

1 transportation. The director of the state department of transportation shall promulgate regulations
2 for the approval and operation of said systems pursuant to the administrative procedures act,
3 chapter 35 of title 42. Systems shall be approved if the director is satisfied they meet standards of
4 efficiency and accuracy. All systems installed for use under this chapter must be able to record
5 the image of the vehicle and the license plates of the vehicle.

6 (c) In the event that the system is to be installed other than by the state department of
7 transportation on state-maintained streets or roads, the director of the department of transportation
8 must approve such installation.

9 (d) The state department of transportation and/or the municipalities may enter into an
10 agreement with a private corporation or other entity to provide automated traffic violation
11 detection systems or equipment and to maintain such systems.

12 Compensation to a private entity that provides traffic signal monitoring devices shall be
13 based on the value of such equipment and related support services, and shall not be based on the
14 revenue generated by such systems.

15 **31-41.2-3.1. Installation and signage.** – (a) The implementing jurisdiction(s) shall post a
16 warning sign at each system location where a traffic control signal monitoring system is located.

17 (b) Such warning signs shall conform to appropriate, federally accepted standards for
18 traffic control signs.

19 (c) Sign signage shall remain at each system location so long as a traffic control signal
20 monitoring system is in operation.

21 **31-41.2-4. Procedure -- Notice.** – (a) Except as expressly provided in this chapter, all
22 prosecutions based on evidence produced by an automated traffic violation detection system shall
23 follow the procedures established in chapter 31-41.1 of this title, chapter 8-18 of these general
24 laws and the rules promulgated by the chief judge of the district court for the hearing of civil
25 traffic violations. Citations may be issued by an officer solely based on evidence obtained by use
26 of an automated traffic violation detection system. All citations issued based on evidence
27 obtained from an automated traffic violation detection system shall be issued within fourteen (14)
28 days of the violation.

29 (b) It shall be sufficient to commence a prosecution based on evidence obtained from an
30 automated traffic violation detection system that a copy of the citation and supporting
31 documentation be mailed to the address of the registered owner kept on file by the registry of
32 motor vehicles pursuant to section 31-3-34 of these general laws. For purposes of this section,
33 the date of issuance shall be the date of mailing.

34 (c) The officer issuing the citation shall certify under penalties of perjury that the

1 evidence obtained from the automated traffic violation detection system was sufficient to
2 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all
3 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient
4 proof of actual notice in all cases where the citation is not answered within the time period
5 permitted.

6 (d) The citation shall contain all the information provided for on the uniform summons as
7 referred to in section 31-41.1-1 of the general laws and the rules of procedure promulgated by the
8 chief judge of the district court for the traffic tribunal.

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

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

13 (ii) A signed statement by a trained law enforcement officer that, based on inspection of
14 recorded images, the motor vehicle was being operated in violation of section 31-13-4 of this
15 subtitle; and

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

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

20 **31-41.2-5. Hearings.** – Evidence from an automated traffic violation detection system
21 shall be considered substantive evidence in the prosecution of all civil traffic violations.
22 Evidence from an automated traffic violation detection system approved by the director of
23 transportation shall be admitted without further authentication and such evidence may be deemed
24 sufficient to sustain a civil traffic violation. In addition to any other defenses as set forth herein,
25 any and all defenses cognizable at law shall be available to the individual who receives the
26 citation commencing a prosecution under this chapter.

27 **31-41.2-6. Driver/registered owner liability.** – (a) The registered owner of the motor
28 vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of
29 this chapter except as otherwise provided in this section.

30 (b) In all prosecutions of civil traffic violations based on evidence obtained from an
31 automated traffic violation detection system, the registered owner of a vehicle which has been
32 operated in violation of a civil traffic violation, may be liable for such violation. The registered
33 owner of the vehicle may assume liability for the violation by paying the fine; or by defending the
34 violation pursuant to the procedures in section 31-41.2-4.

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

3 **31-41.2-7. Use of evidence in criminal and civil cases.** – Nothing in this chapter shall
4 prohibit the use of evidence produced by an automated traffic violation detection system in a
5 criminal or private civil proceeding provided that the admissibility of such evidence shall follow
6 the applicable laws and rules of procedure and rules of evidence which apply in criminal and civil
7 cases.

8 **31-41.2-7. 1 Nature of violations.** – Notwithstanding any other provision of law:

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

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

15 **31-41.2-8. Security of records.** – (a) The recorded images produced by an automated
16 traffic violation detection system shall not be deemed "public records" subject to disclosure
17 pursuant to subsection 38-2-2(4)(i).

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

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

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

25 **31-41.2-9. Reports.** -- (a) The agency or municipality authorizing the installation of
26 automated traffic signal detection systems shall prepare an annual report containing data on:

- 27 1. the number of citations issued at each particular intersection;
- 28 2. the number of those violations paid by mail;
- 29 3. the number of those violations found after trial or hearing;
- 30 4. the number of violations dismissed after trial or hearing;
- 31 5. the number of accidents at each intersection;
- 32 6. a description as to the type of accident;
- 33 7. an indication regarding whether there were any injuries involved in any accident
34 reported;

- 1 8. [the cost to maintain the automated traffic signal detection system; and](#)
- 2 9. [the amount of revenue obtained from the automated traffic signal detection system.](#)

3 SECTION 2. This act shall take effect upon passage and shall be repealed effective three
4 years subsequent to such date.

=====
LC02672
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES

- 1 This act would create the Rhode Island Automated Traffic Violation Monitoring System
- 2 Act of 2005.
- 3 This act would take effect upon passage.

=====
LC02672
=====