

House File 2118

H-8002

1 Amend House File 2118 as follows:

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

4 <Section 1. Section 321.1, Code 2017, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 5A. *"Automated traffic law enforcement*  
7 *system"* means a device used for the enforcement of laws  
8 regulating vehicular traffic and equipped with one or more  
9 sensors working in conjunction with one of the following:

10 a. An official traffic-control signal, to produce recorded  
11 images of motor vehicles entering an intersection against a red  
12 signal light.

13 b. A speed measuring device, to produce recorded images of  
14 motor vehicles traveling at a prohibited rate of speed.

15 c. A railroad grade crossing signal light, as described in  
16 section 321.342, to produce recorded images of motor vehicles  
17 violating the signal light.

18 d. Any official traffic-control device, if failure to comply  
19 with the official traffic-control device constitutes a moving  
20 violation under this chapter.

21 Sec. 2. NEW SECTION. 321.492C **Automated traffic law**  
22 **enforcement systems.**

23 1. The department shall not place, operate, maintain,  
24 or employ the use of any automated traffic law enforcement  
25 system. The department shall not cause to be placed any  
26 automated traffic law enforcement system except as provided in  
27 this section or in rules adopted by the department under this  
28 section.

29 2. a. A local authority, or another entity on a local  
30 authority's behalf, shall not operate an automated traffic law  
31 enforcement system without approving the use of the system  
32 following an established self-certification process. The  
33 self-certification process shall include a justification report  
34 meeting the requirements of paragraph "b", which shall be  
35 made readily available for the public to review, and a public

1 hearing at which the local authority shall provide evidence  
2 of a demonstrated safety need for the automated traffic law  
3 enforcement system. Notice of the date, time, and place of  
4 the hearing shall be published in the manner described in  
5 section 362.3. A public hearing may address several locations  
6 at which a local authority intends to place an automated  
7 traffic law enforcement system. However, a local authority  
8 shall adopt an ordinance approving the use of an automated  
9 traffic law enforcement system for each location at which the  
10 local authority operates a fixed or mobile automated traffic  
11 law enforcement system. A local authority may approve the  
12 operation of an automated traffic law enforcement system  
13 only if the system is located in a documented high-crash or  
14 high-risk location at which there is a demonstrated safety  
15 need for the system. The local authority shall demonstrate  
16 the safety need for the system based on the volume of traffic,  
17 the history of motor vehicle accidents, the frequency and type  
18 of traffic violations, the risk to peace officers employing  
19 traditional traffic enforcement methods, any additional  
20 information required in the justification report, and any other  
21 safety criteria deemed appropriate by the local authority.  
22 These requirements shall apply for each location at which a  
23 local authority, or another entity on a local authority's  
24 behalf, operates a fixed or mobile automated traffic law  
25 enforcement system.

26 *b.* A justification report shall provide all necessary  
27 information and documentation to demonstrate whether an area is  
28 a high-crash or high-risk location and shall include but not be  
29 limited to documentation regarding all the following:

30 (1) Existing traffic speeds, posted speed limits,  
31 traffic volumes, and intersection or roadway geometry. Such  
32 documentation shall provide assurance that existing speed  
33 limits and official traffic-control signal timings are  
34 appropriate and shall describe how the limits and timings were  
35 established.

1 (2) The applicable motor vehicle accident history, the  
2 primary accident types, accident causes, accident severity, and  
3 the history of any related traffic violations. Only accidents  
4 attributable to violating the speed limit or an official  
5 traffic-control signal shall be included in this report. Such  
6 documentation shall compare accident data with data from other  
7 similar locations within the local authority's jurisdiction,  
8 other similar jurisdictions, and larger metropolitan areas.

9 (3) The identification of critical traffic safety issues  
10 related to the data required by subparagraphs (1) and (2),  
11 including a comprehensive list of solutions that may address  
12 the critical traffic safety issues.

13 (4) Solutions or safety countermeasures that the local  
14 authority has implemented along with those that the local  
15 authority has considered but not implemented. These may  
16 include solutions relating to law enforcement, engineering,  
17 public education campaigns, or other safety countermeasures.

