

By: Elkins

H.B. No. 1131

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of photographic traffic signal enforcement systems.

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

SECTION 1. The heading to Chapter 707, Transportation Code, is amended to read as follows:

CHAPTER 707. PROHIBITING PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEMS [~~SYSTEM~~]

SECTION 2. Sections 707.001(3) and (4), Transportation Code, are amended to read as follows:

(3) "Photographic traffic signal enforcement system" means a device or system that:

(A) consists of a camera system and vehicle sensor that:

(i) is installed to exclusively work in conjunction with an electrically operated traffic-control signal; and

(ii) [~~(B)~~] is capable of producing [~~at least two~~] recorded images that depict the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal or the operator of such a vehicle; or

(B) consists of a radar unit or sensor linked to:

(i) a camera or other recording device that

1 produces or is capable of producing one or more photographs,  
2 microphotographs, videotapes, or digital or other recorded images  
3 of a motor vehicle's license plates or its operator; or

4 (ii) a device that is capable of reading a  
5 motor vehicle's license plate or otherwise identifying a motor  
6 vehicle.

7 (4) "Recorded image" means a photographic or digital  
8 image that depicts the front or the rear of a motor vehicle or the  
9 motor vehicle's operator.

10 SECTION 3. Sections 707.002, 707.003, and 707.004,  
11 Transportation Code, are amended to read as follows:

12 Sec. 707.002. USE OF PHOTOGRAPHIC TRAFFIC SIGNAL  
13 ENFORCEMENT SYSTEMS PROHIBITED. No traffic complaint, notice of  
14 violation, or other form of civil or criminal charge or citation  
15 shall be issued or filed in any court of this state for an alleged  
16 violation of this title or of any other state, county, or municipal  
17 law relating to the operation of a motor vehicle if the alleged  
18 violation was detected through the use of a photographic traffic  
19 signal enforcement system. ~~[AUTHORITY TO PROVIDE FOR CIVIL PENALTY.~~  
20 ~~The governing body of a local authority by ordinance may implement a~~  
21 ~~photographic traffic signal enforcement system and provide that the~~  
22 ~~owner of a motor vehicle is liable to the local authority for a~~  
23 ~~civil penalty if, while facing only a steady red signal displayed by~~  
24 ~~an electrically operated traffic-control signal located in the~~  
25 ~~local authority, the vehicle is operated in violation of the~~  
26 ~~instructions of that traffic-control signal, as specified by~~  
27 ~~Section 544.007(d).]~~

1           Sec. 707.003. IMPOSITION OF COSTS FOR VIOLATION OF THIS  
2 CHAPTER. Any state, county, municipality, or local authority that  
3 issues a complaint, a notice of violation, or another form of civil  
4 or criminal charge or citation arising from the use of a  
5 photographic traffic signal enforcement system shall be liable for  
6 the costs, including any reasonable attorney's fees, incurred by an  
7 owner or operator of a motor vehicle who receives such complaint,  
8 notice of violation, or other form of civil or criminal charge or  
9 citation. [~~INSTALLATION AND OPERATION OF PHOTOGRAPHIC TRAFFIC~~

10 ~~SIGNAL ENFORCEMENT SYSTEM. (a) A local authority that implements~~  
11 ~~a photographic traffic signal enforcement system under this chapter~~  
12 ~~may:~~

13           ~~[(1) contract for the administration and enforcement~~  
14 ~~of the system; and~~

15           ~~[(2) install and operate the system or contract for~~  
16 ~~the installation or operation of the system.~~

17           ~~[(b) A local authority that contracts for the~~  
18 ~~administration and enforcement of a photographic traffic signal~~  
19 ~~enforcement system may not agree to pay the contractor a specified~~  
20 ~~percentage of, or dollar amount from, each civil penalty collected.~~

21           ~~[(c) Before installing a photographic traffic signal~~  
22 ~~enforcement system at an intersection approach, the local authority~~  
23 ~~shall conduct a traffic engineering study of the approach to~~  
24 ~~determine whether, in addition to or as an alternative to the~~  
25 ~~system, a design change to the approach or a change in the~~  
26 ~~signalization of the intersection is likely to reduce the number of~~  
27 ~~red light violations at the intersection.~~

