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LC000678

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - AUTOMATED TRAFFIC SPEED ENFORCEMENT SYSTEM

Introduced By: Representatives Cortvriend, Craven, McGaw, Fogarty, and Carson

Date Introduced: February 26, 2021

Referred To: House 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 2021

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~~ 2021."

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

15 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~~ other persons 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~~ on state and local roads within the state of Rhode Island. These systems shall be used
3 in conjunction with civil penalties imposed upon the owners of speeding vehicles in order to reduce
4 speeding violations.

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

8 ~~31-41.3-3. Automated school-zone speed-enforcement system authorized and defined.~~
9 **Automated speed-enforcement system authorized and defined.**

10 (a) The state department of transportation and the municipalities of this state are hereby
11 authorized to operate "automated ~~school-zone~~ speed-enforcement systems on all state and local
12 roads within the state of Rhode Island."

13 (b) For the purposes of this chapter:

14 (1) An "automated ~~school-zone~~ speed-enforcement system" is an automated traffic-speed-
15 enforcement system operated ~~within one-quarter (1/4) mile of any type of school~~ on all state and
16 local roads in the state of Rhode Island;

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

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

24 ~~31-41.3-4. Automated school-zone speed-enforcement system operational~~
25 ~~requirements and certification.~~ **Automated speed-enforcement system operational**
26 **requirements and certification.**

27 No automated ~~school-zone~~ speed-enforcement system shall be used in the state of Rhode
28 Island unless the system has been approved and certified for use in the state by the director of the
29 department of transportation. The director of the department of transportation, in cooperation with
30 the state police, shall require that any automated ~~school-zone~~ speed-enforcement system approved
31 and certified for use in the state of Rhode Island meets the following requirements:

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

34 (2) All automated ~~school-zone~~ speed-enforcement systems operated under this chapter

1 shall record at least two (2) photographic images of the vehicle exceeding the speed limit, one of
2 which shall include the license plate attached to the rear of the vehicle.

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

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

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

10 (iii) The posted or lawfully designated speed limit for the street or ~~school-zone~~ road being
11 monitored; and

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

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

15 (4) Signs indicating that speed limits are enforced by automated speed enforcement
16 systems shall be clearly posted in areas where the systems are in use, at least one hundred feet
17 (100') and not more than two hundred feet (200') before the location of each system, ~~At least one~~
18 ~~hundred feet (100') prior to entering an automated school zone area where a speed enforcement~~
19 ~~system is being operated, and on each approach to that area, four (4) signs, each measuring three~~
20 ~~feet (3') in height by four feet (4') in width, shall be erected in locations where the view is~~
21 ~~unobstructed~~, warning motorists that they will be entering an area monitored by an automated
22 speed-~~zone~~ enforcement system and that violators of speed limitations may be prosecuted. ~~The~~ An
23 automated ~~school-zone~~ speed-enforcement system located in a school zone shall be operational
24 only from seven o'clock a.m. (7:00 a.m.) to six o'clock p.m. (6:00 p.m.) on school days of the
25 promulgated one-hundred-eighty-day (180) school calendar year adopted in the applicable
26 community.

27 (5) It shall be the vendor's responsibility to furnish an annual report with all pertinent data
28 to the speaker of the house and the senate president.

29 **31-41.3-6. Maintenance of system.**

30 The state department of transportation, and/or the municipalities, may enter into an
31 agreement with a private corporation or other entity to provide automated ~~school-zone~~ speed-
32 enforcement systems equipment services and to maintain the systems. A contract between a
33 government agency and a manufacturer or supplier of automated traffic-speed-enforcement
34 systems shall be based on the value of such equipment and related support services and shall not

1 be based on a percentage of the revenue generated by the automated ~~school-zone~~-speed-
2 enforcement system.

3 **31-41.3-7. Citation precedent.**

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

9 **31-41.3-8. Procedure -- Notice.**

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

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

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

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

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

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

34 (2) A signed statement by a trained law enforcement officer that, based on inspection of

1 recorded images, the motor vehicle was being operated in violation of chapter 14 of title 31 relating
2 to speed restrictions; and

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

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

7 **31-41.3-9. Hearings.**

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

15 **31-41.3-10. Driver/registered owner liability.**

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

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

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

26 **31-41.3-11. Use of evidence in criminal and civil cases.**

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

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

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

34 (b) All recorded images that do not identify a violation shall be destroyed within ninety

1 (90) days of the date the image was recorded, unless otherwise ordered by a court of competent
2 jurisdiction.

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

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

8 **31-41.3-14. Reports.**

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

11 (1) The number of citations issued at each particular ~~school-zone~~ location;

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

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

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

15 (5) The number of accidents at each ~~school-zone~~ location;

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

17 (7) An indication regarding whether there were any injuries involved in any accident
18 reported;

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

20 (9) The amount of revenue obtained from the automated ~~school-zone~~ speed-enforcement
21 system.

22 **31-41.3-15. Penalties.**

23 (a) Every person found to have violated the provisions of this chapter shall be fined fifty
24 dollars (\$50.00) for each offense; ~~provided, however that for a period of thirty (30) days following~~
25 ~~the installation of any new automated school-zone speed enforcement system, a violation recorded~~
26 ~~by the system shall only be enforced by the issuance of a warning.~~

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

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

1 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 SPEED
ENFORCEMENT SYSTEM

- 1 This act would authorize the use of automated traffic-speed camera-enforcement systems
- 2 on all state and local roads within the state, not just in school zones.
- 3 This act would take effect upon passage.

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