

Senate File 378 - Introduced

SENATE FILE 378

BY ZAUN

A BILL FOR

1 An Act relating to the use of automated traffic enforcement
2 systems.

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

1 Section 1. Section 321.1, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 95. *"Automated traffic enforcement system"*
4 means a device with one or more sensors working in conjunction
5 with at least one of the following:

6 a. An official traffic-control signal, to produce recorded
7 images of motor vehicles entering an intersection against a
8 flashing red light, steady circular red light, or a steady red
9 arrow.

10 b. An official traffic-control signal at a railroad grade
11 crossing, as described in section 321.342, to produce recorded
12 images of vehicles violating a flashing red or steady circular
13 red light.

14 c. A speed measuring device, to produce recorded images of
15 motor vehicles travelling at a prohibited rate of speed.

16 Sec. 2. NEW SECTION. **321.5A Automated traffic enforcement**
17 **systems.**

18 The state or a local authority shall not use an automated
19 traffic enforcement system except as provided in this section.

20 1. A local authority may by ordinance authorize the use of
21 automated traffic enforcement systems to detect violations of
22 posted speed limits or official traffic-control signals which
23 constitute municipal or county infractions.

24 2. A local authority shall provide signage, in conformance
25 with the uniform system adopted pursuant to section 321.252,
26 giving notice of the use of an automated traffic enforcement
27 system on the approach to each location where an automated
28 traffic enforcement system is in use as follows:

29 a. A sign shall be posted on each road on the approach to
30 the next traffic-control signal where an automated traffic
31 enforcement system is in use.

32 b. A sign shall be posted on the approach to the next speed
33 limit zone on a road where an automated traffic enforcement
34 system is being used for speed limit enforcement.

35 c. A temporary sign shall be positioned or posted on the

1 approach to each location where a mobile automated traffic
2 enforcement system is being used for speed limit enforcement.

3 *d.* A temporary or permanent sign giving notice of the use
4 of an automated traffic enforcement system for the enforcement
5 of speed limits shall be positioned or posted at a distance
6 in advance of the automated traffic enforcement system which,
7 in relation to the applicable speed limit, would provide
8 adequate notice to a motor vehicle operator travelling at the
9 speed limit before entering the range of the automated traffic
10 enforcement system.

11 3. Recorded images produced by an automated traffic
12 enforcement system evidencing a violation of a posted speed
13 limit or an official traffic-control signal shall be reviewed
14 by a peace officer of the local law enforcement agency to
15 affirm that a violation occurred and the identity of the motor
16 vehicle involved in the violation. If following the officer's
17 review, a notice of a fine or citation is issued to the owner
18 of the motor vehicle involved in the violation, the following
19 requirements apply:

20 *a.* An affidavit bearing the written or electronic signature
21 of the peace officer shall be included on the notice or
22 citation.

23 *b.* The notice or citation shall contain a statement, in bold
24 type, regarding the process for appealing the fine.

25 *c.* The notice or citation shall be sent by ordinary mail to
26 the owner of the motor vehicle involved not more than thirty
27 days following the incident giving rise to the notice of a fine
28 or citation, as evidenced by the postmark.

29 4. A local authority shall not charge the owner of a
30 motor vehicle administrative costs in addition to any civil
31 penalty imposed for a violation detected by an automated
32 traffic enforcement system. Civil penalties imposed for such
33 violations shall not exceed the following amounts:

34 *a.* For a violation of an official traffic-control signal,
35 fifty dollars.

1 *b.* For a violation of a speed limit, the amount of the
2 fine established in section 805.8A for an equivalent speeding
3 violation charged as a scheduled violation, subject to the
4 limitation established in section 331.302, subsection 2, for
5 violation of a county ordinance, or the limitation established
6 in section 364.3, subsection 2, for violation of a city
7 ordinance.

8 5. A local authority that uses an automated traffic
9 enforcement system shall file annually with the department of
10 public safety a report comparing the type and rate of accidents
11 that occurred at each location where an automated traffic
12 enforcement system was employed during the previous year to
13 the type and rate of accidents at the same location during
14 the previous consecutive year. The report shall be kept on
15 file and used by the governing body of the local authority
16 in evaluating the effectiveness of the automated traffic
17 enforcement program in improving public safety.

18 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS —
19 VALIDITY OF PRIOR NOTICES AND CITATIONS. Notices mailed or
20 citations issued of violations committed prior to the effective
21 date of this Act, pursuant to a local ordinance authorizing the
22 use of an automated traffic enforcement system, shall not be
23 invalidated by the enactment of this Act and shall be processed
24 according to the provisions of the law under which they were
25 authorized.

26 EXPLANATION

27 This bill authorizes and restricts the use of automated
28 traffic enforcement (ATE) systems by state and local highway
29 authorities.

30 The bill defines "automated traffic enforcement system" as
31 a device with one or more sensors working in conjunction with
32 at least one of the following: an official traffic-control
33 signal at an intersection, an official traffic-control signal
34 at a railroad grade crossing, or a speed measuring device. An
35 ATE system records images of vehicles violating an associated

1 traffic-control signal or a speed limit. The definition
2 includes within its scope devices known as "red light cameras"
3 and "speed cameras".

4 The bill authorizes the use of ATE systems in conjunction
5 with official traffic-control signals or for the enforcement of
6 speed limits pursuant to municipal or county ordinance.

7 A local authority is required to post signs giving notice of
8 the use of an ATE system on the approach to each location where
9 an ATE system is in use. The signage must be in conformance
10 with the uniform system adopted by the state. The bill
11 specifies that signs giving notice of an ATE system being used
12 for speed limit enforcement must be positioned or posted at
13 a distance in advance of the ATE system which would provide
14 adequate notice to a motor vehicle operator travelling at the
15 speed limit before entering the range of the ATE system.

16 The bill requires that recorded images produced by an ATE
17 system showing a violation of a posted speed limit or an
18 official traffic control signal must be reviewed by a peace
19 officer of the local law enforcement agency to affirm that
20 the violation occurred and the identity of the motor vehicle
21 involved in the violation. A notice of a fine or citation
22 issued to the owner of the motor vehicle must include an
23 affidavit bearing the written or electronic signature of the
24 peace officer and a statement, in bold type, regarding the
25 process for appealing the fine. The notice or citation must be
26 mailed to the owner within 30 days following the occurrence of
27 the violation, as evidenced by the postmark.

28 The bill imposes limits on the fine amounts that may be
29 charged by a local authority for ATE violations and prohibits
30 a local authority from charging administrative costs in
31 addition to a fine. The fine for a violation of an official
32 traffic-control device is limited to \$50. For a speeding
33 violation, the fine cannot exceed the amount of the fine set
34 out in Code section 805.8A for an equivalent speeding violation
35 charged as a scheduled violation. Speeding fines are also

1 subject to the limitation under current law, which restricts
2 penalties for violation of a local ordinance to not more than
3 the penalty for a simple misdemeanor, currently capped at \$625.

4 The bill requires a local authority using an ATE system to
5 file an annual report with the department of public safety
6 comparing the type and rate of accidents that occurred at each
7 ATE system location for the two previous years. The report
8 is to be kept on file by the local authority for use by its
9 governing body in evaluating public safety improvements under
10 the ATE program.

11 The bill provides that notices mailed or citations issued of
12 violations committed prior to the effective date of the bill,
13 pursuant to a local ordinance, are not invalidated by the bill
14 and remain enforceable.