performed
2 under Chapter 115, Local Government Code. After a county has
3 retained that amount, the county shall send to the comptroller any
4 portion of a fine or a special expense collected that exceeds \$1.

5 (c) The comptroller shall enforce Subsections [~~Subsection~~]
6 (b) and (b-1).

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

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

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

23 SECTION 2. The change in law made by this Act in amending
24 Sections 542.402(c) and (e) and in adding Sections 542.402(b-1) and
25 (d-1) applies only to the fiscal year of a county that begins on or
26 after the effective date of this Act.

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