

By: Senator(s) Horhn, Frazier

To: Municipalities

SENATE BILL NO. 2800

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF  
2 MUNICIPALITIES TO CREATE TRAFFIC-CONTROL SIGNAL MONITORING SYSTEMS  
3 TO DETER TRAFFIC VIOLATIONS; TO AUTHORIZE THE USE OF RED LIGHT  
4 LASER EQUIPMENT AT TRAFFIC LIGHTS TO CONTROL SPEEDERS AND OTHER  
5 TRAFFIC VIOLATIONS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) The following words and phrases shall have  
8 the meanings ascribed in this section unless the context clearly  
9 indicates otherwise:

10 (a) "Agency" means a municipality with a population of  
11 two hundred thousand (200,000) or more according to the most  
12 recent federal decennial census.

13 (b) "Owner" means the registered owner of a motor  
14 vehicle or a lessee of a motor vehicle under a lease of six (6)  
15 months or more. "Owner" does not include a motor vehicle rental  
16 or leasing company.

17 (c) "Recorded images" means images recorded by a  
18 traffic-control signal monitoring system:

- 19 (i) On:
  - 20 1. Two (2) or more photographs;
  - 21 2. Two (2) or more microphotographs;
  - 22 3. Two (2) or more electronic images;
  - 23 4. Videotape; or
  - 24 5. Any other medium; and

25 (ii) Showing the rear of a motor vehicle and, on  
26 at least one (1) image or portion of tape, clearly identifying the  
27 registration plate number of the motor vehicle.

28           (d) "Traffic-control signal monitoring system" means a  
29 device with one (1) or more motor vehicle sensors working in  
30 conjunction with a traffic-control signal to produce recorded  
31 images of motor vehicles entering an intersection against a red  
32 signal indication.

33           (2) This section applies to a violation of Section  
34 63-3-309(3) at intersections monitored by a traffic-control signal  
35 monitoring system.

36           (3) (a) Unless the driver of the motor vehicle received a  
37 citation from a police officer at the time of the violation, the  
38 owner or, in accordance with subsection (6)(e) of this section,  
39 the driver of a motor vehicle is subject to a civil penalty if the  
40 motor vehicle is recorded by a traffic-control signal monitoring  
41 system while being operated in violation of Section 63-3-309(3).

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

44           (c) For purposes of this section, the State Auditor and  
45 Attorney General shall prescribe a uniform citation form  
46 consistent with the Uniform Traffic Ticket Law, provided under  
47 Section 63-9-21.

48           (4) (a) Subject to the provisions of paragraphs (b) through  
49 (d) of this subsection, an agency shall mail to the owner liable  
50 under subsection (3) of this section a citation which shall  
51 include:

52                   (i) The name and address of the registered owner  
53 of the vehicle;

54                   (ii) The registration number of the motor vehicle  
55 involved in the violation;

56                   (iii) The violation charged;

57                   (iv) The location of the intersection;

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

59                   (vi) A copy of the recorded image;

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

62 (viii) A signed statement by a technician employed  
63 by the agency that, based on inspection of recorded images, the  
64 motor vehicle was being operated in violation of Section  
65 63-3-309(3);

66 (ix) A statement that recorded images are evidence  
67 of a violation of Section 63-3-309(3); and

68 (x) Information advising the person alleged to be  
69 liable under this section:

70 1. Of the manner and time in which liability  
71 as alleged in the citation may be contested in the municipal  
72 court; and

73 2. Warning that failure to pay the civil  
74 penalty or to contest liability in a timely manner is an admission  
75 of liability and may result in refusal or suspension of the motor  
76 vehicle registration.

77 (b) The agency may mail a warning notice in lieu of a  
78 citation to the owner liable under subsection (3) of this section.

79 (c) Except as provided in subsection (6)(e) of this  
80 section, a citation issued under this section shall be mailed no  
81 later than two (2) weeks after the alleged violation.

82 (d) An agency may not mail a citation to a person who  
83 is not an owner under subsection (1)(c)(ii) of this section.

84 (e) A person who receives a citation under paragraph  
85 (a) of this subsection may:

86 (i) Pay the civil penalty, in accordance with  
87 instructions on the citation, directly to the municipal court; or

88 (ii) Elect to stand trial for the alleged  
89 violation.

90 (5) The agency may submit:

91 (a) A certificate alleging that the violation of  
92 Section 63-3-309(3) occurred, sworn to or affirmed by a duly

93 authorized agent of the agency, based on inspection of recorded  
94 images produced by a traffic-control signal monitoring system  
95 shall be evidence of the facts contained therein and shall be  
96 admissible in any proceeding alleging a violation under this  
97 section.

