

**SUBJECT:** Authorizing municipalities to implement a photographic traffic system

**COMMITTEE:** Public Safety — favorable, without amendment

**VOTE:** 7 ayes — B. Turner, Berman, Driver, Gutierrez, Hupp, P. King, Villarreal  
2 nays — Keel, Isett  
0 absent

**WITNESSES:** For — Mark Dempsey, Brad Neighbor, Brian Sledge, City of Garland; Sandy Greyson, City of Dallas and TEX 21; Chris Heaton, Texas Municipal Police Association; Donald Hollingsworth, City of Houston; James Kelly, Aviar, Inc.; Jerry Kendrick, City of Arlington Police Department; John Lanahan, El Paso Police Department; James Rosser Credille III; Gary Slagel, City of Richardson; Larry Zacharias, City of Richardson and Texas Police Chief's Association; Joe Southern; Mathew Southern  
  
Against — Rene Gonzalez, Paul Kubosh, David Lee, Gerald Monks, Municipal Justice Bar Association

**DIGEST:** HB 1115 would add ch. 707 to the Transportation Code to allow a municipality to implement a traffic-control monitoring system to photograph the license plate of a vehicle that ran a steady red light and assess a civil penalty if the vehicle violated a traffic signal.  
  
The bill would define a “photographic traffic signal enforcement system” as a system consisting of a camera and vehicle sensor installed to work in conjunction with an electronically-operated traffic light that could produce at least two recorded images of the rear license plate. A “recorded image” would be defined as a single-frame image that depicted the rear of the vehicle that was recorded automatically on a photograph or digital image.  
  
The bill would allow the governing body of a qualifying municipality to implement a photographic-monitoring system by ordinance. The municipality could install and operate the system itself or could contract for installation or operation.

The municipal ordinance could set the civil penalty for running a steady red light at no more than \$75, except that a third or subsequent offense in any 12-month period could be subject to a penalty of up to \$200. A late payment penalty of up to \$50 could be charged. The registered owner of a vehicle would be liable for the penalty, and if the owner failed to pay three or more penalties, the car could be impounded or immobilized. The municipal ordinance would have to specify the department, agency, or office responsible for enforcing and administering the system.

The bill would not prevent the municipality from enforcing traffic-signal violations or issuing citations or summons by other means. A person could not be cited twice for the same violation by both a peace officer and the administrator of the photographic-monitoring system.

Within 30 days of an alleged violation, the responsible agency could initiate a civil penalty for a red-light offense by mailing a citation or summons to the owner at the address on record with the Texas Department of Transportation or, if the vehicle was not registered in Texas, to the address shown on the registration records of another state or country. A citation or summons would be presumed to have been received on the fifth day after it was mailed. A citation or summons would have to contain:

- ! a description of the alleged violation;
- ! the location where the violation occurred;
- ! the date and time of the violation;
- ! the name and address of the registered owner of the vehicle;
- ! the license plate number of the vehicle;
- ! a copy of the image recorded by the monitoring system, including a clear depiction of the license plate;
- ! the amount of the civil penalty;
- ! the date by which the penalty would have to be paid;
- ! a statement that the person named in the citation or summons could elect to pay the penalty in lieu of appearing at the time and place of the administrative adjudication hearing; and
- ! notice that the person named in the citation or summons could contest the penalty in an administrative adjudication process in a specified manner and time and that failure to pay the penalty or to contest liability in a timely manner would be an admission of liability.

A person who failed to pay the penalty or to contest the liability in a timely manner would be considered to be liable for the full amount of the penalty. The owner of the vehicle would be presumed to be the one who committed the violation.

A person who received a notice of violation could contest the penalty by filing a written request for an administrative adjudication hearing within 15 days of the mailing of the notice. If the request was received in a timely manner, the municipality would be required to notify the person of the time and date of the hearing, which would be conducted by a hearing officer designated by the municipality. A municipal officer or employee could sign an affidavit attesting to the reliability of the photographic monitoring system, and the affidavit would be admissible as evidence in a hearing. The hearing officer could not impose a penalty unless the violation was proven at the hearing by a preponderance of the evidence or unless the owner or person alleged to have committed the violation was proven liable. A civil penalty could not be considered a conviction.

