

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1858

5 By: Representative Richardson  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF  
9 AN AUTOMATED ENFORCEMENT DEVICE BY A MUNICIPALITY OR  
10 DEPARTMENT OF STATE GOVERNMENT OPERATING WITHIN THE  
11 BOUNDARIES OF A MUNICIPALITY; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO AMEND THE LAW CONCERNING THE OPERATION  
15 OF AN AUTOMATED ENFORCEMENT DEVICE BY A  
16 MUNICIPALITY OR DEPARTMENT OF STATE  
17 GOVERNMENT OPERATING WITHIN THE  
18 BOUNDARIES OF A MUNICIPALITY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 27-52-111 is amended to read as follows:

25 27-52-111. Automated enforcement device operated by municipality or  
26 department of state government operating within boundaries of municipality –  
27 Definitions.

28 (a) As used in this section:

29 (1) “Automated enforcement device” means a system operated by a  
30 municipality or a department of state government that is operating within the  
31 boundaries of the municipality that:

32 (A) Uses a photo-radar device that is capable of detecting  
33 a speeding violation or a violation of an official traffic control device or  
34 official traffic control signal; and

35 (B) Photographs or records an image of the vehicle used in  
36 committing the violation, ~~the operator of the vehicle,~~ or the license plate



1 of the vehicle; ~~and~~

2 (2) "Municipality" means a city of the first class, a city of  
3 the second class, or an incorporated town;

4 (3) "Official traffic control device" means a sign, signal,  
5 marking, or device placed or erected by authority of a public body or  
6 official having jurisdiction for the purpose of regulating, warning, or  
7 guiding traffic; and

8 (4) "Official traffic control signal" means any device, whether  
9 manually, electrically, or mechanically operated, by which traffic is  
10 alternately directed to stop and to proceed.

11 ~~(b) Except as used under subsection (c) of this section, an automated~~  
12 ~~enforcement device shall not be used by a law enforcement agency of a~~  
13 ~~municipality or a department of state government that is operating within the~~  
14 ~~boundaries of the municipality to detect or enforce:~~

15 ~~(1) A violation of the traffic laws, rules, or regulations of~~  
16 ~~the State of Arkansas; or~~

17 ~~(2) An ordinance of the municipality.~~

18 ~~(e)(1)(b)~~ A municipality or a department of state government that is  
19 operating within the boundaries of the municipality may use an automated  
20 enforcement device to detect and enforce a violation of traffic laws or  
21 ordinances:

22 ~~(A) In a school zone; or~~

23 ~~(B) At a railroad crossing.~~

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

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

28 ~~(B) Issue the citation to the violator at the time and~~  
29 ~~place of the violation.~~

30 (c) Upon conviction for a traffic violation detected solely by an  
31 automated enforcement device, the penalty imposed:

32 (1) May include any fine authorized by law for the specific  
33 traffic violation; and

34 (2) Shall not include or result in the assessment of points  
35 against a driver's license to operate a motor vehicle.

36 (d) This section shall not prevent the Arkansas Highway Police

1 Division of the Arkansas Department of Transportation from using automated  
2 enforcement devices to enforce state or federal motor carrier laws.

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