

HOUSE BILL 1500

By Dean

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

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

SECTION 1. Tennessee Code Annotated, Section 55-8-198, is amended by adding the following new subsections thereto:

(g) Prior to implementation of any new unmanned traffic enforcement camera used to enforce or monitor traffic violations, the local governing body shall conduct a traffic engineering study for the area being considered. The study shall follow standard engineering practices as determined by the Institute of Transportation Engineers (ITE) and shall be stamped by a professional engineer specializing in traffic engineering and licensed to practice in this state. A vendor of traffic enforcement camera systems shall not be allowed to conduct the traffic engineering study, or to participate in the selection of such traffic engineer, to document the need for a traffic enforcement camera.

(h) A traffic citation for failure to make a complete stop at a red signal before making a permitted right turn as provided by § 55-8-110(a)(3) that is based solely upon evidence obtained from an unmanned traffic enforcement camera shall be deemed invalid.

(i) No citation shall be issued based solely upon evidence obtained from a traffic enforcement camera that has been installed to enforce or monitor traffic violations pursuant to § 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), unless the evidence collected shows the target vehicle with its front tire or

tires before the stop line when the signal is red, and subsequently shows the same vehicle with its rear tire or tires past the stop line while the signal is red.

(j) No more than one (1) citation shall be issued for each distinct and separate traffic offense in violation of a municipal ordinance or a traffic offense as provided in this chapter 8.

(k) A traffic citation that is based solely upon evidence obtained from an unmanned traffic enforcement camera shall be deemed invalid if the registration information of the motor vehicle for which such traffic citation is issued is not consistent with the evidence recorded by such enforcement camera.

(l) Unmanned traffic enforcement cameras that monitor speed shall not be permitted on any public road or highway within two (2) miles of a reduction of speed limits on such public road or highway of ten miles per hour (10 mph) or greater.

SECTION 2. Tennessee Code Annotated, Section 55-8-198, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Effective July 1, 2011, a state agency or political subdivision of the state that installs, owns, operates or maintains either a traffic-control signal light located in an intersection or any other unmanned traffic enforcement camera for the enforcement or monitoring of traffic violations shall ensure that:

(1) The traffic enforcement 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 that legally entered the intersection during the green or yellow intervals in accordance with § 55- 8-110(a)(1) and (2); and

(2) Appropriate signage is located not less than five hundred feet (500') but not more than one thousand feet (1,000') in advance of the enforcement area

of the unmanned traffic enforcement camera informing drivers as to the presence of traffic enforcement cameras at the approaching location. All regulatory and warning signs relating to the intersection or enforcement area shall meet the conventional road size or larger requirements of the MUTCD. Minimum size signing shall not be allowed.

SECTION 3. Tennessee Code Annotated, Section 55-8-198(b), is amended by adding the following language between the second and third sentences:

A notice of violation or a citation shall be sent within ten (10) business days after the occurrence of the violation. All notices of violation or citations shall have a Tennessee return address and all responses and payments shall be made to an address in this state.

SECTION 4. Tennessee Code Annotated, Section 55-8-198(b), is further amended by designating the language of the subsection as subdivision (b)(1) and by adding the following new subdivisions thereto:

(2) The notice of violation or citation shall state the amount of the fine that is being assessed for the alleged violation. The notice of violation or citation shall state separately any additional fees or court costs that may be assessed if the fine is not paid timely or if the violation or citation is contested and the person is convicted or found guilty of the offense.

(3) The person cited may elect not to contest the charge and may, in lieu of appearance in court, submit a fine not more than fifty dollars (\$50.00) to the address provided on notice of violation or citation.

(4) If the person cited does not pay the traffic citation within the time specified by subdivision (b)(1), then additional fees or court costs may be assessed.

(5) If the person cited does not pay the traffic citation as provided in this section and the person cited appears in court at the time specified, or such later date as may be fixed by the court, and the person is convicted or found guilty of, or enters a plea of nolo contendere to the offense, then additional fees or court costs may be assessed.

SECTION 5. Tennessee Code Annotated, Section 55-8-198(b), is further amended by deleting in the first sentence the language "An employee of the applicable law enforcement office shall" and by substituting instead the language "Only P.O.S.T.-certified or state-commissioned law enforcement officers shall be authorized to."

SECTION 6. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following language as a new, appropriately designated subdivision and redesignating the present language accordingly:

() "Stop line" means a white line placed generally in conformance with the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the department of transportation, denoting the point where an intersection begins;

SECTION 7. Tennessee Code Annotated, Section 55-8-110(a), is amended by deleting subdivision (3)(A) in its entirety and by substituting instead the following language:

(A) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or if there is a clearly marked stop line preceding the crosswalk, then before such stop line, but if there is neither a crosswalk nor a stop line, then before entering the intersection, and the vehicular traffic shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the state; provided, that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic traveling in accordance with their traffic signal; provided, further, such turn will not endanger other traffic lawfully using the intersection. A right

turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the responsible municipal or county governments at intersections which they decide require no right turns on red in the interest of traffic safety;

SECTION 8. Tennessee Code Annotated, Section 55-8-110, is further amended in subdivision (a)(5) by deleting the following language in its entirety:

Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal;

and by substituting instead the following language:

Any stop required shall be made at a sign or before the stop line, but in the absence of any sign or stop line the stop shall be made at the signal;

SECTION 9. Tennessee Code Annotated, Section 55-8-198, is amended by deleting the language "surveillance camera" and the language "surveillance cameras" and by substituting instead the language "unmanned traffic enforcement camera" or "unmanned traffic enforcement cameras", as appropriate.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect July 1, 2011, the public welfare requiring it.