

**House File 774 - Introduced**

HOUSE FILE 774

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 674)

(SUCCESSOR TO HSB 125)

**A BILL FOR**

1 An Act regulating the use of automated traffic law enforcement  
2 systems, providing penalties, and including applicability  
3 provisions.

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

1 Section 1. Section 321.1, Code 2019, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 06B. *“Automated traffic law enforcement*  
4 *system”* means a device or devices capable of producing a  
5 photographically recorded still image or video of the rear of  
6 a motor vehicle, including the motor vehicle’s registration  
7 plate, which device or devices are used for the enforcement of  
8 laws regulating vehicular traffic and work in conjunction with  
9 one of the following:

10 a. An official traffic-control signal, to produce recorded  
11 images of motor vehicles entering an intersection against a red  
12 signal light.

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

15 c. A railroad grade crossing signal light, as described in  
16 section 321.342, to produce recorded images of motor vehicles  
17 violating the signal light.

18 d. Any official traffic-control device, if failure to comply  
19 with the official traffic-control device constitutes a moving  
20 violation under this chapter.

21 Sec. 2. NEW SECTION. 321.492C **Automated traffic law**  
22 **enforcement systems.**

23 1. The department shall not place, operate, maintain,  
24 or employ the use of any automated traffic law enforcement  
25 system. The department shall not cause to be placed any  
26 automated traffic law enforcement system except as provided in  
27 this section or in rules adopted by the department under this  
28 section.

29 2. a. (1) A local authority, or another entity on a local  
30 authority’s behalf, shall not operate automated traffic law  
31 enforcement systems without approving the use of the systems  
32 following an established self-certification process. The  
33 self-certification process may include a justification report  
34 as described in paragraph “b”, which shall be made readily  
35 available for the public to review, and a public hearing

1 at which the local authority shall provide evidence of a  
2 demonstrated safety need for automated traffic law enforcement  
3 systems. Notice of the date, time, and location of the hearing  
4 shall be published in the manner described in section 362.3.  
5 A local authority shall adopt an ordinance approving the use  
6 and operation of automated traffic law enforcement systems in  
7 its jurisdiction and shall publish on the local authority's  
8 internet site the locations at which the local authority, or  
9 another entity on a local authority's behalf, operates or  
10 intends to operate automated traffic law enforcement systems.

11 (2) A local authority may approve the operation of automated  
12 traffic law enforcement systems only if the systems are located  
13 in documented high-crash or high-risk locations at which there  
14 is a demonstrated safety need for the systems. The local  
15 authority shall demonstrate the safety need for the systems  
16 based on the volume of traffic, the history of motor vehicle  
17 accidents, the frequency and type of traffic violations,  
18 the risk to peace officers employing traditional traffic  
19 enforcement methods, any additional information described in  
20 the justification report, or any other safety criteria deemed  
21 appropriate by the local authority. This subparagraph applies  
22 for each location at which a local authority, or another entity  
23 on a local authority's behalf, operates or intends to operate a  
24 fixed or mobile automated traffic law enforcement system.

25 (3) This paragraph does not apply to a local authority that  
26 has installed and operated fixed or mobile automated traffic  
27 law enforcement systems before January 1, 2020.

28 *b.* A justification report may provide the necessary  
29 information and documentation to demonstrate whether an area is  
30 a high-crash or high-risk location and may include but is not  
31 limited to documentation regarding any of the following:

32 (1) Existing traffic speeds, posted speed limits,  
33 traffic volumes, and intersection or roadway geometry. Such  
34 documentation shall provide assurance that existing speed  
35 limits and official traffic-control signal timings are

1 appropriate and shall describe how the limits and timings were  
2 established.

3 (2) The applicable motor vehicle accident history,  
4 including accident severity, and the history of traffic  
5 violations for accidents occurring at the location. Such  
6 documentation shall compare accident data with data from other  
7 similar locations within the local authority's jurisdiction,  
8 other similar jurisdictions, and larger metropolitan areas.

