

BILL ANALYSIS

Senate Research Center

C.S.S.B. 125
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Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Red light camera systems, designed to capture photographs of and ticket individuals running red lights, have been appearing in major Texas cities. Some members of the media and the public have claimed that the cameras are being used as a lucrative revenue generating instrument for the cities that use the cameras, rather than being used to promote public safety. Some cities are concerned that they currently do not have the funds to operate and install the red light cameras and once they are able to install and operate these cameras, they should be able to retain some of the revenue accrued from their operation. Current law does not address the use of red light cameras or regulate their use.

C.S.S.B. 125 limits the amount of revenue a municipality may retain from red light cameras to that amount sufficient for the maintenance and operation of the camera system. The remaining revenue generated from the camera systems is to be divided between local traffic safety funds established by the municipalities and used for public safety and traffic improvements, and distributed to the regional advisory councils for use in local trauma centers.

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 D, Chapter 542, Transportation Code, by adding Sections 542.405 and 542.06, as follows:

Sec. 542.405. AMOUNT OF CIVIL PENALTY; LATE PAYMENT PENALTY. Provides a limit on the civil or administrative penalty and a late payment penalty if a local authority enacts an ordinance to enforce compliance with the instructions of a traffic-control signal by the imposition of a civil or administrative penalty.

Sec. 542.406. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC PENALTIES. (a) Defines "photographic traffic signal enforcement system" (system).

(b) Provides that this section applies only to a civil or administrative penalty imposed on the owner of a motor vehicle under the jurisdiction of a local authority that operates or contracts for the operation of a system or another type of electronic traffic law enforcement system.

(c) Requires the local authority, not later than the 60th day after the end of that authority's fiscal year, after deducting certain authorized amounts, to send 50 percent of the revenue derived from certain civil or administrative penalties collected by the local authority under this section to the comptroller of public accounts (comptroller) for deposit to the credit of the trauma service area regional advisory council account and to deposit the remaining revenue in a special account in the local authority's treasury that may be used only for traffic safety and certain other programs.

(d) Authorizes a local authority to retain an amount to cover the costs necessary to purchase, install, operate, and maintain the system.

(e) Provides that Chapter 133 (Criminal and Civil Fees Payable to the Comptroller), Local Government Code, applies to fee revenue described by Subsection (c)(1).

(f) Authorizes the comptroller to impose a penalty on the local authority equal to twice a certain amount if the comptroller conducts an audit of a local authority and determines that the local authority retained more than the amounts authorized by this section or failed to deposit amounts as required by this section.

SECTION 2. Amends Section 133.004, Local Government Code, as follows.

Sec. 133.004. CIVIL FEES. Provides that this chapter (Criminal and Civil Fees Payable to the Comptroller) applies to the portion of the civil or administrative penalty described by Section 542.405(1), Transportation Code, imposed by a local authority to enforce compliance with the instructions of a traffic-control signal.

SECTION 3. Amends Chapter 780, Health and Safety Code, by adding Section 780.007, as follows:

Sec. 780.007. TRAUMA SERVICE AREA REGIONAL ADVISORY COUNCIL ACCOUNT. Provides that the trauma service area regional advisory council account (account) is created as a dedicated account in the general revenue fund of the state treasury. Authorizes money in the account to be appropriated only to the Health and Human Services Commission to make distributions to trauma service area regional advisory councils in proportion to the amount deposited to the account from local authorities served by each trauma service area regional advisory council.

(b) Provides that the account is composed of money deposited to the credit of the account under Section 542.406, Transportation Code, and the earnings of the account.

(c) Provides that Sections 403.095 (Use of Dedicated Revenue) and 404.071 (Disposition of Interest on Investments), Government Code, do not apply to the account.

SECTION 4. Provides that Section 542.406, Transportation Code, and Section 780.007, Health and Safety Code, as added by this Act apply to certain revenue from certain penalties on or after the effective date of this Act, regardless of when the penalties were imposed.

SECTION 5. (a) Effective date: September 1, 2007, except as provided by Subsection (b).

(b) Makes application of this Act contingent upon the passage of S.B. 1119.