

Senate File 220 - Reprinted

SENATE FILE 220
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 3)

(As Amended and Passed by the Senate March 22, 2017)

A BILL FOR

1 An Act regulating the use of automated traffic law enforcement
2 systems, and providing a penalty.

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

1 Section 1. Section 321.1, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. *“Automated traffic law enforcement*
4 *system”* means a device used for the enforcement of laws
5 regulating vehicular traffic and equipped with one or more
6 sensors working in conjunction with one of the following:

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

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

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

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

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

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

26 2. a. A local authority, or another entity on a local
27 authority’s behalf, shall not operate an automated traffic law
28 enforcement system without approving the use of the system
29 following an established self-certification process. The
30 self-certification process shall include a justification report
31 meeting the requirements of paragraph “b”, which shall be
32 made readily available for the public to review, and a public
33 hearing at which the local authority shall provide evidence
34 of a demonstrated safety need for the automated traffic law
35 enforcement system. Notice of the date, time, and place of

1 the hearing shall be published in the manner described in
2 section 362.3. A public hearing may address several locations
3 at which a local authority intends to place an automated
4 traffic law enforcement system. However, a local authority
5 shall adopt an ordinance approving the use of an automated
6 traffic law enforcement system for each location at which the
7 local authority operates a fixed or mobile automated traffic
8 law enforcement system. A local authority may approve the
9 operation of an automated traffic law enforcement system
10 only if the system is located in a documented high-crash or
11 high-risk location at which there is a demonstrated safety
12 need for the system. The local authority shall demonstrate
13 the safety need for the system based on the volume of traffic,
14 the history of motor vehicle accidents, the frequency and type
15 of traffic violations, the risk to peace officers employing
16 traditional traffic enforcement methods, any additional
17 information required in the justification report, and any other
18 safety criteria deemed appropriate by the local authority.
19 These requirements shall apply for each location at which a
20 local authority, or another entity on a local authority's
21 behalf, operates a fixed or mobile automated traffic law
22 enforcement system.

23 *b.* A justification report shall provide all necessary
24 information and documentation to demonstrate whether an area is
25 a high-crash or high-risk location and shall include but not be
26 limited to documentation regarding all the following:

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

33 (2) The applicable motor vehicle accident history, the
34 primary accident types, accident causes, accident severity, and
35 the history of any related traffic violations. Only accidents

1 attributable to violating the speed limit or an official
2 traffic-control signal shall be included in this report. Such
3 documentation shall compare accident data with data from other
4 similar locations within the local authority's jurisdiction,
5 other similar jurisdictions, and larger metropolitan areas.

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

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

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

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

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

27 (1) For a fixed automated traffic law enforcement system,
28 permanent signs advising drivers that the system is in place
29 shall be posted in clear and present view of passing drivers in
30 advance of the location where the system is in use.

31 (2) For a mobile automated traffic law enforcement system,
32 temporary or permanent signs advising drivers that the system
33 is in place shall be posted in clear and present view of
34 passing drivers in advance of the location where the system is
35 in use.

1 (3) The signage conforms to the manual on uniform
2 traffic-control devices as adopted by the department.

3 *d.* A local authority, or another entity on a local
4 authority's behalf, shall not issue a citation resulting from
5 the use of an automated traffic law enforcement system until
6 an active peace officer of the local authority has reviewed
7 the citation and any relevant recorded images produced by the
8 system.

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

14 *f.* An automated traffic law enforcement system working
15 in conjunction with a speed measuring device or official
16 traffic-control signal shall comply with the generally accepted
17 procedures for operating the system. An automated traffic law
18 enforcement system shall verify its internal calibrations on a
19 daily basis. If the daily internal calibration is not valid,
20 the system shall not operate until a successful calibration
21 is subsequently conducted. In addition to the daily internal
22 calibration, a monthly calibration shall be conducted by a
23 person trained in the calibration of the system. A person
24 trained in the calibration of a mobile automated traffic law
25 enforcement system shall also conduct a calibration prior to
26 the use of the mobile system after any change in location.
27 A local authority, or another entity on a local authority's
28 behalf, operating an automated traffic law enforcement
29 system shall maintain a monthly log detailing whether the
30 local authority or entity successfully performed the daily
31 and monthly calibrations. The log and documentation of the
32 calibrations shall be admissible in any court proceeding
33 relating to an official traffic-control signal violation
34 pursuant to section 321.257 or a speed limit violation pursuant
35 to section 321.285.

