

ORDINANCE NO. _____

An ordinance amending Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code by amending Article XIX; eliminating the automated red light camera enforcement program; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 86th Texas Legislature met between January 8, 2019 and May 27, 2019; and

WHEREAS, H.B. 1631 prohibits a local authority 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; and

WHEREAS, H.B. 1631 was approved by more than two thirds of both chambers of the Texas Legislature, thus rendering it effective upon the Governor’s signature; and

WHEREAS, H.B. 1631 was signed by Governor Greg Abbott on June 2, 2019; and

WHEREAS, H.B. 1631 became effective on June 2, 2019; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article XIX, “Photographic Enforcement and Administrative Adjudication of Red Light Violations,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

**“ARTICLE XIX.
RESERVED.”**

SECS. 28-203 THROUGH 28-219. Reserved.

**~~[PHOTOGRAPHIC ENFORCEMENT AND ADMINISTRATIVE ADJUDICATION OF
RED LIGHT VIOLATIONS.~~**

Division 1. Generally.

SEC. 28-203. DEFINITIONS.

In this article:

(1) ~~AUTOMATED RED LIGHT ENFORCEMENT PROGRAM~~ means the installation of one or more photographic traffic signal enforcement systems to reduce red light violations and collisions citywide.

(2) ~~CAMERA ENFORCED INTERSECTION~~ means an intersection toward which a photographic traffic signal enforcement system is directed and in operation.

(3) ~~DATE OF ISSUANCE~~ means the date that a civil red light citation is mailed in accordance with this article.

(4) ~~DEPARTMENT~~ means the city department of transportation.

(5) ~~DIRECTOR~~ means the director of the department or the director's authorized representative.

(6) ~~INTERSECTION~~ means the point or area where two or more intersecting streets meet.

(7) ~~OWNER~~ means:

(A) the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Transportation or the analogous department or agency of another state or country;

(B) the person named under Section 28-207(d) or (g) as the lessee of the motor vehicle at the time of a red light violation; or

(C) the person named under Sections 28-207(h) as holding legal title to the motor vehicle at the time of a red light violation.

(8) ~~PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM~~ means a system that:

(A) consists of a camera system and a vehicle sensor installed to exclusively work in conjunction with an electronically operated traffic control signal; and

(B) is capable of producing at least two recorded images depicting the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic control signal.

~~(9) RECORDED IMAGE means a photographic or digital image recorded by a photographic traffic signal enforcement system that depicts the front or the rear of a motor vehicle.~~

~~(10) RED LIGHT VIOLATION means a violation of Section 28-207 of this article.~~

~~(11) RED LIGHT CITATION or CIVIL RED LIGHT CITATION means a citation for a red light violation issued under this article.~~

~~(12) TRAFFIC CONTROL SIGNAL means a traffic control device that displays red, amber, and green lights successively to direct traffic when to stop at or proceed through an intersection.~~

~~**SEC. 28-204. GENERAL AUTHORITY AND DUTIES OF THE DIRECTOR AND DEPARTMENT.**~~

~~(a) The director of court and detention services shall implement and enforce the provisions of this division relating to hearing officers, administrative adjudication hearing procedures, and appeals. The director shall implement and enforce this article and may by written order establish such rules or regulations, not inconsistent with this article, as the director determines are necessary to discharge the director's duties under or to effect the policy of this article.~~

~~(b) The director of transportation shall implement and enforce the provisions of this division relating to the issuance, service, and enforcement of red light citations and the collection of fines and costs and may by written order establish such rules or regulations, not inconsistent with this division, as the director determines are necessary to discharge the duty of the director of transportation under or to effect the policy of this division.~~

~~**SEC. 28-205. ENFORCEMENT OFFICERS - POWERS, DUTIES, AND FUNCTIONS.**~~

~~(a) The city manager or a designated representative shall appoint enforcement officers to issue civil red light citations.~~

~~(b) An enforcement officer shall have the following powers, duties, and functions:~~

