

1 **[PROPOSED REPLACEMENT SECS. 13–16:]**

2 * * * Automated Traffic Law Enforcement Study Committee * * *

3 Sec. 13. AUTOMATED TRAFFIC LAW ENFORCEMENT STUDY
4 COMMITTEE; REPORT

5 (a) Definitions. As used in this section:

6 (1) “Automated traffic law enforcement system” means a device with
7 one or more sensors working in conjunction with a speed measuring device to
8 produce recorded images of motor vehicles traveling at more than 10 miles
9 above the speed limit or traveling in violation of another traffic control device,
10 or both.

11 (2) “Owner” means the registered owner of a motor vehicle or a lessee
12 of a motor vehicle under a lease of one year or more.

13 (3) “Recorded image” means a photograph, microphotograph, electronic
14 image, or electronic video that shows the front or rear of the motor vehicle
15 clearly enough to identify the registration number plate of the motor vehicle or
16 that shows the front of the motor vehicle clearly enough to identify the
17 registration number plate of the motor vehicle and show and the operator of the
18 motor vehicle.

19 (4) “Traffic control device” means any sign, signal, marking,
20 channelizing, or other device that conforms with the Manual on Uniform
21 Traffic Control Devices, which is the standards for all traffic control signs,

1 signals, and markings within the State pursuant to 23 V.S.A. § 1025, and is
2 used to regulate, warn, or guide traffic and placed on, over, or adjacent to a
3 highway, pedestrian facility, or bicycle path by authority of the State or the
4 municipality with jurisdiction over the highway, pedestrian facility, or bicycle
5 path.

6 (b) Automated Traffic Law Enforcement Study Committee.

7 (1) Creation. There is created the Automated Traffic Law Enforcement
8 Study Committee to analyze the use of automated traffic law enforcement
9 systems to detect a violation of State motor vehicle laws or rules.

10 (2) Membership. The Automated Traffic Law Enforcement Study
11 Committee shall be composed of the following members:

12 (A) two current members of the Senate, not all from the same
13 political party, who shall be appointed by the Committee on Committees;

14 (B) two current members of the House of Representatives, not all
15 from the same political party, who shall be appointed by the Speaker of the
16 House;

17 (C) an individual employed by the Agency of Transportation within
18 the Highway Division, who shall be appointed by the Secretary of
19 Transportation;

20 (D) an individual employed by the Department of Motor Vehicles,
21 who shall be appointed by the Commissioner of Motor Vehicles;

1 (E) a member of the Vermont State Police, who shall be appointed by
2 the Director of the Vermont State Police;

3 (F) an individual employed by the Department of Public Safety, who
4 shall be appointed by the Commissioner of Public Safety;

5 (G) an individual who works in or represents the highway
6 construction industry, who shall be appointed by the Committee on
7 Committees;

8 (H) a member of municipal law enforcement, who shall be appointed
9 by the Speaker of the House;

10 (I) the Vermont Attorney General, or designee; and

11 (J) the Vermont Defender General, or designee.

12 (3) Powers and duties. Automated Traffic Law Enforcement Study
13 Committee shall study the use of automated traffic law enforcement in the
14 United States and make specific recommendations on how best to utilize
15 automated traffic law enforcement in Vermont, with a specific focus on using
16 automated traffic law enforcement systems to enforce red lights and speeding
17 in work zones. At a minimum, the Automated Traffic Law Enforcement Study
18 Committee shall:

19 (A) Review the use of automated traffic law enforcement in other
20 states, including:

21 (i) enabling legislation;

- 1 (ii) assessment of civil penalties or fines, or both;
- 2 (iii) assessment of points against the driving record of an operator;
- 3 (iv) the process of issuing warnings, violations, complaints, and
- 4 citations and whether they are issued to the owner or the operator of the
- 5 vehicle visible in a recorded image;
- 6 (v) the process of prosecuting violations of motor vehicle laws
- 7 recorded by automated traffic law enforcement systems;
- 8 (vi) the use of recorded images;
- 9 (vii) the types of automated traffic law enforcement systems that
- 10 are used and the associated costs;
- 11 (viii) whether automated traffic law enforcement systems are
- 12 purchased or operated under a contract with a vendor, or both;
- 13 (ix) the calibration required of automated traffic law enforcement
- 14 systems;
- 15 (x) notification and public outreach;
- 16 (xi) timeline for implementation;
- 17 (xii) the use of recorded images and any other data recorded by
- 18 automated traffic law enforcement systems in other civil and criminal matters;
- 19 and
- 20 (xiii) record retention policies for recorded images and any other
- 21 data recorded by automated traffic law enforcement systems.

