

House File 2681 - Reprinted

HOUSE FILE 2681

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 740)

(As Amended and Passed by the House April 9, 2024)

A BILL FOR

1 An Act relating to automated traffic systems, including for
2 traffic law enforcement and for capture of registration
3 plate images, providing penalties, and including effective
4 date provisions.

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

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DIVISION I

AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC LAW ENFORCEMENT —
AUTOMATIC REGISTRATION PLATE READERS

Section 1. NEW SECTION. 321P.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Automated or remote system for traffic law enforcement"* or *"system"* means a camera or other optical device designed to work in conjunction with a speed measuring device to detect motor vehicles being operated in violation of the speed limit, the use of which results in the issuance of citations sent through the mail or by electronic means.
2. *"Critical traffic safety issues"* include traffic violations resulting in a traffic collision or accident and traffic collisions and accidents resulting in serious injury or death occurring at a location.
3. *"Department"* means the state department of transportation.
4. *"Local authority"* means a county or municipality having authority to adopt local police regulations under the Constitution of the State of Iowa and laws of this state.

Sec. 2. NEW SECTION. 321P.2 Permit required — local ordinances.

1. A person shall not use an automated or remote system for traffic law enforcement unless authorized under this chapter. A local authority shall not adopt, enforce, or otherwise administer an ordinance authorizing the use of a system, and shall not use a system, unless the local authority holds a valid permit to use a system at the system's location. Notwithstanding section 331.302, subsection 6, and section 380.3, the governing body of a local authority that is considering an ordinance to authorize or implement traffic law enforcement by automated or remote systems shall not suspend the requirements of section 331.302, subsection 6, or section 380.3, as applicable.

1 2. A local authority may apply for a permit by submitting
2 an application to the department in a manner determined by
3 the department. The department may approve or disapprove
4 the application for a permit based on the department's
5 determination that a system is appropriate and necessary and
6 the least restrictive means to address the critical traffic
7 safety issues at a location. The department shall only issue
8 one permit for a local authority, which shall set forth all
9 locations at which a local authority is authorized to use a
10 system. A local authority may submit an application to the
11 department to update the local authority's permit with a new
12 location in the same manner and with the same information as
13 required for the initial permit. An application for a permit
14 must contain all of the following for a location at which the
15 local authority intends to operate a system:

16 *a.* Records detailing the number and description of traffic
17 violations at the location, which shall be compiled and
18 maintained by the local authority for at least one year prior
19 to the installation of the system and for each year the system
20 is in operation. The records shall be considered public
21 records for purposes of chapter 22.

22 *b.* Records detailing the number and severity of traffic
23 collisions and accidents occurring at the location.

24 *c.* An analysis of existing traffic speed data, posted speed
25 limits, traffic volume data, and intersection and roadway
26 measurements of the location. The analysis must demonstrate to
27 the department that existing speed restrictions are appropriate
28 and must describe how the speed restrictions were established.

29 *d.* The proposed cause of critical traffic safety issues at
30 the location.

31 *e.* Alternative methods to improve traffic safety at the
32 location that the local authority has implemented or has
33 considered but declined to implement. Alternative methods
34 to improve traffic safety may include but are not limited to
35 changes relating to law enforcement practices, roadway or

1 intersection design, traffic control devices used, and public
2 education campaigns.

3 *f.* Details of discussions, if any, held with an entity
4 that has resources which may aid the reduction of traffic
5 collisions and accidents caused at the location by failure to
6 obey speed restrictions and subsequent actions taken by the
7 local authority.

8 *g.* An explanation detailing the reasons that the use of a
9 system at the location is appropriate and necessary and the
10 least restrictive means to address the critical traffic safety
11 issues.

12 **Sec. 3. NEW SECTION. 321P.3 Use limited.**

13 1. A local authority shall not use an automated or remote
14 system for traffic law enforcement to issue a citation for a
15 traffic violation unless the violation is for exceeding the
16 speed limit by more than ten miles per hour.

17 2. A local authority with a population of twenty thousand or
18 less based on the most recent federal decennial census shall
19 not use a mobile system to issue a citation for a traffic
20 violation. The department shall adopt rules pursuant to
21 chapter 17A otherwise authorizing and regulating the operation
22 of mobile systems, taking into consideration a mobile system's
23 mobility, flexible usage, and the needs of a local authority to
24 control traffic speed to address critical traffic safety issues
25 at a location. However, the rules shall not authorize the use
26 of a mobile system other than in neighborhoods, construction
27 zones, school zones, including collegiate zones, and locations
28 where traffic enforcement is difficult or dangerous to enforce
29 by alternative methods.

30 3. A local authority, regardless of its population, may
31 issue a warning memorandum to the owner of a vehicle that was
32 operated in violation of a traffic law if the violation was
33 detected by an automated or remote system for traffic law
34 enforcement, including a mobile system.

