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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED SCHOOL ZONE-  
SPEED-ENFORCEMENT SYSTEM ACT OF 2022

Introduced By: Senators Seveney, DiPalma, and Acosta

Date Introduced: March 01, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 31-41.3 of the General Laws entitled "Automated School-  
2 Zone-Speed-Enforcement System Act of 2016" is hereby amended to read as follows:

3 ~~CHAPTER 31-41.3~~

4 ~~Automated School Zone Speed Enforcement System Act of 2016~~

5 CHAPTER 31-41.3

6 AUTOMATED SPEED-ENFORCEMENT SYSTEM ACT OF 2022

7 SECTION 2. Sections 31-41.3-1, 31-41.3-2, 31-41.3-3, 31-41.3-4, 31-41.3-6, 31-41.3-7,  
8 31-41.3-8, 31-41.3-9, 31-41.3-10, 31-41.3-11, 31-41.3-13, 31-41.3-14 and 31-41.3-15 of the  
9 General Laws in Chapter 31-41.3 entitled "Automated School-Zone-Speed-Enforcement System  
10 Act of 2016" are hereby amended to read as follows:

11 **31-41.3-1. Short title.**

12 This act shall be known and may be cited as the "Rhode Island Automated ~~School Zone-~~  
13 Speed-Enforcement System Act of ~~2016~~ 2022."

14 **31-41.3-2. Legislative findings.**

15 (a) It is hereby found and declared that ever-increasing violations of the state's ~~school-zone~~  
16 speed laws and regulations place both motorists and ~~students~~ pedestrians using the state's streets  
17 and roadways ~~within school zones~~ in danger. The legislature hereby declares that the use of  
18 technology to reduce aggressive and dangerous speeding is in the best interest of public safety and

1 therefore adopts a policy of authorizing the use of automated traffic-speed-enforcement systems ~~in~~  
2 ~~school-zones~~ within the state of Rhode Island. This enabling legislation will authorize the cities and  
3 towns to employ these systems at their discretion, and with the approval of the Rhode Island  
4 department of transportation division of traffic safety. These systems shall be used in conjunction  
5 with civil penalties imposed upon the owners of speeding vehicles in order to reduce speeding  
6 violations.

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

10 (b) While automated speed enforcement technology has made significant advances, any  
11 question related to accuracy of identification of the cited vehicle (e.g. multiple vehicles in close  
12 proximity on a multi-lane road) shall not result in any enforcement action.

13 (c) The intent of this legislation is to facilitate placement of these automated speed-  
14 enforcement systems only in locations where genuine traffic safety/excessive speed issues exist.  
15 The Rhode Island department of transportation/traffic safety division shall have approval authority  
16 for installation of automated speed-enforcement systems based on results of a road safety audit.

17 (d) Automated speed-enforcement systems are not to be used for the purpose of revenue  
18 generation. All proceeds collected through citations shall be restricted to the following uses:

19 (1) To defray state or municipal costs for vendor contracts, acquisition, operations and  
20 maintenance of the automated speed-enforcement systems.

21 (2) Investment in state or municipal traffic safety programs, law enforcement traffic safety.

22 (3) All remaining proceeds from automated speed-enforcement systems will be collected  
23 and placed into a restricted receipt account for use by the Rhode Island department of transportation  
24 division of traffic safety to fund road safety audits.

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

27 **31-41.3-3. Automated school-zone speed-enforcement system authorized and defined.**  
28 **Automated speed-enforcement system authorized and defined.**

29 (a) The state department of transportation, state turnpike and bridge authority, and the  
30 municipalities of this state are hereby authorized to operate "automated ~~school-zone~~-speed-  
31 enforcement systems" on all state and local roads and bridges within the State of Rhode Island.

32 (b) For the purposes of this chapter:

33 (1) An "automated ~~school-zone~~-speed-enforcement system" is means an automated traffic-  
34 speed-enforcement system operated ~~within one quarter (1/4) mile of any type of school~~ in the state

1 of Rhode Island;

2 (2) An "automated traffic-speed-enforcement system" ~~is defined as~~ means a system using  
3 one or more vehicle detectors in combination with photography to identify and provide a  
4 photographic image of vehicles which are exceeding the posted speed limit, or the speed limit  
5 designated by state law or regulation, for a given ~~school zone,~~ location on a state or local road,  
6 bridge, or "bridge zone, and may be in fixed or mobile configurations; and

7 (3) A "~~school bridge zone~~" ~~is defined~~ means ~~as anywhere within a one-quarter (1/4) mile~~  
8 ~~radius of any type of school in the state of Rhode Island~~ a bridge structure owned and/or controlled  
9 by the Rhode Island turnpike and bridge authority and all approaches thereto, including the  
10 approach to the Newport Pell Bridge known as "Structure E".

