

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

945V0417

### HOUSE ENGROSSED NO. **HB 1122** - 02/20/2014

Introduced by: Representatives Hajek, Anderson, Erickson, Gibson, Gosch, Hoffman, Killer, Kopp, Latterell, Stevens, and Westra and Senators Lederman, Holien, Jones (Chuck), Maher, Rave, and White

1 FOR AN ACT ENTITLED, An Act to prohibit the collection in South Dakota of civil fines  
2 arising from speeding or red light cameras in other states.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Red Light Camera," a fixed, automated camera, generally triggered when a vehicle  
6 enters an intersection after the traffic light has turned red; and

7 (2) "Speed Camera," a fixed, automated camera, usually equipped with a radar detector,  
8 used to measure and record the speed of vehicles for the purpose of fining drivers  
9 over the speed limit.

10 Section 2. In order to ensure due process rights of South Dakota residents, a state or  
11 municipality seeking to enforce a civil judgment or civil penalty pursuant to this Act must prove  
12 by a preponderance of the evidence that the defendant in question was the driver of the vehicle  
13 and committed the offense of speeding or running a red light. The state or municipality shall  
14 also provide evidence that all due process requirements such as notice, hearing, and opportunity



1 to respond under title 15 have been met. Upon the plaintiff's compliance with this section, the  
2 state shall honor the judgement or penalty under §§ 15-16A-1 to 15-16A-9, inclusive.

3 Section 3. No collection agency or company may contact a South Dakota resident by  
4 telephone, mail, electronic means, or any other manner, nor utilize the court system of South  
5 Dakota, in an effort to collect a fine derived from a speed camera or red light camera civil  
6 violation in violation of section 2 of this Act. A South Dakota resident contacted by telephone,  
7 mail, electronic means, or any other manner by a collection company or agency attempting to  
8 collect speed camera or red light camera civil fines in violation of section 2 of this Act may seek  
9 damages in small claims court in the county of their residence, pursuant to chapter 15-39, for  
10 no more than three times the amount of the civil fine issued against the resident.