STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
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Opinion No. 12-21

Unmanned Traffic Enforcement Cameras

QUESTION

Whether a traffic enforcement camera is "unmanned" for purposes of Tenn. Code Ann. § 55-8-198 when a police officer is present with the device.

OPINION

An "unmanned traffic enforcement camera" is an automated device that collects photographic evidence of traffic violations without the active participation of a law enforcement officer. Where an officer operates a device, it is not "unmanned" for purposes of Tenn. Code Ann. § 55-8-198, but the mere passive presence of an officer near a traffic enforcement camera that otherwise functions automatically does not remove the device from the ambit of the statute.

ANALYSIS

Tenn. Code Ann. § 55-8-198 contemplates the issuance of traffic citations "based solely upon evidence obtained from an unmanned traffic enforcement camera," Tenn. Code Ann. § 55-8-198(a), but imposes restrictions on the use of these devices. For example, generally unmanned traffic enforcement cameras may not be located on federal interstate highways. Tenn. Code Ann. § 55-8-198(f). Similarly, except for school zones, cameras that monitor speed are not permitted within one mile of a reduction in the speed limit on a public road or highway of ten miles per hour or greater. Tenn. Code Ann. § 55-8-198(l).

Signage is also mandated for unmanned traffic enforcement cameras. A political subdivision that owns or operates an unmanned traffic enforcement camera must post appropriate signs informing drivers of the presence of cameras not less than five hundred feet but not more than one thousand feet in advance of the enforcement area. Tenn. Code Ann. § 55-8-198(c)(2). For cameras that detect unlawful right turns at red signals, clearly marked "No Turn on Red" signs must be erected at intersections. Tenn. Code Ann. § 55-8-198(i).

Finally, Tenn. Code Ann. § 5-8-198 regulates the content of evidence collected by unmanned traffic enforcement cameras. Thus, for example, evidence of red light violations must show the target vehicle with its front tires before the stop line and subsequently with its rear tires beyond it, both while the signal is red, and, more generally, cameras must not identify as violators vehicles that in fact entered the intersection legally. Tenn. Code Ann. § 55-8-198(c)(1)

& (h). Evidence captured by an enforcement camera that is inconsistent with the registration information of the target vehicle results in an invalid citation. Tenn. Code Ann. § 55-8-198(k). In all cases, only POST-certified or state-commissioned officers are authorized to review video evidence from a traffic light signal monitoring system and make a determination whether a violation has occurred. Tenn. Code Ann. § 55-8-198(b)(1).

The statute does not define the term "unmanned traffic enforcement camera." The paramount rule of statutory construction "is to ascertain and give effect to legislative intent without broadening the statute beyond its intended scope." *Carter v. Bell,* 279 S.W.3d 560, 564 (Tenn. 2009). Courts "must always begin with the words that the General Assembly has chosen" and "must give these words their natural and ordinary meaning." *Lee Medical, Inc. v. Beecher,* 312 S.W.3d 515, 526 (Tenn. 2010). These words must also be construed "in the context in which they appear in the statute and in light of the statute's general purpose." *Id.* Courts may also refer to dictionary definitions where appropriate to ascertain the ordinary and natural meaning of words used in a statute. *State v. Majors,* 318 S.W.3d 850, 859 (Tenn. 2010).

Application of these statutory rules of construction to the question presented leads to the conclusion that the term "unmanned traffic enforcement camera" refers to an automated device that collects evidence of traffic violations without the active participation of a law enforcement officer. At the outset, the ordinary meaning of the word "manned" is "transporting or operated by a human being." *The American Heritage Dictionary* 763 (2nd college ed. 1985). Use of the antonym suggests an intent to encompass devices that function automatically. Similarly, the statute speaks of traffic enforcement cameras that "monitor" speed and "identify" violations and on five separate occasions refers to citations "based solely upon evidence" obtained from the cameras. Tenn. Code Ann. § 55-8-198(a), (b)(1), (c)(1), (h)-(l). This language, too, is suggestive of machines that perform their functions without the intervention of a human agent. On this reading, a camera that is operated by an officer—as, for example, a camera mounted in a patrol car—would not be subject to the restrictions set forth in Tenn. Code Ann. § 55-8-198. Both the purpose and the context of those restrictions, however, counsel against extending this construction to situations in which an officer is present with an automated device, but plays no active role in collecting evidence or issuing a citation. Among other things, the signage requirements serve to give motorists fair warning that traffic enforcement cameras are in operation. *See, e.g.,* Tenn. Code Ann. § 55-8-198(c)(2). Allowing the mere presence of an officer near an "installed" traffic enforcement camera that otherwise functions automatically to relieve local governments of the obligation to post appropriate signs (or to meet other requirements of the statute) would frustrate that legislative goal. Accordingly, this Office concludes that an automated traffic enforcement camera remains "unmanned" for purposes of Tenn. Code Ann. § 55-8-198 notwithstanding a purely passive police presence in the environs of the device.

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