

By: Senator(s) Harden

To: Municipalities

SENATE BILL NO. 2598

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF  
2 MUNICIPALITIES TO CREATE TRAFFIC-CONTROL SIGNAL MONITORING  
3 SYSTEMS; AND FOR RELATED PURPOSES.

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

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

8 (a) "Agency" means a municipality with a population of  
9 one hundred thousand (100,000) or more according to the most  
10 recent federal decennial census.

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

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

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

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

26 (d) "Traffic-control signal monitoring system" means a  
27 device with one (1) or more motor vehicle sensors working in

28 conjunction with a traffic-control signal to produce recorded  
29 images of motor vehicles entering an intersection against a red  
30 signal indication.

31 (2) This section applies to a violation of Section  
32 63-3-309(3) at intersections monitored by a traffic-control signal  
33 monitoring system.

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

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

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

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

50 (i) The name and address of the registered owner  
51 of the vehicle;

52 (ii) The registration number of the motor vehicle  
53 involved in the violation;

54 (iii) The violation charged;

55 (iv) The location of the intersection;

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

57 (vi) A copy of the recorded image;

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

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

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

66 (x) Information advising the person alleged to be  
67 liable under this section:

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

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

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

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

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

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

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

86 (ii) Elect to stand trial for the alleged  
87 violation.

88 (5) The agency may submit:

89 (a) A certificate alleging that the violation of  
90 Section 63-3-309(3) occurred, sworn to or affirmed by a duly  
91 authorized agent of the agency, based on inspection of recorded  
92 images produced by a traffic-control signal monitoring system

93 shall be evidence of the facts contained therein and shall be  
94 admissible in any proceeding alleging a violation under this  
95 section.

96 (b) Adjudication of liability shall be based on a  
97 preponderance of evidence.

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

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

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

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

112 (iv) Any other issues and evidence that the  
113 municipal court deems pertinent.

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

120 (c) To satisfy the evidentiary burden under paragraph  
121 (a)(iii) of this subsection, the person named in the citation  
122 shall provide evidence to the satisfaction of the court of who was  
123 operating the vehicle at the time of the violation, including, at  
124 a minimum, the operator's name and current address.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

175           **SECTION 2.** Section 1 of this act shall be codified in  
176 Chapter 3, Title 63, Article 7, Mississippi Code of 1972.

177           **SECTION 3.** This act shall take effect and be in force from  
178 and after July 1, 2005.