

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

A Bill

SENATE BILL 52

5 By: Senator J. Jeffress
6
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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.

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

19 14-54-1412. Automated enforcement devices.

20 (a) As used in this section:

21 (1) "Automated enforcement device" means a system operated by a
 22 municipality that:

23 (A) Uses a machine to automatically detect a violation of
 24 a traffic law; and

25 (B) Photographs or records an image of the vehicle used in
 26 committing the violation, the operator of the vehicle, or the license plate
 27 of the vehicle; and

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

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

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

35 (d) If a person is convicted of, pleads guilty to, or pleads nolo
 36 contendere to a speed limit violation issued by a municipality and the

1 violation was the result of the municipality's use of an automated
2 enforcement device, then:

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

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

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

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

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

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

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