9 (3) The identification of critical traffic safety issues  
10 related to the data required by subparagraphs (1) and (2),  
11 including a comprehensive list of solutions that may address  
12 the critical traffic safety issues.

13 (4) Other solutions or safety countermeasures that the  
14 local authority has implemented along with those that the  
15 local authority has considered but not implemented. These may  
16 include solutions relating to law enforcement, engineering,  
17 public education campaigns, or other safety countermeasures.

18 (5) Discussions held and actions taken by the local  
19 authority with any partnering entities that have resources  
20 which could aid in the reduction of accidents attributable  
21 to violating the speed limit or an official traffic-control  
22 signal.

23 (6) The reason or reasons the local authority believes an  
24 automated traffic law enforcement system is the best solution  
25 to address the critical traffic safety issues.

26 *c.* A local authority, or another entity on a local  
27 authority's behalf, shall not operate an automated traffic law  
28 enforcement system without posting signage meeting all of the  
29 following requirements:

30 (1) For a fixed automated traffic law enforcement system,  
31 permanent signs advising drivers that the system is in place  
32 shall be posted in clear and present view of passing drivers  
33 at least five hundred feet but no more than one thousand feet  
34 along the highway in advance of the location where the system  
35 is in use.

1 (2) For a mobile automated traffic law enforcement system,  
2 temporary or permanent signs advising drivers that the system  
3 is in place shall be posted in clear and present view of  
4 passing drivers at least five hundred feet but no more than  
5 one thousand feet along the highway in advance of the location  
6 where the system is in use.

7 (3) The signage shall conform to the manual on uniform  
8 traffic-control devices as adopted by the department.

9 *d.* A local authority, or another entity on a local  
10 authority's behalf, shall not issue a citation resulting from  
11 the use of an automated traffic law enforcement system until an  
12 active peace officer of the local authority has reviewed and  
13 approved the recorded images produced by the system to affirm  
14 that a violation has occurred.

15 *e.* The amount of the fine or civil penalty imposed by a  
16 citation resulting from the use of an automated traffic law  
17 enforcement system shall not exceed the amount of the fine for  
18 a scheduled violation under section 805.8A for the same or a  
19 similar violation of this chapter.

20 *f.* For the thirty-day period following the installation of  
21 a local authority's first fixed or mobile automated traffic  
22 law enforcement system, a warning memorandum shall be issued  
23 and mailed to the owner of a motor vehicle identified by the  
24 system in lieu of any citation. This paragraph does not apply  
25 to a local authority that has installed and operated fixed or  
26 mobile automated traffic law enforcement systems before January  
27 1, 2020.

28 *g.* An automated traffic law enforcement system working  
29 in conjunction with a speed measuring device or official  
30 traffic-control signal shall comply with the generally  
31 accepted procedures for operating the system. An automated  
32 traffic law enforcement system shall verify its internal  
33 calibrations no less frequently than is recommended by  
34 the system's manufacturer. If an internal calibration is  
35 not valid, the system shall not operate until a successful

1 calibration is subsequently conducted. In addition to the  
2 internal calibration, a calibration shall be conducted by a  
3 person trained in the calibration of the system at least once  
4 every three months, which calibration may be conducted using  
5 a calibrated vehicle. A person trained in the calibration  
6 of a mobile automated traffic law enforcement system shall  
7 also conduct a calibration prior to the use of the mobile  
8 system after any change in location, which calibration may be  
9 conducted using a calibrated vehicle. A local authority, or  
10 another entity on a local authority's behalf, operating an  
11 automated traffic law enforcement system shall maintain an  
12 annual log detailing whether the local authority or entity  
13 successfully performed the required calibrations and whether  
14 the system successfully performed the required internal  
15 calibrations. The log and documentation of the calibrations  
16 shall be admissible in any court proceeding relating to an  
17 official traffic-control signal violation or a speed limit  
18 violation.

