

House File 628 - Introduced

HOUSE FILE 628

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 173)

A BILL FOR

1 An Act relating to automated or remote systems for traffic
2 law enforcement, including by limiting municipalities from
3 placing or using such systems on certain roads and limiting
4 certain penalties.

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

1 Section 1. NEW SECTION. 321.492C Use of automated or remote
2 systems for traffic law enforcement — municipal authority and
3 penalties limited.

4 1. A municipal board or body shall not place or cause to
5 be placed, or maintain or employ the use of, any automated or
6 remote system for traffic law enforcement on or adjacent to a
7 primary road or secondary road.

8 2. The civil penalty for a violation detected by an
9 automated or remote system for traffic law enforcement shall
10 not exceed five percent of the applicable scheduled fine or
11 civil penalty for the violation under state law.

12 3. For purposes of this section, "*automated or remote system*
13 *for traffic law enforcement*" means a camera or other optical
14 device designed to work in conjunction with an official traffic
15 control signal or speed measuring device to identify motor
16 vehicles operating in violation of traffic laws, the use of
17 which results in the issuance of citations sent through the
18 mail or by electronic means.

19 EXPLANATION

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

22 Under current law, "primary roads" are those roads
23 and streets both inside and outside the boundaries
24 of municipalities which are under the department of
25 transportation's jurisdiction, including interstate roads.

26 "Secondary roads" are those roads under county jurisdiction.

27 "Municipal street system" means those streets within
28 municipalities that are not primary roads or secondary roads.

29 This bill prohibits a municipal board or body from placing
30 or causing to be placed, or maintaining or employing the use
31 of, any automated or remote system for traffic law enforcement
32 (ATE system) on primary or secondary roads. The bill does not
33 prohibit the state from placing and using an ATE system on
34 primary roads, a county from placing and using an ATE system on
35 secondary roads, or a municipal board or body from placing and

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1 using an ATE system on the municipal street system.
2 The bill also limits the civil penalty for a violation
3 detected by an ATE system from exceeding 5 percent of the
4 applicable scheduled fine or civil penalty for the violation
5 under state law. Fees related to court costs and filing and
6 docketing criminal cases, such as fees which may be owed or
7 reimbursed by a defendant pursuant to Code section 602.8106,
8 are not considered a fine or civil penalty and are not
9 included by the bill for purposes of calculating the 5 percent
10 limitation.