

Senate File 2148

S-5030

1 Amend Senate File 2148 as follows:

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

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

6 NEW SUBSECTION. 06B. "*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 the
4 hearing shall be published in the manner described in section
5 362.3. A public hearing may address several locations at
6 which a local authority intends to place an automated traffic
7 law enforcement system. However, a local authority shall
8 adopt a separate 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,
2 including accident severity, and the history of traffic
3 violations for accidents occurring at the location attributable
4 to violating the speed limit or an official traffic-control
5 signal. Such documentation shall compare accident data with
6 data from other similar locations within the local authority's
7 jurisdiction, other similar jurisdictions, and larger
8 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 monthly
34 calibrations and whether the system successfully performed the
35 daily internal calibrations. The log and documentation of

1 the calibrations shall be admissible in any court proceeding
2 relating to an official traffic-control signal violation
3 pursuant to section 321.257 or a speed limit violation pursuant
4 to section 321.285.

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

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

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

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

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

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

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

35 (2) If the local authority is a city, a petition brought

1 under this paragraph "j" is valid if it is signed by a number
2 of eligible electors of the city equal to or greater than ten
3 percent of the number of persons who voted in the last regular
4 city election. The petition shall include the signatures of
5 the petitioners, the places of residence of the petitioners,
6 and the date on which the petitioners signed the petition.

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

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

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

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

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

1 installation, operation, and maintenance of the automated
2 traffic law enforcement system, shall be deposited in the
3 account or accounts maintained by the local authority for
4 moneys appropriated to the local authority from the secondary
5 road fund or street construction fund of the cities, or shall
6 be deposited in any account and used for the purposes of public
7 safety.>

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

TONY BISIGNANO