S-5045

1   Amend Senate File 2148 as follows:

2   1. Page 1, line 2, after **<prohibited>** by inserting **<——**
3 **exception>**

4   2. Page 1, by striking lines 3 through 12 and inserting:

5   <1. Unless otherwise provided in this section, the state or
6 a political subdivision of the state shall not place or cause
7 to be placed on or adjacent to a highway, or maintain or employ
8 the use of, any automated or remote system for traffic law
9 enforcement.

10   2. *a.* The state or a political subdivision of the state
11 may place, cause to be placed, maintain, and employ the use
12 of an automated or remote system for traffic law enforcement
13 on or adjacent to a highway under the state's or political
14 subdivision's jurisdiction, as applicable, at a location which
15 is in a road work zone.

16   *b.* An automated or remote system for traffic law enforcement
17 designed to work in conjunction with a speed measuring device
18 shall be used only to issue citations to motor vehicles
19 traveling at eleven miles per hour or more over the legal speed
20 limit.

21   *c.* Temporary or permanent signs advising drivers that an
22 automated or remote system for traffic law enforcement is in
23 place shall be posted in clear and present view of passing
24 drivers in advance of the location where the system is in
25 use. The signage shall conform to the manual on uniform
26 traffic-control devices as adopted by the department.

27   *d.* The state or a political subdivision of the state shall
28 not issue a citation resulting from the use of an automated or
29 remote system for traffic law enforcement until an active peace
30 officer of the state or political subdivision, as applicable,
31 has reviewed the citation and any relevant recorded images
32 produced by the system.

33   *e.* The amount of the fine or civil penalty imposed by a
34 citation resulting from the use of an automated or remote
35 system for traffic law enforcement shall equal the amount of

1 the fine for a scheduled violation under section 805.8A for the
2 same or a similar violation of this chapter. The amount of
3 the fine or civil penalty collected in excess of the amount of
4 a scheduled violation under section 805.8A, subsection 5, 7,
5 or 8, up to the amount of a scheduled violation under section
6 805.8A, subsection 14, paragraph *"i"*, shall be retained by the
7 state or political subdivision, as applicable, and shall not
8 be retained by any private entity operating the automated or
9 remote system for traffic law enforcement on behalf of the
10 state or political subdivision.
11 *f.* The state or political subdivision using an automated
12 or remote system for traffic law enforcement shall designate a
13 process by which a person may appeal a citation issued through
14 the use of the system, which at a minimum shall provide for all
15 of the following:
16 (1) An appeal to an impartial body created by the state
17 or political subdivision, as applicable, to review citations
18 issued through the use of the system.
19 (2) Following a decision from the impartial body that is
20 adverse to the person, an appeal to the district court, sitting
21 in small claims, of the county in which the violation occurred.
22 3. For the purposes of this section, *"automated or remote*
23 *system for traffic law enforcement"* means a camera or other
24 optical device designed to work in conjunction with an official
25 traffic control signal or speed measuring device to identify
26 motor vehicles operating in violation of traffic laws, the use
27 of which results in the issuance of citations sent through the
28 mail or by electronic means.>
29 3. Page 1, line 13, after <OF> by inserting <CERTAIN>
30 4. Page 1, line 16, after <enforcement> by inserting <that
31 does not comply with section 321.492C as enacted in this Act>
32 5. Page 1, line 19, after <enforcement> by inserting <that
33 do not comply with section 321.492C as enacted in this Act>
34 6. Page 1, line 26, after <of> by inserting <certain>
35 7. Title page, line 1, after <of> by inserting <certain>

1   8. Title page, line 2, after <of> by inserting <certain>

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TONY BISIGNANO