

Amendment No. 499

Senate Amendment to Senate Bill No. 473

(BDR 43-1370)

Proposed by: Committee on Transportation and Homeland Security**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Automated enforcement system” means a contrivance, device, mechanism or any combination thereof that is used to obtain evidence of a moving traffic violation without the need for contemporaneous manipulation or operation by a human being. The term includes a red-light camera.*

MSM/BJE

Date: 4/25/2005

S.B. No. 473—Expands authority of governmental entity and agent thereof to use certain equipment to gather evidence for issuance of traffic citation.



Sec. 4. “Red-light camera” means a camera that:

- 1. Is adapted for use or placed at an intersection or crosswalk in which the movement of vehicles or pedestrians, or both, is controlled by an official traffic-control device that is operated electrically, electronically or mechanically; and**
- 2. Is capable of photographing or otherwise capturing one or more images or representations of all the following in a simultaneous or approximately simultaneous manner:**
 - (a) The license plate number of a vehicle;**
 - (b) An accurate likeness of the driver or operator of the vehicle;**
 - (c) The signal displayed by or upon the official traffic-control device as the vehicle enters or exits, or both, the intersection or crosswalk controlled by the official traffic-control device;**
 - (d) The position of the vehicle within the intersection or crosswalk relative to the signal displayed by or upon the official traffic-control device; and**
 - (e) The date and time of day.**

Sec. 5. The Department of Transportation shall adopt regulations establishing a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for the issuance of a traffic citation for:

- 1. A violation of this chapter; or**
- 2. A violation of an ordinance, rule or regulation of the county, city or local government which has the force of law.**

Sec. 6. The regulations adopted by the Department of Transportation pursuant to section 5 of this act must set forth, without limitation:

1. That a citation issued through the use of an automated enforcement system imposes the same penalties as a citation issued by a peace officer for the same or substantially similar violation;

2. That a citation may not be issued through the use of an automated enforcement system unless the evidence gathered by the system with respect to a particular alleged violation provides reasonable proof that the person driving or operating the vehicle at the time of the alleged violation was the registered owner of the vehicle;

3. That a citation issued through the use of an automated enforcement system must:

(a) Insofar as practicable, comply with the applicable provisions of NRS 484.799; and

(b) Afford the person cited an opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; and

4. Criteria detailing the information that must be included in the report that a county, city or local government is required to provide to the Department of Transportation pursuant to subsection 2 of section 7 of this act.

Sec. 7. The Department of Transportation shall:

1. Establish a clearinghouse of information relating to the use of automated enforcement systems;

2. Require a county, city or local government that acquires and uses an automated enforcement system to report to the Department of Transportation, on or before October 1, 2006, and on or before October 1 of each even-numbered year thereafter, the information required to be reported by regulation of the Department of Transportation adopted pursuant to subsection 4 of section 6 of this act; and

3. *Submit a comprehensive report on the use of automated enforcement systems to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature on or before April 1 of each odd-numbered year.*

Sec. 8. NRS 484.910 is hereby amended to read as follows:

484.910 ~~{A}~~ *Except as otherwise provided in sections 2 to 7, inclusive, of this act, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of this chapter unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.*

Sec. 9. The provisions of this act become effective upon passage and approval and expire by limitation on June 10, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to traffic laws; requiring the Department of Transportation to establish by regulation a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for citations for moving traffic violations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Department of Transportation to establish pilot program allowing local governments to use certain automated systems for enforcement of traffic laws.
(BDR 43-1370)”.