

Turf War Over Red Light Cameras Under Way Says Houston Ticket Attorney

The City of Houston and the Texas Legislature are duking it out over red light traffic cameras. Houston traffic ticket lawyer says City of Houston will lose its fight to keep red light cameras and the financial bonanza they provide.

([PRWEB](#)) February 14, 2005 -- On December 21, 2004, the City of Houston passed an ordinance to decriminalize tickets for running red lights at intersections monitored by cameras in Houston, Texas. Critics, including Houston traffic ticket defense attorney Kameron Searle, have argued that the only purpose of the Houston red light camera ordinance was to make it easier for the City of Houston to dramatically increase revenues into the City's coffers by changing red light violations from criminal cases to civil cases.

In passing the ordinance, "Houston has tried to intentionally usurp the power of the Texas Legislature," says Searle. The State Legislature passes the criminal laws regarding traffic in Texas including the charge of running a red light. The City of Houston is just a political subdivision of the State of Texas. Red light traffic cameras are very unpopular in the Texas Legislature. The Legislature has defeated red light traffic cameras in the last three legislative sessions in 1999, 2001 and 2003. In 2003, the red light traffic camera bill was defeated in the House by a vote of 103-34.

Attorney Searle had previously predicted a fight with regard to red light traffic cameras in the current State Legislature and that fight has already begun. The 79th Texas Legislature has just commenced and Houston area State Representative Gary Elkins has already introduced a bill designed to combat the City of Houston's red light traffic cameras. House Bill 259 (HB259) seeks to repeal a portion of the Texas Transportation Code under which the City of Houston argues it has the authority to ignore Texas' criminal traffic laws and regulate red light violators civilly using the cameras.

The portion of the Transportation Code in question is Section 542.202 (b)(3). The language of this section was slipped into the Transportation Code during the 2003 legislative session by proponents of red light traffic cameras who knew their bill was going to lose in a straight up or down vote. The amendment that was passed into law reads, "'Regulating' means criminal, civil, and administrative enforcement against a person, including the owner or operator of a motor vehicle, in accordance with a state law or a municipal ordinance." The language "or a municipal ordinance" gave the City of Houston and others a backdoor through which they believed they could begin to decriminalize traffic ticket violations such as running red lights.

Support for HB259 is extensive and bipartisan. Numerous Houston area State Representatives in addition to Gary Elkins have signed on as joint authors or coauthors of the bill including, Debbie Riddle, Silvester Turner, Dwayne Bohac, Garnet Coleman, Harold Dutton, Joe Moreno, Senfronia Thompson and Corbin Van Arsdale. HB259 is on the fast track and is already scheduled for public hearing in Austin on February 15, 2005 before the House Urban Affairs Committee.

Even if HB259 was somehow defeated, Houston ticket attorney Kameron Searle argues that the City of Houston's red light ticket ordinance would probably be defeated on purely legal grounds. "It's unconstitutional; you can't have two different standards for the same offense," he says. Running a red light can't be a criminal violation at an intersection that does not have a camera monitoring traffic and a civil violation at an intersection that does have a camera monitoring traffic.



To support his contention, Searle points to an opinion issued by Attorney General John Cornyn in 2002. Directly on point, AG Opinion No. JC-0460 provides the following summary, "Absent specific legislative authorization, a home-rule municipality may not adopt an ordinance that imposes a civil penalty for violation of section 544.007(d) of the Transportation Code, which makes the running of red light a crime."

The City of Houston has deliberately ignored the will of the Texas State Legislature and the legal opinion of a Texas Attorney General. It would appear that cash starved Houston will stop at nothing to reap the financial bonanza which red light traffic cameras have delivered to other municipalities around the country where they have been installed.

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