

## **BILL ANALYSIS**

Senate Research Center

H.B. 1631  
By: Stickland et al. (Hall)  
Transportation  
5/16/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Problem:

Red light cameras violate the right to due process guaranteed under Article 1, Section 19 of the Texas Constitution by creating an irrebutable presumption that the registered owner of the car committed the violation.

This Bill:

- This bill would eliminate the authority of municipalities and local governments to use photographic traffic signal enforcement systems, often called "red light cameras," in the State of Texas.
- This bill prohibits local authorities from issuing civil or criminal charges or citations for offenses based on images from a red light camera.
- This bill specifies that the attorney general will enforce the red light camera prohibition.
- The House Engrossed version provides that local authorities may continue to operate the system under the terms of their contract until the expiration date as the contract existed on May 7, 2019. This exception does NOT apply if the contract authorizes termination on the basis of adverse state legislation.
- The House Engrossed version also specifies that neither the Texas Department of Transportation nor county assessor-collectors may refuse to register vehicles solely on the basis of a delinquent payment on a civil penalty imposed for a red light camera violation.

H.B. 1631 amends current law relating to prohibiting the use of photographic traffic signal enforcement systems.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 707, Transportation Code, to read as follows:

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL

ENFORCEMENT SYSTEM PROHIBITED

SECTION 2. Amends Chapter 707, Transportation Code, by adding Sections 707.020 and 707.021, as follows:

Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. (a) Prohibits a local authority, notwithstanding any other law, from

implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority.

(b) Requires the Texas attorney general to enforce this section.

Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Prohibits a local authority, notwithstanding any other law, from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

SECTION 3. Amends Section 27.031(a), Government Code, as follows:

(a) Provides that, in addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

(1) makes no changes to this subdivision;

(2)–(3) makes nonsubstantive changes to these subdivisions; and

(4) deletes existing Subdivision (4) relating to cases arising under Chapter 707 (Photographic Traffic Signal Enforcement System), Transportation Code, outside a municipality's territorial limits.

SECTION 4. Amends Section 780.003(b), Health and Safety Code, as follows:

(b) Provides that the designated trauma facility and emergency medical services account is composed of money deposited to the credit of the account under the Transportation Code and under Section 780.002 (Certain Deposits to Account), rather than under Sections 542.406 (Deposit of Revenue From Certain Traffic Penalties) and 707.008 (Deposit of Revenue From Certain Traffic Penalties), Transportation Code, and Section 780.002 of this code.

SECTION 5. Reenacts Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, and amends it as follows:

Sec. 133.004. CIVIL FEES. Provides that this chapter (Criminal and Civil Fees Payable to the Comptroller) applies to the following civil fees:

(1)–(8) makes no changes to these subdivisions;

(9)–(10) makes nonsubstantive changes to these subdivisions;

Deletes existing text relating to the application of certain fees imposed to enforce compliance with the instructions of a traffic signal.

SECTION 6. Repealer: Section 29.003(g) (relating to requiring a municipal court, including a municipal court of record, to have exclusive appellate jurisdiction within the municipality's territorial limits in certain cases), Government Code.

Repealer: Section 542.405 (Amount of Civil Penalty; Late Payment Penalty), Transportation Code.

Repealer: Section 542.406 (Deposit of Revenue From Certain Traffic Penalties), Transportation Code.

Repealer: Section 544.012 (Notification of Photographic Traffic Monitoring System), Transportation Code.

Repealer: Section 707.001(2) (relating to the definition of "owner of a motor vehicle"), Transportation Code.

Repealer: Section 707.002 (Authority to Provide for Civil Penalty), Transportation Code.

Repealer: Section 707.0021 (Imposition of Civil Penalty on Owner of Authorized Emergency Vehicle), Transportation Code.

Repealer: Section 707.003 (Installation and Operation of Photographic Traffic Signal Enforcement System), Transportation Code.

Repealer: Section 707.004 (Report of Accidents), Transportation Code.

Repealer: Section 707.005 (Minimum Change Interval), Transportation Code.

Repealer: Section 707.006 (General Surveillance Prohibited; Offense), Transportation Code.

Repealer: Section 707.007 (Amount of Civil Penalty; Late Payment Penalty), Transportation Code.

Repealer: Section 707.008 (Deposit of Revenue From Certain Traffic Penalties), Transportation Code.

Repealer: Section 707.009 (Required Ordinance Provisions), Transportation Code.

Repealer: Section 707.010 (Effect on Other Enforcement), Transportation Code.

Repealer: Section 707.011 (Notice of Violation; Contents), Transportation Code.

Repealer: Section 707.012 (Admission of Liability), Transportation Code.

Repealer: Section 707.013 (Presumption), Transportation Code.

Repealer: Section 707.014 (Administrative Adjudication Hearing), Transportation Code.

Repealer: Section 707.015 (Untimely Request For Administrative Adjudication Hearing), Transportation Code.

Repealer: Section 707.016 (Appeal), Transportation Code.

Repealer: Section 707.017 (Enforcement), Transportation Code.

Repealer: Section 707.018 (Imposition of Civil Penalty Not a Conviction, Transportation Code.

Repealer: Section 707.019 (Failure to Pay Civil Penalty), Transportation Code.

SECTION 7. (a) Provides that notwithstanding any provision of this Act to the contrary, if before May 7, 2019, a local authority had enacted an ordinance to implement a photographic traffic signal enforcement system under Sections 542.405 and 542.406, Transportation Code, or Chapter 707, Transportation Code, and entered into a contract for the administration and enforcement of the system:

(1) the local authority may continue to operate the system under that ordinance and under the terms of that contract until the expiration date specified in the contract as the contract existed on May 7, 2019; and

(2) the photographic traffic signal enforcement system, and any proceeding initiated or civil or administrative penalty imposed after the effective date of this Act are governed by the applicable law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) Provides that Subsection (a) of this section does not apply to a contract for the administration and enforcement of a photographic traffic signal enforcement system entered into before May 7, 2019, that authorizes termination of the contract on the basis of adverse state legislation.

(c) Provides that neither the Texas Department of Motor Vehicles nor a county

assessor-collector may refuse to register a motor vehicle alleged to have been involved in a violation of former Chapter 707, Transportation Code, solely because the owner of the motor vehicle is delinquent in the payment of a civil penalty imposed under that chapter as permitted under Subsection (a) of this section.

SECTION 8. Effective date: upon passage or September 1, 2019.