

NOTE: The governor vetoed this measure on 6/3/2015.

An Act

HOUSE BILL 15-1098

BY REPRESENTATIVE(S) Van Winkle and Lebsock, Saine, Salazar, Williams, Pettersen, Kraft-Tharp, Neville P., Klingenschmitt, Joshi, Nordberg, Conti, Thurlow, Everett, Landgraf, Tate, Fields, Keyser, Melton, Singer;

also SENATOR(S) Neville T., Jahn, Carroll, Marble, Scheffel, Holbert, Woods, Cadman, Baumgardner, Guzman, Lundberg, Sonnenberg, Crowder, Grantham, Hill, Lambert, Scott.

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

42-4-110.7. Automated vehicle identification systems - voter approval - definition. (1) (a) IF THE STATE, OR A LOCAL GOVERNMENT THAT IS NOT ALREADY USING AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS AS OF THE EFFECTIVE DATE OF THIS PARAGRAPH (a), WISHES TO BEGIN USING AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS, IT SHALL SUBMIT THE FOLLOWING BALLOT QUESTION TO THE VOTERS OF THE STATE OR THE LOCAL GOVERNMENT, AS APPLICABLE, AT A GENERAL ELECTION: "SHALL [THE STATE/NAME OF LOCAL GOVERNMENT] BE AUTHORIZED TO USE AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS AT [NAME OF LOCATIONS]?" IF THE VOTERS APPROVE THE BALLOT QUESTION, THE STATE OR THE LOCAL GOVERNMENT, AS APPLICABLE, MAY BEGIN TO USE AUTOMATED VEHICLE IDENTIFICATION SYSTEMS.

(b) A LOCAL GOVERNMENT THAT IS USING AN AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEM AS OF THE EFFECTIVE DATE OF THIS SECTION AND THAT WISHES TO CONTINUE TO USE THE AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEM SHALL SUBMIT THE FOLLOWING BALLOT QUESTION TO ITS VOTERS AT THE 2016 GENERAL ELECTION: "SHALL [NAME OF LOCAL GOVERNMENT] BE AUTHORIZED TO CONTINUE TO USE AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS AT [NAME OF LOCATIONS]?" IF THE VOTERS APPROVE THE BALLOT QUESTION, THE LOCAL GOVERNMENT MAY CONTINUE TO USE AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS. IF THE VOTERS DO NOT APPROVE THE BALLOT QUESTION, THE LOCAL GOVERNMENT SHALL DISCONTINUE ITS USE OF AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS WITHIN TWO MONTHS FOLLOWING THE DATE OF CERTIFICATION OF THE VOTE

ON THE BALLOT QUESTION. IF THE LOCAL GOVERNMENT CHOOSES NOT TO SUBMIT THE BALLOT QUESTION, IT SHALL DISCONTINUE ITS USE OF AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEMS NO LATER THAN NOVEMBER 8, 2016.

(c) NOTWITHSTANDING PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1), A GOVERNMENTAL ENTITY OR AGENT THEREOF OR A TOLL ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED SURVEILLANCE CAMERA VEHICLE IDENTIFICATION SYSTEM TO ASSESS TOLLS AND CHARGES AND ISSUE CITATIONS FOR VIOLATIONS RELATING TO HIGH OCCUPANCY VEHICLE AND HIGH OCCUPANCY TOLL LANES PURSUANT TO SECTION 42-4-1012 (1) (d), TO ASSESS TOLLS AND CIVIL PENALTIES FOR TOLL ROADS AND HIGHWAYS PURSUANT TO SECTION 43-3-302, C.R.S., AND TO ASSESS TOLLS AND CIVIL PENALTIES FOR PUBLIC HIGHWAYS PURSUANT TO SECTIONS 43-4-506 AND 43-4-506.5, C.R.S.

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

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

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

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO