

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 15-276

BY SENATOR(S) Balmer and Carroll, Baumgardner, Cadman, Cooke, Grantham, Guzman, Hill, Holbert, Jahn, Lambert, Lundberg, Marble, Scheffel, Sonnenberg, Woods, Crowder, Neville T., Scott;
also REPRESENTATIVE(S) Van Winkle and Humphrey, Becker J., Carver, Conti, Everett, Joshi, Klingenschmitt, Kraft-Tharp, Lawrence, Lundeen, Melton, Neville P., Nordberg, Priola, Salazar, Williams.

CONCERNING THE ELIMINATION OF THE USE OF AUTOMATED 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, **repeal and reenact, with amendments**, 42-4-110.5 as follows:

42-4-110.5. Automated vehicle identification systems - prohibition - definition. (1) A GOVERNMENTAL ENTITY OR AGENT THEREOF SHALL NOT ISSUE A TRAFFIC CITATION PURSUANT TO THIS ARTICLE BASED ON EVIDENCE GATHERED AS A RESULT OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM USED ON ANY HIGHWAYS, ROADS, OR STREETS; EXCEPT THAT A GOVERNMENTAL ENTITY OR AGENT THEREOF OR A TOLL ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO ASSESS TOLLS AND CHARGES AND ISSUE

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

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. EVIDENCE OBTAINED FROM SUCH USE SHALL NOT BE REPORTED TO THE DEPARTMENT FOR ANY PURPOSE, TO ANY PERSON OR ENTITY FOR USE ON ANY CREDIT REPORT, OR TO ANY INSURANCE COMPANY FOR INSURANCE PURPOSES.

(2) AS USED IN THIS SECTION, "AUTOMATED 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 2. In Colorado Revised Statutes, 42-2-107, **repeal** (5) (a) (II) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Maureen Ellen Keyes organ and tissue donation awareness fund - legislative declaration - repeal. (5) (a) (II) ~~For the purposes of this subsection (5), "outstanding judgments or warrants" does not include any judgment or warrant reported to the department in violation of the provisions of section 42-4-110.5 (2) (c).~~

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

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

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

42-2-122. Department may cancel license - limited license for

physical or mental limitations. (1) The department has the authority to cancel, deny, or deny the reissuance of any driver's or minor driver's license upon determining that the licensee was not entitled to the issuance thereof for any of the following reasons:

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

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

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

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

42-3-113. Records of application and registration - definitions. (10) (a) ~~Whenever a person asks the department or any other state department or agency for the name or address of the owner of a motor vehicle registered under this section, the department or agency shall require the person to disclose if the purpose of the request is to determine the name or address of a person suspected of a violation of a state or municipal law detected through the use of an automated vehicle identification system as described in section 42-4-110.5. If the purpose of the request is to determine the name or address of such a suspect, the department or agency shall release such information only if the county or municipality for which the request is made complies with section 42-4-110.5.~~

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

SECTION 7. 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.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO