

HB 241 -- Missouri Universal Red Light Enforcement Act

Sponsor: Yates

This bill establishes the Missouri Universal Red Light Enforcement Act which allows various political entities to establish automated photo red light enforcement systems to detect red light signal violations.

Prior to installation, all systems must be registered with the Department of Transportation. At the time of registration, a one-time, \$500-per-light fee will be collected and deposited into the Red Light Enforcement Fund for conducting audits to ensure entity compliance with the provisions of the bill.

The roadway must be clearly marked with a white stripe indicating the stop line and the perimeter of the intersection prior to activation of the system. The entity must also install warning signs within 500 feet of the white stripe indicating the stop line and have the signal phase timings at the intersection certified by the department. Prior to installing the automated enforcement system, the entity must give notice of the intersection where the system will be located and the date on which the system will begin to monitor the intersection. The entity must give the notice at least 14 days prior to the installation of the system in a newspaper of general circulation throughout the area served by the entity.

The bill requires entities implementing a system to submit an annual report to the department 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 system.

Any entity failing to complete the annual report within 45 days of its due date will be fined \$50,000 and must remove all automated photo red light enforcement systems.

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 but not the issuance of the notice of violation. 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 will be admissible in any proceeding.

The bill specifies what the notice of violation is to contain including a copy of two recorded images and a zoomed and cropped image of the vehicle's license plate as well as information on how he or she can review the alleged violation and contest it. Any issued notice of violation 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 \$25. Any fines collected must go to the local school district where the infraction occurred. A person who commits a red light violation will be guilty of an infraction with no points being assessed against his or her driver's license and not made a part of his or her operating record. A person charged with committing a red light violation may rebut the violation by filing an affidavit with the court that he or she was not the operator of the vehicle at the time of the alleged violation.

Entities must issue warning notices for the first 30 days after a system is installed, and no entity may use a photo radar system to enforce speeding violations. 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 Open Meetings and Records Law, commonly known as the Sunshine Law.