

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 455

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “on a highway”; strike beginning with “establishing” in line 6 down through “time;” in line 10 and substitute “requiring the use of a speed monitoring system in a local jurisdiction to be authorized by the governing body by ordinance or resolution; requiring a local jurisdiction to publish a certain notice before placing a certain speed monitoring system; prohibiting the placement of a speed monitoring system in certain locations; requiring a speed monitoring system operator to receive certain training and to keep a certain log; requiring a speed monitoring system to undergo a certain annual calibration check;”; and in line 19, after “Court;” insert “requiring an individual to notify the court and the local jurisdiction if the individual requests a speed monitoring system operator to testify at trial;”.

AMENDMENT NO. 2

On page 5, in line 28, after “IDENTIFYING” insert “:

1.”;

and in line 29, after “VEHICLE” insert “; AND

2. A STATIONARY OBJECT NEAR THE MOTOR VEHICLE”.

AMENDMENT NO. 3

On page 6, in line 1, after “(1)” insert “THE GOVERNING BODY OF A LOCAL JURISDICTION SHALL AUTHORIZE, BY ORDINANCE OR RESOLUTION, THE USE OF A SPEED MONITORING SYSTEM WITHIN THE JURISDICTION IN ACCORDANCE WITH THIS SECTION.

(2)”;

(Over)

in line 2, strike “WHICH” and substitute “THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION AND”; strike beginning with “CALIBRATED” in line 2 down through “AND” in line 3; and in line 3, after “PLACED” insert “, IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION”.

#### AMENDMENT NO. 4

On page 6, in line 6, after the semicolon insert “OR”; and strike beginning with the semicolon in line 8 down through “DENIAL” in line 22.

#### AMENDMENT NO. 5

On page 6, after line 22, insert:

“(3) BEFORE PLACING AN UNMANNED STATIONARY SPEED MONITORING SYSTEM, THE LOCAL JURISDICTION SHALL PUBLISH NOTICE OF THE LOCATION IN A NEWSPAPER IN GENERAL CIRCULATION IN THE JURISDICTION.

(4) WHEN DETERMINING AN APPROPRIATE LOCATION FOR THE PLACEMENT OF A SPEED MONITORING SYSTEM IN A RESIDENTIAL DISTRICT, AN AGENCY MAY NOT PLACE A CAMERA WITHIN 100 FEET FROM:

(I) THE BOTTOM OF A HILL OR STEEP DECLINE; OR

(II) A SIGN INDICATING A CHANGE IN THE POSTED SPEED LIMIT.”.

#### AMENDMENT NO. 6

On page 5, after line 33, insert:

“(6) “SPEED MONITORING SYSTEM OPERATOR” MEANS AN INDIVIDUAL WHO OPERATES A SPEED MONITORING SYSTEM.”.

On page 6, before line 23, insert:

“(5) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL RECEIVE TRAINING TO SET UP AND OPERATE THE SPEED MONITORING SYSTEM BY A MANUFACTURER OF SPEED MONITORING SYSTEMS.

(II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE SPEED MONITORING SYSTEM OPERATOR UPON COMPLETION OF THE TRAINING.

(III) THE CERTIFICATE OF TRAINING IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

(6) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT AND SIGN AT SETUP AND BREAKDOWN A LOG:

1. FOR A STATIONARY UNIT, DAILY; AND
2. FOR A MOBILE UNIT, EACH TIME THE SPEED MONITORING SYSTEM IS RELOCATED.

(II) THE LOG REQUIRED UNDER THIS PARAGRAPH SHALL:

1. INCLUDE A STATEMENT THAT THE SPEED MONITORING SYSTEM OPERATOR SUCCESSFULLY PERFORMED THE MANUFACTURER'S SPECIFIED SELF-TEST;
2. BE KEPT ON FILE; AND
3. IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

(7) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY.

(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK THAT:

1. SHALL BE KEPT ON FILE; AND

2. IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.”.

On page 8, in line 8, after “OCCURRED” insert “AND THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED”; in line 12, after “SECTION” insert “WITHOUT THE PRESENCE OR TESTIMONY OF A SPEED MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION”; and in line 13, after “(2)” insert:

“(I) A CITATION ISSUED TO AN INDIVIDUAL UNDER THIS SECTION SHALL CONTAIN NOTICE OF THE RIGHT TO HAVE A SPEED MONITORING SYSTEM OPERATOR PRESENT TO TESTIFY AT TRIAL.

(II) IF AN INDIVIDUAL REQUESTS A SPEED MONITORING SYSTEM OPERATOR TO BE PRESENT TO TESTIFY AT TRIAL, THE INDIVIDUAL SHALL NOTIFY THE COURT AND THE LOCAL JURISDICTION IN WRITING NO LATER THAN 20 DAYS BEFORE THE TRIAL.

(3)”.

AMENDMENT NO. 7

On page 6, in line 29, strike “MAY NOT EXCEED \$100” and substitute “:

(I) MAY NOT EXCEED \$100; AND

(II) SHALL BE THE LOWER OF THE FINE SET BY THE DISTRICT COURT IN THE PENALTY DEPOSIT SCHEDULE OR BY THE LOCAL JURISDICTION UNDER THIS SECTION”.

AMENDMENT NO. 8

On page 7, in line 11, strike “THE” and substitute “AT LEAST TWO SUCCESSIVE”; and in the same line, strike “IMAGE” and substitute “IMAGES OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES INFORMATION SUCH AS THE RATE OF SPEED OF THE VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED”.

AMENDMENT NO. 9

On page 7 in line 14, and on page 8 in line 8, in each instance, strike “DULY AUTHORIZED AGENT OF” and substitute “POLICE OFFICER EMPLOYED BY”.

On page 7 in line 15, and on page 8 in line 9, in each instance, after “AGENCY” insert “OR A DESIGNATED MUNICIPAL OFFICIAL”.

AMENDMENT NO. 10

On page 9, strike beginning with “(II)” in line 1 down through “VIOLATION;” in line 3; and in line 4, strike “(III)” and substitute “(II)”.