

HOUSE BILL 3024

By Harmon

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to traffic violation surveillance cameras.

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

SECTION 1. The comptroller of the treasury is directed to conduct a comprehensive study of the use of traffic surveillance cameras by government agencies in the state. The study shall include:

- (1) A list of all municipalities and counties employing traffic surveillance cameras;
- (2) The impact of such traffic surveillance cameras upon driver behavior based on traffic accident histories before and after the erection of such traffic surveillance cameras;
- (3) The method of funding such traffic surveillance cameras by the government agency, including the nature of any contracts between the government agency and a camera vendor;
- (4) The government agency's use of funds received from citations issued from evidence based on traffic surveillance cameras; and
- (5) Any recommended legislation based on information gathered during the study.

SECTION 2. The comptroller of the treasury shall provide a copy of the study to the transportation committees of the senate and the house of representatives no later than January 15, 2011.

SECTION 3. Tennessee Code Annotated, Section 55-8-198, is amended by adding the following new subsections thereto:

(g)(1) Except as provided in subdivision (g)(2), no local or county government may enter or renew any contract with a private vendor for the operation of any surveillance camera used to enforce traffic safety until July 1, 2012. Any such contract entered into or renewed after July 1, 2012, shall comply with Section 5 of this act.

(2) This subsection (g) shall not apply to the portion of the roadway between blocks 2900 through 3200 of Hixson Pike in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900), according to the 2000 federal census or any subsequent federal census.

(h) After January 1, 2011, no local government may place or operate a surveillance camera used to enforce traffic safety on any highway receiving state financial aid unless:

(1) The local governing body exhausts all reasonable engineering solutions pursuant to department of transportation standards to enhance traffic safety; and

(2) Any contract for the operation of such surveillance camera by a private vendor provides only for payment for services rendered, and no payment is based on a percentage of traffic citations generated by such surveillance camera.

(i) Each local governing body placing or operating a traffic surveillance camera pursuant to subsection (g) shall submit the contract to the comptroller of the treasury. The comptroller of the treasury may conduct audits of any local governing body that has placed or is operating a traffic surveillance camera to ensure compliance with this section.

(j)(1) Notwithstanding any law to the contrary, a person charged by a traffic citation that is based solely upon evidence obtained from a surveillance camera shall be punishable:

(A) For a first offense by a fine of ten dollars (\$10.00) only;

(B) For a second offense by a fine of twenty-five dollars (\$25.00) only;

and

(C) For a third or subsequent offense by a fine of fifty dollars (\$50.00) only.

(2) A person shall not be considered a multiple offender under this subsection (j) if three (3) years have passed since the prior violation.

(3) A violation of this section is a non-moving violation, subject only to imposition of a fine as provided in subdivision (j)(1), and court costs, not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. No state or local litigation taxes shall be applicable to a case prosecuted under this section. Court costs shall not be assessed against any person who pays timely any fine assessed pursuant to this section. An additional penalty or cost may be assessed if a second notice is sent by first class mail pursuant to subsection (b).

SECTION 4. Tennessee Code Annotated, Section 55-8-198, is amended in subsection (b) by deleting the following language in its entirety:

An employee of the applicable law enforcement office shall review video evidence from a traffic light signal monitoring system and make a determination as to whether a violation has occurred. If a determination is made that a violation has occurred, a notice of violation or a citation shall be sent by first class mail to the registered owner of the vehicle that was captured by the traffic light signal monitoring system.

And by substituting instead the following:

An officer, certified by the peace officer standards and training commission, of the applicable law enforcement office shall review video evidence from a traffic violation surveillance camera and make a determination as to whether a violation has occurred. If a determination is made that a violation has occurred, a notice of violation or a citation shall be sent by first class mail to the registered owner of the vehicle that was captured by the traffic violation surveillance system.

SECTION 5. Tennessee Code Annotated, Section 55-8-198, is further amended by adding the following new subsections thereto:

(k) A local or county legislative body that approves a traffic violation surveillance camera shall be required to comply with:

(1) Rules promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, by the department of transportation that prescribe traffic and engineering studies be conducted before the installation of a traffic violation surveillance camera;

(2) Rules promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, by the department of safety that prescribe traffic safety considerations be addressed before the installation of a traffic violation surveillance camera; and

(3) Guidelines established by the comptroller for local government contracts with private vendors for installation and use of traffic surveillance traffic cameras. When conducting audits of a local or county government the comptroller may also review any contracts entered into pursuant to this section to ensure compliance with this subsection (k).

The department of transportation and the department of safety shall consult with the Tennessee Association of Chiefs of Police and the Tennessee Sheriffs' Association before filing rules pursuant to this section with the secretary of state.

(l) A local governmental entity shall by majority vote request that the comptroller verify that such local governmental entity has met all the requirements of subsection (k) prior to the installation or operation of traffic surveillance cameras. A local governmental entity shall vote to approve the installation or operation of traffic surveillance cameras after receipt of notice by the comptroller of compliance with subsection (k).

(m) Rules promulgated pursuant to subsection (k) shall be presented to the transportation committees of the senate and house of representatives for review and comment before being considered by the government operations committees of the senate and house of representatives.

SECTION 6. This act shall take effect July 1, 2010, the public welfare requiring it.