

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB's 590 & 568

INTRODUCER: Transportation Committee and Senators Garcia, Wise and Evers

SUBJECT: Noncriminal Traffic Infractions

DATE: February 8, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Fav/CS
2.	Anderson	Yeatman	CA	Pre-meeting
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This committee substitute (bill) contains several provisions relating to red-light cameras. Specifically, the bill:

- Provides that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before issuance of a uniform traffic citation (UTC).
- Provides the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified as the driver on the affidavit.
- Specifies the registered owner of a motor vehicle is responsible for payment of the fine for a violation unless the motor vehicle's owner was deceased on or before the date the UTC was issued, as established by an affidavit and supporting documentation.
- Applies same standards to left-hand turns made in a careful and prudent manner from a one way street onto a one way street when permissible.
- Standardizes enforcement of right or left hand turns on red.
- Requires minimum yellow light interval to be established in accordance with national standards before a camera can be used at an intersection.

- Requires a local government operating a red light camera program to include the yellow light interval in the notice of violation or maintain records of the programmed yellow light intervals at each camera intersection.
- Requires the yellow light interval to be tested at least once during every calendar year beginning in 2013 if each notice of violation for a particular approach does not state the length of the yellow light duration.
- Specifies a traffic infraction detector monitoring a traffic signal which is not in compliance with the engineering standards must be disabled until the traffic signal is brought into compliance with the standards.

This bill substantially amends sections 316.0083, 316.075, and 316.0776 of the Florida Statutes.

II. Present Situation:

Federal Rules on Traffic Control Devices

The Federal Highway Administration (FHWA) publishes a Manual on Uniform Traffic Control Devices (MUTCD) that defines standards related to the installation and maintenance of traffic control signals. The MUTCD is updated periodically to “accommodate the nation’s changing transportation needs and address new safety technologies, traffic control tools and traffic management techniques.”¹ On December 16, 2009, a final rule adopting the 2009 Edition of the MUTCD was published in the Federal Register with an effective date of January 15, 2010.² All states must adopt the 2009 edition of the MUTCD by January 15, 2012.³ According to information published on FHWA’s website, Florida has adopted this national standard.⁴

Florida Laws and Rules on Traffic Control Devices

Section 316.0745(1), F.S., requires the Florida Department of Transportation (FDOT) to adopt a uniform system of traffic control devices for use on the streets and highways of the state. Section 316.0745(2), F.S., requires FDOT to compile and publish a manual defining its uniform system. The statute also requires FDOT to compile and publish minimum specifications for traffic control signal devices “certified by [FDOT] as conforming with the uniform system.”⁵

Following statutory requirements, FDOT publishes a Traffic Engineering Manual (TEM) to provide traffic engineering standards and guidelines.⁶ The TEM covers the processes whereby standards and guidelines are adopted, as well as chapters devoted to “highway signs and markings, traffic signals, traffic optimization through the use of computer models . . . , and links to information on [FDOT’s] aging road user program –Safe Mobility for Life.”⁷

¹ See the Federal Highway Administration’s (FHWA) information on the MUTCD at <http://mutcd.fhwa.dot.gov/> (Last viewed Feb. 8, 2012).

² *Id.*

³ *Id.*

⁴ See FHWA’s chart indicating Florida has adopted the 2009 Edition of the MUTCD. This information can be accessed at http://mutcd.fhwa.dot.gov/knowledge/natl_adopt_2009.htm (Last visited Feb. 8, 2012).

⁵ Section 316.0745(2), F.S.

⁶ Florida Department of Transportation *Traffic Engineering Manual*, “Adoption Procedure.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtml> (last visited Feb. 8, 2012).

⁷ *Id.*

In addition to FDOT's TEM, many sections of Florida law require drivers to obey traffic control signal demands. Section 316.075, F.S., requires drivers to follow set traffic control signal commands and yield the right-of-way to pedestrians lawfully in intersections and crosswalks. Violators of s. 316.075, F.S., including those that run red lights, commit non-criminal traffic violations punishable pursuant to ch. 318, F.S.

