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Magdalena Gurdek*

GENESIS OF THE ACT AMENDMENT OF 24 JULY 2015 DEPRIVING THE MUNICIPAL POLICE OF THE AUTHORIZATION TO USE SPEED CAMERAS

INTRODUCTION

For the first time, in 2003 the municipal police were entitled to carry out activities related to road traffic control towards drivers who failed to comply with the traffic lights and exceeded the speed limit, using devices which record the exceeding of the permitted speed limit or failure to comply with the traffic lights. This was done under the Regulation of the Ministry of the Interior and Administration of 17 December 2003[1] amending § 17 of the Regulation of the Ministry of the Interior and Administration of 30 December 2002 on road traffic control[2].

* PhD; Faculty of Administration and Management of the Humanitas University in Sosnowiec.
[1] Journal of Laws No. 230, item 2310.
[2] Journal of Laws of 2003 No 14, item 144.

Since the municipal police were authorized to use the so-called speed cameras, more and more municipalities stocked up on this type of equipment. Their number increased from one year to another. However, their use aroused disapproval with the public more and more frequently. On the one hand, these devices were to force the drivers to comply with the applicable regulations, which as a result was to improve safety on the roads; on the other hand, those who were fined, felt disadvantaged and used, claiming that the speed cameras were placed in inappropriate sites, in hiding, at the exit from the city on a straight stretch of the road, which was not at all connected with safety enforcement. Some small municipalities were accused that the municipal police did nothing but operate the recording devices[3] and in this way made the budget for the municipality. The public disapproval of the fact that the municipal police were entitled to use such devices increased with each subsequent year. The atmosphere was additionally heated by the media by supplying other examples of infamous activities of the municipal police[4].

In 2007, to the satisfaction of many million drivers, the Constitutional Tribunal[5] decided that § 17 section 1 point c and § 17 section 2 in the scope of activities indicated in § 17 section 1 point 1 letter c) were incompatible with Art. 131 section 1 of the Act of 20.06.1997 – Road Traffic Law and Art. 92 section 1 of the Constitution of the Republic of Poland[6]. In the justification of the judgment, the Tribunal indicated that the Minister of the Interior and Administration – by including the challenged § 17 section 1 point 1 letter c in the issued ordinance – exceeded the limits of the statutory authorization, which violated the norm contained in Art. 92 section 1 of the Constitution. At the same time he clearly stressed that the subject of its settlement was not the evaluation of the purposefulness of granting the municipal police the right to perform some specific activities in the area of road traffic control with the use of speed cameras. That is why the legislator – if it be his will – can completely regulate the powers of the police and give them the existing rights in the field of road traffic control[7].

With reference to the above, the legislator, without giving up granting the municipal police permission to use speed cameras, in a short time, because already on 11 May 2007 passed the Act amending the Act – Law on Road Traffic[8], by means of which he added Art. 129b to it.

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[3] http://www.wprost.pl/ar/426342/Gmina-powolala-straz-gminna-bo-ktos-musi-ustawiac-fotoradar/

[4] See e.g. *Biały Bór: Fotoradory do pośmiania i do zarabiania* – http://www.gk24.pl/wiadomosci/szczecinek/art/4585303,bialy-bor-fotoradary-do-posmiania-i-zarabiania,id,t.html.

[5] Judgment of the Constitutional Tribunal of 22.03.2007, Act 1/07, Journal of Laws No. 53, item 359.

[6] Constitution of the Republic of Poland of 2.04.1997, Journal of Laws No. 78, item 483.

[7] Judgment justification of the Constitutional Tribunal of 22.03.2007.

[8] Act of 20.06.1997 Law on Road Traffic, Journal of Laws of 2017, item 1260; further: Act on Road Traffic Regulations.

According to this provision since 24 July 2007 the municipal police were legally authorized to perform road traffic controls of persons violating the road traffic regulations, in the event of disclosure and recording of an act using automatic devices (Art. 129b point 1b of the Act on Road Traffic Regulations). Since then they were able to carry out these activities in the place and time agreed with the locally competent district (municipal) or area commander of the Police (Art. 129b point 4 of the Act on Road Traffic Regulations), which was to eliminate the possibility of making charges about the location of speed cameras in the proverbial bushes.

As a result of the subsequent amendment[9] made in 2010, a regulation was introduced, according to which the profits earned from the fines imposed for violating of the traffic regulations, detected by means of recording devices were to be allocated in total by the local government units to funding of – generally speaking – the road infrastructure (Art. 20d section 1 of the Act on Public Roads[10]). This new solution was to prevent the claims that the municipal police were a machine used to fill the municipal budgets.

Unfortunately, all these activities did not alter the hostile attitude of a large part of the society to the municipal police using the speed cameras, which resulted in the fact that on 24 July 2015 the Sejm passed the Act amending the Road Traffic Act and the Act on the Municipal Police[11], by means of which on 1 January 2016 the municipal police were deprived of the rights to perform road traffic controls using these devices.

The history of this Act is extremely interesting. Therefore its genesis seems interesting and worth looking at in detail. In connection with this, in this paper, I would like to analyze the details of the legislative process finally aimed at passing the amendment depriving the municipal police of the authorization to use speed cameras.

FIRST ATTEMPTS AT DEPRIVING THE MUNICIPAL POLICE OF THE AUTHORIZATION TO USE SPEED CAMERAS

The atmosphere of general aversion towards the municipal police was used by Ruch Palikota, who did not hide that they were in favour of the complete close-down of this formation[12]. Realizing, however, that in the current political reality, it would be difficult to close down the municipal police, the Party decided to act slowly. The assumption

[9] Act of 29.10.2010 on the Act amendment – Road Traffic Act and a few other laws, Journal of Laws No. 225, item 1466, which came into force on 31.12.2010.

[10] Law of 21.03.1985 on public roads, Journal of Laws of 2016, item 1440 with later amendments

[11] Journal of Laws item 1335.

