

Hall of the House of Representatives

89th General Assembly - Regular Session, 2013

Amendment Form

Subtitle of House Bill No. 2158

TO ALLOW A CITY OF THE FIRST CLASS TO USE AN AUTOMATED ENFORCEMENT DEVICE TO
ENFORCE TRAFFIC CONTROL DEVICE LAWS.

Amendment No. 1 to House Bill No. 2158

Amend House Bill No. 2158 as originally introduced:

Page 2, delete lines 16 through 21 and substitute the following:

"27-52-302. Use by city with a population of at least fifty thousand (50,000) of an automated enforcement device for enforcement of traffic control device laws.

Notwithstanding any law to the contrary, a city with a population of at least fifty thousand (50,000) may by ordinance use an automated enforcement device as defined in § 27-52-111 to impose a civil penalty for the violation of traffic control laws set out in this chapter as provided under this subchapter."

AND

Page 3, delete line 7 and substitute the following:

"the Office of Motor Vehicle or the Arkansas Crime Information Center; or"

AND

Page 4, delete lines 9 through 11 and substitute the following:

"liability for the penalty in a timely manner is an admission of liability."

AND

Page 4, delete lines 26 and 27 and substitute the following:

"(d) In an administrative hearing:
(1) The city bears the burden of proof of an offense;
(2) The person alleged to be responsible for the civil penalty bears the burden of proof on any defense; and
(3) The issues shall be proven by a preponderance of the



evidence."

Page 7, delete lines 5 through 9, and substitute the following:

"27-52-311. Feasibility study.

(a) The Department of Finance and Administration, in conjunction with a city that chooses to utilize an automated enforcement device under this subchapter, shall annually evaluate the general effectiveness of the use of an automated enforcement device under this subchapter, and determine if any additional enforcement steps can be utilized to improve effectiveness.

(b) The department will report its findings to the House Committee on Public Transportation and the Senate Committee on Public Transportation, Technology, and Legislative Affairs on the date of their last scheduled meetings before December 1 of any year immediately prior to the next meeting of the Regular Session of the General Assembly.

(c) The department is authorized to promulgate and adopt rules to carry out the responsibilities of this section."

The Amendment was read _____
By: Representative E. Armstrong
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Chief Clerk