AN ACT

RELATING TO MOTOR AND OTHER VEHICLES - AUTOMATED TRAFFIC SPEED ENFORCEMENT SYSTEM

Introduced By: Representatives Craven, and McEntee

Date Introduced: February 03, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES" is hereby amended by adding thereto the following chapter:

CHAPTER 41.3

AUTOMATED SCHOOL ZONE SPEED ENFORCEMENT SYSTEM ACT OF 2016

31-41.3-1. Short title. -- This act shall be known and may be cited as the "Rhode Island Automated School Zone Speed Enforcement System Act of 2016."

31-41.3-2. Legislative findings. -- It is hereby found and declared that ever increasing violations of the state's school zone speed laws and regulations place both motorists and students using the state's streets and roadways within school zones in danger. The legislature hereby declares that the use of technology to reduce aggressive and dangerous speeding is in the best interest of public safety and therefore adopts a policy of authorizing the use of automated traffic speed enforcement systems in school zones within the state of Rhode Island. These systems shall be used in conjunction with civil penalties imposed upon the owners of speeding vehicles in order to reduce speeding violations.

Nothing in this chapter shall supersede any criminal or civil penalty or sanction against the driver of a vehicle who is cited by a law enforcement officer for a speeding violation in a school zone.

31-41.3-3. Automated school zone speed enforcement system authorized and
defined. – (a) The state department of transportation and the municipalities of this state are hereby authorized to operate “automated school zone speed enforcement systems.”

(b) For the purposes of this chapter:

(1) An “automated school zone speed enforcement system” is an automated traffic speed enforcement system operated within one-quarter (1/4) mile of any type of school in the state of Rhode Island:

(2) An “automated traffic speed enforcement system” is defined as a system using one or more vehicle detectors in combination with photography to identify and provide a photographic image of vehicles which are exceeding the posted speed limit or the speed limit designated by state law or regulation for a given school zone, and may be in fixed or mobile configurations; and

(3) A “school zone” is defined as anywhere within a one-quarter (1/4) mile radius of any type of school in the state of Rhode Island.

31-41.3-4. Automated school zone speed enforcement system operational requirements and certification. -- No automated school zone speed enforcement system shall be used in the state of Rhode Island unless the system has been approved and certified for use in the state by the director of the department of transportation. The director of the department of transportation, in cooperation with the state police, shall require that any automated school zone speed enforcement system approved and certified for use in the state of Rhode Island meets the following requirements:

(1) All automated school zone speed enforcement systems operated under this chapter shall record the speed of vehicles within plus or minus one mile per hour of the actual speed.

(2) All automated school zone speed enforcement systems operated under this chapter shall record at least two (2) photographic images of the vehicle exceeding the speed limit, one of which shall include the license plate attached to the rear of the vehicle.

(3) All automated school zone speed enforcement systems operated under this chapter shall, at the time of violation, imprint upon the photographic images of vehicles exceeding the speed limit:

(i) The date and time of the violation; and

(ii) The identity of the street, or school zone being monitored and location upon that street or within that school zone including the direction of travel and lane of travel; this requirement may be met with code designations; and

(iii) The posted or lawfully designated speed limit for the street or school zone being monitored; and

(iv) The monitored speed of the vehicle identified in the photographic images as
exceeding the posted or lawfully designated school zone speed limit; and

(v) The consecutive event number of each photograph taken.

(4) At least one hundred feet (100') prior to entering an automated school zone area where a speed enforcement system is being operated, signs shall be erected warning motorists that they will be entering an area monitored by an automated speed zone enforcement system and that violators of speed limitations may be prosecuted.

31-41.3-5. Operation of system. – In the event a fixed or mobile automated traffic speed enforcement system is to be installed or used by any person other than the state department of transportation or state police personnel on a state maintained street, roadway or highway, the director of transportation shall approve installation or use of the system.

31-41.3-6. Maintenance of system. – The state department of transportation and/or the municipalities may enter into an agreement with a private corporation or other entity to provide automated school zone speed enforcement systems equipment services and to maintain the systems. A contract between a government agency and a manufacturer or supplier of automated traffic speed enforcement systems shall be based on the value of such equipment and related support services and shall not be based on a percentage of the revenue generated by the automated school zone speed enforcement system.

31-41.3-7. Citation precedent. – In the event a law enforcement officer stops and issues a citation to the driver of a vehicle for a speeding violation, which violation is also captured by an automated school zone speed enforcement system, the citation issued to the driver by the law enforcement officer shall have and take precedence, and the automated school zone speed enforcement system citation shall be dismissed.

31-41.3-8. Procedure notice. – (a) Except as expressly provided in this chapter, all prosecutions based on evidence produced by an automated school zone speed enforcement system shall follow the procedures established in chapter 41.1 of this title, chapter 18 of title 8, and the rules promulgated by the chief judge of the district court for the hearing of civil traffic violations. Citations may be issued by an officer solely based on evidence obtained by use of an automated school zone speed enforcement system. All citations issued based on evidence obtained from an automated school zone speed enforcement system shall be issued within fourteen (14) days of the violation.