35 **Sec. 4. NEW SECTION. 321P.4 Automatic registration plate**

1 **readers — data retention limited.**

2 1. The operator of an automatic registration plate reader
3 or any associated data storage device shall permanently delete
4 from the plate reader and storage device, as applicable, every
5 image of a vehicle registration plate captured by the plate
6 reader, and any other accompanying data, no later than thirty
7 days after the image was captured.

8 2. Prior to deletion under subsection 1, an image of
9 a vehicle registration plate captured by an automatic
10 registration plate reader, and any other accompanying data,
11 may be copied and stored by a law enforcement agency if the
12 image and data are relevant to an ongoing criminal case or
13 investigation. The law enforcement agency shall maintain
14 the copied registration plate image and accompanying data in
15 accordance with the agency's evidence retention policies.
16 Copies maintained by the law enforcement agency are not subject
17 to subsection 1.

18 3. For purposes of this section, "*automatic registration*
19 *plate reader*" or "*plate reader*" means a camera or other optical
20 device designed or programmed to automatically detect a
21 vehicle's registration plate, or to automatically capture
22 or store an image of a vehicle's registration plate and any
23 accompanying data.

24 4. A person who violates subsection 1 commits a simple
25 misdemeanor.

26 **Sec. 5. NEW SECTION. 321P.5 Notice — signage and reports.**

27 1. *a.* A local authority shall not operate an automated or
28 remote system for traffic law enforcement at a fixed location
29 unless permanent signs meeting the requirements as specified in
30 the department manual on uniform traffic-control devices and
31 giving notice of the system are erected at least five hundred
32 feet but not more than one thousand feet along the approach of
33 the highway where the system is used.

34 *b.* A local authority shall not operate a mobile automated
35 or remote system for traffic law enforcement unless permanent

1 signs meeting the requirements as specified in the department
2 manual on uniform traffic-control devices and giving notice
3 of the local authority's use of a mobile system within the
4 boundaries of the local authority are posted at every location
5 where a highway enters the boundaries of the local authority.

6 c. Signs required under this subsection shall be erected
7 by the local authority at the local authority's expense at
8 least thirty days prior to a system enforcing any detected
9 violations.

10 2. A local authority using a system shall submit to the
11 department an annual report by March 1 of each year detailing
12 the number of traffic collisions and accidents that occurred at
13 each location where a system is in use, the number of citations
14 issued for each system during the previous calendar year, and
15 any other relevant information about the systems that the local
16 authority deems appropriate. The local authority shall post
17 the report on the local authority's internet site, if the local
18 authority has an internet site.

19 Sec. 6. NEW SECTION. 321P.6 Enforcement.

20 1. A local authority shall not issue a citation or warning
21 memorandum for a violation detected by a system until a peace
22 officer of the local authority, or an individual trained and
23 certified by the local authority, has reviewed and approved
24 the recorded photograph or video to affirm a traffic violation
25 occurred.

26 2. a. For an excessive speed violation detected by a system
27 other than as provided in paragraph "b", the fine shall not
28 exceed the following amounts:

29 (1) Seventy-five dollars for speed greater than ten miles
30 per hour in excess of the limit but not more than twenty miles
31 per hour in excess of the limit.

32 (2) One hundred dollars for speed greater than twenty miles
33 per hour in excess of the limit but not more than twenty-five
34 miles per hour in excess of the limit.

35 (3) Two hundred fifty dollars for speed greater than

1 twenty-five miles per hour in excess of the limit but not more
2 than thirty miles per hour in excess of the limit.

3 (4) Five hundred dollars for speed greater than thirty miles
4 per hour in excess of the limit.

5 *b.* For an excessive speed violation detected by a system in
6 a road work zone, as defined in section 321.1, the fine shall
7 not exceed the following amounts:

8 (1) One hundred fifty dollars for speed greater than ten
9 miles per hour in excess of the limit but not more than twenty
10 miles per hour in excess of the limit.

11 (2) Two hundred dollars for speed greater than twenty miles
12 per hour in excess of the limit but not more than twenty-five
13 miles per hour in excess of the limit.

14 (3) Five hundred dollars for speed greater than twenty-five
15 miles per hour in excess of the limit but not more than thirty
16 miles per hour in excess of the limit.

17 (4) One thousand dollars for speed greater than thirty miles
18 per hour in excess of the limit.

19 3. A system not in compliance with this chapter shall not
20 be used to detect violations. A citation issued while the
21 system is not in compliance with this chapter is void and
22 unenforceable.

23 4. A violation detected by an automated or remote system
24 for traffic law enforcement is a civil infraction. Such
25 a violation shall not be considered by the department of
26 transportation for purposes of driver's license sanctions,
27 and shall not be considered by an insurer for purposes of a
28 person's automobile insurance rates. The fine associated with
29 a citation issued by a local authority as the result of the use
30 of a system must be a civil penalty.