Institute of Transportation Engineers

According to its website, the Institute of Transportation Engineers (ITE) is an international, educational and scientific association of transportation professionals.⁸ Among other things, ITE offers recommendations to the MUTCD and is recognized as one of the leading organizations in transportation research. It publishes a Traffic Engineering Handbook containing information used by transportation officials nationwide. FDOT's TEM calculates the minimum yellow signal change and all-red clearance intervals using formulas contained within the ITE's Traffic Engineering Handbook. However, there is no express requirement in Florida law that FDOT's TEM contain formulas contained within ITE's Traffic Engineering Handbook.

Traffic Signal Yellow Intervals

The purpose of the yellow light display is "to provide a safe transition between two conflicting traffic signal phases."⁹ More specifically, the function of the yellow light display is "to warn traffic of an impending change in the right-of-way assignment."¹⁰ The MUTCD states that a yellow change interval should have a minimum duration of 3 seconds and a maximum duration of 6 seconds and a red clearance interval should have a duration not exceeding 6 seconds.¹¹

Drivers approaching a traffic signal displaying a yellow light face at least four conditions:

1. The vehicle is traveling at a speed where the driver can stop comfortably;
2. The vehicle is too close to the intersection to stop comfortably, and must thus continue at the same speed or accelerate to travel through the intersection before conflicting traffic movements begin;
3. The driver can neither stop comfortably nor continue without encountering a conflicting traffic movement (prevalent with short yellow intervals and/or high approach speeds); or
4. The driver can either stop or proceed safely through the intersection.

The ideal yellow interval accommodates conditions 1 and 2, eliminates condition 3, and minimizes condition 4. To accomplish this, traffic engineers nationwide typically employ the following formula, which is heavily influenced by vehicle approach speed, and was developed by the Institute of Transportation Engineers (ITE):

⁸ See the Institute of Transportation Engineers website at <http://www.ite.org/aboutite/index.asp> (last visited 2/4/12).

⁹ Florida Department of Transportation *Traffic Engineering Manual*, s. 3.6.1, "Purpose." This information can be viewed at http://www.dot.state.fl.us/trafficoperations/Operations/PDFs/FDOT_Traffic_Engineering_Manual_revised_January_2012.pdf (last visited Feb. 8, 2012).

¹⁰ *Id.*

¹¹ *Id.*

$$Y = t + \frac{1.47v}{2(a + Gg)}$$

Where:

Y= length of yellow interval, sec.

t = perception-reaction time, (Use 1 sec.).

v = speed of approaching vehicles, in mph.

a = deceleration rate in response to the onset of a yellow indication. (Use 10 ft/sec²)

g = acceleration due to gravity. (Use 32.2 ft/sec²)

G = grade, with uphill positive and downhill negative. (percent grade /100)

For Florida traffic signal timing, the FDOT TEM (Topic No. 750-000-005) provides required minimum durations for the yellow change interval in the following table which was computed using the ITE formula:

APPROACH SPEED (MPH)	YELLOW INTERVAL (SECONDS)
25	3.0
30	3.2
35	3.6
40	4.0
45	4.3
50	4.7
55	5.0
60	5.4
65	5.8
* For approach grades other than 0%, Use ITE Formula.	

Traffic Infraction Detectors generally

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are used. These video cameras record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted Chapter 2010-80, Laws of Florida. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of ch. 316, F.S.¹² The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to authorize officials to issue notices of violations of ss. 316.074(1)

¹² Section 316.0076, F.S.

and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.¹³

Installation, Operation, Equipment and Testing Specifications

Any traffic infraction detector installed on the highways, roads, and streets must meet placement and installation specifications established by FDOT.¹⁴ In addition, traffic infraction detectors must be tested at regular intervals according to procedures prescribed by FDOT to ensure specified technical and operational requirements are met.¹⁵ These requirements are published by FDOT and are to be conducted in accordance with the manufacturer's recommendations or county or city testing requirements, whichever is more stringent.¹⁶ Pursuant to the process, traffic infraction detectors are required to perform and record the results of a daily internal self test sequence that confirms proper operation of each critical system component. If the system fails on one or more portions of the internal self test, the system will render itself inoperable until a successful internal self test is recorded.¹⁷

