

1 S.263

2 Introduced by Senators Perchlik and Chittenden

3 Referred to Committee on

4 Date:

5 Subject: Motor vehicles; traffic enforcement; traffic violations; moving

6 violations; automated law enforcement; traffic cameras; automated

7 license plate recognition systems; automated traffic law enforcement

8 systems

9 Statement of purpose of bill as introduced: This bill proposes to authorize
10 municipal law enforcement agencies to utilize automated traffic law
11 enforcement in municipal work zones; at locations with an increased incidence
12 of crashes or speeding, or both; at traffic signals; and in areas with an increased
13 incidence of vehicles exceeding municipal sound limits until July 1, 2029.

14 An act relating to the use of automated traffic law enforcement (ATLE)
15 systems by municipalities

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 23 V.S.A. § 1605 is amended to read:

18 § 1605. DEFINITIONS

19 As used in this subchapter:

20 * * *

1 (3) “Automated traffic law enforcement system” or “ATLE system”

2 means a device with one or more sensors that is:

3 (A) working in conjunction with a speed measuring device to
4 produce recorded images of the rear registration number plates of motor
5 vehicles traveling at more than 10 miles above the speed limit;

6 (B) working in conjunction with a traffic signal to produce recorded
7 images of the rear registration plates of motor vehicles entering an intersection
8 in a manner that is prohibited pursuant to subdivision 1022(a)(3) of this title;
9 and

10 (C) working in conjunction with a sound measuring device to
11 produce recorded images of the rear registration plates of motor vehicles
12 operating at a sound level that exceeds the maximum sound level permitted by
13 a municipal ordinance.

14 * * *

15 (9) “Recorded image” means a photograph, microphotograph, electronic
16 image, or electronic video that shows, clearly enough to identify, the rear
17 registration number plate of a motor vehicle that has activated the radar or
18 other detection component of an ATLE system by traveling past the ATLE
19 system at more than 10 miles above the speed limit; entering an intersection in
20 a manner that is prohibited pursuant to subdivision 1022(a)(3) of this title; or

1 operating at a sound level that exceeds the maximum sound level permitted by
2 a municipal ordinance.

3 * * *

4 Sec. 2. 23 V.S.A. § 1606 is amended to read:

5 § 1606. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS;
6 SPEEDING

7 (a) Use. Deployment of ATLE systems on behalf of the Agency of
8 Transportation by a third party pursuant to subsection (b) of this section or by a
9 municipal law enforcement agency as provided pursuant to subsection (b) of
10 this section is intended to investigate the benefits of automated law
11 enforcement for speeding, red light, and vehicle noise violations as a way to
12 improve ~~work crew~~ safety and reduce traffic crashes resulting from an
13 increased adherence to traffic laws achieved by effective deterrence of
14 potential violators, which could not be achieved by traditional law enforcement
15 methods or traffic calming measures, or both. Deployment of ATLE systems
16 on behalf of the Agency and municipal law enforcement agencies is not
17 intended to replace law enforcement personnel, nor is it intended to mitigate
18 problems caused by deficient road design, construction, or maintenance.

19 (b) Vendor.

20 * * *

1 (2) A municipal law enforcement agency that is authorized to utilize
2 ATLE pursuant to section 1610 of this subchapter may purchase or lease
3 ATLE systems for use pursuant to the provisions of this subchapter or may
4 contract with a third party for the operation and deployment of ATLE systems
5 on behalf of the municipal law enforcement agency.

6 (3) The Agency or a municipal law enforcement agency, in consultation
7 with the Department of Public Safety, may require the vendor to maintain a
8 storage system to store any recorded images or other data collected by the
9 ATLE system. Any storage system shall adhere to the use, retention, and
10 limitation requirements pursuant to this section.

11 (c) Locations. An ATLE system may ~~only~~ be utilized:

12 (1) at a location in the vicinity of a work zone that is located on either a
13 limited-access highway under the jurisdiction of the Agency of Transportation
14 and that is selected by the Agency or on a highway within the jurisdiction of a
15 municipal law enforcement agency that is selected by the law enforcement
16 agency, provided that:

17 ~~(A)~~(i) for a location selected by the Agency of Transportation, the
18 Agency shall document through an appropriate engineering analysis that the
19 location meets highway standards; or

1 (ii) for a location selected by a municipal law enforcement agency,
2 the municipal law enforcement agency shall confirm through an appropriate
3 engineering analysis that the location meets highway standards;

4 ~~(2)(B)~~ the ATLE system is not used as a means of combating
5 deficiencies in roadway design or environment;

6 ~~(3)(C)~~ at least two signs notifying members of the traveling public of the
7 use of an ATLE system are in place before any recorded images or other data
8 is collected by the ATLE system;

9 ~~(4)(D)~~ there is a sign at the end of the work zone;

10 ~~(5)(E)~~ the ATLE system is only in operation when workers are present
11 in the work zone and at least one of the signs required under subdivision (3) of
12 this subsection indicates whether the ATLE system is currently in operation;
13 and

14 ~~(6)(F)~~ there is notice of the use of the ATLE system on the Agency's
15 website or, for a municipal work zone, on the municipality's website, including
16 the location and typical hours when workers are present and the ATLE system
17 is in operation;