18 (5) Discussions held and actions taken by the local  
19 authority with any partnering entities that have resources  
20 which could aid in the reduction of accidents attributable  
21 to violating the speed limit or an official traffic-control  
22 signal.

23 (6) The reason or reasons the local authority believes an  
24 automated traffic law enforcement system is the best solution  
25 to address the critical traffic safety issues.

26 *c.* A local authority, or another entity on a local  
27 authority's behalf, shall not operate an automated traffic law  
28 enforcement system without posting signage meeting all of the  
29 following requirements:

30 (1) For a fixed automated traffic law enforcement system,  
31 permanent signs advising drivers that the system is in place  
32 shall be posted in clear and present view of passing drivers in  
33 advance of the location where the system is in use.

34 (2) For a mobile automated traffic law enforcement system,  
35 temporary or permanent signs advising drivers that the system

1 is in place shall be posted in clear and present view of  
2 passing drivers in advance of the location where the system is  
3 in use.

4 (3) The signage conforms to the manual on uniform  
5 traffic-control devices as adopted by the department.

6 *d.* A local authority, or another entity on a local  
7 authority's behalf, shall not issue a citation resulting from  
8 the use of an automated traffic law enforcement system until  
9 an active peace officer of the local authority has reviewed  
10 the citation and any relevant recorded images produced by the  
11 system.

12 *e.* The amount of the fine or civil penalty imposed by a  
13 citation resulting from the use of an automated traffic law  
14 enforcement system shall not exceed the amount of the fine for  
15 a scheduled violation under section 805.8A for the same or a  
16 similar violation of this chapter.

17 *f.* An automated traffic law enforcement system working  
18 in conjunction with a speed measuring device or official  
19 traffic-control signal shall comply with the generally accepted  
20 procedures for operating the system. An automated traffic law  
21 enforcement system shall verify its internal calibrations on a  
22 daily basis. If the daily internal calibration is not valid,  
23 the system shall not operate until a successful calibration  
24 is subsequently conducted. In addition to the daily internal  
25 calibration, a monthly calibration shall be conducted by a  
26 person trained in the calibration of the system. A person  
27 trained in the calibration of a mobile automated traffic law  
28 enforcement system shall also conduct a calibration prior to  
29 the use of the mobile system after any change in location.  
30 A local authority, or another entity on a local authority's  
31 behalf, operating an automated traffic law enforcement  
32 system shall maintain a monthly log detailing whether the  
33 local authority or entity successfully performed the daily  
34 and monthly calibrations. The log and documentation of the  
35 calibrations shall be admissible in any court proceeding

1 relating to an official traffic-control signal violation  
2 pursuant to section 321.257 or a speed limit violation pursuant  
3 to section 321.285.

4 *g.* A local authority shall maintain or compile records  
5 relating to the number of traffic violations and number  
6 of traffic accidents for all locations at which the local  
7 authority, or another entity on a local authority's behalf,  
8 operates or intends to operate an automated traffic law  
9 enforcement system. Such records shall be maintained or  
10 compiled by the local authority for one year prior to the  
11 installation of the automated traffic law enforcement system  
12 and for each year the automated traffic law enforcement  
13 system is in operation. Such records shall be available for  
14 examination to the same extent allowed in section 22.2. A  
15 local authority with an automated traffic law enforcement  
16 system operating within its jurisdiction shall file an annual  
17 report with the general assembly on or before December 31 of  
18 each year detailing the effectiveness of each automated traffic  
19 law enforcement system operating within its jurisdiction. An  
20 annual report shall include the justification report described  
21 in paragraph "b" and shall also include but not be limited to  
22 information relating to increases or decreases in the number of  
23 speed limit violations, violations of official traffic-control  
24 signals, and traffic accidents.

