

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0054.04 Kristen Forrestal x4217

HOUSE BILL 16-1231

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

Carroll,

House Committees
Transportation & Energy

Senate Committees
Transportation

A BILL FOR AN ACT

101 **CONCERNING THE LIMITED USE OF AUTOMATED VEHICLE**
102 **IDENTIFICATION SYSTEMS DESIGNED TO DETECT DISOBEDIENCE**
103 **TO A TRAFFIC SIGNAL.**

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/bills summaries>.)

Current law allows the use of automated vehicle identification systems designed to detect disobedience to a traffic signal on all traffic signals.

The bill prohibits the use of automated vehicle identification systems designed to detect disobedience to a traffic signal on collector

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
3rd Reading Unamended
March 1, 2016

HOUSE
Amended 2nd Reading
February 29, 2016

roads and local streets. The bill allows the use of the systems:

- ! Within a school zone;
- ! Within a highway or road construction or repair zone; and
- ! On arterial roads.

The bill requires that fines assessed through the use of red light cameras be used for traffic safety improvements, traffic enforcement, or related purposes.

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 AND**
12 **ISSUE CITATIONS FOR VIOLATIONS RELATING TO HIGH OCCUPANCY VEHICLE**
13 **AND HIGH OCCUPANCY TOLL LANES PURSUANT TO SECTION 42-4-1012 (1)**
14 **(d) AND TO ASSESS TOLLS AND CIVIL PENALTIES FOR TOLL ROADS AND**
15 **HIGHWAYS PURSUANT TO SECTIONS 43-3-302, 43-4-506, AND 43-4-506.5,**
16 **C.R.S. EVIDENCE OBTAINED FROM SUCH USE SHALL NOT BE REPORTED TO**
17 **THE DEPARTMENT FOR ANY PURPOSE, TO ANY PERSON OR ENTITY FOR USE**
18 **ON ANY CREDIT REPORT, OR TO ANY INSURANCE COMPANY FOR INSURANCE**
19 **PURPOSES.**

20 **(2) AS USED IN THIS SECTION, "AUTOMATED VEHICLE**
21 **IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY A MACHINE IS USED**
22 **TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND**

1 SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE, THE
2 OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF THE VEHICLE.

3 **SECTION 2.** In Colorado Revised Statutes, 42-2-107, **repeal** (5)

4 (a) (II) as follows:

5 **42-2-107. Application for license or instruction permit -**
6 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
7 **tissue donation awareness fund - legislative declaration - ruels -**
8 **repeal.** (5) (a) (II) ~~For the purposes of this subsection (5), "outstanding~~
9 ~~judgments or warrants" does not include any judgment or warrant~~
10 ~~reported to the department in violation of the provisions of section~~
11 ~~42-4-110.5 (2) (c).~~

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

13 (a) (II) as follows:

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

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

21 (h) (I) as follows:

22 **42-2-122. Department may cancel license - limited license for**
23 **physical or mental limitations.** (1) The department has the authority to
24 cancel, deny, or deny the reissuance of any driver's or minor driver's
25 license upon determining that the licensee was not entitled to the issuance
26 thereof for any of the following reasons:

27 (h) (I) The person has an outstanding judgment or warrant referred

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

5 **SECTION 5.** In Colorado Revised Statutes, 42-2-127, **repeal**
6 **(5.8) as follows:**

7 **42-2-127. Authority to suspend license - to deny license - type**
8 **of conviction - points. (5.8) Notwithstanding any other provision of this**
9 **section, the department may not assess any points for a violation if such**
10 **assessment of points is prohibited under section 42-4-110.5 (3).**

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

13 **42-3-113. Records of application and registration - definitions.**

14 **(10) (a) Whenever a person asks the department or any other state**
15 **department or agency for the name or address of the owner of a motor**
16 **vehicle registered under this section, the department or agency shall**
17 **require the person to disclose if the purpose of the request is to determine**
18 **the name or address of a person suspected of a violation of a state or**
19 **municipal law detected through the use of an automated vehicle**
20 **identification system as described in section 42-4-110.5. If the purpose of**
21 **the request is to determine the name or address of such a suspect, the**
22 **department or agency shall release such information only if the county or**
23 **municipality for which the request is made complies with section**
24 **42-4-110.5.**

25 **(b) No person who receives the name or address of the registered**
26 **owner of a motor vehicle from the department or from a person who**
27 **receives the information from the department shall release such**

1 information to a county or a municipality unless the county or
2 municipality complies with state laws concerning the use of automated
3 identification devices.

4 **SECTION 7. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2016 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.