

H-8286

1 Amend House File 2681 as follows:

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

4 <DIVISION I

5 AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC LAW ENFORCEMENT —
6 AUTOMATIC REGISTRATION PLATE READERS

7 Section 1. NEW SECTION. 321P.1 Definitions.

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

10 1. *"Automated or remote system for traffic law enforcement"*
11 or *"system"* means a camera or other optical device designed to
12 work in conjunction with a speed measuring device to detect
13 motor vehicles being operated in violation of the speed limit,
14 the use of which results in the issuance of citations sent
15 through the mail or by electronic means.

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

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

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

25 Sec. 2. NEW SECTION. 321P.2 Permit required — local
26 ordinances.

27 1. A person shall not use an automated or remote system
28 for traffic law enforcement unless authorized under this
29 chapter. A local authority shall not adopt, enforce, or
30 otherwise administer an ordinance authorizing the use of a
31 system, and shall not use a system, unless the local authority
32 holds a valid permit to use a system at the system's location.
33 Notwithstanding section 331.302, subsection 6, and section
34 380.3, the governing body of a local authority that is
35 considering an ordinance to authorize or implement traffic law

1 enforcement by automated or remote systems shall not suspend
2 the requirements of section 331.302, subsection 6, or section
3 380.3, as applicable.

4 2. A local authority may apply for a permit by submitting
5 an application to the department in a manner determined by
6 the department. The department may approve or disapprove
7 the application for a permit based on the department's
8 determination that a system is appropriate and necessary and
9 the least restrictive means to address the critical traffic
10 safety issues at a location. The department shall only issue
11 one permit for a local authority, which shall set forth all
12 locations at which a local authority is authorized to use a
13 system. A local authority may submit an application to the
14 department to update the local authority's permit with a new
15 location in the same manner and with the same information as
16 required for the initial permit. An application for a permit
17 must contain all of the following for a location at which the
18 local authority intends to operate a system:

19 a. Records detailing the number and description of traffic
20 violations at the location, which shall be compiled and
21 maintained by the local authority for at least one year prior
22 to the installation of the system and for each year the system
23 is in operation. The records shall be considered public
24 records for purposes of chapter 22.

25 b. Records detailing the number and severity of traffic
26 collisions and accidents occurring at the location.

27 c. An analysis of existing traffic speed data, posted speed
28 limits, traffic volume data, and intersection and roadway
29 measurements of the location. The analysis must demonstrate to
30 the department that existing speed restrictions are appropriate
31 and must describe how the speed restrictions were established.

32 d. The proposed cause of critical traffic safety issues at
33 the location.

34 e. Alternative methods to improve traffic safety at the
35 location that the local authority has implemented or has

1 considered but declined to implement. Alternative methods
2 to improve traffic safety may include but are not limited to
3 changes relating to law enforcement practices, roadway or
4 intersection design, traffic control devices used, and public
5 education campaigns.

6 *f.* Details of discussions, if any, held with an entity
7 that has resources which may aid the reduction of traffic
8 collisions and accidents caused at the location by failure to
9 obey speed restrictions and subsequent actions taken by the
10 local authority.

11 *g.* An explanation detailing the reasons that the use of a
12 system at the location is appropriate and necessary and the
13 least restrictive means to address the critical traffic safety
14 issues.

15 **Sec. 3. NEW SECTION. 321P.3 Use limited.**

16 1. A local authority shall not use an automated or remote
17 system for traffic law enforcement to issue a citation for a
18 traffic violation unless the violation is for exceeding the
19 speed limit by more than ten miles per hour.

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

33 3. A local authority, regardless of its population, may
34 issue a warning memorandum to the owner of a vehicle that was
35 operated in violation of a traffic law if the violation was

1 detected by an automated or remote system for traffic law
2 enforcement, including a mobile system.

3 **Sec. 4. NEW SECTION. 321P.4 Automatic registration plate**
4 **readers — data retention limited.**

5 1. The operator of an automatic registration plate reader
6 or any associated data storage device shall permanently delete
7 from the plate reader and storage device, as applicable, every
8 image of a vehicle registration plate captured by the plate
9 reader, and any other accompanying data, no later than thirty
10 days after the image was captured.

