

By: Zedler

H.B. No. 3025

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the governing body of a local authority
3 to impose a civil penalty for certain violations recorded by an
4 automated traffic control system or a photographic traffic signal
5 enforcement system.

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

7 SECTION 1. Section 542.2035, Transportation Code, is
8 amended to read as follows:

9 Sec. 542.2035. AUTOMATED TRAFFIC CONTROL SYSTEMS
10 PROHIBITED [~~LIMITATION ON MUNICIPALITIES~~]. (a) A local authority
11 [~~municipality~~] may not implement or operate an automated traffic
12 control system with respect to a highway or street under its
13 jurisdiction [~~for the purpose of enforcing compliance with posted~~
14 ~~speed limits~~]. The attorney general shall enforce this subsection.

15 (b) In this section, "automated traffic control system"
16 means a system consisting of a photographic device, radar device,
17 laser device, or other electrical or mechanical device that
18 [~~designed to~~]:

19 (1) is capable of producing one or more recorded
20 photographic or digital images depicting the license plate attached
21 to the front or rear of a motor vehicle that is not operated in
22 compliance with a posted speed limit or the instructions of a
23 traffic-control signal; and

24 (2) is used by the local authority to enforce

1 compliance with a posted speed limit or the instructions of a
2 traffic-control signal by imposition of a civil or administrative
3 penalty against the owner or operator of the motor vehicle [~~record~~
4 ~~the speed of a motor vehicle; and~~

5 [~~(2) obtain one or more photographs or other recorded~~
6 ~~images of:~~

7 [~~(A) the vehicle;~~

8 [~~(B) the license plate attached to the vehicle;~~

9 ~~or~~

10 [~~(C) the operator of the vehicle].~~

11 SECTION 2. Section 27.031(a), Government Code, is amended
12 to read as follows:

13 (a) In addition to the jurisdiction and powers provided by
14 the constitution and other law, the justice court has original
15 jurisdiction of:

16 (1) civil matters in which exclusive jurisdiction is
17 not in the district or county court and in which the amount in
18 controversy is not more than \$10,000, exclusive of interest;

19 (2) cases of forcible entry and detainer; and

20 (3) foreclosure of mortgages and enforcement of liens
21 on personal property in cases in which the amount in controversy is
22 otherwise within the justice court's jurisdiction[~~, and~~

23 [~~(4) cases arising under Chapter 707, Transportation~~
24 ~~Code, outside a municipality's territorial limits].~~

25 SECTION 3. Section 133.004, Local Government Code, as
26 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
27 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,

1 is reenacted and amended to read as follows:

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

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

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

8 (3) the filing fee in courts other than district court
9 for basic civil legal services for indigents imposed under Section
10 133.153;

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

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

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

18 (7) fees collected under Section 118.015;

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

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

24 (10) the filing fee for the judicial fund imposed in
25 district court, statutory county court, and county court under
26 Section 133.154[~~, and~~

27 [~~(11) the portion of the civil or administrative~~

1 ~~penalty described by Section 542.406(c)(1), Transportation Code,~~
2 ~~imposed by a local authority to enforce compliance with the~~
3 ~~instructions of a traffic-control signal,~~
4 ~~[(11) the portion of the civil or administrative~~
5 ~~penalty described by Section 707.008(a)(1), Transportation Code,~~
6 ~~imposed by a local authority to enforce compliance with the~~
7 ~~instructions of a traffic-control signal].~~

8 SECTION 4. The following are repealed:

- 9 (1) Section 29.003(g), Government Code;
10 (2) Chapter 782, Health and Safety Code;
11 (3) Sections 542.405 and 542.406, Transportation
12 Code;
13 (4) Section 544.012, Transportation Code; and
14 (5) Chapter 707, Transportation Code.

15 SECTION 5. (a) The repeal by this Act of Sections 542.405
16 and 542.406 and Chapter 707, Transportation Code, does not affect
17 the validity of a proceeding initiated or a civil penalty imposed
18 under those provisions before the effective date of this Act. A
19 proceeding initiated or a civil penalty imposed under those
20 provisions before the effective date of this Act is governed by the
21 applicable law in effect before the effective date of this Act, and
22 the former law is continued in effect for that purpose.

23 (b) Notwithstanding the repeal by this Act of Sections
24 542.405 and 542.406 and Chapter 707, Transportation Code, if before
25 June 1, 2013, a local authority had enacted an ordinance under those
26 provisions to implement a photographic traffic signal enforcement
27 system and entered into a contract for the administration and

1 enforcement of the system, the local authority may continue to
2 operate the system under that ordinance and under the terms of that
3 contract until the expiration date specified in the contract as the
4 contract existed on June 1, 2013.

5 SECTION 6. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2013.