

2016 -- H 7446 SUBSTITUTE A

LC004342/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

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:

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

3 CHAPTER 41.3

4 AUTOMATED SCHOOL ZONE SPEED ENFORCEMENT SYSTEM ACT OF 2016

5 **31-41.3-1. Short title.** -- This act shall be known and may be cited as the "Rhode Island
6 Automated School Zone Speed Enforcement System Act of 2016."

7 **31-41.3-2. Legislative findings.** -- It is hereby found and declared that ever increasing
8 violations of the state's school zone speed laws and regulations place both motorists and students
9 using the state's streets and roadways within school zones in danger. The legislature hereby
10 declares that the use of technology to reduce aggressive and dangerous speeding is in the best
11 interest of public safety and therefore adopts a policy of authorizing the use of automated traffic
12 speed enforcement systems in school zones within the state of Rhode Island. These systems shall
13 be used in conjunction with civil penalties imposed upon the owners of speeding vehicles in order
14 to reduce speeding violations.

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

18 **31-41.3-3. Automated school zone speed enforcement system authorized and**

1 **defined.** – (a) The state department of transportation and the municipalities of this state are
2 hereby authorized to operate "automated school zone speed enforcement systems."

3 (b) For the purposes of this chapter:

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

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

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

13 **31-41.3-4. Automated school zone speed enforcement system operational**
14 **requirements and certification.** -- No automated school zone speed enforcement system shall be
15 used in the state of Rhode Island unless the system has been approved and certified for use in the
16 state by the director of the department of transportation. The director of the department of
17 transportation, in cooperation with the state police, shall require that any automated school zone
18 speed enforcement system approved and certified for use in the state of Rhode Island meets the
19 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 street, or school zone being monitored and location upon that
30 street or within that school zone including the direction of travel and lane of travel; this
31 requirement may be met with code designations; and

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

34 (iv) The monitored speed of the vehicle identified in the photographic images as

1 exceeding the posted or lawfully designated school zone speed limit; and

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

3 **31-41.3-5. Operation of system.** – In the event a fixed or mobile automated traffic speed
4 enforcement system is to be installed or used by any person other than the state department of
5 transportation or state police personnel on a state maintained street, roadway or highway, the
6 director of transportation shall approve installation or use of the system.

7 **31-41.3-6. Maintenance of system.** – The state department of transportation and/or the
8 municipalities may enter into an agreement with a private corporation or other entity to provide
9 automated school zone speed enforcement systems equipment services and to maintain the
10 systems. A contract between a government agency and a manufacturer or supplier of automated
11 traffic speed enforcement systems shall be based on the value of such equipment and related
12 support services and shall not be based on a percentage of the revenue generated by the
13 automated school zone speed enforcement system.

14 **31-41.3-7. Citation precedent.** – In the event a law enforcement officer stops and issues
15 a citation to the driver of a vehicle for a speeding violation, which violation is also captured by an
16 automated school zone speed enforcement system, the citation issued to the driver by the law
17 enforcement officer shall have and take precedence, and the automated school zone speed
18 enforcement system citation shall be dismissed.

19 **31-41.3-8. Procedure notice.** – (a) Except as expressly provided in this chapter, all
20 prosecutions based on evidence produced by an automated school zone speed enforcement system
21 shall follow the procedures established in chapter 41.1 of this title, chapter 18 of title 8, and the
22 rules promulgated by the chief judge of the district court for the hearing of civil traffic violations.
23 Citations may be issued by an officer solely based on evidence obtained by use of an automated
24 school zone speed enforcement system. All citations issued based on evidence obtained from an
25 automated school zone speed enforcement system shall be issued within fourteen (14) days of the
26 violation.

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

32 (c) The officer issuing the citation shall certify under penalties of perjury that the
33 evidence obtained from the automated school zone speed enforcement system was sufficient to
34 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all

1 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient
2 proof of actual notice in all cases where the citation is not answered within the time period
3 permitted.

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

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

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

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

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

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

18 **31-41.3-9. Hearings.** – Evidence from an automated school zone speed enforcement
19 system shall be considered substantive evidence in the prosecution of all civil traffic violations.
20 Evidence from an automated school zone speed enforcement system approved by the director of
21 the department of transportation shall be admitted without further authentication and such
22 evidence may be deemed sufficient to sustain a civil traffic violation. In addition to any other
23 defenses as set forth herein, any defenses cognizable at law, with the exception of that available
24 under §31-41.1-7, shall be available to the individual who receives the citation commencing a
25 prosecution under this chapter.

26 **31-41.3-10. Driver/registered owner liability.** – (a) The registered owner of the motor
27 vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of
28 this chapter except as otherwise provided in this section.

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

34 (c) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for

1 [purposes of this section.](#)

2 **31-41.3-11. Use of evidence in criminal and civil cases.** – [Nothing in this chapter shall](#)
3 [prohibit the use of evidence produced by an automated school zone speed enforcement system in](#)
4 [a criminal or civil proceeding; provided, that the admissibility of such evidence shall follow the](#)
5 [applicable laws and rules of procedure and rules of evidence which apply in criminal and civil](#)
6 [proceedings.](#)

7 **31-41.3-12. Nature of violations.** – [Notwithstanding any other provision of law:](#)

8 [\(1\) No violation for which a civil penalty is imposed under this chapter shall be](#)
9 [considered a moving violation, nor shall it be included on the driving record of the person on](#)
10 [whom the liability is imposed, nor shall it be used for insurance rating purposes in providing](#)
11 [motor vehicle insurance coverage until there is a final adjudication of the violation.](#)

12 [\(2\) Impositions of a penalty pursuant to this chapter shall not be deemed a criminal](#)
13 [conviction of an owner or operator.](#)

14 [\(3\) The defense available under §31-41.1-7 shall not be available for any violation](#)
15 [imposed under this chapter.](#)

16 **31-41.3-13. Security of records.** – [\(a\) The recorded images produced by an automated](#)
17 [school zone speed enforcement system shall not be deemed "public records" subject to disclosure](#)
18 [pursuant to §38-2-2.](#)

19 [\(b\) All recorded images that do not identify a violation shall be destroyed within ninety](#)
20 [\(90\) days of the date the image was recorded, unless otherwise ordered by a court of competent](#)
21 [jurisdiction.](#)

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

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

27 **31-41.3-14. Reports.** – [\(a\) The agency or municipality authorizing the installation of](#)
28 [automated school zone speed enforcement systems shall prepare an annual report containing data](#)
29 [on:](#)

30 [\(1\) The number of citations issued at each particular school zone;](#)

31 [\(2\) The number of those violations paid by mail;](#)

32 [\(3\) The number of those violations found after trial or hearing;](#)

33 [\(4\) The number of violations dismissed after trial or hearing;](#)

34 [\(5\) The number of accidents at each school zone;](#)

- 1 (6) A description as to the type of accident;
2 (7) An indication regarding whether there were any injuries involved in any accident
3 reported;
4 (8) The cost to maintain the automated school zone speed enforcement system; and
5 (9) The amount of revenue obtained from the automated school zone speed enforcement
6 system.
7 SECTION 2. 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 TRAFFIC SPEED
ENFORCEMENT SYSTEM

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

6 This act would take effect upon passage.

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