

**Senate File 21 - Introduced**

SENATE FILE 21

BY ZAUN

**A BILL FOR**

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

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

1 Section 1. Section 321.1, Code 2013, is amended by adding  
2 the following new subsection:

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

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

9 b. A speed measuring device, to produce recorded images of  
10 motor vehicles traveling at a prohibited rate of speed.

11 c. A railroad grade crossing signal light, as described in  
12 section 321.342, to produce images of vehicles violating the  
13 signal light.

14 d. Any official traffic-control device, if failure to comply  
15 with the official traffic-control device constitutes a moving  
16 violation under this chapter.

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

19 The state shall not use an automated traffic law enforcement  
20 system. A local authority shall not use an automated traffic  
21 law enforcement system except as provided in this section.

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

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

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

34 b. A sign shall be posted on the approach to the next speed  
35 limit zone on a road where an automated traffic law enforcement

1 system is being used for speed limit enforcement.

2 *c.* A temporary sign shall be positioned or posted on the  
3 approach to each location where a mobile automated traffic law  
4 enforcement system is being used for speed limit enforcement.

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

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

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

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

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

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

1 a. For a violation of an official traffic-control signal,  
2 fifty dollars.

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

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

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

28 EXPLANATION

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

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

1 railroad grade crossing, a speed measuring device, or any other  
2 official traffic control device if failure to comply with the  
3 device constitutes a moving violation. An automated traffic  
4 law enforcement system records images of vehicles violating  
5 an associated traffic-control signal or a speed limit. The  
6 definition includes within its scope devices known as "red  
7 light cameras" and "speed cameras".

8 The bill prohibits the use of automated traffic law  
9 enforcement systems by the department of transportation, but  
10 authorizes their use by local authorities in conjunction with  
11 official traffic-control signals or for the enforcement of  
12 speed limits pursuant to municipal or county ordinance.

13 A local authority is required to post signs giving notice  
14 of the use of an automated traffic law enforcement system  
15 on the approach to each location where an automated traffic  
16 law enforcement system is in use. The signage must be in  
17 conformance with the uniform system adopted by the state. The  
18 bill specifies that signs giving notice of an automated traffic  
19 law enforcement system being used for speed limit enforcement  
20 must be positioned or posted at a distance in advance of the  
21 automated traffic law enforcement system which would provide  
22 adequate notice to a motor vehicle operator traveling at the  
23 speed limit before entering the range of the automated traffic  
24 law enforcement system.

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

1 the occurrence of the violation, as evidenced by the postmark.

2 The bill imposes limits on the fine amounts that may  
3 be charged by a local authority for automated traffic law  
4 enforcement violations and prohibits a local authority from  
5 charging administrative costs in addition to a fine. The  
6 fine for a violation of an official traffic-control device is  
7 limited to \$50. For a speeding violation, the fine cannot  
8 exceed the amount of the fine set out in Code section 805.8A  
9 for an equivalent speeding violation charged as a scheduled  
10 violation. Speeding fines are also subject to the limitation  
11 under current law, which restricts penalties for violation of  
12 a local ordinance to not more than the penalty for a simple  
13 misdemeanor, currently capped at \$625.

14 The bill requires a local authority using an automated  
15 traffic law enforcement system to file an annual report with  
16 the department of public safety comparing the type and rate  
17 of accidents that occurred at each automated traffic law  
18 enforcement system location for the two previous years. The  
19 report is to be kept on file by the local authority for use by  
20 its governing body in evaluating public safety improvements  
21 under the automated traffic law enforcement program.

22 The bill provides that notices mailed or citations issued of  
23 violations committed prior to the effective date of the bill,  
24 pursuant to a local ordinance, are not invalidated by the bill  
25 and remain enforceable.