(b) It shall be sufficient to commence a prosecution based on evidence obtained from an automated school zone speed enforcement system provided that a copy of the citation and supporting documentation be mailed to the address of the registered owner kept on file by the registry of motor vehicles pursuant to §31-3-34. For purposes of this section, the date of issuance
shall be the date of mailing.

(c) The officer issuing the citation shall certify under penalties of perjury that the
evidence obtained from the automated school zone speed enforcement system was sufficient to
demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all
prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient
proof of actual notice in all cases where the citation is not answered within the time period
permitted.

(d) The citation shall contain all the information provided for in the uniform summons as
referred to in §31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the
traffic tribunal.

(e) In addition to the information in the uniform summons, the following information
shall be attached to the citation:

(1) Copies of two (2) or more photographs, or microphotographs, or other recorded
images taken as proof of the violation; and

(2) A signed statement by a trained law enforcement officer that, based on inspection of
recorded images, the motor vehicle was being operated in violation of chapter 14 of title 31
relating to speed restrictions; and

(3) A statement that recorded images are evidence of a violation of this chapter; and

(4) A statement that the person who receives a summons under this chapter may either
pay the civil penalty in accordance with the provisions of §31-41.1-3, or elect to stand trial for the
alleged violation.

31-41.3-9. Hearings. – Evidence from an automated school zone speed enforcement
system shall be considered substantive evidence in the prosecution of all civil traffic violations.
Evidence from an automated school zone speed enforcement system approved by the director of
the department of transportation shall be admitted without further authentication and such
evidence may be deemed sufficient to sustain a civil traffic violation. In addition to any other
defenses as set forth herein, any defenses cognizable at law, with the exception of that available
under §31-41.1-7, shall be available to the individual who receives the citation commencing a
prosecution under this chapter.

31-41.3-10. Driver/registered owner liability. – (a) The registered owner of the motor
vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of
this chapter except as otherwise provided in this section.

(b) In all prosecutions of civil school zone violations based on evidence obtained from an
automated traffic speed enforcement system, the registered owner of a vehicle which has been
operated in violation of a civil traffic violation, may be liable for such violation. The registered
owner of the vehicle may assume liability for the violation by paying the fine, or by defending the
violation pursuant to the remedies available under the law.

(c) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for
purposes of this section.

31-41.3-11. Use of evidence in criminal and civil cases. – Nothing in this chapter shall
prohibit the use of evidence produced by an automated school zone speed enforcement system in
a criminal or civil proceeding; provided, that the admissibility of such evidence shall follow the
applicable laws and rules of procedure and rules of evidence which apply in criminal and civil
proceedings.

31-41.3-12. Nature of violations. – Notwithstanding any other provision of law:

(1) No violation for which a civil penalty is imposed under this chapter shall be
considered a moving violation, nor shall it be included on the driving record of the person on
whom the liability is imposed, nor shall it be used for insurance rating purposes in providing
motor vehicle insurance coverage until there is a final adjudication of the violation.

(2) Impositions of a penalty pursuant to this chapter shall not be deemed a criminal
conviction of an owner or operator.

(3) The defense available under §31-41.1-7 shall not be available for any violation
imposed under this chapter.

31-41.3-13. Security of records. – (a) The recorded images produced by an automated
school zone speed enforcement system shall not be deemed "public records" subject to disclosure
pursuant to §38-2-2.

(b) All recorded images that do not identify a violation shall be destroyed within ninety
(90) days of the date the image was recorded, unless otherwise ordered by a court of competent
jurisdiction.

(c) All recorded images that identify a violation shall be destroyed within one year after
the citation is resolved by administrative payment, trial or other final disposition of the citation,
unless otherwise ordered by a court of competent jurisdiction.

(d) The privacy of records produced pursuant to this chapter shall be maintained;
provided, that aggregate data not containing personal identifying information may be released.

31-41.3-14. Reports. – (a) The agency or municipality authorizing the installation of
automated school zone speed enforcement systems shall prepare an annual report containing data
on:

(1) The number of citations issued at each particular school zone;
(2) The number of those violations paid by mail;

(3) The number of those violations found after trial or hearing;

(4) The number of violations dismissed after trial or hearing;

(5) The number of accidents at each school zone;

(6) A description as to the type of accident;

(7) An indication regarding whether there were any injuries involved in any accident reported;

(8) The cost to maintain the automated school zone speed enforcement system; and

(9) The amount of revenue obtained from the automated school zone speed enforcement system.

SECTION 2. This act shall take effect upon passage.
This act would authorize the department of transportation as well as municipalities to operate automated school zone speed enforcement systems. These systems would use vehicle detectors in combination with photography to identify vehicles which are exceeding the posted speed limit within a given school zone. A school zone would be defined as anywhere within a one-quarter (1/4) mile radius of a school.

This act would take effect upon passage.