

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2019 Regular Session**

Part I: Measure Information

Bill Request #: 841

Bill #: HB 507

Document ID #: 4555

Bill Subject/Title: AN ACT relating to electronic speed enforcement.

Sponsor: Representative Reginald K. Meeks

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Local governments who chose to enact ordinance allowing use of
electronic speed enforcement devices.

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local
Government**

HB 507 creates new sections of KRS Chapter 189 related to allowing automated speed enforcement devices.

This proposal will allow a local government to enact an ordinance to allow an agency to enforce the speed limits on roadways under its jurisdiction through the use of automated speed enforcement devices.

It establishes requirements localities must follow when deploying photo enforcement systems and the process for issuing civil citations and penalties.

It sets out that 50 percent of the penalty shall be retained by the local government and the remaining fifty percent be deposited into the state road fund.

Local governments employing automated speed devices must notify the public of its location, install signage on both sides of the roadway within 1,000 feet of the device, annually calibrate the device, and report to LRC the number of citation issued and total revenue received.

Local governments that chose to implement automated speed detection devices must pass an ordinance to do so. It will incur costs associated with the drafting, publication, indexing, and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2018, the median hourly rate was approximately \$106.

Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. LRC Research Report No. 431, Cost and Policy Considerations for State-Mandated Local Public Notices, adopted October 13, 2016, indicated that median costs to counties incurred for publishing ordinances in FY 2015 was \$1,035.

There are many things local governments must consider before implementing these systems. Cost of the hardware; installation and maintenance costs; operational costs including personnel, processing, mailing, payment management, etc.

There are several models local governments should consider when considering a potential deployment of an automated speed detection device; a municipal owned and operated system; contract model covering hardware, installation, maintenance and service, and operational processes; or a hybrid system that contracts for some services and/or operation.

According to Sensys America, Inc., a provider of photo enforcement systems and services based in Florida, basic, simple hardware systems costs begin at approximately \$50,000 per location and another \$30,000 to \$50,000 for installation, depending on the characteristics of the location.

Monthly operational costs vary widely and would be specific to locale. Cost of servicing and maintaining equipment, trouble shooting, printing and mailing, staffing, leasing costs, etc., are all affected by the type of system involved, the form of operation chosen (owned or contracted) and estimated number of violations.

Sensys America, Inc. indicated a hybrid model approach commonly used is that the municipality leases the equipment and contracts for maintenance and service. The locality does all of the processing, mailing and collections. Contract pricing can be based on a flat fee, a sliding fee based on the number of images and violations, or a revenue sharing basis, or multiple other combinations.

Sensys America indicated that most deployments of photo enforcement systems are cost and revenue neutral.

The fiscal impact of this proposed measure is indeterminable but expected to be minimal especially as more systems are installed operated.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s): LRC Staff, Sensys America, Inc., Orlando, Florida, KLC, LRC Research Report No. 431

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/25/19