HOUSE FILE 2681
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 740)

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

A BILL FOR

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

readers —— data retention limited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Two hundred fifty dollars for speed greater than

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. To fund transportation infrastructure improvement projects.

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

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

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

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

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

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

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

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

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

DIVISION II

EXISTING SYSTEMS

Sec. 10. EXISTING SYSTEMS.

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

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

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

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