

By: Hall

S.B. No. 77

A BILL TO BE ENTITLED

AN ACT

relating to the use of information from traffic surveillance technology by governmental entities.

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

SECTION 1. Subtitle I, Title 7, Transportation Code, is amended by adding Chapter 709 to read as follows:

CHAPTER 709. TRAFFIC SURVEILLANCE

Sec. 709.001. DEFINITION. In this chapter, "traffic surveillance technology" means technology that:

(1) records a photographic or digital image of a motor vehicle operator or license plate; or

(2) automatically reads a motor vehicle license plate.

Sec. 709.002. USE OF INFORMATION FROM TRAFFIC SURVEILLANCE TECHNOLOGY PROHIBITED. (a) Except as otherwise provided by this chapter, a governmental entity may not use information from traffic surveillance technology for any purpose, including the issuance of a civil or criminal charge or citation for an offense or violation based on a recorded image or reading produced by traffic surveillance technology.

(b) The attorney general shall enforce this section.

Sec. 709.003. TOLL ENFORCEMENT EXCEPTION. Section 709.002 does not apply to the use of traffic surveillance technology information for the purpose of collecting or enforcing tolls.

Sec. 709.004. CRIMINAL CITATION EXCEPTION: TRAFFIC

1 MONITORING BY LAW ENFORCEMENT OFFICER. Section 709.002 does not
2 apply to the use of information for the issuance of a criminal
3 citation if:

4 (1) the information is from traffic surveillance
5 technology that is:

6 (A) used to monitor traffic offenses;

7 (B) handheld by a law enforcement officer or
8 mounted on a law enforcement vehicle; and

9 (C) actively operated and monitored on site by a
10 law enforcement officer; and

11 (2) the citation is issued in person by a law
12 enforcement officer at the time the offense was alleged to have been
13 committed.

14 Sec. 709.005. CRIMINAL CITATION EXCEPTION: SCHOOL BUS
15 CAMERAS. Section 709.002 does not apply to the use of information
16 from traffic surveillance technology that captures images of
17 vehicles that pass a school bus if:

18 (1) the information is used only for the prosecution
19 of an offense; and

20 (2) the person who is cited for the offense is
21 authorized to contest the citation in court.

22 SECTION 2. Section 27.031(a), Government Code, is amended
23 to read as follows:

24 (a) In addition to the jurisdiction and powers provided by
25 the constitution and other law, the justice court has original
26 jurisdiction of:

27 (1) civil matters in which exclusive jurisdiction is

not in the district or county court and in which the amount in controversy is not more than \$10,000, exclusive of interest;

(2) cases of forcible entry and detainer; and

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

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

SECTION 3. Section 780.003(b), Health and Safety Code, is amended to read as follows:

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

SECTION 4. 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, is reenacted and amended to read as follows:

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

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

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

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

(4) the filing fees for the judicial fund imposed in

1 certain statutory county courts under Section 51.702, Government
2 Code;

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

5 (6) the filing fees for the judicial fund imposed in
6 ~~[certain]~~ statutory probate courts under Section 51.704,
7 Government Code;

8 (7) fees collected under Section 118.015;

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

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

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

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

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

25 SECTION 5. The following laws are repealed:

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

27 (2) Sections 542.2035, 542.405, 542.406, and 544.012,

1 Transportation Code; and

2 (3) Chapter 707, Transportation Code.

3 SECTION 6. (a) Chapter 709, Transportation Code, as added
4 by this Act, and the repeal by this Act of Sections 542.405 and
5 542.406 and Chapter 707, Transportation Code, do not affect the
6 validity of a proceeding initiated or a civil penalty imposed
7 before the effective date of this Act. A proceeding initiated or a
8 civil penalty imposed before the effective date of this Act is
9 governed by the applicable law in effect before the effective date
10 of this Act, and the former law is continued in effect for that
11 purpose.

12 (b) Notwithstanding Chapter 709, Transportation Code, as
13 added by this Act, and the repeal by this Act of Sections 542.405
14 and 542.406 and Chapter 707, Transportation Code, if before June 1,
15 2019, a local authority enacted an ordinance under those repealed
16 provisions to implement a photographic traffic signal enforcement
17 system and entered into a contract for the administration and
18 enforcement of the system:

19 (1) the local authority may continue to operate and
20 use information from the system under that ordinance and under the
21 terms of that contract until the expiration date specified in the
22 contract as the contract existed on June 1, 2019; and

23 (2) the contract is governed by the law in effect on
24 the date the contract was entered into, and the former law is
25 continued in effect for that purpose.

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