

Senate File 547

H-1196

1 Amend Senate File 547, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I
4 USE OF ELECTRONIC DEVICES WHILE DRIVING>

5 2. Page 7, after line 7 by inserting:

6 <DIVISION ____
7 FRONT REGISTRATION PLATE DISPLAY EXEMPTION

8 Sec. ____ . Section 321.37, subsection 1, Code 2023, is
9 amended to read as follows:

10 1. Registration plates issued for a motor vehicle other
11 than an autocycle, motorcycle, motorized bicycle, or truck
12 tractor shall be attached to the motor vehicle, one in the
13 front, unless exempted under section 321.37A, and the other
14 in the rear. The registration plate issued for an autocycle,
15 motorcycle, or other vehicle required to be registered
16 ~~hereunder~~ under this chapter shall be attached to the rear of
17 the vehicle. The registration plate issued for a truck tractor
18 shall be attached to the front of the truck tractor. The
19 special plate issued to a dealer shall be attached on the rear
20 of the vehicle when operated on the highways of this state.

21 Sec. ____ . NEW SECTION. 321.37A Front registration plate
22 display exemption.

23 1. The registered owner of a motor vehicle other than an
24 autocycle, motorcycle, motorized bicycle, truck tractor, or
25 motor vehicle operating under a special plate issued to a
26 dealer may submit an application along with the required fee to
27 the department for an exemption to the requirement to display
28 a front registration plate on each eligible motor vehicle.
29 The application must include a completed form prescribed by
30 the department, which may be used for more than one eligible
31 vehicle exemption, and a fee of fifty dollars per motor
32 vehicle. The front registration plate display exemption shall
33 remain valid for as long as the registered owner owns the
34 vehicle.

35 2. Upon receipt of a valid, completed form and the required

1 fee, the department shall note the front registration plate
2 display exemption in the electronic database used by the
3 department and law enforcement to access registration, titling,
4 and driver's license information.

5 3. The department shall adopt rules pursuant to chapter 17A
6 to administer this section.

7 4. The fees collected by the department under this section
8 shall be remitted to the treasurer of state and deposited in
9 the road use tax fund.

10 DIVISION ____
11 WINDOW TINT

12 Sec. ____ . Section 321.438, subsection 2, Code 2023, is
13 amended to read as follows:

14 2. a. (1) A person shall not operate on the highway
15 a motor vehicle equipped with a front windshield, to which
16 material that reduces the transmission of light has been
17 applied, except a windshield may have such material applied
18 that allows at least thirty-five percent light transmittance
19 and does not exceed a luminous reflectance of twenty-five
20 percent above the manufacturer's AS-1 line or within the top
21 five inches of the windshield.

22 (2) A person shall not operate on the highway a motor
23 vehicle equipped with a side window to the immediate right
24 or left of the driver operator, or a sidewing forward of and
25 to the left or right of the driver which is excessively dark
26 or reflective so that it is difficult for a person outside
27 the motor vehicle to see into the motor vehicle through the
28 windshield, window, or sidewing operator, that allows less than
29 thirty-five percent light transmittance or exceeds a luminous
30 reflectance of twenty-five percent.

31 (3) A person shall not operate on the highway a motor
32 vehicle equipped with a window other than as described in
33 subparagraphs (1) and (2) that allows less than thirty-five
34 percent light transmittance or exceeds a luminous reflectance
35 of twenty-five percent. This subparagraph does not apply to

1 a person operating a motor vehicle equipped with an outside
2 mirror attached to each side of the vehicle if the mirrors
3 comply with section 321.437.