31 **Sec. 7. NEW SECTION. 321P.7 Liability for violations**
32 **detected.**

33 1. A citation for a violation detected by an automated or
34 remote system for traffic law enforcement shall be issued to
35 the owner of the identified motor vehicle.

1 2. a. Notwithstanding subsection 1, a local authority shall
2 provide the owner of a motor vehicle who receives a citation
3 for a violation detected by a system with an opportunity
4 to submit evidence that the owner was not operating the
5 motor vehicle at the time of the violation. As part of the
6 proceeding, the owner shall provide the name and address of the
7 person who was operating the motor vehicle at the time of the
8 violation.

9 b. Notwithstanding subsection 1, a citation issued to the
10 owner of a motor vehicle may be amended and issued to the
11 person identified under paragraph "a" who was operating the
12 motor vehicle.

13 3. For purposes of this section, "owner" means a person
14 who holds the legal title to a motor vehicle. However, if the
15 motor vehicle is the subject of a security agreement with a
16 right of possession in the debtor, the debtor is deemed the
17 owner for purposes of this section, or if the motor vehicle is
18 leased as defined in section 321.493, the lessee is deemed the
19 owner for purposes of this section.

20 Sec. 8. NEW SECTION. 321P.8 **Restrictions on use of revenue.**

21 A local authority shall not use any revenue received as
22 a result of the use of a system and retained by the local
23 authority, not including the cost to install, operate, and
24 maintain the system, other than for any of the following
25 purposes:

26 1. To fund transportation infrastructure improvement
27 projects.

28 2. To offset costs incurred relating to the operation of a
29 police department or fire department.

30 Sec. 9. NEW SECTION. 321P.9 **Installation and maintenance.**

31 1. A local authority shall install a system in a manner that
32 minimizes the effect of camera flash on drivers, if a camera
33 flash is used.

34 2. An automated or remote system for traffic law enforcement
35 must only record a photograph or video of the rear of a vehicle

1 and the vehicle's registration plate while the vehicle is used
2 to commit an alleged traffic violation. A local authority
3 shall not install a system such that the system's camera is
4 placed to capture the front of a motor vehicle or the face of
5 any person in the vehicle being recorded. In accordance with
6 section 321P.6, subsection 3, a citation issued by a system
7 that captures the front of a motor vehicle or the face of any
8 person in the vehicle is void and unenforceable.

9 3. A system must verify its internal calibrations daily, and
10 a person trained in the calibration of the system shall conduct
11 a monthly calibration.

12 4. A local authority operating a system shall maintain
13 a monthly log detailing whether a person trained in the
14 calibration of the system successfully performed the monthly
15 calibrations and whether the system successfully performed the
16 daily internal calibrations.

17 5. The log and documentation of the calibrations required
18 under this section are admissible in any court proceeding
19 relating to a violation detected by the system.

20 6. If a daily or monthly calibration is not successfully
21 performed, the system shall not operate until a successful
22 calibration is subsequently performed.

23 DIVISION II

24 EXISTING SYSTEMS

25 Sec. 10. EXISTING SYSTEMS.

26 1. A local authority using an automated or remote system for
27 traffic law enforcement prior to January 1, 2024, may submit
28 to the department of transportation by July 1, 2024, a list
29 of system locations and justifications for placement and use
30 of the systems at the locations in conformance with section
31 321P.2, as enacted by this Act, to the extent practicable,
32 as determined by the department. The department shall, by
33 October 1, 2024, issue a permit as provided in section 321P.2,
34 as enacted by this Act, to a local authority that provided
35 valid submissions in accordance with this subsection. A local

1 authority using a system prior to January 1, 2024, may continue
2 to use the system in the same manner and at the same locations
3 as the system was used on or before January 1, 2024, during
4 the period of time between the local authority's submission to
5 the department and the date the department issues the permit
6 to the local authority, unless the system is a mobile system
7 prohibited under section 321P.3, as enacted by this Act. If,
8 on October 1, 2024, a local authority has not been issued a
9 permit by the department as a result of a submission that was
10 not timely filed, or due to a timely filed submission that did
11 not otherwise comply with this subsection, the local authority
12 shall cease using all systems until the local authority obtains
13 a permit from the department pursuant to section 321P.2, as
14 enacted by this Act.

15 2. A local authority using an automated or remote system
16 for traffic law enforcement at a location for the first time
17 on or after January 1, 2024, shall not be issued a permit by
18 the department of transportation pursuant to section 321P.2, as
19 enacted by this Act, before July 1, 2026.

20 Sec. 11. EFFECTIVE DATE. This division of this Act, being
21 deemed of immediate importance, takes effect upon enactment.