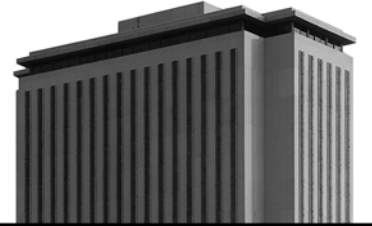




LEGISLATIVE ISSUE BRIEFS



Traffic Enforcement

Position

The Florida League of Cities will support legislation that enhances the protection of life and property by authorizing the use of electronic traffic infraction detectors at traffic intersections, and the authority to assess fines to the owner of any vehicle determined by such devices to have violated traffic laws.

Background

Nationally, 200,000 people are injured, and 900 people are killed each year in motor vehicle collisions resulting from a motor vehicle driver violating a red light traffic signal. More than half of the 900 people killed each year are innocent victims. The violation of red light traffic signals is the number one cause of urban motor vehicle collisions. The installation and use of red light cameras have proven to reduce intersection collisions by 40% at locations at which the equipment is located. Numerous groups, including AAA, INSURANCE INSTITUTE for Highway Safety, MADD, National Safety Counsel and virtually every insurance company, support red light traffic camera enforcement.

Public safety is one of the key functions of government. And due to budget constraints and unfunded mandates, local governments have limited law enforcement resources. Photo enforcement would free up law enforcement officers to focus on other vital public safety issues. Finally, the State of Florida currently uses cameras to enforce violations at toll booths.

Status

HB 351 (Reagan) and **SB 816** (Bennett) amend the State Uniform Traffic Control statute to authorize local governments to utilize cameras at intersections to enforce traffic laws. In both bills, violations captured by the cameras would be considered civil (not criminal) offenses and no points are assigned on the owner's motor vehicle record. The violation is not reported on the owner's motor vehicle record; and the violation is not reported to the owner's insurance carrier. Owners of leased and rental vehicles would not be subject to citations or the civil penalty. Specific requirements as to who may view the recorded image captured by the camera as well as a process for vehicle owners to contest the penalty, and the distribution formula for the monies are also included in these proposals. The camera system may not be used to record general images of traffic conditions, the occupants of vehicles, or activities occurring within the intersection or surrounding areas. There are significant differences between the two bills at this point in time.

HB 351 simply authorizes counties and municipalities to enact ordinances permitting the use of traffic infraction detectors and specifies the required content of the ordinance. The penalty for failing to stop at a steady red light, as determined through the use of a traffic infraction detector, is a fine of \$125 which is retained by the entity issuing the ticket. HB 351 requires signs to be posted at locations designated by the county or municipality providing notification that a traffic infraction detector may be in use and requires the local government to conduct a public education campaign regarding the

proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program.

Furthermore, HB 351 describes requirements that must be met when issuing a ticket through documentation by the traffic infraction detector and the procedure for challenging tickets issued under the system. The bill provides a process for individuals to file complaints that a county or municipality is employing traffic infraction detectors for purposes other than the promotion of public health, welfare, and safety or in a manner inconsistent with the law.

SB 816 was substantially amended by the Senate Transportation Committee to preempt the use of cameras to the state. The Florida Department of Transportation is directed to promulgate rules and standardize procedures for the use of cameras by local governments. The rules are to include specifications related to the size and purpose of stop bars, the duration time of signal phases, signage and other public awareness requirements, the amount of before and after photographic or electronic imaging or streaming video needed, yellow light duration time, and even the location of the rear tires in relation to the stop bar. SB 816 also includes a provision that requires the mandatory removal of the traffic infraction detector system if it increases accidents at the intersection by 10 percent within 1 year after installation. SB 816 includes a grandfather provision that allowing local governments that have already installed camera systems to retain them until 2013 at which time they must conform to the comprehensive FDOT specifications. For those local governments that do not currently have camera systems in place, the bill imposes onerous implementation standards and severe penalties for any local government and vendor that does not strictly adhere to the DOT regulations and specifications

Of primary importance, SB 816 limits the fine that can be charged to \$60 per violation (after 3 violations the fine would increase to \$120) and prohibits any vendor from charging a per ticket fee for operating the camera system. Because the fine has to be distributed to trauma centers, clerks of court and other entities according to existing statutory provisions for traffic violations, the local government would actually only retain about \$30 per ticket. The capital and maintenance costs of these camera systems are significant and there are few, if any, vendors that would be able to provide the systems at this price.

Contact: Scott Dudley

Revised: 3/21/08