4 b. If a peace officer stops a motor vehicle equipped with
5 a side window to the immediate right or left of the driver
6 that allows less than fifty percent light transmittance, the
7 driver shall lower the side window on the side of the officer's
8 approach of the vehicle to the side window's lowest possible
9 position prior to the completion of the officer's approach
10 of the vehicle, and shall keep the side window in the lowest
11 possible position for the duration of the stop unless otherwise
12 instructed by the officer. A person convicted of a violation
13 of this paragraph is guilty of a simple misdemeanor punishable
14 as a scheduled violation under section 805.8A, subsection 14,
15 paragraph "q". However, if the violation is a person's first
16 violation of this paragraph, and the person has not previously
17 been issued a warning memorandum for a violation of this
18 paragraph, the officer shall issue a warning memorandum to the
19 driver in lieu of a citation.

20 ~~a. The department shall adopt rules establishing a minimum~~
21 ~~measurable standard of transparency which shall apply to~~
22 ~~violations of this subsection.~~

23 ~~b. c.~~ This subsection does not apply to a person who
24 operates a motor vehicle owned or leased by a federal, state,
25 or local law enforcement agency if the operation is part of the
26 person's official duties.

27 Sec. _____. Section 805.8A, subsection 3, paragraph ai, Code
28 2023, is amended to read as follows:

29 ai. Section 321.438, subsection 1, subsection 2, paragraph
30 "a", and subsection 3..... \$ 70.

31 Sec. _____. Section 805.8A, subsection 14, Code 2023, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. q. Failure to lower tinted side window. For
34 violations under section 321.438, subsection 2, paragraph "b",
35 the scheduled fine is twenty dollars.

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DIVISION ____

AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC LAW ENFORCEMENT

Sec. ____ . NEW SECTION. 321P.1 **Definitions.**

As used in this chapter, unless the context otherwise requires:

1. *"Automated or remote system for traffic law enforcement"* or *"system"* means a camera or other optical device designed to work in conjunction with an official traffic control signal or speed measuring device to detect motor vehicles being operated in violation of traffic laws, the use of which results in the issuance of citations sent through the mail or by electronic means.

2. *"Critical traffic safety issues"* include traffic violations resulting in a traffic collision or accident and traffic collisions and accidents resulting in serious injury or death occurring at a location.

3. *"Department"* means the state department of transportation.

4. *"Local authority"* means a county or municipality having authority to adopt local police regulations under the Constitution of the State of Iowa and laws of this state.

Sec. ____ . NEW SECTION. 321P.2 **Permit required.**

A person shall not use an automated or remote system for traffic law enforcement unless authorized under this chapter. A local authority shall not adopt, enforce, or otherwise administer an ordinance authorizing the use of a system, and shall not use a system, unless the local authority holds a valid permit to use a system at the system's location. A local authority may apply for a permit by submitting an application to the department in a manner determined by the department. The department may approve or disapprove the application for a permit based on the department's determination that a system is appropriate and necessary and the least restrictive means to address the critical traffic safety issues at a location. The department shall only issue one permit for a local authority,

1 which shall set forth all locations at which a local authority
2 is authorized to use a system. A local authority may submit an
3 application to the department to update the local authority's
4 permit with a new location in the same manner and with the same
5 information as required for the initial permit. An application
6 for a permit must contain all of the following for a location
7 at which the local authority intends to operate a system:

8 1. Records detailing the number and description of traffic
9 violations at the location, which shall be compiled and
10 maintained by the local authority for at least one year prior
11 to the installation of the system and for each year the system
12 is in operation. The records shall be considered public
13 records for purposes of chapter 22.

14 2. Records detailing the number and severity of traffic
15 collisions and accidents occurring at the location.

16 3. An analysis of existing traffic speed data, posted speed
17 limits, traffic volume data, and intersection and roadway
18 measurements of the location. The analysis must demonstrate
19 to the department that existing speed restrictions and traffic
20 control signal timing are appropriate and must describe how
21 the speed restrictions and traffic control signal timing were
22 established.

23 4. The proposed cause of critical traffic safety issues at
24 the location.

25 5. Alternative methods to improve traffic safety at the
26 location that the local authority has implemented or has
27 considered but declined to implement. Alternative methods
28 to improve traffic safety may include but are not limited to
29 changes relating to law enforcement practices, roadway or
30 intersection design, traffic control devices used, and public
31 education campaigns.

