

**NINETIETH GENERAL ASSEMBLY
2024 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

March 14, 2024

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 555	H-8202	Filed	GOLDING of Linn
HF 2652	H-8203	Adopted	GRABER of Lee

Fiscal Notes

[HF 2595](#) — [Hands-Free Driving and Automated Traffic Cameras](#) (LSB6321HV)

HOUSE FILE 555

H-8202

1 Amend the Senate amendment, H-8060, to House File 555, as
2 passed by the House, as follows:

3 1. Page 1, by striking lines 7 through 9 and inserting:

4 <___. By striking page 1, line 35, through page 2, line 2,
5 and inserting <or device with equivalent therapeutic effect.
6 The alternative drug, biological product, or device shall be
7 within the same class.>>

8 2. By renumbering as necessary.

By GOLDING of Linn

H-8202 FILED MARCH 13, 2024

HOUSE FILE 2652

H-8203

- 1 Amend the amendment, H-8200, to House File 2652, as follows:
- 2 1. Page 1, after line 6 by inserting:
- 3 <__. Page 3, after line 16 by inserting:
- 4 <e. Is designated by the secretary of homeland security
- 5 as qualified anti-terrorism technology under 6 U.S.C. §441 et
- 6 seq.>>
- 7 2. By renumbering as necessary.

By GRABER of Lee

H-8203 FILED MARCH 13, 2024

ADOPTED



[HF 2595](#) – Hands-Free Driving and Automated Traffic Cameras (LSB6321HV)
 Staff Contact: Garry Martin (515.281.4611) garry.martin@legis.iowa.gov
 Fiscal Note Version – New

[House File 2595](#) expands prohibitions against texting while driving and prohibits the use of automated traffic enforcement systems.

Division I — Use of Electronic Devices While Driving

Description

House File 2595 prohibits any use of an electronic device while driving except in certain circumstances. The Bill defines “electronic device” as a device that is powered by electricity, including by a battery, that is capable of composing, sending, receiving, or reading messages and storing, retrieving, or displaying videos, movies, or images. The Bill permits the use of an electronic device in a voice-activated or hands-free mode, with the speaker phone function engaged, while holding the phone in close proximity to the person’s ear, or for navigation purposes. The Bill makes a violation of Iowa Code section [321.276](#) a moving violation.

Single Citation — HF 2595	
Penalty	\$ 150.00
Surcharge (15.0%)	22.50
Court Cost	55.00
Total	\$ 227.50

The Bill increases the scheduled fine for a violation of Iowa Code section 321.276 from \$45 to \$150 and creates new penalties for a second (\$250) and a third or subsequent (\$500) violation within two years. In addition, the Bill permits the Department of Transportation (DOT) to suspend a person’s driver’s license for up to 90 days. The Bill allows a person to attend and successfully complete, at the person’s own expense, a driver improvement program approved by the DOT in lieu of the penalties.

The Bill allows use of an electronic device under the following circumstances:

- Use by members of a public safety agency performing official duties.
- Use by health care professionals in the course of emergency situations.
- Use to report an emergency situation, including maintaining communication with emergency personnel during the emergency situation, or public transit personnel responding to a transit-specific situation.
- Use by a utility maintenance employee or contractor using an electronic device while in a utility maintenance vehicle for the purpose of providing utility services.
- A person operating a commercial motor vehicle while using a mobile data terminal that transmits and receives data.
- A person storing an electronic device in a holster, harness, or article of clothing on the person’s body.
- When a vehicle is at a complete stop such as a red light, traffic stop sign, or instructed to stop by proper authorities.

A peace officer is required to issue a warning memorandum in lieu of a citation for violations that occur from July 1, 2024, the effective date of **Division I**, until January 1, 2025.

Background

Current law prohibits the use of hand-held electronic communication devices to write, send, or view electronic messages while driving a motor vehicle. The fine for this violation is currently \$45. The violation is not considered a moving violation. Persons under the age of 18 are currently prohibited from using an electronic communication device while driving a motor vehicle (Iowa Code section [321.178](#)). Convictions under Iowa Code section 321.276 for using an electronic communication device while driving a motor vehicle totaled 1,364 in FY 2023 and 1,311 in FY 2022.

