

SENATE BILL 1128

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Section 55-8-198, to prohibit the use of unmanned traffic enforcement cameras.

WHEREAS, multiple courts have ruled against the use of traffic cameras used to issue fees, penalties, and citations for various reasons, costing their respective states millions in legal fees; and

WHEREAS, those who profit from traffic cameras are continuously lobbying to raise fines, remove restrictions, and introduce new types cameras for common “technical violations,” which have little or nothing to do with safety, and because of the revenue the cameras create, Tennessean tax dollars are being spent by some local governments to lobby to block legislation which would restore the constitutional rights of Tennesseans; and

WHEREAS, the right to face your accuser in court and cross examine witnesses is guaranteed by the United States Bill of Rights, and traffic enforcement cameras deny Tennesseans this right, because the accuser is a machine; and

WHEREAS, traffic enforcement cameras are a form of mass surveillance over ordinary and innocent Tennessee motorists; and

WHEREAS, in most cases, approximately seventy-five percent of the revenue generated from traffic cameras leaves the State of Tennessee, which means millions of dollars every year leave our economy at the cost of our constituents’ constitutional rights; and

WHEREAS, the aforementioned constitutional rights do not have a price-tag; and

WHEREAS, the platitude that “if you don’t break the law you won’t get a ticket” is untrue, because there have been many proven cases of traffic cameras issuing tickets in error due to the fact that even if drivers believe they are innocent, they need to spend days fighting one \$50

ticket in court, and would probably not find it worthwhile to do so except as a matter of principle;  
and

WHEREAS, tickets are issued to the registered owner of the vehicle, even if they are not the driver and many traffic camera tickets are going to people who did not, in fact, commit the offense because someone else was driving at the time; and

WHEREAS, studies that seek to legitimize traffic enforcement cameras are more often than not funded by the very municipalities and companies that stand to profit, making these studies inherently biased; and

WHEREAS, profit motives of traffic cameras encourage governments to ignore safe, alternative ways to reduce breaches of traffic laws, such as the use of radar speed signs, that are every bit as effective if not more so than traffic cameras; and

WHEREAS, traffic cameras are typically placed without first performing a traffic study intended to confirm the speed limit and determine the effect on traffic patterns, and instead, the only study performed is typically done by camera vendors, who get a cut of each ticket, to determine whether or not the site will make money; and

WHEREAS, consumers will typically avoid streets that utilize traffic cameras, local businesses are being hurt at the expense of government greed; now, therefore,

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

SECTION 1. This act shall be known and may be cited as the "Tennessee Freedom From Traffic Cameras Act."

SECTION 2. Tennessee Code Annotated, Section 55-8-198, is amended by adding the following as a new subsection:

(o)

(1) No municipality or county may contract with any person or entity to provide for the use of any unmanned traffic enforcement camera to enforce or monitor any traffic violations.

(2) As used in this subsection (o):

(A) “Traffic violations” means any traffic violations of this chapter, or any municipal law or ordinance that mirrors, substantially duplicates, or incorporates by cross-reference the language of this chapter; and

(B) “Unmanned traffic enforcement camera”:

(i) Means any automated device, whether stationary or mobile, that, without the participation of a law enforcement officer or other person, is used in any manner to detect any traffic violation combined with identification of the vehicle, which results in the issuance of a citation against the registered owner, rather than the driver, of the vehicle; and

(ii) Includes, but is not limited to, automated devices used to record or monitor the GPS and speed of vehicles; mobile telephones and personal digital assistants, as defined in § 55-8-199; on-board vehicle computing systems; and any device capable of being attached within a vehicle and used to transmit data concerning driving activity.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to contracts entered into or renewed on or after such date.