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

NEW SUBSECTION. 06B. "Automated traffic law enforcement system" means a device or devices capable of producing a photographically recorded still image or video of the rear of a motor vehicle, including the motor vehicle's registration plate, which device or devices are used for the enforcement of laws regulating vehicular traffic and work in conjunction with one of the following:

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

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

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

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

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

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

2. a. (1) A local authority, or another entity on a local authority's behalf, shall not operate automated traffic law enforcement systems without approving the use of the systems following an established self-certification process. The self-certification process may include a justification report as described in paragraph "b", which shall be made readily available for the public to review, and a public hearing
at which the local authority shall provide evidence of a demonstrated safety need for automated traffic law enforcement systems. Notice of the date, time, and location of the hearing shall be published in the manner described in section 362.3. A local authority shall adopt an ordinance approving the use and operation of automated traffic law enforcement systems in its jurisdiction and shall publish on the local authority’s internet site the locations at which the local authority, or another entity on a local authority’s behalf, operates or intends to operate automated traffic law enforcement systems.

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

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

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

(1) Existing traffic speeds, posted speed limits, traffic volumes, and intersection or roadway geometry. Such documentation shall provide assurance that existing speed limits and official traffic-control signal timings are
appropriate and shall describe how the limits and timings were established.

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

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

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

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

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

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

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

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

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

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

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

g. An automated traffic law enforcement system working in conjunction with a speed measuring device or official traffic-control signal shall comply with the generally accepted procedures for operating the system. An automated traffic law enforcement system shall verify its internal calibrations no less frequently than is recommended by the system's manufacturer. If an internal calibration is not valid, the system shall not operate until a successful
calibration is subsequently conducted. In addition to the internal calibration, a calibration shall be conducted by a person trained in the calibration of the system at least once every three months, which calibration may be conducted using a calibrated vehicle. A person trained in the calibration of a mobile automated traffic law enforcement system shall also conduct a calibration prior to the use of the mobile system after any change in location, which calibration may be conducted using a calibrated vehicle. A local authority, or another entity on a local authority’s behalf, operating an automated traffic law enforcement system shall maintain an annual log detailing whether the local authority or entity successfully performed the required calibrations and whether the system successfully performed the required internal calibrations. The log and documentation of the calibrations shall be admissible in any court proceeding relating to an official traffic-control signal violation or a speed limit violation.

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

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

(3) A local authority with an automated traffic law enforcement system operating within its jurisdiction shall
1 submit an annual report to the general assembly on or before December 31 of each year detailing the effectiveness of each automated traffic law enforcement system operating within its jurisdiction. An annual report may include the justification report described in paragraph “b” and shall include but not be limited to information relating to increases or decreases in the number of speed limit violations, violations of official traffic-control signals, and traffic accidents.

   i. Prior to a local authority placing an automated traffic law enforcement system on a primary road, the local authority shall obtain approval from the department in accordance with rules adopted by the department. A local authority shall submit to the department any information requested by the department during the approval process. If the local authority’s use of the system is approved by the department, the local authority shall follow the requirements set forth in rules adopted by the department. The department may adopt or modify rules relating to automated traffic law enforcement systems to the extent necessary to ensure automated traffic law enforcement systems are operated in a safe and equitable manner. The department shall have the authority to annually review all automated traffic law enforcement systems placed on primary roads and shall have the authority to require removal or modification of such systems. This paragraph does not apply to an automated traffic law enforcement system in operation prior to January 1, 2020. A local authority may continue to operate such a system in the same manner as the system was operated prior to January 1, 2020. However, on or after January 1, 2020, when a local authority discontinues operation of such a system, any new manner of operation or new system operated by the local authority on a primary road shall comply with this paragraph.

   j. (1) A local authority shall designate a process by which a person may appeal a citation issued through the use of an automated traffic law enforcement system, which at a minimum
shall provide for one of the following:

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

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

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

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

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

3. Of the moneys collected by a local authority from citations issued as a result of the use of an automated traffic law enforcement system, less the amount necessary for the installation, operation, and maintenance of the automated traffic law enforcement system, forty percent shall be used by 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.

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.

EXPLANATION

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

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

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

OPERATION BY LOCAL AUTHORITIES. The bill prohibits a local authority, or another entity on a local authority's behalf, from operating systems without approving the use of the systems following an established self-certification process. The self-certification process may include a justification report and a public hearing. A local authority must adopt an ordinance approving the use and operation of systems in its jurisdiction and must publish on the local authority's internet site the locations at which the local authority, or another entity on a local authority's behalf, operates or intends to operate the systems. The bill allows a local authority to approve the operation of systems only if the systems are located in documented high-crash or high-risk locations at which there is a demonstrated safety need for the systems. The local authority is required to demonstrate the safety need
for the systems based on the volume of traffic, the history
of motor vehicle accidents, the frequency and type of traffic
violations, the risk to peace officers employing traditional
traffic enforcement methods, any additional information
described in the justification report, or any other safety
criteria deemed appropriate by the local authority. These
provisions do not apply to a local authority that has installed
and operated systems before January 1, 2020.

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

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

CITATIONS, FINES, AND WARNINGS. The bill prohibits a
local authority, or another entity on a local authority’s
behalf, from issuing a citation resulting from the use of a
system until an active peace officer of the local authority
has reviewed and approved the recorded images produced by the
system to affirm that a violation has occurred. The amount of
the fine or civil penalty imposed by a citation resulting from
the use of a system must not exceed the amount of the fine for
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
prior to the installation of a system does not apply to systems installed and operated before January 1, 2020.

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

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

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

VIOLATIONS BY LOCAL AUTHORITY. The bill authorizes the DOT to enforce the bill and requires the DOT to notify a local authority of any alleged violation of the bill, which alleged violation is subject to contested case proceedings pursuant...
to Code chapter 17A. A local authority found to have been operating a system in violation of the bill shall be precluded from operating a similar system for a period of two years.

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

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