

By: Elkins

H.B. No. 2781

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of traffic laws by local authorities.

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. PHOTOGRAPHIC TRAFFIC SIGNAL

ENFORCEMENT SYSTEM PROHIBITED

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) a camera system and vehicle sensor that are:

(i) 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 operator of a motor vehicle, or the license plate attached to the front or the rear of the ~~[a]~~ motor vehicle, that is not operated in compliance with the instructions of the traffic-control signal; or

(B) a radar unit or sensor linked to:

(i) a camera or other recording device that is capable of producing a photograph, microphotograph, videotape,

1 or other recorded image of the operator or license plate of a motor  
2 vehicle; or

3 (ii) a device that is capable of reading a  
4 license plate attached to a motor vehicle or otherwise identifying  
5 a motor vehicle.

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

9 SECTION 3. Chapter 707, Transportation Code, is amended by  
10 adding Sections 707.020 and 707.021 to read as follows:

11 Sec. 707.020. USE OF PHOTOGRAPHIC TRAFFIC SIGNAL  
12 ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other law, the  
13 state or a political subdivision of the state may not issue a civil  
14 or criminal charge or citation for an offense or violation based on  
15 a recorded image produced by a photographic traffic signal  
16 enforcement system.

17 Sec. 707.021. COSTS OF CHARGE OR CITATION. If the state or  
18 any political subdivision of the state violates Section 707.020,  
19 the entity that commits the violation is responsible for all costs  
20 incurred by the owner or operator of a motor vehicle who was charged  
21 or received the citation, including reasonable attorney's fees.

22 SECTION 4. Section 27.031(a), Government Code, is amended  
23 to read as follows:

24 (a) In addition to the jurisdiction and powers provided by  
25 the constitution and other law, the justice court has original  
26 jurisdiction of:

27 (1) civil matters in which exclusive jurisdiction is

1 not in the district or county court and in which the amount in  
2 controversy is not more than \$10,000, exclusive of interest;

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

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

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

9 SECTION 5. Section 133.004, Local Government Code, as  
10 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149  
11 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,  
12 is reenacted and amended to read as follows:

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

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

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

19 (3) the filing fee in courts other than district court  
20 for basic civil legal services for indigents imposed under Section  
21 133.153;

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

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

27 (6) the filing fees for the judicial fund imposed in

1 statutory probate courts under Section 51.704, Government Code;

2 (7) fees collected under Section 118.015;

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

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

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

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

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

19 SECTION 6. The following are repealed:

20 (1) Section 29.003(g), Government Code;

21 (2) Chapter 782, Health and Safety Code;

22 (3) Sections 542.202(b)(3), 542.405, 542.406, and  
23 544.012, Transportation Code; and

24 (4) Sections 707.002, 707.0021, 707.003, 707.004,  
25 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011,  
26 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and  
27 707.019, Transportation Code.

1           SECTION 7. (a) The repeal by this Act of Sections 542.405  
2 and 542.406, Transportation Code, and provisions of Chapter 707,  
3 Transportation Code, does not affect the validity of a proceeding  
4 initiated or a civil penalty imposed under those provisions before  
5 the effective date of this Act. A proceeding initiated or a civil  
6 penalty imposed under those provisions before the effective date of  
7 this Act is governed by the applicable law in effect before the  
8 effective date of this Act, and the former law is continued in  
9 effect for that purpose.

10           (b) Notwithstanding the repeal by this Act of Sections  
11 542.405 and 542.406, Transportation Code, and provisions of Chapter  
12 707, Transportation Code, if before June 1, 2015, a local authority  
13 had enacted an ordinance under those provisions to implement a  
14 photographic traffic signal enforcement system and entered into a  
15 contract for the administration and enforcement of the system, the  
16 local authority may continue to operate the system under that  
17 ordinance and under the terms of that contract until the expiration  
18 date specified in the contract as the contract existed on June 1,  
19 2015.

20           SECTION 8. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2015.