~~(1) To review recorded images from the photographic traffic signal enforcement system to determine whether a red light violation has occurred.~~

~~(2) To order a red light citation to be issued based on evidence from the recorded images.~~

~~(3) To void recorded images due to lack of evidence or due to knowledge that a defense described in Section 28-207 applies.~~

~~(4) To issue warnings in lieu of citations during acceptance testing of the photographic traffic signal enforcement system equipment or at any other time prescribed by the chief of police.~~

~~SEC. 28-206. HEARING OFFICERS – POWERS, DUTIES, AND FUNCTIONS.~~

~~(a) The city council shall designate hearing officers from a list of persons recommended by the city manager, or a designated representative, to administratively adjudicate all red light violations for which a civil red light citation has been issued.~~

~~(b) A hearing officer shall have the following powers, duties, and functions:~~

~~(1) To administer oaths.~~

~~(2) To accept admissions to, and to hear and determine contests of, red light violations under this article.~~

~~(3) To issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court.~~

~~(4) To assess civil fines, penalties, and other costs for a red light violation in accordance with Section 28-214 of this article.~~

~~(5) To waive penalties assessed for a red light violation in accordance with Section 28-214 of this article.~~

~~Division 2. Enforcement of Red Light Violations as Civil Offenses.~~

~~SEC. 28-207. RED LIGHT VIOLATIONS AS CIVIL OFFENSES; DEFENSES; PRESUMPTIONS.~~

~~(a) The owner of a motor vehicle that is operated in violation of Section 544.007(d), Texas Transportation Code at a camera-enforced intersection commits a civil offense and is liable for a civil fine under this article.~~

~~(b) It is a defense to a charge of a red light violation under this section that:~~

~~(1) the traffic signal was not in proper position or sufficiently visible to an ordinarily observant person;~~

~~(2) the operator of the motor vehicle was acting in compliance with the lawful order or direction of a peace officer;~~

~~(3) the operator of the motor vehicle was lawfully making a right turn while a red signal was being emitted from the traffic signal;~~

~~(4) the operator of the motor vehicle was lawfully making a left turn from a one-way street onto another one-way street while a red signal was being emitted from the traffic signal;~~

~~(5) the operator of the motor vehicle was completing a left turn after having entered the intersection before a red signal was emitted from the traffic signal;~~

~~(6) the operator of the motor vehicle violated the instructions of the traffic signal so as to yield the right of way to an immediately approaching authorized emergency vehicle;~~

~~(7) the motor vehicle was being operated as an authorized emergency vehicle under Chapter 546 of the Texas Transportation Code and the operator was acting in compliance with that chapter;~~

~~(8) the motor vehicle was a stolen vehicle being operated by a person other than the vehicle's owner without the consent of the vehicle owner and proof is submitted to the hearing officer that the theft of the motor vehicle had been timely reported to the appropriate law enforcement agency;~~

~~(9) the license plate depicted in the recorded image of the red light violation was a stolen plate being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued and proof is submitted to the hearing officer that the theft of the license plate had been timely reported to the appropriate law enforcement agency; or~~

~~(10) the presence of ice, snow, unusual amounts of rain, or other unusually hazardous road conditions existed that would have made compliance with this section more dangerous under the circumstances than non-compliance.~~

~~(e) It is presumed that the registered owner of the vehicle depicted in the recorded image of a red light violation for which a red light citation is issued is the person who committed the red light violation. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.~~

~~(d) A vehicle owner who is in the business of selling, renting, or leasing vehicles will not be liable for the civil red light fines, penalties, and costs imposed by the city on a vehicle for sale or a rented or leased vehicle if the vehicle owner presents evidence establishing that the vehicle depicted in the recorded image was at the time of the alleged violation being rented, leased, or test driven by another person. Evidence sufficient to establish that the vehicle was being rented, leased, or test driven includes:~~

