

BILL ANALYSIS

Senate Research Center
82R8601 VOO-F

S.B. 990
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, regional transportation authorities created under Chapter 452 (Regional Transportation Authorities), Transportation Code — Dallas Area Rapid Transit and the Fort Worth T — are responsible for enforcement of laws relating to high occupancy vehicle (HOV) lanes. These laws include such things as regulation of proper entrance into or exit from HOV structures and observation of vehicle occupancy requirements. To accomplish enforcement, the transportation authorities are authorized to issue citations to drivers who violate traffic laws in HOV lanes. HOV lane offenses are classified as Class C misdemeanors, which are prosecuted in the justice of the peace courts. Consequently, funds collected from fines related to HOV lane violations are not directed to the transportation authorities, which nevertheless must bear the burden of funding enforcement efforts.

S.B. 990 would give regional transportation authorities created under Chapter 452 the authority to impose administrative fines for HOV lane violations. S.B. 990 would require the driver to pay the administrative fine within 30 days of receiving the citation, in which case the driver would avoid the Class C misdemeanor charge. The administrative fine process would be managed by the transportation authority and, therefore, the funds collected from administrative fines would be collected by the transportation authority and be used to offset the costs associated with enforcement of HOV lane traffic violations. S.B. 990 further provides that, if the driver fails to pay the administrative fine within the required 30 days, the driver would be charged with the Class C misdemeanor offense, which would be prosecuted in the justice of the peace courts.

As proposed, S.B. 990 amends current law relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority and provides penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 452, Transportation Code, by adding Section 452.0613, as follows:

Sec. 452.0613. ENFORCEMENT OF HIGH OCCUPANCY VEHICLE LANE USAGE; PENALTIES. (a) Authorizes the directors who serve as the governing body of a regional transportation authority created under Chapter 452 or Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (executive committee), by resolution to regulate or prohibit improper entrance into, exit from, and vehicle occupancy in high occupancy vehicle (HOV) lanes operated, managed, or maintained by the regional transportation authority (authority).

(b) Authorizes an executive committee by resolution to establish reasonable and appropriate methods to enforce regulations or prohibitions established under Subsection (a).

(c) Authorizes an executive committee by resolution to provide that violations regarding improper entrance into, exit from, or vehicle occupancy in HOV lanes operated, managed, or maintained by the authority incur a penalty, not to exceed \$100.

(d) Provides that a person commits an offense if the person fails to pay any designated penalty on or before the 30th day after the date the authority notifies the person that the person is required to pay a penalty for:

(1) exiting or entering an HOV lane operated, managed, or maintained by an authority at a location not designated for exit or entrance; or

(2) operating a vehicle in or entering an HOV lane operated, managed, or maintained by an authority with fewer than the required number of occupants.

(e) Authorizes the notice required by Subsection (d) to be included in a citation issued to the person by a peace officer under Article 14.06 (Must Take Offender Before Magistrate), Code of Criminal Procedure, in connection with an offense relating to improper use of an HOV lane.

(f) Provides that an offense under Subsection (d) is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2011.