

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1858

By: Representative Richardson

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF AN AUTOMATED ENFORCEMENT DEVICE BY A MUNICIPALITY OR DEPARTMENT OF STATE GOVERNMENT OPERATING WITHIN THE BOUNDARIES OF A MUNICIPALITY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE OPERATION OF AN AUTOMATED ENFORCEMENT DEVICE BY A MUNICIPALITY OR DEPARTMENT OF STATE GOVERNMENT OPERATING WITHIN THE BOUNDARIES OF A MUNICIPALITY.

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

SECTION 1. 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 or a violation of an official traffic control device or official traffic control signal; 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) "Municipality" means a city of the first class, a city of the second class, or an incorporated town;

(3) "Official traffic control device" means a sign, signal, marking, or device placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic; and

(4) "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

~~(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.~~

~~(e)(1)(b)~~ 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.~~

~~(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 the citation to the violator at the time and place of the violation.~~

(c) Upon conviction for a traffic violation detected solely by an automated enforcement device, the penalty imposed:

(1) May include any fine authorized by law for the specific traffic violation; and

(2) Shall not include or result in the assessment of points against a driver's license to operate a motor vehicle.

(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.