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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4866

05/06/2022

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The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; authorizing the use of automated traffic enforcement
1.3 systems for certain speed violations; imposing a petty misdemeanor penalty;
1.4 proposing coding for new law in Minnesota Statutes, chapter 169.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[169.142] AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS;**
1.7 **CERTAIN SPEED VIOLATIONS.**

1.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
1.9 the meanings given.

1.10 (b) "Automated traffic enforcement system" or "system" means an electronic system
1.11 consisting of one or more cameras and one or more motor vehicle sensors which is used to
1.12 enforce specified traffic laws.

1.13 (c) "Local government" means a county, city, or town.

1.14 (d) "Owner" means the registered owner of a vehicle except, for a leased vehicle, owner
1.15 means the lessee of the vehicle.

1.16 Subd. 2. **Speeds of 20 miles per hour or more in excess of speed limit.** (a) The owner
1.17 of a vehicle is guilty of a petty misdemeanor when the owner's vehicle is operated at a speed
1.18 of 20 miles per hour or more in excess of a speed limit established in section 169.06.

1.19 (b) A peace officer must not issue a citation to the owner if the owner or another person
1.20 is convicted of or cited for a violation of chapter 169 or 609 arising out of the incident
1.21 captured by the automated traffic enforcement system.

2.1 (c) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator
2.2 for a violation of section 169.06.

2.3 (d) A violation under paragraph (a) does not constitute grounds for revocation or
2.4 suspension of the owner's or lessee's driver's license.

2.5 (e) This section does not apply to emergency or law enforcement vehicles.

2.6 (f) When a local government has adopted the use of automated traffic enforcement
2.7 systems, peace officers for that jurisdiction may enforce this section using an automated
2.8 traffic enforcement system as described in this section.

2.9 Subd. 3. **Automated traffic enforcement system requirements.** (a) Any automated
2.10 traffic enforcement system used by a government must:

2.11 (1) detect and record the speed of the vehicle;

2.12 (2) produce a recording, either by a series of photographs or video recording, of the
2.13 motor vehicle; and

2.14 (3) record the license plate of the vehicle.

2.15 (b) A local government may authorize the use of automated traffic enforcement systems
2.16 within the local government's jurisdiction as provided in subdivision 4.

2.17 (c) In a local government that implements the use of automated traffic enforcement
2.18 systems, peace officers must review the recordings captured by the system. If a peace officer
2.19 determines there was a violation and a citation should be issued to the owner of the vehicle,
2.20 the peace officer must use the license plate of the vehicle to determine the registered owner
2.21 and issue the citation to that person. If a peace officer issues a citation, the officer must
2.22 issue the citation within ten calendar days of the violation. When a citation is issued, the
2.23 peace officer must also provide to the owner a copy of the recording or photographs of the
2.24 violation. A peace officer may issue a citation to an owner through the United States Postal
2.25 Service. If a citation is mailed, the peace officer must mail the citation to the address on the
2.26 vehicle registration and it must be postmarked within ten calendar days of the violation.

2.27 Subd. 4. **Implementation.** (a) Prior to implementing the use of automated traffic
2.28 enforcement systems, the government must hold a public hearing on the subject and must
2.29 allow for members of the public to comment. For the first 30 days after implementing the
2.30 use of automated traffic enforcement systems, peace officers must not issue citations for
2.31 violations of this section, but may issue warnings.

3.1 (b) A local government that implements the use of automated traffic enforcement systems
3.2 must adopt an ordinance to govern the use of the automated traffic enforcement systems.

3.3 At a minimum, the ordinance must include:

3.4 (1) the process of collecting the data recorded by the system and how the data will be
3.5 reviewed by peace officers;

3.6 (2) the process for issuing citations;

3.7 (3) procedures for handling system malfunctions or other unforeseen issues;

3.8 (4) procedures for testing and maintaining the system to ensure the system's accuracy;

3.9 and

3.10 (5) establish a process for promptly answering questions about the use of the systems
3.11 and citations issued pursuant to this section.

3.12 (c) A local government must place appropriate signs in areas where automated traffic
3.13 enforcement systems are in use to notify drivers of their use.

3.14 (d) A local government may use automated traffic enforcement systems in school zones,
3.15 construction zones, or any other area determined by the local government to be necessary.
3.16 Before installing an automated traffic enforcement system in an area other than a school
3.17 zone or construction zone, the local government must first:

3.18 (1) determine that high speed is frequently a safety concern in the area;

3.19 (2) determine that an automated enforcement system is an appropriate enforcement
3.20 mechanism for the area;

3.21 (3) evaluate locations where systems are used to ensure they are used in a consistent and
3.22 fair manner throughout the local government's jurisdiction; and

3.23 (4) ensure that systems are placed and used in a manner that is not racially biased or
3.24 discriminatory and does not result in discriminatory enforcement practices.

3.25 (e) The local government must publicize the use of automated traffic enforcement systems
3.26 and details of their use, including where a person may ask questions about the use of the
3.27 systems. If the local government has a website, the local government must publish the
3.28 information on that website.

3.29 Subd. 5. **Data.** Data collected through the use of an automated traffic enforcement system
3.30 are private data on individuals, as defined in section 13.02, subdivision 12, subject to the
3.31 following:

4.1 (1) if the individual requests a copy of the recording, data on other individuals who do
4.2 not consent to the data's release must be redacted from the copy;

4.3 (2) data that are the subject of a violation under this section may be disclosed to a law
4.4 enforcement agency;

4.5 (3) data that are criminal investigative data are governed by section 13.82, subdivision
4.6 7; and

4.7 (4) section 13.04, subdivision 2, does not apply to collection of the data.

4.8 Sec. 2. **LEGISLATIVE FINDINGS AND PURPOSE.**

4.9 The legislature finds and declares that the increase in the number and severity of violations
4.10 of state traffic laws, especially the instances of drivers driving at very high speeds, is a
4.11 serious threat to the public. The legislature acknowledges that high-speed police chases also
4.12 present dangers to the public and are not always successful in detaining the driver. The use
4.13 of automated traffic enforcement cameras is one way to assist law enforcement in combating
4.14 very high-speed driving without the necessity of high-speed chases.