[12] More on this, see J. Noch, *Ruch Palikota chce likwidacji straży miejskiej.* „Przypomina organizację łupiecką", http://natemat.pl/42469,ruch-palikota-chce-likwidacji-strazy-miejskiej-przypomina-organizacje-lupiecka; Stempurski M., Palikot chce likwidacji Straży Miejskiej, http://warszawa.naszemiasto.pl/artykul/palikot-chce-likwidacji-strazy-miejskiej,1847389,art,t,id,tm.html.

was to gradually reduce the powers of the municipal police, which finally was to lead to their close-down. However, something had to be started with. Thus, there was used what was most criticized by the drivers: pathological – in their opinion – exercising the authorization to use speed cameras by the municipal police and punishing the drivers for incorrect parking. Therefore on 19 April 2013 Sejm Deputies of the Republic of Poland, under the leadership of Deputy M. Banaszak, submitted to the Marshall of the Parliament a draft act amending the act on the municipal police and the act – Road Traffic Law (print 1507)[13], which provided for the repeal of the entire Article 129b of the Act on Road Traffic Regulations, including in particular these two authorizations. The indicated aim of the legislative initiative was to eliminate the pathological behaviour of this formation, hoping that it would meet the parliamentary approval.

In the draft justification, the draft initiators argued that "the functioning of the municipal police was to be only one of the many acceptable forms of accomplishing the municipality's own duties in the assumption consisting in the protection of the public order in the municipality. At that time, a large part of Polish cities created the municipal (commune) police services in their areas. Today, nearly 15 years since the act on the municipal police was passed, a large part of Polish cities have decided to close it down - this process does not apply only to small towns but starts to cover large metropolises such as Gdańsk. This phenomenon is not a surprise - the municipal police in Poland have long since departed from their original functions. The words written in Art. 1 section 1 of the Act on the Municipal Police >>*The Municipal Police fulfil a* ***servile role*** *towards the local community, performing their tasks with respect for the dignity and rights of citizens*<< have little in common with the reality. We know perfectly well, unfortunately, that the municipal police have long since abandoned these ideals. The fact of the ever-increasing process of removal of this institution in the local governments shows how far the municipal police have been transformed into a heartless institution serving only to satisfy the excessive demands of their superiors in the collection of an extremely large amount of local taxes from the pockets of citizens. This bill is to stop this progressive pathology"[14].

According to the bill proponents, his position was fully shared by NIK (the Supreme Audit Office), which was to result from the report prepared by it in March 2011 entitled "Information on the results of the audit of the municipal (commune) police's operation". In NIK's opinion, the municipal police resembled more and more the traffic police, which instead of pursuing the statutory tasks imposed on them, dealt with the prosecution of drivers.

In addition, in the justification the draft proponents indicated that "This draft does not cause negative social and economic effects. It also does not increase the

[13] Draft act, http://www.sejm.gov.pl/sejm7.nsf/PrzebiegProc.xsp?id=71236FAA104E651CC1257B9700575462

[14] From the justification of the act draft http://orka.sejm.gov.pl/Druki7ka.nsf/0/3496916105A1A065C1257B970047BF6E/%24File/1507.pdf.

state budget expenses." The assumption was not to remove speed cameras or to transfer the existing competences of the municipal police to another entity, but to deprive one of the authorized institutions of the rights to use them.

The Supreme Court did not make any comments on the submitted draft[15]. In the opinion of the General Prosecutor, the justification for the draft presented the *ratio legis* of the proposed regulations, referring to, inter alia, the Information about the results of the inspection of the municipal police's operation, prepared by NIK (Supreme Control Office) in March 2011. For these reasons, the Prosecutor General decided that the solutions covered by the deputy draft submitted for review seemed worthy of consideration[16].

The Council of Ministers took an opposite view in this matter. Its negative opinion of 22 January 2014 on the submitted draft was broadly justified. The government in response to the argument raised by the draft initiator that the municipal police from the very beginning of its existence was to form a formation that, if appointed, should support the police locally in *strictly* orderly activities, indicated that the municipal police, already in the original text of the Act of 1997 on the Municipal Police were authorized by Art. 11 point 2 to supervise the order and control the road traffic - within the scope defined in the road traffic regulations, i.e. from the very beginning, the legislator assumed that the tasks of the municipal police would also include road traffic control.

During the first reading of the presented draft, which took place on 12 September 2013, a heated discussion began at the joint meeting of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee. The draft originators referred to their arguments cited in the justification for the draft. However, the representative of the Ministry of the Interior[17] claimed that this Ministry had a negative attitude towards the draft. "In the opinion of the Ministry of the Interior, the introduction of proposed changes may result in the necessity to increase the tasks of the Police, for whom the municipal police are now an important partner and a great support in their operations. There may be increased problems with safety and order on roads and streets, and the number of road traffic incidents may increase, which - in our assessment and the assessment of the Police – the municipal police's activity has a big impact on. The municipal police are created by local governments, in accordance with their assessment of needs and threats. They perform numerous, important and socially necessary tasks, cooperating with the Police and other services"[18]. In response to this, Deputy M. Banaszak said that "If

[15] Opinion of the Supreme Court of 4 July 2013 http://orka.sejm.gov.pl/Druki7ka.nsf/0/3496916105A1A065C1257B970047BF6E/%24File/1507.pdf, p. 33.

[16] Opinion of the Prosecutor General of 20.06.2013. http://orka.sejm.gov.pl/Druki7ka.nsf/0/3496916105A1A065C1257B970047BF6E/%24File/1507.pdf, s. 38-42,

[17] M. Hakiel, Vice-Director of the Department of Supervision at the Ministry of the Interior.

[18] Recording of the meeting of the Committee for Infrastructure and the Territorial Self-Government

the police and municipal police consider any benefits of their actions, I conclude that these are only financial benefits"[19]. In turn, Deputy J. Racki pointed out that the municipal police had worked for many years for this draft to be created[20].

