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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4420

03/12/2020 Authored by Bernardy The bill was read for the first time and referred to the Transportation Finance and Policy Division

1.1 A bill for an act
1.2 relating to transportation; establishing a work zone safety pilot program;
1.3 establishing a penalty; appropriating money.

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

1.5 Section 1. WORK ZONE SAFETY PILOT PROGRAM.

1.6 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.7 the meanings given.

1.8 (b) "Automated enforcement system" means an electronic system of cameras or other
1.9 sensors that is designed to automatically produce recorded images of a motor vehicle operated
1.10 in violation of the speed limit.

1.11 (c) "Automated speed enforcement data" means government data, as defined in Minnesota
1.12 Statutes, section 13.02, subdivision 7, derived from an automated enforcement system under
1.13 this section.

1.14 (d) "Commissioner" means the commissioner of transportation.

1.15 (e) "Work zone" has the meaning given in Minnesota Statutes, section 169.011,
1.16 subdivision 95.

1.17 Subd. 2. Pilot program established. The commissioner of transportation, in coordination
1.18 with the commissioner of public safety, must implement a work zone safety pilot program
1.19 that provides for education and enforcement of speeding violations in a work zone through
1.20 the use of automated enforcement systems and issuance of administrative citations.

2.1 Subd. 3. **General requirements.** (a) The commissioner must begin pilot program field
2.2 operations during the construction seasons from May 2021 through October 2022.

2.3 (b) The pilot program must include establishment of an automated enforcement system
2.4 in eight work zones. Each work zone must be on a trunk highway located in the Department
2.5 of Transportation Metro District where workers are present. The work zone speed limit at
2.6 each location must be at least 45 miles per hour.

2.7 (c) The pilot program must include:

2.8 (1) training and qualification of individuals to inspect and calibrate an automated
2.9 enforcement system;

2.10 (2) initial calibration of the automated enforcement system prior to deployment;

2.11 (3) inspection and any necessary calibration of the automated enforcement system on a
2.12 daily basis by a qualified individual that ensures, at a minimum:

2.13 (i) accuracy of speed measurement; and

2.14 (ii) reliability in only identifying applicable speed violations;

2.15 (4) placement of conspicuous signage in conformance with Minnesota Statutes, section
2.16 169.06, to notify drivers that an automated enforcement system is in place to detect speeding
2.17 violations; and

2.18 (5) information on a website that, at a minimum, summarizes the pilot program and
2.19 identifies the geographic locations and dates of automated enforcement.

2.20 Subd. 4. **Enforcement.** (a) A peace officer may issue a warning or an administrative
2.21 citation to the owner or lessee of a motor vehicle that an automated enforcement system
2.22 detects is operated in violation of a speed limit in a work zone.

2.23 (b) Use of an automated enforcement system under the pilot program is limited only to
2.24 enforcement within a work zone for vehicle speed that is at least five miles per hour above
2.25 the speed limit.

2.26 (c) A peace officer must only issue a warning for a violation under this section that:

2.27 (1) occurs within the first 30 days of use of an automated enforcement system at each
2.28 pilot program location; or

2.29 (2) is for a speed of less than ten miles per hour in excess of the speed limit.

2.30 (d) Prior to issuing a warning or administrative citation under this section, a peace officer
2.31 must:

3.1 (1) inspect and certify the recorded images produced by an automated enforcement
3.2 system; and

3.3 (2) confirm that at least two recorded images identify (i) the motor vehicle at different
3.4 locations, and (ii) the same fixed object in each of the images.

3.5 Subd. 5. **Administrative citations; requirements.** (a) An administrative citation must
3.6 include notification that the person has the right to contest the citation, basic procedures for
3.7 contesting the citation, and information on the timeline and consequences for failure to
3.8 contest the citation or pay the fine.

3.9 (b) An administrative citation may be issued through the United States mail if postmarked
3.10 within: (1) 14 days of the violation, for a vehicle registered in Minnesota; or (2) 30 days of
3.11 the violation, for a vehicle registered outside of Minnesota.

3.12 Subd. 6. **Administrative citations; disposition.** (a) A person who is issued an
3.13 administrative citation under this section must pay the fine as specified in subdivision 7 or
3.14 contest the citation prior to the due date specified for fine payment. A person who fails to
3.15 either pay the fine or contest the citation within the specified period is considered to have
3.16 waived the contested citation process and is subject to collections.

3.17 (b) The commissioner must provide a civil process for a person to contest the
3.18 administrative citation before a neutral third party. The commissioner may appoint an
3.19 employee to hear and rule on challenges to administrative citations or may contract with
3.20 another unit of government or a private entity to provide the service.

