

Senate File 220

H-8258

1 Amend the amendment, H-1267, to Senate File 220, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2, line 2, and
4 inserting:

5 <Amend Senate File 220, as amended, passed, and reprinted by
6 the Senate, as follows:

7 1. By striking everything after the enacting clause and
8 inserting:

9 <Section 1. Section 321.1, Code 2018, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 06B. "*Automated traffic law enforcement*
12 *system*" means a device used for the enforcement of laws
13 regulating vehicular traffic and equipped with one or more
14 sensors working in conjunction with one of the following:

15 a. An official traffic-control signal, to produce recorded
16 images of motor vehicles entering an intersection against a red
17 signal light.

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

20 c. A railroad grade crossing signal light, as described in
21 section 321.342, to produce recorded images of motor vehicles
22 violating the signal light.

23 d. Any official traffic-control device, if failure to comply
24 with the official traffic-control device constitutes a moving
25 violation under this chapter.

26 Sec. 2. NEW SECTION. 321.492C Automated traffic law
27 enforcement systems.

28 1. The department shall not place, operate, maintain,
29 or employ the use of any automated traffic law enforcement
30 system. The department shall not cause to be placed any
31 automated traffic law enforcement system except as provided in
32 this section or in rules adopted by the department under this
33 section.

34 2. a. A local authority, or another entity on a local
35 authority's behalf, shall not operate an automated traffic law

1 enforcement system without approving the use of the system
2 following an established self-certification process. The
3 self-certification process shall include a justification report
4 meeting the requirements of paragraph "b", which shall be
5 made readily available for the public to review, and a public
6 hearing at which the local authority shall provide evidence
7 of a demonstrated safety need for the automated traffic law
8 enforcement system. Notice of the date, time, and place of
9 the hearing shall be published in the manner described in
10 section 362.3. A public hearing may address several locations
11 at which a local authority intends to place an automated
12 traffic law enforcement system. However, a local authority
13 shall adopt an ordinance approving the use of an automated
14 traffic law enforcement system for each location at which the
15 local authority operates a fixed or mobile automated traffic
16 law enforcement system. A local authority may approve the
17 operation of an automated traffic law enforcement system
18 only if the system is located in a documented high-crash or
19 high-risk location at which there is a demonstrated safety
20 need for the system. The local authority shall demonstrate
21 the safety need for the system based on the volume of traffic,
22 the history of motor vehicle accidents, the frequency and type
23 of traffic violations, the risk to peace officers employing
24 traditional traffic enforcement methods, any additional
25 information required in the justification report, and any other
26 safety criteria deemed appropriate by the local authority.
27 These requirements shall apply for each location at which a
28 local authority, or another entity on a local authority's
29 behalf, operates a fixed or mobile automated traffic law
30 enforcement system. However, any area located within a road
31 work zone or school district, as those terms are defined in
32 section 321.1, shall be presumed to be a high-risk location at
33 which there is a demonstrated safety need for a system.
34 *b.* A justification report shall provide all necessary
35 information and documentation to demonstrate whether an area is

1 a high-crash or high-risk location and shall include but not be
2 limited to documentation regarding all the following:

3 (1) Existing traffic speeds, posted speed limits,
4 traffic volumes, and intersection or roadway geometry. Such
5 documentation shall provide assurance that existing speed
6 limits and official traffic-control signal timings are
7 appropriate and shall describe how the limits and timings were
8 established.

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

17 (3) The identification of critical traffic safety issues
18 related to the data required by subparagraphs (1) and (2),
19 including a comprehensive list of solutions that may address
20 the critical traffic safety issues.

21 (4) Solutions or safety countermeasures that the local
22 authority has implemented along with those that the local
23 authority has considered but not implemented. These may
24 include solutions relating to law enforcement, engineering,
25 public education campaigns, or other safety countermeasures.

26 (5) Discussions held and actions taken by the local
27 authority with any partnering entities that have resources
28 which could aid in the reduction of accidents attributable
29 to violating the speed limit or an official traffic-control
30 signal.

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

34 c. A local authority, or another entity on a local
35 authority's behalf, shall not operate an automated traffic law

1 enforcement system without posting signage meeting all of the
2 following requirements:

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

7 (2) For a mobile automated traffic law enforcement system,
8 temporary or permanent signs advising drivers that the system
9 is in place shall be posted in clear and present view of
10 passing drivers in advance of the location where the system is
11 in use.

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

14 *d.* A local authority, or another entity on a local
15 authority's behalf, shall not issue a citation resulting from
16 the use of an automated traffic law enforcement system until
17 an active peace officer of the local authority has reviewed
18 the citation and any relevant recorded images produced by the
19 system.