During the system test phase, traffic infraction detectors are required to activate and create 'event information' consistent with an 'event,' when artificially activated. According to FDOT specifications, an 'event' is defined as the point at which "a motor vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red indication."¹⁸ With regard to the capturing of 'event information' during the testing phase, traffic infraction detectors are required to capture the following:

- a photographic or electronic image of the intersection that includes the rear of the vehicle and license tag at a time the vehicle is in advance (and beyond) of the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image; and
- if 'right on red' violations are enforced, a minimum of five seconds of streaming video showing the rear of the vehicle (and license tag) in advance of the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image. The streaming video must continue until after the vehicle is beyond the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image.

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT.¹⁹ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by

¹³ See generally s. 316.0083, F.S.

¹⁴ Sections 316.07456 and 316.0776, F.S.

¹⁵ Section 316.07456, F.S.

¹⁶ DOT's Traffic Infraction Detector Equipment and Testing Specifications may be viewed at

<http://www.dot.state.fl.us/trafficoperations/Operations/redlight/101216%20Traffic%20Infraction%20Detector%20Equipment%20Specifications.pdf> (last visited Feb. 8, 2012).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 316.008(7), F.S.; s. 316.0776(1), F.S.

FDOT.²⁰ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT, when permitted by FDOT.²¹

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.²² Such signage must meet the specifications for uniform signals and devices adopted by FDOT pursuant to s. 316.0745, F.S.²³

Notifications and Citations

If a traffic infraction detector identifies a person violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. A notification must be issued to the registered owner (first name on registration in cases of joint registration) of the vehicle within 30 days of the alleged violation.²⁴ The notice must be accompanied by a photograph or other recorded image of the violation, a statement of the vehicle owner's right to review images or video of the violation, and the time and place, or Internet location where the evidence may be reviewed.²⁵ Violations may not be issued if the driver is making a right-hand turn "in a careful and prudent manner."²⁶

If the registered owner of the vehicle does not submit payment within 30 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a traffic citation (UTC) to the registered owner (first name on registration in cases of joint registration).²⁷ A citation must be mailed by certified mail, and must be issued no later than 60 days after the violation.²⁸ The citation must also include the photograph and statements described above regarding review of the photographic or video evidence.²⁹ The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.³⁰

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 days after the issuance date of the citation to the violator.³¹

²⁰ *Id.*

²¹ Section 321.50, F.S. As of February 2012, DHSMV has not undertaken any effort to install or authorize traffic infraction detectors itself.

²² Section 316.0776(2), F.S.

²³ *Id.*

²⁴ Section 316.0083(1)(b), F.S.

²⁵ *Id.*

²⁶ Section 316.0083(2), F.S.

²⁷ Section 316.0083(1)(c), F.S.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Section 316.0083(1)(e), F.S.

³¹ Section 316.650(3)(c), F.S.

Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer;
- Was, at the time of the violation, in the care, custody, or control of another person; or
- Received a UTC for the alleged violation issued by a law enforcement officer.³²

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.³³ If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the driver.³⁴ A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.³⁵ Submission of a false affidavit is a second degree misdemeanor.

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.³⁶ If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.³⁷

Fines

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).³⁸ DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.³⁹

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust

³² Section 316.0083(1)(d), F.S.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Section 318.18(15), F.S.

