

SECOND REGULAR SESSION

# HOUSE BILL NO. 1978

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BEARDEN (Sponsor), KINGERY, DEEKEN, FAITH,  
BAKER (123) AND SANDER (Co-sponsors).

Read 1st time March 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5279L.02I

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### AN ACT

To amend chapter 304, RSMo, by adding thereto four new sections relating to the enforcement of violations of traffic control signals, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 304, RSMo, is amended by adding thereto four new sections to be  
2 known as sections, 304.286, 304.287, 304.289, and 304.290, to read as follows:

**304.286. 1. For the purposes of sections 304.286 to 304.290, the following terms  
2 mean:**

3 (1) "Agency", any county, city, town, village, municipality, state agency, or other  
4 political subdivision of this state that is authorized to issue a notice of violation for a  
5 violation of a state or local traffic law or regulation;

6 (2) "Automated photo red light enforcement system" or "system", a device  
7 consisting of at least two cameras and vehicle sensors, installed to work in conjunction with  
8 a traffic control signal;

9 (3) "Owner", the owner of a motor vehicle as shown on the motor vehicle  
10 registration records of the Missouri department of revenue or the analogous department  
11 or agency of another state or country. The term "owner" includes:

12 (a) A lessee of a motor vehicle under a lease of six months or more; or

13 (b) The lessee of a motor vehicle rented or leased from a motor vehicle rental or  
14 leasing company, but does not include the motor vehicle rental or leasing company itself.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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16 **If there is more than one owner of the motor vehicle, the primary owner will be deemed the**  
17 **owner. If no primary owner is named, the first-listed owner will be deemed the owner;**

18 **(4) "Recorded image", an image recorded by an automated photo red light**  
19 **enforcement system that depicts the front view and the rear view of a motor vehicle and**  
20 **is automatically recorded by a high-resolution camera as a digital image;**

21 **(5) "Steady red signal indication violation" or "violation", a violation of a steady**  
22 **red signal indication under sections 304.271 and 304.281 or substantially similar agency**  
23 **ordinance or traffic laws;**

24 **(6) "Traffic control signal", a traffic control device that displays alternating red,**  
25 **yellow, and green lights intended to direct traffic when to stop at or proceed through an**  
26 **intersection.**

27 **2. No agency shall use an automated photo red light enforcement system unless the**  
28 **system is capable of producing at least two high-resolution color digital recorded images**  
29 **that show:**

30 **(1) The traffic control signal while it is emitting a steady red signal;**

31 **(2) The offending vehicle; and**

32 **(3) The front and rear license plates of the offending vehicle.**

33

34 **One of the images must be of sufficient resolution to show clearly, while the vehicle is in**  
35 **the intersection and while the traffic signal is emitting a steady red signal, all elements set**  
36 **forth in subdivisions (1), (2), and (3) of this subsection.**

37 **3. The automated photo red light enforcement system shall utilize a video recording**  
38 **component which shall record the period during which the two violation images were**  
39 **captured, as well as at least five seconds before and at least five seconds after the violation**  
40 **event.**

41 **4. No system may photograph or otherwise capture an image of the driver's face.**

42 **5. Agencies that utilize automated photo red light enforcement systems to detect**  
43 **and enforce steady red signal indication violations are subject to the conditions and**  
44 **limitations specified in sections 304.286 to 304.290.**

45 **6. Prior to activation of the system at an intersection:**

46 **(1) If not already present, the roadway first must be clearly marked with a white**  
47 **stripe indicating the stop line and the perimeter of the intersection;**

48 **(2) Warning signs shall be installed within five hundred feet of the white stripe**  
49 **indicating the stop line;**

50           **(3) Signal phase timings at intersections equipped with a system shall be certified**  
51 **by the Missouri department of transportation or other such appropriate agency before the**  
52 **photo enforcement devices may be activated for enforcement purposes. Any such timing**  
53 **shall be set by the department or other such appropriate agency and shall be consistent**  
54 **with traffic engineering standards. In no case, however, shall a private vendor have the**  
55 **ability to control the signal phase timing connected with a system.**

56           **7. Prior to installing the automated photo red light enforcement system, the agency**  
57 **shall give notice of the intersection where the system will be located and of the date on**  
58 **which the system will begin to monitor the intersection. The agency shall give reasonable**  
59 **notice at least thirty days prior to the installation of the system in a newspaper of general**  
60 **circulation throughout the political subdivision served by the agency.**

61           **8. Any agency that implements a system shall submit an annual report to the**  
62 **Missouri department of transportation. The report shall include, at a minimum:**

63           **(1) The number of intersections enforced by active systems;**

64           **(2) The number of notices of violation mailed;**

65           **(3) The number of notices of violation paid;**

66           **(4) The number of hearings; and**

67           **(5) The total revenue collected as a result of the program.**

68           **9. Within three years of the establishment of an automated photo traffic law**  
69 **enforcement program, the implementing jurisdiction shall initiate a formal evaluation of**  
70 **the program to determine the program's impact on traffic safety. That evaluation shall be**  
71 **completed within one year.**

72           **10. An agency that establishes an automated photo red light enforcement system**  
73 **may enter into an agreement or agreements for the purpose of compensating a private**  
74 **vendor to perform operational and administrative tasks associated with the use of such**  
75 **system. Any compensation paid to a private vendor shall not be based upon the number**  
76 **of violations mailed, the number of citations issued, the number of violations paid, or the**  
77 **amount of revenue collected by the agency.**

**304.287. 1. Before a notice may be issued, all violation images produced by a**  
2 **system shall be reviewed and approved by a law or code enforcement officer employed by**  
3 **the agency in which the alleged violation occurred. Such review and acceptance shall be**  
4 **based on a full review of the images that clearly demonstrate a violation.**

5           **2. Based on inspection of recorded images produced by a system, a notice of**  
6 **violation or copy of such notice alleging that the violation occurred and signed manually**  
7 **or digitally by a duly authorized agent of the agency shall be evidence of the facts**

8 contained therein and shall be admissible in any proceeding alleging a violation under  
9 sections 304.286 to 304.290.

