

By: Representatives Blackwell, Anderson
(122nd), Arnold, Byrd, Estrada, Eubanks,
McMillan, Shanks, Smith, Wallace

To: Judiciary B

HOUSE BILL NO. 1090

1 AN ACT TO AMEND SECTION 17-25-19, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF THE GOVERNING AUTHORITY OF ANY COUNTY OR
3 MUNICIPALITY UTILIZES MANUALLY OPERATED AUTOMATED RECORDING
4 EQUIPMENT OR SYSTEM, THEN THERE MUST BE POSITIVE VERIFICATION OF
5 THE DRIVER TO ENFORCE COMPLIANCE WITH OR TO IMPOSE OR COLLECT ANY
6 FINE, FEES OR PENALTY FOR VIOLATION OF ANY TRAFFIC LAWS, RULES OR
7 REGULATIONS ON ANY PUBLIC STREET, ROAD OR HIGHWAY WITHIN THIS
8 STATE; TO DEFINE THE TERM "MANUALLY OPERATED AUTOMATED RECORDING
9 EQUIPMENT OR SYSTEM"; TO AMEND SECTION 63-9-37, MISSISSIPPI CODE
10 OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** Section 17-25-19, Mississippi Code of 1972, is
14 amended as follows:

15 17-25-19. (1) (a) Neither the board of supervisors of any
16 county nor the governing authority of any municipality shall
17 adopt, enact or enforce any ordinance authorizing the use of
18 automated recording equipment or system to enforce compliance with
19 traffic signals, traffic speeds or other traffic laws, rules or
20 regulations on any public street, road or highway within this
21 state or to impose or collect any civil or criminal fine, fee or
22 penalty for any such violation.

23 (b) Any county or municipality using automated
24 recording equipment or system shall remove the equipment or system
25 before October 1, 2009.

26 (c) To help ensure constitutional due process for
27 alleged traffic violators, if manually operated automated
28 recording equipment or system is utilized by a law enforcement
29 officer, then such officer shall prove and positively verify who
30 was operating a vehicle to enforce compliance with traffic
31 signals, traffic speeds or other traffic laws, rules or
32 regulations on any public street, road or highway within this
33 state or to impose or collect any civil or criminal fine, fee or
34 penalty for any such violation.

35 (2) For the purposes of this section, the terms:

36 (a) "Automated recording equipment or system" means a
37 camera or optical device installed to work in conjunction with a
38 traffic control signal or radar speed detection equipment, or
39 both, and designed to record images that depict the license plate
40 attached to the rear of a motor vehicle that is not operated in
41 compliance with instructions of the traffic control signal or the
42 posted speed limit.

43 (b) "Manually operated automated recording equipment or
44 system" means a camera or optical device that is hand held by a
45 law enforcement officer to work in conjunction with a traffic
46 control signal or radar speed detection equipment, or both, and
47 designed to record images that depict the license plate attached

48 to the rear of a motor vehicle that is not operated in compliance
49 with instructions of the traffic control signal or the posted
50 speed limit.

51 **SECTION 2.** Section 63-9-37, Mississippi Code of 1972, is
52 amended as follows:

53 63-9-37. The Mississippi Department of Public Safety shall
54 only recognize any civil or criminal fine, fee, citation or
55 penalty for a violation of compliance with traffic signals,
56 traffic speeds or other traffic laws, rules or regulations in
57 another state that results from the use of automated recording
58 equipment or system or the use of manually operated automated
59 recording equipment or system as defined under Section 17-25-19 if
60 that state is a member of the Driver License Compact as provided
61 under Section 63-1-103. Further, the Mississippi Department of
62 Public Safety shall not suspend the driver's license of a person
63 for failure to pay any civil or criminal fine, fee, citation or
64 penalty for such a violation unless the state that is due the
65 fine, fee, citation or penalty is a member of the Driver License
66 Compact.

67 **SECTION 3.** This act shall take effect and be in force from
68 and after its passage.