

LETTER OPINION
98-L-65

May 18, 1998

Honorable Lois Delmore
State Representative
District 43
714 South 22nd Street
Grand Forks, ND 58201

Dear Representative Delmore:

Thank you for your letter requesting my opinion on whether surveillance cameras may be used at stop lights to monitor, identify, and ticket traffic light violators.

North Dakota law does not address or prohibit the use of cameras to monitor, identify, and ticket traffic light violators. However, the use of cameras for these purposes can raise a number of significant legal issues. For example, since drivers, and not the vehicles, are charged and ticketed for a traffic light violation, sufficient procedures and safeguards must exist to identify the driver of the vehicle for the purposes of issuing a complaint for a traffic violation.

Whether a particular scheme or procedure using cameras to monitor, identify, and ticket traffic light violators is legally permissible must be examined on a case by case basis. For your information, I have enclosed a copy of a law review article reviewing certain legal issues raised by photo radar. Many of the issues raised by photo radar exist when using cameras to monitor, identify, and ticket traffic light violators.

I hope you find the above information and attached article beneficial.

Sincerely,

Heidi Heitkamp
ATTORNEY GENERAL

dab/jjs
Enclosure

