



**Colorado  
Legislative  
Council  
Staff**

**HB16-1143**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0060  
**Prime Sponsor(s):** Rep. Humphrey;  
 Van Winkle  
 Sen. Neville T.

**Date:** February 23, 2016  
**Bill Status:** House SVMA  
**Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** PROHIBIT RED LIGHT CAMERAS PHOTO RADAR AUTO ID SYSTEM

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	Minimal decrease.	
State Expenditures	Minimal workload impact.	
TABOR Impact	Minimal decrease.	
Appropriation Required: None.		
Future Year Impacts: None.		

**Summary of Legislation**

This bill prohibits the use of an automated vehicle identification system (AVIS), such as photo speed vans and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. An exception is made under the bill for those governmental entities using AVIS to assess tolls and civil penalties on public highways, toll roads and toll highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.

**Background**

**Statutory guidelines for automated vehicle identification systems (AVIS).** The maximum original penalty for a traffic violation detected by AVIS is set in state law. The maximum penalty for a violation captured by a red light camera is \$75. The maximum penalty for a speed violation captured by a photo speed van is \$40. However, the photo speed van maximum is doubled in a school zone and does not apply within a maintenance, construction, or repair zone. If it is an individual's first offense captured by a photo speed van and he or she is detected driving less than 10 miles per hour over the speed limit, the governmental entity is required to issue a warning. Subsequent fees for violations captured by either system may apply due to failure to respond, personal service, and default. In the case of default, the penalty may be sent to a collection agency.

AVIS cannot be used to detect a violation unless a sign is posted to notify the public that such a system is in use. A penalty assessment notice or summons must be delivered within 90 days of the alleged violation. Governmental entities are not permitted to enforce a penalty by immobilizing a vehicle or reporting it to the Division of Motor Vehicles. No points may be assessed against an individual's driver's license for a violation detected through the use of AVIS. There are limits on the use of photo speed van enforcement that do not apply to red light cameras, which limit the use of photo speed van use to school zones, residential neighborhoods, within maintenance, construction, or repair zones, or along a street that borders a municipal park.

**Departments of Transportation and Public Safety.** The state does not currently use automated vehicle identification systems to enforce state traffic laws and does not collect penalty revenue from such activities.

### **State Revenue**

Beginning in FY 2016-17, the bill will minimally decrease fee revenue collected by the Department of Revenue (DOR) to conduct record searches. Currently, if a local government contracts with a private entity for the operation of an AVIS to detect traffic law violations, the private entity may contact the DOR to obtain the mailing address of the driver so that the penalty assessment notice or summons can be mailed. For individual record searches, the DOR collects a fee of \$2.60 per record, credited to the Colorado State Registration and Titling System Account, and for bulk record searches, DOR collects a fee of \$25 per record, credited to the Highway Users Tax Fund. Records are provided free of charge to local governments and law enforcement agencies through the use of an electronic system that local governments query on their own. It is assumed that reductions in revenue as a result of this bill will be minimal.

### **TABOR Impact**

This bill minimally reduces state cash fund revenue from fees, which will minimally reduce the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

### **State Expenditures**

Overall, this bill is expected to create a minimal workload increase for the DOR and a minimal workload reduction for the Judicial Department.

**Department of Revenue.** The interagency information sharing agreements in place between the DOR and local governments for the purpose of associating license plates with addresses will need to be updated to reflect the change in law. In addition, the DOR will be required to update rules, manuals, and its website to reflect the changes in law. These workload increases can be accomplished within existing appropriations.

**Judicial Department.** The number of traffic citations issued for violations detected by AVIS contested in trial courts is low, as these are mainly processed in municipal courts. The bill may slightly reduce workload in the Judicial Department, but does not require a reduction in appropriations.

**Local Government Impact**

Local government fine revenue is anticipated to decrease by approximately \$6.1 million per year in the first full year of the bill's implementation. The bill will also reduce workload and revenue as a result of fewer cases being referred to municipal court; these impacts have not been estimated for this fiscal note. Table 1 displays a two-year average of revenue collected and costs incurred by the nine local governments currently using AVIS.

<b>Table 1. Two-Year Average Revenue and Expenditures from Municipal Automated Vehicle Identification System (AVIS) Use</b>					
<b>City</b>	<b>Photo Speed Van Revenue</b>	<b>Red Light Camera Revenue</b>	<b>Total Fine Revenue</b>	<b>Total Program Cost</b>	<b>Total Net Revenue</b>
Aurora	N/A	\$3,236,627	\$3,236,627	\$1,901,870	\$1,334,757
Boulder	\$476,702	1,081,786	1,558,488	1,294,630	263,858
Commerce City	N/A	382,618	382,618	224,205	158,413
Denver*	5,597,307	904,604	6,501,911	2,637,367	3,864,544
Fort Collins	216,254	401,831	618,085	419,954	198,131
Greenwood Village	N/A	337,050	337,050	282,559	54,491
Lone Tree	N/A	134,334	134,334	77,903	56,431
Pueblo	N/A	138,266	138,266	126,087	12,179
Sheridan*	395,435	N/A	395,435	200,622	194,813
<b>Totals</b>	<b>\$6,685,698</b>	<b>\$6,617,116</b>	<b>\$13,302,814</b>	<b>\$7,165,197</b>	<b>\$6,137,617</b>

Source: Colorado Municipal League

\* Denver and Sheridan data is from 2014 only; because Sheridan discontinued its red light camera program in 2015, its program costs have been extrapolated proportionally to photo speed van revenue.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Counties	Information Technology	Judicial	Local Affairs
Municipalities	Public Safety	Revenue	Transportation

**Research Note Available**

An LCS Research Note for HB 16-1143 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.

---

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: [www.colorado.gov/fiscalnotes](http://www.colorado.gov/fiscalnotes).