1 *g.* A local authority shall maintain or compile records
2 relating to the number of traffic violations and number
3 of traffic accidents for all locations at which the local
4 authority, or another entity on a local authority's behalf,
5 operates or intends to operate an automated traffic law
6 enforcement system. Such records shall be maintained or
7 compiled by the local authority for one year prior to the
8 installation of the automated traffic law enforcement system
9 and for each year the automated traffic law enforcement
10 system is in operation. Such records shall be available for
11 examination to the same extent allowed in section 22.2. A
12 local authority with an automated traffic law enforcement
13 system operating within its jurisdiction shall file an annual
14 report with the general assembly on or before December 31 of
15 each year detailing the effectiveness of each automated traffic
16 law enforcement system operating within its jurisdiction. An
17 annual report shall include the justification report described
18 in paragraph "b" and shall also include but not be limited to
19 information relating to increases or decreases in the number of
20 speed limit violations, violations of official traffic-control
21 signals, and traffic accidents.

22 *h.* Prior to a local authority placing an automated traffic
23 law enforcement system on a primary road, the local authority
24 shall obtain approval from the department in accordance
25 with rules adopted by the department. A local authority
26 shall submit to the department any information requested by
27 the department during the approval process. If the local
28 authority's use of the system is approved by the department,
29 the local authority shall follow the requirements set forth
30 in rules adopted by the department. The department may
31 modify its rules relating to automated traffic law enforcement
32 systems to the extent necessary to ensure automated traffic
33 law enforcement systems are operated in a safe and equitable
34 manner. This paragraph "h" shall not apply to an automated
35 traffic law enforcement system approved or allowed to operate

1 in accordance with rules adopted by the department and in
2 operation prior to January 1, 2017. A local authority may
3 continue to operate such a system in the same manner as the
4 system was operated prior to January 1, 2017. However, after a
5 local authority discontinues operation of such a system, any
6 new manner of operation or new system operated by the local
7 authority shall comply with this paragraph "h". The department
8 shall have the authority to annually review all automated
9 traffic law enforcement systems placed on primary roads and
10 shall have the authority to require removal or modification of
11 such systems.

12 *i.* A local authority shall designate a process by which
13 a person may appeal a citation issued through the use of an
14 automated traffic law enforcement system, which at a minimum
15 shall provide for all of the following:

16 (1) An appeal to an impartial body created by the local
17 authority to review citations issued through the use of
18 automated traffic law enforcement systems.

19 (2) Following a decision from the impartial body that is
20 adverse to the person, an appeal to the district court, sitting
21 in small claims, of the county in which the local authority is
22 located.

23 *j.* (1) A local authority shall authorize a petition process
24 by which citizens within the local authority may petition for
25 the removal of a fixed automated traffic law enforcement system
26 or the disapproval of a location approved for the use of mobile
27 automated traffic law enforcement systems in accordance with
28 this section. Petitions under this paragraph "j" shall be
29 specific to one fixed system or one location approved for the
30 use of mobile systems.

31 (2) If the local authority is a city, a petition brought
32 under this paragraph "j" is valid if it is signed by a number
33 of eligible electors of the city equal to or greater than ten
34 percent of the number of persons who voted in the last regular
35 city election. The petition shall include the signatures of

1 the petitioners, the places of residence of the petitioners,
2 and the date on which the petitioners signed the petition.

3 (3) If the local authority is a county, a petition brought
4 under this paragraph "j" is valid if it is signed by a number
5 of eligible electors of the county equal to or greater than
6 ten percent of the number of votes cast in the county in the
7 last presidential election. The petition shall include the
8 signatures of the petitioners, the places of residence of the
9 petitioners, and the date on which the petitioners signed the
10 petition.

11 (4) If a petition is valid as provided in this paragraph
12 "j", the city council or county board of supervisors, as
13 applicable, shall vote on whether to repeal the ordinance
14 allowing the operation of the fixed system or approving the
15 location for the use of mobile systems.

16 (5) If a city council or county board of supervisors has
17 voted pursuant to subparagraph (4), a new petition for the same
18 fixed system or the same location approved for use of mobile
19 systems shall not be valid for three years after the date of
20 the vote.

21 k. A local authority that operates an automated traffic
22 law enforcement system in violation of this section shall be
23 precluded from operating any automated traffic law enforcement
24 system for a period of two years. A citizen residing within
25 the jurisdiction of a local authority which violates this
26 section shall be allowed to file suit to enjoin the local
27 authority from operating an automated traffic law enforcement
28 system in accordance with this paragraph "k".

29 3. All moneys collected by a local authority from citations
30 issued as a result of the use of an automated traffic law
31 enforcement system, less the amount necessary for the
32 installation, operation, and maintenance of the automated
33 traffic law enforcement system, shall be deposited in the
34 account or accounts maintained by the local authority for
35 moneys appropriated to the local authority from the secondary

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1 road fund or street construction fund of the cities, or shall
2 be deposited in any account and used for the purposes of public
3 safety. This subsection shall not apply to moneys collected
4 for court costs or other associated costs, the criminal penalty
5 surcharge required by section 911.1, or the county enforcement
6 surcharge required by section 911.4, as applicable.