

BILL ANALYSIS

Senate Research Center

C.S.S.B. 653
By: Hall
Transportation
4/23/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Problem: Enforcement of red light cameras seeks to deprive a person of his or her property (civil penalty) for what has been determined by the legislature for some time to be criminal conduct. Running a red light is a traffic violation. Under Section 542.301 of the Transportation Code, traffic violations are criminal offenses, which entitle the accused to certain rights.

Red light cameras violate the right to due process guaranteed under Article 1, Section 19, of the Texas Constitution by creating an irrebuttable presumption that the registered owner of the car committed the violation.

This bill:

- S.B. 653 would eliminate the authority of municipalities and local governments to use photographic traffic signal enforcement systems, often called "red light cameras" in the State of Texas.
- S.B. 653 prohibits local authorities from issuing civil or criminal charges or citations for offenses based on images from a red light camera.
- S.B. 653 specifies that the Texas attorney general will enforce the red light camera prohibition.
- S.B. 653 has an effective date of September 1, 2019. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 653 amends current law relating to prohibiting the use of photographic traffic signal enforcement systems.

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 the heading to Chapter 707, Transportation Code, to read as follows:

CHAPTER 707. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED

SECTION 2. Amends Chapter 707, Transportation Code, by adding Sections 707.020 and 707.021, as follows:

Sec. 707.020. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. (a) Prohibits a local authority, notwithstanding any other law, from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority.

(b) Requires the Texas attorney general to enforce this section.

Sec. 707.021. USE OF EVIDENCE FROM PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM PROHIBITED. Prohibits a local authority, notwithstanding any other law, from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

SECTION 3. Amends Section 27.031(a), Government Code, as follows:

(a) Provides that, in addition to the jurisdiction and powers provided by the Texas Constitution and other law, the justice court has original jurisdiction of:

(1) makes no changes to this subdivision;

(2)–(3) makes nonsubstantive changes to these subdivisions; and

(4) deletes this subdivision and existing text regarding cases arising under Chapter 707, Transportation Code, outside a municipality's territorial limits.

SECTION 4. Amends Section 780.003(b), Health and Safety Code, as follows:

(b) Provides that the designated trauma facility and emergency medical services account (account) is composed of money deposited to the credit of the account under the Transportation Code and under Section 780.002 (Certain Deposits to Account) of this code, rather than under Sections 542.406 (Deposit of Revenue From Certain Traffic Penalties) and 707.008 (Deposit of Revenue From Certain Traffic Penalties), Transportation Code, and under Section 780.002 of this code.

SECTION 5. Reenacts Section 133.004, Local Government Code, as amended by Chapters 718 (H.B. 2359), 1027 (H.B. 1623), and 1149 (S.B. 1119), Acts of the 80th Legislature, Regular Session, 2007, and amends it as follows:

Sec. 133.004. CIVIL FEES. Provides that this chapter (Criminal and Civil Fees Payable to the Comptroller) applies to the following civil fees:

(1)–(8) makes no changes to these subdivisions;

(9)–(10) makes nonsubstantive changes; and

(11) deletes this subdivision and existing text regarding the portion of the civil or administrative penalty described by Section 542.406(c)(1) (relating to requiring the local authority to send 50 percent of certain revenue to the comptroller of public accounts of the State of Texas (comptroller) for deposit in the account established under Section 708.003 (Account), Health and Safety Code), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal and existing text regarding the portion of the civil or administrative penalty described by Section 707.008(a)(1) (relating to requiring the local authority to send 50 percent of certain revenue to the comptroller for deposit in the account established under Section 708.003, Health and Safety Code), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal.

SECTION 6. Repealer: Section 29.003(g) (relating to providing that a municipal court, including a municipal court of record, has exclusive appellate jurisdiction within the municipality's territorial limits in a case arising under Chapter 707, Transportation Code), Government Code.

Repealer: Section 542.405 (Amount of Civil Penalty; Late Payment Penalty), Transportation Code.

Repealer: Section 542.406 (Deposit of Revenue From Certain Traffic Penalties), Transportation Code.

Repealer: Section 544.012 (Notification of Photographic Traffic Monitoring System), Transportation Code.

Repealer: Section 707.001(2) (relating to defining "owner of a motor vehicle"), Transportation Code.

Repealer: Section 707.002 (Authority to Provide For Civil Penalty), Transportation Code.

Repealer: Section 707.0021 (Imposition of Civil Penalty on Owner of Authorized Emergency Vehicle), Transportation Code.

Repealer: Section 707.003 (Installation and Operation of Photographic Traffic Signal Enforcement System), Transportation Code.

Repealer: Section 707.004 (Report of Accidents), Transportation Code.

Repealer: Section 707.005 (Minimum Change Interval), Transportation Code.

Repealer: Section 707.006 (General Surveillance Prohibited; Offense), Transportation Code.

Repealer: Section 707.007 (Amount of Civil Penalty; Late Payment Penalty), Transportation Code.

Repealer: Section 707.008 (Deposit of Revenue From Certain Traffic Penalties), Transportation Code.

Repealer: Section 707.009 (Required Ordinance Provisions), Transportation Code.

Repealer: Section 707.010 (Effect on Other Enforcement), Transportation Code.

Repealer: Section 707.011 (Notice of Violation; Contents), Transportation Code.

Repealer: Section 707.012 (Admission of Liability), Transportation Code.

Repealer: Section 707.013 (Presumption), Transportation Code.

Repealer: Section 707.014 (Administrative Adjudication Hearing), Transportation Code.

Repealer: Section 707.015 (Untimely Request For Administrative Adjudication Hearing), Transportation Code.

Repealer: Section 707.016 (Appeal), Transportation Code.

Repealer: Section 707.017 (Enforcement), Transportation Code.

Repealer: Section 707.018 (Imposition of Civil Penalty Not a Conviction), Transportation Code.

Repealer: Section 707.019 (Failure to Pay Civil Penalty), Transportation Code.

SECTION 7. Provides that the Texas Department of Transportation (TxDOT) is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TxDOT, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 8. Effective date: upon passage or September 1, 2019.