

FIRST REGULAR SESSION

SENATE BILL NO. 503

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR DePASCO.

Read 1st time February 15, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0161S.021

AN ACT

To amend chapter 300, RSMo, by adding thereto one new section relating to traffic regulations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 300, RSMo, is amended by adding thereto one new section, to be known as section 300.605, to read as follows:

300.605. 1. Any city or county of the first classification may adopt an ordinance or order for the establishment of an automatic traffic light signal violation monitoring system to monitor compliance with traffic light signals in such locality. Any city or county of the first classification that adopts an ordinance or order may also enter into an agreement for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automatic traffic light signal violation monitoring system. The city or county of the first classification may also enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the governmental entity.

2. The operator of a vehicle shall be liable if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such city or county of the first classification. Any owner, lessees or renter of a motor vehicle issued a summons pursuant to this section is responsible for payment of fines and court costs associated with the alleged violation, unless he or she can rebut the presumption as provided in subsection 3 of this section.

3. (1) Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a technician employed by a city or county of the first classification authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance or order adopted pursuant to this section.

(2) In the prosecution of an offense established pursuant to this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle:

(a) Files an affidavit by regular mail with the clerk of the court that he or she was not the operator of the vehicle at the time of the alleged violation; or

(b) Testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation.

Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

4. No points shall be assessed, as described in section 302.302, RSMo, for violations obtained through the use of an automatic traffic light signal violation monitoring system. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

5. Photographic records made by an automatic traffic light signal monitoring system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

6. Any city or county of the first classification that establishes an automatic

traffic light signal monitoring system shall make a public announcement of any automatic traffic light signal monitoring system at least thirty days prior to its official use.

7. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any location which is equipped with an automatic traffic light signal monitoring system.

8. A summons issued pursuant to this section shall be sent by first class mail to the most recent address of the owner of the vehicle within twenty-one days of the violation. The summons shall include the date, time and location of the violation, a photo of the vehicle's license plate, and a photo of the actual violation as detected by the automatic traffic light signal monitoring system. The summons must also include instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

9. Evidence derived from an automatic traffic light signal monitoring system may be admissible in any action of law brought by any person or entity as a result of personal injury, death or damage to property, in the same method prescribed or otherwise required by law.

10. For purposes of this section "owner" means the registered owner of such vehicle on record with the department of revenue. For purposes of this section, "traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of section 304.271, 304.281, 304.301, RSMo, or county or municipal order. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.