

A bill for an act

relating to motor vehicles; authorizing automatic enforcement of official traffic-control devices; requiring report to the legislature; amending Minnesota Statutes 2006, sections 169.01, by adding subdivisions; 169.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 93. **Automated traffic law enforcement system.** "Automated traffic law enforcement system" means an electronic system consisting of one or more cameras and one or more motor vehicle sensors, which are installed to work in conjunction with an official traffic-control signal and designed to produce recorded images of motor vehicles entering an intersection or turning at an intersection in violation of an official traffic-control signal.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 94. **Recorded images.** "Recorded images" means images recorded by an automated traffic law enforcement system on (1) two or more photographs, (2) two or more microphotographs, (3) a videotape, or (4) any other electronic medium.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2006, section 169.06, is amended by adding a subdivision to read:

Subd. 4a. **Violation; penalty for owner or lessee.** (a) If a motor vehicle is operated in violation of subdivision 4 and the violation is detected through the use of an automated traffic law enforcement system, the owner of the vehicle or the lessee of the vehicle is guilty of a petty misdemeanor.

(b) This subdivision does not apply to:

(1) an owner who provides to a local police authority a police report documenting that the motor vehicle operated in violation of subdivision 4 was stolen;

(2) a lessor of a motor vehicle operated in violation of subdivision 4, who provides a written lease agreement documenting the name and address of the lessee; or

(3) an owner who provides to a local police authority documentation of a transfer of interest in the motor vehicle operated in violation of subdivision 4, if the transfer occurred before the violation and complies with section 168A.10.

(c) This subdivision does not prohibit or limit the prosecution of the driver of a motor vehicle for a violation of subdivision 4.

(d) The owner or lessee of a motor vehicle operated in violation of subdivision 4 may not be convicted under this subdivision if the driver of the motor vehicle is convicted as defined in section 171.01, subdivision 29, for the same violation.

(e) A violation under this subdivision does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license and may not be recorded by the Department of Public Safety on the violator's driving record.

EFFECTIVE DATE. This section is effective the day following final enactment, and expires on July 31, 2010.

Sec. 4. **[169.062] SIGNAL VIOLATION DETECTED WITH AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM.**

Subdivision 1. **Local authority.** (a) Any local authority may implement a program to allow police officers to issue a citation to a motor vehicle owner or lessee when a motor vehicle is operated in violation of section 169.06, subdivision 4, and that violation is detected through the use of an automated traffic law enforcement system.

(b) A program established under this section must:

(1) be limited to the enforcement of official traffic-control devices;

(2) require inspection and certification by a police officer of the recorded images before a citation may be issued;

(3) provide that citations issued pursuant to section 169.06, subdivision 4a, may be issued through the United States mail and, if mailed, must be postmarked within 21 days of the violation;

(4) require signage notifying drivers that an automated traffic law enforcement system is in place to detect traffic signal violations. All signage required by this subdivision must be placed and maintained in conformity with the requirements of section 169.06, subdivision 3; and

(5) require a local authority, before installing cameras and sensors at an intersection, to conduct an engineering review of the intersection that:

(i) identifies safety problems in the intersection;

(ii) determines that an automated enforcement system is an appropriate solution for the safety problems identified; and

(iii) determines whether measures such as road improvement, improved signal visibility, or traffic signal timing changes would be appropriate solutions for the identified safety problems.

Subd. 2. **Fines.** (a) Any local authority participating in the program shall impose a fine for a violation of section 169.06, subdivision 4a, that is equal to the fine for a violation of section 169.06, subdivision 4. Of the fines collected for a violation of section 169.06, subdivision 4a, 2.3 percent must be deposited in the emergency medical services system fund under section 144E.50, and the remainder must be credited to the general revenue fund of the local authority where the violation occurred. The court shall impose the fees and surcharges provided by law.

(b) A municipality receiving fine proceeds under this subdivision must use at least one-half of the funds for law enforcement personnel. The funds must be used to supplement but not supplant any existing public safety funding.

(c) Funds in the emergency medical services system fund under this subdivision must be used to create and fund ongoing programs to recruit and retain ambulance personnel and support the infrastructure of the emergency medical services response system. All policy decisions on programs funded under this subdivision must be made by the individual regional boards.

Subd. 3. **Data.** A contract with a private person to establish and operate a program pursuant to this section must comply with section 13.05, subdivision 11. The private person may use the data gathered only for purposes of operating and administering the program.

Subd. 4. **Contract.** A contract with a private entity for operation of a program under this section must not base payment to the private entity on the number of citations issued.

4.1 Subd. 5. **Data; report.** A local authority that implements a program under this
4.2 section must collect and report to the chairs of the legislative committees with jurisdiction
4.3 over public safety, aggregate data on the program, including the number of citations
4.4 issued and accidents before and after the program is implemented, and revenues and
4.5 expenditures associated with the program.

4.6 The report is due January 15, 2011.

4.7 **EFFECTIVE DATE.** This section is effective the day following final enactment,
4.8 and expires on July 31, 2010, except that subdivision 5 expires January 16, 2011.