

Senate File 2078 - Introduced

SENATE FILE 2078

BY KLIMESH

A BILL FOR

1 An Act relating to the use and calibration of automated or
2 remote systems for traffic law enforcement.

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

1 Section 1. NEW SECTION. 321.492C Automated or remote
2 systems for traffic law enforcement — excessive speed violations
3 limited — calibration required.

4 1. A local authority shall not enforce a violation for
5 exceeding the speed limit by less than twenty miles per hour
6 identified through the use of an automated or remote system for
7 traffic law enforcement if the moneys collected from citations
8 issued from all of the local authority's automated or remote
9 systems for traffic law enforcement during the fiscal year in
10 which the violation occurs equal or exceed two hundred fifty
11 percent of the municipal infraction revenue and scheduled fine
12 revenue collected by the local authority pursuant to section
13 602.8106, or any other provision of law, in the previous fiscal
14 year from traffic citations issued by the local authority's
15 peace officers or other officials.

16 2. A local authority shall have its automated or remote
17 systems for traffic law enforcement examined and calibrated by
18 a qualified person at least every three months.

19 3. Citations for any of the following violations issued
20 using an automated or remote system for traffic law enforcement
21 are void and unenforceable:

22 a. Violations for exceeding the speed limit by less
23 than twenty miles per hour after such violations become
24 unenforceable pursuant to subsection 1.

25 b. Violations identified through the use of an automated
26 or remote system for traffic law enforcement that has not been
27 examined and calibrated as required under subsection 2.

28 4. For purposes of this section, "*automated or remote system*
29 *for traffic law enforcement*" means a camera or other optical
30 device designed to work in conjunction with an official traffic
31 control signal or speed measuring device to identify motor
32 vehicles operating in violation of traffic laws, the use of
33 which results in the issuance of citations sent through the
34 mail or by electronic means.

35 5. This section does not apply to local authorities with a

1 population of more than twelve thousand, according to the most
2 recent federal decennial census.

3 EXPLANATION

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

6 This bill limits certain excessive speed violations that
7 counties, municipalities, and other local boards or bodies
8 having authority to adopt local police regulations (local
9 authorities) may enforce by use of an automated or remote
10 system for traffic law enforcement (ATE system) and requires
11 local authorities to calibrate ATE systems under their
12 jurisdiction.

13 The bill prohibits a local authority from enforcing
14 violations for exceeding the speed limit by less than 20 miles
15 per hour identified through the use of an ATE system if the
16 moneys collected from citations issued from all of the local
17 authority's ATE systems equal or exceed 250 percent of the
18 municipal infraction and scheduled fine revenue collected by
19 the local authority in the previous fiscal year from traffic
20 citations issued by the local authority's peace officers or
21 other officials. Under the bill, a violation for exceeding the
22 speed limit by 20 miles per hour or more is always enforceable
23 regardless of whether it is identified by an ATE system.

24 The bill requires a local authority to have its ATE systems
25 examined and calibrated by a qualified person at least every
26 three months.

27 Citations issued by a local authority using an ATE system
28 are void and unenforceable if the violation is for exceeding
29 a speed limit by less than 20 miles per hour and the revenue
30 threshold has been met, or if the ATE system has not been
31 examined and calibrated as required under the bill.

32 The bill defines "automated or remote system for traffic law
33 enforcement" as the term is used in the bill.

34 The bill applies only to local authorities with a population
35 of 12,000 or less, according to the most recent federal

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1 decennial census.