

SECOND REGULAR SESSION

SENATE BILL NO. 838

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Read 1st time January 28, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3589.01I

AN ACT

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

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 may adopt an ordinance for the establishment of an automated photo-traffic enforcement program. Any city or county that adopts an ordinance 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 automated photo-traffic enforcement systems; to include 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.

2. For the purpose of this section, "owner" means the registered owner of such vehicle on record with the department of revenue.

3. Photos obtained from the automated photo-traffic enforcement system along with proof of identity of the owner in whose name such vehicle is registered shall be sufficient evidence that such owner was responsible for 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 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 vehicle at the time of the alleged violation. 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 vehicle. In such case, the court has 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. If the vehicle is alleged to have been stolen, the owner of the vehicle shall submit proof that a police report was filed indicating that the vehicle was stolen at the time of the alleged violation.

4. No points shall be assessed, as described in section 302.302, RSMo, for violations obtained through the use of an automated photo-traffic enforcement system.

5. Photographic records made by an automated photo-traffic enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

6. Any city or county that establishes an automated photo-traffic enforcement program shall make a public announcement of any automated photo-traffic 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 photo-traffic enforcement 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 automated photo-traffic 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.

9. Evidence derived from an automated photo-traffic enforcement 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.

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