



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0632
Prime Sponsors: Rep. Williams

Date: February 3, 2022
Bill Status: House Trans. & Local Govt.
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Bill Topic: **AUTOMATED VEHICLE IDENTIFICATION SYSTEMS BALLOT QUESTION**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill requires state and local governments to seek voter approval for new automated vehicle identification systems, and gives drivers who have been penalized by these systems different options for satisfying the assessed penalty. The bill may increase state and local expenditures and decrease local revenue on an ongoing basis beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill requires state and local governments that wish to use an automated vehicle identification system, and are not already using one, to submit the matter to voters at a general election. The requirement does not affect use of these systems for assessing tolls and charges or issuing citations for violations on toll lanes and toll roads on public highways. Beginning on November 9, 2022, state and local governments that generate revenue using these systems must use the revenue for traffic safety or transportation-related projects. The bill also gives drivers who have been penalized by these systems the option to pay their penalty to certain foundations, funds, and nonprofit organizations instead of the local government that imposed the penalty.

Background

Currently, local governments may adopt an ordinance authorizing the use of automated vehicle identification systems to detect traffic violations. As of 2019, there were nine municipalities using these systems. The maximum penalty for a violation captured by a red light camera is \$75, and the standard penalty for a violation 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; and there is no maximum penalty

applicable to violations committed within a maintenance, construction, or repair zone. If these systems catch 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.

Automated vehicle identification systems 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 automated systems.

The Department of Public Safety (DPS) can install automated vehicle identification systems within highway maintenance, repair and construction zones if they receive a request from the Department of Transportation (CDOT). The DPS does not currently use these systems, but this bill requires voter approval in addition to a request from CDOT for new systems to be put in place.

State Expenditures

Beginning in FY 2022-23, the bill increases expenditures for CDOT if they wish to utilize new automated vehicle identification systems within a highway maintenance, repair, or construction zone. Costs will increase for the department to add approval of any new systems to the ballot at a general election. This may include additional administrative planning costs for individual transportation projects. The amount of any increased costs will depend on the number of affected future projects. However, CDOT currently partners with Colorado State Patrol to enforce speed limits in construction zones, and the DPS does not currently use automated vehicle identification systems, therefore the fiscal note assumes any impact to the department will be minimal.

Local Government

For local governments that wish to begin using automated vehicle identification systems, this bill will increase costs to put the matter on the ballot of a general election. For all local governments that use these systems, revenue may decrease as a result of assessed fines being diverted to foundations, funds and nonprofit organizations, and workload may increase in local municipal courts to verify these alternative payments. The amount of diverted revenue will vary by locality and depend on the number of individuals who choose to pay penalties using the alternative option.

Technical Note

This fiscal note assumes that the bill requires CDOT to attain voter approval before the DPS can install new automated vehicle identification systems within highway maintenance, repair or construction zones at CDOT's request. If CDOT is exempt from attaining voter approval for new requests because of their prior use of these systems, the potential costs identified for CDOT in the State Expenditure section above do not apply.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties

Judicial

Public Safety

Transportation

County Clerks

Local Affairs

Revenue

Information Technology

Municipalities

Secretary of State