

- SUBJECT:** Prohibiting bars to registration for nonpayment of red light camera fines
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 9 ayes — Phillips, Darby, Y. Davis, Fletcher, Harper-Brown, Lavender, Martinez, McClendon, Rodriguez
- 1 nay — Pickett
- 1 absent — Bonnen
- WITNESSES:** For — Katelyn Kubosh; Luke Kubosh; Michael Kubosh; Paul Kubosh
- Against — Suzanne deLeon, City of Balcones Heights; David Morgan, City of Richardson; Jerry Vesely, City of Corpus Christi Police Department (*Registered, but did not testify*: Amy Buckert and Frank Garza, City of Balcones Heights; Brian Gruetzner, Austin Police Department)
- On — (*Registered, but did not testify*: Randy Elliston, Texas Department of Motor Vehicles)
- BACKGROUND:** The 80th Legislature in 2007 enacted SB 1119, which established procedures for local entities opting to use red-light cameras to cite owners of vehicles illegally running red lights. The bill allowed the governing body of an entity authorized to enact traffic laws to implement, by ordinance, a red-light camera system to issue a civil penalty to the owner of a vehicle that runs a red light. The bill capped civil penalties at \$75 and late fees at \$25. Net proceeds were required to be split between the state and local entity for health and safety programs.
- Under the bill, a civil penalty may not be considered a conviction, and a local entity may not forward information on a civil penalty to a credit bureau. Failure to pay the penalty may not result in an arrest warrant, nor may it be noted on the owner's driving record. It may, however, result in TxDOT or a county assessor-collector refusing to register the vehicle.
- DIGEST:** HB 887 would prohibit a county assessor-collector and the Texas Department of Transportation from refusing to register a motor vehicle

belonging to a person who was delinquent in paying a civil penalty assessed as a result of a red-light camera system.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

HB 887 would correct unfair practices stemming from the use of red light cameras by prohibiting counties and the state from barring vehicle registration for Texans who were delinquent on payments for infractions detected by red-light cameras.

Red light cameras are required only to record the license plate of the motor vehicle responsible for the violation, and the resulting tickets are not issued to the driver, but rather to the vehicle owner. As a result, many vehicle owners end up being responsible for a civil penalty for a violation they did not commit. This injustice is compounded by current practices that allow a government entity to bar registration for the owner of a vehicle who is delinquent in paying for an infraction detected by a red-light camera. As there is no legal means by which the driver, as opposed to the owner, can be held accountable for paying related civil penalties, vehicle owners may effectively be forced to pay a penalty they do not owe in order to register their vehicles.

Vehicle owners further may not be aware they have been issued a ticket. Many Texans do not receive notice that they have been cited for a red light violation. These unsuspecting residents are dealt a major disappointment upon learning, when they attempt to register their vehicles, that their registration has been barred. The cost of registering a vehicle, inflated by civil penalties and late fees from these red light infractions, may prevent many Texans from being able to afford to register their vehicles. This may result in an increase of unregistered vehicles on the road and a revenue impact to the state. A worse predicament faces those vehicle owners who wish to sell their vehicles, only to find that their registration has been barred.

HB 887 would not preclude a local government from taking measures to collect unpaid civil penalties through sufficient legal remedies available under current statutes. A local government, for instance, could file suit against a vehicle owner to collect the unpaid penalties. The option to bar registration is not necessary for effective enforcement of red light camera laws. The bill would have no effect on other penalties, civil or criminal,

assessed for any infraction other than those imposed by a red light camera system.

Many of the concerns about not barring registration ultimately stem from concerns that it could impact revenue for local governments. Some local governments use these enforcement systems as a source of revenue to augment their budgets. Red light camera systems, however, should be exclusively established to enhance public safety. The Legislature has affirmed that revenue generation is not a valid use for red light cameras, as it encourages abuse of these systems.

**OPPONENTS
SAY:**

HB 887 would severely impair local governments' ability to collect penalties assessed for violations detected by red light cameras. The 80th Legislature in 2009 established that such infractions could be imposed only as civil penalties. This removed many avenues for local governments to pursue penalties stemming from criminal infractions, such as by pursuing an arrest warrant and recording a violation in a vehicle owner's driving record. As filing suit is far too costly and burdensome in most cases, the only viable means of pursuing these fines under current law is to bar owners from registering their vehicles.

Removing the option to bar registration could significantly diminish the safety benefits of red light camera systems. Many studies have confirmed the benefits of red light cameras to public safety, and many Texas cities and towns have seen accident rates fall at dangerous intersections fitted with red light cameras. Without a viable means of enforcing the penalty those systems assess, the effectiveness of these systems likely would be compromised. If HB 887 were enacted, many drivers would quickly learn that they faced no real penalty from flouting automated red light systems. Many drivers likely would revert to the dangerous behaviors that gave rise to these cameras in the first instance.

Prohibiting local governments from barring vehicle registration for nonpayment of red light penalties likely would have a negative fiscal impact. Many cities already are grappling with mediocre payment rates for red light infractions. If enacted, HB 887 could cause payment rates to plummet. Cities that have invested payments into transportation safety programs — Corpus Christi, for instance, has used revenue from red light infractions to fund crossing guards at school intersections — would be hard pressed to find alternative sources of funds, given current budget conditions.

