

**House File 2202 - Introduced**

HOUSE FILE 2202

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2016)

**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 2014, 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 seventy-five 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  
20 or citations issued for violations committed prior to the  
21 effective date of this Act, pursuant to a local ordinance  
22 authorizing the use of an automated traffic enforcement system,  
23 shall not be invalidated by the enactment of this Act and shall  
24 be processed according to the provisions of the law under which  
25 they were authorized.

26                                     EXPLANATION

27             The inclusion of this explanation does not constitute agreement with  
28             the explanation's substance by the members of the general assembly.

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

32     The bill defines "automated traffic enforcement system" as  
33 a device with one or more sensors working in conjunction with  
34 at least one of the following: an official traffic-control  
35 signal at an intersection, an official traffic-control signal

1 at a railroad grade crossing, or a speed measuring device. An  
2 ATE system records images of vehicles violating an associated  
3 traffic-control signal or a speed limit. The definition  
4 includes within its scope devices known as "red light cameras"  
5 and "speed cameras".

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

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

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

30 The bill imposes limits on the fine amounts that may be  
31 charged by a local authority for ATE violations and prohibits  
32 a local authority from charging administrative costs in  
33 addition to a fine. The fine for a violation of an official  
34 traffic-control device is limited to \$75. For a speeding  
35 violation, the fine cannot exceed the amount of the fine set

1 out in Code section 805.8A for an equivalent speeding violation  
2 charged as a scheduled violation. Speeding fines are also  
3 subject to the limitation under current law, which restricts  
4 penalties for violation of a local ordinance to not more than  
5 the penalty for a simple misdemeanor, currently capped at \$625.

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

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