

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0046.01 Kristen Forrestal x4217

HOUSE BILL 15-1098

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A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF THE USE OF AUTOMATED**
102 **SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS FOR**
103 **TRAFFIC LAW ENFORCEMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill repeals the authorization for the state, a county, a city and county, or a municipality to use automated vehicle identification systems to identify violators of traffic regulations and issue citations based on photographic evidence, and creates a prohibition on such activity.

The bill repeals the authorization for the department of public

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
May 1, 2015

HOUSE
Amended 2nd Reading
April 30, 2015

safety to use an automated vehicle identification system to detect speeding violations within a highway maintenance, repair, or construction zone.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-110.5, **amend**
3 (1) and (2) introductory portion as follows:

4 **42-4-110.5. Automated vehicle identification systems.** (1) The
5 general assembly hereby finds and declares that the enforcement of traffic
6 laws through the use of automated vehicle identification systems under
7 this section is a matter of statewide MIXED STATE AND LOCAL concern and
8 is an area in which uniform state standards THAT SUPERSEDE CONFLICTING
9 LOCAL CHARTER PROVISIONS AND ORDINANCES are necessary.

10 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 42-4-110.7, a
11 municipality may adopt an ordinance authorizing the use of an automated
12 vehicle identification system to detect violations of traffic regulations
13 adopted by the municipality, or the state, a county, a city and county, or
14 a municipality may utilize an automated vehicle identification system to
15 detect traffic violations under state law, subject to the following
16 conditions and limitations:

17 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-110.7, as
18 follows:

19 **42-4-110.7. Automated vehicle identification systems - voter**
20 **approval - definition.** (1) (a) IF THE STATE, OR A LOCAL GOVERNMENT
21 THAT IS NOT ALREADY USING AUTOMATED SURVEILLANCE CAMERA
22 VEHICLE IDENTIFICATION SYSTEMS AS OF THE EFFECTIVE DATE OF THIS
23 PARAGRAPH (a), WISHES TO BEGIN USING AUTOMATED SURVEILLANCE
24 CAMERA VEHICLE IDENTIFICATION SYSTEMS, IT SHALL SUBMIT THE

1 FOLLOWING BALLOT QUESTION TO THE VOTERS OF THE STATE OR THE
2 LOCAL GOVERNMENT, AS APPLICABLE, AT A GENERAL ELECTION: "SHALL
3 [THE STATE/NAME OF LOCAL GOVERNMENT] BE AUTHORIZED TO USE
4 AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS
5 AT [NAME OF LOCATIONS]?" IF THE VOTERS APPROVE THE BALLOT
6 QUESTION, THE STATE OR THE LOCAL GOVERNMENT, AS APPLICABLE, MAY
7 BEGIN TO USE AUTOMATED VEHICLE IDENTIFICATION SYSTEMS.


8 (b) A LOCAL GOVERNMENT THAT IS USING AN AUTOMATED
9 SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEM AS OF THE
10 EFFECTIVE DATE OF THIS SECTION AND THAT WISHES TO CONTINUE TO USE
11 THE AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION
12 SYSTEM SHALL SUBMIT THE FOLLOWING BALLOT QUESTION TO ITS VOTERS
13 AT THE 2016 GENERAL ELECTION: "SHALL [NAME OF LOCAL GOVERNMENT]
14 BE AUTHORIZED TO CONTINUE TO USE AUTOMATED SURVEILLANCE
15 CAMERA VEHICLE IDENTIFICATION SYSTEMS AT [NAME OF LOCATIONS]?"
16 IF THE VOTERS APPROVE THE BALLOT QUESTION, THE LOCAL GOVERNMENT
17 MAY CONTINUE TO USE AUTOMATED SURVEILLANCE CAMERA VEHICLE
18 IDENTIFICATION SYSTEMS. IF THE VOTERS DO NOT APPROVE THE BALLOT
19 QUESTION, THE LOCAL GOVERNMENT SHALL DISCONTINUE ITS USE OF
20 AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS
21 WITHIN TWO MONTHS FOLLOWING THE DATE OF CERTIFICATION OF THE
22 VOTE ON THE BALLOT QUESTION. IF THE LOCAL GOVERNMENT CHOOSES
23 NOT TO SUBMIT THE BALLOT QUESTION, IT SHALL DISCONTINUE ITS USE OF
24 AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS
25 NO LATER THAN NOVEMBER 8, 2016.

26 (c) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS
27 SUBSECTION (1), A GOVERNMENTAL ENTITY OR AGENT THEREOF OR A TOLL

1 ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED
2 SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEM TO ASSESS
3 TOLLS AND CHARGES AND ISSUE CITATIONS FOR VIOLATIONS RELATING TO
4 HIGH OCCUPANCY VEHICLE AND HIGH OCCUPANCY TOLL LANES PURSUANT
5 TO SECTION 42-4-1012 (1) (d), TO ASSESS TOLLS AND CIVIL PENALTIES FOR
6 TOLL ROADS AND HIGHWAYS PURSUANT TO SECTION 43-3-302, C.R.S.,
7 AND TO ASSESS TOLLS AND CIVIL PENALTIES FOR PUBLIC HIGHWAYS
8 PURSUANT TO SECTIONS 43-4-506 AND 43-4-506.5, C.R.S.

9 (2) ON AND AFTER NOVEMBER 8, 2016, THE STATE OR LOCAL
10 GOVERNMENT THAT GENERATES REVENUE THROUGH THE USE OF
11 AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATIONS SHALL
12 USE THE REVENUE FOR TRAFFIC SAFETY OR TRANSPORTATION-RELATED
13 PROJECTS.

14 (3) AS USED IN THIS SECTION, "AUTOMATED SURVEILLANCE
15 CAMERA VEHICLE IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY
16 A MACHINE IS USED TO AUTOMATICALLY DETECT A VIOLATION OF A
17 TRAFFIC REGULATION AND SIMULTANEOUSLY RECORD A PHOTOGRAPH OF
18 THE VEHICLE, THE OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF
19 THE VEHICLE.

20 

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2016 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.