

House File 2415 - Introduced

HOUSE FILE 2415

BY THOMSON

A BILL FOR

1 An Act relating to the operation of motor vehicles, including
2 a distracted driving information program and fund,
3 citations issued due to use of automated systems for
4 traffic law enforcement, and enforcement of safety belt and
5 safety harness requirements, providing fees, and making
6 appropriations.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I
INFORMATION PROGRAM

Section 1. Section 321.145, subsection 1, Code 2024, is amended to read as follows:

1. Except for fines, forfeitures, court costs, and the collection fees retained by the county treasurer pursuant to section 321.152, moneys deposited in the information program fund created in section 321.146, and ~~except as provided~~ moneys described in subsection 2, moneys and motor vehicle registration fees collected under this chapter shall be credited by the treasurer of state to the road use tax fund.

Sec. 2. NEW SECTION. **321.146 Information program fund.**

1. An information program fund is created in the state treasury under the control of the department. The fund shall consist of moneys collected under section 388.10, subsection 2, paragraph "e", and section 476.95C, moneys appropriated by the general assembly to the fund, and any other revenues credited by law to the fund. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2. Moneys in the fund are appropriated to the department to be used for all of the following purposes:

a. To produce and distribute a public service advertisement campaign to educate persons about the dangers associated with using an electronic device while driving. Such advertisements shall be aired across the state in each year the department runs the information program in a regular, noticeable, and intrusive manner determined by the department to maximize the individual contacts with persons in this state.

b. To provide aftermarket devices, that allow a person to use an electronic device in hands-free mode, to residents of this state for a reduced cost, or free of charge. *Hands-free*

1 *mode* means an attachment, accessory, application, wireless
2 connection, or built-in feature of an electronic device or
3 motor vehicle that allows a person to use verbal commands or a
4 single touch to activate or deactivate the device or a function
5 or software application of the device. *Hands-free mode* does
6 not include accessing nonnavigation video content, engaging
7 in a video call, accessing or engaging in video streaming,
8 accessing gaming data, or reading an electronic message or
9 notification.

10 c. To provide for an investigation program to employ
11 persons to determine whether the use of an electronic device
12 contributed to certain vehicle collisions.

13 (1) A person who is employed by the state or a political
14 subdivision of the state shall not be hired as an investigation
15 program employee.

16 (2) The investigation program employees shall determine the
17 cause of all collisions where the front of a vehicle collides
18 with the rear of another vehicle. If it is determined the
19 cause for such a collision involved the use of an electronic
20 device, the investigation program shall notify the county
21 attorney of the county in which the collision occurred and
22 recommend the specific criminal charges to be filed against
23 the person involved in the collision. The county attorney
24 shall prosecute the person accordingly, and if convicted, the
25 court shall order the person to not operate a motor vehicle
26 unless the vehicle is equipped with technology or equipment
27 that prevents the person from using an electronic device while
28 operating the motor vehicle.

29 d. To provide for signs to be posted along highways
30 indicating appropriate locations along a highway to stop a
31 vehicle for the purpose of using an electronic device. Signs
32 specifying the mileage and estimated time between appropriate
33 locations shall also be posted along the highway.

34 e. To establish a commission to evaluate the efficacy
35 of the information program. The commission shall submit

1 recommendations to improve the information program to the
2 director and to the general assembly at least once each year.
3 However, such recommendations shall not include proposed
4 legislation.

5 Sec. 3. Section 388.10, subsection 2, Code 2024, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. e. Impose a surcharge not to exceed
8 fifty dollars per month per access line on each access line
9 subscriber for deposit in the information program fund created
10 in section 321.146.

11 Sec. 4. Section 421.9, Code 2024, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 5. The director shall determine the
14 proportional usage factor as required under section 476.95C.

15 Sec. 5. Section 423.3, Code 2024, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 69B. The sales price from surcharges paid
18 for the information program fund pursuant to sections 388.10
19 and 476.95C.

20 Sec. 6. NEW SECTION. **476.95C Information program surcharge.**

21 1. To discourage distracted driving and to provide moneys
22 for the information program fund created in section 321.146, a
23 telecommunications service provider shall impose a surcharge of
24 not more than fifty dollars per month per access line on each
25 access line subscriber. The amount of the surcharge shall be
26 based on a proportional usage factor determined by the director
27 of revenue. The telecommunications service provider shall
28 notify subscribers that collection of the surcharge is to begin
29 within sixty days.