~~(1) the true name, address, and driver's license number and state of issuance of the person renting, leasing, or test driving the vehicle at the time the recorded image of the red light violation was taken; or~~

~~(2) a true copy of the lease or rental agreement in effect at the time the recorded image of the red light violation was taken.~~

~~(e) Evidence presented under Subsection (d) of this section must be presented through oral testimony or by affidavit under penalty of perjury. Evidence through oral testimony must be presented at the administrative adjudication hearing. Evidence by affidavit under penalty of perjury may be presented by mail.~~

~~(f) If the owner of a vehicle presents evidence under Subsections (d) and (e) of this section establishing that the vehicle depicted in the recorded image was being rented, leased, or test driven at the time of the violation, the owner may not be held liable for civil red light fines, penalties, and costs, and the chief of police shall send the red light citation to the test driver or lessee who is presumed to have committed the red light violation. An owner of a vehicle who fails to comply with Subsections (d) or (e) of this section will be treated as any other vehicle owner and will be liable for the red light violation charge.~~

~~(g) If, at the time the recorded image of the red light violation was taken, the vehicle depicted in the recorded image was owned by a person in the business of renting or leasing motor vehicles and the vehicle was being rented or leased to an individual, the vehicle owner shall, within 30 calendar days after the date the red light citation is received, provide to the chief of police the name and address of the individual who was renting or leasing the motor vehicle depicted in the recorded image and a statement of the period during which that individual was renting or leasing the vehicle. This information must be provided regardless of whether the person provides evidence under Subsections (d) and (e) of this section that the vehicle was being rented, leased, or test driven at the time of the red light violation.~~

~~(h) A registered owner named in the red light citation who did not hold legal title to the motor vehicle at the time of a red light violation will not be liable for the civil red light fines, penalties, and costs imposed by the city on that vehicle if the registered owner presents evidence establishing that another person held legal title to the vehicle at the time the recorded image of the red light violation was taken. Evidence sufficient to establish that the vehicle was owned by another person at the time of the red light violation includes:~~

~~(1) the true name, address, and driver's license number and state of issuance of the person who held legal title to the vehicle at the time the recorded image of the red light violation was taken; or~~

~~(2) a true copy of any purchase or sale documentation (including proof of transfer of title) showing the name of the person who held title to the vehicle at the time the recorded image of the red light violation was taken (that person's address must also be provided if not contained in the documentation).~~

~~(i) Evidence presented under Subsection (h) of this section must be presented through oral testimony or by affidavit under penalty of perjury. Evidence through oral testimony must be presented at the administrative adjudication hearing. Evidence by affidavit under penalty of perjury may be presented by mail.~~

~~(j) If the registered owner named in the violation complies with Subsections (h) and (i) of this section, the registered owner may not be held liable for civil red light fines, penalties, and costs, and the chief of police shall send the red light citation to the person who held legal title to the vehicle at the time the recorded image of the red light violation was taken. A registered owner named in the red light citation who fails to comply with Subsections (h) and (i) of this section will be treated as any other vehicle owner and will be liable for the red light violation charge.~~

SEC. 28-208. CIVIL RED LIGHT CITATIONS; FORM.

~~(a) A civil red light citation serves as the summons and complaint for purposes of this article.~~

~~(b) The red light citation must be on a form prescribed by the director of transportation and must include the following information:~~

~~(1) The name and address of the owner of the vehicle involved in the violation.~~

~~(2) A description of the violation alleged.~~

~~(3) The date and time of the violation and the location of the intersection where the violation occurred.~~

~~(4) The citation issuance date.~~

~~(5) The registration number displayed on the license plate of the vehicle involved in the violation.~~

~~(6) A copy of a recorded image of the violation limited solely to a depiction of the area of the registration number displayed on the license plate of the vehicle involved in the violation.~~

~~(7) The amount of the civil fine to be imposed for the violation.~~

~~(8) The date by which the civil fine must be paid or the request for an administrative adjudication hearing must be made.~~