19 *h.* (1) A local authority shall compile and maintain  
20 records relating to the number of traffic violations and  
21 number of traffic accidents for all locations at which the  
22 local authority, or another entity on a local authority's  
23 behalf, operates or intends to operate an automated traffic  
24 law enforcement system. Such records shall be compiled and  
25 maintained by the local authority for one year prior to the  
26 installation of the automated traffic law enforcement system  
27 and for each year the automated traffic law enforcement system  
28 is in operation. The requirement to compile and maintain  
29 records for one year prior to the installation of an automated  
30 traffic law enforcement system does not apply to systems  
31 installed and operated before January 1, 2020.

32 (2) The records shall be available for examination to the  
33 same extent allowed in section 22.2.

34 (3) A local authority with an automated traffic law  
35 enforcement system operating within its jurisdiction shall

1 submit an annual report to the general assembly on or before  
2 December 31 of each year detailing the effectiveness of each  
3 automated traffic law enforcement system operating within its  
4 jurisdiction. An annual report may include the justification  
5 report described in paragraph "b" and shall include but not be  
6 limited to information relating to increases or decreases in  
7 the number of speed limit violations, violations of official  
8 traffic-control signals, and traffic accidents.

9 *i.* Prior to a local authority placing an automated traffic  
10 law enforcement system on a primary road, the local authority  
11 shall obtain approval from the department in accordance  
12 with rules adopted by the department. A local authority  
13 shall submit to the department any information requested by  
14 the department during the approval process. If the local  
15 authority's use of the system is approved by the department,  
16 the local authority shall follow the requirements set forth  
17 in rules adopted by the department. The department may adopt  
18 or modify rules relating to automated traffic law enforcement  
19 systems to the extent necessary to ensure automated traffic  
20 law enforcement systems are operated in a safe and equitable  
21 manner. The department shall have the authority to annually  
22 review all automated traffic law enforcement systems placed on  
23 primary roads and shall have the authority to require removal  
24 or modification of such systems. This paragraph does not apply  
25 to an automated traffic law enforcement system in operation  
26 prior to January 1, 2020. A local authority may continue  
27 to operate such a system in the same manner as the system  
28 was operated prior to January 1, 2020. However, on or after  
29 January 1, 2020, when a local authority discontinues operation  
30 of such a system, any new manner of operation or new system  
31 operated by the local authority on a primary road shall comply  
32 with this paragraph.

33 *j.* (1) A local authority shall designate a process by which  
34 a person may appeal a citation issued through the use of an  
35 automated traffic law enforcement system, which at a minimum

1 shall provide for one of the following:

2 (a) An appeal by means of an administrative process  
3 created by ordinance adopted by the local authority to review  
4 citations issued through the use of automated traffic law  
5 enforcement systems. If a person appeals in this manner, the  
6 decision resulting from the administrative process shall serve  
7 as a determination of liability owed to the local authority  
8 without the need for any other municipal or civil infraction  
9 proceedings.

10 (b) An appeal to the district court, sitting in small  
11 claims, of the county in which the local authority is located.

12 (2) A person may appeal a citation as provided in  
13 subparagraph (1) within a reasonable period of time of the  
14 citation being issued as set forth by the local authority by  
15 ordinance. If a person does not appeal the citation within  
16 the required period of time, the citation shall serve as  
17 a determination of liability owed to the local authority  
18 without the need for any other municipal or civil infraction  
19 proceedings.

20 (3) Decisions on appeals made under subparagraph (1) may be  
21 appealed as provided by law.

22 *k.* The department is authorized to enforce this section  
23 and shall notify a local authority of any alleged violation  
24 of this section, which alleged violation shall be subject to  
25 contested case proceedings pursuant to chapter 17A. A local  
26 authority found to have been operating an automated traffic  
27 law enforcement system in violation of this section shall  
28 be precluded from operating a similar automated traffic law  
29 enforcement system for a period of two years.

