

Senate File 2378

H-8460

1 Amend Senate File 2378, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 35, after line 30 by inserting:

4 <DIVISION
5 PILOT PROJECT

6 Sec. ____ . NEW SECTION. 321.296 Speed limit
7 enforcement in work zones on primary roads — pilot
8 project.

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

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

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

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

40 a. A photo-image constituting evidence of the
41 violation.

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

49 (1) If the person was not the driver of the vehicle
50 at the time the violation occurred, identify the person

1 who was the driver of the vehicle.
2 (2) If the person sold the vehicle prior to the
3 occurrence of the violation, identify the person or
4 business to whom the vehicle was sold.
5 (3) If the vehicle or registration plates were
6 stolen prior to the time the violation occurred,
7 provide information regarding the report of the theft
8 to a law enforcement agency.
9 c. Directions for remitting the civil penalty.
10 3. a. Notwithstanding section 321.482 and section
11 805.8A, subsection 14, paragraph "i", a violation of a
12 posted speed limit in a work zone for which a citation
13 is issued pursuant to this section is a civil offense
14 punishable by a civil penalty as follows:
15 (1) Two hundred sixty-three dollars for speed not
16 more than ten miles per hour over the posted speed
17 limit.
18 (2) Four hundred sixty-five dollars for speed
19 greater than ten but not more than twenty miles per
20 hour over the posted speed limit.
21 (3) Seven hundred thirty-five dollars for speed
22 greater than twenty but not more than twenty-five miles
23 per hour over the posted speed limit.
24 (4) One thousand four hundred ten dollars for speed
25 greater than twenty-five miles per hour over the posted
26 speed limit.
27 b. Civil penalties assessed under this section
28 shall be payable to the clerk of the district court
29 as provided in section 602.8105, subsection 5, and
30 distributed as provided in section 602.8108, subsection
31 11.
32 4. Upon approval of the executive council, there is
33 appropriated to the department of public safety from
34 the general fund of the state the amount sufficient to
35 cover the costs actually incurred by the department
36 of public safety to carry out the provisions of this
37 section, including the amount necessary to reimburse
38 the department of transportation for any costs incurred
39 for the installation of signage as required under
40 subsection 1. The amount appropriated under this
41 subsection shall not exceed the amount deposited
42 pursuant to section 602.8108, subsection 11.
43 Sec. _____. Section 602.8105, Code Supplement 2009,
44 is amended by adding the following new subsection:
45 NEW SUBSECTION. 5. The clerk of the district court
46 shall collect a civil penalty assessed pursuant to
47 section 321.296 for distribution as provided in section
48 602.8108, subsection 11.
49 Sec. _____. Section 602.8108, Code Supplement 2009,
50 is amended by adding the following new subsection:

1 NEW SUBSECTION. 11. The clerk of the district
2 court shall remit to the treasurer of state, not
3 later than the fifteenth day of each month, all moneys
4 collected from the civil penalty provided in section
5 321.296 during the preceding calendar month for deposit
6 in the general fund of the state.

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

23 Sec. _____. FUTURE REPEAL. This division of this Act
24 is repealed June 30, 2012.>

25 2. By renumbering as necessary.

ZIRKELBACH of Jones