ARKANSAS SENATE

85th General Assembly - Regular Session, 2005

Amendment Form

Subtitle of Senate Bill No. 52 "TO PROHIBIT THE USE OF AUTOMATED ENFORCEMENT DEVICES TO ENFORCE TRAFFIC LAWS EXCEPT IN LIMITED CIRCUMSTANCES."

Amendment No. 2 to Senate Bill No. 52.

Amend Senate Bill No. 52 as engrossed, S1/25/05 (version: 01-25-2005 08:46)::

- Page 1, delete line 36 and substitute the following:
- "(b) Except as used under subsection (c) of this section, an automated enforcement device shall not be used by a law enforcement agency of a county or a department of state government that is operating outside of a municipality to detect or enforce:
- (1) A violation of the traffic laws or regulations of the State of Arkansas; or
 - (2) An ordinance of the municipality."

AND

Page 2, delete lines 1 through 4

AND

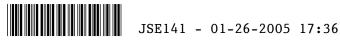
Page 2, line 7, delete "and ordinances" and substitute "or ordinances"

AND

Page 2, delete Section 2 in its entirety and substitute the following: "SECTION 2. Arkansas Code Title 14, Chapter 54, Subchapter 14 is amended to add an additional section to read as follows:

14-54-1412. Automated enforcement devices.

- (a) As used in this section:
- (1) "Automated enforcement device" means a system operated by a municipality or a department of state government that is operating within the boundaries of the municipality that:
- (A) Uses a machine to automatically detect a violation of a traffic law; and
- (B) Photographs or records an image of the vehicle used in committing the violation, the operator of the vehicle, or the license plate of the vehicle; and
 - (2) "Municipality" means a city of the first class, a city of



the second class, or an incorporated town.

- (b) Except as used under subsection (c) of this section, an automated enforcement device shall not be used by a law enforcement agency of a municipality or a department of state government that is operating within the boundaries of the municipality to detect or enforce:
- (1) A violation of the traffic laws or regulations of the State of Arkansas; or
 - (2) An ordinance of the municipality.
- (c)(1) A municipality or a department of state government that 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:
 - (A) In a school zone; or
 - (B) At a railroad crossing.
- (2) 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:
 - (A) Be present with the automated enforcement device; and
- (B) Issue the citation to the violator at the time and place of the violation."

The Amendment was read the first time, rules suspended and read the second	time and
By: Senator J. Jeffress	
JSE/VLH - 01-26-2005 17:36	
JSE141	Secretary