

SUBJECT: Revenue from traffic fines in cities under 5,000 population

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 7 ayes — Craddick, Finnell, Heflin, Holzheuser, Horn, Place, Romo  
0 nays

4 absent — Wolens, T. Hunter, Marchant, Oliveira

WITNESSES: For — Will Morrow, Barbara Robinson, Russell Johnson, Myrlinda Owen, Pete Vamvakus

Against — Cooper Wiese, mayor of Calvert; Tim Hammond, chief of police, Lavon; John H. Epps Jr.; Mary Candace Culpepper; Alton B. Laws, Jr.; Judge Hulen Clifton, for himself and Estelline City Council and mayor.

BACKGROUND: State law limits the amount of traffic-fine revenue that municipalities of 5,000 and under may retain. The current annual limit is an amount equal to 30 percent of the city's total revenue, excluding federal funds and bond proceeds, from the previous year. The remainder of the fine revenue goes to the state.

DIGEST: HB 839 would make special expenses levied in connection with traffic fines subject to the 30 percent cap on traffic-fine revenue a city may retain.

SUPPORTERS SAY: A few small towns are using a loophole in current law to circumvent the Legislature's intent in imposing the 30-percent cap on traffic-fine revenue. The cap was imposed to crack down on the practice of setting highway speed traps and financing city government with proceeds from the tickets paid by unsuspecting motorists.

Some small cities have found that they can evade the legal cap on revenue if they assess court costs instead of a fine in return for the city deferring adjudication and thereby keeping the violation off the driver's record if no further violations occur within a probationary period. HB 839 would specify that any such "special expenses" will be included in the calculation of revenue that comes under the cap.

Speed traps in certain communities are an embarrassment for the residents of the community and a hindrance to economic development and tourism.

In some communities police officers may be used almost exclusively to issue traffic citations, taking them away from fighting real crime.

Traffic fines are intended to deter violations and pay for road construction and maintenance and traffic law enforcement. This bill is not intended to produce state revenue, but to encourage fiscally responsible behavior from cities.

OPPONENTS  
SAY:

The enforcement of traffic laws is an unpopular but necessary part of public safety, and the state should not undercut local efforts to reduce traffic violations. Traffic laws provide police officers an opportunity to detain suspicious individuals and to investigate for criminal behavior. Police officers detain and arrest drunken drivers during stops for speeding. Highways in areas where traffic laws are strictly enforced are among the safest in the state. It is good public policy to promote safe highway practices by requiring drivers to comply with posted speed limits.

This legislation would undermine law enforcement and infringe on a police department's responsibility to protect citizens. Money from traffic enforcement is often used to fund other areas of law enforcement in the municipality and is a vital form of funding police operations. Small, property-poor municipalities have to depend on revenue from traffic violators. Municipalities that are enforcing laws the Legislature enacted should be allowed to keep the revenue derived from local law enforcement.

The bill unfairly singles out municipalities of 5,000 and less. It would be fairer to make the bill apply evenly to every law enforcement agency, regardless of the jurisdiction or size.

OTHER  
OPPONENTS  
SAY:

This bill would be a boon for auto insurance companies, and has the backing of the insurance industry, but it is unclear who else it would benefit. Many cities use deferred adjudication in handling traffic cases, just as the Legislature intended when it adopted the law covering that procedure. Deferral allows individuals to take care of traffic fines without the citation being reported to their insurance companies. The insurance industry dislikes this practice, but is attacking it in this roundabout way. Traffic citations on an individual's driving record directly affect the insurance rates the individual pays.

NOTES:

Also on today's calendar is HB 840, authorizing the state treasurer to enforce the 30-percent revenue cap on traffic-violation revenue.