32 6. Details of discussions, if any, held with an entity that
33 has resources which may aid the reduction of traffic collisions
34 and accidents caused at the location by failure to obey speed
35 restrictions or traffic control signals and subsequent actions

1 taken by the local authority.

2 7. An explanation detailing the reasons that the use of a
3 system at the location is appropriate and necessary and the
4 least restrictive means to address the critical traffic safety
5 issues.

6 Sec. _____. NEW SECTION. 321P.3 Use limited.

7 1. A local authority shall not use an automated or remote
8 system for traffic law enforcement to issue a citation for
9 a traffic violation unless the violation is for any of the
10 following:

11 a. Failure to yield or stop at an intersection controlled by
12 a traffic control signal.

13 b. Failure to yield or stop at a railroad crossing.

14 c. Exceeding the speed limit by more than ten miles per
15 hour.

16 2. A local authority with a population of twenty thousand or
17 less based on the 2020 federal decennial census shall not use a
18 mobile system to issue a citation for a traffic violation. The
19 department shall adopt rules pursuant to chapter 17A otherwise
20 authorizing and regulating the operation of mobile systems,
21 taking into consideration a mobile system's mobility, flexible
22 usage, and the needs of a local authority to control traffic
23 speed to address critical traffic safety issues at a location.
24 However, the rules shall not authorize the use of a mobile
25 system other than in neighborhoods, construction zones, school
26 zones, including collegiate zones, and locations where traffic
27 enforcement is difficult or dangerous to enforce by alternative
28 methods.

29 3. A local authority, regardless of its population, may
30 issue a warning memorandum to the owner of a vehicle that was
31 operated in violation of a traffic law if the violation was
32 detected by an automated or remote system for traffic law
33 enforcement, including a mobile system.

34 Sec. _____. NEW SECTION. 321P.4 Notice — signage and
35 reports.

1 1. a. A local authority shall not operate an automated or
2 remote system for traffic law enforcement at a fixed location
3 unless permanent signs meeting the requirements as specified in
4 the department manual on uniform traffic-control devices and
5 giving notice of the system are erected at least five hundred
6 feet but not more than one thousand feet along the approach of
7 the highway where the system is used. Signs required under
8 this paragraph shall be erected by the local authority at the
9 local authority's expense at least thirty days prior to the
10 system enforcing any detected violations.

11 b. A local authority shall not operate a mobile automated
12 or remote system for traffic law enforcement unless permanent
13 signs meeting the requirements as specified in the department
14 manual on uniform traffic-control devices and giving notice
15 of the local authority's use of a mobile system within the
16 boundaries of the local authority are posted at the location
17 where any highway enters the boundaries of the local authority.

18 2. A local authority using a system shall submit to the
19 department an annual report by March 1 of each year detailing
20 the number of traffic collisions and accidents that occurred at
21 each location where a system is in use, the number of citations
22 issued for each system during the previous calendar year, and
23 any other relevant information about the systems that the local
24 authority deems appropriate. The local authority shall post
25 the report on the local authority's internet site, if the local
26 authority has an internet site.

27 Sec. ____ . NEW SECTION. 321P.5 Enforcement.

28 1. A local authority shall not issue a citation or warning
29 memorandum for a violation detected by a system until a peace
30 officer of the local authority has reviewed and approved the
31 recorded photograph or video to affirm a traffic violation
32 occurred.

33 2. a. For a violation other than an excessive speed
34 violation, the amount of the fine imposed by a citation
35 resulting from a violation detected by a system shall not

1 exceed the amount of the scheduled fine for the violation under
2 section 805.8A.

3 *b.* For an excessive speed violation detected by a system
4 other than as provided in paragraph "*c*", the fine shall not
5 exceed the following amounts:

6 (1) Seventy-five dollars for speed greater than ten miles
7 per hour in excess of the limit but not more than twenty miles
8 per hour in excess of the limit.

