

**FINAL  
FISCAL NOTE**

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<b>Drafting Number:</b> LLS 14-0264	<b>Date:</b> May 28, 2014
<b>Prime Sponsor(s):</b> Sen. Renfroe; Guzman Rep. Ferrandino; Humphrey	<b>Bill Status:</b> Postponed Indefinitely <b>Fiscal Analyst:</b> Kristen Koehler (303-866-4918)

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**SHORT TITLE:** PROHIBIT AUTOMATED CAMERA VEHICLE IDENTIFICATION

<b>Fiscal Impact Summary</b>	<b>FY 2014-2015</b>	<b>FY 2015-2016</b>
<b>State Revenue</b>	Minimal decrease. See State Revenue section.	
<b>State Expenditures</b>	Minimal workload impact. See State Expenditures section.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None		

**Summary of Legislation**

This bill prohibits the use of an automated vehicle identification system, including photo radar and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. The bill also repeals the authorization that the Colorado Department of Public Safety (DPS), at the request of the Colorado Department of Transportation (CDOT), use an automated vehicle identification system to detect speed violations in a highway maintenance, repair, or construction zone.

Under the bill, a governmental entity may use an automated vehicle identification system to assess tolls and civil penalties on toll roads and highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.

**Background**

Fine amounts for the violation of traffic laws detected by an automated vehicle identification system are established in statute at a maximum penalty of \$40 for speeding and \$75 for running a red light. Under current law, in the instance of either fine, the driver is served a penalty assessment notice or summons within 90 days of the alleged violation. Automated vehicle identification systems cannot be used to detect traffic law violations unless there are adequate signs notifying the public that such a system is in use.

**Speed limit violations.** Under current law, if an automated vehicle identification system detects an individual driving less than 10 miles per hour over the speed limit, and if the violation is the individual's first for such an offense, the state or local government is required to mail a warning notifying the individual of the violation. The driver is not required to pay a fine or surcharge for the first violation. A second or subsequent violation results in a fine of up to \$40. If the second or subsequent violation occurs in a school or construction zone, the maximum penalty is doubled.

**Traffic control signal violations.** The maximum fine penalty under current law for disobedience of a traffic control signal, such as running a red light, that is detected through an automated vehicle identification system is \$75.

## **State Revenue**

Overall, this bill is expected to minimally reduce revenue to the Department of Revenue.

**DOR.** This bill is expected to minimally reduce revenue to the Department of Revenue (DOR) from fees collected for record searches. Currently, if a local government contracts with a private entity for the operation of an automated vehicle identification system to detect traffic law violations, the private entity may contact the DOR to obtain the mailing address of the driver so that the penalty assessment notice or summons can be mailed. For record searches, the DOR collects a fee of \$2.20 per record, and for bulk record searches the fee is \$1,000 for every 100 records. Records are provided free of charge to local governments and law enforcement agencies through the use of an electronic system that local governments query on their own. This bill will reduce the number of record searches performed by the DOR for private entities for the purposes of mailing notices and summons; however, the current system used by the DOR does not track the intended use of the information provided by record searches. It is assumed that reductions in revenue as a result of the bill will be minimal.

**CDOT and DPS.** The state does not currently use automated vehicle identification systems to enforce state traffic laws and does not collect penalty revenue from such activities; therefore, this bill is not expected to have an impact on state revenue collection from penalties.

## **State Expenditures**

Overall, this bill is expected to have a workload impact on the Department of Revenue.

**DOR.** As mentioned above, the DOR performs record searches for private entities on behalf of local governments to facilitate the mailing of penalty assessment notices and summons. This requires that inter-agency information sharing agreements be in place between the DOR and the local government. Under the bill, record searches for the purposes of mailing notices and summons for violations detected through automated vehicle identification systems will no longer be available, and the DOR will be required to update inter-agency agreements to reflect the change in law, as well as rules, manuals, forms, and the department's website. These activities can be accomplished without adjustments to appropriations.

**CDOT and DPS.** Although provisions of this bill remove the CDOT's ability to use the Colorado State Patrol (CSP), which resides in the Colorado Department of Public Safety (DPS) to monitor areas within a highway maintenance, repair, or construction zone for traffic law violations using automated vehicle identifications systems, this monitoring by the CSP has never been implemented and as such, this bill does not impact the workload or expenditures of the CDOT or the DPS.

**Local Government Impact**

Beginning in FY 2014-15, local government fine revenue is expected to decrease by about \$16,151,232. Local governments use fine revenue to pay for the installation and maintenance of automated vehicle identification systems, and for other community programs. Currently, 10 cities in Colorado use some form of automated vehicle identification system. Table 1 displays the revenue collected and costs incurred by local governments that use automated vehicle identification systems.

<b>Table 1. 2013 Local Government Revenue and Costs from use of Automated Vehicle Identification Systems</b>				
<b>City</b>	<b>Speed Photo Radar Revenue</b>	<b>Red Light Camera Revenue</b>	<b>Cost of the Program</b>	<b>Total Fine Revenue</b>
Aurora	No Photo Radar	\$3.4 million	\$1.5 million	\$3.4 million
Boulder	\$498,226	\$970,605	\$1,342,717	\$1,468,831
Cherry Hills Village	No Photo Radar	\$52,875	\$38,303*	\$52,875
Commerce City	No Photo Radar	\$359,441	\$187,331**	\$359,441
Denver	\$6,523,295	\$1,306,540	\$2,808,277	\$7,829,835
Fort Collins	-	-	\$450,171	\$776,165***
Greenwood Village****	No Photo Radar	\$595,221	\$469,030	\$595,221
Littleton	No Photo Radar	\$768,718	\$677,520	\$768,718
Pueblo	No Photo Radar	\$136,175	\$136,175	\$136,175
Sheridan	\$426,209	\$337,762	\$340,699	\$763,971
<b>Totals</b>	<b>\$7,447,730</b>	<b>\$7,927,337</b>	<b>\$7,950,223</b>	<b>\$16,151,232</b>

\* Cherry Hills Village's only red light camera was inoperative for six months in 2013 due to intersection construction.

\*\* Commerce City's data is for August 2012 - July 2013.

\*\*\* Includes both photo radar and red light camera fine revenue.

\*\*\*\* Revenue and cost data is from 2012. Updated 2013 figures were not available at the time this fiscal note was written.

**Effective Date**

The bill was postponed indefinitely by the House Appropriations Committee on April 30, 2014.

**State and Local Government Contacts**

Judicial  
 Cities and Counties

Transportation  
 Revenue

Public Safety  
 Local Affairs