

FEB 22 1999

TRANSPORTATION

HOUSE FILE  
BY WARNSTADT

**333**

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act authorizing the use of automated enforcement systems to  
2 enforce certain traffic regulations, authorizing a surcharge,  
3 and making penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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**HF 333**

1 Section 1. NEW SECTION. 321.236A AUTOMATED ENFORCEMENT  
2 SYSTEMS.

3 1. A local authority may use an automated enforcement  
4 system to detect red-light stop violations on streets and  
5 highways under its jurisdiction.

6 2. A citation for a red-light stop violation may be issued  
7 pursuant to the use of an automated enforcement system if all  
8 of the following conditions are met:

9 a. The automated enforcement system and the issuance of  
10 citations are under the ultimate control of a law enforcement  
11 agency.

12 b. Signs indicating that red-light stops are being  
13 monitored by an automated enforcement system are visible to  
14 traffic approaching the official traffic control signal from  
15 all directions or are posted, so far as is practicable, on all  
16 major routes entering the jurisdiction under the control of  
17 the local authority.

18 c. The citation is mailed or personally delivered to the  
19 registered owner of the vehicle at the owner's last known  
20 address within ten business days of the alleged violation.

21 During the first thirty days following a local authority's  
22 initial use of an automated enforcement system under this  
23 section, only warning citations shall be issued for violations  
24 recorded by the system.

25 3. A rebuttable presumption exists that the registered  
26 owner of a vehicle used in the commission of a violation  
27 recorded by an automated enforcement system was the driver of  
28 the vehicle at the time of the violation.

29 4. A local authority using an automated enforcement system  
30 may assess a surcharge against a person who committed a  
31 violation recorded by the system to cover the costs of  
32 administering the system and mailing citations, in addition to  
33 any fine or other fees, penalties, costs, or surcharges  
34 assessed for the violation, in an amount to be determined by  
35 the local authority. The surcharge shall not exceed five

1 dollars per citation issued. Notwithstanding section  
2 602.8106, the clerk of the district court shall collect the  
3 surcharge and remit one hundred percent of the surcharge to  
4 the local authority.

5 5. A citation issued pursuant to this section shall be  
6 issued in the same manner as uniform citations are issued  
7 pursuant to chapter 805.

8 6. A local authority using an automated enforcement system  
9 to detect red-light stop violations under this section shall  
10 not enter into an agreement with the manufacturer or vendor of  
11 the system, or any other person, to compensate the  
12 manufacturer, vendor, or other person based on the number of  
13 citations issued pursuant to the use of the system or the  
14 revenue generated through the use of the system. Any such  
15 compensation paid by a local authority using an automated  
16 enforcement system shall be based on the value of the system  
17 purchased or leased or on the value of the service provided by  
18 the person.

19 7. For purposes of this section, the following definitions  
20 apply:

21 a. "Automated enforcement system" means a system operated  
22 by a local authority, in cooperation with a law enforcement  
23 agency, that uses a machine to automatically detect a red-  
24 light stop violation and simultaneously record a photograph of  
25 the vehicle used in committing the violation, the operator of  
26 the vehicle, and the license plate of the vehicle.

27 b. "Red-light stop violation" means a violation of an  
28 official traffic control signal which is displaying a steady  
29 circular red light or a flashing circular red light pursuant  
30 to section 321.257.

31 Sec. 2. Section 602.8107, subsection 2, paragraph b, Code  
32 1999, is amended to read as follows:

33 b. Fines or penalties, automated enforcement system  
34 surcharges under section 321.236A, and criminal penalty  
35 surcharges.

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## EXPLANATION

2 This bill allows local authorities to use automated  
3 enforcement systems to detect violations of official traffic  
4 control signals displaying a red light.

5 The bill provides that citations may be issued for  
6 violations recorded by an automated enforcement system if the  
7 system and the issuance of citations are under the ultimate  
8 control of a law enforcement agency, signs are posted  
9 indicating that an automated enforcement system is being used,  
10 and the citation is mailed or delivered to the registered  
11 owner of the motor vehicle at the owner's last known address  
12 within ten days of the violation. Warning citations are to be  
13 issued for the first thirty days following a local authority's  
14 initial use of a system.

15 There is a rebuttable presumption that the registered owner  
16 of a vehicle was the driver of the vehicle at the time of the  
17 violation.

18 A local authority may assess a surcharge of up to five  
19 dollars for each citation issued pursuant to use of an  
20 automated enforcement system to cover the costs of  
21 administering the system and mailing citations. Citations are  
22 to be issued in the same manner as uniform citations are  
23 issued.

24 Under the bill, a local authority using an automated  
25 enforcement system is prohibited from entering into an  
26 agreement with the manufacturer or vendor of the system, or  
27 any other person, to compensate the manufacturer, vendor, or  
28 other person based on the number of citations issued or  
29 revenue generated pursuant to the use of the system. Any  
30 compensation paid by a local authority using a system shall be  
31 based on the value of the system purchased or leased or on the  
32 value of the service provided by the person.

33 For purposes of the bill, "automated enforcement system"  
34 means a system operated by a local authority, in cooperation  
35 with a law enforcement agency, that uses a machine to

1 automatically detect a red-light stop violation and  
2 simultaneously record a photograph of the vehicle used in  
3 committing the violation, the operator of the vehicle, and the  
4 license plate of the vehicle. "Red-light stop violation"  
5 means a violation of an official traffic control signal which  
6 is displaying a steady circular red light or a flashing  
7 circular red light.

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