25 *h.* Prior to a local authority placing an automated traffic  
26 law enforcement system on a primary road, the local authority  
27 shall obtain approval from the department in accordance  
28 with rules adopted by the department. A local authority  
29 shall submit to the department any information requested by  
30 the department during the approval process. If the local  
31 authority's use of the system is approved by the department,  
32 the local authority shall follow the requirements set forth  
33 in rules adopted by the department. The department may  
34 modify its rules relating to automated traffic law enforcement  
35 systems to the extent necessary to ensure automated traffic

1 law enforcement systems are operated in a safe and equitable  
2 manner. This paragraph "h" shall not apply to an automated  
3 traffic law enforcement system approved or allowed to operate  
4 in accordance with rules adopted by the department and in  
5 operation prior to January 1, 2017. A local authority may  
6 continue to operate such a system in the same manner as the  
7 system was operated prior to January 1, 2017. However, after a  
8 local authority discontinues operation of such a system, any  
9 new manner of operation or new system operated by the local  
10 authority shall comply with this paragraph "h". The department  
11 shall have the authority to annually review all automated  
12 traffic law enforcement systems placed on primary roads and  
13 shall have the authority to require removal or modification of  
14 such systems.

15 *i.* A local authority shall designate a process by which  
16 a person may appeal a citation issued through the use of an  
17 automated traffic law enforcement system, which at a minimum  
18 shall provide for all of the following:

19 (1) An appeal to an impartial body created by the local  
20 authority to review citations issued through the use of  
21 automated traffic law enforcement systems.

22 (2) Following a decision from the impartial body that is  
23 adverse to the person, an appeal to the district court, sitting  
24 in small claims, of the county in which the local authority is  
25 located.

26 *j.* (1) A local authority shall authorize a petition process  
27 by which citizens within the local authority may petition for  
28 the removal of a fixed automated traffic law enforcement system  
29 or the disapproval of a location approved for the use of mobile  
30 automated traffic law enforcement systems in accordance with  
31 this section. Petitions under this paragraph "j" shall be  
32 specific to one fixed system or one location approved for the  
33 use of mobile systems.

34 (2) If the local authority is a city, a petition brought  
35 under this paragraph "j" is valid if it is signed by a number

1 of eligible electors of the city equal to or greater than ten  
2 percent of the number of persons who voted in the last regular  
3 city election. The petition shall include the signatures of  
4 the petitioners, the places of residence of the petitioners,  
5 and the date on which the petitioners signed the petition.

6 (3) If the local authority is a county, a petition brought  
7 under this paragraph "j" is valid if it is signed by a number  
8 of eligible electors of the county equal to or greater than  
9 ten percent of the number of votes cast in the county in the  
10 last presidential election. The petition shall include the  
11 signatures of the petitioners, the places of residence of the  
12 petitioners, and the date on which the petitioners signed the  
13 petition.

14 (4) If a petition is valid as provided in this paragraph  
15 "j", the city council or county board of supervisors, as  
16 applicable, shall vote on whether to repeal the ordinance  
17 allowing the operation of the fixed system or approving the  
18 location for the use of mobile systems.

19 (5) If a city council or county board of supervisors has  
20 voted pursuant to subparagraph (4), a new petition for the same  
21 fixed system or the same location approved for use of mobile  
22 systems shall not be valid for three years after the date of  
23 the vote.

24 k. A local authority that operates an automated traffic  
25 law enforcement system in violation of this section shall be  
26 precluded from operating any automated traffic law enforcement  
27 system for a period of two years. A citizen residing within  
28 the jurisdiction of a local authority which violates this  
29 section shall be allowed to file suit to enjoin the local  
30 authority from operating an automated traffic law enforcement  
31 system in accordance with this paragraph "k".

32 3. All moneys collected by a local authority from citations  
33 issued as a result of the use of an automated traffic law  
34 enforcement system, less the amount necessary for the  
35 installation, operation, and maintenance of the automated

1 traffic law enforcement system, shall be deposited in the  
2 account or accounts maintained by the local authority for  
3 moneys appropriated to the local authority from the secondary  
4 road fund or street construction fund of the cities, or shall  
5 be deposited in any account and used for the purposes of public  
6 safety. This subsection shall not apply to moneys collected  
7 for court costs or other associated costs, the criminal penalty  
8 surcharge required by section 911.1, or the county enforcement  
9 surcharge required by section 911.4, as applicable.>

10 2. Title page, by striking lines 1 through 3 and inserting  
11 <An Act regulating the use of automated traffic law enforcement  
12 systems, and providing a penalty.>

13 3. By renumbering as necessary.

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CARLSON of Muscatine