Single Citation — Current Law		
Penalty	\$	45.00
Surcharge (15.0%)		6.75
Court Cost		55.00
Total	\$	106.75

Under Iowa Code section [602.8106](#)(4)(b), scheduled fine revenue for a State law violation is distributed as follows: 91.0% to the State and 9.0% to the general fund of the county in which the violation occurred. For the State share of citations, 1.3% is distributed to the Emergency Medical Services (EMS) Fund and 98.7% is distributed to the State General Fund.

In addition to the scheduled fine, a Crime Services Surcharge, equal to 15.0% of the fine, and a \$55 fee for court costs are also imposed. The Crime Services Surcharge is remitted to the State Court Administrator and is distributed as follows: 46.0% to the Juvenile Detention Home Fund; 32.0% to the Victim Compensation Fund; 20.0% to the Criminalistics Laboratory Fund; and 2.0% to the Drug Abuse Resistance Education (DARE) Fund. The fee assessed for court costs is deposited into the State General Fund.

According to the National Conference of State Legislatures (NCSL) [State Cellphone Use While Driving Laws](#) dashboard, 29 states currently prohibit all drivers from using hand-held cellphones while driving.

Assumptions

- The number of Iowa citations under current law for FY 2024 is estimated to total 1,364, which is similar to the number of citations in FY 2023.
- It is unknown whether this Bill will result in increased citations. For the purpose of this **Fiscal Note**, it is assumed that the number of citations in FY 2025 will be half of FY 2024 because of warning memorandums being issued instead of citations. In FY 2026 and future years citations will be similar to FY 2024.
- The collection rate for scheduled violations is estimated at 59.2%.

Fiscal Impact

Division I of House File 2595 is estimated to increase State General Fund revenue by \$76,000 per year beginning in FY 2026. Revenue may increase in future years if fewer warnings are given in lieu of tickets. The fiscal impact on other funding sources and the counties is shown in **Figure 1**.

Figure 1 — Estimated Revenue, Current Law vs. HF 2595

	Current Law Est. FY 2024	FY 2025	FY 2025 vs FY 2024	FY 2026	FY 2026 vs FY 2024
General Fund					
Penalty Revenue	\$ 32,637	\$ 54,395	\$ 21,758	\$ 108,789	\$ 76,152
Court Fee	44,412	22,206	-22,206	44,412	0
Subtotal	\$ 77,049	\$ 76,601	\$ -448	\$ 153,201	\$ 76,152
Surcharge					
Juvenile Detention	\$ 2,507	\$ 4,179	\$ 1,672	\$ 8,358	\$ 5,850
Victim Compensation	1,744	2,907	1,163	5,814	4,070
Crime Lab	1,090	1,817	727	3,634	2,544
DARE	109	182	73	363	254
Subtotal	\$ 5,451	\$ 9,084	\$ 3,634	\$ 18,168	\$ 12,718
Other					
Funds	\$ 3,270	\$ 5,451	\$ 2,180	\$ 10,901	\$ 7,631
EMS Fund	430	716	287	1,433	1,003
Total	\$ 86,199	\$ 91,852	\$ 5,652	\$ 183,704	\$ 97,504

Division II — Automatic Traffic Enforcement Prohibited

Description

House File 2595 prohibits the use of automatic or remote systems for traffic law enforcement by State or local authorities on and after July 1, 2025. However, any citation issued or mailed pursuant to such an ordinance prior to July 1, 2025, is not invalidated and must be processed according to the provisions of the law under which the citation was authorized.

The Bill places information-sharing restrictions on the DOT and the Department of Public Safety (DPS) in relation to information collection by automatic traffic enforcement systems (ATEs).

“Automated or remote system for traffic law enforcement” is defined in the Bill as a camera or other optical device designed to work in conjunction with an official traffic control signal or speed-measuring device to identify motor vehicles operating in violation of traffic laws, the use of which results in the issuance of citations sent through the mail or by electronic means.

