

SENATE BILL 1763
By Clabough

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 2, relative to automation-assisted traffic law.

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

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 2, is amended by adding the following as a new section:

Section 55-10-209. (a) 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, or that automatically produces a photograph or tape of a vehicle traveling in excess of the legal speed limit, along with the date, time of day, and location of the violation printed on the photograph or tape, and in cases of speed violations, the vehicle's recorded speed.

(b) (1) Automated enforcement systems may be used:

(A) In school zones;

(B) At railroad crossings;

(C) At street or road intersections with automated signals; and

(D) To detect speed violations other than in school zones, on any street or road where signs are posted at reasonable intervals providing notice to a motorist that an automated enforcement system may be used.

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

(c) Before an automated enforcement system may be used for traffic enforcement, the Tennessee department of safety must certify that the system meets performance specifications and test protocols established by the department. Certification must be renewed annually, either on or before the anniversary of the preceding certification.

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

(e) Photographs or tapes produced by an automated enforcement system shall be accepted as prima facie evidence of the alleged traffic 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.

(f) In the prosecution of a traffic 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 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.

(g) 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 citation. No contempt or arrest proceedings may be initiated for failure to appear as ordered in a citation mailed as authorized in this subsection.

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

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.