



HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2681	House Committee:	PASSED 23-1 (3/28/2024)
Committee:	Ways and Means	House Floor:	
Floor Manager:	Rep. Brian Best	Senate Floor:	
Date:	April 9, 2024	Governor:	
Staff:	Brad Trow (1-3471)		

REGULATING THE USE OF AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS ON THE PRIMARY ROAD SYSTEM

- House File 2681 regulates the use of automated traffic enforcement systems on Iowa's primary road system.
- House File 2681 only applies to those systems regulating speed. It does not apply to the use of red light cameras.

Section by Section Analysis

Section 1 – NEW SECTION – Definitions (Iowa Code 321P.1)

The section sets out definitions for the new Iowa Code chapter 321P, including defining what is an Automated Traffic Enforcement (ATE) system.

Section 2 – NEW SECTION – Applicability – Department Approval Required – Use by Department Prohibited (Iowa Code 321P.2)

The section sets out that Chapter 321P applies to a city or county and only applies to those ATE systems measuring speed. The limitations of the bill apply to roads in the primary road system, which are maintained by the Iowa Department of Transportation. The DOT itself is prohibited from operating an ATE system and cannot receive any funds from an ATE system operated by a local government.

Section 3 – NEW SECTION – Use of Automated Traffic Enforcement systems (Iowa Code 321P.3)

The section lays out the limited circumstances under which a local government can install an ATE system. Local governments can install an ATE system at an intersection or section of the primary road system where there is a significant history of crashes which come about due to speeding or in a school zone.

Before installing the ATE system, the local government must implement other solutions. Installing an ATE on a segment of the Interstate highway system is to be permitted in extremely limited situations.

Section 4 – NEW SECTION – Justification Report (Iowa Code 321P.4)

A local government planning to install an ATE system on a primary road must first submit a justification report to the DOT. The section sets out what is to be included in the justification report, including crash history, types of crashes, speed limits, other strategies already tried in the area, and why the local government thinks an ATE system is the best solution. If the local government is considering the

deployment of a mobile ATE system, there is additional information that needs to be provided to the DOT for its review.

Section 5 – NEW SECTION – Department Review (Iowa Code 321P.5)

Once a local government has submitted a request for authorization to install an ATE system and the justification report, the DOT has 90 days to either approve or deny the request. The Department may extend this time if there is a need for additional data or to conduct a speed study. The request and justification report will be posted on the DOT's website.

If the Department grants a local government's request, the two parties shall sign an agreement prepared by DOT governing the use of the ATE system.

Section 6 – NEW SECTION – Systems Installed, Maintained, and Placed (Iowa Code 321P.6)

The section governs how an ATE system is installed and used by a local government. The section limits where an approved ATE system can be placed in relation to the roadway. The ATE system is to be calibrated quarterly. If a mobile ATE system is being used, then it must be calibrated each time it is placed in a new location.

Section 7 – NEW SECTION – Required Signs (Iowa Code 321P.7)

Signs alerting motorists that an ATE system is in use must be deployed ahead of the places where the system is located. The signage must be agreed to by the local government and the DOT.

Section 8 – NEW SECTION – Enforcement (Iowa Code 321P.8)

Deployment and use of an ATE system is to be used in conjunction with conventional law enforcement methods, not as a replacement. Additional requirements as set for the use of a mobile ATE system.

Section 9 – NEW SECTION – Calibration (Iowa Code 321P.8)

An authorized ATE system is to be calibrated quarterly. If a mobile ATE system is being used, then it must be calibrated each time it is placed in a new location.

Section 10 – NEW SECTION – Evaluation, Reporting, and Re-evaluation (Iowa Code 321P.9)

The section requires a local government with an authorized ATE system to submit an annual evaluation. The evaluation will cover reduction in speeds due to the use of the ATE system, the number and type of crashes at the site of the ATE system, number of citations issued by the ATE system, and documentation of the required calibration. The report is to be submitted by May 1 each year and will be used by the DOT in its evaluation of the continued use of the system.

Section 11 – NEW SECTION – Appeals – (Iowa Code 321P.11)

The section lays out the process for the appeal of a decision by the Department of Transportation under chapter 321P. If there is an appeal, the Director of DOT has 30 days to respond. The director's decision will be considered to be final agency action.

Section 12 – NEW SECTION – Rules (Iowa Code 321P.12)

The Department of Transportation is given authority to promulgate administrative rules for chapter 321P.

AMENDMENTS

H-8270, by Wills: The amendment inserts language into section 3 of the bill, which set limits on the use of automated traffic enforcement systems. The amendment would add the requirement that permissible systems must also have a law enforcement officer hand-deliver a citation issued by the ATE system. The amendment also adds to section 8 of the bill, dealing with enforcement, including a requirement that a ticket issued by an ATE system must be hand-delivered by a local law enforcement officer after it has been reviewed by the officer and they have confirmed that the offense has taken place.

H-8285, by Wills: The amendment adds language to H-8270 governing the timing of a citation. Law enforcement would be required to personally deliver the citation to the driver of the vehicle cited within 72 hours of the violation occurring. Law enforcement can ask the owner of the cited vehicle to identify the driver. If the owner was not driving the vehicle, they cannot be held responsible for the violation.

H-8284, by Wills: The amendment strikes the language of the bill and replaces it with a ban of the use of Automated Traffic Enforcement systems. The amendment would ban the state or local authorities from using an ATE system for traffic law enforcement. DOT and DPS would be prohibited from sharing any information used to impose or collect citations identified by an ATE system with other states.

