

House File 2376 - Introduced

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BY HALL and MURPHY

A BILL FOR

1 An Act relating to civil penalties imposed by cities under an
2 automated traffic law enforcement program and providing for
3 the adoption of a uniform process for appeals.

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

1 Section 1. Section 364.22, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 16. *a.* A civil penalty imposed for a
4 motor vehicle violation under a city's automated traffic law
5 enforcement program shall not exceed the following amounts:

6 (1) For failure to obey an official traffic control signal,
7 an amount which is twenty-five dollars less than the amount
8 of the fine established in section 805.8A for an equivalent
9 violation charged as a scheduled violation.

10 (2) For a speeding violation, the amount of the fine
11 established in section 805.8A for an equivalent speeding
12 violation charged as a scheduled violation.

13 *b.* A city shall not charge the owner of a motor vehicle
14 administrative fees in addition to any civil penalty imposed
15 for a violation charged under the city's automated traffic law
16 enforcement program.

17 *c.* (1) Notwithstanding section 364.22B or any other
18 provision to the contrary, a city shall not contract with a
19 private collection designee for collection of a delinquent
20 fine imposed for a motor vehicle violation under a city's
21 automated traffic law enforcement program sooner than six
22 months after the initial mailing of the notice of the fine
23 to the owner of the motor vehicle involved in the violation.
24 Not less than thirty days prior to contracting with a private
25 collection designee, the city shall send the person responsible
26 for the fine at least one notice reminding the person of the
27 delinquent debt and of the city's intended action with regard
28 to collection of the debt.

29 (2) A city shall not contract with a private collection
30 designee for collection of a delinquent fine imposed for a
31 motor vehicle violation under a city's automated traffic law
32 enforcement program at any time while the owner of the motor
33 vehicle is pursuing an appeal of the fine in accordance with
34 the appeals process established by the city by ordinance.

35 *d.* For purposes of this subsection:

1 (1) *"Automated traffic law enforcement program"* means the
2 utilization of one or more automated traffic law enforcement
3 systems to issue citations for civil violations of traffic
4 laws.

5 (2) *"Automated traffic law enforcement system"* means a
6 device with one or more sensors working in conjunction with an
7 official traffic control signal or a speed measuring device to
8 produce recorded images of vehicles being operated in violation
9 of traffic or speed laws.

10 Sec. 2. UNIFORM APPEALS PROCESS FOR AUTOMATED TRAFFIC LAW
11 ENFORCEMENT PROGRAMS. The department of transportation shall
12 coordinate a committee composed of representatives selected by
13 each city in Iowa with an automated traffic law enforcement
14 program and representatives of any other Iowa cities desiring
15 to participate. The purpose of the committee shall be to
16 design a structured and uniform process for appealing civil
17 penalties imposed under automated traffic law enforcement
18 programs in cities throughout the state. The department shall
19 make a written report to the general assembly on or before
20 December 31, 2013, describing the process agreed to by the
21 committee.

22 EXPLANATION

23 This bill establishes requirements for the imposition of
24 civil penalties by cities under an automated traffic law
25 enforcement program.

26 The bill provides that the amount of a civil fine for
27 failure to obey an official traffic control signal detected
28 by an automated traffic law enforcement system may not exceed
29 an amount which is \$25 less than the amount of the scheduled
30 fine established under Iowa law for an equivalent violation.
31 Currently, the scheduled fine for violation of a traffic signal
32 is \$100. The bill provides that the amount of a civil fine
33 for a speeding violation detected by an automated traffic law
34 enforcement system may not exceed the amount of the scheduled
35 fine established under Iowa law for an equivalent violation.

1 Currently, scheduled fines established for speeding violations
2 range from \$20 for speed not more than five miles per hour over
3 the speed limit to \$100 plus \$5 for speed over 20 miles per hour
4 over the speed limit. Higher fines apply in road work zones.

5 The bill prohibits a city from charging administrative
6 fees in addition to a civil penalty imposed under the city's
7 automated traffic law enforcement program.

8 The bill imposes restrictions on the use of a collection
9 agency to collect delinquent fines for violations detected by
10 an automated traffic law enforcement system. A city must wait
11 six months after mailing the initial notice of the fine to the
12 owner of the motor vehicle before contracting with a private
13 collection designee for collection of the delinquent fine. In
14 addition, the city must send at least one reminder notice to
15 the owner of the motor vehicle not less than 30 days prior to
16 contracting for collection of the delinquent fine. A city may
17 not contract for collection of a fine at any time while the
18 owner of the motor vehicle is pursuing an appeal of the fine
19 in accordance with the appeals process established by city
20 ordinance.

21 The bill requires the department of transportation to
22 coordinate a committee to design a structured and uniform
23 process for appealing civil penalties imposed under automated
24 traffic law enforcement programs in cities throughout the
25 state. Each city in Iowa with an automated traffic law
26 enforcement program shall be represented on the committee along
27 with representatives of any other Iowa cities desiring to
28 participate. The department is required to submit a written
29 report to the general assembly by December 31, 2013, describing
30 the process agreed to by the committee.