Vice-Commander of the Municipal Police of Warsaw – Z. Włodarczyk had the opposite opinion. He noticed that in the first years of the operation about 400-450 units of the municipal police were established. Over the last 15 years only 38 units were closed down, of which 14 were later re-appointed. What is more, at that time (i.e. in 2013) the municipal police in Poland had nearly 600 units. Thus, the thesis about the extensive dissolving of the municipal police units was not fully justified. He also said that since 2011 the resources coming from fines imposed for the offences detected by the speed cameras were to be allocated for the road safety improvement. So it was not true, as the draft proponents declared, that it was not known what these funds were allocated for. He also pointed out that it was difficult to agree with the thesis that the operation of recording devices had not improved safety in any way. In the last time, a significant drop in the mortality rate on the Polish roads was noticeable. He also drew attention to the fact that, although NIK pointed to the increase in events that municipal police undertook in road traffic, but generally it assessed the entire activity of the municipal police positively [21].

Deputy J. Dzięcioł (PO) supporting completely the position of the Ministry of the Interior applied for the rejection of the draft in the first reading. After the heated discussion was over, the voting on this proposal began. The report says that, during the vote, 21 deputies were for recommending the Sejm to reject the draft in the first reading, 18 were against, no one abstained. In connection with this, on 28 November 2014 (that is over one year later) the voting was performed (no. 42) following the proposal presented in the Committee report. 222 votes were for the rejection of the draft, 74 were against, 127 deputies abstained, 37 did not vote (423 deputies voted)[22].

FURTHER DRAFTS OF THE AMENDING ACTS AIMED AT DEPRIVING THE MUNICIPAL POLICE OF THE RIGHTS TO USE SPEED CAMERAS

Because already at the meeting of the Sejm Committees on 12 September 2013, the Sejm was recommended to reject the bill submitted by deputies of the Club of the Republic of Poland (print 1507), Deputy M. Banaszak was aware that the draft

and Regional Policy Committee of 12.09.2013. http://orka.sejm.gov.pl/zapisy7.nsf/0/3BE371BDCC5AE47BC1257BF100439EA5/%24File/0232807.pdf, p. 12.

[19] Ibidem, p. 13.

[20] Ibidem, p. 14.

[21] Ibidem, p. 15 and 16.

[22] http://www.sejm.gov.pl/sejm7.nsf/agent.xsp?symbol=glosowania&nrkadencji=7&nrposiedzenia=80&nrglosowania=42.

would be rejected sooner or later. Despite this, he did not give up the commenced initiative. On 21 October 2014, with a group of deputies, this time including the deputies from SLD[23], he addressed to the Marshall of the Parliament a draft amending the Municipal Police Act, the Road Traffic Act and the Petty Offences Procedures Code (print 2973). It was more modest than the one presented earlier by Polish deputies - it only concerned depriving the municipal police of the authorization to use recording devices. In contrast to that, it was not requested to repeal the entire Art. 129b of the Act on Road Traffic Regulations, but it was proposed to delete only those parts which involved the use of speed cameras by the municipal police, i.e. in Art. 129b section 2 of the point 1 letter b, in Art. 129b section 3 of the point 3 and the whole Art. 129b section 4, thus leaving the remaining authorization in the scope of road traffic control. Based on this particular draft, a final version of the Act of 24th July 2015 was developed.

The first reading of the bill was on 18 December 2014. Then the decision was taken to direct the draft act to the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee.

This time, the entities that reviewed this draft analyzed it in more detail than the draft contained in the 1507 printing. They also took into account a whole range of arguments raised last time by the opponents of depleting the scope of competences of the municipal police officers. And so in 2013, First President, S. Dąbrowski, representing the Supreme Court, did not make any comments on the draft, print number 1507. On the other hand, the Supreme Court, whose First President, at that time, was Prof. Dr Hab. M. Gerdsdorf presented important objections to the draft submitted by the SLD deputies in 2014, concluding that the opinions under discussion did not deserve the approval[24]. The opinion explicitly emphasized that the suggested changes are argued for solely by the willingness to deprive the municipalities of the earnings coming from the fines for offences against traffic safety. The bill originator directly indicated in the draft justification that the municipal police are a "money making machine". In the opinion of the Supreme Court, without the analysis of empirical data, it was difficult to resolve unequivocally whether the powers of the municipal police in the range of registering of traffic offences required some amendments. The justification for these amendments could not be called substantive or rational. According to the Supreme Court there was no doubt that care for the public safety and order belonged to own responsibilities of the local government

[23] M. Banaszak, M.P., in the parliamentary election in 2011, obtained a seat in the Parliament, contesting from the RP list. In October 2-13, as a result of the transformation of RP, he became an activist of the Twój Ruch party. In August 2014, he moved from the TR to the SLD deputy club – see *Klub Sojuszu wzmocniony! Kolejni posłowie Twojego Ruchu przechodzą do SLD*, http://www.sld.org.pl/aktualnosci/13467-klub_sojuszu_wzmocniony_kolejni_poslowie_twojego_ruchu_przechodza_do_sld.html.

[24] Position of the Supreme Court of 8.12.2014. http://orka.sejm.gov.pl/Druki7ka.nsf/0/1014F53E40250806C1257DB0003E4A1C/%24File/2973-001.pdf.

units that is why the legislator should guarantee its basic units the relevant legal and institutional measures for their execution.

The General Prosecutor also gave a negative opinion on the submitted bill[25]. He pointed to the fact that the originators of the bill, in their justification, noticed that no statistical data proved it that speed cameras, including those used by the municipal police, improved the road safety in any way. Meanwhile, the government document "Status of the road traffic safety and actions implemented in this respect in 2013" clearly showed that the road traffic safety in Poland was improving. There were no grounds to claim that this improvement did not result from the road traffic activities carried out by the municipal police. The General Prosecutor also referred to the argument raised by the bill originators that the proposed solutions were justified by the social moods caused by the cases, discrediting this institution, which indicated the inadequate level of the knowledge of law and manners among its officers. In his opinion, the level of education and personal qualities of some municipal police officers as well as the detected cases of improper implementation of the duties, including the use of speed cameras, should be a prompt to undertake actions aimed at optimization of this formation and not at the reduction of its competences. He also pointed to the fact that the bill including the analogue solutions had been recently discussed by the Sejm and on request of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee was rejected at the meeting on 28 November 2014. (print no. 1507)[26].

