

1-1 By: Hall, et al. S.B. No. 714
 1-2 (In the Senate - Filed February 24, 2015; March 2, 2015,
 1-3 read first time and referred to Committee on Transportation;
 1-4 April 14, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 14, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11		X		
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 714 By: Hall

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the use of automated traffic control systems and
 1-22 photographic traffic signal enforcement systems.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 542.2035, Transportation Code, is
 1-25 amended to read as follows:

1-26 Sec. 542.2035. AUTOMATED TRAFFIC CONTROL SYSTEM PROHIBITED
 1-27 [~~LIMITATION ON MUNICIPALITIES~~]. (a) A local authority
 1-28 [~~municipality~~] may not implement or operate an automated traffic
 1-29 control system with respect to a highway or street under its
 1-30 jurisdiction for a purpose other than collecting or enforcing a
 1-31 toll [~~the purpose of enforcing compliance with posted speed~~
 1-32 ~~limits~~]. The attorney general shall enforce this subsection.

1-33 (b) In this section, "automated traffic control system"
 1-34 means a photographic traffic signal enforcement system, as defined
 1-35 by Section 707.001 [a photographic device, radar device, laser
 1-36 device, or other electrical or mechanical device designed to:

- 1-37 [~~(1) record the speed of a motor vehicle; and~~
- 1-38 [~~(2) obtain one or more photographs or other recorded~~
 1-39 ~~images of:~~

- 1-40 [~~(A) the vehicle;~~
- 1-41 [~~(B) the license plate attached to the vehicle;~~

1-42 ~~or~~
 1-43 [~~(C) the operator of the vehicle~~].

1-44 SECTION 2. The heading to Chapter 707, Transportation Code,
 1-45 is amended to read as follows:

1-46 CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL
 1-47 ENFORCEMENT SYSTEM PROHIBITED

1-48 SECTION 3. Sections 707.001(3) and (4), Transportation
 1-49 Code, are amended to read as follows:

1-50 (3) "Photographic traffic signal enforcement system"
 1-51 means a device or system that:

- 1-52 (A) consists of:
 1-53 (i) a camera system and vehicle sensor that
 1-54 are:

- 1-55 (a) installed to exclusively work in
 1-56 conjunction with an electrically operated traffic-control signal;
 1-57 and

- 1-58 (b) [~~(B) is~~] capable of producing [~~at~~
 1-59 ~~least two~~] recorded images that depict the operator of a motor
 1-60 vehicle or the license plate attached to the front or the rear of a

2-1 motor vehicle that is not being operated in compliance with the
2-2 instructions of the traffic-control signal; or

2-3 (ii) a radar unit or sensor linked to:
2-4 (a) a camera or other recording device
2-5 that is capable of producing a photograph, microphotograph,
2-6 videotape, or other recorded image of the operator of a motor
2-7 vehicle or the license plate attached to the front or the rear of a
2-8 motor vehicle; or

2-9 (b) a device that is capable of
2-10 reading a license plate attached to the front or the rear of a motor
2-11 vehicle or otherwise identifying a motor vehicle; or

2-12 (B) is capable of taking photographic,
2-13 electronic, video, or digital images of vehicles that pass a bus.

2-14 (4) "Recorded image" means a photographic or digital
2-15 image that depicts the front or the rear of a motor vehicle or the
2-16 operator of a motor vehicle.

2-17 SECTION 4. Chapter 707, Transportation Code, is amended by
2-18 adding Section 707.0015 to read as follows:

2-19 Sec. 707.0015. TOLL ENFORCEMENT EXCEPTED. This chapter
2-20 does not apply to a photographic traffic signal enforcement system
2-21 that is used for the purpose of collecting or enforcing tolls.

2-22 SECTION 5. Chapter 707, Transportation Code, is amended by
2-23 adding Section 707.020 to read as follows:

2-24 Sec. 707.020. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC
2-25 SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Notwithstanding any other
2-26 law, the state or a political subdivision of the state may not issue
2-27 a civil or criminal charge or citation for an offense or violation
2-28 based on a recorded image produced by a photographic traffic signal
2-29 enforcement system.