18 (2) at locations with a high incidence of crashes, speeding, or red light
19 violations, or any combination of the three, if the municipal law enforcement
20 agency with jurisdiction over the location determines, in its sole discretion, that
21 it may be impractical or unsafe to utilize traditional law enforcement methods

1 or that the use of traditional law enforcement personnel has failed to deter
2 violators, provided that:

3 (A) the municipal law enforcement agency confirms, through a traffic
4 engineering analysis of the proposed location, that the location meets highway
5 safety standards;

6 (B) the ATLE system is not used as a means of combating
7 deficiencies in roadway design or environment;

8 (C) at least two signs notifying members of the traveling public of the
9 use of an ATLE system are in place before any recorded images or other data
10 is collected by the ATLE system; and

11 (D) there is notice of the use of the ATLE system, including its
12 location, on the municipality's website; and

13 (3) at locations with a high incidence of vehicle noise violations, if the
14 municipal law enforcement agency with jurisdiction over the location
15 determines, in its sole discretion, that it may be impractical or unsafe to utilize
16 traditional law enforcement methods or that the use of traditional law
17 enforcement personnel has failed to deter violators, provided that:

18 (A) at least two signs notifying members of the traveling public of
19 the use of an ATLE system are in place before any recorded images or other
20 data is collected by the ATLE system; and

(d) Daily log.

1 that exceeds the maximum sound level permitted by a municipal ordinance, or
2 has a defense under subsection (h) of this section:

3 * * *

4 (h) Defenses. The following shall be defenses to a violation under this
5 section:

6 * * *

7 (2) that the radar or other detection component of the ATLE system was
8 not properly calibrated or tested at the time of the violation.

9 * * *

10 (k) Review process and annual report.

11 (1) The Agency of Transportation, in consultation with the Department
12 of Public Safety, shall establish a review process to ensure that recorded
13 images are used only for the purposes permitted by this section. The Agency
14 of Transportation shall report the results of this review annually on or before
15 January 15 to the Senate and House Committees on Judiciary and on
16 Transportation. The report shall contain the following information based on
17 prior calendar year data:

18 (A) the total number of ATLE systems units being operated in the
19 State on behalf of the Agency ~~in the State~~ and on behalf of municipal law
20 enforcement agencies;

1 (B) the terms of any contracts entered into with any vendors for the
2 deployment of ATLE on behalf of the Agency or on behalf of municipal law
3 enforcement agencies;

4 (C) all of the locations where an ATLE system was deployed along
5 with the dates and hours that the ATLE system was in operation;

6 (D) the number of violations issued based on recorded images and
7 the outcomes of those violations by category, including first, second, and third
8 and subsequent violations and contested violations;

9 (E) the number of recorded images the Agency and municipal law
10 enforcement agencies submitted to the automated traffic law enforcement
11 storage system;

12 (F) the total amount paid in civil penalties; and

13 (G) any recommended changes for the use of ATLE systems in
14 Vermont.

15 * * *

16 Sec. 3. 23 V.S.A. § 1610 is added to read:

17 § 1610. AUTHORIZATION OF MUNICIPAL ATLE USE

18 (a) A municipal law enforcement agency shall not utilize ATLE within the
19 municipality until affirmatively permitted to do so pursuant to subsection (b) of
20 this section.

1 (b)(1) A municipal law enforcement agency may submit a proposal to
2 utilize ATLE within the municipality to the legislative body of the
3 municipality. The proposal shall include information regarding:

4 (A) the types of ATLE the law enforcement agency proposes to use;

5 (B) the traffic offenses the ATLE is intended to address; and

6 (C) whether the law enforcement agency proposes to purchase or
7 lease the ATLE systems or to contract with a third party for the operation and
8 deployment of ATLE system.

9 (2) Following review of the proposal, the legislative body of the
10 municipality shall determine whether to submit to the voters of the
11 municipality the question of whether to utilize ATLE within the municipality
12 in accordance with the proposal.

13 (3) Upon a vote of approval by a majority of the voters present and
14 voting at an annual or special meeting duly warned for that purpose, the
15 municipal law enforcement agency may utilize ATLE within the municipality
16 in accordance with the proposal.

17 (c) A municipality may rescind the vote to approve ATLE use by a
18 majority vote of those present and voting at an annual or special meeting
19 warned for that purpose. A proposal to rescind the vote to approve ATLE use
20 may be brought by petition of five percent of the voters of the municipality.

1 Sec. 4. 2024 Acts and Resolves No. 135, Sec. 5 is amended to read:

2 Sec. 5. PROSPECTIVE REPEAL

3 4 V.S.A. § 1102(b)(33) (Vermont Judicial Bureau jurisdiction over
4 automated traffic law enforcement violations) and 23 V.S.A. §§ 1606–1608
5 (automated law enforcement) are repealed on July 1, 2027; ~~provided, however,~~
6 ~~if the Agency is unable to secure federal funding for a work zone ATLE pilot~~
7 ~~program by June 30, 2025, then 4 V.S.A. § 1102(b)(33) and 23 V.S.A.~~
8 ~~§§ 1606–1608 are repealed on July 2, 2025~~ 2029.

9 Sec. 5. EFFECTIVE DATE

10 This act shall take effect on July 1, 2026.