The Council of Ministers – likewise the reference to the bill of 2013 – initially had a negative attitude. In the justification, the ministers raised the same arguments as previously, additionally presenting the positive statistical data, indicating a decreased number of road accidents, including the fatal ones. The draft of this position was published on the Internet site on 15 January 2015[27]. In the process of further works it was sent for the assessment to the Minister of Infrastructure and Agriculture (MIiR). He, referring to the opinion expressed by the Council of Ministers, indicated doubts that the use of the powers to apply the recording devices by the municipal police contributed to a significant increase in the level of safety of road traffic participants. The Minister of Infrastructure and Agriculture also stressed that the drafted amendment did not deprive the municipal police of the right to control the road traffic, it only excluded the right to control the road traffic by means of

[25] It is worth stressing, however, that the previous opinion was signed by the First Deputy of General Prosecutor M. Jamrogowicz, and the opinion of 14.01.2015 by General Prosecutor A. Seremet http://orka.sejm.gov.pl/Druki7ka.nsf/0/60C2904C3F7672E2C1257DD2003632BB/%24File/2973-002.pdf.

[26] Opinion of the General Prosecutor of 14.01.2014, http://orka.sejm.gov.pl/Druki7ka.nsf/0/60C2904C3F7672E2C1257DD2003632BB/%24File/2973-002.pdf.

[27] Content of the draft of the position of the Council of Ministers – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.

recording devices. It was aimed only at the prevention of inaccuracies in the use of speed cameras by the municipal police, which was the subject of a negative opinion expressed by NIK[28].

Next the Minister of Infrastructure and Agriculture sent his comments concerning the draft of the Government's position to the Minister of the Interior. He did not agree with the comments of the Minister of Infrastructure and Agriculture. The Minister of the Interior was of the opinion that the deprivation of the municipal police of the rights to perform the road traffic control with the use of recording devices would be disproportional compared to the extent of abnormalities disclosed by NIK[29].

In response to the presented attitude of the Minister of the Interior, the Minister of Infrastructure and Agriculture was even more firmly in favour of the deprivation of the municipal police of the right to carry out road traffic controls with the use of recording devices, undermining the series of arguments raised by the Minister of the Interior[30].

Despite the opposite attitude of the Minister of Infrastructure and Agriculture, the Minister of the Interior decided to pass the draft of the Government's position to the Permanent Committee of the Council of Ministers with the request to include it in the agenda of the nearest session[31]. The final effect of the works over the draft was its recognition as the formal opinion of the Council of Ministers in June 2015 on the deputies' bill included in the print 2973[32]. It was, however, only published on 6 June 2015 at the website of the Ministry of the Interior and Administration, but it was never sent to the Sejm as an official opinion of the Council of Ministers to printing no. 2973. It was so probably because in the period when the works over the negative opinion of the Council of Ministers on the draft print 2973 were in progress, i.e. from January 2015 till June 2015, a new extensive draft act, this time prepared by a group of the PO deputies, representing the same party as the Government, was submitted with the Marshall of the Parliament on 16 January 2015 (print 3222)[33]. The submitted draft assumed a change in the way the legislator viewed the essence of this part of road traffic offences recorded by the stationary recording devices. By adding a set of provisions

[28] Comments of the Minister of Infrastructure and Agriculture on the draft of the attitude of the Council of Ministers – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.

[29] Letter of the Minister of the Interior of 27.02.2015 – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.

[30] Letter of the Minister of the Interior of 20.03.2015 – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.

[31] Letter of the Minister of the Interior of 21.04.2015.

[32] Attitude of the Government http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.

[33] Draft of the Act on the act amendment – Road Traffic Act and a few other acts (print 3222) http://orka.sejm.gov.pl/Druki7ka.nsf/0/75165748ACCAD739C1257E0400361EA1/%24File/3222.pdf.

included in new chapter 5 of the Act – Road Traffic Act, on imposing administrative penalties, the legislator assumed the formation of a new group of administrative delicts, by definition replacing the offences. It was namely about this group of behaviors which were detected by means of the stationary recording devices, newly installed or taken over on the basis of the draft assessed by the ITD (Inspectorate of Road Transport). These regulations assumed that the Police would preserve their powers as for the road traffic control, including the recording of its course by means of mobile recording devices, ITD by means of stationary ones, while the municipal police would be deprived of the right to control the road traffic by means of any recording devices even though, the Council of Ministers was against such a solution.

Considering the assumptions of this draft, sending the official negative opinion of the Council of Ministers to the Sejm to printing 2973 would adversely affect the Government's image. What would be the public response to such a negative opinion, in the light of the submitted in the meantime by the PO deputies' draft of the Act assuming among others the deprivation of the municipal police of the rights in this range? In addition, it seems that when initially forwarding the opinion to print no. 2973, the Council of Ministers had some rational motives. However, when the governing party lost the presidential election in May 2015, the Government's ultimate negative opinion was not passed to the Marshall of the Sejm because the priorities of the party in power changed. The withdrawal from the negative opinion on the draft and support of the amendment could significantly lead to the success in the parliamentary election. Over 22 million drivers, mostly against the use of the speed cameras, could become a significant electoral backup.

The submitted draft, in the opinions of First President of the Supreme Court[34], the Office of the General Prosecutor of the State Treasury[35], National Justice Board[36] and the General Prosecutor[37] did not deserve the approval. In their opinions, they presented numerous arguments against the fundamental changes suggested in the draft and concerning the introduction of administrative penalties and breaking with the legislative requirement ordering to treat some of the offences (concerning the traffic safety) as part of the repression law.

The first reading of the draft act (print 3222) was on 18 March 2015. Then a decision was taken to submit the draft to the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee.

[34] Opinion of the Supreme Court of 6.03.2015. http://orka.sejm.gov.pl/Druki7ka.nsf/0/A377DFA349720AABC1257E0A002C0D3A/%24File/3222-001.pdf, p. 1-3.

[35] Opinion of the Office of the General Prosecutor of the State Treasury of 9.03.2015. http://orka.sejm.gov.pl/Druki7ka.nsf/0/A377DFA349720AABC1257E0A002C0D3A/%24File/3222-001.pdf, p. 4-7.