20 *e.* The amount of the fine or civil penalty imposed by a
21 citation resulting from the use of an automated traffic law
22 enforcement system shall not exceed the amount of the fine for
23 a scheduled violation under section 805.8A for the same or a
24 similar violation of this chapter.

25 *f.* An automated traffic law enforcement system working
26 in conjunction with a speed measuring device or official
27 traffic-control signal shall comply with the generally accepted
28 procedures for operating the system. An automated traffic law
29 enforcement system shall verify its internal calibrations on a
30 daily basis. If the daily internal calibration is not valid,
31 the system shall not operate until a successful calibration
32 is subsequently conducted. In addition to the daily internal
33 calibration, a monthly calibration shall be conducted by a
34 person trained in the calibration of the system. A person
35 trained in the calibration of a mobile automated traffic law

1 enforcement system shall also conduct a calibration prior to
2 the use of the mobile system after any change in location.
3 A local authority, or another entity on a local authority's
4 behalf, operating an automated traffic law enforcement
5 system shall maintain a monthly log detailing whether the
6 local authority or entity successfully performed the daily
7 and monthly calibrations. The log and documentation of the
8 calibrations shall be admissible in any court proceeding
9 relating to an official traffic-control signal violation
10 pursuant to section 321.257 or a speed limit violation pursuant
11 to section 321.285.

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

33 *h.* Prior to a local authority placing an automated traffic
34 law enforcement system on a primary road, the local authority
35 shall obtain approval from the department in accordance

1 with rules adopted by the department. A local authority
2 shall submit to the department any information requested by
3 the department during the approval process. If the local
4 authority's use of the system is approved by the department,
5 the local authority shall follow the requirements set forth
6 in rules adopted by the department. The department may
7 modify its rules relating to automated traffic law enforcement
8 systems to the extent necessary to ensure automated traffic
9 law enforcement systems are operated in a safe and equitable
10 manner. This paragraph "h" shall not apply to an automated
11 traffic law enforcement system approved or allowed to operate
12 in accordance with rules adopted by the department and in
13 operation prior to January 1, 2017. A local authority may
14 continue to operate such a system in the same manner as the
15 system was operated prior to January 1, 2017. However, after a
16 local authority discontinues operation of such a system, any
17 new manner of operation or new system operated by the local
18 authority shall comply with this paragraph "h". The department
19 shall have the authority to annually review all automated
20 traffic law enforcement systems placed on primary roads and
21 shall have the authority to require removal or modification of
22 such systems.

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

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

30 (2) Following a decision from the impartial body that is
31 adverse to the person, an appeal to the district court, sitting
32 in small claims, of the county in which the local authority is
33 located.

34 *j.* (1) A local authority shall authorize a petition process
35 by which citizens within the local authority may petition for

1 the removal of a fixed automated traffic law enforcement system
2 or the disapproval of a location approved for the use of mobile
3 automated traffic law enforcement systems in accordance with
4 this section. Petitions under this paragraph "j" shall be
5 specific to one fixed system or one location approved for the
6 use of mobile systems.

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

14 (3) If the local authority is a county, a petition brought
15 under this paragraph "j" is valid if it is signed by a number
16 of eligible electors of the county equal to or greater than
17 ten percent of the number of votes cast in the county in the
18 last presidential election. The petition shall include the
19 signatures of the petitioners, the places of residence of the
20 petitioners, and the date on which the petitioners signed the
21 petition.

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

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

32 *k.* A local authority that operates an automated traffic
33 law enforcement system in violation of this section shall be
34 precluded from operating any automated traffic law enforcement
35 system for a period of two years. A citizen residing within

1 the jurisdiction of a local authority which violates this
2 section shall be allowed to file suit to enjoin the local
3 authority from operating an automated traffic law enforcement
4 system in accordance with this paragraph "k".

5 3. All moneys collected by a local authority from citations
6 issued as a result of the use of an automated traffic law
7 enforcement system, less the amount necessary for the
8 installation, operation, and maintenance of the automated
9 traffic law enforcement system, shall be deposited in the
10 account or accounts maintained by the local authority for
11 moneys appropriated to the local authority from the secondary
12 road fund or street construction fund of the cities, or shall
13 be deposited in any account and used for the purposes of public
14 safety. This subsection shall not apply to moneys collected
15 for court costs or other associated costs, the criminal penalty
16 surcharge required by section 911.1, or the county enforcement
17 surcharge required by section 911.4, as applicable.>>

18 2. By renumbering as necessary.

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