10 3. An agency shall mail or cause to be mailed a notice of violation by certified mail  
11 to the owner of the motor vehicle, which notice shall include, in addition to the  
12 requirements of supreme court rule no. 37:

13 (1) The name and address of the owner of the vehicle;

14 (2) The registration number of the motor vehicle involved in the violation;

15 (3) A copy of the two recorded images and a zoomed and cropped image of the  
16 vehicle license plate which was extracted from one of the two images;

17 (4) Information advising the registered owner of how he or she can review the  
18 video, photographic, and recorded images that captured the alleged violation. The agency  
19 may provide access to the video and other recorded images through the Internet. If access  
20 to the video and other recorded images is provided through the Internet, the agency shall  
21 ensure that such video and recorded images are accessible only to the registered owner  
22 through a password-protected system;

23 (5) A manually or digitally signed statement by a law or code enforcement officer  
24 employed by the agency that, based on inspection of the two recorded images and video  
25 sequence, the motor vehicle was operated in violation of a traffic control device or  
26 prevailing traffic laws or statutes;

27 (6) Information advising the registered owner of the manner, time, and place in  
28 which liability as alleged in the notice of violation may be contested, and warning that  
29 failure to pay the civil penalty or to contest liability in a timely manner is an admission of  
30 liability; and

31 (7) Information advising the registered owner that he or she may file an affidavit  
32 under subsection 8 of this section stating that he or she was not the operator of the vehicle  
33 at the time of the violation.

34 4. A notice of violation issued under this section shall be mailed no later than three  
35 business days after the violation was recorded by the automated photo red light  
36 enforcement system.

37 5. The civil penalties and court costs imposed for a violation detected and enforced  
38 pursuant to a system shall not exceed an amount that would have been imposed if the  
39 violation had been detected by a law enforcement officer present when the violation  
40 occurred. In no event shall the combined fine and court costs exceed one hundred dollars.

41 6. Notwithstanding any provision of law to the contrary, including but not limited  
42 to, sections 304.271, 304.281, 304.361, and 304.570, any person who commits a steady red  
43 light violation that is detected and enforced through an automated photo red light

44 enforcement system is guilty of an infraction. A penalty imposed by an agency for a  
45 violation detected pursuant to a system shall not be deemed a moving violation and shall  
46 not be made part of the operating record of the person upon whom such liability is  
47 imposed, nor shall such imposition of a penalty be subject to merit rating for insurance  
48 purposes and no surcharge points shall be imposed in the provision of motor vehicle  
49 insurance coverage. In no case shall points be assessed against any person under section  
50 302.302, RSMo, for a violation detected by an automated photo red light enforcement  
51 system.

52 7. Notwithstanding any provision of law to the contrary, all revenue generated from  
53 fines collected under this section shall be used for infrastructure improvements to  
54 intersections located in the particular county, city, town, village, or municipality where the  
55 steady red light violation occurred.

56 8. Payment of the established fine and any applicable civil penalties shall operate  
57 as a final disposition of the case. Payment of the fine and any penalties, whether before or  
58 after hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other  
59 motor vehicle owners of the same motor vehicle for the same violation.

60 9. In the prosecution of a steady red signal indication violation under sections  
61 304.286 to 304.290, prima facie evidence that the vehicle described in the notice of violation  
62 issued pursuant to this section was operated in violation of sections 304.286 to 304.290,  
63 together with proof that the defendant was at the time of such violation the owner of the  
64 vehicle, shall constitute in evidence a rebuttable presumption that such owner of the vehicle  
65 was the person who committed the violation. Such presumption shall be rebutted if the  
66 owner of the vehicle files an affidavit by regular mail with the clerk of the court that he or  
67 she was not the operator of the vehicle at the time of the alleged violation or testifies in  
68 open court under oath that he or she was not the operator of the vehicle at the time of the  
69 alleged violation. Such presumption shall also be rebutted if a certified copy of a police  
70 report, showing that the vehicle had been reported to the police as stolen prior to the time  
71 of the alleged violation of this section, is presented to the court adjudicating the alleged  
72 violation.

304.289. 1. For each automated photo red light enforcement system that is installed  
2 at an intersection by an agency, during the first thirty days the system is monitoring an  
3 intersection, the agency shall issue only warning notices and shall not issue any ticket or  
4 citation for any violation detected by the system.

5 2. No agency shall employ the use of a photo radar system to enforce speeding  
6 violations. As used in this subsection, the term "photo radar system" shall mean a device  
7 used primarily for highway speed limit enforcement substantially consisting of a radar unit

8 linked to a camera, which automatically produces a photograph of a motor vehicle  
9 traveling in excess of the legal speed limit.

2 **304.290. Photographic and other recorded evidence obtained through the use of**  
3 **automated photo red light enforcement devices shall be maintained according to law and**  
4 **shall be maintained by the appropriate agency for a period of at least three years. Such**  
5 **photographic and other recorded evidence obtained through the use of an automated photo**  
6 **red light enforcement system shall be confidential and shall not be deemed a "public**  
7 **record" under section 610.010, RSMo, and shall not be subject to the provisions of section**  
8 **109.180, RSMo, or chapter 610, RSMo.**

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