9 (2) One hundred dollars for speed greater than twenty miles
10 per hour in excess of the limit but not more than twenty-five
11 miles per hour in excess of the limit.

12 (3) Two hundred fifty dollars for speed greater than
13 twenty-five miles per hour in excess of the limit but not more
14 than thirty miles per hour in excess of the limit.

15 (4) Five hundred dollars for speed greater than thirty miles
16 per hour in excess of the limit.

17 *c.* For an excessive speed violation detected by a system in
18 a road work zone, as defined in section 321.1, the fine shall
19 not exceed the following amounts:

20 (1) One hundred fifty dollars for speed greater than ten
21 miles per hour in excess of the limit but not more than twenty
22 miles per hour in excess of the limit.

23 (2) Two hundred dollars for speed greater than twenty miles
24 per hour in excess of the limit but not more than twenty-five
25 miles per hour in excess of the limit.

26 (3) Five hundred dollars for speed greater than twenty-five
27 miles per hour in excess of the limit but not more than thirty
28 miles per hour in excess of the limit.

29 (4) One thousand dollars for speed greater than thirty miles
30 per hour in excess of the limit.

31 3. A system not in compliance with this chapter shall not
32 be used to detect violations. A citation issued while the
33 system is not in compliance with this chapter is void and
34 unenforceable.

35 4. A violation detected by an automated or remote system

1 for traffic law enforcement is a civil infraction. Such
2 a violation shall not be considered by the department of
3 transportation for purposes of driver's license sanctions,
4 and shall not be considered by an insurer for purposes of a
5 person's automobile insurance rates. The fine associated with
6 a citation issued by a local authority as the result of the use
7 of a system shall be a civil penalty.

8 Sec. ____ . NEW SECTION. **321P.6 Liability for violations**
9 **detected.**

10 1. A citation for a violation detected by an automated or
11 remote system for traffic law enforcement shall be issued to
12 the owner of the identified motor vehicle.

13 2. *a.* Notwithstanding subsection 1, a local authority shall
14 provide the owner of a motor vehicle who receives a citation
15 for a violation detected by a system with an opportunity
16 to submit evidence that the owner was not operating the
17 motor vehicle at the time of the violation. As part of the
18 proceeding, the owner shall provide the name and address of the
19 person who was operating the motor vehicle at the time of the
20 violation.

21 *b.* Notwithstanding subsection 1, a citation issued to the
22 owner of a motor vehicle may be amended and issued to the
23 person identified under paragraph "a" who was operating the
24 motor vehicle.

25 3. For purposes of this section, "owner" means a person
26 who holds the legal title to a motor vehicle. However, if the
27 motor vehicle is the subject of a security agreement with a
28 right of possession in the debtor, the debtor is deemed the
29 owner for purposes of this section, or if the motor vehicle is
30 leased as defined in section 321.493, the lessee is deemed the
31 owner for purposes of this section.

32 Sec. ____ . NEW SECTION. **321P.7 Revenue — disbursement and**
33 **retention.**

34 A local authority that operates an automated or remote
35 system for traffic law enforcement under this chapter shall

1 remit monthly to the treasurer of state ten percent of the
2 moneys from the use of the system, not including the cost to
3 install, operate, and maintain the system. Moneys remitted
4 under this section shall be deposited in the rebuild Iowa
5 infrastructure fund created in section 8.57. The remaining
6 moneys retained by the local authority shall be used only for
7 public safety or improvements to transportation infrastructure
8 within the local authority's jurisdiction.

9 Sec. ____ . NEW SECTION. **321P.8 Installation and maintenance.**

10 1. A local authority shall install a system in a manner that
11 minimizes the effect of camera flash on drivers, if a camera
12 flash is used.

