

**House File 612 - Introduced**

HOUSE FILE 612  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO HF 105)

**A BILL FOR**

1 An Act relating to the disposition of revenue from the use of  
2 automated traffic enforcement systems by cities or counties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.307, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 14. Penalties collected from the use of an  
4 automated traffic enforcement system and remitted to the county  
5 pursuant to section 602.8106, subsection 3, shall be deposited  
6 in the secondary road fund of the county to be used for road  
7 construction, maintenance, and repair.

8 Sec. 2. Section 364.3, subsection 2, Code 2011, is amended  
9 to read as follows:

10 2. For a violation of an ordinance a city shall not  
11 provide a penalty in excess of the maximum fine and term of  
12 imprisonment for a simple misdemeanor under section 903.1,  
13 subsection 1, paragraph "a". An Except as otherwise provided  
14 in this subsection, an amount equal to ten percent of all  
15 finest collected by cities shall be deposited in the account  
16 established in section 602.8108. However, one

17 a. One hundred percent of all fines collected by a city  
18 pursuant to section 321.236, subsection 1, shall be retained  
19 by the city.

20 b. One hundred percent of the fines collected from the use  
21 of an automated traffic enforcement system shall be deposited  
22 in the city's automated traffic enforcement program account  
23 established pursuant to section 384.3B.

24 c. The criminal penalty surcharge required by section 911.1  
25 shall be added to a city fine and is not a part of the city's  
26 penalty.

27 Sec. 3. NEW SECTION. 384.3B Automated traffic enforcement  
28 program account.

29 1. A city that uses an automated traffic enforcement system  
30 shall establish an automated traffic enforcement program  
31 account within the city's general fund. Interest earned on  
32 revenues deposited in the account pursuant to section 364.3,  
33 subsection 2, shall remain in the account and be used for the  
34 purposes specified in this section. Moneys in the account are  
35 not subject to transfer to any other accounts in the city's

1 general fund or to any other funds established by a city unless  
2 such transfer is for a purpose specified in this section.

3 2. Moneys in the account shall be used first to pay the  
4 costs of operating the city's automated traffic enforcement  
5 program.

6 3. a. Except as provided in paragraph "b", moneys in the  
7 account in excess of the amount necessary for the purpose  
8 specified in subsection 2 shall be deposited in the city's  
9 street construction fund to be used for road construction,  
10 maintenance, and repair.

11 b. Moneys in the account in excess of the amount necessary  
12 for the purpose specified in subsection 2 which are attributed  
13 to fines for violations occurring on a portion of highway that  
14 is maintained by a county shall be remitted to that county for  
15 deposit in the county's secondary road fund.

16 Sec. 4. Section 602.8106, subsection 3, Code 2011, is  
17 amended to read as follows:

18 3. a. The clerk of the district court shall remit all fines  
19 and forfeited bail for violation of a county ordinance, except  
20 an ordinance relating to vehicle speed or weight restrictions,  
21 to the county treasurer of the county that was the plaintiff  
22 in the action, and shall provide that county with a statement  
23 showing the total number of cases, the total of all fines  
24 and forfeited bail collected, and the total of all cases  
25 dismissed. However, if a county ordinance provides a penalty  
26 for a violation which is also penalized under state law, the  
27 fines and forfeited bail collected for the violation shall be  
28 submitted to the state court administrator.

29 b. Notwithstanding subparagraph (1), civil fines collected  
30 pursuant to a county's automated traffic enforcement program  
31 shall be remitted to the county treasurer of the county that  
32 was a plaintiff in the action.

33 EXPLANATION

34 This bill addresses the use of revenue derived by local  
35 governments from the use of automated traffic enforcement

1 systems, otherwise known as "traffic cameras".

2 Under the bill, a city that has an automated traffic  
3 enforcement program must establish a separate account in the  
4 city's general fund for the deposit of fines collected from  
5 the use of automated traffic enforcement systems. Moneys  
6 in the account, including interest, shall be used first to  
7 pay the costs of the city's automated traffic enforcement  
8 program. The remaining moneys shall be deposited in the city's  
9 street construction fund to be used for road construction,  
10 maintenance, and repair, except that any moneys which are  
11 attributed to fines for violations occurring on a portion of  
12 highway that is maintained by a county shall be remitted to the  
13 county for deposit in the county's secondary road fund.

14 The bill directs the clerk of the district court to remit  
15 civil fines collected pursuant to a county's automated traffic  
16 enforcement program to the county treasurer for deposit in  
17 the secondary road fund of the county, to be used for road  
18 construction, maintenance, and repair.