

Amendment No. 53

Senate Amendment to Senate Bill No. 61 (BDR 43-330)

Proposed by: Senate Committee on Transportation and Homeland Security**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

CAF/SGW



Date: 4/11/2007

S.B. No. 61—Provides for a pilot program for local governments to use certain automated systems for the enforcement of traffic laws.
(BDR 43-330)



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 5 further provides: (1) that citations be mailed to the registered owner of the vehicle within 10 days after the incident and be accompanied by a picture of the driver; (2) for procedures to be adopted by which the registered owner may have the citation dismissed; and (3) that any local government that wishes to implement a pilot program must provide 30 days' notice before commencing the program and must erect signs at intersections which have an automated enforcement system in place. Finally, 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

(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; ~~and~~

(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)~~ (5) Afford the person cited:

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

(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

1 signed and notarized affidavit stating that the owner was not the driver of the
2 vehicle. A court having jurisdiction over the alleged offense that receives an
3 affidavit and photocopy pursuant to this sub-subparagraph shall dismiss the
4 citation without requiring a court appearance by the registered owner if it finds
5 there is reason to believe the registered owner was not the driver of the vehicle.

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

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

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

14 (b) Identify the presence of an automated enforcement system by erecting
15 signs which clearly indicate the presence of such a system and which are visible
16 to traffic approaching from all directions, or erect signs at all major entrances to
17 its jurisdiction, including, without limitation, freeways, bridges and state
18 highways.

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

21 (a) Require the manufacturer or supplier to provide sufficient evidence of a
22 traffic violation in a timely manner to facilitate the issuance of a citation within
23 the period provided for in paragraph (b) of subsection 2; and

24 (b) Provide that the manufacturer or supplier must not receive:

25 (1) Any payments or compensation based on the number of citations
26 issued; or

27 (2) A percentage of the revenue generated as a result of the use of the
28 automated enforcement system.

29 Sec. 6. The Department of Transportation shall:

30 1. Establish and maintain a clearinghouse of information on matters
31 relating to the use of automated enforcement systems;

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

37 3. On or before ~~April~~ January 1 of each odd-numbered year, submit to the
38 Director of the Legislative Counsel Bureau for distribution to each regular
39 session of the Legislature a report on the use of automated enforcement systems.

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

41 484.910 ~~[A]~~ Except as otherwise provided in sections 2 to 6, inclusive, of
42 this act, a governmental entity and any agent thereof shall not use photographic,
43 video or digital equipment for gathering evidence to be used for the issuance of a
44 traffic citation for a violation of this chapter unless the equipment is held in the
45 hand or installed temporarily or permanently within a vehicle or facility of a law
46 enforcement agency.

47 Sec. 8. 1. This act becomes effective upon passage and approval.

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