

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 As Engrossed: S1/25/05 S1/31/05 S3/7/05 S3/10/05

2 8th General Assembly

A Bill

3 Regular Session, 2005

SENATE BILL 52

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5 By: Senator J. Jeffress

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For An Act To Be Entitled

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AN ACT TO PROHIBIT THE USE OF AUTOMATED

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ENFORCEMENT DEVICES TO ENFORCE TRAFFIC LAWS

11

EXCEPT IN LIMITED CIRCUMSTANCES; AND FOR OTHER

12

PURPOSES.

13

14

Subtitle

15

TO PROHIBIT THE USE OF AUTOMATED

16

ENFORCEMENT DEVICES TO ENFORCE TRAFFIC

17

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 photo-radar device that is capable of detecting
31 a speeding violation; 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.