[36] Opinion of the National Court Board of 20.03.2015. http://orka.sejm.gov.pl/Druki7ka.nsf/0/1D6B37DB95306521C1257E1500413475/%24File/3222-003.pdf.

[37] Opinion of the General Prosecutor of 12.02.2015. http://orka.sejm.gov.pl/Druki7ka.nsf/0/5BBE0E4AF7F44A11C1257E0B0034A25D/%24File/3222-002.pdf.

At the first joint session of the Committees, which was on 23 April 2015, due to the fact that the draft print 2973 had already been submitted to them on 18 December 2014, a Special Subcommittee was called in order to further proceed with the two deputies' drafts[38].

WORKS IN THE SEJM ON THE COMBINED DRAFT ACTS – PRINT 2973 AND PRINT 3222

First, the Subcommittee started works on the draft print 3222. Due to numerous objections visible in the opinions expressed on this draft act, concerning the introduction of the administrative penalty (a separate mode of punishing for the offences disclosed using the stationary devices) the subcommittee took the decision to reject the proposal of Art. 1 included in print no. 3222. In consequence of the decision to reject the indicated article, the draft included in this print became objectless.

Next, the Subcommittee started works on the draft act included in print no. 2973, the effect of which was the draft, which received a new number 3705. The draft in the version approved by the Subcommittee was, however, almost an identical copy of the draft act contained in print 2973. The only significant change that the Subcommittee suggested was the introduction of a longer *vacatio legis*. The regulations contained in the draft (print 3705) were to become effective on 1 January 2016.

The Subcommittee's report of 14 July 2015, forwarded to the Sejm Committees, included the uniform text of the draft law. The works on the draft were continued by the combined Committees[39].

At the Committee's session on 21 July 2016, due to the lack of an official opinion of the Council of Ministers on print 2973, Chairman of the Committee, S. Żmijan, asked the Vice-Minister of Infrastructure and Development, P. Olszewski, who was present, what the Government's attitude on this matter was. He indicated that as a matter of fact, at first, the Ministry was for depriving the municipal police of the rights to use the mobile speed cameras. However, the subcommittee broadened the range also by the stationary devices, explaining that in this way there would be a clear specification of one entity responsible for the use of stationary speed cameras – this would be only ITD. These arguments convinced the Minister of Infrastructure and Development to support this solution. Therefore, the Government acceded to this decision[40]. As a matter of fact, there would have been nothing strange in the

[38] The recording of the session of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee on 23.04.2015, http://orka.sejm.gov.pl/zapisy7.nsf/0/760BE2E605B8B259C1257E3400473CE9/%24File/0450507.pdf, p. 6.

[39] The recording of the session the Committee of Infrastructure and the Territorial Self-Government and Regional Policy Committee on 21.07.2015, http://orka.sejm.gov.pl/zapisy7.nsf/0/4E176595A6359E27C1257E8F0047E02C/%24File/0488707.pdf.

[40] Ibidem, p. 5.

Minister's statements, because from the beginning the Minister of Infrastructure and Development represented a different view from the official attitude of the whole Council of Ministers, it has to be stressed, however, that P. Olszewski[41] uttered these words in response to the question about what the Government's not the Ministry's attitude was.

Ultimately the Committees, at the session on 21 July 2015 fully approved of the draft act in the sounding presented by the Subcommittee. In their report they took the decision to recommend the Sejm to pass the draft act[42], although during the works of the Committee, Deputy, M. Banaszak, who presented the report on behalf of the Subcommittee, pointed to the fact that if the municipal police really lost the authorization to control the drivers from 1 January 2016, there might be a problem how to proceed with the offences that had already been recorded by this date. In connection with this he declared that in the subsequent part of the Committee works, he would submit a relevant amendment[43] (which he, however, had not done). In the final version, the draft developed by the Committees did not include transitional provisions and was passed to the Sejm in such a form.

The Sejm quickly started the second reading, which was already on 23 July 2015. During the discussion led during the second reading many arguments were provided both for and against the deprivation of the municipal police of the rights to use the recording devices. In fact these were all the time the same arguments which had been given so far in relation to all the previously submitted drafts[44].

It is, however, interesting, that after P. Olszewski's speech on 21 July 2015, concerning the support for the draft by the Government, M. Banaszak, during the second reading in the Sejm, being the rapporteur, formally informed that the Government supported this draft[45].

Finally, immediately after the second reading because already on the next day (24 July 2015) there was the third reading and the vote. Despite the negative opinion of General Prosecutor, First President of the Supreme Court, the Office of the General Prosecutor of the State Treasury and the National Court Board, 423 deputies voted for the adoption of the Act, 18 were against, 1 abstained. It is interesting that

[41] It is, however, interesting that P. Olszewski himself, in May 2015, became the Government's proxy on the issues related to the road traffic safety. Therefore, his opinion on the deprivation of the municipal police of the rights to use the speed camera is even more surprising.

[42] The report of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee of 21.07.2015 - http://orka.sejm.gov.pl/Druki7ka.nsf/0/2012E459C24C5462C1257E8A005CCC7D/%24File/3705.pdf.

[43] The recording of the meeting of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee of 21.07.2015, http://orka.sejm.gov.pl/zapisy7.nsf/0/4E176595A6359E27C1257E8F0047E02C/%24File/0488707.pdf, p. 4.

[44] Report of the 97th Session of the Sejm of the Republic of Poland of 23.07.2015 - http://orka2.sejm.gov.pl/StenoInter7.nsf/0/0EA717CD16B2EFFFC1257E8C0013D942/%24File/97_c_ksiazka.pdf p. 423.

[45] Ibidem, p. 422.

Ms Prime Minister voted "for", who one month ago had a totally opposite opinion. Only 3 PO deputies voted against (including Deputy J. Dzięcioł, a long-time employee of the Municipal Police). Also Deputies S. Żmijan and J. Lasota voted "for", who frequently officially cared about the road safety, as well as Deputy B. Bublewicz – the same who for years had been promoting pedestrians' safety and had been fighting in the Sejm to pass the regulations that would guarantee pedestrians safety even before the zebra crossing[46].

