

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.