

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1859

By: Representative Cavenaugh

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE USE OF  
AUTOMATED ENFORCEMENT DEVICES; TO AUTHORIZE THE USE  
OF AUTOMATED ENFORCEMENT DEVICES IN HIGHWAY WORK  
ZONES; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING THE USE OF  
AUTOMATED ENFORCEMENT DEVICES; TO  
AUTHORIZE THE USE OF AUTOMATED ENFORCEMENT  
DEVICES IN HIGHWAY WORK ZONES.

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

SECTION 1. Arkansas Code § 27-52-110(c), concerning the use of an automated enforcement device operated by a county government or department of state government outside of a municipality, is amended to read as follows:

(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.

(2) A law enforcement officer of the Arkansas Highway Police Division of the Arkansas Department of Transportation who is operating outside of a municipality may use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances in a highway work zone when construction personnel are present in the highway work zone.

(3) 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~~ shall:

- (A) Be present with the automated enforcement device; and
- (B) Issue the citation to the violator at the time and place of the violation.

SECTION 2. Arkansas Code § 27-52-110, concerning the use of an automated enforcement device operated by a county government or department of state government outside of a municipality, is amended to add an additional subsection to read as follows:

(e) As used in this section:

(1) "Construction personnel" means employees of the Arkansas Department of Transportation or the counties or the municipalities of this state or any contractors of the State Highway Commission or the counties or municipalities;

(2) "Highway work zone" means any area upon or adjacent to any highway, road, or street of this state where construction, reconstruction, maintenance, or any other type of work is being performed or is in progress by employees of the Arkansas Department of Transportation, the counties or the municipalities of this state, or any contractors of the State Highway Commission or the counties or municipalities; and

(3) "Law enforcement officer" means any member of the Division of Arkansas State Police or the Arkansas Highway Police Division of the Arkansas Department of Transportation and any other certified law enforcement officer employed full time by the State of Arkansas or any political subdivision of the State of Arkansas.

SECTION 3. Arkansas Code § 27-52-111(c), concerning the use of an automated enforcement device operated by a county government or department of state government operating within the boundaries of a municipality, is amended to read as follows:

(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.

(2) A law enforcement officer of the Arkansas Highway Police Division of the Arkansas Department of Transportation who 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 in a highway work zone when construction personnel are present in the highway work zone.

(3) 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~~ shall:

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

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

SECTION 4. Arkansas Code § 27-52-111, concerning the use of an automated enforcement device operated by a county government or department of state government within the boundaries of a municipality, is amended to add an additional subsection to read as follows:

(e) As used in this section:

(1) "Construction personnel" means employees of the Arkansas Department of Transportation or the counties or the municipalities of this state or any contractors of the State Highway Commission or the counties or municipalities;

(2) "Highway work zone" means any area upon or adjacent to any highway, road, or street of this state where construction, reconstruction, maintenance, or any other type of work is being performed or is in progress by employees of the Arkansas Department of Transportation, the counties or the municipalities of this state, or any contractors of the State Highway Commission or the counties or municipalities; and

(3) "Law enforcement officer" means any member of the Division of Arkansas State Police or the Arkansas Highway Police Division of the Arkansas Department of Transportation and any other certified law enforcement officer employed full time by the State of Arkansas or any political subdivision of the State of Arkansas or court personnel in Arkansas.