"The PO deputies may have got confused a little bit", commented Maciej Wroński from the association Partnerstwo dla Bezpieczeństwa Drogowego (Partnership for the Road Safety), "since 1990 till now the traffic and road safety issues have been separated from the current political game". The Committee for Infrastructure was even famous for the fact that its work and settlements were, as a rule, apolitical. Unfortunately, this has changed, the example of which is the vote. At that moment, only the deputies' and their party's electoral interests counted, not the security of the citizens – he adds"[47].

WORK IN THE SENATE ON THE ACT ADOPTED BY THE SEJM ON 24.07.2015.

On 24 July 2015 the Marshall of the Sejm sent the Senate to consider the Act on the Act amendment – the Road Traffic Act and the Act on Municipal Police adopted by the Sejm of the Republic of Poland at the 97th meeting on 24 July 2015[48]. Then the Marshall of the Senate, on 28 July 2015, referred the bill to the Local Government and State Administration Committee and the National Economy Committee. The meeting of the combined Committees took place on 29 July 2015. While discussing the act, a heated discussion began. Some members of the Committee were against the bill at all, some of them proposed changes, and only few were in favour of adopting of the bill without amendments. Head of Kobylnica Municipality, present at the meeting, presented the results of his research on the impact of speed cameras on the level of road traffic safety. It resulted from them that they fulfil their role. In addition, he referred to the Government's negative position in print 2973 published on the website of the Ministry of the Interior and Administration on 6 June 2015. In response to this, Director of the Department of Road Transport at the Ministry of Infrastructure and Development, Ł. Twardowski explained that "The Head of the Municipality quoted the Government's position towards the parliamentary bill included in publication No. 2973. Therefore, this is not the position of the Council of Ministers on the currently

[46] See Ujawniamy: *Pełnomocnik rządu ds. bezpieczeństwa na drogach głosował „za" likwidacją fotoradarów*, http://www.brd24.pl/spoleczenstwo/ujawniamy-pelnomocnik-rzadu-ds-bezpieczenstwa-drogach-glosowal-likwidacja-fotoradarow/

[47] Ibidem.

[48] Letter of the Marshall of the Sejm of 24.07.2015, http://www.senat.gov.pl/prace/senat/posiedzenia/tematy,423,1.html.

considered draft included in press publication print no. 3705, because the Government has not presented such a position for this draft in the Sejm"[49]. It is interesting, however, that at the beginning of the same meeting, invited by Chairman, S. Jurcewicz, to present the position of the government party, Ł. Twardowski said that: "In the course of the parliamentary works, the position of the government has evolved. Ultimately, the government supported the draft, which is included in print no. 2973"[50] – and yet, as he later claimed, the opinions for printing 2973 were to have no significance, because the deliberations concerned printing 3705.

Finally, after having listened to the voice of the senators, representatives of the government and local governments and having taken into account the comments contained in the Legislative Bureau's opinion on the Act, Senator, R. Zaborowski requested the amendments to two issues: firstly, he proposed to leave to the municipal police the rights to use stationary recording equipment and, secondly, to introduce a transitional provision, according to which the current provisions should be applied for petty offences against road traffic safety and order, revealed by the municipal police using portable or installed in the vehicle recording devices, initiated and not completed before the date of entry into force of this Act. During the joint meeting of the Committees, one of the Senators also spoke about accepting the bill without amendments (Ł. Abgarowicz[51]), but he did not submit such a request. Another, however, requested (J. Wyrowiński) to reject the bill in its entirety. Director of the Department of Road Transport at the Ministry of Infrastructure and Development, Ł. Twardowski, gave a negative opinion on this request. Six senators voted for the motion of Senator J. Wyrowiński, 8 were against and only 1 abstained. In connection with this, Senator R. Zaborowski proposed amendments proposed by the Legislative Bureau. All current members of the Committee – 15 people – supported the proposal in this matter. Senator R. Zaborowski's amendments were supported by 7 senators, 6 senators were against and 1 abstained from voting. In contrast, 10 senators voted in the final vote for the adoption of the whole bill along with the adopted amendments, 4 were against and 1 abstained from voting[52]. Therefore, in the report of the joint meeting of the Local Government and State Administration Committee and the National Economy Committee of 29 July 2015, the committees requested the Senate to adopt the attached bill providing for the two basic amendments[53].

[49] Recording of the course of the meeting of the National Economy Committee and the Local Government and State Administration Committee of 29.07.2015, file pdf, p. 14. http://www.senat.gov.pl/prace/komisje-senackie/posiedzenia,10,3,komisja-samorzadu-terytorialnego-i-administracji-panstwowej.html.

[50] Ibidem, p. 3.

[51] Ibidem, p. 14.

[52] Ibidem, p. 16.

[53] The report of the Committee of the National Economy and the Committee of Local Government and State Administration of 29 July 2015 – mhttp://www.senat.gov.pl/prace/senat/posiedzenia/tematy,423,1.html.

At the next meeting of the Senate on 5 August 2015, when the position of the Committee was being considered, there was again a heated discussion. Once again, legislative proposals were submitted - among others Senator W. Gintowt-Dziewałtowski applied for the adoption of the act without amendments. In connection with this, the Marshall of the Senate asked the Senate Committees to reconsider the submitted proposals and prepare a joint report. On the same day, a combined meeting of the Committees was held, at which the consideration of the proposals was resumed, however, it was started from the most far-reaching motion, submitted during the debate in the Senate, to adopt the bill without amendments. Ten senators voted for the request, 8 were against and only 1 abstained. As the proposal was adopted, the vote on further proposals (i.e. to accept the proposed amendments) became pointless. Therefore, the combined Committees, in the report of the meeting of 5 August 2015, asked the Senate to adopt the act without amendments, despite the jointly developed position on the adoption of the law with the adopted amendments[54]. During the 80th meeting of the Senate, on 7 August 2015 a vote was held on the motion to adopt the bill without amendments. 71 senators were in favour of the bill, 4 against and 6 abstained. Interesting is the number of the senators voting against, because during the meeting of the Committee alone on 5 August 2015 (i.e. only two days earlier) as many as 8 people voted against the adoption of the Act, and on 29 July, as many as 6 people voted against the bill.