1 (B) Prepare a comprehensive proposal for the implementation of
2 automated traffic law enforcement in the State that shall include:

3 (i) proposed enabling legislation;

4 (ii) a timeline for implementation that shall include a period of
5 education and a period where only warnings are issued prior to automated
6 traffic law enforcement systems being used to enforce the State’s motor
7 vehicle laws;

8 (iii) recommendations on the types of automated traffic law
9 enforcement systems that are best suited to the Committee’s proposed
10 implementation plan and specific requirements regarding contents of recorded
11 images and periodic calibration;

12 (iv) an explanation of how, if at all, civil penalties or points, or
13 both should be assessed against the owner of the motor vehicle visible in a
14 recorded image;

15 (v) an explanation of how, if at all, civil penalties or points, or
16 both should be assessed against the operator of the motor vehicle visible in a
17 recorded image;

18 (vi) a recommendation on the necessary notice, if any, to the
19 traveling public, both in the vicinity of the automated traffic law enforcement
20 system and on websites maintained by the State and law enforcement entities
21 within the State;

1 (vii) a recommendation on the use of automated traffic law
2 enforcement systems by municipalities;

3 (viii) a recommendation on the use of recorded images and any
4 other data recorded by automated traffic law enforcement systems in other civil
5 and criminal matters and record retention policies for recorded images and any
6 other data recorded by automated traffic law enforcement systems; and

7 (ix) an estimate of cost per automated traffic law enforcement
8 system utilized in the State and recommendation on source of funding.

9 (4) Assistance. The Automated Traffic Law Enforcement Study
10 Committee shall have the administrative, technical, and legal assistance of the
11 Agency of Transportation.

12 (5) Report. On or before December 1, 2021, the Automated Traffic Law
13 Enforcement Study Committee shall submit a written report to the House and
14 Senate Committees on Judiciary and on Transportation with its findings and
15 proposal.

16 (6) Meetings.

17 (A) The member of the Automated Traffic Law Enforcement Study
18 Committee who is an individual employed by the Agency of Transportation
19 within the Highway Division and appointed by the Secretary of Transportation
20 shall call the first meeting of the Automated Traffic Law Enforcement Study
21 Committee to occur not later than August 1, 2021.

1 (B) The Automated Traffic Law Enforcement Study Committee shall
2 select a chair from among its members at the first meeting.

3 (C) A majority of the membership of the Automated Traffic Law
4 Enforcement Study Committee shall constitute a quorum

5 (D) The Automated Traffic Law Enforcement Study Committee shall
6 meet at least eight times before November 15, 2021.

7 (E) The Automated Traffic Law Enforcement Study Committee shall
8 cease to exist on July 1, 2022.

9 (7) Compensation and reimbursement.

10 (A) For attendance at meetings during adjournment of the General
11 Assembly, a legislative member of the Automated Traffic Law Enforcement
12 Study Committee shall be entitled to per diem compensation and
13 reimbursement of expenses pursuant to 2 V.S.A. § 23.

14 (B) Other members of the Automated Traffic Law Enforcement
15 Study Committee who are not State employees shall be entitled to per diem
16 compensation and reimbursement of expenses as permitted under 32 V.S.A.
17 § 1010.

18 (C) Payments to members of the Automated Traffic Law
19 Enforcement Study Committee authorized under subdivision (7) of this
20 subsection (b) shall be made from monies appropriated to the Agency of
21 Transportation.

- 1 Sec. 14. [Deleted.]
- 2 Sec. 15. [Deleted.]
- 3 Sec. 16. [Deleted.]

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