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LC004870
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED TRAFFIC VIOLATION
MONITORING SYSTEMS

Introduced By: Representatives Giarrusso, Price, Quattrocchi, Roberts, and Mendonca

Date Introduced: February 28, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-41.2 of the General Laws entitled "Automated Traffic Violation
2 Monitoring Systems" is hereby repealed in its entirety.

3 ~~CHAPTER 31-41.2~~

4 ~~Automated Traffic Violation Monitoring Systems~~

5 ~~31-41.2-1. Short title.~~

6 ~~This act shall be cited as the "Rhode Island Automated Traffic Violation Monitoring~~
7 ~~System Act of 2005."~~

8 ~~31-41.2-2. Legislative findings.~~

9 ~~It is hereby found and declared that the effective and efficient enforcement of traffic~~
10 ~~laws, rules and regulations will assist in insuring safe travel on the streets and highways of this~~
11 ~~state. It is hereby declared to be the policy of the state of Rhode Island to authorize and utilize the~~
12 ~~best available technology for the monitoring and prosecution of civil traffic violations, including~~
13 ~~automated traffic violation detection systems.~~

14 ~~31-41.2-3. Automated traffic violation monitoring systems.~~

15 ~~(a) The state department of transportation and the municipalities of this state are hereby~~
16 ~~authorized to install and operate automated traffic violation detection systems. Such systems shall~~
17 ~~be limited to systems which monitor and detect violations of traffic control signals. For purposes~~
18 ~~of this chapter an automated traffic violation detection system means a system with one or more~~

1 ~~motor vehicle sensors which produces images of motor vehicles being operated in violation of~~
2 ~~traffic signal laws.~~

3 ~~(b) No automated traffic violation detection system shall be installed pursuant to this~~
4 ~~section which has not been approved for use by the director of the state department of~~
5 ~~transportation. The director of the state department of transportation shall promulgate regulations~~
6 ~~for the approval and operation of said systems pursuant to the administrative procedures act,~~
7 ~~chapter 35 of title 42. Systems shall be approved if the director is satisfied they meet standards of~~
8 ~~efficiency and accuracy. All systems installed for use under this chapter must be able to record~~
9 ~~the image of the vehicle and the license plates of the vehicle.~~

10 ~~(c) In the event that the system is to be installed other than by the state department of~~
11 ~~transportation on state maintained streets or roads, the director of the department of transportation~~
12 ~~must approve such installation.~~

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

16 ~~(e) Compensation to a private entity that provides traffic signal monitoring devices shall~~
17 ~~be based on the value of such equipment and related support services, and shall not be based on~~
18 ~~the revenue generated by such systems.~~

19 **31-41.2-3.1. Installation and signage.**

20 ~~(a) The implementing jurisdiction(s) shall post a warning sign at each system location~~
21 ~~where a traffic control signal monitoring system is located.~~

22 ~~(b) Such warning signs shall conform to appropriate, federally accepted standards for~~
23 ~~traffic control signs.~~

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

26 **31-41.2-4. Procedure -- Notice.**

27 ~~(a) Except as expressly provided in this chapter, all prosecutions based on evidence~~
28 ~~produced by an automated, traffic violation detection system shall follow the procedures~~
29 ~~established in chapter 41.1 of this title; chapter 18 of title 8, except the provisions providing for~~
30 ~~payments to the state in §§ 8-18-4 and 8-18-6, and the rules promulgated by the chief magistrate~~
31 ~~of the traffic tribunal for the hearing of civil traffic violations. A summons may be issued by an~~
32 ~~officer solely based on evidence obtained by use of an automated, traffic violation detection~~
33 ~~system. All summons issued based on evidence obtained from an automated, traffic violation-~~
34 ~~detection system shall be issued within twenty-eight (28) days of the violation.~~

1 ~~(b) Notwithstanding any rule, regulation, or other provision of the general or public laws~~
2 ~~to the contrary, no city or town shall be required to make payments to the state in implementing~~
3 ~~any provision of this chapter until July 1, 2013, nor after July 1, 2015.~~

