

HOUSE BILL 379

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to traffic citations based on
surveillance cameras.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-198(b), is amended by deleting the final sentence and by substituting instead the following language:

Included with the notice to the registered owner of the motor vehicle shall be a separate notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The separate notice shall state the time and place or Internet web site where the evidence may be examined and observed. In the absence of this separate notice, no penalties may be assessed for nonpayment of a traffic violation or citation that is based solely on evidence from a surveillance camera. In addition, no additional penalty or other costs shall be assessed for nonpayment of a traffic violation or citation that is based solely on evidence obtained from a surveillance camera installed to enforce or monitor traffic violations, unless a second notice is sent by first class mail to the registered owner of the motor vehicle and the second notice provides for an additional thirty (30) days for payment of the violation or citation.

SECTION 2. Tennessee Code Annotated, Section 55-8-198(c)(1), is amended by adding the following language as new subdivision (B) and by redesignating the present language accordingly:

(B) The surveillance camera does not identify as a violation of § 55-8-110(a)(3), or any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of § 55-8-110(a)(3), any vehicle making a right-hand

turn in a careful and prudent manner at an intersection where right-hand turns are permissible; and

SECTION 3. Tennessee Code Annotated, Section 55-8-198(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) The following vehicles are exempt from receiving a notice of violation:

- (1) Emergency vehicles with active emergency lights;
- (2) Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;
- (3) Vehicles moving through the intersection at the direction of a law enforcement officer;
- (4) Vehicles under police escort;
- (5) Vehicles in a funeral procession; and
- (6) Vehicles moving through the intersection to avoid or clear the way for a funeral procession.

SECTION 4. Tennessee Code Annotated, Section 55-8-198, is amended by adding the following language as new subsections:

(g) Each county or municipality that operates a traffic enforcement camera program shall submit a report by October 1, 2011, and annually thereafter, to the department of safety which details the results of using the surveillance camera and the procedures for enforcement for the preceding state fiscal year. The information submitted by the counties and municipalities shall include statistical data and information required by the department to complete the report required under subsection (h).

(h) On or before December 31, 2011, and annually thereafter, the department of safety shall provide a summary report to the governor, the speaker of the senate, and the speaker of the house of representatives regarding the use and operation of traffic

enforcement camera programs under this section, along with the department's recommendations for any necessary legislation. The summary report shall include a review of the information submitted to the department by the counties and municipalities and shall describe the enhancement of traffic enforcement camera programs.

SECTION 5. This act shall take effect July 1, 2011, the public welfare requiring it.