

By: Shaheen

H.B. No. 3259

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of penalties imposed by a local authority using a photographic traffic signal enforcement system.

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

SECTION 1. Section 707.007, Transportation Code, is amended to read as follows:

Sec. 707.007. AMOUNT OF CIVIL PENALTY; LATE PAYMENT PENALTY. (a) If a local authority enacts an ordinance to enforce compliance with the instructions of a traffic-control signal by the imposition of a civil [~~or administrative~~] penalty, the amount of:

(1) the civil [~~or administrative~~] penalty may not exceed \$75; and

(2) a late payment penalty may not exceed \$25.

(b) The county attorney for the county or the municipal attorney for the municipality in which the violation is alleged to have occurred may bring suit to collect the civil penalty.

SECTION 2. Section 707.008(b), Transportation Code, is amended to read as follows:

(b) A local authority may retain an amount necessary to cover the costs of:

(1) purchasing or leasing equipment that is part of or used in connection with the photographic traffic signal enforcement system in the local authority;

(2) installing the photographic traffic signal

1 enforcement system at sites in the local authority, including the  
2 costs of installing cameras, flashes, computer equipment, loop  
3 sensors, detectors, utility lines, data lines, poles and mounts,  
4 networking equipment, and associated labor costs;

5 (3) operating the photographic traffic signal  
6 enforcement system in the local authority, including the costs of  
7 creating, distributing, and delivering violation notices, review  
8 of violations conducted by employees of the local authority, and  
9 the processing of fine payments and collections[, ~~and the costs~~  
10 ~~associated with administrative adjudications and appeals~~]; and

11 (4) maintaining the general upkeep and functioning of  
12 the photographic traffic signal enforcement system.

13 SECTION 3. Section 707.011(c), Transportation Code, is  
14 amended to read as follows:

15 (c) The notice of violation must contain:

16 (1) a description of the violation alleged;

17 (2) the location of the intersection where the  
18 violation occurred;

19 (3) the date and time of the violation;

20 (4) the name and address of the owner of the vehicle  
21 involved in the violation;

22 (5) the registration number displayed on the license  
23 plate of the vehicle involved in the violation;

24 (6) a copy of a recorded image of the violation limited  
25 solely to a depiction of the area of the registration number  
26 displayed on the license plate of the vehicle involved in the  
27 violation;

1           (7) the amount of the civil penalty for which the owner  
2 is liable;

3           (8) the number of days the person has in which to pay  
4 or contest the imposition of the civil penalty and a statement that  
5 the person incurs a late payment penalty if the civil penalty is not  
6 paid or imposition of the penalty is not contested within that  
7 period;

8           (9) a statement that the owner of the vehicle in the  
9 notice of violation may elect to pay the civil penalty by mail sent  
10 to a specified address instead of contesting the imposition of the  
11 civil penalty in court [~~appearing at the time and place of the~~  
12 ~~administrative adjudication hearing~~]; and

13           (10) information that informs the owner of the vehicle  
14 named in the notice of violation[+

15                   [~~(A)~~] of the owner's right to contest the  
16 imposition of the civil penalty against the person in court  
17 following procedures generally applicable in civil courts [~~an~~  
18 ~~administrative adjudication hearing~~];

19                   [~~(B)~~ that imposition of the civil penalty may be  
20 contested by submitting a written request for an administrative  
21 adjudication hearing before the expiration of the period specified  
22 under Subdivision (8); and

23                   [~~(C)~~ that failure to pay the civil penalty or to  
24 contest liability for the penalty in a timely manner is an admission  
25 of liability and a waiver of the owner's right to appeal the  
26 imposition of the civil penalty].

27           SECTION 4. Sections 707.013(c) and (e), Transportation

1 Code, are amended to read as follows:

2 (c) The [~~Notwithstanding Section 707.014, the~~] presentation  
3 of evidence under Subsection (b) by a person who is in the business  
4 of selling, renting, or leasing motor vehicles or did not own the  
5 vehicle at the time of the violation must be made by affidavit [~~7~~  
6 ~~through testimony at the administrative adjudication hearing under~~  
7 ~~Section 707.014,~~] or by a written declaration under penalty of  
8 perjury. The affidavit or written declaration may be submitted by  
9 mail to the local authority [~~or the entity with which the local~~  
10 ~~authority contracts under Section 707.003(a)(1)~~].

11 (e) If, at the time of the violation alleged in the notice of  
12 violation, the motor vehicle depicted in the photograph or digital  
13 image taken by the photographic traffic signal enforcement system  
14 was owned by a person in the business of renting or leasing motor  
15 vehicles and the vehicle was being rented or leased to an  
16 individual, the owner of the motor vehicle shall provide to the  
17 local authority [~~or the entity with which the local authority~~  
18 ~~contracts under Section 707.003(a)(1)~~] the name and address of the  
19 individual who was renting or leasing the motor vehicle depicted in  
20 the photograph or digital image and a statement of the period during  
21 which that individual was renting or leasing the vehicle. The owner  
22 shall provide the information required by this subsection not later  
23 than the 30th day after the date the notice of violation is  
24 received. If the owner provides the required information, it is  
25 presumed that the individual renting or leasing the motor vehicle  
26 committed the violation alleged in the notice of violation and the  
27 local authority or contractor may send a notice of violation to that

1 individual at the address provided by the owner of the motor  
2 vehicle.

3 SECTION 5. Sections 707.009, 707.012, 707.014, 707.015, and  
4 707.016, Transportation Code, are repealed.

5 SECTION 6. This Act takes effect September 1, 2017.