

SENATE BILL NO. 61—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

(ON BEHALF OF THE NEVADA SHERIFFS'
AND CHIEFS' ASSOCIATION)

PREFILED FEBRUARY 1, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Provides for a pilot program for local governments to use certain automated systems for the enforcement of traffic laws. (BDR 43-330)

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

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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 a pilot program to allow local governments to use certain automated enforcement systems to gather evidence to be used for the issuance of traffic citations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill requires the Department of Transportation to adopt regulations establishing a pilot program for local governments to acquire and use automated enforcement systems to gather evidence to be used for the issuance of traffic citations. **Sections 3 and 4** of this bill provide that such systems may include a red-light camera which is placed at an intersection or crosswalk that is controlled by an official traffic-control device to photograph vehicles. The regulations must, in addition to other requirements, provide that the penalty for a violation evidenced through the use of an automated enforcement system is the lowest penalty imposed for a parking violation which the Department determines is sufficient to pay the costs of administering the pilot program.

Section 6 of this bill requires local governments to submit information they compile concerning the use of an automated enforcement system to the Department every 2 years and requires the Department to maintain a clearinghouse of information and submit a report to the Director of the Legislative Counsel Bureau.



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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 6, inclusive, of this act.

Sec. 2. *As used in NRS 484.910 and sections 2 to 6, 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 or mechanism, or any combination thereof, which is used to obtain evidence of a moving traffic violation without operation by a person. The term includes a red-light camera.*

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

1. Is adapted for use or placed at an intersection or crosswalk in which 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 images or representations of the following in a simultaneous or approximately simultaneous manner:

(a) The license plate number of a vehicle;

(b) The signal displayed by or upon the official traffic-control device as the vehicle enters or exits, or both, the intersection or crosswalk;

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

(d) The date and time.

Sec. 5. *1. The Department of Transportation shall adopt regulations establishing a pilot program to allow a county, city or other local government to acquire and use an automated enforcement system to gather evidence that may be used for the issuance of a traffic citation:*

(a) For a violation of this chapter; or

(b) For a violation of an ordinance, rule or regulation of the county, city or local government.

2. The regulations adopted pursuant to subsection 1 must set forth, without limitation:

(a) That the penalty for a violation evidenced through the use of an automated enforcement system will be the lowest penalty



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1 *imposed for the violation of a law or ordinance governing parking*
2 *which the Department determines is sufficient to pay the costs of*
3 *administering the pilot program.*

4 *(b) That a citation issued through the use of an automated*
5 *enforcement system must:*

6 *(1) Insofar as practicable, comply with the applicable*
7 *provisions of NRS 484.799;*

8 *(2) Be issued to the registered owner of the vehicle; and*

9 *(3) Afford the person cited an opportunity to appeal or*
10 *otherwise challenge the citation by appearance before a*
11 *magistrate, justice or judge, as appropriate.*

12 *(c) The information which must be included in the report that*
13 *a county, city or local government is required to provide to the*
14 *Department of Transportation pursuant to section 6 of this act.*

15 **Sec. 6.** *The Department of Transportation shall:*

16 *1. Establish and maintain a clearinghouse of information on*
17 *matters relating to the use of automated enforcement systems;*

18 *2. Require a county, city or local government that acquires*
19 *and uses an automated enforcement system to report to the*
20 *Department of Transportation, on or before October 1, 2007, and*
21 *on or before October 1 of each even-numbered year thereafter, the*
22 *information required to be reported by the regulations adopted*
23 *pursuant to section 5 of this act; and*

24 *3. On or before April 1 of each odd-numbered year, submit to*
25 *the Director of the Legislative Counsel Bureau for distribution to*
26 *each regular session of the Legislature a report on the use of*
27 *automated enforcement systems.*

28 **Sec. 7.** *NRS 484.910 is hereby amended to read as follows:*

29 *484.910 ~~[A]~~ Except as otherwise provided in sections 2 to 6,*
30 *inclusive, of this act, a governmental entity and any agent thereof*
31 *shall not use photographic, video or digital equipment for gathering*
32 *evidence to be used for the issuance of a traffic citation for a*
33 *violation of this chapter unless the equipment is held in the hand or*
34 *installed temporarily or permanently within a vehicle or facility of a*
35 *law enforcement agency.*

36 **Sec. 8.** *This act becomes effective upon passage and approval.*

