

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 finances 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.