³⁸ Section 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

³⁹ *Id.*

Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.⁴⁰

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.⁴¹

No Notice of Violation Issued to Person Named in the Affidavit

In instances where the registered owner furnishes an affidavit raising the exemption that the vehicle was, at the time of the violation, in the care, custody or control of another person, the identified person is not issued a notice of violation. Instead, the person is immediately issued a traffic citation at a higher amount,⁴² which includes associated court fees and costs.⁴³ The immediate issuance of a traffic citation comes as a result of time constraints imposed by the red-light camera statute. Because a traffic citation must be issued to the registered owner within 60 days after the date of the violation in cases of nonpayment, there is not enough time to issue another notice of violation – even if the registered owner furnishes an affidavit identifying someone else as the driver. As such, while registered owners are given the opportunity to pay a \$158 fine pursuant to the notice of violation, persons identified on the affidavit are subject to a higher fine and run the risk of having a conviction recorded on their driving record if they elect to attend a hearing and are found to have committed the violation.

III. Effect of Proposed Changes:

Section 1 makes several changes to s. 316.0083, F.S. First, the bill revises the procedure that applies to a person identified on an affidavit as having care, custody, and control of a motor vehicle captured by a traffic infraction detector for an alleged violation of the red-light camera statute. The bill makes these changes by:

- providing that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before a uniform traffic citation (UTC) is issued; and
- providing that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified as the driver on the affidavit.

Issuance of a Notice of Violation before Issuance of a Uniform Traffic Citation

The bill provides that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before issuance of a uniform traffic citation. The effect of the proposed change lifts the time constraints on traffic infraction enforcement officers responsible for mailing notices of violations and UTCs and gives the identified person the same rights as the registered owner. Specifically, the bill allows the person identified as having care, custody, and control of the motor vehicle at the time of the violation the opportunity to pay a \$158 fine that is not subject to court costs, fees

⁴⁰ Section 318.18(15), F.S.

⁴¹ Section 322.27(3)(d)6., F.S.

⁴² The UTC amount varies across jurisdictions due to differing court costs and fees, but is generally above \$200.

⁴³ Section 316.0083(1)(d)3., F.S.

and risks associated with attending a hearing – namely the possibility of a conviction being recorded on the person's driving record. Additionally, because the bill provides that a notice of violation may be sent to the person identified on the affidavit, the identified person receives the same amount of time as a registered owner of a motor vehicle to pay the imposed fine before a UTC is issued.

The Same Procedure that Applies to the Registered Owner Applies to the Person Identified on an Affidavit

The bill provides that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified on the affidavit as having care, custody, and control of the motor vehicle. The effect of the proposed change will require the same notice of violation sent to a registered owner be sent to the person identified on the affidavit. A notice of violation must be accompanied by a photograph or other recorded image of the violation and must include a statement of the cited person's right to review images or video of the violation and the time, place and Internet location where the evidence may be reviewed. The same procedure for non-payment that applies to a registered owner also applies to a person identified on an affidavit.

Second, s. 316.0083(1)(d), F.S., is amended to provide an additional defense to the responsibility and liability for payment of the fine for a violation of s. 316.074(1) or s. 316.075(1)(c)1., F.S. Specifically, the registered owner of the motor vehicle is responsible for payment of the fine unless the motor vehicle's owner was deceased on or before the date the uniformed traffic citation was issued, as established by an affidavit submitted by the representative or the motor vehicle owner's estate, or other designated person or family member.

The affidavit must include a certified copy of the owner's death certificate showing the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

- A bill of sale or other document showing the deceased owner's motor vehicle was sold after his or her death;
- Documentary proof that the registered license plate belonging to the deceased owner's vehicle was turned into the DHSMV; or
- A copy of a police report showing the deceased owner's registered license plate or motor vehicle was stolen after the owner's death.

Upon receipt of the death certificate and proper documentation, the governmental entity must dismiss the citation and provide proof of such dismissal to the affiant.

Section 316.0083(2), F.S., is amended to include that a notice of violation may not be issued if the driver is making a left-hand turn in a careful and prudent manner from a one-way street onto a one-way street where left-hand turns are permissible. A citation also may not be issued if the driver of the vehicle came to a complete stop before turning right or left when permissible, but failed to stop before the point at which a stop is required.