98 (b) Adjudication of liability shall be based on a  
99 preponderance of evidence.

100 (6) (a) The municipal court may consider the following in  
101 defense of a violation of this act:

102 (i) That the driver of the vehicle passed through  
103 the intersection in violation of Section 63-3-309(3) in order to  
104 yield the right-of-way to an emergency vehicle;

105 (ii) Except as otherwise provided in paragraph (b)  
106 of this subsection, that the motor vehicle or registration plates  
107 of the motor vehicle were stolen before the violation occurred and  
108 were not under the control or possession of the owner at the time  
109 of the violation;

110 (iii) Except as otherwise provided in paragraph  
111 (c) of this subsection, evidence that the person named in the  
112 citation was not operating the vehicle at the time of the  
113 violation; or

114 (iv) Any other issues and evidence that the  
115 municipal court deems pertinent.

116 (b) To demonstrate that the motor vehicle or the  
117 registration plates were stolen before the violation occurred and  
118 were not under the control or possession of the owner at the time  
119 of the violation, the owner must submit proof that a police report  
120 about the stolen motor vehicle or registration plates was filed in  
121 a timely manner.

122 (c) To satisfy the evidentiary burden under paragraph  
123 (a)(iii) of this subsection, the person named in the citation  
124 shall provide evidence to the satisfaction of the court of who was

125 operating the vehicle at the time of the violation, including, at  
126 a minimum, the operator's name and current address.

127 (d) (i) The provisions of this paragraph apply only to  
128 a citation that involves a private carrier of passengers, pickup  
129 trucks and other noncommercial vehicles.

130 (ii) To satisfy the evidentiary burden under  
131 paragraph (a)(iii) of this subsection, the person named in the  
132 citation described under subparagraph (i) of this paragraph may  
133 provide to the municipal court a letter, sworn to or affirmed by  
134 the person and mailed by certified mail, return receipt requested,  
135 that:

136 1. States that the person named in the  
137 citation was not operating the vehicle at the time of the  
138 violation; and

139 2. Provides the name, address, and driver's  
140 license identification number of the person who was operating the  
141 vehicle at the time of the violation.

142 (e) (i) If the municipal court finds that the person  
143 named in the citation was not operating the vehicle at the time of  
144 the citation or receives evidence under paragraph (d)(ii)2 of this  
145 subsection identifying the person driving the vehicle at the time  
146 of the violation, the clerk of the court shall provide to the  
147 agency issuing the citation a copy of any evidence substantiating  
148 who was operating the vehicle at the time of the violation.

149 (ii) Upon the receipt of substantiating evidence  
150 from the municipal court under subparagraph (i) of this paragraph,  
151 an agency may issue a citation as provided in subsection (4) of  
152 this section to the person that the evidence indicates was  
153 operating the vehicle at the time of the violation.

154 (iii) A citation issued under subparagraph (ii) of  
155 this paragraph shall be mailed no later than two (2) weeks after  
156 receipt of the evidence from the municipal court.

157 (7) If the civil penalty is not paid and the violation is  
158 not contested, the tax collector may refuse to register the motor  
159 vehicle.

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

162 (a) Is not a moving violation of this title for  
163 purposes of Section 63-1-53(2)(d) or serious traffic violation for  
164 purposes of Section 63-1-83(4) and may not be recorded by the  
165 Department of Public Safety on the driving record of the owner or  
166 driver of the vehicle;

167 (b) Need not be reported to the Department of Public  
168 Safety or the Commissioner of Public Safety under Sections  
169 63-1-51, 63-9-17 and 63-9-21;

170 (c) May be treated as a parking violation for purposes  
171 of Section 21-23-19; and

172 (d) May not be considered in the provision of motor  
173 vehicle insurance coverage.

174 (9) All monies collected from violations of this act shall  
175 be deposited into a special fund within the general fund of the  
176 municipality.

177 **SECTION 2.** In any municipality with a population of one  
178 hundred fifty thousand (150,000) or more according to the latest  
179 federal decennial census, the governing authority by ordinance may  
180 prescribe the use of red light laser equipment at traffic lights  
181 within the municipal boundaries to assist in deterring traffic  
182 violations.

183 **SECTION 3.** Sections 1 and 2 of this act shall be codified in  
184 Chapter 3, Title 63, Article 7, Mississippi Code of 1972.

185 **SECTION 4.** This act shall take effect and be in force from  
186 and after July 1, 2007.