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H.B. No. 1631

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting the use of photographic traffic signal  
3 enforcement systems.

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

5 SECTION 1. The heading to Chapter 707, Transportation Code,  
6 is amended to read as follows:

7 CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL

8 ENFORCEMENT SYSTEM PROHIBITED

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

11 Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT  
12 SYSTEM PROHIBITED. (a) Notwithstanding any other law, a local  
13 authority may not implement or operate a photographic traffic  
14 signal enforcement system with respect to a highway or street under  
15 the jurisdiction of the authority.

16 (b) The attorney general shall enforce this section.

17 Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC  
18 SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other  
19 law, a local authority may not issue a civil or criminal charge or  
20 citation for an offense or violation based on a recorded image  
21 produced by a photographic traffic signal enforcement system.

22 SECTION 3. Section 27.031(a), Government Code, is amended  
23 to read as follows:

24 (a) In addition to the jurisdiction and powers provided by

1 the constitution and other law, the justice court has original  
2 jurisdiction of:

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

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

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

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

12 SECTION 4. Section 780.003(b), Health and Safety Code, is  
13 amended to read as follows:

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

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

21 Sec. 133.004. CIVIL FEES. This chapter applies to the  
22 following civil fees:

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

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

27 (3) the filing fee in courts other than district court

1 for basic civil legal services for indigents imposed under Section  
2 133.153;

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

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

8 (6) the filing fees for the judicial fund imposed in  
9 statutory probate courts under Section 51.704, Government Code;

10 (7) fees collected under Section 118.015;

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

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

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

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

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

27 SECTION 6. The following are repealed:

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

2 (2) Sections 542.405, 542.406, and 544.012,  
3 Transportation Code; and

4 (3) Sections 707.001(2), 707.002, 707.0021, 707.003,  
5 707.004, 707.005, 707.006, 707.007, 707.008, 707.009, 707.010,  
6 707.011, 707.012, 707.013, 707.014, 707.015, 707.016, 707.017,  
7 707.018, and 707.019, Transportation Code.

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

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

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

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

1 state legislation.

2 (c) Neither the Texas Department of Motor Vehicles nor a  
3 county assessor-collector may refuse to register a motor vehicle  
4 alleged to have been involved in a violation of former Chapter 707,  
5 Transportation Code, solely because the owner of the motor vehicle  
6 is delinquent in the payment of a civil penalty imposed under that  
7 chapter as permitted under Subsection (a) of this section.

8 SECTION 8. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2019.