

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1451 of the Regular Session

1 State of Arkansas

As Engrossed: S1/25/05 S1/31/05 S3/7/05 S3/10/05

2 8th General Assembly

A Bill

3 Regular Session, 2005

SENATE BILL 52

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5 By: Senator J. Jeffress

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8 **For An Act To Be Entitled**

9 AN ACT TO PROHIBIT THE USE OF AUTOMATED
10 ENFORCEMENT DEVICES TO ENFORCE TRAFFIC LAWS
11 EXCEPT IN LIMITED CIRCUMSTANCES; AND FOR OTHER
12 PURPOSES.

13
14 **Subtitle**

15 TO PROHIBIT THE USE OF AUTOMATED
16 ENFORCEMENT DEVICES TO ENFORCE TRAFFIC
17 LAWS EXCEPT IN LIMITED CIRCUMSTANCES.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Title 14, Chapter 16, Subchapter 1 is amended
23 to add an additional section to read as follows:

24 14-16-117. Automated enforcement devices.

25 (a) As used in this section:

26 (1) "Automated enforcement device" means a system operated by a
27 county government or a department of state government that is operating
28 outside of a municipality that:

29 (A) Uses a photo-radar device that is capable of detecting
30 a speeding violation; and

31 (B) Photographs or records an image of the vehicle used in
32 committing the violation, the operator of the vehicle, or the license plate
33 of the vehicle; and

34 (2) "Municipality" means a city of the first class, a city of
35 the second class, or an incorporated town.



1 (b) Except as used under subsection (c) of this section, an automated
2 enforcement device shall not be used by a law enforcement agency of a county
3 or a department of state government that is operating outside of a
4 municipality to detect or enforce:

5 (1) A violation of the traffic laws or regulations of the State
6 of Arkansas; or

7 (2) An ordinance of the municipality.

8 (c)(1) A county government or a department of state that is operating
9 outside of a municipality may use an automated enforcement device to detect
10 and enforce a violation of traffic laws or ordinances:

11 (A) In a school zone; or

12 (B) At a railroad crossing.

13 (2) If a county or a department of state government that is
14 operating outside of a municipality uses an automated enforcement device,
15 then a certified law enforcement officer must:

16 (A) Be present with the automated enforcement device; and

17 (B) Issue the citation to the violator at the time and
18 place of the violation.

19 (d) This section shall not prevent the Arkansas Highway Police
20 Division of the Arkansas State Highway and Transportation Department from
21 using automated enforcement devices in enforcing state or federal motor
22 carrier laws.

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24 SECTION 2. Arkansas Code Title 14, Chapter 54, Subchapter 14 is
25 amended to add an additional section to read as follows:

26 14-54-1412. Automated enforcement devices.

27 (a) As used in this section:

28 (1) "Automated enforcement device" means a system operated by a
29 municipality or a department of state government that is operating within the
30 boundaries of the municipality that:

31 (A) Uses a photo-radar device that is capable of detecting
32 a speeding violation; and

33 (B) Photographs or records an image of the vehicle used in
34 committing the violation, the operator of the vehicle, or the license plate
35 of the vehicle; and

36 (2) "Municipality" means a city of the first class, a city of

1 the second class, or an incorporated town.

2 (b) Except as used under subsection (c) of this section, an automated
3 enforcement device shall not be used by a law enforcement agency of a
4 municipality or a department of state government that is operating within the
5 boundaries of the municipality to detect or enforce:

6 (1) A violation of the traffic laws or regulations of the State
7 of Arkansas; or

8 (2) An ordinance of the municipality.

9 (c)(1) A municipality or a department of state government that is
10 operating within the boundaries of the municipality may use an automated
11 enforcement device to detect and enforce a violation of traffic laws or
12 ordinances:

13 (A) In a school zone; or

14 (B) At a railroad crossing.

15 (2) If a municipality or a department of state government that
16 is operating within the boundaries of the municipality uses an automated
17 enforcement device, then a certified law enforcement officer must:

18 (A) Be present with the automated enforcement device; and

19 (B) Issue the citation to the violator at the time and
20 place of the violation.

21 (d) This section shall not prevent the Arkansas Highway Police
22 Division of the Arkansas State Highway and Transportation Department from
23 using automated enforcement devices in enforcing state or federal motor
24 carrier laws.

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26 /s/ J. Jeffress

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29 APPROVED: 3/31/2005

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