30 3. Of the moneys collected by a local authority from  
31 citations issued as a result of the use of an automated traffic  
32 law enforcement system, less the amount necessary for the  
33 installation, operation, and maintenance of the automated  
34 traffic law enforcement system, forty percent shall be used by  
35 the local authority for purposes of public safety and sixty

1 percent shall be transferred to the treasurer of state and  
2 deposited in the general fund of the state. Moneys deposited  
3 in the general fund of the state pursuant to this subsection  
4 are appropriated to the department of public safety for  
5 allocation among the divisions of the department of public  
6 safety.

7 Sec. 3. APPLICABILITY. Except as otherwise provided in  
8 this Act, this Act applies to the placement and operation of  
9 automated traffic law enforcement systems on or after July 1,  
10 2019.

11 EXPLANATION

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

14 This bill regulates the use of automated traffic law  
15 enforcement systems (systems).

16 OPERATION BY DEPARTMENT OF TRANSPORTATION. The bill  
17 prohibits the department of transportation (DOT) from placing,  
18 operating, maintaining, or employing the use of any system, and  
19 prohibits the DOT from causing to be placed any system except  
20 as provided in the bill.

21 OPERATION BY LOCAL AUTHORITIES. The bill prohibits a  
22 local authority, or another entity on a local authority's  
23 behalf, from operating systems without approving the use of the  
24 systems following an established self-certification process.  
25 The self-certification process may include a justification  
26 report and a public hearing. A local authority must adopt an  
27 ordinance approving the use and operation of systems in its  
28 jurisdiction and must publish on the local authority's internet  
29 site the locations at which the local authority, or another  
30 entity on a local authority's behalf, operates or intends  
31 to operate the systems. The bill allows a local authority  
32 to approve the operation of systems only if the systems are  
33 located in documented high-crash or high-risk locations at  
34 which there is a demonstrated safety need for the systems. The  
35 local authority is required to demonstrate the safety need

1 for the systems based on the volume of traffic, the history  
2 of motor vehicle accidents, the frequency and type of traffic  
3 violations, the risk to peace officers employing traditional  
4 traffic enforcement methods, any additional information  
5 described in the justification report, or any other safety  
6 criteria deemed appropriate by the local authority. These  
7 provisions do not apply to a local authority that has installed  
8 and operated systems before January 1, 2020.

9 JUSTIFICATION REPORT. A justification report may provide  
10 the necessary information and documentation to demonstrate  
11 whether an area is a high-crash or high-risk location and may  
12 include the types of documentation set forth in the bill.

13 SIGNAGE. The bill prohibits a local authority, or another  
14 entity on a local authority's behalf, from operating a  
15 system without posting required signage. For a fixed system,  
16 permanent signs advising drivers that the system is in place  
17 must be posted in clear and present view of passing drivers at  
18 least 500 feet but no more than 1,000 feet along the highway  
19 in advance of the location where the system is in use. For a  
20 mobile system, temporary or permanent signs advising drivers  
21 that the system is in place must be posted in clear and present  
22 view of passing drivers at least 500 feet but no more than  
23 1,000 feet along the highway in advance of the location where  
24 the system is in use. The bill requires the signage to conform  
25 to the manual on uniform traffic-control devices as adopted by  
26 the DOT.

27 CITATIONS, FINES, AND WARNINGS. The bill prohibits a  
28 local authority, or another entity on a local authority's  
29 behalf, from issuing a citation resulting from the use of a  
30 system until an active peace officer of the local authority  
31 has reviewed and approved the recorded images produced by the  
32 system to affirm that a violation has occurred. The amount of  
33 the fine or civil penalty imposed by a citation resulting from  
34 the use of a system must not exceed the amount of the fine for  
35 a scheduled violation under Code section 805.8A (motor vehicle

1 and transportation scheduled violations) for the same or a  
2 similar violation of Code chapter 321 (motor vehicles and law  
3 of the road).

4 For 30 days following the installation of a local  
5 authority's first system, a warning memorandum must be issued  
6 and mailed to the owner of a motor vehicle identified by the  
7 system in lieu of any citation. However, this provision does  
8 not apply to a local authority that has installed and operated  
9 systems before January 1, 2020.

