

SECOND REGULAR SESSION

SENATE BILL NO. 864

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time January 28, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4797S.011

AN ACT

To amend chapters 302 and 304, RSMo, by adding thereto two new sections relating to the use of automated traffic enforcement systems by political subdivisions, with penalty provisions.

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

Section A. Chapters 302 and 304, RSMo, are amended by adding thereto two new sections, to be known as sections 302.307 and 304.286, to read as follows:

302.307. All motor vehicle traffic violations detected through the use of an automated traffic enforcement system shall constitute a moving violation, as defined in section 302.010, and shall be subject to the assessment of points as provided under subsection 1 of section 302.302, notwithstanding any provision of a municipal or county ordinance to the contrary. As used in this section, the term "automated traffic enforcement system" means a camera or optical device designed to record images that depict the motor vehicle, the motor vehicle operator, the license plate of the motor vehicle or other images to establish evidence that the motor vehicle or its operator is not in compliance with state law, ordinance, order or other provision.

304.286. 1. No county, city, town, village, municipality, state agency, or other political subdivision of this state may enact, adopt or enforce any law, ordinance, regulation, order or other provision that authorizes the use of an automated traffic enforcement system or systems to establish evidence that a motor vehicle or its operator is not in compliance with traffic signals, traffic speeds or other traffic laws, ordinances, rules or regulations on any public street, road or highway within this state, or to impose or collect any civil or criminal fine, fee or penalty for any such noncompliance unless the law, ordinance, or

10 regulation treats the violation in the same manner as if the violation
11 had not been detected by an automated traffic enforcement system.

12 2. No law, ordinance, or regulation authorizing the use of an
13 automated traffic enforcement system shall be valid unless the law,
14 ordinance, or regulation penalizes the motor vehicle traffic violation
15 detected through such a system in the same manner as provided by
16 state law.

17 3. No law, ordinance, or regulation authorizing the use of an
18 automated traffic enforcement system shall be valid if such law,
19 ordinance, or regulation provides for the prosecution of a traffic
20 violation detected by such a system as a civil infraction. The violation
21 of a traffic law, ordinance, or regulation detected by an automated
22 traffic enforcement system is criminal in nature, and as such, any
23 person responsible for prosecuting such a violation shall have the
24 burden of proving that the alleged violator was the driver of the motor
25 vehicle at the time of the citation in addition to any other elements of
26 the underlying traffic violation.

27 4. No county, city, town, village, municipality, state agency, or
28 other political subdivision of this state that is authorized to issue a
29 citation for a violation of a state or local traffic law, ordinance or
30 regulation, shall use or employ an automated traffic enforcement
31 system within its jurisdiction unless the law, ordinance, or regulation
32 includes a penalty that provides for the assessment of points to the
33 violator's driver's license. Every county, city, town, village,
34 municipality, state agency, or other political subdivision employing an
35 automated traffic enforcement system shall ensure that all convictions
36 are reported to the department of revenue in accordance with section
37 302.225.

38 5. No law, ordinance, or regulation authorizing the use of
39 automated traffic enforcement systems shall be valid which contains
40 provisions contrary to or in conflict with the provisions of this section.

41 6. As used in this section, the term "automated traffic
42 enforcement system" means a camera or optical device designed to
43 record images that depict the motor vehicle, the motor vehicle
44 operator, the license plate of the motor vehicle or other images to
45 establish evidence that the motor vehicle or its operator is not in
46 compliance with state law, ordinance, order or other provision.