

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 18-0391.01 Jery Payne x2157

HOUSE BILL 18-1188

HOUSE SPONSORSHIP

Jackson, Winter, Bridges, Coleman, Ginal, Melton, Roberts, Salazar

SENATE SPONSORSHIP

Hill, Zenzinger

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE COLORADO DEPARTMENT OF**
102 **TRANSPORTATION TO USE LOCATION INFORMATION FROM AN**
103 **ELECTRONIC DEVICE.**

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://leg.colorado.gov>.)

Current law generally requires a state or local agency to get a search warrant before obtaining location information from an electronic device. The bill authorizes the Colorado department of transportation to use highway infrastructure technology to communicate with motor vehicles to facilitate transportation or manage traffic.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 28, 2018

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-242, **add** (3)(c),
3 (3)(d), and (6) as follows:

4 **42-4-242. Automated driving systems - safe harbor - location**
5 **information - legislative declaration and intent.** (3) (c) THE
6 DEPARTMENT OF TRANSPORTATION SHALL PUBLISH ANY TERMS OF
7 APPROVAL THAT CONCERNS THE TESTING OF AN AUTOMATED DRIVING
8 SYSTEM IN A MOTOR VEHICLE. THE DEPARTMENT OF TRANSPORTATION
9 MAY COMPLY WITH THIS SUBSECTION (3)(c) BY ELECTRONICALLY
10 PUBLISHING THE TERMS OF APPROVAL ON ITS WEBSITE. THE COLORADO
11 STATE PATROL SHALL TRANSMIT TO THE DEPARTMENT OF
12 TRANSPORTATION ANY TERMS OF APPROVAL THE COLORADO STATE
13 PATROL HAS MADE WITH ANOTHER PERSON CONCERNING THE TESTING
14 CONDUCTED IN ACCORDANCE WITH THIS SUBSECTION (3) OF AN
15 AUTOMATED DRIVING SYSTEM IN A MOTOR VEHICLE UNLESS THE
16 DEPARTMENT OF TRANSPORTATION IS ALSO A PARTY TO THE TERMS OF
17 APPROVAL.

18 (d) THIS SUBSECTION (3) DOES NOT REQUIRE A MOTOR VEHICLE
19 MANUFACTURER OR DISTRIBUTOR TO REVEAL TRADE SECRETS OR
20 CONFIDENTIAL INFORMATION. THE DEPARTMENT OF TRANSPORTATION AND
21 THE COLORADO STATE PATROL SHALL NOT RELEASE TRADE SECRETS OR
22 CONFIDENTIAL INFORMATION AND SHALL DENY, UNDER SECTION
23 24-72-204 (3)(a)(IV), ANY REQUEST MADE UNDER ARTICLE 72 OF TITLE
24 24.

25 (6) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
26 ADVENT OF AUTOMATED DRIVING SYSTEMS AND THE INCREASING USE OF

1 TECHNOLOGY TO MANAGE TRAFFIC AND FACILITATE TRAVEL HOLD GREAT
2 PROMISE TO INCREASE THE EFFICIENCY OF COLORADO'S TRANSPORTATION
3 SYSTEM. SECTION 16-3-303.5, HOWEVER, LIMITS THE USE BY
4 GOVERNMENT ENTITIES OF LOCATION INFORMATION OF ELECTRONIC
5 DEVICES. THE INTENT OF THIS SUBSECTION (6) IS TO AUTHORIZE THE
6 COLORADO DEPARTMENT OF TRANSPORTATION TO IMPLEMENT HIGHWAY
7 INFRASTRUCTURE TECHNOLOGY THAT COMMUNICATES WITH MOTOR
8 VEHICLES, BUT NOT FOR THE PURPOSES CONTEMPLATED BY SECTION
9 16-3-303.5.

10 (b) (I) NOTWITHSTANDING SECTION 16-3-303.5, THE COLORADO
11 DEPARTMENT OF TRANSPORTATION MAY OBTAIN AND USE THE LOCATION
12 INFORMATION OF AN ELECTRONIC DEVICE IN A MOTOR VEHICLE DERIVED
13 FROM COMMUNICATION WITH INFRASTRUCTURE TECHNOLOGY ONLY FOR
14 THE PURPOSE OF FACILITATING TRANSPORTATION OR MANAGING TRAFFIC.

15 (II) NOTHING IN THIS SUBSECTION (6)(b) ALLOWS THE COLORADO
16 DEPARTMENT OF TRANSPORTATION TO OBTAIN AND USE NONPUBLIC
17 INFORMATION DERIVED FROM A MOTOR VEHICLE THAT IS COMMUNICATED
18 BETWEEN MOTOR VEHICLES OR BETWEEN A MOTOR VEHICLE AND THE
19 MOTOR VEHICLE MANUFACTURER WITHOUT A LEGAL ORDER.

20 (c) THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL NOT
21 COLLECT PERSONALLY IDENTIFYING INFORMATION UNDER THIS SECTION
22 UNLESS THE COLLECTION IS NECESSARY TO ADMINISTER HIGHWAY LANES
23 COMMITTED TO HIGH OCCUPANCY VEHICLE USE OR TO ADMINISTER TOLL
24 COLLECTION FACILITIES.

25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.