

Senate File 2043 - Introduced

SENATE FILE 2043

BY CHELGREN

A BILL FOR

1 An Act prohibiting the use of automated traffic law enforcement
2 systems, providing for temporary continuation of existing
3 automated traffic law enforcement programs, providing for
4 the disposition of fines, and including effective date
5 provisions.

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

1 Section 1. NEW SECTION. 321.5A Automated traffic law
2 enforcement systems.

3 1. The department or a local authority shall not place
4 or cause to be placed on or adjacent to a street or highway,
5 or maintain or employ the use of, an automated traffic law
6 enforcement system for the enforcement of any provision of this
7 chapter or any local ordinance relating to vehicular traffic or
8 to prove a violation of any such provision or ordinance.

9 2. Notwithstanding subsection 1, a local authority that has
10 established an automated traffic law enforcement program prior
11 to the effective date of this Act shall terminate the program
12 at the earliest date possible as follows:

13 a. If the local authority has entered into a contract
14 for equipment or services relating to automated traffic
15 law enforcement systems prior to the effective date of
16 this Act, the city may continue to use an automated traffic
17 law enforcement system or systems to the extent necessary
18 to hold the city harmless under the terms of the existing
19 contract. A city that continues using an automated traffic law
20 enforcement system on or after the effective date of this Act,
21 as authorized under this paragraph, shall not extend or renew
22 a contract, or enter any new contract, for automated traffic
23 law enforcement system equipment or services on or after the
24 effective date of this Act.

25 b. Upon the expiration of all prior contracts for the use of
26 automated traffic law enforcement systems, a local authority's
27 ordinance authorizing the use of automated traffic law
28 enforcement systems is void. However, notices of violations
29 mailed or citations issued pursuant to such an ordinance prior
30 to the date the ordinance becomes void shall not be invalidated
31 under this section and shall be processed according to the
32 provisions of the law under which they were authorized.

33 3. For purposes of this section, "automated traffic law
34 enforcement system" means a device with one or more sensors
35 working in conjunction with a traffic control signal or device

1 or a speed-measuring device to produce recorded images of
2 vehicles being operated in violation of traffic or speed laws.

3 Sec. 2. Section 364.3, subsection 2, Code Supplement 2011,
4 is amended to read as follows:

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

12 a. One hundred percent of all fines collected by a city
13 pursuant to section 321.236, subsection 1, shall be retained
14 by the city.

15 b. Civil fines collected by a city from the use of an
16 automated traffic law enforcement system shall be allocated as
17 follows:

18 (1) The amount necessary to satisfy contractual obligations
19 of the city relating to the use of automated traffic law
20 enforcement systems shall be retained by the city for that
21 purpose.

22 (2) Moneys in excess of the amount necessary for the purpose
23 specified in subparagraph (1) shall be deposited in the account
24 established in section 602.8108.

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

28 Sec. 3. Section 602.8108, Code Supplement 2011, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 11. The clerk of the district court shall
31 forward to the treasurer of state, not later than the fifteenth
32 day of each month, all moneys received from cities pursuant to
33 section 364.3, subsection 2, paragraph "b", for deposit in the
34 road use tax fund.

35 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

1 immediate importance, takes effect upon enactment.

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EXPLANATION

3 This bill prohibits the use of automated traffic law
4 enforcement systems, except for the continuation of a city's
5 existing automated traffic law enforcement program for a
6 limited period.

7 Automated traffic law enforcement systems, commonly known
8 as "red light cameras" or "speed cameras", are devices with
9 one or more sensors which work in conjunction with a traffic
10 control signal or device or a speed-measuring device to produce
11 recorded images of vehicles being operated in violation of
12 traffic or speed laws.

13 Under the bill, the use of automated traffic law enforcement
14 systems is prohibited as of the effective date of the bill.
15 However, a local authority that currently uses automated
16 traffic law enforcement systems may continue the use of one
17 or more of those systems to the extent necessary to hold the
18 city harmless under the terms of any existing contracts for
19 equipment or services. A city may not extend or renew an
20 existing contract or enter into any new contract after the
21 effective date of the bill.

22 A local authority's ordinance authorizing the use of
23 automated traffic law enforcement systems shall become void
24 upon the expiration of all related contracts, but notices of
25 violations mailed or citations issued under that ordinance
26 shall not be invalidated and shall be processed according to
27 the prior law.

28 The bill directs that, from the civil fines collected by a
29 city from the use of automated traffic law enforcement systems,
30 the amount necessary to satisfy contractual obligations
31 relating to the use of the systems shall be retained by the
32 city. Moneys in excess of that amount are to be deposited in
33 the road use tax fund.

34 The bill is effective upon enactment.