

SENATE BILL NO. 473—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

MARCH 29, 2005

Referred to Committee on Transportation and Homeland Security

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)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted material]** is material to be omitted.

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.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT 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.*



1 **Sec. 4. "Red-light camera" means a camera that:**

2 1. *Is adapted for use or placed at an intersection or crosswalk*
3 *in which the movement of vehicles or pedestrians, or both, is*
4 *controlled by an official traffic-control device that is operated*
5 *electrically, electronically or mechanically; and*

6 2. *Is capable of photographing or otherwise capturing one or*
7 *more images or representations of all the following in a*
8 *simultaneous or approximately simultaneous manner:*

9 (a) *The license plate number of a vehicle;*

10 (b) *An accurate likeness of the driver or operator of the*
11 *vehicle;*

12 (c) *The signal displayed by or upon the official traffic-control*
13 *device as the vehicle enters or exits, or both, the intersection or*
14 *crosswalk controlled by the official traffic-control device;*

15 (d) *The position of the vehicle within the intersection or*
16 *crosswalk relative to the signal displayed by or upon the official*
17 *traffic-control device; and*

18 (e) *The date and time of day.*

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

24 1. *A violation of this chapter; or*

25 2. *A violation of an ordinance, rule or regulation of the*
26 *county, city or local government which has the force of law.*

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

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

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

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

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



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

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

8 **Sec. 7.** The Department of Transportation shall:

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

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

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

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

23 484.910 ~~[A]~~ Except as otherwise provided in sections 2 to 7,
24 inclusive, of this act, a governmental entity and any agent thereof
25 shall not use photographic, video or digital equipment for gathering
26 evidence to be used for the issuance of a traffic citation for a
27 violation of this chapter unless the equipment is held in the hand or
28 installed temporarily or permanently within a vehicle or facility of a
29 law enforcement agency.

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