11 **31-41.3-4. Automated school zone speed enforcement system operational**  
12 **requirements and certification. Automated speed-enforcement system operational**  
13 **requirements and certification.**

14 (a) No automated ~~school zone~~-speed-enforcement system shall be used in the state of  
15 Rhode Island unless the system has been approved and certified for use in the state by the director  
16 of the department of transportation, or for "bridge zones", by the director of the Rhode Island  
17 turnpike and bridge authority. ~~The director of the department of transportation~~ Each director, in  
18 cooperation with the state police, shall require that any automated ~~school zone~~-speed-enforcement  
19 system approved and certified for use in the state of Rhode Island meets the following requirements:

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

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

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

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

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

33 (iii) The posted or lawfully designated speed limit for the highway, street, bridge or bridge  
34 zone or ~~school zone~~ being monitored; and

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

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

4 (4) ~~At least one hundred feet (100') prior to entering an automated school zone area where~~  
5 ~~a speed enforcement system is being operated, and on each approach to that area, four (4) signs,~~  
6 ~~each measuring three feet (3') in height by four feet (4') in width, shall be erected in locations where~~  
7 ~~the view is unobstructed, warning motorists that they will be entering an area monitored by an~~  
8 ~~automated speed zone enforcement system and that violators of speed limitations may be~~  
9 ~~prosecuted. The automated school zone speed enforcement system shall be operational only from~~  
10 ~~seven o'clock a.m. (7:00 a.m.) to six o'clock p.m. (6:00 p.m.) on school days of the promulgated~~  
11 ~~one hundred eighty day (180) school calendar year adopted in the applicable community. Signs~~  
12 indicating that speed limits are enforced by automated speed-enforcement systems shall be clearly  
13 posted in areas where the systems are in use, at least one hundred feet (100') and not more than two  
14 hundred feet (200') before the location of each system, warning motorists that they will be entering  
15 an area monitored by an automated speed-enforcement system and that violators of speed  
16 limitations may be prosecuted.

17 ~~(5)~~(b) It shall be the vendor's responsibility to furnish an annual report, with all pertinent  
18 data required pursuant to § 31-41.3-14, to the speaker of the house, ~~and~~ the senate president and  
19 the agency or municipality authorizing installation of the automated speed-enforcement system.

20 **31-41.3-6. Maintenance of system.**

21 The state department of transportation, municipalities and/or the ~~municipalities~~ Rhode  
22 Island turnpike and bridge authority, may enter into an agreement with a private corporation or  
23 other entity to provide automated ~~school zone~~ speed-enforcement systems equipment services and  
24 to maintain the systems. A contract between a government agency and a manufacturer or supplier  
25 of automated traffic-speed-enforcement systems shall be based on the value of such equipment and  
26 related support services and shall not be based on a percentage of the revenue generated by the  
27 automated ~~school zone~~ speed-enforcement system.

28 **31-41.3-7. Citation precedent.**

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

34 **31-41.3-8. Procedure -- Notice.**

1 (a) Except as expressly provided in this chapter, all prosecutions based on evidence  
2 produced by an automated ~~school-zone~~-speed-enforcement system shall follow the procedures  
3 established in chapter 41.1 of this title, chapter 18 of title 8, and the rules promulgated by the chief  
4 magistrate of the traffic tribunal for the hearing of civil traffic violations. Citations may be issued  
5 by an officer solely based on evidence obtained by use of an automated ~~school-zone~~-speed-  
6 enforcement system. All citations issued based on evidence obtained from an automated ~~school-~~  
7 ~~zone~~-speed-enforcement system shall be issued within fourteen (14) days of the violation.

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

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

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

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

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

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

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

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

32 **31-41.3-9. Hearings.**

33 Evidence from an automated ~~school-zone~~-speed-enforcement system shall be considered  
34 substantive evidence in the prosecution of all civil traffic violations. Evidence from an automated

1 ~~school-zone~~ speed-enforcement system approved by the director of the department of  
2 transportation shall be admitted without further authentication and such evidence may be deemed  
3 sufficient to sustain a civil traffic violation. In addition to any other defenses as set forth herein,  
4 any defenses cognizable at law, with the exception of that available under § 31-41.1-7, shall be  
5 available to the individual who receives the citation commencing a prosecution under this chapter.