In addition, a notice of violation or traffic citation for failure to stop at a red light before making a right or left turn must be issued at the discretion of the reviewing traffic infraction enforcement officer, as if the citation had been issued by an officer at an intersection. When examining

evidence for violations, a traffic infraction enforcement officer may consider one or more of the following factors that would indicate the turn was not made in careful or prudent manner:

- The operator of the motor vehicle failed to yield to a pedestrian or bicyclist;
- The operator of the motor vehicle put a pedestrian or bicyclist in danger of injury;
- The operator of the motor vehicle failed to yield to another vehicle or oncoming traffic; or
- The operator of the motor vehicle commenced the turn in disregard for the safety of person or property.

Lastly, this section of the bill creates subsection (5) to require DSHMV, each county, or each municipality within 15 months or when one year of data is available to submit a report to FDOT that includes a comparison and analysis of:

- Month-to-month violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., which occur at the intersections where traffic infraction detectors are enforcing the law to stop at a red light; and
- The number and type of related traffic collisions that occur at each intersection prior to and after the use of traffic infraction detectors.

The report must also describe instances when camera results are not used and other data, such as traffic crash reports, are used in the comparison and analysis by the DHSMV, county, or municipality.

Section 2 amends s. 316.075, F.S., to require each jurisdiction to establish minimum yellow light change interval times for use in traffic signals where a traffic infraction detector is used. The minimum time is set in accordance with engineering standards set forth in the Institute of Transportation Engineers' *Traffic Engineering Handbook*, as adopted by the Department of Transportation.

A jurisdiction issuing a notice of violation sent pursuant to s. 316.0083, F.S., must include the length of the yellow light time during the signal phase of the traffic control signal immediately before the violation on the notice or must maintain records of the most recent programmed yellow intervals for inspection in order to ensure compliance.

The yellow light interval must be tested at least once during every calendar year beginning in 2013 if each notice of violation for a particular approach does not state the length of the yellow light duration. A traffic infraction detector monitoring a traffic signal which is not in compliance with the Institute of Transportation Engineers' *Traffic Engineering Handbook* standards must be disabled until the traffic signal is brought into compliance with the standards.

The bill provides the issuance of a notice stating the length of the yellow light duration or annual testing of the yellow light change interval time establishes a presumption that the yellow light cycle was compliant with standards at the time the alleged violation occurred. In addition, a certificate or signed affidavit verifying compliance establishes a presumption that the testing of the yellow light cycle was compliant with standards and the certificate or affidavit is admissible as proof of such compliance.

The bill provides that traffic infraction detectors operational on July 1, 2012, must be in compliance with the minimum yellow light change interval times by January 1, 2013.

Section 3 amends s. 316.0776(2), F.S., relating to signage requirements notifying the public that a traffic infraction device may be in use at an intersection. Specifically, the bill deletes reference to notification of camera enforcement for only right turns and requires signage notifying the public of camera enforcement of violations concerning turns to conform to other provisions in the bill.

Section 4 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The registered owner of a motor vehicle and the person identified as having care, custody, and control of the motor vehicle at the time of the violation will be subject to the same procedure for the disposition of a red-light camera citation.

C. Government Sector Impact:

Depending on whether or not the bill's change allows a person identified on an affidavit to first receive a notice of violation instead of a UTC, this bill will reduce or increase the amount of revenue received by state and local governments.

For those signals monitored by traffic infraction detectors that do not record yellow light interval times, local governments will be responsible for the costs associated with the annual testing of the devices and possibly experience a reduction of fines collected until the signal is made compliant. The cost is indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation Committee on February 7, 2012:

The CS combined SB's 590 and 568 and replaced the substance of those bills as described above. The CS was further amended to remove the terms "willful and wanton" when determining whether a turn was made in disregard to safety of person or property. In addition, the CS specifies certain documentation that must be submitted with the affidavit if advising the appropriate government entity of the owner's death to establish an affirmative defense for the issuance of a UTC when the registered owner of the vehicle is deceased. Along with a copy of the death certificate, at least, one other document must be submitted showing the deceased owner's vehicle was sold, stolen after the owner's death or that vehicle's license tag has been turned into the DHSMV.

- B. **Amendments:**

None.