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IN GENERAL ASSEMBLY

RELATING TO MOTOR AND OTHER VEHICLES -- RHODE ISLAND PEDESTRIAN
SAFETY ACT

Referred To: Senate Special Legislation and Veterans Affairs

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES"

2 is hereby amended by adding thereto the following chapter:

RHODE ISLAND PEDESTRIAN SAFETY ACT

6 As used in this chapter the following words shall have the following meanings unless the
7 context clearly requires otherwise:

8 (1) “Automated road safety monitoring system” means an automated motor vehicle sensor
9 device that produces digital photographs or video of a motor vehicle that commits a camera
10 enforceable violation at the location where the automated motor vehicle sensor device is located.

11 (2) “Camera enforceable violation” means any of the following violations of a traffic law
12 or regulation:

13 (i) Stopping at stop sign violations;

14 (ii) Stopping at intersection or crosswalk violations; and

15 (iii) Failure to yield to pedestrian violations.

16 (3) “Department” means the department of transportation.

(4) “Municipal agent” means the entity or person contracted by a city, town, or municipality to implement, administer, or otherwise conduct the issuance, processing, and

collection of citations and fines of camera enforceable violations under this chapter.

31-18.1-2. Authorization of use.

(a) Any city, town, or municipality may adopt an ordinance authorizing the use of automated road safety monitoring systems as a means of promoting traffic safety.

(b) Any city, town, or municipality that authorizes the use of automated road safety monitoring system under subsection (a) of this section may impose a fine for a camera enforceable violation on the registered owner of a motor vehicle pursuant to § 31-18.1-3.

(c) Any city, town, or municipality that authorizes the use of automated road safety monitoring system under subsection (a) of this section may enter into a contract with an entity, including the manufacturer or vendor of automated road safety monitoring systems, or other person to implement, administer, operate, or otherwise conduct the issuance, processing, and collection of citations and fines of camera enforceable violations under this chapter.

(d) Automated road safety monitoring systems may be used to detect camera enforceable violations only within the following locations:

(1) School zones;

(2) Hospital zones;

(3) Work zones; and

(4) City or town roads and intersections deemed by a city, town or municipality to be of high pedestrian safety concern.

(e) Nothing in this chapter prohibits a law enforcement officer from issuing a notice of traffic violation to a person in control of a vehicle at the time a violation occurs.

31-18.1-3. Citations and fines -- Amounts, required information, dispute procedures.

(a) Fines imposed pursuant to this chapter shall be fifty dollars (\$50.00) for a camera enforceable violation.

(b) Except as provided in subsection (h) of this section, the registered owner of a motor vehicle shall be liable for any fine imposed for a camera enforceable violation.

(c) Any city, town, or municipality that authorizes the use of automated road safety monitoring systems or its municipal agent may send a written warning to the registered owner of a motor vehicle for the purposes of education in lieu of enforcement through a fine, and for the period of thirty (30) days after the first automated road safety monitoring system becomes operational in the city, town, or municipality, its municipal agent shall issue only written warnings.

(d) A certificate, or a facsimile thereof, based upon inspection of photographs, video, or data produced by an automated road safety monitoring system and sworn to or affirmed by the municipal agent shall be prima facie evidence of the facts contained therein.

1 (e) A camera enforceable violation issued by a city, town, or municipality shall not be:
2 (1) Made part of the operating record of the person upon whom such liability is imposed.
3 (2) A conviction of a moving violation of the motor vehicle laws of this state.
4 (f) The municipal agent may hire and designate personnel as necessary or contract for
5 services to implement this chapter.
6 (g)(1) Any city, town, or municipality that authorizes the use of automated road safety
7 monitoring systems or its municipal agent shall provide a notice of violation to the registered owner
8 of a motor vehicle that is identified in photographs or videos produced by an automated road safety
9 monitoring system as evidence of a camera enforceable violation pursuant to this chapter.
10 (2) A rebuttable presumption exists that the registered owner of a motor vehicle or the
11 owner's agent was the driver of the vehicle when the citation for a camera enforceable violation
12 was issued and notice delivered as provided in this section. The presumption may be rebutted by
13 providing evidence establishing the facts provided in subsection (h)(3) of this section.
14 (3) The notice of violation required under subsection (g) of this section shall include, but
15 not be limited to:
16 (i) A copy of the photographs or video produced by the automated road safety monitoring
17 system and any other data showing the vehicle in the process of a camera enforceable violation;
18 (ii) The registration number and state of issuance of the vehicle;
19 (iii) The name and address of the registered owner of the vehicle;
20 (iv) The date, time and location of the alleged camera enforceable violation;
21 (v) The specific camera enforceable violation charged;
22 (vi) Instructions for payment of the fine imposed pursuant to subsection (a) of this section;
23 (vii) A signed statement by the municipal agent that, based on the inspection of the recorded
24 image, the motor vehicle was being operated during the commission of a camera enforceable
25 violation;
26 (viii) A police officer or a duly authorized traffic enforcement agent who has reviewed the
27 photograph or video signs the citation;
28 (ix) Instructions on how to appeal the camera enforceable violation and to obtain a hearing;
29 (x) A form approved by the municipal agent for the purposes of contesting the violation
30 pursuant to subsection (g)(6) of this section.
31 (4) In the case of a violation involving a motor vehicle registered in this state, the notice of
32 violation shall be mailed within thirty (30) days of the violation to the address of the registered
33 owner of the motor vehicle.
34 (i) If a motor vehicle is registered under the laws of another state, the notice of violation