2-30 SECTION 6. Section 27.031(a), Government Code, is amended
2-31 to read as follows:

2-32 (a) In addition to the jurisdiction and powers provided by
2-33 the constitution and other law, the justice court has original
2-34 jurisdiction of:

2-35 (1) civil matters in which exclusive jurisdiction is
2-36 not in the district or county court and in which the amount in
2-37 controversy is not more than \$10,000, exclusive of interest;

2-38 (2) cases of forcible entry and detainer; and

2-39 (3) foreclosure of mortgages and enforcement of liens
2-40 on personal property in cases in which the amount in controversy is
2-41 otherwise within the justice court's jurisdiction[~~, and~~

2-42 [~~(4) cases arising under Chapter 707, Transportation~~
2-43 ~~Code, outside a municipality's territorial limits].~~

2-44 SECTION 7. Section 133.004, Local Government Code, as
2-45 amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149
2-46 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007,
2-47 is reenacted and amended to read as follows:

2-48 Sec. 133.004. CIVIL FEES. This chapter applies to the
2-49 following civil fees:

2-50 (1) the consolidated fee on filing in district court
2-51 imposed under Section 133.151;

2-52 (2) the filing fee in district court for basic civil
2-53 legal services for indigents imposed under Section 133.152;

2-54 (3) the filing fee in courts other than district court
2-55 for basic civil legal services for indigents imposed under Section
2-56 133.153;

2-57 (4) the filing fees for the judicial fund imposed in
2-58 certain statutory county courts under Section 51.702, Government
2-59 Code;

2-60 (5) the filing fees for the judicial fund imposed in
2-61 certain county courts under Section 51.703, Government Code;

2-62 (6) the filing fees for the judicial fund imposed in
2-63 statutory probate courts under Section 51.704, Government Code;

2-64 (7) fees collected under Section 118.015;

2-65 (8) marriage license fees for the family trust fund
2-66 collected under Section 118.018;

2-67 (9) marriage license or declaration of informal
2-68 marriage fees for the child abuse and neglect prevention trust fund
2-69 account collected under Section 118.022; and

3-1 (10) the filing fee for the judicial fund imposed in
3-2 district court, statutory county court, and county court under
3-3 Section 133.154[, and
3-4 ~~[(11) the portion of the civil or administrative
3-5 penalty described by Section 542.406(c)(1), Transportation Code,
3-6 imposed by a local authority to enforce compliance with the
3-7 instructions of a traffic-control signal,
3-8 ~~[(11) the portion of the civil or administrative
3-9 penalty described by Section 707.008(a)(1), Transportation Code,
3-10 imposed by a local authority to enforce compliance with the
3-11 instructions of a traffic-control signal]~~.~~

3-12 SECTION 8. The following are repealed:

- 3-13 (1) Section 29.003(g), Government Code;
3-14 (2) Chapter 782, Health and Safety Code, as amended by
3-15 S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015;
3-16 (3) Sections 542.405, 542.406, and 544.012,
3-17 Transportation Code; and
3-18 (4) Sections 707.002, 707.0021, 707.003, 707.004,
3-19 707.005, 707.006, 707.007, 707.008, 707.009, 707.010, 707.011,
3-20 707.012, 707.013, 707.014, 707.015, 707.016, 707.017, 707.018, and
3-21 707.019, Transportation Code.

3-22 SECTION 9. (a) The repeal by this Act of Sections 542.405
3-23 and 542.406, Transportation Code, and provisions of Chapter 707,
3-24 Transportation Code, does not affect the validity of a proceeding
3-25 initiated or a civil penalty imposed under those provisions before
3-26 the effective date of this Act. A proceeding initiated or a civil
3-27 penalty imposed under those provisions before the effective date of
3-28 this Act is governed by the applicable law in effect before the
3-29 effective date of this Act, and the former law is continued in
3-30 effect for that purpose.

3-31 (b) Notwithstanding the repeal by this Act of Sections
3-32 542.405 and 542.406 and provisions of Chapter 707, Transportation
3-33 Code, if before June 1, 2015, a local authority had enacted an
3-34 ordinance under those provisions to implement a photographic
3-35 traffic signal enforcement system and entered into a contract for
3-36 the administration and enforcement of the system, the local
3-37 authority may continue to operate the system under that ordinance
3-38 and under the terms of that contract until the expiration date
3-39 specified in the contract as the contract existed on June 1, 2015.

3-40 SECTION 10. This Act takes effect immediately if it
3-41 receives a vote of two-thirds of all the members elected to each
3-42 house, as provided by Section 39, Article III, Texas Constitution.
3-43 If this Act does not receive the vote necessary for immediate
3-44 effect, this Act takes effect September 1, 2015.

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