

Amendment No. 19 to HB2875

McCord
Signature of Sponsor

AMEND Senate Bill No. 3586

House Bill No. 2875*

by deleting the last section of the bill and by substituting instead the following:

SECTION _____. Tennessee Code Annotated, Section 55-8-198, is amended by adding the following new subsections:

() After January 1, 2011, no local government may place or operate a traffic enforcement surveillance camera on any highway that is maintained using state funds unless the location for such placement has been adopted by ordinance, in the case of a municipality, or by a resolution in the case of a county; following at least two (2) public hearings on different days before the legislative body.

() Notwithstanding any provision of law to the contrary, no traffic citation that is based solely upon evidence obtained from a traffic enforcement surveillance camera shall be reported to the department of safety or used by any insurance provider or credit reporting agency for any purpose.

SECTION _____. Tennessee Code Annotated, Section 55-8-198, is further amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) A traffic citation that is based solely upon evidence obtained from a surveillance camera that has been installed to enforce or monitor traffic violations shall be considered a non-moving traffic violation, subject only to imposition of a fine not to exceed fifty dollars (\$50.00) and court costs. Court costs shall not be assessed against any person who pays the fine prescribed in this section in a timely manner unless court action is first taken. An additional penalty may be assessed if a second notice is sent by first class mail pursuant to subsection (b), provided such penalty is in accordance with the penalty assessed for other non-

moving violations. Under no circumstances shall the cumulative amount of penalties exceed the original amount of the fine.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION _____. This act shall take effect upon becoming law, the public welfare requiring it. The first SECTION_____ added by Amendment # 18986 shall take effect on January 1, 2011 and shall apply to traffic citations issued on or after such date. The second SECTION_____ added by Amendment # 18986 shall take effect on July 1, 2011, the public welfare requiring it.