

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
REVISED FISCAL IMPACT**

(replaces fiscal note dated January 28, 2015)

Drafting Number: LLS 15-0046	Date: March 17, 2015
Prime Sponsor(s): Rep. Humphrey; Van Winkle Sen. Neville T.	Bill Status: House Appropriations
	Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: RED LIGHT CAMERA

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	Minimal decrease. See State Revenue section.	
State Expenditures	Minimal workload impact. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

As amended by the House Transportation & Energy Committee, 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. Under the bill, a governmental entity may use an automated vehicle identification system to assess tolls and civil penalties on public highways, toll roads and toll 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.

Departments of Transportation and Public Safety. The state does not currently use automated vehicle identification systems to enforce state traffic laws and does not collect penalty revenue from such activities.

State Revenue

Overall, 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 for private entities, the DOR collects a fee of \$2.20 per record. 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.

State Expenditures

Overall, this bill is expected to have a minimal workload impact on the 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 interagency 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 interagency agreements to reflect the change in law, as well as rules, manuals, forms, and the DOR's website. These activities can be accomplished without adjustments to appropriations.

Local Government Impact

Beginning in FY 2015-16, local government fine revenue is expected to decrease by at least \$14.2 million. Expenses are anticipated to be reduced by at least \$7.9 million. Local governments use fine revenue to pay for all associated costs of running the program, including installation and maintenance of automated vehicle identification systems. Currently, 10 municipalities 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.

Table 1. 2014 Local Government Revenue and Costs from Use of Automated Vehicle Identification Systems				
City	Speed Photo Radar Revenue	Red Light Camera Revenue	Program Cost	Total Fine Revenue
Aurora	No Photo Radar	\$3.4 million	\$1.9 million	\$3.4 million
Boulder*	\$498,226	\$970,605	\$1,342,717	\$1,468,831
Commerce City	No Photo Radar	\$386,234	\$243,434	\$386,234
Denver	\$5,597,307	\$904,604	\$2,637,367	\$6,501,911
Fort Collins	\$235,840	\$410,325	\$478,498	\$646,165
Greenwood Village	No Photo Radar	\$337,050	\$282,559	\$337,050
Littleton	No Photo Radar	\$515,000	\$515,000	\$515,000
Lone Tree**	No Photo Radar	\$154,770	95,806	\$154,770
Pueblo	No Photo Radar	\$33,826	\$21,580	\$33,826
Sheridan	\$395,435	\$380,026	\$401,244	\$775,461
Totals	\$6,726,808	\$7,492,440	\$7,918,205	\$14,219,248

* Boulder's data is for 2013, as 2014 data was not available at the time of writing.

** Lone Tree's data is for 2013, as cameras were only in use for one month in 2014 due to construction.

Total program costs do not include reductions in workload or collections revenue as a result of fewer cases being referred to municipal court. The fiscal note assumes any such impacts are minimal.

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Judicial
 Counties
 Municipalities

Transportation
 Revenue

Public Safety
 Local Affairs