

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0148.01 Richard Sweetman x4333

HOUSE BILL 19-1099

HOUSE SPONSORSHIP

Humphrey and Melton,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government

Senate Committees

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://leg.colorado.gov>.)

The bill repeals the authorization for the state, a county, a city and county, or a municipality to use automated vehicle identification systems, including red light cameras, to identify violators of traffic regulations and issue citations based on photographic evidence and creates a prohibition on such activity.

The bill repeals the authorization for the department of public

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.

safety to use an automated vehicle identification system to detect speeding violations within a highway maintenance, repair, or construction zone.

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) EXCEPT AS PROVIDED IN SUBSECTION
6 (1)(b) OF THIS SECTION, A GOVERNMENTAL ENTITY OR AN AGENT OF A
7 GOVERNMENTAL ENTITY SHALL NOT ISSUE A TRAFFIC CITATION PURSUANT
8 TO THIS ARTICLE 4 BASED ON EVIDENCE GATHERED AS A RESULT OF AN
9 AUTOMATED VEHICLE IDENTIFICATION SYSTEM USED ON ANY HIGHWAY,
10 ROAD, OR STREET.

11 (b) A GOVERNMENTAL ENTITY OR AN AGENT OF A GOVERNMENTAL
12 ENTITY OR A TOLL ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN
13 AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO ASSESS TOLLS AND
14 CHARGES AND ISSUE CITATIONS FOR VIOLATIONS RELATING TO HIGH
15 OCCUPANCY VEHICLE AND HIGH OCCUPANCY TOLL LANES PURSUANT TO
16 SECTION 42-4-1012 (1)(d) AND TO ASSESS TOLLS AND CIVIL PENALTIES FOR
17 TOLL ROADS AND HIGHWAYS PURSUANT TO SECTIONS 43-3-302 (3),
18 43-4-506.5 (2), AND 43-4-808 (2)(b). EVIDENCE OBTAINED FROM THE USE
19 OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN ACCORDANCE
20 WITH THIS SUBSECTION (1)(b) SHALL NOT BE REPORTED TO THE
21 DEPARTMENT FOR ANY PURPOSE, TO ANY PERSON OR ENTITY FOR USE ON
22 ANY CREDIT REPORT, OR TO ANY INSURANCE COMPANY FOR INSURANCE
23 PURPOSES.

24 (2) AS USED IN THIS SECTION, "AUTOMATED VEHICLE

1 IDENTIFICATION SYSTEM" MEANS A SYSTEM WHERE A MACHINE IS USED TO
2 AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND
3 SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE, THE
4 OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF THE VEHICLE.

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

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

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

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

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

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

1 for any of the following reasons:

2 (h) (I) The person has an outstanding judgment or warrant referred
3 to in section 42-4-1709 (7) issued against such person. ~~except that, as~~
4 ~~used in this paragraph (h), "judgment or warrant" shall not include any~~
5 ~~judgment or warrant reported to the department in violation of section~~
6 ~~42-4-110.5 (2)(c).~~

7 **SECTION 5.** In Colorado Revised Statutes, 42-2-127, **repeal**
8 (5.8) as follows:

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

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

15 **42-3-113. Records of application and registration - definitions.**
16 (10) (a) ~~Whenever a person asks the department or any other state~~
17 ~~department or agency for the name or address of the owner of a motor~~
18 ~~vehicle registered under this section, the department or agency shall~~
19 ~~require the person to disclose if the purpose of the request is to determine~~
20 ~~the name or address of a person suspected of a violation of a state or~~
21 ~~municipal law detected through the use of an automated vehicle~~
22 ~~identification system as described in section 42-4-110.5. If the purpose of~~
23 ~~the request is to determine the name or address of such a suspect, the~~
24 ~~department or agency shall release such information only if the county or~~
25 ~~municipality for which the request is made complies with section~~
26 ~~42-4-110.5.~~

27 (b) ~~No person who receives the name or address of the registered~~

1 owner of a motor vehicle from the department or from a person who
2 receives the information from the department shall release such
3 information to a county or a municipality unless the county or
4 municipality complies with state laws concerning the use of automated
5 identification devices.

6 **SECTION 7.** In Colorado Revised Statutes, 42-4-1102, **amend**
7 (9) as follows:

8 **42-4-1102. Altering of speed limits.** (9) For purposes of this
9 section, "residential neighborhood" ~~has the same meaning as set forth in~~
10 ~~section 42-4-110.5 (2)(g)(H)~~ MEANS ANY BLOCK ON WHICH A MAJORITY
11 OF THE IMPROVEMENTS ALONG BOTH SIDES OF THE STREET ARE
12 RESIDENTIAL DWELLINGS AND THE SPEED LIMIT IS THIRTY-FIVE MILES PER
13 HOUR OR LESS.

14 **SECTION 8. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2020 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.