11 2. Prior to deletion under subsection 1, an image of
12 a vehicle registration plate captured by an automatic
13 registration plate reader, and any other accompanying data,
14 may be copied and stored by a law enforcement agency if the
15 image and data are relevant to an ongoing criminal case or
16 investigation. The law enforcement agency shall maintain
17 the copied registration plate image and accompanying data in
18 accordance with the agency's evidence retention policies.
19 Copies maintained by the law enforcement agency are not subject
20 to subsection 1.

21 3. For purposes of this section, "*automatic registration*
22 *plate reader*" or "*plate reader*" means a camera or other optical
23 device designed or programmed to automatically detect a
24 vehicle's registration plate, or to automatically capture
25 or store an image of a vehicle's registration plate and any
26 accompanying data.

27 4. A person who violates subsection 1 commits a simple
28 misdemeanor.

29 **Sec. 5. NEW SECTION. 321P.5 Notice — signage and reports.**

30 1. *a.* A local authority shall not operate an automated or
31 remote system for traffic law enforcement at a fixed location
32 unless permanent signs meeting the requirements as specified in
33 the department manual on uniform traffic-control devices and
34 giving notice of the system are erected at least five hundred
35 feet but not more than one thousand feet along the approach of

1 the highway where the system is used.

2 *b.* A local authority shall not operate a mobile automated
3 or remote system for traffic law enforcement unless permanent
4 signs meeting the requirements as specified in the department
5 manual on uniform traffic-control devices and giving notice
6 of the local authority's use of a mobile system within the
7 boundaries of the local authority are posted at every location
8 where a highway enters the boundaries of the local authority.

9 *c.* Signs required under this subsection shall be erected
10 by the local authority at the local authority's expense at
11 least thirty days prior to a system enforcing any detected
12 violations.

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

22 **Sec. 6. NEW SECTION. 321P.6 Enforcement.**

23 1. A local authority shall not issue a citation or warning
24 memorandum for a violation detected by a system until a peace
25 officer of the local authority, or an individual trained and
26 certified by the local authority, has reviewed and approved
27 the recorded photograph or video to affirm a traffic violation
28 occurred.

29 2. *a.* For an excessive speed violation detected by a system
30 other than as provided in paragraph "b", the fine shall not
31 exceed the following amounts:

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

35 (2) One hundred dollars for speed greater than twenty miles

1 per hour in excess of the limit but not more than twenty-five
2 miles per hour in excess of the limit.

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

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

8 *b.* For an excessive speed violation detected by a system in
9 a road work zone, as defined in section 321.1, the fine shall
10 not exceed the following amounts:

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

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

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

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

22 3. A system not in compliance with this chapter shall not
23 be used to detect violations. A citation issued while the
24 system is not in compliance with this chapter is void and
25 unenforceable.

26 4. A violation detected by an automated or remote system
27 for traffic law enforcement is a civil infraction. Such
28 a violation shall not be considered by the department of
29 transportation for purposes of driver's license sanctions,
30 and shall not be considered by an insurer for purposes of a
31 person's automobile insurance rates. The fine associated with
32 a citation issued by a local authority as the result of the use
33 of a system must be a civil penalty.

34 Sec. 7. NEW SECTION. 321P.7 Liability for violations
35 detected.

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

4 2. a. Notwithstanding subsection 1, a local authority shall
5 provide the owner of a motor vehicle who receives a citation
6 for a violation detected by a system with an opportunity
7 to submit evidence that the owner was not operating the
8 motor vehicle at the time of the violation. As part of the
9 proceeding, the owner shall provide the name and address of the
10 person who was operating the motor vehicle at the time of the
11 violation.

12 b. Notwithstanding subsection 1, a citation issued to the
13 owner of a motor vehicle may be amended and issued to the
14 person identified under paragraph "a" who was operating the
15 motor vehicle.