~~(9) A statement that, in lieu of requesting an administrative adjudication hearing, the person named in the red light citation may pay the civil fine in person or by mail at an address designated on the citation.~~

~~(10) A notification that the vehicle owner has the right to contest the imposition of the civil fine in an administrative adjudication hearing by submitting a written request for an administrative adjudication hearing within 30 calendar days after the date the red light citation is issued.~~

~~(11) A notification that any request by the vehicle owner to have the enforcement officer, or other authorized person who issued the citation, present at the hearing must be made in writing as part of the written request for an administrative adjudication hearing under Paragraph (10) of this subsection and that failure to timely make this request constitutes a waiver of the vehicle owner's right to require the presence of the enforcement officer or other authorized person at the hearing.~~

~~(12) A notification that failure to pay the civil fine or to timely request an administrative adjudication hearing is considered an admission of liability for the red light violation charge, is a waiver of the person's right to appeal the imposition of the civil fine, and will result in the assessment of appropriate civil fines, penalties, and costs.~~

~~(13) A statement that the person will incur a late payment penalty if the person fails to pay the civil fine or request an administrative adjudication hearing within 30 calendar days after the date of issuance of the red light citation.~~

~~(14) A notification that an arrest warrant may not be issued for failure to timely pay the civil fines, penalties, and costs and that the imposition of the civil penalty may not be recorded on the vehicle owner's driving record.~~

~~(e) The original or any copy of a civil red light citation is a record kept in the ordinary course of city business and is prima facie evidence of the facts contained in the citation.~~

~~**SEC. 28-209. SERVICE OF A CIVIL RED LIGHT CITATION.**~~

~~(a) In order to impose a civil fine under this article, the chief of police shall send a red light citation to the owner of the motor vehicle involved in the red light violation within 30 calendar days after the date the violation is alleged to have occurred. The citation must be sent, by United States mail, to:~~

~~(1) the owner's address as shown on the registration records of the Texas Department of Transportation;~~

~~(2) if the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Transportation;~~

~~(3) if the owner presents evidence or information under Section 28-207(d) or (g) that the vehicle was being rented, leased, or test driven at the time of the red light violation, the address provided by the seller or lessor under Section 28-207(d) or (g); or~~

~~(4) if the registered owner presents evidence under Section 28-207(h) that another person had legal title to the vehicle at the time of the red light violation, the address provided under Section 28-207(h).~~

(b) ~~A red light citation is presumed to have been received on the fifth day after the date the citation is mailed.~~

~~SEC. 28-210. ANSWERING A CIVIL RED LIGHT CITATION.~~

(a) ~~A vehicle owner who has been issued a civil red light citation shall, either personally or through a representative, answer to the charge of the red light violation by the date shown on the citation, which date may not be earlier than the 30th day after the date the citation is issued. An answer may be made in any of the following ways:~~

(1) ~~An admission of liability with a payment of the applicable civil fine, and any additional penalties and costs.~~

(2) ~~A request to schedule an administrative adjudication hearing to either deny liability or admit liability with an explanation before a hearing officer.~~

(3) ~~A denial of liability accompanied by an affidavit under penalty of perjury presenting evidence under Section 28-207 that the vehicle depicted in the recorded image was at the time of the red light violation being rented, leased, or test driven.~~

(4) ~~A denial of liability accompanied by an affidavit under penalty of perjury presenting evidence under Section 28-207 that the person named in the red light citation was not the owner of the vehicle depicted in the recorded image at the time of the violation.~~

(5) ~~A request for permission from a hearing officer to adjudicate by mail.~~

(b) ~~Payment of the civil fine and any additional penalties and costs may be made in person or by mailing to the chief of police the red light citation accompanied by payment of the amount shown on the citation. Payment by mail may be made only by money order or check made out to the city. Payment of the civil fine and all penalties and costs assessed under this article operates as a final disposition of the red light violation charge, except when payment is made to reset a scheduled hearing as allowed under Section 28-212.~~

