

Senate File 88 - Introduced

SENATE FILE 88

BY ZAUN

A BILL FOR

1 An Act providing for the distribution of fines collected under
2 a city or county automated traffic law enforcement program
3 to local nonprofit organizations.

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

1 Section 1. Section 331.307, Code 2015, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. *a.* Notwithstanding any other provision
4 of law, civil fines collected by a county from the use of an
5 automated traffic law enforcement system shall be allocated as
6 follows:

7 (1) The amount necessary to satisfy contractual obligations
8 of the county relating to the use of automated traffic law
9 enforcement systems shall be retained by the county for that
10 purpose.

11 (2) Moneys in excess of the amount necessary for the
12 purpose specified in subparagraph (1) shall be deposited in
13 the automated traffic law enforcement program fund established
14 pursuant to section 331.438.

15 *b.* For purposes of this subsection, "*automated traffic law*
16 *enforcement system*" means a device with one or more sensors
17 working in conjunction with a traffic control signal or device
18 or a speed-measuring device to produce recorded images of
19 vehicles being operated in violation of traffic or speed laws.

20 Sec. 2. Section 331.401, subsection 1, Code 2015, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *t.* Comply with section 331.438, if the
23 county has established an automated traffic law enforcement
24 program fund.

25 Sec. 3. NEW SECTION. 331.438 Automated traffic law
26 enforcement program fund — distribution to nonprofit
27 organizations.

28 1. A county that uses an automated traffic law enforcement
29 system shall establish an automated traffic law enforcement
30 program fund which shall be separate from the county's general
31 fund. Interest earned on revenues deposited in the fund
32 pursuant to section 331.307, subsection 14, shall remain in the
33 fund and be used for the purposes specified in this section.
34 Moneys in the fund are not subject to transfer to any other
35 funds established by a county unless such transfer is for a

1 purpose specified in this section.

2 2. The board of supervisors of a county with an automated
3 traffic law enforcement program fund shall appoint a committee
4 of five residents of the county who are not elected officials
5 to coordinate the distribution of moneys in the fund to
6 nonprofit organizations with a presence in the county. The
7 committee shall review and evaluate applications from nonprofit
8 organizations and select applications for approval. The
9 committee shall submit applications approved by the committee,
10 specifying the amount of funding approved, along with written
11 comments from the committee, to the board for disbursement of
12 funds.

13 3. For purposes of this section, "*nonprofit organization*"
14 means a nonprofit entity which is exempt from federal income
15 taxation pursuant to section 501(c)(3) of the Internal Revenue
16 Code and which is funded in whole or in part by public funds.

17 Sec. 4. Section 364.3, subsection 2, Code 2015, is amended
18 to read as follows:

19 2. For a violation of an ordinance, a city shall not
20 provide a penalty in excess of the maximum fine and term of
21 imprisonment for a simple misdemeanor under section 903.1,
22 subsection 1, paragraph "a". Except as otherwise provided
23 in this section, an amount equal to ten percent of all
24 finances collected by cities shall be deposited in the account
25 established in section 602.8108. However, one

26 a. One hundred percent of all fines collected by a city
27 pursuant to section 321.236, subsection 1, shall be retained
28 by the city.

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

32 (1) The amount necessary to satisfy contractual obligations
33 of the city relating to the use of automated traffic law
34 enforcement systems shall be retained by the city for that
35 purpose.

1 (2) Moneys in excess of the amount necessary for the purpose
2 specified in subparagraph (1) shall be deposited in the city's
3 automated traffic law enforcement program fund established
4 pursuant to section 384.3B.

5 (3) For purposes of this subsection, "automated traffic law
6 enforcement system" means a device with one or more sensors
7 working in conjunction with a traffic control signal or device
8 or a speed-measuring device to produce recorded images of
9 vehicles being operated in violation of traffic or speed laws.

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

13 Sec. 5. NEW SECTION. 384.3B Automated traffic law
14 enforcement program fund — distribution to nonprofit
15 organizations.

16 1. A city that uses an automated traffic law enforcement
17 system shall establish an automated traffic law enforcement
18 program fund which shall be separate from the city's general
19 fund. Interest earned on revenues deposited in the fund
20 pursuant to section 364.3, subsection 2, shall remain in the
21 fund and be used for the purposes specified in this section.
22 Moneys in the fund are not subject to transfer to any other
23 funds established by a city unless such transfer is for a
24 purpose specified in this section.

25 2. The city council of a city with an automated traffic
26 law enforcement program fund shall appoint a committee of
27 five residents of the city who are not elected officials to
28 coordinate the distribution of moneys in the fund to nonprofit
29 organizations with a presence in the city. The committee shall
30 review and evaluate applications from nonprofit organizations
31 and select applications for approval. The committee shall
32 submit applications approved by the committee, specifying the
33 amount of funding approved, along with written comments from
34 the committee, to the city council for disbursement of funds.

35 3. For purposes of this section, "*nonprofit organization*"

1 means a nonprofit entity which is exempt from federal income
2 taxation pursuant to section 501(c)(3) of the Internal Revenue
3 Code and which is funded in whole or in part by public funds.

4 EXPLANATION

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

7 This bill requires each city or county that uses automated
8 traffic law enforcement systems to establish an automated
9 traffic law enforcement program fund separate from the city's
10 or county's general fund. The bill directs that, from the
11 civil fines collected by a city or county from the use of
12 automated traffic law enforcement systems, the amount necessary
13 to satisfy the contractual obligations relating to the use of
14 the systems shall be retained by the city or county. Moneys
15 in excess of that amount are to be deposited in the city's or
16 county's automated traffic law enforcement program fund.

17 A city or county with an automated traffic law enforcement
18 program fund shall appoint a committee of five residents of the
19 city or county who are not elected officials to coordinate the
20 distribution of moneys in the fund to nonprofit organizations
21 with a presence in the city or county. The city council or
22 county board of supervisors is responsible for disbursement
23 of moneys to successful applicants chosen by the citizen
24 committee.