

FIRST REGULAR SESSION

SENATE BILL NO. 340

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS KENNEDY AND KOSTER.

Read 1st time February 10, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1383S.02I

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to authorizing the city of St. Louis to use automated traffic control systems.

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) "An automated traffic control 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 micrographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of red signal indication authorized under section 304.281;

(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 automated traffic control system or any device which is part of that system, as described in subsection 1 of this section, installed on a street or highway which is a part of a city not within a county's traffic light system shall meet requirements established by the state of Missouri. Any traffic control system installed on a street located in a city not within a county shall meet standards established by the city not within a county and shall be consistent with any standards set by the Missouri department of transportation.

3. A city not within a county may adopt ordinances for the civil enforcement of this section by means of an automated traffic control enforcement system as described in subsection 1 of this section. In the event that a municipality adopts an ordinance under this section, a violation of a red signal, at a location which a traffic control system is in operation shall not be an infraction. An ordinance

authorized by this subsection shall provide that:

(1) The owner of the vehicle shall be given notice of the violation within thirty days of the date of the violation. The notice shall include copies of any photographs, micrographs, videotape or other recorded images produced by the automated traffic control enforcement system;

(2) The owner of the vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within thirty days after notification of the violation, furnishes the officials or agents of the municipality which issued the citation either of the following:

(a) An affidavit stating that the vehicle involved was, at the time, in the care, custody, or control of another person. Evidence may include, but is not limited to, the name and address of the person or company who had the care, custody, and control of the vehicle;

(b) An affidavit stating the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information;

(3) In such an instance the owner, subject to the penalties for perjury, shall submit conclusive evidence in an affidavit authorized in subdivision (2) of this subsection 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, the nonjudicial administrative hearing may terminate the prosecution of the citation issued to the owner, and issue a citation to the person clearly identified in the affidavit as the operator of the motor vehicle at the time of the violation;

(4) The registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than thirty days after the violation.

4. Any automated traffic control system on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than three hundred feet from the location of the automated traffic control system location. All advance warning signs shall be approved by the department of transportation in conjunction with local governments authorized to install automated traffic control systems.

5. A violation detected by an automated traffic control system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars shall be assessed, and for which no points authorized by section 302.302, RSMo, shall be

assigned to the owner or driver of the vehicle.

6. The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged and the owner shall comply with the directions on the citation. The citation must also include instructions on how to dispose of the violation through appearance before the nonjudicial administrative hearing or payment of the fine and costs. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars. The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of the debt.

7. The city not within a county shall institute a non judicial administrative hearing process to review objections to citations or penalties issued or assessed under this section.

8. Any city not within a county 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. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. A city not within a county may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding vehicle owners in order to prepare and mail summonses on behalf of the city or county.

9. Photographs, micrographs, videotape, or other recorded images produced by an automated traffic control enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. One year following the adoption of an ordinance by a city not within a county described in subsection 3 of this section, the department of public safety shall issue a report as to the effectiveness of the use of automated traffic control systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly.

T

Unofficial

Bill

Copy