

1-1 By: Hall S.B. No. 88
 1-2 (In the Senate - Filed November 14, 2016; January 24, 2017,
 1-3 read first time and referred to Committee on Transportation;
 1-4 March 16, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 2; March 16, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----------|-----|--------|-----|
| 1-8 | X | | | |
| 1-9 | Nichols | | | |
| 1-10 | X | | | |
| 1-11 | Hall | | | |
| 1-12 | X | | | |
| 1-13 | Creighton | | | |
| 1-14 | Garcia | X | | |
| 1-15 | Hancock | X | | |
| 1-16 | Hinojosa | X | | |
| 1-17 | Kolkhorst | | X | |
| | Perry | X | | |
| | Rodríguez | | X | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 88 By: Hall

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the use of photographic traffic signal enforcement
 1-22 systems.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Chapter 707, Transportation Code,
 1-25 is amended to read as follows:

1-26 CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL
 1-27 ENFORCEMENT SYSTEM PROHIBITED

1-28 SECTION 2. Sections 707.001(3) and (4), Transportation
 1-29 Code, are amended to read as follows:

1-30 (3) "Photographic traffic signal enforcement system"
 1-31 means a device or system that:

1-32 (A) consists of:

1-33 (i) a camera system and vehicle sensor that
 1-34 are:

1-35 (a) installed to exclusively work in
 1-36 conjunction with an electrically operated traffic-control signal;
 1-37 and

1-38 (b) [~~(B) is~~] capable of producing [~~at~~
 1-39 ~~least two~~] recorded images that depict the operator of a motor
 1-40 vehicle or the license plate attached to the front or the rear of a
 1-41 motor vehicle that is not being operated in compliance with the
 1-42 instructions of the traffic-control signal; or

1-43 (ii) a radar unit or sensor linked to:

1-44 (a) a camera or other recording device
 1-45 that is capable of producing a photograph, microphotograph,
 1-46 videotape, or other recorded image of the operator of a motor
 1-47 vehicle or the license plate attached to the front or the rear of a
 1-48 motor vehicle; or

1-49 (b) a device that is capable of
 1-50 reading a license plate attached to the front or the rear of a motor
 1-51 vehicle or otherwise identifying a motor vehicle; or

1-52 (B) is capable of taking photographic,
 1-53 electronic, video, or digital images of vehicles that pass a bus.

1-54 (4) "Recorded image" means a photographic or digital
 1-55 image that depicts the front or the rear of a motor vehicle or the
 1-56 operator of a motor vehicle.

1-57 SECTION 3. Chapter 707, Transportation Code, is amended by
 1-58 adding Sections 707.0015 and 707.0016 to read as follows:

1-59 Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. This chapter
 1-60 does not apply to a photographic traffic signal enforcement system

2-1 that is used for the purpose of collecting or enforcing tolls.
2-2 Sec. 707.0016. LAW ENFORCEMENT USE EXCEPTED. This chapter
2-3 does not apply to a photographic traffic signal enforcement system
2-4 that is:

- 2-5 (1) used to monitor traffic offenses;
- 2-6 (2) handheld or mounted on a law enforcement vehicle;
- 2-7 and
- 2-8 (3) actively operated and monitored on site by a law
- 2-9 enforcement officer.

2-10 SECTION 4. Chapter 707, Transportation Code, is amended by
2-11 adding Sections 707.020 and 707.021 to read as follows:

2-12 Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT
2-13 SYSTEM PROHIBITED. (a) Notwithstanding any other law, and except
2-14 as provided by Sections 707.0015 and 707.0016, a county, a
2-15 municipality, a school district, a governmental agency that
2-16 provides services to a school district, an intermediate educational
2-17 agency, or another local entity authorized to enact traffic laws
2-18 under the laws of this state may not implement or operate a
2-19 photographic traffic signal enforcement system with respect to a
2-20 highway or street under the jurisdiction of the entity.

2-21 (b) The attorney general shall enforce this section.

2-22 Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC
2-23 SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other
2-24 law, and except as provided by Sections 707.0015 and 707.0016, the
2-25 state, a school district, a governmental agency that provides
2-26 services to a school district, an intermediate educational agency,
2-27 or another political subdivision of the state may not issue a civil
2-28 or criminal charge or citation for an offense or violation based on
2-29 a recorded image produced by a photographic traffic signal
2-30 enforcement system.

