

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:

1 **Section 5** of this bill requires the Department of Transportation to adopt
2 regulations establishing a pilot program for local governments to acquire and use
3 automated enforcement systems to gather evidence to be used for the issuance of
4 traffic citations. **Sections 3 and 4** of this bill provide that such systems may include
5 a red-light camera which is placed at an intersection or crosswalk that is controlled
6 by an official traffic-control device to photograph vehicles. The regulations must, in
7 addition to other requirements, provide that the penalty for a violation evidenced
8 through the use of an automated enforcement system is the lowest penalty imposed
9 for a parking violation which the Department determines is sufficient to pay the
10 costs of administering the pilot program. **Section 5** further provides: (1) that
11 citations be mailed to the registered owner of the vehicle within 10 days after the
12 incident and be accompanied by a picture of the driver; (2) for procedures to be
13 adopted by which the registered owner may have the citation dismissed; and (3)
14 that any local government that wishes to implement a pilot program must provide
15 30 days' notice before commencing the program and must erect signs at
16 intersections which have an automated enforcement system in place. Finally,



* S B 6 1 R 1 *

section 5 prohibits payments to the manufacturer or supplier of the system based on the number of citations issued.

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.

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



* S B 6 1 R 1 *

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

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

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

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

(3) Include or be accompanied by a photograph of the driver;

(4) Be mailed or otherwise delivered to the registered owner of the vehicle within 10 working days after the date of the incident; and

(5) Afford the person cited:

(I) The opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; or

(II) The opportunity to respond by mail within 30 days after the mailing of the citation, by submitting to the court having jurisdiction over the alleged offense, a photocopy of the driver's license of the registered owner and a signed and notarized affidavit stating that the owner was not the driver of the vehicle. A court having jurisdiction over the alleged offense that receives an affidavit and photocopy pursuant to this sub-subparagraph shall dismiss the citation without requiring a court appearance by the registered owner if it finds there is reason to believe the registered owner was not the driver of the vehicle.

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

3. A county, city or local government that wishes to implement a pilot program pursuant to subsection 1 shall:

(a) Coordinate with private entities to provide for a public information campaign regarding the implementation of the pilot program at least 30 days before the commencement of the pilot program; and

(b) Identify the presence of an automated enforcement system by erecting signs which clearly indicate the presence of such a system and which are visible to traffic approaching from all



1 *directions, or erect signs at all major entrances to its jurisdiction,*
2 *including, without limitation, freeways, bridges and state*
3 *highways.*

4 *4. A contract between the county, city or local government*
5 *and a manufacturer or supplier of an automated enforcement*
6 *system must:*

7 *(a) Require the manufacturer or supplier to provide sufficient*
8 *evidence of a traffic violation in a timely manner to facilitate the*
9 *issuance of a citation within the period provided for in paragraph*
10 *(b) of subsection 2; and*

11 *(b) Provide that the manufacturer or supplier must not*
12 *receive:*

13 *(1) Any payments or compensation based on the number of*
14 *citations issued; or*

15 *(2) A percentage of the revenue generated as a result of the*
16 *use of the automated enforcement system.*

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

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

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

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

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

31 *484.910 ~~1A~~ Except as otherwise provided in sections 2 to 6,*
32 *inclusive, of this act, a governmental entity and any agent thereof*
33 *shall not use photographic, video or digital equipment for gathering*
34 *evidence to be used for the issuance of a traffic citation for a*
35 *violation of this chapter unless the equipment is held in the hand or*
36 *installed temporarily or permanently within a vehicle or facility of a*
37 *law enforcement agency.*

38 **Sec. 8. 1. This act becomes effective upon passage and**
39 **approval.**

40 **2. Section 5 of this act expires by limitation on June 30, 2011.**