13 2. An automated or remote system for traffic law enforcement
14 shall only record a photograph or video of a vehicle and the
15 vehicle's registration plate while the vehicle is used to
16 commit an alleged traffic violation. A local authority shall
17 not install a system such that the system's camera is placed
18 to capture the face of any person in the motor vehicle being
19 recorded. If a person's face is unintentionally captured by
20 the system, the person's face shall be obfuscated by the local
21 authority in any recording released to a person other than an
22 employee or agent of the local authority or the owner of the
23 vehicle, as defined in section 321P.6, unless otherwise ordered
24 by a court. The system's unintentional capture of a person's
25 face does not invalidate the associated citation.

26 3. A system shall verify its internal calibrations daily,
27 and a person trained in the calibration of the system shall
28 conduct a monthly calibration.

29 4. A local authority operating a system shall maintain
30 a monthly log detailing whether a person trained in the
31 calibration of the system successfully performed the monthly
32 calibrations and whether the system successfully performed the
33 daily internal calibrations.

34 5. The log and documentation of the calibrations required
35 under this section are admissible in any court proceeding

1 relating to a violation detected by the system.

2 6. If a daily or monthly calibration is not successfully
3 performed, the system shall not operate until a successful
4 calibration is subsequently performed.

5 DIVISION ____

6 SYSTEM REVENUE — CONTINGENT AMENDMENT

7 Sec. _____. Section 321P.7, if enacted by this Act, is amended
8 to read as follows:

9 **321P.7 Revenue — disbursement and retention.**

10 A local authority that operates an automated or remote
11 system for traffic law enforcement under this chapter shall
12 remit monthly to the treasurer of state ten percent of the
13 moneys from the use of the system, not including the cost to
14 install, operate, and maintain the system. Moneys remitted
15 under this section shall be deposited in the ~~rebuild-Iowa~~
16 infrastructure length of service award program grant fund
17 created in section ~~8-57~~ 100B.52. The remaining moneys retained
18 by the local authority shall be used only for public safety or
19 improvements to transportation infrastructure within the local
20 authority's jurisdiction.

21 Sec. _____. CONTINGENT EFFECTIVE DATE. This division of this
22 Act takes effect on the effective date of 2023 Iowa Acts, House
23 File 340, if enacted.

24 DIVISION ____

25 EXISTING SYSTEMS

26 Sec. _____. EXISTING SYSTEMS.

27 1. A local authority using an automated or remote system
28 for traffic law enforcement prior to July 1, 2023, may submit
29 to the department of transportation by July 1, 2023, a list
30 of system locations and justifications for placement and use
31 of the systems at the locations in conformance with section
32 321P.2, as enacted in this Act, to the extent practicable,
33 as determined by the department. The department shall, by
34 October 1, 2023, issue a permit as provided in section 321P.2,
35 as enacted in this Act, to a local authority that provided

1 valid submissions in accordance with this subsection. A local
2 authority using a system prior to July 1, 2023, may continue
3 to use the system in the same manner and at the same locations
4 as the system was used on or before July 1, 2023, during the
5 period of time between the local authority's submission to the
6 department and the date the department issues the permit to the
7 local authority. If, on October 1, 2023, a local authority has
8 not been issued a permit by the department as a result of a
9 submission that was not timely filed, or due to a timely filed
10 submission that did not otherwise comply with this subsection,
11 the local authority shall cease using all systems until the
12 local authority obtains a permit from the department pursuant
13 to section 321P.2, as enacted in this Act.

14 2. A local authority using an automated or remote system
15 for traffic law enforcement at a location for the first time
16 on or after July 1, 2023, shall not be issued a permit by the
17 department of transportation pursuant to section 321P.2, as
18 enacted in this Act, before July 1, 2025.

19 Sec. ____ . EFFECTIVE DATE. This division of this Act, being
20 deemed of immediate importance, takes effect upon enactment.>

21 3. Title page, by striking lines 1 through 3 and inserting
22 <An Act relating to motor vehicles, including the use of
23 electronic devices while driving, front registration plate
24 exemptions, window tint, and automated or remote systems for
25 traffic law enforcement, providing penalties, making penalties
26 applicable, providing fees, and including effective date
27 provisions.>

28 4. By renumbering as necessary.

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