2-31 SECTION 5. Section 27.031(a), Government Code, is amended
2-32 to read as follows:

2-33 (a) In addition to the jurisdiction and powers provided by
2-34 the constitution and other law, the justice court has original
2-35 jurisdiction of:

2-36 (1) civil matters in which exclusive jurisdiction is
2-37 not in the district or county court and in which the amount in
2-38 controversy is not more than \$10,000, exclusive of interest;

2-39 (2) cases of forcible entry and detainer; and

2-40 (3) foreclosure of mortgages and enforcement of liens
2-41 on personal property in cases in which the amount in controversy is
2-42 otherwise within the justice court's jurisdiction[~~and~~

2-43 [~~(4) cases arising under Chapter 707, Transportation~~
2-44 ~~Code, outside a municipality's territorial limits].~~

2-45 SECTION 6. Section 133.004, Local Government Code, as
2-46 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
2-47 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,
2-48 is reenacted and amended to read as follows:

2-49 Sec. 133.004. CIVIL FEES. This chapter applies to the
2-50 following civil fees:

2-51 (1) the consolidated fee on filing in district court
2-52 imposed under Section 133.151;

2-53 (2) the filing fee in district court for basic civil
2-54 legal services for indigents imposed under Section 133.152;

2-55 (3) the filing fee in courts other than district court
2-56 for basic civil legal services for indigents imposed under Section
2-57 133.153;

2-58 (4) the filing fees for the judicial fund imposed in
2-59 certain statutory county courts under Section 51.702, Government
2-60 Code;

2-61 (5) the filing fees for the judicial fund imposed in
2-62 certain county courts under Section 51.703, Government Code;

2-63 (6) the filing fees for the judicial fund imposed in
2-64 statutory probate courts under Section 51.704, Government Code;

2-65 (7) fees collected under Section 118.015;

2-66 (8) marriage license fees for the family trust fund
2-67 collected under Section 118.018;

2-68 (9) marriage license or declaration of informal
2-69 marriage fees for the child abuse and neglect prevention trust fund

3-1 account collected under Section 118.022; and
 3-2 (10) the filing fee for the judicial fund imposed in
 3-3 district court, statutory county court, and county court under
 3-4 Section 133.154[~~and~~
 3-5 [~~(11) the portion of the civil or administrative~~
 3-6 ~~penalty described by Section 542.406(c)(1), Transportation Code,~~
 3-7 ~~imposed by a local authority to enforce compliance with the~~
 3-8 ~~instructions of a traffic-control signal~~
 3-9 [~~(11) the portion of the civil or administrative~~
 3-10 ~~penalty described by Section 707.008(a)(1), Transportation Code,~~
 3-11 ~~imposed by a local authority to enforce compliance with the~~
 3-12 ~~instructions of a traffic-control signal]~~.

3-13 SECTION 7. The following are repealed:
 3-14 (1) Section 29.003(g), Government Code;
 3-15 (2) Sections 542.405, 542.406, and 544.012,
 3-16 Transportation Code; and
 3-17 (3) Sections 707.002, 707.0021, 707.003, 707.004,
 3-18 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011,
 3-19 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and
 3-20 707.019, Transportation Code.

3-21 SECTION 8. (a) The repeal by this Act of Sections 542.405
 3-22 and 542.406, Transportation Code, and provisions of Chapter 707,
 3-23 Transportation Code, does not affect the validity of a proceeding
 3-24 initiated or a civil penalty imposed under those provisions before
 3-25 the effective date of this Act. A proceeding initiated or a civil
 3-26 penalty imposed under those provisions before the effective date of
 3-27 this Act is governed by the applicable law in effect before the
 3-28 effective date of this Act, and the former law is continued in
 3-29 effect for that purpose.

3-30 (b) Notwithstanding the repeal by this Act of Sections
 3-31 542.405 and 542.406 and provisions of Chapter 707, Transportation
 3-32 Code, if before June 1, 2017, a local authority had enacted an
 3-33 ordinance under those provisions to implement a photographic
 3-34 traffic signal enforcement system and entered into a contract for
 3-35 the administration and enforcement of the system, the local
 3-36 authority may continue to operate the system under that ordinance
 3-37 and under the terms of that contract until the expiration date
 3-38 specified in the contract as the contract existed on June 1, 2017.

3-39 SECTION 9. This Act takes effect immediately if it receives
 3-40 a vote of two-thirds of all the members elected to each house, as
 3-41 provided by Section 39, Article III, Texas Constitution. If this
 3-42 Act does not receive the vote necessary for immediate effect, this
 3-43 Act takes effect September 1, 2017.

3-44 * * * * *