~~SEC. 28-211. ADJUDICATION BY MAIL.~~

(a) ~~If a vehicle owner charged with a red light violation shows good cause for not attending a hearing, either personally or through a representative, the hearing officer may permit the matter to be adjudicated by mail, which adjudication must be completed within 90 calendar days after the date of issuance of the red light citation.~~

(b) ~~Letters, memoranda, affidavits, photographs, and other documentary materials will be admissible as evidence for the purposes of adjudication by mail. The hearing officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.~~

~~(c) Failure of the vehicle owner to proceed with an adjudication by mail after requesting and receiving permission to adjudicate by mail is an admission of liability for the red light violation and will subject the owner to the appropriate civil fines, penalties, and costs assessed by the hearing officer.~~

~~(d) If a hearing officer determines that adjudication cannot proceed by mail, the hearing officer shall advise the vehicle owner by first class mail that the owner must appear to answer the charge at a hearing.~~

~~SEC. 28-212. HEARINGS FOR DISPOSITION OF A RED LIGHT CITATION; CITATION AND PHOTOGRAPHIC RECORDED IMAGES AS PRIMA FACIE EVIDENCE.~~

~~(a) Every hearing for the adjudication of a red light violation charge under this article must be held before a hearing officer not later than the 30th day after the department receives a request for an administrative adjudication hearing. The director shall notify, in writing, the person requesting a hearing of the date, time, and location of the hearing.~~

~~(b) A person may make a request to reset a scheduled administrative adjudication hearing. A scheduled administrative adjudication hearing may not be reset more than once unless the vehicle owner pays to the director of transportation an amount equal to the applicable civil fine for the red light violation, with any additional penalties and costs. The director of transportation shall issue a receipt for any amounts paid under this subsection. After presentation of the receipt, all amounts paid will be refunded to the vehicle owner if the hearing officer, or a municipal court on appeal, finds that the owner is not liable for the red light violation.~~

~~(c) At a hearing, the civil red light citation and the recorded images produced by the photographic traffic signal enforcement system are prima facie proof of the red light violation, and the enforcement officer or other authorized person who issued the citation is not required to be present unless requested by the vehicle owner charged or by the hearing officer. A vehicle owner's request to have the enforcement officer, or other authorized person who issued the citation, present at the hearing must be in writing and received by the hearing officer as part of the person's request for an administrative adjudication hearing. Failure to timely make this request constitutes a waiver of the vehicle owner's right to require the presence of the enforcement officer or other authorized person at the hearing.~~

~~(d) At a hearing, the hearing officer shall hear and consider evidence presented by the city and by the vehicle owner. The formal rules of evidence do not apply to a hearing under this article, and the hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this article or other applicable law.~~

~~(e) At a hearing, the reliability of the photographic traffic signal enforcement system used to produce the recorded image of the red light violation may be attested to by affidavit of an officer or employee of the city, or of the entity with which the city contracts to install or operate the system, who is responsible for inspecting and maintaining the system. An affidavit of an officer or employee of the city that alleges a red light violation based on an inspection of the pertinent~~

~~recorded image is admissible in a proceeding under this article, is evidence of the facts contained in the affidavit, and is prima facie evidence of the violation alleged in the red light citation.~~

~~(f) At the conclusion of the hearing, the hearing officer shall immediately render an order or decision, either by:~~

~~(1) finding the vehicle owner liable for the red light violation, assessing the applicable civil fine and any penalties and other costs in accordance with this article, and notifying the owner of the right to appeal to municipal court; or~~

~~(2) finding the vehicle owner not liable for the red light violation.~~

~~(g) An order of a hearing officer must be in writing, signed, and dated by the hearing officer and filed with the department in a separate index and file. The order may be recorded using computer printouts, microfilm, microfiche, or similar data processing techniques.~~

