

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:

\* \* \*

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;

14 \* \* \*

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 \* \* \*

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                   ~~(4)(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

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;

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

1                   (B) there is notice of the use of the ATLE system, including its  
2                   location, on the municipality's website.

3                   (d) Daily log.

4                   \* \* \*

5                   (2) The daily log shall be retained for not fewer than three years by the  
6                   Agency or the municipal law enforcement agency, as appropriate, and be  
7                   admissible in any proceeding for a violation involving ATLE systems  
8                   deployed on behalf of the Agency or the municipal law enforcement agency.

9                   (e) Annual calibration. All ATLE systems shall undergo an annual  
10                   calibration check performed by an independent calibration laboratory. The  
11                   calibration laboratory shall issue a signed certificate of calibration after the  
12                   annual calibration check, which shall be retained for not fewer than three years  
13                   by the Agency or the municipal law enforcement agency, as appropriate, and  
14                   be admissible in any proceeding for a violation involving the ATLE system.

15                   (f) Penalty.

16                   (1) The owner of the motor vehicle bearing the rear registration number  
17                   plate captured in a recorded image shall be liable for one of the following civil  
18                   penalties unless, for the violation in question, the owner is convicted of  
19                   exceeding the speed limit under chapter 13 of this title, violating the provisions  
20                   of subdivision 1022(a)(3) of this title, operating the vehicle at a sound level

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

3 \* \* \*

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.

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;

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:

## § 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.