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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 949

February 19, 2009
Authored by Thissen, Hornstein, Lieder, Abeler, Paymar and others
The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

A bill for an act

relating to public safety; authorizing automatic enforcement of official traffic-control devices; allocating fine proceeds generated by these devices; imposing petty misdemeanor penalty; appropriating money; amending Minnesota Statutes 2008, sections 169.011, by adding subdivisions; 169.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 169; 299A.

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

Section 1. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision to read:

Subd. 3a. **Automated traffic law enforcement system.** "Automated traffic law enforcement system" means an electronic system consisting of one or more cameras and one or more motor vehicle sensors, which are installed to work in conjunction with an official traffic-control signal and designed to produce recorded images of motor vehicles entering an intersection or turning at an intersection in violation of an official traffic-control signal.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision to read:

Subd. 60a. **Recorded images.** "Recorded images" means images recorded by an automated traffic law enforcement system on (1) two or more photographs, (2) two or more microphotographs, (3) a videotape, or (4) any other electronic medium.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2008, section 169.06, is amended by adding a subdivision to read:

Subd. 4a. **Violation; penalty for owner or lessee.** (a) If a motor vehicle is operated in violation of subdivision 4 and the violation is detected through the use of an automated traffic law enforcement system, the owner of the vehicle or the lessee of the vehicle is guilty of a petty misdemeanor.

(b) This subdivision does not apply to:

(1) an owner who provides to a local police authority a police report documenting that the motor vehicle operated in violation of subdivision 4 was stolen;

(2) a lessor of a motor vehicle operated in violation of subdivision 4, who provides a written lease agreement documenting the name and address of the lessee;

(3) an owner who provides to a local police authority documentation of a transfer of interest in the motor vehicle operated in violation of subdivision 4, if the transfer occurred before the violation and complies with section 168A.10; or

(4) authorized emergency vehicles.

(c) This subdivision does not prohibit or limit the prosecution of the driver of a motor vehicle for a violation of subdivision 4.

(d) The owner or lessee of a motor vehicle operated in violation of subdivision 4 may not be convicted under this subdivision if the driver of the motor vehicle is convicted as defined in section 171.01, subdivision 29, for the same violation.

(e) A violation under this subdivision does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license and may not be recorded by the Department of Public Safety on the violator's driving record.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. **[169.062] SIGNAL VIOLATION DETECTED WITH AUTOMATED SYSTEM.**

Subdivision 1. **Local authority.** (a) A local authority may implement a program to allow police officers to issue a citation to a motor vehicle owner or lessee when a motor vehicle is operated in violation of section 169.06, subdivision 4, and that violation is detected through the use of an automated traffic law enforcement system.

(b) A program established under this section must:

(1) be limited to the enforcement of official traffic-control signals;

(2) require inspection and certification by a police officer of the recorded images before a citation may be issued;

(3) prohibit the issuance of citations for violations committed by authorized emergency vehicles;

(4) provide that citations issued under section 169.06, subdivision 4a, may be issued through the United States mail and, if mailed, must be postmarked within 21 days of the violation;

(5) require signage notifying drivers that an automated traffic law enforcement system is in place to detect traffic signal violations. All signage required by this subdivision must be placed and maintained in conformity with the requirements of section 169.06, subdivision 3; and

(6) require a local authority, before installing cameras and sensors at an intersection, to conduct an engineering review of the intersection that:

(i) identifies safety problems in the intersection;

(ii) determines that an automated enforcement system is an appropriate solution for the safety problems identified; and

(iii) determines whether measures such as road improvement, improved signal visibility, or traffic signal timing changes would be appropriate solutions for the identified safety problems.

Subd. 2. **Fines.** (a) A local authority participating in the program shall impose a fine for a violation of section 169.06, subdivision 4a, that is equal to the fine for a violation of section 169.06, subdivision 4. The authority shall forward $8 of each fine collected to the commissioner of management and budget who shall deposit the money in the law enforcement and trauma center assistance fund under section 299A.682. The remainder of the money must be credited to the general revenue fund of the local authority where the violation occurred. The court shall impose the fees and surcharges provided by law.

(b) A municipality receiving fine proceeds under this subdivision shall use at least one-half of the funds for law enforcement purposes. The funds must be used to supplement but not supplant any existing public safety funding.

Subd. 3. **Data.** A contract with a private person to establish and operate a program pursuant to this section must comply with section 13.05, subdivision 11. The private person may use the data gathered only for purposes of operating and administering the program.

Subd. 4. **Contract.** A contract with a private entity for operation of a program under this section must not base payment to the private entity on the number of citations issued.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. **[299A.682] LAW ENFORCEMENT AND TRAUMA CENTER ASSISTANCE FUND.**

The law enforcement and trauma center assistance fund is created in the special revenue fund. The commissioner of management and budget shall deposit money collected under section 169.062, subdivision 2, into the account.

Sec. 6. **APPROPRIATION.**

(a) $..... is appropriated for the fiscal year ending June 30, 2011, to the commissioner of public safety from the law enforcement and trauma center assistance fund described in Minnesota Statutes, section 299A.682. Of this amount:

(1) $..... is for grants to the trauma centers designated by the Minnesota Department of Health and regional EMS programs recognized under Minnesota Statutes, chapter 144E, to provide injury prevention and outreach training, and to pay costs associated with trauma designation. All designated trauma centers are eligible to apply for grants under this clause;

(2) $..... is to hire new peace officers and for peace officer overtime pay under Minnesota Statutes, section 299A.62, subdivision 1, paragraph (b), clauses (1) and (2); and

(3) $..... is for grants to enable local law enforcement agencies to make squad car camera technology upgrades or acquisitions.

(b) Before awarding grants under paragraph (a), clause (1), the commissioner shall appoint a grant review committee consisting of representatives of the following organizations: the American College of Emergency Physicians - Minnesota Chapter; the Minnesota Ambulance Association; the Minnesota Hospital Association; the Emergency Medical Services Regulatory Board; the Minnesota Department of Health; the Minnesota Department of Public Safety; and the Comprehensive Advanced Life Support Program. The commissioner shall consider the committee's advice before awarding grants.

(c) The commissioner shall award the grants under paragraph (a), clause (2), based on the procedures set forth under Minnesota Statutes, section 299A.62.