~~SEC. 28-213. FAILURE TO ANSWER A CIVIL RED LIGHT CITATION OR APPEAR AT A HEARING.~~

~~(a) The failure of a vehicle owner charged with a red light violation to answer to the charge within 30 calendar days after the date of issuance of the red light citation or to appear at any hearing, including a hearing on appeal, when required to appear is an admission of liability for the red light violation, and the hearing officer, or the municipal court in the case of an appeal, shall issue an order of liability and assess against the owner the appropriate civil fines, penalties, and other costs.~~

~~(b) Within seven calendar days after filing an order of liability issued under this section, a hearing officer or the entity with which the city contracts, shall notify the vehicle owner in writing of the order. The notice must be sent by United States mail to the address required for service of a citation under Section 28-209 or to the address of the vehicle owner last known to the hearing officer. The notice must include a statement of:~~

~~(1) the amount of the civil fines, penalties, and costs assessed; and~~

~~(2) the right to appeal to municipal court.~~

~~(c) Regardless of any other provision of this article, a person who receives a red light citation and who fails to timely pay the civil fine or fails to timely request an administrative adjudication hearing is still entitled to an administrative adjudication hearing if:~~

~~(1) the person submits to the hearing officer a written request for a hearing, accompanied by an affidavit, that attests to the date on which the person received the red light citation; and~~

~~(2) the written request and affidavit are submitted to the hearing officer within 30 calendar days after the date the person received the red light citation.~~

SEC. 28-214. CIVIL FINES FOR RED LIGHT VIOLATIONS; PENALTIES AND OTHER COSTS.

~~(a) If a civil fine is assessed under this article, it must be in accordance with this section. A fine may not be waived or modified by a hearing officer, or by a municipal court on appeal, when a vehicle owner is found liable for a red light violation, except that additional penalties and other costs may be added in accordance with this section.~~

~~(b) The owner of a motor vehicle liable for a red light violation shall pay a civil fine of \$75 for each violation.~~

~~(c) An additional \$25 late payment penalty will be assessed if the vehicle owner fails to:~~

~~(1) answer a red light citation within 30 calendar days after its date of issuance;~~

~~(2) appear at a hearing scheduled to adjudicate the red light violation charge; or~~

~~(3) after being found liable, pay all civil fines, penalties, fees, and costs assessed for a red light violation within the time designated by the hearing officer, or by the municipal court on appeal.~~

~~(d) A penalty assessed under Subsection (c) of this section may be waived by a hearing officer, or by a municipal court on appeal, if the vehicle owner can establish that:~~

~~(1) through no fault of the owner:~~

~~(A) no notice of the red light violation was received as required by this article;~~

~~(B) no notice of the hearing officer's order was received as required by this article; or~~

~~(C) payment of the civil fine assessed for the red light violation was not posted in a timely manner; or~~

~~(2) the penalty was assessed in error.~~

SEC. 28-215. APPEAL FROM HEARING.

~~(a) A vehicle owner determined by a hearing officer at an administrative adjudication hearing to be liable for a red light violation may appeal this determination to the municipal court by filing an appeal petition, along with a filing fee of \$15, with the municipal court clerk or a deputy clerk before the 31st calendar day after the date the hearing officer's order is entered with the department. If the hearing officer's order is reversed, the \$15 filing fee will be returned by the city to the appellant.~~

~~(b) Upon receipt of an appeal petition, the municipal court clerk or deputy clerk shall schedule an appeal hearing and notify all parties of the date, time, and location of the hearing. The enforcement officer or other authorized person who issued the civil red light citation is not required to be present at the appeal hearing unless requested by the vehicle owner charged. A vehicle owner's request to have the enforcement officer, or other authorized person who issued the citation, present at the appeal hearing must be in writing and made as part of the appeal petition. Failure to timely make this request constitutes a waiver of the vehicle owner's right to require the presence of the enforcement officer or other authorized person at the appeal hearing.~~

~~(c) The appeal hearing must be a trial de novo in municipal court and is a civil proceeding. The decision of the municipal court is final.~~

