

House File 2501

H-8327

1 Amend House File 2501 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 321.296 Speed limit
5 enforcement in work zones on primary roads — pilot
6 project.

7 1. The department of public safety, in consultation
8 with the department of transportation, shall design and
9 implement a pilot project utilizing one or more photo
10 traffic enforcement devices for the enforcement of
11 posted speed limits in work zones on primary highways.
12 The pilot project shall take place during the calendar
13 year beginning January 1, 2011, at times and locations
14 to be determined by the department of public safety.

15 a. The department of public safety may enter into
16 an agreement or contract with a vendor for furnishing,
17 installing, servicing, operating, or maintaining a
18 photo traffic enforcement device for the purposes
19 of the pilot project. The department of public
20 safety, or the vendor designated by the department of
21 public safety, shall cooperate with the department of
22 transportation when choosing the location within a work
23 zone for installation of a photo traffic enforcement
24 device.

25 b. The department of transportation shall post
26 signs providing notice to motorists entering a work
27 zone where a photo traffic enforcement device is in
28 use.

29 2. A citation for a violation of a speed limit
30 in a work zone resulting from evidence produced by a
31 photo traffic enforcement device used pursuant to a
32 pilot project under this section shall be mailed, no
33 later than seven days from the date of the violation,
34 to the owner of record of the motor vehicle involved
35 in the violation. The citation shall be accompanied
36 by documentation including but not limited to the
37 following:

38 a. A photo-image constituting evidence of the
39 violation.

40 b. An explanation of the owner's rights and
41 responsibilities with regard to the citation including
42 a statement explaining that, as the owner of the
43 vehicle, the person is responsible for payment of
44 the civil penalty unless the person does one of the
45 following in a manner approved by the department of
46 public safety:

47 (1) If the person was not the driver of the vehicle
48 at the time the violation occurred, identify the person
49 who was the driver of the vehicle.

50 (2) If the person sold the vehicle prior to the

1 occurrence of the violation, identify the person or
2 business to whom the vehicle was sold.

3 (3) If the vehicle or registration plates were
4 stolen prior to the time the violation occurred,
5 provide information regarding the report of the theft
6 to a law enforcement agency.

7 c. Directions for remitting the civil penalty.

8 3. a. Notwithstanding section 321.482 and section
9 805.8A, subsection 14, paragraph "i", a violation of a
10 posted speed limit in a work zone for which a citation
11 is issued pursuant to this section is a civil offense
12 punishable by a civil penalty as follows:

13 (1) Two hundred sixty-three dollars for speed not
14 more than ten miles per hour over the posted speed
15 limit.

16 (2) Four hundred sixty-five dollars for speed
17 greater than ten but not more than twenty miles per
18 hour over the posted speed limit.

19 (3) Seven hundred thirty-five dollars for speed
20 greater than twenty but not more than twenty-five miles
21 per hour over the posted speed limit.

22 (4) One thousand four hundred ten dollars for speed
23 greater than twenty-five miles per hour over the posted
24 speed limit.

25 b. Civil penalties assessed under this section
26 shall be payable to the clerk of the district court
27 as provided in section 602.8105, subsection 5, and
28 distributed as provided in section 602.8108, subsection
29 11.

30 4. Upon approval of the executive council, there is
31 appropriated to the department of public safety from
32 the general fund of the state the amount sufficient to
33 cover the costs actually incurred by the department
34 of public safety to carry out the provisions of this
35 section, including the amount necessary to reimburse
36 the department of transportation for any costs incurred
37 for the installation of signage as required under
38 subsection 1. The amount appropriated under this
39 subsection shall not exceed the amount deposited
40 pursuant to section 602.8108, subsection 11.

41 Sec. 2. Section 602.8105, Code Supplement 2009, is
42 amended by adding the following new subsection:

43 NEW SUBSECTION. 5. The clerk of the district court
44 shall collect a civil penalty assessed pursuant to
45 section 321.296 for distribution as provided in section
46 602.8108, subsection 11.

47 Sec. 3. Section 602.8108, Code Supplement 2009, is
48 amended by adding the following new subsection:

49 NEW SUBSECTION. 11. The clerk of the district
50 court shall remit to the treasurer of state, not

1 later than the fifteenth day of each month, all moneys
2 collected from the civil penalty provided in section
3 321.296 during the preceding calendar month for deposit
4 in the general fund of the state.

5 Sec. 4. PHOTO TRAFFIC ENFORCEMENT PILOT PROJECT
6 REPORT. The department of public safety shall report
7 to the general assembly on or before January 15, 2012,
8 regarding the pilot project implemented pursuant to
9 this Act. The report shall include but not be limited
10 to the number of citations issued and the number and
11 dollar amount of civil penalties remitted pursuant to
12 this Act, the costs associated with the pilot project,
13 traffic safety data relating to the work zones where
14 photo traffic enforcement devices were employed during
15 the pilot project, comments and suggestions from the
16 department of transportation relating to the pilot
17 project, and any findings and recommendations from
18 the department of public safety regarding future use
19 of photo traffic enforcement devices for speed limit
20 enforcement in work zones or elsewhere on Iowa roads.

21 Sec. 5. FUTURE REPEAL. This Act is repealed June
22 30, 2012.>

23 2. Title page, line 2, by striking <highways.> and
24 inserting <highways, establishing civil penalties, and
25 making an appropriation.>

26 3. By renumbering as necessary.

WHITEAD of Woodbury