3.21 (c) The commissioner may contract with credit bureaus, public and private collection
3.22 agencies, the Department of Revenue, and other public or private entities providing collection
3.23 services as necessary for the collection of fine debts under this section. As determined by
3.24 the commissioner, collection costs are added to the debts referred to a public or private
3.25 collection entity for collection. Collection costs include the fees of the collection entity and
3.26 may include, if separately provided, skip tracing fees, credit bureau reporting charges, and
3.27 fees assessed by any public entity for obtaining information necessary for debt collection.
3.28 If the collection entity collects an amount less than the total due, the payment is applied
3.29 proportionally to collection costs and the underlying debt.

3.30 Subd. 7. **Administrative citations; penalty; application.** (a) A person who is issued
3.31 an administrative citation under this section must pay a fine of:

3.32 (1) \$50 for a first offense; or

3.33 (2) \$300 for a second or subsequent offense.

4.1 (b) Paragraph (a) does not apply to:

4.2 (1) an owner who provides to the applicable law enforcement agency a police report
4.3 documenting that the identified motor vehicle was stolen;

4.4 (2) a lessor of the identified motor vehicle who provides to the applicable law enforcement
4.5 agency a written lease agreement documenting the name and address of the lessee;

4.6 (3) an owner who provides to the applicable law enforcement agency documentation of
4.7 a transfer of interest in the identified motor vehicle, if the transfer occurred before the
4.8 violation and complies with Minnesota Statutes, section 168A.10; or

4.9 (4) a person who is operating an authorized emergency vehicle, as defined in Minnesota
4.10 Statutes, section 169.011, subdivision 3.

4.11 Subd. 8. **Administrative citations; limitations.** (a) The owner or lessee of a motor
4.12 vehicle operated in violation of a speed limit is not subject to an administrative citation if
4.13 the driver of the motor vehicle is issued an administrative citation for the same violation.

4.14 (b) Issuance of an administrative citation under this section prevents imposition of a
4.15 citation under Minnesota Statutes, section 169.14 or 169.999, for the same conduct.

4.16 (c) A violation under this section does not constitute grounds for revocation or suspension
4.17 of the owner's or lessee's driver's license and may not be recorded by the Department of
4.18 Public Safety on the individual's driving record.

4.19 Subd. 9. **Agreements.** The commissioner may enter into agreements with the
4.20 commissioner of public safety and with a private entity for administration or operation of
4.21 the pilot program. Payment under a contract to a private entity must not be based on the
4.22 number of citations issued.

4.23 Subd. 10. **Consultation.** In design, implementation, data collection, and evaluation of
4.24 the pilot program, the commissioner must consult with representatives from the State Patrol,
4.25 the Minnesota Safety Council, the highway construction industry, organized labor,
4.26 transportation researchers, and other interested stakeholders.

4.27 Subd. 11. **Data practices.** (a) Automated speed enforcement data are private data on
4.28 individuals as defined in Minnesota Statutes, section 13.02, subdivision 12, or nonpublic
4.29 data as defined in Minnesota Statutes, section 13.02, subdivision 9.

4.30 (b) Notwithstanding Minnesota Statutes, section 138.17, automated speed enforcement
4.31 data must be destroyed within 24 hours of collection of the data, unless as a result of

5.1 collection of the data a citation is issued for violation of a speed limit or the data are active
5.2 investigative data.

5.3 (c) A contract with a private entity under subdivision 9 must comply with Minnesota
5.4 Statutes, section 13.05, subdivision 11. The private entity may use the data gathered only
5.5 for purposes of the pilot program.

5.6 Subd. 12. **Use of funds.** Fines collected under this section must be maintained in a
5.7 separate special revenue account. Funds in the account are appropriated to the commissioner
5.8 for the pilot program as follows:

5.9 (1) costs of the Department of Transportation, including for interagency agreements,
5.10 contracts with private entities, and administrative costs; and

5.11 (2) if funds are available following the expenditures under clause (1), work zone safety
5.12 improvements and public education activities.

5.13 Subd. 13. **Evaluation.** (a) The commissioner must arrange an independent evaluation
5.14 of the pilot program. The evaluation must be performed by a nonprofit transportation research
5.15 entity from outside the transportation and public safety departments. At a minimum, the
5.16 evaluation must provide an analysis of the effectiveness of automated enforcement systems
5.17 in supporting construction worker safety and reducing traffic crashes, injuries, and fatalities.

5.18 (b) By December 31, 2022, the commissioner must submit a copy of the evaluation to
5.19 the members and staff of the legislative committees with jurisdiction over transportation
5.20 policy and finance.

5.21 Subd. 14. **Expiration.** The pilot program under this section expires on December 31,
5.22 2022.

5.23 Sec. 2. **WORK ZONE SAFETY; APPROPRIATION.**

5.24 \$..... in fiscal year 2021 is appropriated from the general fund to the commissioner of
5.25 transportation for the work zone safety pilot program under section 1. This is a onetime
5.26 appropriation and is available until June 30, 2023.