30 2. a. The surcharge shall be collected as part of the
31 service provider's periodic billing to a subscriber. In
32 compensation for the costs of billing and collection, the
33 service provider may retain one percent of the gross surcharges
34 collected. If the compensation is insufficient to fully
35 recover a service provider's costs for billing and collection

1 of the surcharge, the deficiency shall be included in the
2 service provider's costs for ratemaking purposes to the extent
3 it is reasonable and just under section 476.6. The remaining
4 amount of the surcharges shall be remitted to the treasurer of
5 state for deposit into the information program fund created in
6 section 321.146 monthly by the service provider.

7 *b.* A service provider is not liable for an uncollected
8 surcharge for which the service provider has billed a
9 subscriber but the subscriber has not paid. The surcharge must
10 appear as a single line item on a subscriber's periodic billing
11 entitled "information program fund surcharge".

12 DIVISION II

13 AUTOMATED TRAFFIC ENFORCEMENT CITATIONS PROHIBITED

14 Sec. 7. NEW SECTION. 321.492C Automated traffic enforcement
15 citations prohibited.

16 1. The state or a local authority shall not use an automated
17 or remote system for traffic law enforcement to issue, either
18 directly or indirectly, a citation for a traffic violation.

19 2. The state or a local authority may issue a warning
20 memorandum to the owner of a vehicle that was operated in
21 violation of a traffic law if the violation was detected by an
22 automated or remote system for traffic law enforcement.

23 3. Evidence of a traffic violation detected by an automated
24 or remote system for traffic law enforcement shall not be
25 admitted or used in any criminal or civil proceeding.

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

33 DIVISION III

34 SEAT BELT VIOLATIONS

35 Sec. 8. Section 321.445, Code 2024, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 6. A peace officer does not have probable
3 cause to stop or detain a person solely for a suspected
4 violation of this section. This section is enforceable by a
5 peace officer only as a secondary action when the driver of
6 a motor vehicle has been stopped or detained for a suspected
7 violation of another provision of this chapter, a local
8 ordinance equivalent to a provision of this chapter, or other
9 law.

10 EXPLANATION

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

13 This bill relates to the operation of motor vehicles.

14 INFORMATION PROGRAM. The bill establishes the information
15 program fund (fund) under the control of the department of
16 transportation (DOT).

17 Moneys in the fund are appropriated to the DOT to be used
18 as provided in the bill, including to produce and distribute a
19 public service advertising campaign against distracted driving,
20 provide hands-free devices to Iowa residents, employ persons
21 within an investigation program to determine the cause of
22 certain traffic collisions, provide for additional signage
23 along highways, and establish a commission to evaluate the
24 efficacy of the program.

25 The bill requires telecommunication service providers
26 to impose a surcharge of not more than \$50 per month per
27 access line on each access line subscriber. The amount of
28 the surcharge is required to be based on a proportional usage
29 factor determined by the director of revenue. The surcharge
30 is collected in the same manner as other telecommunication
31 services charges, and the moneys are required to be deposited
32 in the fund monthly. Service providers are required to
33 provide notice of the surcharge and describe the surcharge on
34 customers' billing statements. The surcharge is exempt from
35 sales tax.

1 AUTOMATED TRAFFIC ENFORCEMENT CITATIONS PROHIBITED. The
2 bill prohibits the state or a local authority from using an
3 automated or remote system for traffic law enforcement (ATE
4 system) to issue a citation for a traffic violation. However,
5 the state or a local authority may issue a warning memorandum.

6 Evidence of a traffic violation detected by an ATE system
7 is inadmissible and cannot be used in any criminal or civil
8 proceeding. The bill defines "automated or remote system for
9 traffic law enforcement".

10 SEAT BELT VIOLATIONS. The bill prohibits a peace officer
11 from stopping or detaining a person solely for a suspected
12 violation of Code section 321.445 (safety belts and safety
13 harnesses). A peace officer can only charge a violation of
14 Code section 321.445 as a secondary action when the driver of
15 a motor vehicle has been stopped or detained for a suspected
16 violation of another provision of Code chapter 321 (motor
17 vehicles and laws of the road), a local ordinance equivalent to
18 a provision of Code chapter 321, or other law.

19 Under current law, a person who violates Code section
20 321.445 commits a simple misdemeanor punishable by a \$70
21 scheduled fine.