

SECOND REGULAR SESSION

SENATE BILL NO. 1037

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATORS SINGLETON AND SIMS.

Read 1st time Januaray 28, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4306S.02I

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic control enforcement systems, with penalty provisions.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.282, to read as follows:

304.282. 1. Wherever used in this section the following terms mean:

(1) "Automated traffic control enforcement system", a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of a red signal indication;

(2) "Owner", the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Any city, county, town or village with reference to any intersection involving highways, roads or streets under its jurisdiction, except a state highway as defined in section 304.001, RSMo, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section

304.281, RSMo.

3. Any city, county, town or village adopting an ordinance to establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city, county, town or village.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was in the care, custody or control of another person at the time of the violation. In such instance the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation, subject to the penalties for perjury. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle at the time of violation. In such case, the court shall have the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator of the motor vehicle at the time of the violation. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time and location of the violation, a photo of the motor vehicles' license plate, and a photo of the actual violation as detected by the automated

traffic control signal enforcement system. The summons must also include instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

6. Any governmental entity that establishes a traffic control signal enforcement under the provisions of this section shall make a public announcement of any automated traffic control signal enforcement 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 automated traffic control signal enforcement system.

8. Any governmental entity that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems; including entering 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.

9. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. No points shall be assessed, as described in section 302.302, RSMo, and no fine, including court costs, shall exceed two hundred fifty dollars for a violation obtained through the use of an automated traffic control enforcement system.

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