

**House Judiciary Criminal Practice Subcommittee Amendment No. 1 as amended by Amendment No. 1**

**Amendment No. 1 to HB1494**

**Buck  
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**AMEND Senate Bill No. 1763**

**House Bill No. 1494\***

by deleting all the amendatory language in Section 1 and replacing it with the following:

Section 55-10-209 (a). A pilot project to determine the usefulness and effectiveness of automation assisted traffic law enforcement is authorized for the cities of Germantown, Maryville, Collierville, Jackson and Chattanooga. These municipalities may use automation to assist in enforcing ordinances regulating stopping at railroad crossings and at street or road intersections with automated signals as authorized in this section.

(b) As used in this section, "automated enforcement system" means any system using camera or video devices that photographically records a driver's responses to a rail crossing signal or crossing gate, or both, or to an official traffic control signal and that automatically produces a photograph or tape of the vehicle, along with the date, time of day, and location of the violation printed on the photograph or tape.

(c)

(1) Automated enforcement systems may be used:

(A) At railroad crossings; and

(B) At street or road intersections with automated signals.

(2) The restrictions under subdivision (1) do not apply when information gathered is used to issue warning citations not involving a fine, court appearance, or a person's driving record.

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(d) Before an automated enforcement system may be used for traffic enforcement, it must be certified by the manufacturer as calibrated to produce accurate results and correctly installed.

(e) Photographs or tapes by an automated enforcement system must be of the vehicle's license plate and must be of sufficient quality to identify the vehicle's registration number.

(f) Photographs or tapes produced by an automated enforcement system shall be accepted as prima facie evidence of the alleged traffic ordinance violation in any court or legal proceeding when a representative of the appropriate law enforcement agency, the contractor who activated the equipment, or other credible witness testifies as to the placement and accuracy of the equipment and the accuracy of the scene depicted.

(g) In the prosecution of a traffic ordinance violation using evidence produced by an automated enforcement system, proof that the vehicle described in the citation was used in the violation, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, creates a rebuttable presumption that the registered owner of the vehicle was the person who committed the ordinance violation. This rebuttable presumption does not apply when the registered owner of the vehicle is a rental or leasing company. When a rental or leasing company is informed of the citation, the company shall inform the appropriate law enforcement agency of the identity of the lessee.

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(h) Ordinance citations based upon evidence produced by an automated enforcement system may be executed by mailing a copy of the citation by first-class mail to the address of the owner of the vehicle as shown in the records of the department of safety. If the cited person fails to appear on the date set, the citation shall be executed as any other traffic ordinance citation. No contempt or arrest proceedings may be initiated for failure to appear as ordered in a citation mailed as authorized in this subsection.

(i) The governmental entity holding photographic or taped evidence produced by an automated system may dispose of the photograph or tape after the outcome of the case has been finally determined.

(j) An automated enforcement system may not be used by municipalities in the pilot project to enforce state traffic law violations.

SECTION 2. Municipalities participating in this pilot project shall report to the Speaker of the Senate and the Speaker of the House of Representatives by January 1, 2002 on results of the use of automated enforcement systems. The reports shall include statistics indicating any increase in safety to the public and to police officers produced by the system's use.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.