

# **Bond Case Briefs**

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## **AUTOMATED TRAFFIC ENFORCEMENT - IOWA**

### **Behm v. City of Cedar Rapids**

**Supreme Court of Iowa - January 25, 2019 - N.W.2d - 2019 WL 320511**

Owners of motor vehicles who received notices of citations for traffic violations brought putative class action against city and private contractor that operated automated traffic enforcement (ATE) system, challenging constitutionality of city ordinance that created ATE system, and for unjust enrichment.

The District Court entered summary judgment for defendants on all claims and owners appealed. On transfer from Supreme Court, the Court of Appeals affirmed.

On rehearing, the Supreme Court of Iowa held that:

- Challenges to ordinance as violative of equal protection, substantive due process, and privileges and immunities under Iowa Constitution were subject to rational basis review, and not strict scrutiny;
- Ordinance did not violate substantive due process;
- Ordinance did not violate equal protection;
- Ordinance was not conflict preempted by statute governing proceedings on municipal infractions in district court;
- Ordinance, which excluded government-owned vehicles from reach of ATE system, was not preempted statute stating that traffic laws applied to drivers of all government vehicles;
- Ordinance did not violate procedural due process on its face; and
- Ordinance did not involve unlawful delegation of city authority.