~~(d) Service of notice of appeal under this section stays the enforcement and collection of any civil fines, penalties, and costs ordered by the hearing officer. An appeal petition must be accompanied by a notarized statement in which the vehicle owner agrees to pay all civil fines, penalties, and costs ordered by the hearing officer, if the person is still found liable by the municipal court upon appeal.~~

~~(e) At an appeal hearing, the civil red light citation and the recorded images produced by the photographic traffic signal enforcement system are prima facie proof of the red light violation, and the enforcement officer or other authorized person who issued the citation is not required to be present unless requested by the vehicle owner.~~

~~(f) At an appeal hearing, the reliability of the photographic traffic signal enforcement system used to produce the recorded image of the red light violation may be attested to by affidavit of an officer or employee of the city, or of the entity with which the city contracts to install or operate the system, who is responsible for inspecting and maintaining the system. An affidavit of an officer or employee of the city that alleges a red light violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article, is evidence of the facts contained in the affidavit, and is prima facie evidence of the violation alleged in the red light citation.~~

~~SEC. 28-216. EFFECT OF LIABILITY; EXCLUSION OF CIVIL REMEDY; ENFORCEMENT.~~

~~(a) The imposition of a civil fine under this article is not a conviction or criminal offense and may not be considered a conviction or criminal offense for any purpose. Failure to timely pay a civil fine under this article may not result in an arrest warrant being issued for the vehicle owner and may not be recorded on the owner's driving record.~~

~~(b) A civil fine may not be imposed under this article on the owner of a motor vehicle if the operator of the vehicle was arrested or was issued a criminal citation by a peace officer under Section 544.007(d) of the Texas Transportation Code for the red light violation recorded by the photographic traffic signal enforcement system.~~

(e) ~~The city attorney is authorized to file suit or take other action to collect any civil fines, penalties, and costs assessed under this article.~~

~~SEC. 28-217. DISPOSITION OF CIVIL FINES, PENALTIES, AND COSTS ASSESSED FOR RED LIGHT VIOLATIONS.~~

~~Not later than November 29 of each year, after deducting amounts the city is authorized to retain under Section 707.008(b) of the Texas Transportation Code, 50 percent of the revenue derived from the civil fines and late payment penalties assessed under this article each fiscal year must be remitted to the Office of the Texas State Comptroller for deposit to the credit of the regional trauma account and 50 percent must be paid into the city's fund dedicated to traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.~~

~~Division 3. Automated Red Light Enforcement Commission.~~

~~SEC. 28-218. AUTOMATED RED LIGHT ENFORCEMENT COMMISSION CREATED.~~

(a) ~~There is hereby created the automated red light enforcement commission of the city, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice chair.~~

(b) ~~Each member shall be appointed for a two-year term beginning on October 1 of each odd-numbered year. All members shall serve until their successors are appointed and qualified.~~

(c) ~~The traffic engineer of the city or a designated representative shall serve as an ex officio, nonvoting member of the commission.~~

~~SEC. 28-219. DUTIES AND FUNCTIONS.~~

(a) ~~The commission shall act as an advisory body to the city manager and the city council and shall:~~

(1) ~~make recommendations relating to the city's automated red light enforcement program;~~

(2) ~~make recommendations relating to the installation and operation of photographic traffic signal enforcement systems in the city;~~

(3) ~~review results of traffic engineering studies for camera-enforced intersections;~~

~~(4) review the placement of photographic traffic signal enforcement systems to help ensure that camera enforced intersections are selected without regard to the ethnic or socioeconomic characteristics of the area in which the intersections are located; and~~

~~(5) perform other duties assigned by the city council or requested by the city manager.~~

~~(b) The city manager shall provide staff to assist the commission in performing its duties and functions.~~

~~(c) The city manager shall present the recommendations of the commission, along with any recommendations of the city manager, to the city council.]”~~

SECTION 2. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____