CONCLUSION

Following closely the legislative process, one can see how important role the political factors played in the final adoption of the amendment, and how important the substantive arguments were; how much focus was on the populist slogans, and how little attention was paid to the reliable assessment of the effects that this change would bring. The main part of the work on the act was in the pre-election period and took place within just a dozen or so days. The time pressure in this final phase was so great that in the haste of work it was forgotten to establish transitional provisions that would regulate matters of offences which had been committed before the amendment entered into force, but were not finished until then. The work on such a badly developed draft[55] was frantically started in the pre-election period, so there

[54] The report of the Committee of the National Economy and the Committee of Local Government and State Administration of 5 August 2015 – http://www.senat.gov.pl/prace/senat/posiedzenia/tematy,423,1.html.

[55] Chairman of the Sejm Infrastructure Committee - S. Żmijan, who voted in favour of the adoption of the draft was disappointed with the final content of the Act. "What can I say: the Act is flawed and we should not develop such an Act. However, I was convinced that the Senate would fix it and the Act would come back to the Sejm again. However, this did not happen - says Żmijan" – Szymaniak P., *Luka w prawie o fotoradarach. Nie wiadomo czy sprawy w toku będą umorzone,* http://prawo.gazetaprawna.pl/artykuly/889192,luka-w-prawie-o-fotoradarach-nie-wiadomo-czy-sprawy-w-toku-beda-umorzone.html.

was no time to think about it, to improve it [56], or reliably assess. Everything indicates that at that time the vast majority of parliamentarians saw in it mainly chances to improve their own image (especially changing their mind at the very end, after losing the presidential elections, PO, in May 2015). The negative opinion on the draft by the General Prosecutor, the Supreme Court, the National Court Board and the Office of the General Prosecutor of the State Treasury did not prevent this.

Bibliography

Legal acts:
The Act of 21.03.1985 on public roads, Journal of Laws of 2016, item1440 as amended.
The Constitution of the Republic of Poland of 2.04.1997, Journal of Laws No. 78, item 483.
The Act of 20.06.1997 on Road Traffic Regulations, Journal of Laws of 2017, item 1260.
The Act of 29.10.2010 on law amendment – Act on Road Traffic Regulations and some other acts, Journal of Laws No. 225, item 1466.
The Act of 24.07.2015 amending the Act on Road Traffic Regulations and Act on Municipal Police, Journal of Laws item 1335.
Regulation of the Ministry of the Interior and Administration of 30.12.2002 on Road Traffic Control, Journal of Laws of 2003 No. 14, item 144.
Regulation of the Ministry of the Interior and Administration of December 17, 2003 amending the ordinance of the Ministry of the Interior and Administration of December 30, 2002 on Road Traffic Control, Journal of Laws No. 230, item 2310. A bill amending the Act on Municipal Police and the Road Traffic Act (print 1507).
http://www.sejm.gov.pl/sejm7.nsf/PrzebiegProc.xsp?id=71236FAA104E651CC1257B9700575462.
Justification of the bill, print 1507, http://orka.sejm.gov.pl/Druki7ka.nsf/0/3496916105A1A065C1257B970047BF6E/%24File/1507.pdf A draft act amending the act - Road Traffic Act and some other acts (print 3222) http://orka.sejm.gov.pl/Druki7ka.nsf/0/75165748ACCAD739C1257E0400361EA1/%24File/3222.pdf.

Judgements:
Judgement of the Constitutional Tribunal of 22.03.2007, Law 1/07, Journal of Laws No. 53, item 359.

Internet sources:
Studies
Biały Bór: Fotoradory do pośmiania i do zarabiania – http://www.gk24.pl/wiadomosci/szczecinek/art/4585303,bialy-bor-fotoradary-do-posmiania-i-zarabiania,id,t.html.
Gmina powołała straż gminną, bo… ktoś musi ustawiać fotoradary, http://www.wprost.pl/ar/426342/Gmina-powolala-straz-gminna-bo-ktos-musi-ustawiac-fotoradar/.
Klub Sojuszu wzmocniony! Kolejni posłowie Twojego Ruchu przechodzą do SLD ,http://www.sld.org.pl/aktualnosci/13467- klub_sojuszu_wzmocniony_kolejni_poslowie_twojego_ruchu_przechodza_do_sld.html
Noch J., *Ruch Palikota chce likwidacji straży miejskiej. „Przypomina organizację łupiecką"*, http://natemat.pl/42469,ruch-palikota-chce-likwidacji-strazy-miejskiej-przypomina-organizacje-lupiecka.

[56] This was admitted by the author of the bill, M. Banaszak – see ibidem.

Stempurski M., *Palikot chce likwidacji Straży Miejskiej*, http://warszawa.naszemiasto.pl/artykul/palikot-chce-likwidacji-strazy-miejskiej,1847389,art,t,id,tm.html
Szymaniak P., *Luka w prawie o fotoradarach. Nie wiadomo czy sprawy w toku będą umorzone*, http://prawo.gazetaprawna.pl/artykuly/889192,luka-w-prawie-o-fotoradarach-nie-wiadomo-czy-sprawy-w-toku-beda-umorzone.html.
Ujawniamy: Pełnomocnik rządu ds. bezpieczeństwa na drogach głosował „za" likwidacją fotoradarów, http://www.brd24.pl/spoleczenstwo/ujawniamy-pelnomocnik-rzadu-ds-bezpieczenstwa-drogach-glosowal-likwidacja-fotoradarow/.