1 shall be mailed within forty-five (45) days after obtaining the name and address of the registered
2 owner of the motor vehicle. If the address is unavailable, it shall be sufficient for the municipal
3 agent to mail a notice of violation to the official in the state or country that has charge of the
4 registration of the motor vehicle.

5 (ii) If the registered owner of a motor vehicle involved in a camera enforceable violation
6 is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable
7 for payment of any fine imposed under this chapter even if the registered owner was not driving
8 the motor vehicle, but may obtain payment from the lessee or renter of the motor vehicle driving
9 the vehicle at the time the violation occurred and forward the payment to the state or municipality
10 imposing the civil penalty.

11 (5) The notice of violation shall be sent by first-class mail in accordance with this
12 subsection. A manual or automatic record of mailing processed by or on behalf of the municipal
13 agent in the ordinary course of business shall be prima facie evidence thereof and shall be admitted
14 as evidence in any judicial or administrative proceeding as to the facts contained therein.

15 (6) A registered owner of a motor vehicle involved in a camera enforceable violation may
16 contest the violation as to matters of law and fact to the municipal court in the city or town where
17 the alleged violation occurred or the Rhode Island traffic tribunal if there is no municipal court in
18 the municipality where the alleged violation occurred. The request for a hearing shall be made not
19 later than thirty (30) days after the date on which the notice of violation was mailed. The registered
20 owner of the motor vehicle may assert in contesting the violation that a notice of violation served
21 by first-class mail or other mail delivery service was not actually delivered. The hearing contesting
22 the violation shall be a de novo hearing in the first instance. A registered owner may contest the
23 decisions of the municipal court or traffic tribunal consistent with applicable law related to
24 decisions of said court.

25 (h) A registered owner of a motor vehicle shall not be liable for a camera enforceable
26 violation if the:

27 (1) Violation was necessary to allow the passage of an emergency vehicle;

28 (2) Violation was incurred while participating in a funeral procession;

29 (3) Violation was incurred during a period of time in which the motor vehicle was reported
30 to the police department of any state, city, or town as having been stolen and had not been recovered
31 before the time the violation occurred; or

32 (4) Violation was necessary to comply with any other law or regulation governing the
33 operation of a motor vehicle.

34 (i) A registered owner of a motor vehicle to whom a notice of violation has been issued

pursuant to this chapter may admit responsibility for the violation and pay the fine provided therein.
Payment of the established fine shall operate as the final disposition of a camera enforceable
violation.

31-18.1-4. Required signage and community notice.

(a) A municipality that authorizes the use of automated road safety monitoring systems
shall install at each location of an automated road safety monitoring system an unobstructed sign
notifying the public that an automated road safety monitoring system is in use.

(b) A municipality that authorizes the use of automated road safety monitoring systems
shall make a public announcement and conduct a public awareness campaign of its use of
automated road safety monitoring systems beginning not less than thirty (30) days before the first
such automated road safety monitoring system is put into use; provided, however, a municipality
may install, but shall not activate automated road safety monitoring systems during the thirty (30)
day time period.

31-18.1-5. Reporting.

(a) Annually, not later than December 1, a municipality that authorizes the use of
automated road safety monitoring systems shall transmit a report to the police department of the
municipality that details each automated road safety monitoring system located in the municipality.

