

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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 VEHICLE**
102 **IDENTIFICATION SYSTEMS FOR 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/billsummaries>.)

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 safety to use an automated vehicle identification system to detect

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
Amended 2nd Reading
April 30, 2015

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 VEHICLE IDENTIFICATION
22 SYSTEMS AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (a), WISHES TO
23 BEGIN USING RED LIGHT CAMERAS, IT SHALL SUBMIT THE FOLLOWING
24 BALLOT QUESTION TO THE VOTERS OF THE STATE OR THE LOCAL
25 GOVERNMENT, AS APPLICABLE, AT A GENERAL ELECTION: "SHALL [THE

1 STATE/NAME OF LOCAL GOVERNMENT] BE AUTHORIZED TO USE
2 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS AT [NAME OF
3 LOCATIONS]?" IF THE VOTERS APPROVE THE BALLOT QUESTION, THE STATE
4 OR THE LOCAL GOVERNMENT, AS APPLICABLE, MAY BEGIN TO USE
5 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS.

6 (b) A LOCAL GOVERNMENT THAT IS USING AN AUTOMATED VEHICLE
7 IDENTIFICATION SYSTEM AS OF THE EFFECTIVE DATE OF THIS SECTION AND
8 THAT WISHES TO CONTINUE TO USE RED LIGHT CAMERAS SHALL SUBMIT
9 THE FOLLOWING BALLOT QUESTION TO ITS VOTERS AT THE 2017 GENERAL
10 ELECTION: "SHALL [NAME OF LOCAL GOVERNMENT] BE AUTHORIZED TO
11 CONTINUE TO USE AUTOMATED VEHICLE IDENTIFICATION SYSTEMS AT
12 [NAME OF LOCATIONS]?" IF THE VOTERS APPROVE THE BALLOT QUESTION,
13 THE LOCAL GOVERNMENT MAY CONTINUE TO USE AUTOMATED VEHICLE
14 IDENTIFICATION SYSTEMS. IF THE VOTERS DO NOT APPROVE THE BALLOT
15 QUESTION, THE LOCAL GOVERNMENT SHALL DISCONTINUE ITS USE OF
16 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS WITHIN TWO MONTHS
17 FOLLOWING THE DATE OF CERTIFICATION OF THE VOTE ON THE BALLOT
18 QUESTION. IF THE LOCAL GOVERNMENT CHOOSES NOT TO SUBMIT THE
19 BALLOT QUESTION, IT SHALL DISCONTINUE ITS USE OF AUTOMATED
20 VEHICLE IDENTIFICATION SYSTEMS NO LATER THAN NOVEMBER 7, 2017.

21 (c) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS
22 SUBSECTION (1), A GOVERNMENTAL ENTITY OR AGENT THEREOF OR A TOLL
23 ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED VEHICLE
24 IDENTIFICATION SYSTEM TO ASSESS TOLLS AND CHARGES AND ISSUE
25 CITATIONS FOR VIOLATIONS RELATING TO HIGH OCCUPANCY VEHICLE AND
26 HIGH OCCUPANCY TOLL LANES PURSUANT TO SECTION 42-4-1012 (1) (d),
27 TO ASSESS TOLLS AND CIVIL PENALTIES FOR TOLL ROADS AND HIGHWAYS

1 PURSUANT TO SECTION 43-3-302, C.R.S., AND TO ASSESS TOLLS AND CIVIL
2 PENALTIES FOR PUBLIC HIGHWAYS PURSUANT TO SECTIONS 43-4-506 AND
3 43-4-506.5, C.R.S.

4 (2) ON AND AFTER NOVEMBER 7, 2017, THE STATE OR LOCAL
5 GOVERNMENT THAT GENERATES REVENUE THROUGH THE USE OF
6 AUTOMATED VEHICLE IDENTIFICATIONS SHALL USE THE REVENUE FOR
7 TRAFFIC SAFETY OR TRANSPORTATION-RELATED PROJECTS.

8 (3) AS USED IN THIS SECTION, "AUTOMATED VEHICLE
9 IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY A MACHINE IS USED
10 TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND
11 SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE, THE
12 OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF THE VEHICLE.
13 "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" DOES NOT INCLUDE A
14 SYSTEM TO DETECT A SCHOOL BUS STOP ARM VIOLATION AS DEFINED IN
15 SECTION 42-4-1903, C.R.S.

16

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2016 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.