4 ~~(c) It shall be sufficient to commence a prosecution based on evidence obtained from an~~
5 ~~automated, traffic violation detection system that a copy of the summons and supporting~~
6 ~~documentation be mailed to the address of the registered owner kept on file by the registry of~~
7 ~~motor vehicles pursuant to § 31-3-34. For purposes of this section, the date of issuance shall be~~
8 ~~the date of mailing.~~

9 ~~(d) The officer issuing the summons shall certify under penalties of perjury that the~~
10 ~~evidence obtained from the automated, traffic violation detection system was sufficient to~~
11 ~~demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all~~
12 ~~prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient~~
13 ~~proof of actual notice in all cases where the summons is not answered within the time period~~
14 ~~permitted.~~

15 ~~(e) The summons shall contain all the information provided for on the uniform summons~~
16 ~~as referred to in § 31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the~~
17 ~~traffic tribunal, subject to the approval of the supreme court pursuant to § 8-6-2.~~

18 ~~(f) In addition to the summons, the following information shall be attached to the~~
19 ~~summons:~~

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

22 ~~(2) A signed statement by a trained law enforcement officer that, based on inspection of~~
23 ~~recorded images, the motor vehicle was being operated in violation of § 31-13-4;~~

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

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

28 **31-41.2-5. Hearings.**

29 ~~Evidence from an automated traffic violation detection system shall be considered~~
30 ~~substantive evidence in the prosecution of all civil traffic violations. Evidence from an automated~~
31 ~~traffic violation detection system approved by the director of transportation shall be admitted~~
32 ~~without further authentication and such evidence may be deemed sufficient to sustain a civil~~
33 ~~traffic violation. In addition to any other defenses as set forth herein, any and all defenses~~
34 ~~cognizable at law shall be available to the individual who receives the summons commencing a~~

1 ~~prosecution under this chapter.~~

2 ~~**31-41.2-6. Driver/registered owner liability.**~~

3 ~~(a) The registered owner of the motor vehicle shall be primarily responsible in all~~
4 ~~prosecutions brought pursuant to the provisions of this chapter except as otherwise provided in~~
5 ~~this section.~~

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

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

13 ~~**31-41.2-7. Use of evidence in criminal and civil cases.**~~

14 ~~Nothing in this chapter shall prohibit the use of evidence produced by an automated~~
15 ~~traffic violation detection system in a criminal or private civil proceeding provided that the~~
16 ~~admissibility of such evidence shall follow the applicable laws and rules of procedure and rules of~~
17 ~~evidence which apply in criminal and civil cases.~~

18 ~~**31-41.2-7.1. Nature of violations.**~~

19 ~~Notwithstanding any other provision of law:~~

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

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

26 ~~**31-41.2-8. Security of records.**~~

27 ~~(a) The recorded images produced by an automated traffic violation detection system~~
28 ~~shall not be deemed "public records" subject to disclosure pursuant to subsection 38-2-2(4)(i).~~

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

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

34 ~~(d) The privacy of records produced pursuant to this chapter shall be maintained;~~

1 ~~provided, that aggregate data not containing personal identifying information may be released.~~

2 ~~**31-41.2-9. Reports.**~~

3 ~~The agency or municipality authorizing the installation of automated traffic signal~~
4 ~~detection systems shall prepare an annual report containing data on:~~

5 ~~(1) The number of citations issued at each particular intersection;~~

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 intersection;~~

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 traffic signal detection system; and~~

14 ~~(9) The amount of revenue obtained from the automated traffic signal detection system.~~

15 SECTION 2. Chapter 31-41.3 of the General Laws entitled "Automated School-Zone-
16 Speed-Enforcement System Act of 2016" is hereby repealed in its entirety.

17 ~~CHAPTER 31-41.3~~

18 ~~Automated School-Zone Speed-Enforcement System Act of 2016~~

19 ~~**31-41.3-1. Short title.**~~

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

22 ~~**31-41.3-2. Legislative findings.**~~

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

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

34 ~~**31-41.3-3. Automated school-zone speed enforcement system authorized and**~~

1 defined.