16 3. For purposes of this section, "owner" means a person
17 who holds the legal title to a motor vehicle. However, if the
18 motor vehicle is the subject of a security agreement with a
19 right of possession in the debtor, the debtor is deemed the
20 owner for purposes of this section, or if the motor vehicle is
21 leased as defined in section 321.493, the lessee is deemed the
22 owner for purposes of this section.

23 **Sec. 8. NEW SECTION. 321P.8 Restrictions on use of revenue.**

24 A local authority shall not use any revenue received as
25 a result of the use of a system and retained by the local
26 authority, not including the cost to install, operate, and
27 maintain the system, other than for any of the following
28 purposes:

29 1. To fund transportation infrastructure improvement
30 projects.

31 2. To offset costs incurred relating to the operation of a
32 police department or fire department.

33 **Sec. 9. NEW SECTION. 321P.9 Installation and maintenance.**

34 1. A local authority shall install a system in a manner that
35 minimizes the effect of camera flash on drivers, if a camera

1 flash is used.

2 2. An automated or remote system for traffic law enforcement
3 must only record a photograph or video of the rear of a vehicle
4 and the vehicle's registration plate while the vehicle is used
5 to commit an alleged traffic violation. A local authority
6 shall not install a system such that the system's camera is
7 placed to capture the front of a motor vehicle or the face of
8 any person in the vehicle being recorded. In accordance with
9 section 321P.6, subsection 3, a citation issued by a system
10 that captures the front of a motor vehicle or the face of any
11 person in the vehicle is void and unenforceable.

12 3. A system must verify its internal calibrations daily, and
13 a person trained in the calibration of the system shall conduct
14 a monthly calibration.

15 4. A local authority operating a system shall maintain
16 a monthly log detailing whether a person trained in the
17 calibration of the system successfully performed the monthly
18 calibrations and whether the system successfully performed the
19 daily internal calibrations.

20 5. The log and documentation of the calibrations required
21 under this section are admissible in any court proceeding
22 relating to a violation detected by the system.

23 6. If a daily or monthly calibration is not successfully
24 performed, the system shall not operate until a successful
25 calibration is subsequently performed.

26 DIVISION II

27 EXISTING SYSTEMS

28 Sec. 10. EXISTING SYSTEMS.

29 1. A local authority using an automated or remote system for
30 traffic law enforcement prior to January 1, 2024, may submit
31 to the department of transportation by July 1, 2024, a list
32 of system locations and justifications for placement and use
33 of the systems at the locations in conformance with section
34 321P.2, as enacted by this Act, to the extent practicable,
35 as determined by the department. The department shall, by

1 October 1, 2024, issue a permit as provided in section 321P.2,
2 as enacted by this Act, to a local authority that provided
3 valid submissions in accordance with this subsection. A local
4 authority using a system prior to January 1, 2024, may continue
5 to use the system in the same manner and at the same locations
6 as the system was used on or before January 1, 2024, during
7 the period of time between the local authority's submission to
8 the department and the date the department issues the permit
9 to the local authority, unless the system is a mobile system
10 prohibited under section 321P.3, as enacted by this Act. If,
11 on October 1, 2024, a local authority has not been issued a
12 permit by the department as a result of a submission that was
13 not timely filed, or due to a timely filed submission that did
14 not otherwise comply with this subsection, the local authority
15 shall cease using all systems until the local authority obtains
16 a permit from the department pursuant to section 321P.2, as
17 enacted by this Act.

18 2. A local authority using an automated or remote system
19 for traffic law enforcement at a location for the first time
20 on or after January 1, 2024, shall not be issued a permit by
21 the department of transportation pursuant to section 321P.2, as
22 enacted by this Act, before July 1, 2026.

23 Sec. 11. EFFECTIVE DATE. This division of this Act, being
24 deemed of immediate importance, takes effect upon enactment.>

25 2. Title page, by striking lines 1 and 2 and inserting
26 <An Act relating to automated traffic systems, including for
27 traffic law enforcement and for capture of registration plate
28 images, providing penalties, and including effective date
29 provisions.>

P. THOMPSON of Boone