

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S3/30/23

# A Bill

SENATE BILL 481

5 By: Senator K. Hammer  
6 By: Representative L. Fite  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF  
10 AN AUTOMATED ENFORCEMENT DEVICE; AND FOR OTHER  
11 PURPOSES.  
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### Subtitle

14 TO AMEND THE LAW CONCERNING THE OPERATION  
15 OF AN AUTOMATED ENFORCEMENT DEVICE.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 27-52-110 is amended to read as follows:

22 27-52-110. Automated enforcement device operated by county government  
23 or department of state government operating outside municipality –  
24 Definitions.

25 (a) As used in this section:

26 (1) "Automated enforcement device" means a system operated by a  
27 county government or a department of state government that is operating  
28 outside of a municipality that:

29 (A) Uses a ~~photo-radar~~ device that is capable of detecting  
30 a speeding violation; and

31 (B) Photographs or records an image of the vehicle used in  
32 committing the violation, the operator of the vehicle, or the license plate  
33 of the vehicle; ~~and~~

34 (2) "Highway work zone" means the area upon or adjacent to a  
35 controlled-access highway of this state where construction, reconstruction,  
36 or maintenance work is performed; and



1           (3) “Municipality” means a city of the first class, a city of  
2 the second class, or an incorporated town.

3           (b) Except as used under subsection (c) of this section, an automated  
4 enforcement device shall not be used by a law enforcement agency of a county  
5 or a department of state government that is operating outside of a  
6 municipality to detect or enforce:

7                 (1) A violation of the traffic laws, rules, or regulations of  
8 the State of Arkansas; or

9                 (2) An ordinance of the municipality.

10           (c)(1) A county government or a department of state government that is  
11 operating outside of a municipality may use an automated enforcement device  
12 to detect and enforce a violation of traffic laws or ordinances:

13                         (A) In a school zone; ~~or~~

14                         (B) At a railroad crossing; or

15                         (C) In a highway work zone.

16           (2) If a county or a department of state government that is  
17 operating outside of a municipality uses an automated enforcement device,  
18 then a certified law enforcement officer must+

19                         ~~(A) Be present with the automated enforcement device; and~~

20                         ~~(B) Issue issue the citation to the violator at the time~~  
21 ~~and place~~ of the violation.

22           (d) This section shall not prevent the Arkansas Highway Police  
23 Division of the Arkansas Department of Transportation from using automated  
24 enforcement devices to enforce state or federal motor carrier laws.

25           (e) Automated enforcement device data that is not related to an active  
26 criminal or civil investigation shall not be retained by a county government  
27 or a department of state government.

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29           SECTION 2. Arkansas Code § 27-52-111 is amended to read as follows:

30           27-52-111. Automated enforcement device operated by municipality or  
31 department of state government operating within boundaries of municipality –  
32 Definitions.

33           (a) As used in this section:

34                 (1) “Automated enforcement device” means a system operated by a  
35 municipality or a department of state government that is operating within the  
36 boundaries of the municipality that:

1 (A) Uses a ~~photo-radar~~ device that is capable of detecting  
2 a speeding violation; and

3 (B) Photographs or records an image of the vehicle used in  
4 committing the violation, the operator of the vehicle, or the license plate  
5 of the vehicle; ~~and~~

6 (2) "Highway work zone" means the area upon or adjacent to a  
7 controlled-access highway of this state where construction, reconstruction,  
8 or maintenance work is performed; and

9 (3) "Municipality" means a city of the first class, a city of  
10 the second class, or an incorporated town.

11 (b) Except as used under subsection (c) of this section, an automated  
12 enforcement device shall not be used by a law enforcement agency of a  
13 municipality or a department of state government that is operating within the  
14 boundaries of the municipality to detect or enforce:

15 (1) A violation of the traffic laws, rules, or regulations of  
16 the State of Arkansas; or

17 (2) An ordinance of the municipality.

18 (c)(1) A municipality or a department of state government that is  
19 operating within the boundaries of the municipality may use an automated  
20 enforcement device to detect and enforce a violation of traffic laws or  
21 ordinances:

22 (A) In a school zone; ~~or~~

23 (B) At a railroad crossing; or

24 (C) In a highway work zone.

25 (2) If a municipality or a department of state government that  
26 is operating within the boundaries of the municipality uses an automated  
27 enforcement device, then a certified law enforcement officer must+

28 ~~(A) Be present with the automated enforcement device; and~~

29 ~~(B) Issue~~ issue the citation to the violator at the time  
30 ~~and place~~ of the violation.

31 (d) This section shall not prevent the Arkansas Highway Police  
32 Division of the Arkansas Department of Transportation from using automated  
33 enforcement devices to enforce state or federal motor carrier laws.

34 (e) Automated enforcement device data that is not related to an issued  
35 traffic citation or warning or an active criminal or civil investigation  
36 shall not be retained by a municipality or a department of state government.

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*/s/K. Hammer*

**APPROVED: 4/11/23**