

HB 1978 -- Traffic Control Signals

Sponsor: Bearden

This bill allows various political entities to establish automated photo red-light enforcement systems to detect red-light signal violations.

Prior to activation of the system, the roadway must be clearly marked with a white stripe indicating the stop line and the perimeter of the intersection. The political entity must also install warning signs within 500 feet of the white stripe indicating the stop line. Prior to installing the automated enforcement system, the entity must give notice of the intersection where the system will be located and of the date on which the system will begin to monitor the intersection. The entity must give the notice at least 30 days prior to the installation of the system in a newspaper of general circulation throughout the area served by the entity.

The bill requires political entities using this system to submit an annual report to the Department of Transportation regarding:

- (1) The number of intersections enforced by an active system;
- (2) The number of notices of violation mailed;
- (3) The number of notices of violation paid;
- (4) The number of hearings; and
- (5) The total revenue collected as a result of the program.

Political entities that establish an automated photo red-light enforcement system may contract with a private vendor to perform operational and administrative tasks associated with the use of the system. Any compensation paid to a private vendor must not be based upon the number of violations mailed, the number of citations issued, the number of violations paid, or the amount of revenue collected by the entity.

Before a notice of violation may be issued, all images produced by a system must be reviewed and approved by a law enforcement officer employed by the entity in which the alleged violation occurred. Based on inspection of recorded images, a signed notice of violation or copy of the notice alleging that the violation occurred will be evidence of the facts and must be admissible in any proceeding.

The bill requires the notice of violation to contain a copy of

two recorded images and a zoomed and cropped image of the vehicle's license plate. A notice of violation issued must be mailed no later than three business days after the violation was recorded by the automated system.

The civil penalties and court costs imposed for a violation must not exceed an amount that would have been imposed if the violation had been detected by a law enforcement officer present when the violation occurred. The combined fine and court costs cannot exceed \$100. A person who commits repeated red-light violations will be guilty of an infraction with no points being assessed against his or her driver's license.

A person charged with committing a red-light violation may rebut the violation by filing an affidavit with the court or by testifying in open court that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption may also be rebutted if a certified copy of a police report, showing that the vehicle had been reported stolen prior to the time of the alleged violation, is presented to the court adjudicating the alleged violation.

Political entities can only issue warning notices for the first 30 days after a system is installed, and no political entity may use a photo radar system to enforce speeding violations. Political entities will also be required to maintain photographic and other recorded evidence for at least three years. Photographic and recorded evidence will not be subject to disclosure under the Sunshine Law.