1           ~~[(d) An intersection approach must be selected for the~~  
2 ~~installation of a photographic traffic signal enforcement system~~  
3 ~~based on traffic volume, the history of accidents at the approach,~~  
4 ~~the number or frequency of red light violations at the~~  
5 ~~intersection, and similar traffic engineering and safety criteria,~~  
6 ~~without regard to the ethnic or socioeconomic characteristics of~~  
7 ~~the area in which the approach is located.~~

8           ~~[(e) A local authority shall report results of the traffic~~  
9 ~~engineering study required by Subsection (c) to a citizen advisory~~  
10 ~~committee consisting of one person appointed by each member of the~~  
11 ~~governing body of the local authority. The committee shall advise~~  
12 ~~the local authority on the installation and operation of a~~  
13 ~~photographic traffic signal enforcement system established under~~  
14 ~~this chapter.~~

15           ~~[(f) A local authority may not impose a civil penalty under~~  
16 ~~this chapter on the owner of a motor vehicle if the local authority~~  
17 ~~violates Subsection (b) or (c).~~

18           ~~[(g) The local authority shall install signs along each~~  
19 ~~roadway that leads to an intersection at which a photographic~~  
20 ~~traffic signal enforcement system is in active use. The signs must~~  
21 ~~be at least 100 feet from the intersection or located according to~~  
22 ~~standards established in the manual adopted by the Texas~~  
23 ~~Transportation Commission under Section [544.001](#), be easily~~  
24 ~~readable to any operator approaching the intersection, and clearly~~  
25 ~~indicate the presence of a photographic monitoring system that~~  
26 ~~records violations that may result in the issuance of a notice of~~  
27 ~~violation and the imposition of a monetary penalty.~~

1       ~~[(h) A local authority or the person with which the local~~  
2 ~~authority contracts for the administration and enforcement of a~~  
3 ~~photographic traffic signal enforcement system may not provide~~  
4 ~~information about a civil penalty imposed under this chapter to a~~  
5 ~~credit bureau, as defined by Section 392.001, Finance Code.]~~

6       Sec. 707.004. CONFLICT WITH OTHER LAWS. In the event of a  
7 conflict between this chapter and a provision of any other law  
8 relating to photographic traffic signal enforcement systems, this  
9 chapter controls to the extent of the conflict. ~~[REPORT OF~~  
10 ~~ACCIDENTS. (a) In this section, "department" means the Texas~~  
11 ~~Department of Transportation.~~

12       ~~[(b) Before installing a photographic traffic signal~~  
13 ~~enforcement system at an intersection approach, the local authority~~  
14 ~~shall compile a written report of the number and type of traffic~~  
15 ~~accidents that have occurred at the intersection for a period of at~~  
16 ~~least 18 months before the date of the report.~~

17       ~~[(c) Not later than six months after the date of the~~  
18 ~~installation of the photographic traffic signal enforcement system~~  
19 ~~at the intersection, the local authority shall provide the~~  
20 ~~department a copy of the report required by Subsection (b).~~

21       ~~[(d) After installing a photographic traffic signal~~  
22 ~~enforcement system at an intersection approach, the local authority~~  
23 ~~shall monitor and annually report to the department the number and~~  
24 ~~type of traffic accidents at the intersection to determine whether~~  
25 ~~the system results in a reduction in accidents or a reduction in the~~  
26 ~~severity of accidents.~~

27       ~~[(e) The report must be in writing in the form prescribed by~~

1 ~~the department.~~

2 ~~[(f) Not later than December 1 of each year, the department~~  
3 ~~shall publish the information submitted by a local authority under~~  
4 ~~Subsection (d).]~~

5 SECTION 4. Sections 707.0021, 707.005, 707.006, 707.007,  
6 707.008, 707.009, 707.010, 707.011, 707.012, 707.013, 707.014,  
7 707.015, 707.016, 707.017, 707.018, and 707.019, Transportation  
8 Code, are repealed.

9 SECTION 5. The change in law made by this Act applies only  
10 to a traffic violation that occurs on or after the effective date of  
11 this Act. A violation committed before the effective date of this  
12 Act is governed by the law in effect on the date the violation was  
13 committed, and the former law is continued in effect for that  
14 purpose. For purposes of this section, a violation was committed  
15 before the effective date of this Act if any element of the  
16 violation occurred before that date.

17 SECTION 6. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2015.