

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.

1 State of Arkansas
2 8th General Assembly
3 Regular Session, 2005
4

As Engrossed: S1/25/05

A Bill

SENATE BILL 52

5 By: Senator J. Jeffress
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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

Subtitle

14 TO PROHIBIT THE USE OF AUTOMATED
15 ENFORCEMENT DEVICES TO ENFORCE TRAFFIC
16 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 machine to automatically detect a violation of
30 a traffic law; 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.

36 (b) Except as used under subsection (c) of this section, an automated



1 enforcement device shall not be used by a law enforcement agency of a county
2 or a department of state government that is operating outside of a
3 municipality to detect and enforce a violation of the traffic laws and
4 regulations of the State of Arkansas or ordinances of the county.

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

8 (A) In a school zone; or

9 (B) At a railroad crossing.

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

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

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

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

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

23 14-54-1412. Automated enforcement devices.

24 (a) As used in this section:

25 (1) "Automated enforcement device" means a system operated by a
26 municipality that:

27 (A) Uses a machine to automatically detect a violation of
28 a traffic law; and

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

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

34 (b) A municipality with a population of one hundred thousand (100,000)
35 or more may initiate a pilot program with a maximum of ten (10) automated
36 enforcement devices used in each pilot program in each municipality.

1 (c) A municipality shall only use an automated enforcement device to
2 enforce speed limits of thirty (30) miles per hour or less.

3 (d) If a person is convicted of, pleads guilty to, or pleads nolo
4 contendere to a speed limit violation issued by a municipality and the
5 violation was the result of the municipality's use of an automated
6 enforcement device, then:

7 (1)(A) A first-time offender who exceeded the speed limit by
8 less than ten (10) miles per hour shall receive only a warning.

9 (B) For a person who is not a first-time offender, the
10 maximum fine is twenty-five dollars (\$25); and

11 (2) If the court reports the violation to the Office of Driver
12 Services of the Department of Finance and Administration, then:

13 (A) The court shall designate the violation as related to
14 the use of an automated enforcement device;

15 (B) The Office of Driver Services of the Department of
16 Finance and Administration shall not include the violation in the person's
17 traffic violation record or driver's record; and

18 (C) The Office of Driver Services of the Department of
19 Finance and Administration shall not use the violation as the basis to
20 suspend the license of a driver.

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22 */s/ J. Jeffress*
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