



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 19-1099

# FINAL FISCAL NOTE

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<b>Drafting Number:</b>	LLS 19-0148	<b>Date:</b>	June 10, 2019
<b>Prime Sponsors:</b>	Rep. Humphrey; Melton	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic:** ELIMINATE RED LIGHT CAMERAS

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**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue ( <i>minimal</i> )	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill would have prohibited a governmental entity from using an automated vehicle identification system to issue traffic citations. The bill would have decreased state and local revenue and workload on an ongoing basis.

**Appropriation Summary:** No appropriation required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

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## Summary of Legislation

Under current law, a government entity is allowed to use an automated vehicle identification system (AVIS) to detect traffic violations and issue citations. This bill repeals this utilization and prohibits the use of an AVIS by a government entity to issue a traffic citation. The bill does allow governments to use AVIS to assess tolls and to issue citations for violations relating to high occupancy toll lanes and toll evasion. However, no evidence obtained through AVIS may be reported to the Department of Revenue, an insurance company, or an entity for a credit report.

## Background

**Use of Avis.** Under current law, a municipality may adopt an ordinance authorizing the use of AVIS to detect traffic violations. The Department of Public Safety is also authorized to use AVIS, upon request of the Colorado Department of Transportation (CDOT), to detect speeding violations within a highway maintenance, repair, or construction zone. Currently, there are nine municipalities that use AVIS. The Department of Public Safety currently does not use AVIS.

**Statutory guidelines for fines.** Maximum original penalties for a traffic violation detected by AVIS are for a violation set in state law. The maximum original penalty for a violation captured by a red light camera is \$75, and the maximum ordinal penalty caught by a photo speed van is \$40. If the violation caught by a photo speed van was committed in a school zone, the fee is doubled; there is no maximum penalty applied within a maintenance, construction, or repair zone. If an AVIS

catches a speeding violation of less than 10 miles per hour, and it is a driver's first offense, the government entity must mail a warning and cannot impose a fine. Subsequent fees may apply due to failure to respond, personal service, and default.

**AVIS restrictions.** AVIS cannot be used unless a sign is posted, no fewer than 300 feet away, to notify the public that such a system is in use. A penalty assessment notice or a summons cannot be issued if captured on a photo radar, unless an officer is present. Photo radar can only issue penalties in school zones, neighborhoods, construction zones, or streets that border parks. Government 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 license for a violation detected through the use of AVIS.

## State Revenue

Starting in FY 2019-20, the bill minimally decreases the fee revenue collected by the Department of Revenue (DOR) and reduces Highway Users Tax Fund (HUTF) revenue to CDOT on an ongoing basis.

**Record search fees.** Currently, DOR charges private entities, which contract with local governments to operate AVIS a fee to obtain mailing addresses of drivers in order to mail penalty assessment notices or summons. For individual record searches, DOR collects \$2.70 per record search, credited to the DRIVES Vehicle Services Account, and \$25 per record for bulk searches, credited the HUTF. 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. The reduction in HUTF revenue will reduce the revenue to the State Highway Fund in the CDOT. Currently, 65 percent of the HUTF is distributed to the State Highway Fund. It is assumed that reductions in revenue as result of this bill will be minimal.

## State Expenditures

The bill will increase workload for DOR for FY 2019-20 only and minimally reduces workload for the Judicial Department on an ongoing basis, as described below.

**Department of Revenue.** For FY 2019-20, workload will increase in DOR to review all standing interagency agreements for providing record searches in order to discontinue or amend any agreements that include record sharing from AVIS. The DOR will also require some programming to discontinue electronic file transfers in their DRIVES and GenTax programs. Any workload increase can be accomplished within existing appropriations.

**Judicial Department.** Currently, violations detected by AVIS are mainly processed in municipal courts and contested citations in state trial courts is assumed to be low. As a result, the bill may minimally reduce workload in the Judicial Department, but does not require a reduction in appropriations.

**Local Government**

Fine revenue for local governments that use AVIS will be eliminated. The bill will also reduce revenue and workload due to a decrease of HUTF revenue, served violations, and traffic court cases to municipal courts. Table 1 shows a two-year average of revenue collected and costs incurred from 6 municipalities that use AVIS.

**Table 1**  
**Revenue and Expenditures from Municipal AVIS Use**

<b>City</b>	<b>Average Total Revenue</b>	<b>Average Total Cost</b>	<b>Total Net Revenue</b>
Boulder	\$1,904,672	\$1,182,988	\$721,684
Commerce City	\$597,850	\$194,220	\$403,630
Denver	\$5,559,346	\$2,603,286	\$2,956,060
Ft. Collins	\$888,730	\$754,827	\$133,903
Lone Tree	\$183,000	\$60,000	\$123,000
Greenwood Village	\$428,328	\$315,737	\$112,591
<b>TOTAL</b>	<b>\$9,561,926</b>	<b>\$5,111,058</b>	<b>\$4,450,868</b>

**HUTF funding.** The bill will reduce revenue to counties and municipalities due to a reduction of money credited to the HUTF from the fee DOR collects for bulk record searches. Currently, 26 percent of the HUTF goes to counties and 9 percent go to municipalities. Any reduction in HUTF funding is expected to be minimal.

**Local law enforcement.** The bill will reduce revenue and workload for local law enforcement entities to the extent that they no longer serve violators who do not pay. Currently, violators who are caught by an AVIS and do not pay the fine, can be served by local law enforcement. Local law enforcement agencies can charge for the actual costs of the service. The fiscal note assumes that reduced revenue and workload will be minimal.

**Municipal Courts.** The bill will reduce revenue and workload to municipal courts as a result of fewer cases being referred to municipal court. This impact has not been estimated for this fiscal note.

**Effective Date**

This bill was postponed indefinitely by the House Transportation and Local Government Committee on February 20, 2019.

**State and Local Government Contacts**

Counties  
Municipalities  
Transportation

Information Technology  
Public Safety  
Sheriffs

Judicial  
Revenue  
Municipalities

Local Affairs  
Sheriffs  
Transportation