

BILL ANALYSIS

C.S.H.B. 811
By: Cook
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many small municipalities and counties with limited revenue sources may rely on fees collected from the disposition of highway fines to protect public safety and to support local projects, such as the construction and maintenance of roads and bridges. Interested parties contend that current law limits the amount certain municipalities and counties can collect from highway traffic fines, and they further characterize these limitations as a means of preventing the operation of speed traps. However, there is a concern that these restrictions have a negative impact on municipalities and counties that are attempting to deter motorists from driving at speeds significantly over the speed limit. C.S.H.B. 811 seeks to remedy this situation for certain small municipalities and counties by repealing provisions limiting the amount of revenue from traffic violations such entities are authorized to retain.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 811 amends the Transportation Code to repeal provisions relating to the limitation, and the calculation of the limitation, on the amount of revenue from certain fines and special expenses collected for traffic violations that a municipality with a population of less than 5,000 or county with a population of less than 5,000 is authorized to retain in each fiscal year and provisions relating to the enforcement of those limitations by the comptroller of public accounts.

C.S.H.B. 811 repeals Sections 542.402(b), (b-2), (c), (d), (d-1), (e), (f), and (g), Transportation Code.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 811 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 542.402, Transportation Code, is amended by adding Subsection (b-3) to read as follows:	No equivalent provision.

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13.101.981

Substitute Document Number: 83R 16632

(b-3) Subsection (b) does not apply to a municipality with a population of more than 900 but less than 1,000 that is located in a county with a population of more than 47,000 but less than 48,000.

No equivalent provision.

SECTION 1. Section 542.402(b-1), Transportation Code, is amended to read as follows:

(b-1) A ~~[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).

No equivalent provision.

SECTION 2. Sections 542.402(b), (b-2), (c), (d), (d-1), (e), (f), and (g), Transportation Code, are repealed.

No equivalent provision.

SECTION 3. The change in law made by this Act to Section 542.402, Transportation Code, applies only to the fiscal year of a municipality or county that begins on or after the effective date of this Act.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.