

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0716

## HOUSE TRANSPORTATION COMMITTEE

### ENGROSSED NO. **SB205** - 2/15/97

Introduced by: Senators Shoener, Everist, and Thompson and Representatives Brooks, Cerny, Jorgensen, and Koskan

1 FOR AN ACT ENTITLED, An Act to authorize the use of photo radar equipment to identify  
2 motor vehicles violating limited speed zones in highway work areas.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-25 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Highway Patrol and the Department of Transportation working jointly may utilize photo  
7 radar equipment to identify motor vehicles violating limited speed zones in highway work areas  
8 where work is actually being performed as established by § 32-25-19.1. The photograph or video  
9 produced by the photo radar is admissible in evidence at trial for a violation of § 32-25-19.1 or  
10 for the collection of the civil penalty provided in this section. If the operator of the motor vehicle  
11 cannot be identified, the owner of the identified motor vehicle is civilly liable for a penalty in an  
12 amount equivalent to the fine established by § 32-25-19.1. In the case of a rented or leased motor  
13 vehicle, if the motor vehicle owner notifies the Department of Transportation of the identity of  
14 the renter or lessee, the renter or lessee is liable for the civil penalty imposed by this section. A  
15 citation issued as a result of the use of photo radar shall be accompanied by a copy of the

1 photograph or video produced showing the motor vehicle license plate. The citation may be  
2 served on a defendant in the manner provided by § 23A-2-9 for service of a summons or by  
3 registered or certified mail with a return receipt. Signs indicating that photo radar is being used  
4 shall be posted in advance of the regulatory speed limit signs. Any agent or employee of the  
5 Department of Transportation may issue a citation on a form promulgated pursuant to § 23-1A-2  
6 to the driver or owner of any vehicle for a violation of this section. The agent or employee is not  
7 considered a law enforcement officer for the purposes of § 23-3-27.

8       The term, photo radar, means a device used primarily for highway speed limit enforcement  
9 substantially consisting of a radar unit and still or video camera, which automatically produces  
10 a photograph or video of a vehicle traveling in excess of the legal speed limit, with the vehicle's  
11 speed, the date, time of day, and location of the violation printed on the photograph or video.

1 **BILL HISTORY**

2 1/29/97 First read in Senate and referred to Transportation. S.J. 219

3 2/4/97 Scheduled for Committee hearing on this date.

4 2/4/97 Transportation Do Pass Amended, AYES 5, NAYS 2. S.J. 302

5 2/6/97 Senate Do Pass Amended, AYES 26, NAYS 8. S.J. 344

6 2/7/97 First read in House and referred to Transportation. H.J. 372

7 2/14/97 Scheduled for Committee hearing on this date.

8 2/14/97 Transportation Do Pass Amended, AYES 10, NAYS 3. H.J. 483