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

4 (b) ~~For the purposes of this chapter:~~

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

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

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

15 ~~31-41.3-4. Automated school zone speed enforcement system operational~~
16 ~~requirements and certification.~~

17 ~~No automated school zone speed enforcement system shall be used in the state of Rhode~~
18 ~~Island unless the system has been approved and certified for use in the state by the director of the~~
19 ~~department of transportation. The director of the department of transportation, in cooperation with~~
20 ~~the state police, shall require that any automated school zone speed enforcement system~~
21 ~~approved and certified for use in the state of Rhode Island meets the following requirements:~~

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

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

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

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

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

34 (iii) ~~The posted or lawfully designated speed limit for the street or school zone being~~

1 ~~monitored; and~~

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

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

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

9 **31-41.3-5. Operation of system.**

10 ~~In the event a fixed or mobile automated traffic speed enforcement system is to be~~
11 ~~installed or used by any person other than the state department of transportation or state police~~
12 ~~personnel on a state maintained street, roadway or highway, the director of transportation shall~~
13 ~~approve installation or use of the system.~~

14 **31-41.3-6. Maintenance of system.**

15 ~~The state department of transportation, and/or the municipalities, may enter into an~~
16 ~~agreement with a private corporation or other entity to provide automated school zone speed~~
17 ~~enforcement systems equipment services and to maintain the systems. A contract between a~~
18 ~~government agency and a manufacturer or supplier of automated traffic speed enforcement~~
19 ~~systems shall be based on the value of such equipment and related support services and shall not~~
20 ~~be based on a percentage of the revenue generated by the automated school zone speed~~
21 ~~enforcement system.~~

22 **31-41.3-7. Citation precedent.**

23 ~~In the event a law enforcement officer stops and issues a citation to the driver of a vehicle~~
24 ~~for a speeding violation, which violation is also captured by an automated school zone speed~~
25 ~~enforcement system, the citation issued to the driver by the law enforcement officer shall have~~
26 ~~and take precedence, and the automated school zone speed enforcement system citation shall be~~
27 ~~dismissed.~~

28 **31-41.3-8. Procedure -- Notice.**

29 ~~(a) Except as expressly provided in this chapter, all prosecutions based on evidence~~
30 ~~produced by an automated school zone speed enforcement system shall follow the procedures~~
31 ~~established in chapter 41.1 of this title, chapter 18 of title 8, and the rules promulgated by the~~
32 ~~chief magistrate of the traffic tribunal for the hearing of civil traffic violations. Citations may be~~
33 ~~issued by an officer solely based on evidence obtained by use of an automated school zone~~
34 ~~speed enforcement system. All citations issued based on evidence obtained from an automated~~

1 ~~school zone speed enforcement system shall be issued within fourteen (14) days of the violation.~~

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

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

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

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

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

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

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

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

27 **31-41.3-9. Hearings.**

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

1 ~~chapter.~~

2 ~~**31-41.3-10. Driver/registered owner liability.**~~

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

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

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

13 ~~**31-41.3-11. Use of evidence in criminal and civil cases.**~~

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

18 ~~**31-41.3-12. Nature of violations.**~~

19 ~~Notwithstanding any other provision of law:~~

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

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

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

28 ~~**31-41.3-13. Security of records.**~~

29 ~~(a) The recorded images produced by an automated school zone speed enforcement~~
30 ~~system shall not be deemed "public records" subject to disclosure pursuant to § 38-2-2.~~

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

34 ~~(c) All recorded images that identify a violation shall be destroyed within one year after~~

1 ~~the citation is resolved by administrative payment, trial, or other final disposition of the citation,~~
2 ~~unless otherwise ordered by a court of competent jurisdiction.~~

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

5 **31-41.3-14. Reports:**

6 ~~(a) The agency or municipality authorizing the installation of automated school zone-~~
7 ~~speed enforcement systems shall prepare an annual report containing data on:~~

8 ~~(1) The number of citations issued at each particular school zone;~~

9 ~~(2) The number of those violations paid by mail;~~

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

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

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

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

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

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

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

19 SECTION 3. 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 VIOLATION
MONITORING SYSTEMS

1 This act would repeal the Rhode Island automated traffic violation monitoring system act
2 of 2005 and the Rhode Island automated school-zone-speed-enforcement system act of 2016
3 authorizing the use of sensors which produce images of motor vehicles violating traffic laws.

4 This act would take effect upon passage.

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