A person who failed to pay the amount of the civil penalty or to contest liability in a timely manner could request administration adjudication by filing an affidavit with the hearing officer stating the date on which the citation or summons was received.

If the hearing officer found the owner liable, the owner could appeal to a judge of the municipal court by filing an appeal petition. The petition would have to be filed within 30 days of the liability finding and accompanied by a payment of the court costs. The clerk would then have to schedule a hearing and notify the owner and department, agency, or office involved of the date, time, and place of the hearing. Unless the owner posted a bond for the amount of the civil penalty before filing a petition, the appeal would not stay enforcement or collection of the civil penalty.

A municipality that implemented a photographic traffic signal enforcement system would be required to post signs informing motorists of the system.

A person who used the photographic traffic signal enforcement system for any use besides monitoring red light running would be considered to have committed a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

A municipality would be authorized to use revenue beyond that to cover costs of the system only for traffic safety and traffic signal awareness and education program.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS  
SAY:**

CSHB 1115 would discourage irresponsible drivers from running red lights. Drivers would know that they could be cited for this risky behavior even when no police car was visible nearby.

Cities should have tools to stop motorists who ignore their responsibilities and endanger others. People who run red lights are among the most egregious offenders. Disregarding red lights is the leading cause of urban crashes and fatalities. Each year in Texas, more than 17,000 traffic accidents occur because of drivers disregarding red lights.

In many cases, police officers cannot chase a driver who has run a red light without also running the light themselves. Red light violations therefore are difficult to enforce, especially in the most dangerous intersections.

Approximately 40 cities around the country use traffic cameras. In cities where the systems are in use, red-light violations have dropped as much as 60 percent. The systems are effective and efficient, and they ensure public safety without exhausting law-enforcement resources.

CSHB 1115 would allow cities to choose whether to implement a traffic monitoring system. If cities chose to do so, their law enforcement officers could spend time fighting crimes rather than issuing traffic tickets, and public safety would not suffer.

Citations would be civil penalties like parking tickets and not criminal. A penalty would not constitute a violation and would not affect a person's insurance premiums or driving record.

Being arrested or fined for an offense committed on a public street is not an invasion of privacy. The purpose of these cameras is to ensure public safety,

not to intrude on people's private lives or to raise funds for police. Running a red light is a public act, not a private matter.

OPPONENTS  
SAY:

Police should not be in the business of arbitrarily monitoring private lives. This kind of police action would discourage public trust in law enforcement. It also would be a gross invasion of privacy. If cameras were used today to catch people who run red lights, they could be used in the future to survey even the pettiest crimes. This conjures up images of "Big Brother."

People would learn quickly which intersections were monitored and which were not and would continue to run red lights at unmonitored intersections. This monitoring system would not solve the problem of running red lights, but merely would transfer it.

Most people who run steady red lights do not do so intentionally. Many violations occur because the lights are timed poorly or inconsistently. For a city to charge these drivers with violations would be to reap financial benefit from innocent mistakes. It would be more appropriate for these people to receive a warning from an officer, not a citation through the mail.

CSHB 1115 could not be enforced fairly. A motorist caught on camera running a red light would receive a civil penalty, while a motorist caught by an officer for the same offense would be subject to a misdemeanor offense. Since cities would have to place cameras in the most typically dangerous intersections, people who committed the most ostensibly egregious offenses would receive smaller penalties than people who committed offenses elsewhere.

Implementation of these systems could be motivated more by financial concerns than by public safety. The systems could turn into a money-making venture for a city. These monitoring systems are costly, and municipalities likely would contract with private companies to install and operate the systems. To pay for installation and monitoring, a city might be tempted to issue more citations and collect more fines than it would normally.

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NOTES:

In the 76th Legislature in 1999, the House tabled a similar bill, HB 1152 by Driver. In the 74th Legislature in 1995, a similar bill, SB 876 by Cain, passed the Senate, but failed to pass the House on second reading.