

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/30/23

A Bill

SENATE BILL 481

5 By: Senator K. Hammer
6 By: Representative L. Fite
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF
10 AN AUTOMATED ENFORCEMENT DEVICE; AND FOR OTHER
11 PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING THE OPERATION
16 OF AN AUTOMATED ENFORCEMENT DEVICE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 27-52-110 is amended to read as follows:

22 27-52-110. Automated enforcement device operated by county government
23 or department of state government operating outside municipality –
24 Definitions.

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) “Highway work zone” means the area upon or adjacent to a
35 controlled-access highway of this state where construction, reconstruction,
36 or maintenance work is performed; and



1 (3) “Municipality” means a city of the first class, a city of
2 the second class, or an incorporated town.

3 (b) Except as used under subsection (c) of this section, an automated
4 enforcement device shall not be used by a law enforcement agency of a county
5 or a department of state government that is operating outside of a
6 municipality to detect or enforce:

7 (1) A violation of the traffic laws, rules, or regulations of
8 the State of Arkansas; or

9 (2) An ordinance of the municipality.

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

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

14 (B) At a railroad crossing; or

15 (C) In a highway work zone.

16 (2) If a county or a department of state government that is
17 operating outside of a municipality uses an automated enforcement device,
18 then a certified law enforcement officer must+

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

20 ~~(B) Issue issue the citation to the violator at the time~~
21 ~~and place of the violation.~~

22 (d) This section shall not prevent the Arkansas Highway Police
23 Division of the Arkansas Department of Transportation from using automated
24 enforcement devices to enforce state or federal motor carrier laws.

25 (e) Automated enforcement device data that is not related to an active
26 criminal or civil investigation shall not be retained by a county government
27 or a department of state government.

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29 SECTION 2. Arkansas Code § 27-52-111 is amended to read as follows:

30 27-52-111. Automated enforcement device operated by municipality or
31 department of state government operating within boundaries of municipality –
32 Definitions.

33 (a) As used in this section:

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

1 (A) Uses a ~~photo-radar~~ device that is capable of detecting
2 a speeding violation; and

3 (B) Photographs or records an image of the vehicle used in
4 committing the violation, the operator of the vehicle, or the license plate
5 of the vehicle; ~~and~~

6 (2) "Highway work zone" means the area upon or adjacent to a
7 controlled-access highway of this state where construction, reconstruction,
8 or maintenance work is performed; and

9 (3) "Municipality" means a city of the first class, a city of
10 the second class, or an incorporated town.

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 (c)(1) 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; or

24 (C) In a highway work zone.

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

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

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

31 (d) This section shall not prevent the Arkansas Highway Police
32 Division of the Arkansas Department of Transportation from using automated
33 enforcement devices to enforce state or federal motor carrier laws.

34 (e) Automated enforcement device data that is not related to an issued
35 traffic citation or warning or an active criminal or civil investigation
36 shall not be retained by a municipality or a department of state government.

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/s/K. Hammer