

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

INTRODUCED

LLS NO. 13-0077.02 Chuck Brackney x2295

SENATE BILL 13-035

SENATE SPONSORSHIP

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House Committees

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/billssummaries>.)

The bill repeals the authorization for municipalities 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.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 42-4-110.5 as follows:

4 **42-4-110.5. Automated vehicle identification systems -**
5 **prohibition - definition.** (1) A GOVERNMENTAL ENTITY OR AGENT
6 THEREOF SHALL NOT ISSUE A TRAFFIC CITATION PURSUANT TO THIS
7 ARTICLE BASED ON EVIDENCE GATHERED AS A RESULT OF AN AUTOMATED
8 VEHICLE IDENTIFICATION SYSTEM USED ON ANY HIGHWAYS, ROADS, OR
9 STREETS; EXCEPT THAT A GOVERNMENTAL ENTITY OR AGENT THEREOF OR
10 A TOLL ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED
11 VEHICLE IDENTIFICATION SYSTEM TO ASSESS TOLLS AND CHARGES FOR,
12 AND ISSUE CITATIONS FOR VIOLATIONS RELATING TO, HIGH OCCUPANCY
13 VEHICLE AND HIGH OCCUPANCY TOLL LANES PURSUANT TO SECTION
14 42-4-1012 (1) (d) AND TO ASSESS TOLLS AND CIVIL PENALTIES FOR TOLL
15 ROADS AND HIGHWAYS PURSUANT TO SECTION 43-3-302, C.R.S. EVIDENCE
16 OBTAINED FROM SUCH USE SHALL NOT BE REPORTED TO THE DEPARTMENT
17 FOR ANY PURPOSE, TO ANY PERSON OR ENTITY FOR USE ON ANY CREDIT
18 REPORT, OR TO ANY INSURANCE COMPANY FOR INSURANCE PURPOSES.

19 (2) AS USED IN THIS SECTION, "AUTOMATED VEHICLE
20 IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY A MACHINE IS USED
21 TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND
22 SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE, THE
23 OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF THE VEHICLE.

24 **SECTION 2.** In Colorado Revised Statutes, 42-2-107, **repeal** (5)
25 (a) (II) as follows:

26 **42-2-107. Application for license or instruction permit -**

1 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
2 **tissue donation awareness fund - legislative declaration - repeal.**

3 ~~(5) (a) (II) For the purposes of this subsection (5), "outstanding~~
4 ~~judgments or warrants" does not include any judgment or warrant~~
5 ~~reported to the department in violation of the provisions of section~~
6 ~~42-4-110.5 (2) (c).~~

7 **SECTION 3.** In Colorado Revised Statutes, 42-2-118, **repeal** (3)
8 (a) (II) as follows:

9 **42-2-118. Renewal of license in person or by mail - donations**
10 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
11 **fund - repeal.** ~~(3) (a) (II) For the purposes of this subsection (3),~~
12 ~~"outstanding judgments or warrants" does not include any judgment or~~
13 ~~warrant reported to the department in violation of the provisions of~~
14 ~~section 42-4-110.5 (2) (c).~~

15 **SECTION 4.** In Colorado Revised Statutes, 42-2-122, **amend** (1)
16 (h) (I) as follows:

17 **42-2-122. Department may cancel license - limited license for**
18 **physical or mental limitations.** (1) The department has the authority to
19 cancel, deny, or deny the reissuance of any driver's or minor driver's
20 license upon determining that the licensee was not entitled to the issuance
21 thereof for any of the following reasons:

22 (h) (I) The person has an outstanding judgment or warrant referred
23 to in section 42-4-1709 (7) issued against such person. ~~except that, as~~
24 ~~used in this paragraph (h), "judgment or warrant" shall not include any~~
25 ~~judgment or warrant reported to the department in violation of section~~
26 ~~42-4-110.5 (2) (c).~~

27 **SECTION 5.** In Colorado Revised Statutes, 42-2-127, **repeal**

1 (5.8) as follows:

2 **42-2-127. Authority to suspend license - to deny license - type**
3 **of conviction - points.** (5.8) ~~Notwithstanding any other provision of this~~
4 ~~section, the department may not assess any points for a violation if such~~
5 ~~assessment of points is prohibited under section 42-4-110.5 (3).~~

6 **SECTION 6.** In Colorado Revised Statutes, 42-3-113, **repeal** (10)
7 as follows:

8 **42-3-113. Records of application and registration.**

9 (10) ~~(a) Whenever a person asks the department or any other state~~
10 ~~department or agency for the name or address of the owner of a motor~~
11 ~~vehicle registered under this section, the department or agency shall~~
12 ~~require the person to disclose if the purpose of the request is to determine~~
13 ~~the name or address of a person suspected of a violation of a state or~~
14 ~~municipal law detected through the use of an automated vehicle~~
15 ~~identification system as described in section 42-4-110.5. If the purpose of~~
16 ~~the request is to determine the name or address of such a suspect, the~~
17 ~~department or agency shall release such information only if the county or~~
18 ~~municipality for which the request is made complies with section~~
19 ~~42-4-110.5.~~

20 ~~(b) No person who receives the name or address of the registered~~
21 ~~owner of a motor vehicle from the department or from a person who~~
22 ~~receives the information from the department shall release such~~
23 ~~information to a county or a municipality unless the county or~~
24 ~~municipality complies with state laws concerning the use of automated~~
25 ~~identification devices.~~

26 **SECTION 7. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2014 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.