The amendment would require local authorities currently operating an ATE system to cease using it by July 1, 2025 and remove the equipment. Citations issued up to that date are enforceable up to July 1, 2025.

The amendment would go into effect on July 1, 2025.

H-8286, by P. Thompson: The amendment is a strike-after amendment that inserts a revised version that regulates the use of automated traffic systems.

DIVISION I AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC LAW ENFORCEMENT- AUTOMATIC REGISTRATION PLATE READERS

Section 1 – NEW SECTION – Definitions (Iowa Code 321P.1)

The section sets out definitions for the new Iowa Code chapter 321P, including defining what is an Automated Traffic Enforcement (ATE) system, which is limited to speed limit enforcement.

Section 2 – NEW SECTION – Permit Required – Local Ordinances (Iowa Code 321P.2)

The section sets out that an automated traffic enforcement system shall not be operated in the state unless authorized under this chapter. Local authorities can apply for a permit to the Department of Transportation in order to operate an ATE system. A local authority is limited to one permit.

In the application for the permit, the local authority must submit:

- The number of traffic violations in the previous year at the location that an ATE system will be used;
- The number and severity of accidents at the proposed location of the ATE system;
- An analysis of speed data for the proposed location of the ATE system;
- The cause of critical safety issues at the location;
- Alternative methods that have been employed to improve traffic safety at the location;
- Any discussions with outside sources to address the safety concerns; and

- An explanation detailing that the use of the ATE system is appropriate and necessary to address the traffic safety issues.

Section 3 – NEW SECTION – Use Limited (Iowa Code 321P.3)

The section lays out the limited circumstances under which a local government can install an ATE system. A local authority cannot use an ATE system to issue citations for a traffic violation unless the vehicle is going at least 10 miles an hour over the speed limit.

A local authority with a population of less than 20,000 cannot use mobile ATE systems to issue citations. They may use them to issue warnings.

Section 4 – NEW SECTION - Automatic Registration Plate Readers – Data Retention Limited (Iowa Code 321P.4)

The section requires local authorities utilizing automatic registration plate readers to delete every image of a vehicle registration plate and accompanying data no later than 30 days after the image has been captured. If the image is relevant to an ongoing criminal investigation, then the image may be copied and stored for more than 30 days.

Violation of this section shall be a simple misdemeanor.

Section 5 – NEW SECTION - Notice – Signage and Reports (Iowa Code 321P.5)

The section sets requirements for signage to be placed ahead of the ATE systems. The signs must be posted at least 30 days prior to the local authority beginning to detect violations. The section requires a local authority using an ATE system to file an annual report with the DOT. The report will include the number of citations issued by the ATE system and the number of traffic collisions and accidents at the location of the ATE system. In addition to submitting the report to the DOT, the local authority shall also post it on their website.

Section 6 – NEW SECTION - Enforcement (Iowa Code 321P.6)

The section sets out the penalties for citations by an ATE system. For speeding, the fines shall be:
 Between 10 and 20 mph over - \$75;
 Between 20 and 25 mph over - \$100;
 Between 25 and 30 mph over - \$250
 In excess of 30 mph over - \$500

The penalties are double in a designated work zone. Violations will be considered civil infractions and will not be considered by DOT in determining driver's license sanctions. Violations will also not be considered in the determination of auto insurance premium rates.

Section 7 – NEW SECTION - Liability for Violation Detected (Iowa Code 321P.7)

The citation shall be issued to the owner of the vehicle. A local authority will give the owner the opportunity to submit evidence that they were not operating the vehicle at the time of the violation. As part of the evidence, the owner must submit the name and address of the person operating the vehicle at the time of the violation. The section allows the local authority to amend the citation and re-issue it to the operator of the vehicle.

Section 8 – NEW SECTION - Restrictions on Use of Revenue (Iowa Code 321P.8)

A local authority operating an ATE system may not use the revenue from citations for anything but:
 Set-up, operation, and maintenance of the ATE system;

Funding transportation infrastructure improvement projects; or
Operational costs of police and fire departments.

Section 9 – NEW SECTION - Installation and Maintenance (Iowa Code 321P.9)

The section sets out the operational requirements of an ATE system. The system can only record the rear of the vehicle and the vehicle's registration plates. Any tickets issued from a picture of the front of the vehicle are null and void. The ATE system's calibration must be verified daily and the system must be re-calibrated monthly. The local authority must maintain a log for the monthly calibrations. This log may be admissible in court. If the daily or monthly calibrations is not successfully performed, then the ATE must be shut down until a successful calibration is performed.

**DIVISION II
EXISTING SYSTEMS**

Section 10 – Existing Systems

A local authority with ATE systems already in place shall submit a list of these locations to the DOT by July 1, 2024 and include justifications for the placement of the system as is provided in section 2 of the amendment. If the ATE system was in place prior to January 1, 2024, they can continue operating until the DOT has made a determination on their request for a permit. DOT shall have until October 1, 2024 to determine if the ATE systems meet the requirements of the law and can continue operating. If they do not meet the requirements, they will be required to be shut down.

If the local authority began using an ATE system after January 1, 2024, then they will not be issued a permit to operate an ATE system until July 1, 2026.

Section 11 – EFFECTIVE DATE

The section makes Division II effective upon enactment.

