

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

REVISED

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

LLS NO. 15-0904.02 Jason Gelender x4330

SENATE BILL 15-276

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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 requires voter approval for the use of red light cameras, automated vehicle identification systems designed to detect disobedience to a traffic control signal, as follows:

- ! If the state (which does not currently use red light cameras) or a local government that is not already using red light cameras wishes to begin using them, it must submit a

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
May 5, 2015

SENATE
3rd Reading Unamended
May 1, 2015

SENATE
Amended 2nd Reading
April 30, 2015

specified ballot question to the voters of the state or the local government, as applicable, at a general election. If the voters approve the ballot question, the state or the local government may begin to use red light cameras.

! A local government that is already using red light cameras and that wishes to continue to use them must submit a specified ballot question to its voters at the 2016 general election. If the voters approve the ballot question, the local government may continue to use red light cameras. If the voters do not approve the ballot question, the local government must discontinue its use of red light cameras within 2 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 must discontinue its use of red light cameras no later than the date of the 2016 general election.

If a local government fails to comply with the voter approval requirements, then on and after July 1, 2017, the state treasurer must withhold the local government's monthly highway users tax fund (HUTF) allocation payments until the local government has stopped using red light cameras or has obtained the required voter approval. Money withheld is forfeited by the local government and returned to the HUTF to be reapportioned during the next fiscal year under the existing statutory allocation formulas.

In accordance with Colorado case law, the use of automated vehicle identification systems, including red light cameras, is declared to be a matter of mixed state and local concern so that the bill supersedes any conflicting charter provision or ordinance of a home rule municipality. Any pending lawsuit challenging the constitutionality of the bill is expressly stated to not be grounds for delaying the submission of a ballot question as required by the bill.

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

1 VEHICLE IDENTIFICATION SYSTEM USED ON ANY HIGHWAYS, ROADS, OR
2 STREETS; EXCEPT THAT A GOVERNMENTAL ENTITY OR AGENT THEREOF OR
3 A TOLL ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED
4 VEHICLE IDENTIFICATION SYSTEM TO ASSESS TOLLS AND CHARGES AND
5 ISSUE CITATIONS FOR VIOLATIONS RELATING TO HIGH OCCUPANCY VEHICLE
6 AND HIGH OCCUPANCY TOLL LANES PURSUANT TO SECTION 42-4-1012 (1)
7 (d), TO ASSESS TOLLS AND CIVIL PENALTIES FOR TOLL ROADS AND
8 HIGHWAYS PURSUANT TO SECTION 43-3-302, C.R.S., AND TO ASSESS TOLLS
9 AND CIVIL PENALTIES FOR PUBLIC HIGHWAYS PURSUANT TO SECTIONS
10 43-4-506 AND 43-4-506.5, C.R.S. EVIDENCE OBTAINED FROM SUCH USE
11 SHALL NOT BE REPORTED TO THE DEPARTMENT FOR ANY PURPOSE, TO ANY
12 PERSON OR ENTITY FOR USE ON ANY CREDIT REPORT, OR TO ANY
13 INSURANCE COMPANY FOR INSURANCE PURPOSES.

14 (2) AS USED IN THIS SECTION, "AUTOMATED VEHICLE
15 IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY A MACHINE IS USED
16 TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND
17 SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE, THE
18 OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF THE VEHICLE.

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

21 **42-2-107. Application for license or instruction permit -**
22 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
23 **tissue donation awareness fund - legislative declaration - repeal.**

24 ~~(5) (a) (II) For the purposes of this subsection (5), "outstanding~~
25 ~~judgments or warrants" does not include any judgment or warrant~~
26 ~~reported to the department in violation of the provisions of section~~
27 ~~42-4-110.5(2)(c).~~

1 **SECTION 3.** In Colorado Revised Statutes, 42-2-118, **repeal** (3)

2 (a) (II) as follows:

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

9 **SECTION 4.** In Colorado Revised Statutes, 42-2-122, **amend** (1)

10 (h) (I) as follows:

11 **42-2-122. Department may cancel license - limited license for**
12 **physical or mental limitations.** (1) The department has the authority to
13 cancel, deny, or deny the reissuance of any driver's or minor driver's
14 license upon determining that the licensee was not entitled to the issuance
15 thereof for any of the following reasons:

16 (h) (I) The person has an outstanding judgment or warrant referred
17 to in section 42-4-1709 (7) issued against such person. ~~except that, as~~
18 ~~used in this paragraph (h), "judgment or warrant" shall not include any~~
19 ~~judgment or warrant reported to the department in violation of section~~
20 ~~42-4-110.5 (2) (c).~~

21 **SECTION 5.** In Colorado Revised Statutes, 42-2-127, **repeal**
22 (5.8) as follows:

23 **42-2-127. Authority to suspend license - to deny license - type**
24 **of conviction - points.** (5.8) ~~Notwithstanding any other provision of this~~
25 ~~section, the department may not assess any points for a violation if such~~
26 ~~assessment of points is prohibited under section 42-4-110.5 (3).~~

27 **SECTION 6.** In Colorado Revised Statutes, 42-3-113, **repeal** (10)

1 as follows:

2 **42-3-113. Records of application and registration - definitions.**

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

14 ~~(b) No person who receives the name or address of the registered~~
15 ~~owner of a motor vehicle from the department or from a person who~~
16 ~~receives the information from the department shall release such~~
17 ~~information to a county or a municipality unless the county or~~
18 ~~municipality complies with state laws concerning the use of automated~~
19 ~~identification devices.~~

20 **SECTION 7. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.