(b) The report required under subsection (a) of this section shall include, but not be limited
to:

(1) A list of the locations of each automated road safety monitoring system in the
municipality;

(2) An analysis of the nexus between public safety and each location's automated road
safety monitoring system;

(3) The number of fines and warnings issued for camera enforceable violations;

(4) The total amount of fines collected during the year;

(5) Crash data, to the extent available, at each separate location of an automated road safety
camera system; and

(6) The total number of pedestrians and other road users present in the photographs or other
recorded evidence for all camera enforceable violations for which fines and warnings were issued
during the one year period.

(c) The city, town, or municipality's police department shall post all reports received
pursuant to this section on its website.

31-18.1-6. Compensation to manufacturer or vendor.

The compensation paid to the manufacturer or vendor of an automated road safety

1 monitoring system shall be based on the value of the equipment and services provided or rendered
2 in support of the automated road safety monitoring system, and shall not be based on the number
3 of camera enforceable violations issued or a portion or percentage of the fines generated by the
4 citations.

5 **31-18.1-7. Limitations.**

6 (a) Photographs and other recorded evidence taken by an automated road safety monitoring
7 system shall be destroyed not more than forty-eight (48) hours after the final disposition of a camera
8 enforceable violation.

9 (b) Photographs and other recorded evidence taken by an automated road safety monitoring
10 system shall not be discoverable in any judicial or administrative proceeding, other than a
11 proceeding held pursuant to this chapter, without a court order. A photograph or other recorded
12 evidence taken pursuant to this chapter shall not be admissible in any judicial or administrative
13 proceeding, other than in a proceeding to adjudicate liability for a violation of this chapter, without
14 a court order.

15 (c) Photographs and other recorded evidence taken by an automated road safety monitoring
16 system shall only record camera enforceable violations and may not be used for any other
17 surveillance purposes. The restrictions set forth in this subsection shall not be deemed to preclude
18 a court of competent jurisdiction from issuing an order directing that the information be provided
19 to law enforcement officials if the information is reasonably described and is requested solely in
20 connection with a criminal law enforcement action.

21 (1) An automated road safety monitoring system shall not be utilized to take a frontal view
22 photograph of a motor vehicle committing a camera enforceable violation. A frontal view
23 photograph of a motor vehicle committing a camera enforceable violation taken by an automated
24 road safety monitoring system shall not be discoverable or admissible in any judicial or
25 administrative proceeding and shall not be used as the basis for a camera enforceable violation
26 under this chapter. To the extent practicable, additional efforts shall be made to ensure that
27 photographs produced by an automated road safety monitoring system do not identify the vehicle
28 operator, the passengers or the contents of the vehicle; provided, however, that no notice of
29 violation issued pursuant to this chapter shall be dismissed solely because a photograph or
30 photographs allow for the identification of the vehicle operator, the passengers or the contents of
31 the vehicle; provided that, the municipality has made a reasonable effort to comply with the
32 provisions of this section.

33 (2) Photographs and other recorded evidence taken by an automated road safety monitoring
34 system shall blur any facial image of a pedestrian or other road user captured by the automated road

1 [safety monitoring system prior to uploading or otherwise sending or transmitting the photograph](#)
2 [or other recorded evidence to a municipality or its municipal agent.](#)

3 [\(d\) A municipality or a manufacturer or vendor of an automated road safety monitoring](#)
4 [system may not use, disclose, sell or permit access to data collected by an automated road safety](#)
5 [monitoring system, except as necessary to process camera enforceable violations in accordance](#)
6 [with this chapter.](#)

7 [\(e\) Photographs and other personal identifying information collected by a city, town, or](#)
8 [municipality pursuant to this chapter shall not be a public record.](#)

9 **31-18.1-8. Use of revenues.**

10 [Notwithstanding any other provision of law, a municipality that authorizes the use of](#)
11 [automated road safety monitoring systems shall use the revenue generated by the systems to fund](#)
12 [road safety projects with the highest potential to reduce vulnerable road user injuries and fatalities](#)
13 [including, but not limited to, improvements to access and safety for road users with mobility, sight,](#)
14 [or other disabilities.](#)

15 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 -- RHODE ISLAND PEDESTRIAN
SAFETY ACT

- 1 This act would create the Rhode Island Pedestrian Safety Act which would authorize cities
2 and towns to use automated road safety monitoring systems to enforce stop sign, crosswalk, and
3 pedestrian right-of-way violations in school zones, hospital zones, and other designated safety
4 zones. This act would impose a fifty dollar (\$50.00) civil fine on the registered owner.
5 This act would take effect upon passage.

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