

By: Thompson of Brazoria

H.B. No. 2262

A BILL TO BE ENTITLED

AN ACT

relating to the use of traffic surveillance 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 SURVEILLANCE [~~SIGNAL ENFORCEMENT~~] SYSTEM PROHIBITED

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

(3) "Traffic surveillance [~~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) used for the purpose [~~(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:

(a) a camera or other recording device

1 that is used for the purpose of producing a photograph,
2 microphotograph, videotape, or other recorded image of the operator
3 of a motor vehicle or the license plate attached to the front or the
4 rear of a motor vehicle; or

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

8 (B) is used for the purpose of taking
9 photographic, electronic, video, or digital images of vehicles that
10 pass a bus.

11 (4) "Recorded image" means a photographic or digital
12 image that depicts the front or the rear of a motor vehicle or the
13 operator of a motor vehicle.

14 SECTION 3. Chapter 707, Transportation Code, is amended by
15 adding Sections 707.0015 and 707.0016 to read as follows:

16 Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. This chapter
17 does not apply to a traffic surveillance system that is used for the
18 purpose of collecting or enforcing tolls.

19 Sec. 707.0016. LAW ENFORCEMENT USE EXCEPTED. This chapter
20 does not apply to a traffic surveillance system that is:

21 (1) used to monitor traffic offenses;

22 (2) handheld or mounted on a law enforcement vehicle;

23 and

24 (3) actively operated and monitored on site by a law
25 enforcement officer.

26 SECTION 4. Chapter 707, Transportation Code, is amended by
27 adding Sections 707.020 and 707.021 to read as follows:

1 Sec. 707.020. TRAFFIC SURVEILLANCE SYSTEM PROHIBITED. (a)
2 Notwithstanding any other law, and except as provided by Sections
3 707.0015 and 707.0016, a county, a municipality, a school district,
4 a governmental agency that provides services to a school district,
5 an intermediate educational agency, or another local entity
6 authorized to enact traffic laws under the laws of this state may
7 not implement or operate a traffic surveillance system with respect
8 to a highway or street under the jurisdiction of the entity.

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

10 Sec. 707.021. USE OF EVIDENCE FROM TRAFFIC SURVEILLANCE
11 SYSTEM PROHIBITED. Notwithstanding any other law, and except as
12 provided by Sections 707.0015 and 707.0016, the state, a school
13 district, a governmental agency that provides services to a school
14 district, an intermediate educational agency, or another political
15 subdivision of the state may not issue a civil or criminal charge or
16 citation for an offense or violation based on a recorded image
17 produced by a traffic surveillance system.

18 SECTION 5. Section [27.031\(a\)](#), Government Code, is amended
19 to read as follows:

20 (a) In addition to the jurisdiction and powers provided by
21 the constitution and other law, the justice court has original
22 jurisdiction of:

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

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

27 (3) foreclosure of mortgages and enforcement of liens

1 on personal property in cases in which the amount in controversy is
2 otherwise within the justice court's jurisdiction[~~, and~~
3 ~~[(4) cases arising under Chapter 707, Transportation~~
4 ~~Code, outside a municipality's territorial limits]~~.

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

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

10 SECTION 7. Section 133.004, Local Government Code, as
11 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
12 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,
13 is reenacted and amended to read as follows:

14 Sec. 133.004. CIVIL FEES. This chapter applies to the
15 following civil fees:

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

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

20 (3) the filing fee in courts other than district court
21 for basic civil legal services for indigents imposed under Section
22 133.153;

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

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

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

3 (7) fees collected under Section 118.015;

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

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

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

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

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

20 SECTION 8. The following laws are repealed:

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

22 (2) Sections 542.2035, 542.405, 542.406, and 544.012,
23 Transportation Code; and

24 (3) Sections 707.001(1) and (2), 707.002, 707.0021,
25 707.003, 707.004, 707.005, 707.006, 707.007, 707.008, 707.009,
26 707.010, 707.011, 707.012, 707.013, 707.014, 707.015, 707.016,
27 707.017, 707.018, and 707.019, Transportation Code.

1 SECTION 9. (a) The repeal by this Act of Sections 542.405
2 and 542.406, Transportation Code, and provisions of Chapter 707,
3 Transportation Code, does not affect the validity of a proceeding
4 initiated or a civil penalty imposed under those provisions before
5 the effective date of this Act. A proceeding initiated or a civil
6 penalty imposed under those provisions before the effective date of
7 this Act is governed by the applicable law in effect before the
8 effective date of this Act, and the former law is continued in
9 effect for that purpose.

10 (b) Notwithstanding the repeal by this Act of Sections
11 542.405 and 542.406, Transportation Code, and provisions of Chapter
12 707, Transportation Code, if before June 1, 2019, a local authority
13 had enacted an ordinance under those provisions to implement a
14 photographic traffic signal enforcement system and entered into a
15 contract for the administration and enforcement of the system:

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

20 (2) beginning June 1, 2019, the local authority shall
21 send all revenue derived from civil or administrative penalties
22 collected by the local authority under that ordinance to the
23 comptroller for deposit to the credit of the designated trauma
24 facility and emergency medical services account established under
25 Section 780.003, Health and Safety Code.

26 (c) Subsection (b) of this section does not apply to a
27 contract for the administration and enforcement of a photographic

1 traffic signal enforcement system entered into before June 1, 2019,
2 that explicitly authorizes termination of the contract on the basis
3 of adverse state legislation.

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