

JAN 14 2002
TRANSPORTATION

HOUSE FILE 2020
BY SHEY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing the use of automated enforcement systems to
2 enforce certain traffic regulations, authorizing a surcharge,
3 and making penalties applicable.

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

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HF 2020

1 Section 1. NEW SECTION. 321.236A AUTOMATED ENFORCEMENT
2 SYSTEMS.

3 1. A local authority may use an automated enforcement
4 system to detect red-light stop violations on streets and
5 highways under its jurisdiction.

6 2. A citation for a red-light stop violation may be issued
7 pursuant to the use of an automated enforcement system if all
8 of the following conditions are met:

9 a. The automated enforcement system and the issuance of
10 citations are under the ultimate control of a law enforcement
11 agency.

12 b. Signs indicating that red-light stops are being
13 monitored by an automated enforcement system are visible to
14 traffic approaching the official traffic control signal from
15 all directions or are posted, so far as is practicable, on all
16 major routes entering the jurisdiction under the control of
17 the local authority.

18 c. The citation is mailed or personally delivered to the
19 registered owner of the vehicle at the owner's last known
20 address within ten business days of the alleged violation.

21 During the first thirty days following a local authority's
22 initial use of an automated enforcement system under this
23 section, only warning citations shall be issued for violations
24 recorded by the system.

25 3. A rebuttable presumption exists that the registered
26 owner of a vehicle used in the commission of a violation
27 recorded by an automated enforcement system was the driver of
28 the vehicle at the time of the violation.

29 4. A local authority using an automated enforcement system
30 may assess a surcharge against a person who committed a
31 violation recorded by the system to cover the costs of
32 administering the system and mailing citations, in addition to
33 any fine or other fees, penalties, costs, or surcharges
34 assessed for the violation, in an amount to be determined by
35 the local authority. The surcharge shall not exceed five

1 dollars per citation issued. Notwithstanding section
2 602.8106, the clerk of the district court shall collect the
3 surcharge and remit one hundred percent of the surcharge to
4 the local authority.

5 5. A citation issued pursuant to this section shall be
6 issued in the same manner as uniform citations are issued
7 pursuant to chapter 805.

8 6. A local authority using an automated enforcement system
9 to detect red-light stop violations under this section shall
10 not enter into an agreement with the manufacturer or vendor of
11 the system, or any other person, to compensate the
12 manufacturer, vendor, or other person based on the number of
13 citations issued pursuant to the use of the system or the
14 revenue generated through the use of the system. Any such
15 compensation paid by a local authority using an automated
16 enforcement system shall be based on the value of the system
17 purchased or leased or on the value of the service provided by
18 the person.

19 7. For purposes of this section, the following definitions
20 apply:

21 a. "Automated enforcement system" means a system operated
22 by a local authority, in cooperation with a law enforcement
23 agency, that uses a machine to automatically detect a red-
24 light stop violation and simultaneously record a photograph of
25 the vehicle used in committing the violation, the operator of
26 the vehicle, and the license plate of the vehicle.

27 b. "Red-light stop violation" means a violation of an
28 official traffic control signal which is displaying a steady
29 circular red light or a flashing circular red light pursuant
30 to section 321.257.

31 Sec. 2. Section 602.8107, subsection 2, paragraph b, Code
32 Supplement 2001, is amended to read as follows:

33 b. Fines or penalties, automated enforcement system
34 surcharges under section 321.236A, and criminal penalty
35 surcharges.

EXPLANATION

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2 This bill allows local authorities to use automated
3 enforcement systems to detect violations of official traffic
4 control signals displaying a red light.

5 The bill provides that citations may be issued for
6 violations recorded by an automated enforcement system if the
7 system and the issuance of citations are under the ultimate
8 control of a law enforcement agency, signs are posted
9 indicating that an automated enforcement system is being used,
10 and the citation is mailed or delivered to the registered
11 owner of the motor vehicle at the owner's last known address
12 within 10 days of the violation. Warning citations are to be
13 issued for the first 30 days following a local authority's
14 initial use of a system.

15 A rebuttable presumption exists that the registered owner
16 of a vehicle was the driver of the vehicle at the time of the
17 violation.

18 A local authority may assess a surcharge of up to \$5 for
19 each citation issued pursuant to use of an automated
20 enforcement system to cover the costs of administering the
21 system and mailing citations. Citations are to be issued in
22 the same manner as uniform citations are issued.

23 Under the bill, a local authority using an automated
24 enforcement system is prohibited from entering into an
25 agreement with the manufacturer or vendor of the system, or
26 any other person, to compensate the manufacturer, vendor, or
27 other person based on the number of citations issued or
28 revenue generated pursuant to the use of the system. Any
29 compensation paid by a local authority using a system shall be
30 based on the value of the system purchased or leased or on the
31 value of the service provided by the person.

32 For purposes of the bill, "automated enforcement system"
33 means a system operated by a local authority, in cooperation
34 with a law enforcement agency, that uses a machine to
35 automatically detect a red-light stop violation and

1 simultaneously record a photograph of the vehicle used in
2 committing the violation, the operator of the vehicle, and the
3 license plate of the vehicle. "Red-light stop violation"
4 means a violation of an official traffic control signal which
5 is displaying a steady circular red light or a flashing
6 circular red light.

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