KRB/LN

22-07622

SENATE STATE OF MINNESOTA NINETY-SECOND SESSION

S.F. No. 4569

(SENATE AUTHORS: MARTY, Johnson Stewart and Kent)					
DATE	D-PG	OFFICIAL STATUS			
05/03/2022	7842	Introduction and first reading			
		Referred to Transportation Finance and Policy			

1.1	A bill for an act
1.2 1.3 1.4	relating to public safety; authorizing the use of automated traffic enforcement systems for certain speed violations; imposing a petty misdemeanor penalty; proposing coding for new law in Minnesota Statutes, chapter 169.
1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. [169.142] AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS;
1.7	CERTAIN SPEED VIOLATIONS.
1.8	Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.9	the meanings given.
1.10	(b) "Automated traffic enforcement system" or "system" means an electronic system
1.11	consisting of one or more cameras and one or more motor vehicle sensors which is used to
1.12	enforce specified traffic laws.
1.13	(c) "Local government" means a county, city, or town.
1.14	(d) "Owner" means the registered owner of a vehicle except, for a leased vehicle, owner
1.15	means the lessee of the vehicle.
1.16	Subd. 2. Speeds of 20 miles per hour or more in excess of speed limit. (a) The owner
1.17	of a vehicle is guilty of a petty misdemeanor when the owner's vehicle is operated at a speed
1.18	of 20 miles per hour or more in excess of a speed limit established in section 169.06.
1.19	(b) A peace officer must not issue a citation to the owner if the owner or another person
1.20	is convicted of or cited for a violation of chapter 169 or 609 arising out of the incident
1.21	captured by the automated traffic enforcement system.

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2.1	(c) Parag	graph (a) does not p	rohibit or limit t	he prosecution of a motor	vehicle operator
2.2	<u> </u>	on of section 169.06			•
2.3	(d) A violation under paragraph (a) does not constitute grounds for revocation or				
2.4	suspension of	of the owner's or les	see's driver's lic	ense.	
2.5	(e) This	section does not ap	oly to emergenc	y or law enforcement vehic	eles.
2.6	(f) Wher	n a local governmen	t has adopted th	e use of automated traffic of	enforcement
2.7			•	enforce this section using	
2.8	traffic enfor	cement system as d	escribed in this	section.	
2.9	Subd. 3.	Automated traffic	enforcement s	ystem requirements. (a) A	any automated
2.10	traffic enfor	cement system used	l by a governme	nt must:	
2.11	<u>(1) detec</u>	et and record the spe	ed of the vehicl	<u>e;</u>	
2.12	<u>(2)</u> produ	uce a recording, eith	ner by a series o	f photographs or video reco	ording, of the
2.13	motor vehic	le; and			
2.14	<u>(3) recor</u>	d the license plate of	of the vehicle.		
2.15	<u>(b) A loc</u>	al government may	authorize the us	e of automated traffic enfor	rcement systems
2.16	within the lo	ocal government's ju	urisdiction as pr	ovided in subdivision 4.	
2.17	<u>(c)</u> In a l	ocal government th	at implements tl	ne use of automated traffic	enforcement
2.18	systems, pea	ace officers must rev	iew the recordin	gs captured by the system.	lf a peace officer
2.19	determines t	there was a violation	and a citation s	hould be issued to the owne	er of the vehicle,
2.20	the peace of	ficer must use the li	cense plate of th	e vehicle to determine the r	registered owner
2.21	and issue the	e citation to that per	son. If a peace	officer issues a citation, the	officer must
2.22	issue the cit	ation within ten cale	endar days of th	e violation. When a citation	n is issued, the
2.23	peace office	r must also provide	to the owner a c	copy of the recording or ph	otographs of the
2.24	violation. A	peace officer may i	ssue a citation to	an owner through the Uni	ted States Postal
2.25	Service. If a	citation is mailed, t	he peace officer	must mail the citation to th	e address on the
2.26	vehicle regis	stration and it must	be postmarked	within ten calendar days of	the violation.
2.27	Subd. 4.	Implementation. (a) Prior to imple	ementing the use of automa	ated traffic
2.28	enforcement	t systems, the gover	mment must hol	d a public hearing on the su	ubject and must
2.29	allow for me	embers of the public	e to comment. F	or the first 30 days after im	plementing the
2.30	use of auton	nated traffic enforce	ement systems, p	beace officers must not issu	e citations for
2.31	violations of	f this section, but m	ay issue warnin	gs.	

1.1 (b) A local government that implements the use of automated traffic enforcement systems. 1.2 must adopt an ordinance to govern the use of the automated traffic enforcement systems. 1.3 At a minimum, the ordinance must include: 1.4 (1) the process of collecting the data recorded by the system and how the data will be 1.5 reviewed by peace officers; 1.6 (2) the process for issuing citations; 1.7 (3) procedures for tasting and maintaining the system to ensure the system's accuracy; 1.8 (4) procedures for tracting and maintaining the system to ensure the system's accuracy; 1.9 and 1.10 (c) A local government must place appropriate signs in areas where automated traffic 1.11 enforcement systems are in use to notify drivers of their use. 1.12 (c) A local government may use automated traffic enforcement systems in school zones, 1.16 construction zones, or any other area determined by the local government to be necessary. 1.16 pefore installing an automated traffic enforcement system in an area other than a school 1.17 zone or construction zone, the local government must first: 1.18 (1) determine that high speed is frequently a safety concern in the area; 1.20<		
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3.30 are private data on individuals, as defined in section 13.02, subdivision 12, subject to the	3.29	Subd. 5. Data. Data collected through the use of an automated traffic enforcement system
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3.31 <u>following:</u>	3.31	following:

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as introduced

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	04/28/22	REVISOR	KRB/LN	22-07622	as introduced
4.1	<u>(1) if the</u>	individual reques	ts a copy of the rec	ording, data on other ind	ividuals who do
4.2	not consent	to the data's releas	e must be redacted	from the copy;	
4.3	<u>(2) data</u>	that are the subject	t of a violation und	er this section may be dis	sclosed to a law
4.4	enforcemen	t agency;			
4.5	<u>(3) data</u>	that are criminal ir	vestigative data ar	re governed by section 13	.82, subdivision
4.6	<u>7; and</u>				
4.7	<u>(4) section</u>	on 13.04, subdivisi	ion 2, does not app	ly to collection of the dat	<u>a.</u>
4.8	Sec. 2. <u>LF</u>	GISLATIVE FIN	NDINGS AND PU	RPOSE.	
4.9	The legis	slature finds and de	clares that the incre	ase in the number and seve	erity of violations
4.10	of state traff	fic laws, especially	the instances of d	rivers driving at very high	n speeds, is a
4.11	serious threa	at to the public. The	e legislature acknow	wledges that high-speed p	olice chases also
4.12	present dang	gers to the public a	nd are not always s	successful in detaining the	e driver. The use
4.13	of automate	d traffic enforceme	nt cameras is one w	vay to assist law enforcem	ent in combating

very high-speed driving without the necessity of high-speed chases.

4.14