10 SYSTEM CALIBRATIONS. The bill requires a system working  
11 in conjunction with a speed measuring device or official  
12 traffic-control signal to comply with the generally accepted  
13 procedures for operating the system. A system must verify its  
14 internal calibrations no less frequently than is recommended  
15 by the system's manufacturer. If an internal calibration is  
16 not valid, the bill prohibits a system from operating until a  
17 successful calibration is subsequently conducted.

18 The bill also requires a calibration to be conducted by a  
19 person trained in the calibration of the system at least once  
20 every three months, and for a mobile system, prior to the use  
21 of the mobile system after any change in location. A local  
22 authority, or another entity on a local authority's behalf,  
23 must maintain an annual log of the calibrations. The log and  
24 documentation of the calibrations is admissible in any court  
25 proceeding relating to an official traffic-control signal  
26 violation or a speed limit violation.

27 RECORDS AND REPORTS. The bill requires a local authority  
28 to compile and maintain records relating to the number of  
29 traffic violations and number of traffic accidents for all  
30 locations at which the local authority, or another entity on  
31 a local authority's behalf, operates or intends to operate a  
32 system. Such records must be compiled and maintained by the  
33 local authority for one year prior to the installation of the  
34 system and for each year the system is in operation. However,  
35 the requirement to compile and maintain records for one year

1 prior to the installation of a system does not apply to systems  
2 installed and operated before January 1, 2020.

3 The bill requires a local authority with a system operating  
4 within its jurisdiction to submit an annual report to the  
5 general assembly on or before December 31 of each year  
6 detailing the effectiveness of each system operating within its  
7 jurisdiction.

8 SYSTEMS ON PRIMARY ROADS. Prior to a local authority  
9 placing a system on a primary road, the local authority must  
10 obtain approval from the DOT. A local authority must submit  
11 to the DOT any information requested by the DOT during the  
12 approval process. If the local authority's use of the system  
13 is approved by the DOT, the local authority must follow the  
14 requirements set forth in rules adopted by the DOT. The bill  
15 authorizes the DOT to annually review all systems placed  
16 on primary roads and allows the DOT to require removal or  
17 modification of such systems. These provisions do not apply  
18 to a system in operation prior to January 1, 2020. A local  
19 authority may continue to operate such a system in the same  
20 manner as the system was operated prior to January 1, 2020.  
21 However, on or after January 1, 2020, when a local authority  
22 discontinues operation of such a system, any new manner of  
23 operation or new system operated by the local authority on a  
24 primary road must comply.

25 APPEALS. The bill requires a local authority to designate a  
26 process by which a person may appeal a citation issued through  
27 the use of a system, which at a minimum must provide for either  
28 an appeal by an administrative process created by ordinance  
29 adopted by the local authority or an appeal to the district  
30 court, sitting in small claims, of the county in which the  
31 local authority is located.

32 VIOLATIONS BY LOCAL AUTHORITY. The bill authorizes the DOT  
33 to enforce the bill and requires the DOT to notify a local  
34 authority of any alleged violation of the bill, which alleged  
35 violation is subject to contested case proceedings pursuant

1 to Code chapter 17A. A local authority found to have been  
2 operating a system in violation of the bill shall be precluded  
3 from operating a similar system for a period of two years.

4 USE OF REVENUE. Of the moneys collected by a local authority  
5 from citations issued as a result of the use of a system, less  
6 the amount necessary for the installation, operation, and  
7 maintenance of the system, 40 percent must be used by the local  
8 authority for purposes of public safety and 60 percent must  
9 be transferred to the treasurer of state and deposited in the  
10 general fund of the state. Moneys deposited in the general  
11 fund of the state pursuant to the bill are appropriated to the  
12 department of public safety for allocation among the divisions  
13 of the department of public safety.

14 APPLICABILITY. Except as otherwise provided in the bill,  
15 the bill applies to the placement and operation of systems on  
16 or after July 1, 2019.