

speed limit and the radar corroborates that judgment. That is what the courts require now so if you take that away you are trying to reverse what the courts have already done.

SENATOR HOAGLAND: I wonder, Senator Chambers, if I can address one more question to you. Now from those passages that you quoted from the courts opinion and from the scientific article, it didn't seem to me that the manual recommends that the officer make that independent observation prior to turning on the radar. Couldn't they happen at the same time? The problem I have with your bill was before he even turns the radar on he has got to independently observe the car speeding. Now that isn't exactly what those articles say, is it, Senator Chambers?

SENATOR CHAMBERS: First of all the bill does not say the radar cannot be turned on. Here is what the language says specifically. The law enforcement officer made a visual observation of the offending vehicle and determined such vehicle to be operating of excess of actual speed limit prior to using such radio microwave or other electronic device for corroboration. The radar can be on and he might be getting all kinds of readings but when he decides that he has got a car that he is going to ticket he should have observed that vehicle to be certain that this is the one that called up the reading on his unit before he tickets it. So it is like premeditation. It can occur months in advance or a few seconds in advance so there is no time lag involved here. What it is attempting to do is to be certain that the officer is concentrating enough on what he is doing to be certain that the proper driver is ticketed.

SPEAKER MARVEL: The Chair recognizes Senator Chambers. Do you wish to speak?

SENATOR CHAMBERS: Yes. Mr. Chairman, I'm in opposition to Senator Hoagland's amendment. Even though were you to strike this language you have not done anything that would hurt what the bill is trying to do except that you may give officers the impression that they need not make the visual observation. Remember, the manufacturer who has been the one up until a short time ago that trains the state patrol has told them repeatedly to make the visual observation. There was a prior bill before this one introduced, I think, two years ago and the testimony of the training officer, Captain Svoboda, is that they instruct the officers to make the visual observation first. I don't know why this has become such an issue