

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1859

5 By: Representative Cavenaugh
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE USE OF
9 AUTOMATED ENFORCEMENT DEVICES; TO AUTHORIZE THE USE
10 OF AUTOMATED ENFORCEMENT DEVICES IN HIGHWAY WORK
11 ZONES; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING THE USE OF
16 AUTOMATED ENFORCEMENT DEVICES; TO
17 AUTHORIZE THE USE OF AUTOMATED ENFORCMENT
18 DEVICES IN HIGHWAY WORK ZONES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 27-52-110(c), concerning the use of an
24 automated enforcement device operated by a county government or department of
25 state government outside of a municipality, is amended to read as follows:

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

29 (A) In a school zone; or

30 (B) At a railroad crossing.

31 (2) A law enforcement officer of the Arkansas Highway Police
32 Division of the Arkansas Department of Transportation who is operating
33 outside of a municipality may use an automated enforcement device to detect
34 and enforce a violation of traffic laws or ordinances in a highway work zone
35 when construction personnel are present in the highway work zone.

36 (3) If a county or a department of state government that is



1 operating outside of a municipality uses an automated enforcement device,
 2 then a ~~certified~~ law enforcement officer ~~must~~ shall:

- 3 (A) Be present with the automated enforcement device; and
- 4 (B) Issue the citation to the violator at the time and
 5 place of the violation.

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 7 SECTION 2. Arkansas Code § 27-52-110, concerning the use of an
 8 automated enforcement device operated by a county government or department of
 9 state government outside of a municipality, is amended to add an additional
 10 subsection to read as follows:

11 (e) As used in this section:

12 (1) "Construction personnel" means employees of the Arkansas
 13 Department of Transportation or the counties or the municipalities of this
 14 state or any contractors of the State Highway Commission or the counties or
 15 municipalities;

16 (2) "Highway work zone" means any area upon or adjacent to any
 17 highway, road, or street of this state where construction, reconstruction,
 18 maintenance, or any other type of work is being performed or is in progress
 19 by employees of the Arkansas Department of Transportation, the counties or
 20 the municipalities of this state, or any contractors of the State Highway
 21 Commission or the counties or municipalities; and

22 (3) "Law enforcement officer" means any member of the Division
 23 of Arkansas State Police or the Arkansas Highway Police Division of the
 24 Arkansas Department of Transportation and any other certified law enforcement
 25 officer employed full time by the State of Arkansas or any political
 26 subdivision of the State of Arkansas.

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 28 SECTION 3. Arkansas Code § 27-52-111(c), concerning the use of an
 29 automated enforcement device operated by a county government or department of
 30 state government operating within the boundaries of a municipality, is
 31 amended to read as follows:

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

- 36 (A) In a school zone; or

(B) At a railroad crossing.

(2) A law enforcement officer of the Arkansas Highway Police Division of the Arkansas Department of Transportation who is operating within the boundaries of the municipality may use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances in a highway work zone when construction personnel are present in the highway work zone.

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

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

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

SECTION 4. Arkansas Code § 27-52-111, concerning the use of an automated enforcement device operated by a county government or department of state government within the boundaries of a municipality, is amended to add an additional subsection to read as follows:

(e) As used in this section:

(1) “Construction personnel” means employees of the Arkansas Department of Transportation or the counties or the municipalities of this state or any contractors of the State Highway Commission or the counties or municipalities;

(2) “Highway work zone” means any area upon or adjacent to any highway, road, or street of this state where construction, reconstruction, maintenance, or any other type of work is being performed or is in progress by employees of the Arkansas Department of Transportation, the counties or the municipalities of this state, or any contractors of the State Highway Commission or the counties or municipalities; and

(3) “Law enforcement officer” means any member of the Division of Arkansas State Police or the Arkansas Highway Police Division of the Arkansas Department of Transportation and any other certified law enforcement officer employed full time by the State of Arkansas or any political subdivision of the State of Arkansas or court personnel in Arkansas.