

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/30/23

A Bill

SENATE BILL 481

By: Senator K. Hammer
By: Representative L. Fite

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF
AN AUTOMATED ENFORCEMENT DEVICE; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE OPERATION
OF AN AUTOMATED ENFORCEMENT DEVICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-52-110 is amended to read as follows:

27-52-110. Automated enforcement device operated by county government
or department of state government operating outside municipality –
Definitions.

(a) As used in this section:

(1) "Automated enforcement device" means a system operated by a
county government or a department of state government that is operating
outside of a municipality that:

(A) Uses a ~~photo-radar~~ device that is capable of detecting
a speeding violation; and

(B) Photographs or records an image of the vehicle used in
committing the violation, the operator of the vehicle, or the license plate
of the vehicle; ~~and~~

(2) "Highway work zone" means the area upon or adjacent to a
controlled-access highway of this state where construction, reconstruction,
or maintenance work is performed; and



(3) “Municipality” means a city of the first class, a city of the second class, or an incorporated town.

(b) Except as used under subsection (c) of this section, an automated enforcement device shall not be used by a law enforcement agency of a county or a department of state government that is operating outside of a municipality to detect or enforce:

(1) A violation of the traffic laws, rules, or regulations of the State of Arkansas; or

(2) An ordinance of the municipality.

(c)(1) A county government or a department of state government that is operating outside of a municipality may use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances:

(A) In a school zone; ~~or~~

(B) At a railroad crossing; or

(C) In a highway work zone.

(2) If a county or a department of state government that is operating outside of a municipality uses an automated enforcement device, then a certified law enforcement officer must+

~~(A) Be present with the automated enforcement device; and~~

~~(B) Issue issue the citation to the violator at the time and place of the violation.~~

(d) This section shall not prevent the Arkansas Highway Police Division of the Arkansas Department of Transportation from using automated enforcement devices to enforce state or federal motor carrier laws.

(e) Automated enforcement device data that is not related to an active criminal or civil investigation shall not be retained by a county government or a department of state government.

SECTION 2. Arkansas Code § 27-52-111 is amended to read as follows:

27-52-111. Automated enforcement device operated by municipality or department of state government operating within boundaries of municipality – Definitions.

(a) As used in this section:

(1) “Automated enforcement device” means a system operated by a municipality or a department of state government that is operating within the boundaries of the municipality that:

(A) Uses a ~~photo-radar~~ device that is capable of detecting a speeding violation; and

(B) Photographs or records an image of the vehicle used in committing the violation, the operator of the vehicle, or the license plate of the vehicle; ~~and~~

(2) "Highway work zone" means the area upon or adjacent to a controlled-access highway of this state where construction, reconstruction, or maintenance work is performed; and

(3) "Municipality" means a city of the first class, a city of the second class, or an incorporated town.

(b) Except as used under subsection (c) of this section, an automated enforcement device shall not be used by a law enforcement agency of a municipality or a department of state government that is operating within the boundaries of the municipality to detect or enforce:

(1) A violation of the traffic laws, rules, or regulations of the State of Arkansas; or

(2) An ordinance of the municipality.

(c)(1) A municipality or a department of state government that is operating within the boundaries of the municipality may use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances:

(A) In a school zone; ~~or~~

(B) At a railroad crossing; or

(C) In a highway work zone.

(2) If a municipality or a department of state government that is operating within the boundaries of the municipality uses an automated enforcement device, then a certified law enforcement officer must+

~~(A) Be present with the automated enforcement device; and~~

~~(B) Issue~~ issue the citation to the violator at the time ~~and place~~ of the violation.

(d) This section shall not prevent the Arkansas Highway Police Division of the Arkansas Department of Transportation from using automated enforcement devices to enforce state or federal motor carrier laws.

(e) Automated enforcement device data that is not related to an issued traffic citation or warning or an active criminal or civil investigation shall not be retained by a municipality or a department of state government.

/s/K. Hammer

APPROVED: 4/11/23