

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0392.01 Jery Payne

SENATE BILL 01-133

SENATE SPONSORSHIP

Dyer (Arapahoe), and Hagedorn

HOUSE SPONSORSHIP

Clapp,

Senate Committees

Govt, Veterans & Military Relations, & Trans

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT TOLL ROAD OPERATORS USE A**
102 **COMPATIBLE AUTOMATIC VEHICLE IDENTIFICATION SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires toll road operators to enter into contractual or intergovernmental agreements to develop and implement a set of specifications and standards in order to allow a motor vehicle owner to use only one device in all the automatic vehicle identification systems used by toll operators within the state. Requires the specifications and standards to be designed to achieve the following: The driver does not have to slow down below the applicable speed limit; the automatic vehicle identification system shall be compatible with all existing systems

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.

operating on July 1, 2000; and the specifications and standards shall not have the effect of causing the facility operators to choose a system that is supplied by only one manufacturer or vendor. Requires toll operators' accounts and financial arrangements for such systems to be capable of accounting and distributing revenue through a central clearing house.

Defines a relevant term.

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

2 **SECTION 1.** Part 2 of article 1 of title 43, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4 **43-1-227. Automatic vehicle identification systems -**
5 **intergovernmental agreement - compatibility.** (1) EXCEPT AS
6 PERMITTED IN THIS SECTION, A MOTOR VEHICLE OWNER SHALL NOT BE
7 REQUIRED TO PURCHASE OR INSTALL MORE THAN ONE DEVICE TO
8 AUTOMATICALLY PAY A TOLL ON ALL TOLL FACILITIES WITHIN THE STATE.
9 THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT TOLL OPERATORS
10 FROM REQUIRING A MOTOR VEHICLE OWNER TO HAVE A SEPARATE
11 ACCOUNT OR FINANCIAL ARRANGEMENT FOR THE USE OF EACH TOLL
12 FACILITY.

13 (2) (a) IN ORDER TO IMPLEMENT THIS SECTION, PRIOR TO THE
14 INDEPENDENT OPERATION OF SEPARATE TOLL FACILITIES, ALL OPERATORS
15 OF TOLL FACILITIES SHALL ENTER INTO AN AUTOMATIC VEHICLE
16 IDENTIFICATION STANDARDS AGREEMENT WITH EACH TOLL FACILITY
17 OPERATOR TO DEVELOP AND ADOPT FUNCTIONAL SPECIFICATIONS AND
18 STANDARDS FOR AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM FOR THE
19 OPERATION AND USE OF TOLL FACILITIES ON THE PUBLIC HIGHWAY SYSTEM
20 IN COLORADO. THE SPECIFICATIONS AND STANDARDS SHALL ENSURE THAT
21 AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS ARE COMPATIBLE WITH
22 EACH OTHER.

1 (b) THE FUNCTIONAL SPECIFICATIONS AND STANDARDS SHALL, TO
2 THE EXTENT FEASIBLE, INCORPORATE THE FOLLOWING FEATURES:

3 (I) IN ORDER TO BE DETECTED, A DRIVER USING A TOLL FACILITY
4 SHALL NOT BE REQUIRED TO REDUCE SPEED BELOW THE APPLICABLE SPEED
5 LIMIT FOR THE TYPE OF FACILITY BEING USED.

6 (II) IN ORDER TO PROVIDE FOR MULTIPLE BIDDERS, THE
7 SPECIFICATIONS AND STANDARDS SHALL NOT HAVE THE EFFECT OF CAUSING
8 THE FACILITY OPERATORS TO CHOOSE A SYSTEM THAT IS SUPPLIED BY ONLY
9 ONE MANUFACTURER OR VENDOR.

10 (III) THE SPECIFICATIONS AND STANDARDS SHALL BE COMPATIBLE
11 WITH THOSE OF EXISTING AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS
12 THAT WERE IN OPERATION AND WERE BEING UTILIZED BY A PUBLIC
13 HIGHWAY AUTHORITY IN COLORADO ON JULY 1, 2001. SUCH
14 SPECIFICATIONS AND STANDARDS SHALL BE SUBJECT TO REVIEW AND
15 REVISION BY THE PARTIES TO THE INTERGOVERNMENTAL AGREEMENT.

16 (c) TOLL FACILITY OPERATORS USING AUTOMATIC VEHICLE
17 IDENTIFICATION SYSTEMS FOR PAYMENT OF TOLLS SHALL ENSURE THAT
18 ACCOUNTS AND FINANCIAL ARRANGEMENTS FOR THE USE OF SUCH SYSTEMS
19 ARE CAPABLE OF ACCOUNTING FOR AND DISTRIBUTING REVENUE THROUGH
20 A CENTRAL CLEARING HOUSE. NOTHING IN THIS SECTION SHALL BE
21 CONSTRUED TO PROHIBIT A TOLL FACILITY OPERATOR FROM ENTERING INTO
22 AN AGREEMENT OR CONTRACT WITH A VENDOR OF GOODS OR SERVICES
23 THAT ALLOWS FOR THE USE OF AUTOMATIC VEHICLE IDENTIFICATION
24 SYSTEMS TO PURCHASE GOODS OR SERVICES OTHER THAN THE RIGHT TO USE
25 A TOLL FACILITY. SUCH AGREEMENT OR CONTRACT IS NOT SUBJECT TO THE
26 INTERGOVERNMENTAL AGREEMENT REQUIREMENT IMPOSED BY THIS
27 SUBSECTION (2).

1 (3) FOR THE PURPOSES OF THIS SECTION, "AUTOMATIC VEHICLE
2 IDENTIFICATION STANDARDS AGREEMENT" MEANS AN AGREEMENT THAT
3 CONFORMS TO THIS SECTION THAT:

4 (a) IS A CONTRACT BETWEEN PRIVATE TOLL FACILITY OPERATORS;

5 (b) IS A CONTRACT BETWEEN GOVERNMENT OWNED TOLL FACILITY
6 OPERATORS AND PRIVATE TOLL FACILITY OPERATORS; OR

7 (c) IS AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO SECTION
8 29-1-203, C.R.S., BETWEEN GOVERNMENT OWNED TOLL FACILITY
9 OPERATORS.

10 **SECTION 2. Effective date.** This act shall take effect at 12:01
11 a.m. on the day following the expiration of the ninety-day period after
12 final adjournment of the general assembly that is allowed for submitting
13 a referendum petition pursuant to article V, section 1 (3) of the state
14 constitution; except that, if a referendum petition is filed against this act
15 or an item, section, or part of this act within such period, then the act,
16 item, section, or part, if approved by the people, shall take effect on the
17 date of the official declaration of the vote thereon by proclamation of the
18 governor.