

By: Senator(s) Jordan

To: Judiciary

SENATE BILL NO. 2404

1 AN ACT TO CREATE NEW SECTION 63-3-314, MISSISSIPPI CODE OF
2 1972, TO PERMIT THE CITATION FOR A CIVIL VIOLATION UPON VIDEO OR
3 PHOTOGRAPHIC EVIDENCE OF OWNERS AND OPERATORS WHO RUN A RED LIGHT;
4 TO ENACT CERTAIN CONDITIONS AND RESTRICTIONS; TO PROVIDE THAT THE
5 VIOLATION IS A NONMOVING VIOLATION; TO PROVIDE THAT A CONVICTION
6 OR PLEA OF GUILTY SHALL NOT BE ENTERED ON THE PERSON'S DRIVING
7 RECORD; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. The following shall be codified as Section
10 63-3-314, Mississippi Code of 1972:

11 63-3-314. **Traffic control signal monitoring systems.**

12 (1) For the purposes of this section, the following words
13 have the meanings indicated:

14 (a) "Agency" means:

15 (i) For a traffic control signal operated and
16 maintained at an intersection under the control of the State, the
17 law enforcement agency primarily responsible for traffic control
18 at that intersection; or

19 (ii) For a traffic control signal operated and
20 maintained at an intersection under the control of a political
21 subdivision, a law enforcement agency of the political subdivision
22 that is authorized to issue citations for a violation of Title 63,
23 Chapter 3, Mississippi Code of 1972, or of local traffic laws or
24 regulations.

25 (b) (i) "Owner" means the registered owner of a motor
26 vehicle or a lessee of a motor vehicle under a lease of six (6)
27 months or more.



28 (ii) "Owner" does not include a motor vehicle
29 rental or leasing company or a holder of a motor vehicle dealer
30 tag permit issued under Section 27-19-301.

31 (c) "Recorded images" means images recorded by a
32 traffic control signal monitoring system:

33 (i) On two (2) or more photographs; two (2) or
34 more microphotographs; two (2) or more electronic images;
35 videotape; or any other medium; and

36 (ii) Showing the rear of a motor vehicle and, on
37 at least one (1) image or portion of tape, clearly identifying the
38 license tag number of the motor vehicle.

39 (d) "Traffic control signal monitoring system" means a
40 device with one or more motor vehicle sensors working in
41 conjunction with a traffic control signal to produce recorded
42 images of motor vehicles entering an intersection against a red
43 signal indication.

44 (2) This section applies to a violation of Section 63-3-313
45 at an intersection monitored by a traffic control signal
46 monitoring system.

47 (3) (a) Unless the driver of the motor vehicle received a
48 citation from a police officer at the time of the violation, the
49 owner or, in accordance with subsection (6) of this section, the
50 driver of a motor vehicle is subject to a civil penalty if the
51 motor vehicle is recorded by a traffic control signal monitoring
52 system while being operated in violation of Section 63-3-313.

53 (b) A civil penalty under this subsection may not
54 exceed One Hundred Dollars (\$100.00).

55 (c) For purposes of this section, the Commissioner of
56 Public Safety shall prescribe both a uniform citation form and a
57 civil penalty, which shall be indicated on the citation, to be
58 paid by persons who choose to prepay the civil penalty without
59 appearing in the court to which summoned.



60 (d) An agency shall mail to the owner liable under this
61 section a citation which shall include:

62 (i) The name and address of the registered owner
63 of the vehicle;

64 (ii) The registration number of the motor vehicle
65 involved in the violation;

66 (iii) The violation charged;

67 (iv) The location of the intersection;

68 (v) The date and time of the violation;

69 (vi) A copy of the recorded image;

70 (vii) The amount of the civil penalty imposed and
71 the date by which the civil penalty should be paid;

72 (viii) A signed statement by a technician employed
73 by the agency that, based on inspection of recorded images, the
74 motor vehicle was being operated in violation of Section 63-3-313;

75 (ix) A statement that recorded images are evidence
76 of a violation of Section 63-3-313; and

77 (x) Information advising the person alleged to be
78 liable under this section:

79 1. Of the manner and time and place in which
80 liability as alleged in the citation may be contested in court;
81 and

82 2. Warning that failure to pay the civil
83 penalty or to contest liability in a timely manner is an admission
84 of liability and may result in refusal or suspension of the motor
85 vehicle registration.

86 (e) The agency may mail a warning notice in lieu of a
87 citation to the owner liable under this section.

88 (f) Except as provided in subsection (6) of this
89 section, a citation issued under this section shall be mailed no
90 later than two (2) weeks after the alleged violation.

91 (g) An agency may not mail a citation to a person who
92 is not an owner as defined in this section.



93 (h) A person who receives a citation under this section
94 may:

95 (i) Pay the civil penalty, in accordance with
96 instructions on the citation, directly to the political
97 subdivision or to the court; or

98 (ii) Elect to stand trial for the alleged
99 violation.

100 (4) (a) A certificate alleging that the violation of
101 Section 63-3-313 occurred, sworn to or affirmed by a duly
102 authorized agent of the agency, based on inspection of recorded
103 images produced by a traffic control signal monitoring system,
104 shall be evidence of the facts contained therein and shall be
105 admissible in any proceeding alleging a violation under this
106 section.

107 (b) Adjudication of liability shall be based on a
108 preponderance of the evidence.

109 (5) (a) The court may consider in defense of a violation
110 any one or more of the following:

111 (i) That the violation was committed in order to
112 yield the right-of-way to an emergency vehicle.

113 (ii) That the motor vehicle or license plate of
114 the motor vehicle were stolen before the violation occurred and
115 were not under the control or possession of the owner at the time
116 of the violation; the owner must submit proof that a police report
117 about the stolen motor vehicle or license plate was filed in a
118 timely manner.

119 (iii) That at the time and place of the alleged
120 violation, the traffic control signal was not in proper position
121 and legible enough to be seen by an ordinarily observant
122 individual;

123 (iv) That the person named in the citation was not
124 operating the vehicle at the time of the violation; the person
125 named in the citation shall provide to the court evidence to the



126 satisfaction of the court as to the identity of the person
127 operating the vehicle at the time of the violation, including, at
128 a minimum, the operator's name and current address. With regard
129 to a citation that involves a truck with a registered gross weight
130 of twenty-six thousand one (26,001) pounds or more, a tractor
131 vehicle, trailer vehicle operated in combination with a tractor
132 vehicle, or a passenger bus, the person named in a citation issued
133 under this section may provide the court a letter, sworn to or
134 affirmed by the person and mailed by certified mail, return
135 receipt requested, stating that the person named in the citation
136 was not operating the vehicle at the time of the violation and
137 providing the name, address and driver's license identification
138 number of the person who was operating the vehicle at the time of
139 the violation.

140 (v) Any other issues and evidence that the court
141 deems pertinent.

142 (6) (a) If the court finds that the person named in the
143 citation was not operating the vehicle at the time of the
144 violation or receives evidence identifying the person driving the
145 vehicle at the time of the violation, the clerk of the court shall
146 provide to the agency issuing the citation a copy of any evidence
147 as to the identity of the person operating the vehicle at the time
148 of the violation.

149 (b) Upon the receipt of substantiating evidence from
150 the court under paragraph (a) of this subsection (6), an agency
151 may issue a citation to the person that the evidence indicates was
152 operating the vehicle at the time of the violation.

153 (c) A citation issued under this subsection (6) shall
154 be mailed no later than two (2) weeks after receipt of the
155 evidence from the court.

156 (8) If the civil penalty is not paid and the violation is
157 not contested, the court may inform the State Tax Commission, and
158 the State Tax Commission may refuse to register or reregister or



159 may suspend the registration of the motor vehicle involved in the
160 violation.

161 (9) A violation for which a civil penalty is imposed under
162 this section:

163 (a) Is not a moving violation and may not be recorded
164 by the Department of Public Safety on the driving record of the
165 owner or driver of the vehicle; and

166 (b) May not be considered by an insurer in the
167 provision of motor vehicle insurance coverage.

168 **SECTION 2.** This act shall take effect and be in force from
169 and after January 1, 2003.

