

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 S1/31/05 S3/7/05

# 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 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.

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 or enforce:

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

6 (2) An ordinance of the municipality.

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

10 (A) In a school zone; or

11 (B) At a railroad crossing.

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

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

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

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

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

25 14-54-1412. Automated enforcement devices.

26 (a) As used in this section:

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

30 (A) Uses a machine to automatically detect a violation of  
31 a traffic law; and

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

35 (2) "Municipality" means a city of the first class, a city of  
36 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  
3 municipality or a department of state government that is operating within the  
4 boundaries of the 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 municipality or a department of state government that is  
9 operating within the boundaries of the municipality may use an automated  
10 enforcement device to detect and enforce a violation of traffic laws or  
11 ordinances:

12           (A) In a school zone; or

13           (B) At a railroad crossing.

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

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

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

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

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25   /s/ J. Jeffress  
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