Background

As of January 2024, the Legislative Services Agency (LSA) is aware of 25 cities and towns in Iowa that operate one or more ATEs, including Sioux City, Cedar Rapids, Davenport, Muscatine, Fort Dodge, Council Bluffs, Des Moines, Waterloo, Fayette, West Union, LeClaire, Strawberry Point, Hazleton, Hudson, Chester, Buffalo, Bellevue, Miles, Independence, Oelwein, Prairie City, Webster City, Marshalltown, Marion, and Postville. Data is not available at this time regarding the use of ATEs in additional cities or towns. As of January 15, 2024, the LSA obtained data from Cedar Rapids, Council Bluffs, Davenport, Des Moines, LeClaire, Muscatine, Waterloo, Buffalo, Fayette, and Marshalltown regarding their current ATEs. Sioux City recently changed its ATE provider and does not have accurate data for a full year.

Figure 2 provides data obtained by the LSA related to the number of ATE devices, base cost per violation, vendors' share of revenues, and local authorities' share of revenues for the last full fiscal year.

Figure 2 — Data Provided for Fiscal Year 2023

Local Authority	Number of Mobile ATEs	Total Number of Operating ATEs	Number of Violations Issued	Number of Violations Collected	Base Fine Per Violation	Vendor Revenue	Local Authority Revenue
Buffalo	1	3	10,006	9,359	\$ 75	\$ 145,125	\$ 362,813
Cedar Rapids	2	19	169,696	94,037	75	1,834,563	7,207,857
Council Bluffs	0	15	20,299	12,557	100	489,416	849,453
Davenport	4	18	43,452	20,314	65	440,601	1,420,540
Des Moines	3	13	125,768	84,991	65	1,929,663	3,594,696
Fayette	0	2	5,315	4,074	100	138,878	324,049
LeClaire	1	5	62,229	50,533	50	1,664,130	1,703,438
Marshalltown	0	3	5,966	2,952	100	100,000	195,050
Muscatine	1	9	11,577	8,516	75	215,514	510,840
Waterloo	2	25	53,054	26,117	36	942,296	1,166,746

Lowest violation amount. Actual violation may increase depending on miles over the legal speed limit.
Source: Local authorities

Assumptions

All existing ATE devices will cease operation on or before July 1, 2024. **Figure 3** provides the estimated loss of revenue to cities.

Fiscal Impact

The full fiscal impact of **Division II** cannot be estimated due to insufficient data as only 10 of the 25 local authorities that have speed cameras reported to the LSA. House File 2595 is estimated to decrease revenue to the 10 reporting local authorities by an estimated \$17.3 million per fiscal year. **Figure 3** includes information reported to the LSA for FY 2023.

Figure 3 — Estimated Annual Local Government Revenue Reduction Compared to FY 2023

Local Authority	Estimated Loss of Revenue
Buffalo	\$ -362,813
Cedar Rapids	-7,207,857
Council Bluffs	-849,453
Davenport	-1,420,540
Des Moines	-3,594,696
Fayette	-324,049
LeClaire	-1,703,438
Marshalltown	-195,050
Muscatine	-510,840
Waterloo	-1,166,746

Note: This information only reflects 10 of 25 local authorities that have reported to the LSA.

Figure 4 — Local Uses for ATE Revenue

Local Authority	Uses
Buffalo	Public safety expenses
Cedar Rapids	General fund
Council Bluffs	General fund
Davenport	General fund
Des Moines	Des Moines Public Safety Radio System and Iowa Statewide Interoperable Communications System
Fayette	General fund
LeClaire	General fund
Marshalltown	General fund
Muscatine	Police department for personnel costs
Waterloo	General fund: Police department for equipment
Source: As reported by local authorities	

Sources

Legislative Services Agency calculations
 Local authorities
 Department of Transportation
 Criminal and Juvenile Justice Planning, Department of Management
 National Conference of State Legislatures
 Federal Highway Administration

 /s/ Jennifer Acton

March 13, 2024

Doc ID 1446975

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