6 **31-41.3-10. Driver/registered owner liability.**

7 (a) The registered owner of the motor vehicle shall be primarily responsible in all  
8 prosecutions brought pursuant to the provisions of this chapter, except as otherwise provided in this  
9 section.

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

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

17 **31-41.3-11. Use of evidence in criminal and civil cases.**

18 Nothing in this chapter shall prohibit the use of evidence produced by an automated ~~school-~~  
19 ~~zone~~ speed-enforcement system in a criminal or civil proceeding; provided, that the admissibility  
20 of such evidence shall follow the applicable laws and rules of procedure and rules of evidence  
21 which apply in criminal and civil proceedings.

22 **31-41.3-13. Security of records.**

23 (a) The recorded images produced by an automated ~~school-zone~~ speed-enforcement  
24 system shall not be deemed "public records" ~~subject to disclosure~~ pursuant to § 38-2-2, and shall  
25 not be subject to disclosure pursuant to the provisions of chapter 2 of title 38.

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

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

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

34 **31-41.3-14. Reports.**

1 (a) The agency or municipality authorizing the installation of automated ~~school-zone-~~  
2 speed-enforcement systems shall ~~prepare~~ require the vendor providing and/or servicing an  
3 automated speed-enforcement system to produce and provide an annual report as required in § 31-  
4 41.3-4 (b) containing data on:

- 5 (1) The number of citations issued at each particular ~~school-zone~~ location;
- 6 (2) The number of those violations paid by mail;
- 7 (3) The number of those violations found after trial or hearing;
- 8 (4) The number of violations dismissed after trial or hearing;
- 9 (5) The number of accidents at each ~~school-zone~~ location;
- 10 (6) A description as to the type of accident;
- 11 (7) An indication regarding whether there were any injuries involved in any accident  
12 reported;
- 13 (8) The cost to maintain the automated ~~school-zone-~~speed-enforcement system; and
- 14 (9) The amount of revenue obtained from the automated ~~school-zone-~~speed-enforcement  
15 system.

16 **31-41.3-15. Penalties.**

17 (a) Every person found to have violated ~~the provisions of this chapter~~ the posted speed limit  
18 and is issued a citation pursuant to the provisions of this chapter and/or is the registered owner of  
19 a motor vehicle issued a citation by an automated speed-enforcement system shall be fined ~~fifty~~  
20 ~~dollars (\$50.00)~~ seventy-five dollars (\$75.00) for each offense; provided, however that for a period  
21 of thirty (30) days following the installation of any new automated ~~school-zone-~~speed-enforcement  
22 system, a violation recorded by the system shall only be enforced by the issuance of a warning.

23 (b) A violation of this chapter shall not be considered a moving violation for purposes of  
24 the motorist's driving record.

25 (c) Every three (3) years from the date of the motorist's first offense under this chapter, the  
26 court shall expunge any automated ~~school-zone-~~speed-enforcement violations during the preceding  
27 three-year (3) period.

28 SECTION 3. Chapter 31-41.3 of the General Laws entitled "Automated School-Zone-  
29 Speed-Enforcement System Act of 2016" is hereby amended by adding thereto the following  
30 section:

31 **31-41.3-8.1. Revenue generated by violations.**

32 Revenue received from the enforcement of speed restrictions by an automated speed-  
33 enforcement system shall be designated for exclusive use to fund traffic violation enforcement, and  
34 for safety programs by municipalities, the department of transportation, and the bridge and turnpike

1 [authority. Any entity that employs an automated speed-enforcement system shall be responsible to](#)  
2 [review for accuracy and certify as correct all detailed costs, revenues and residual balances as part](#)  
3 [of the § 31-41.3-4\(b\) annual report. All revenue balances shall be collected in a restricted receipts](#)  
4 [account, managed by the Rhode Island department of transportation division of traffic safety for](#)  
5 [use in defraying costs such as conduct of road safety audits, and administration of the automated](#)  
6 [speed enforcement system approval process.](#)

7 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED SCHOOL ZONE-  
SPEED-ENFORCEMENT SYSTEM ACT OF 2022

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1           This act would authorize the department of transportation, the turnpike and bridge authority  
2 and the municipalities of this state to operate "automated speed enforcement systems". No good  
3 driving record would be available as a defense for any "automated speed enforcement system"  
4 citation. Each violation would result in a seventy-five dollar (\$75.00) fine. Proceeds collected  
5 through citations would be used to defray state or municipal costs for vendor contracts to operate  
6 the system, and to fund road safety audits and programs.

7           This act would take effect upon passage.

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