

House File 105 - Introduced

HOUSE FILE 105

BY WAGNER

A BILL FOR

1 An Act requiring that revenue from a city's use of automated
2 traffic enforcement systems be allocated for property tax
3 relief.

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

1 Section 1. Section 364.3, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. For a violation of an ordinance, a city shall not
4 provide a penalty in excess of the maximum fine and term of
5 imprisonment for a simple misdemeanor under section 903.1,
6 subsection 1, paragraph "a". Except as otherwise provided
7 in this subsection, an amount equal to ten percent of all
8 finances collected by cities shall be deposited in the account
9 established in section 602.8108. However, one

10 (a) One hundred percent of all fines collected by a city
11 pursuant to section 321.236, subsection 1, shall be retained
12 by the city.

13 (b) One hundred percent of the fines collected from the use
14 of an automated traffic enforcement system shall be deposited
15 in the city's automated traffic enforcement program account
16 established pursuant to section 384.3B.

17 (c) The criminal penalty surcharge required by section
18 911.1 shall be added to a city fine and is not a part of the
19 city's penalty.

20 Sec. 2. NEW SECTION. 384.3B Automated traffic enforcement
21 program account.

22 1. For purposes of this section, the following definitions
23 apply:

24 a. "Automated traffic enforcement program" means the
25 utilization of one or more automated traffic enforcement
26 systems to issue civil citations for violations of traffic
27 ordinances which constitute municipal infractions.

28 b. "Automated traffic enforcement system" means a device
29 with one or more sensors working in conjunction with one of the
30 following:

31 (a) An official traffic-control signal, as defined in
32 section 321.1, to produce recorded images of motor vehicles
33 entering an intersection against a steady circular red light.

34 (b) A speed measuring device to produce recorded images of
35 motor vehicles traveling at a prohibited rate of speed.

1 (c) A device to produce recorded images of motor vehicles
2 violating a railroad grade crossing signal light, as described
3 in section 321.342.

4 (d) Any official traffic-control device, as defined
5 in section 321.1, if failure to comply with the official
6 traffic-control device constitutes a moving violation under
7 chapter 321.

8 2. A city that uses an automated traffic enforcement system
9 shall establish an automated traffic enforcement program
10 account within the city's general fund. Interest earned on
11 revenues deposited in the account pursuant to section 364.3,
12 subsection 2, shall remain in the account and be used for the
13 purposes specified in this section. Moneys in the account are
14 not subject to transfer to any other accounts in the city's
15 general fund or to any other funds established by a city unless
16 such transfer is for a purpose specified in this section.

17 3. Moneys in the account shall be used to pay the costs of
18 operating the city's automated traffic enforcement program.

19 4. Moneys in the account in excess of the amount necessary
20 for the purpose specified in subsection 3 shall be used for
21 property tax relief as provided in section 384.16, subsection
22 1A.

23 Sec. 3. Section 384.16, subsection 1, paragraph a,
24 subparagraphs (2) and (3), Code 2011, are amended to read as
25 follows:

26 (2) Income from sources other than property taxation, but
27 not including revenues deposited in the automated traffic
28 enforcement program account established pursuant to section
29 384.3B.

30 (3) Amount to be raised by property taxation reduced by
31 the amount specified under subsection 1A, and the property tax
32 rate expressed in dollars per one thousand dollars assessed
33 valuation.

34 Sec. 4. Section 384.16, Code 2011, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 1A. If the city has established an
 2 automated traffic enforcement program account pursuant to
 3 section 384.3B, the amount available in that account for
 4 property tax relief as of December 1 of each year shall
 5 be applied to reduce the tax levy to be certified for the
 6 following fiscal year.

7 EXPLANATION

8 This bill requires that revenue generated from the use
 9 of automated traffic enforcement systems be used to provide
 10 property tax relief within a city.

11 The bill defines "automated traffic enforcement system"
 12 as a device with one or more sensors working in conjunction
 13 with an official traffic-control signal, a speed measuring
 14 device, a device that records images of motor vehicles
 15 violating a railroad grade crossing signal light, or any
 16 official traffic-control device if failure to comply with the
 17 traffic-control device would constitute a moving violation
 18 if cited under state law. The definition includes within
 19 its scope devices known as "red light cameras" and "speed
 20 cameras". "Automated traffic enforcement program" is defined
 21 as the utilization of one or more automated traffic enforcement
 22 systems to issue civil citations for traffic violations which
 23 constitute municipal infractions.

24 Under the bill, a city that has an automated traffic
 25 enforcement program must establish a separate account in the
 26 city's general fund for the deposit of fines collected from
 27 the use of automated traffic enforcement systems. Moneys in
 28 the account, including interest, shall be used first to pay
 29 the costs of the city's automated traffic enforcement program.
 30 Any remaining moneys in the account are to be used annually
 31 to reduce the city's property tax levy to be certified in the
 32 following year.