Opinions

Opinion of the Supreme Court of 4.06.2013 http://orka.sejm.gov.pl/Druki7ka.nsf/0/3496916105A1A065C1257B970047BF6E/%24File/1507.pdf.
Opinion of the General Prosecutor of 20.06.2013 http://orka.sejm.gov.pl/Druki7ka.nsf/0/3496916105A1A065C1257B970047BF6E/%24File/1507.pdf.
Opinion of the General Prosecutor of 14.01.2014 http://orka.sejm.gov.pl/Druki7ka.nsf/0/60C2904C3F7672E2C1257DD2003632BB/%24File/2973-002.pdf.
Opinion of the General Prosecutor of 12.02.2015 http://orka.sejm.gov.pl/Druki7ka.nsf/0/5BBE0E4AF7F44A11C1257E0B0034A25D/%24File/3222-002.pdf.
Opinion of the Supreme Court of 6.03.2015 http://orka.sejm.gov.pl/Druki7ka.nsf/0/A377DFA349720AABC1257E0A002C0D3A/%24File/3222-001.pdf.
Opinion of the Office of the General Prosecutor of the State Treasury of 9.03.2015 http://orka.sejm.gov.pl/Druki7ka.nsf/0/A377DFA349720AABC1257E0A002C0D3A/%24File/3222-001.pdf.
Opinion of the National Justice Board of 20.03.2015 http://orka.sejm.gov.pl/Druki7ka.nsf/0/1D6B37DB95306521C1257E1500413475/%24File/3222-003.pdf.

Positions and comments on the positions

Position of the Supreme Court of 8.12.2014 http://orka.sejm.gov.pl/Druki7ka.nsf/0/1014F53E40250806C1257DB0003E4A1C/%24File/2973-01.pdf.
Text of the draft of the position of the Council of Ministers – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.
Comments of the Minister of Infrastructure and the Minister of Infrastructure and Development on the draft of the position of the Council of Ministers – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.
The Government's position http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.

Letters

Letter from the Ministry of the Interior of 27.02.2015 – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.
Letter from the Ministry of Infrastructure and Development of 20.03.2015 – http://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2014/23357,Projektu-stanowiska-Rady-Ministrow-do-poselskiego-projektu-ustawy-o-zmianie-usta.html.

Letter from the Marshall of the Sejm of 24.07.2015, http://www.senat.gov.pl/prace/senat/posiedzenia/tematy,423,1.html.

Transcripts of meetings
1. Recording of the meeting of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee of 23.04.2015, http://orka.sejm.gov.pl/zapisy7.nsf/0/760BE2E605B8B259C1257E3400473CE9/%24File/0450507.pdf .
1. Recording of the meeting of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee of 21.07.2015, http://orka.sejm.gov.pl/zapisy7.nsf/0/4E176595A6359E27C1257E8F0047E02C/%24File/0488707.pdf.
Recording of the meeting of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee of 21.07.2015, http://orka.sejm.gov.pl/zapisy7.nsf/0/4E176595A6359E27C1257E8F0047E02C/%24File/0488707.pdf.
Recording of the course of the meeting of the National Economy Committee and the Local Government and State Administration Committee of 29.07.2015, file pdf, p. 14. http://www.senat.gov.pl/prace/komisje-senackie/posiedzenia,10,3,komisja-samorzadu-terytorialnego-i-administracji-panstwowej.html.
Recording of the meeting of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee of 12.09.2013 http://orka.sejm.gov.pl/zapisy7.nsf/0/3BE371BDCC5AE47BC1257BF100439EA5/%24File/0232807.pdf.

Reports
Report of the Committee for Infrastructure and the Territorial Self-Government and Regional Policy Committee of 21.07.2015 - http://orka.sejm.gov.pl/Druki7ka.nsf/0/2012E459C24C5462C1257E8A005CCC7D/%24File/3705.pdf.
Report of the 97th Meeting of the Sejm of the Republic of Poland of 23.07.2015 - http://orka2.sejm.gov.pl/StenoInter7.nsf/0/0EA717CD16B2EFFFC1257E8C0013D942/%24File/97_c_ksiazka.pdf .
Report of the National Economy Committee and the Local Government and Public Administration Committee of 29/07/2015– mhttp://www.senat.gov.pl/prace/senat/posiedzenia/tematy,423,1.html.
Report of the National Economy Committee and the Local Government and Public Administration Committee of 5.08.2015 – http://www.senat.gov.pl/prace/senat/posiedzenia/tematy,423,1.html.

Results of votes
Results of voting No. 42 conducted at the sitting of the Sejm on November 28, 2014http://www.sejm.gov.pl/sejm7.nsf/agent.xsp?symbol=glosowania&nrkadencji=7&nrposiedzenia=80&nrglosowania=42.

Summary: For many years in the drivers' environment there was a growing reluctance towards the municipal police's authorization to perform road traffic inspections using recording devices. Also on the parliamentary ground, there were more and more votes supporting the deprivation of this formation of the rights to use the so-called speed cameras. As a result, by means of the Act amending the Road Traffic Act and the Act on Municipal Police dated 24 July 2015, the Sejm deprived the municipal police of their powers in this regard. The course of the adoption process of this Act was extremely interesting. That is why, in this paper, the author analyses the details of the legislative process, which ultimately aimed to adopt the title amendment.

Keywords: municipal police, speed cameras, authorization to use speed cameras, depriving the municipal police of the rights to use speed cameras, the genesis of the amending act

GENEZA USTAWY ZMIENIAJĄCEJ Z 24 LIPCA 2015 R. POZBAWIAJĄCEJ STRAŻE GMINNE UPRAWNIEŃ DO UŻYWANIA FOTORADARÓW

Streszczenie: Od wielu lat w środowisku kierowców narastała niechęć wobec posiadanego przez straże gminne uprawnienia do dokonywania kontroli ruchu drogowego przy użyciu urządzeń rejestrujących. Również na gruncie parlamentarnym coraz częściej pojawiały się głosy przemawiające za odebraniem tej formacji prawa do używania tzw. fotoradarów. W rezultacie doprowadzono do tego, że ustawą zmieniającą ustawę Prawo o ruchu drogowym oraz ustawę o strażach gminnych z dnia 24 lipca 2015 roku Sejm pozbawił straże gminne uprawnień w tym zakresie. Losy przyjęcia tej ustawy były niezwykle interesujące. Dlatego też autorka w niniejszym opracowaniu poddaje analizie szczegóły procesu legislacyjnego, zmierzającego w końcowym efekcie do przyjęcia tytułowej nowelizacji.

Słowa kluczowe: straże gminne, fotoradary, uprawnienie do używania fotoradarów, pozbawienie straży gminnych uprawnień do używania fotoradarów, geneza ustawy zmieniającej