SB143_L.011

HOUSE COMMITTEE OF REFERENCE REPORT

_____   _____
Chairman of Committee   Date

Committee on <u>Judiciary</u>.

After consideration on the merits, the Committee recommends the following:

<u>SB09-143</u>   be amended as follows:

1   Amend reengrossed bill, page 2, strike line 17 and substitute the
2   following:

3   "**SECTION 2.** The introductory portion to 42-4-110.5 (2) and
4   42-4-110.5 (2) (a) (II), (2) (c), (2) (g) (I), (2) (g) (II), (4) (a), (4) (b) (I),
5   (4.5), and (5),";

6   line 21, after "A", insert "COUNTY, CITY AND COUNTY, OR";

7   after line 27, insert the following:

8   "(a) (II) If the state, a county, a city and county, or a municipality
9   detects any alleged violation of a COUNTY, CITY AND COUNTY, OR
10 municipal traffic regulation or a traffic violation under state law through
11 the use of an automated vehicle identification system, then the state,
12 county, city and county, or municipality shall serve the penalty
13 assessment notice or summons and complaint for the alleged violation on
14 the defendant no later than ninety days after the alleged violation
15 occurred. If a penalty assessment notice or summons and complaint for
16 a violation detected using an automated vehicle identification system is
17 personally served, the state, a county, a city and county, or a municipality
18 may only charge the actual costs of service of process that shall be no
19 more than the amount usually charged for civil service of process.

20   (c) The state, a county, a city and county, or a municipality may
21 not report to the department any outstanding judgment or warrant for
22 purposes of section 42-2-107 (5) or 42-2-118 (3) based upon any
23 violation or alleged violation of a COUNTY, CITY AND COUNTY, OR
24 municipal traffic regulation or traffic violation under state law detected

1   through the use of an automated vehicle identification system.".

2   Page 4, strike line 14, and substitute the following:

3   "(4) (a) If the state, a county, a city and county, or a municipality
4   detects a speeding violation of less than ten miles per hour over the
5   reasonable and prudent speed under a COUNTY, CITY AND COUNTY, OR
6   municipal traffic regulation or under state law through the use of an
7   automated vehicle identification system and the violation is the first
8   violation by such driver that the state, county, city and county, or
9   municipality has detected using an automated vehicle identification
10   system, then the state, county, city and county, or municipality shall mail
11   such driver a warning regarding the violation and the state, county, city
12   and county, or municipality may not impose any penalty or surcharge for
13   such first violation.

14   (b) (I) If the state, a county, a city and county, or a";

15   line 16, before "municipal", insert "COUNTY, CITY AND COUNTY, OR".

16   after line 23, insert the following:

17   "(4.5) If the state, a county, a city and county, or a municipality
18   detects a violation under a COUNTY, CITY AND COUNTY, OR municipal
19   traffic regulation or under state law for disobedience to a traffic control
20   signal through the use of an automated vehicle identification system, the
21   maximum penalty that the state, a county, a city and county, or a
22   municipality may impose for such violation, including any surcharge, is
23   seventy-five dollars.

24   (5) If the state, a county, a city and county, or a municipality has
25   established an automated vehicle identification system for the
26   enforcement of COUNTY, CITY AND COUNTY, OR municipal traffic
27   regulations or state traffic laws, then no portion of any fine collected
28   through the use of such system may be paid to the manufacturer or vendor
29   of the automated vehicle identification system equipment.   The
30   compensation paid by the state, county, city and county, or municipality
31   for such equipment shall be based upon the value of such equipment and
32   may not be based upon the number of traffic citations issued or the
33   revenue generated by such equipment.".

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