

By: Huffines

S.B. No. 111

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of photographic traffic 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. 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:

(i) a camera system and vehicle sensor that are:

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

(b) [~~(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 a motor vehicle that is not being operated in compliance with the instructions of the traffic-control signal; or

(ii) a radar unit or sensor linked to:

1 (a) a camera or other recording device
2 that is capable of producing a photograph, microphotograph,
3 videotape, or other recorded image of the operator of a motor
4 vehicle or the license plate attached to the front or the rear of a
5 motor vehicle; or

6 (b) a device that is capable of
7 reading a license plate attached to the front or the rear of a motor
8 vehicle or otherwise identifying a motor vehicle;

9 (B) is capable of taking photographic,
10 electronic, video, or digital images of vehicles that pass a bus; or

11 (C) records the speed of a motor vehicle and
12 obtains one or more photographs or other recorded images of:

13 (i) the vehicle;

14 (ii) the license plate attached to the
15 vehicle; or

16 (iii) the operator of the vehicle.

17 (4) "Recorded image" means a photographic or digital
18 image that depicts the front or the rear of a motor vehicle or the
19 operator of a motor vehicle.

20 SECTION 3. Chapter 707, Transportation Code, is amended by
21 adding Section 707.0015 to read as follows:

22 Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. This chapter
23 does not apply to a photographic traffic enforcement system that is
24 used for the purpose of collecting or enforcing tolls.

25 SECTION 4. Chapter 707, Transportation Code, is amended by
26 adding Section 707.020 to read as follows:

27 Sec. 707.020. USE OF PHOTOGRAPHIC TRAFFIC ENFORCEMENT

1 SYSTEM PROHIBITED. Notwithstanding any other law, the state or a
2 political subdivision of the state, including a school district, a
3 governmental agency that provides services to a school district, or
4 an intermediate educational agency, may not issue a civil or
5 criminal charge or citation for an offense or violation based on a
6 recorded image produced by a photographic traffic enforcement
7 system.

8 SECTION 5. Section 27.031(a), Government Code, is amended
9 to read as follows:

10 (a) In addition to the jurisdiction and powers provided by
11 the constitution and other law, the justice court has original
12 jurisdiction of:

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

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

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

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

22 SECTION 6. Section 780.003(b), Health and Safety Code, is
23 amended to read as follows:

24 (b) The account is composed of money deposited to the credit
25 of the account under the [~~Sections 542.406 and 707.008,~~
26 ~~Transportation Code[~~7~~] and under Section 780.002 of this code.~~

27 SECTION 7. Section 133.004, Local Government Code, as

1 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
2 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,
3 is reenacted and amended to read as follows:

4 Sec. 133.004. CIVIL FEES. This chapter applies to the
5 following civil fees:

6 (1) the consolidated fee on filing in district court
7 imposed under Section [133.151](#);

8 (2) the filing fee in district court for basic civil
9 legal services for indigents imposed under Section [133.152](#);

10 (3) the filing fee in courts other than district court
11 for basic civil legal services for indigents imposed under Section
12 [133.153](#);

13 (4) the filing fees for the judicial fund imposed in
14 certain statutory county courts under Section [51.702](#), Government
15 Code;

16 (5) the filing fees for the judicial fund imposed in
17 certain county courts under Section [51.703](#), Government Code;

18 (6) the filing fees for the judicial fund imposed in
19 statutory probate courts under Section [51.704](#), Government Code;

20 (7) fees collected under Section [118.015](#);

21 (8) marriage license fees for the family trust fund
22 collected under Section [118.018](#);

23 (9) marriage license or declaration of informal
24 marriage fees for the child abuse and neglect prevention trust fund
25 account collected under Section [118.022](#); and

26 (10) the filing fee for the judicial fund imposed in
27 district court, statutory county court, and county court under

1 Section 133.154[~~and~~

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

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

10 SECTION 8. The following are repealed:

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

12 (2) Sections 542.202(b)(3), 542.2035, 542.405,
13 542.406, and 544.012, Transportation Code; and

14 (3) Sections 707.002, 707.0021, 707.003, 707.004,
15 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011,
16 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and
17 707.019, Transportation Code.

18 SECTION 9. The repeal by this Act of Sections 542.405 and
19 542.406, Transportation Code, and provisions of Chapter 707,
20 Transportation Code, does not affect the validity of a proceeding
21 initiated or a civil penalty imposed under those provisions before
22 the effective date of this Act. A proceeding initiated or a civil
23 penalty imposed under those provisions before the effective date of
24 this Act is governed by the applicable law in effect before the
25 effective date of this Act, and the former law is continued in
26 effect for that purpose.

27 SECTION 10. If any provision of this Act or its application

1 to any person or circumstance is held invalid, the invalidity does
2 not affect other provisions or applications of this Act that can be
3 given effect without the invalid provision or application, and the
4 provisions of this Act are severable for this purpose.

5 SECTION 11. This Act takes effect immediately if it
6 receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section 39, Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for immediate
9 effect, this Act takes effect September 1, 2017.