

HB1231\_L.007

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation.HB16-1231 be amended as follows:

1 Amend reengrossed bill, strike everything below the enacting clause and  
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
4 **with amendments,** 42-4-110.5 as follows:

5 **42-4-110.5. Automated vehicle identification systems -**  
6 **prohibition - definition.** (1) A GOVERNMENTAL ENTITY OR AGENT  
7 THEREOF SHALL NOT ISSUE A TRAFFIC CITATION PURSUANT TO THIS  
8 ARTICLE BASED ON EVIDENCE GATHERED AS A RESULT OF AN AUTOMATED  
9 VEHICLE IDENTIFICATION SYSTEM USED ON ANY HIGHWAYS, ROADS, OR  
10 STREETS; EXCEPT THAT A GOVERNMENTAL ENTITY OR AGENT THEREOF OR  
11 A TOLL ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED  
12 VEHICLE IDENTIFICATION SYSTEM TO ASSESS TOLLS AND CHARGES AND  
13 ISSUE CITATIONS FOR VIOLATIONS RELATING TO HIGH OCCUPANCY VEHICLE  
14 AND HIGH OCCUPANCY TOLL LANES PURSUANT TO SECTION 42-4-1012 (1)  
15 (d) AND TO ASSESS TOLLS AND CIVIL PENALTIES FOR TOLL ROADS AND  
16 HIGHWAYS PURSUANT TO SECTIONS 43-3-302, 43-4-506, AND 43-4-506.5,  
17 C.R.S. EVIDENCE OBTAINED FROM SUCH USE SHALL NOT BE REPORTED TO  
18 THE DEPARTMENT FOR ANY PURPOSE, TO ANY PERSON OR ENTITY FOR USE  
19 ON ANY CREDIT REPORT, OR TO ANY INSURANCE COMPANY FOR INSURANCE  
20 PURPOSES.

21 (2) AS USED IN THIS SECTION, "AUTOMATED VEHICLE  
22 IDENTIFICATION SYSTEM" MEANS A SYSTEM WHEREBY A MACHINE IS USED  
23 TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND  
24 SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE, THE  
25 OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF THE VEHICLE.

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

28 **42-2-107. Application for license or instruction permit -**  
29 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**  
30 **tissue donation awareness fund - legislative declaration - ruels -**  
31 **repeal.** (5) (a) (II) ~~For the purposes of this subsection (5), "outstanding~~  
32 ~~judgments or warrants" does not include any judgment or warrant~~  
33 ~~reported to the department in violation of the provisions of section~~  
34 ~~42-4-110.5 (2) (c):~~

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

37 **42-2-118. Renewal of license in person or by mail - donations**



1 to Emily Maureen Ellen Keyes organ and tissue donation awareness  
2 fund - repeal. (3) (a) (II) For the purposes of this subsection (3);  
3 "outstanding judgments or warrants" does not include any judgment or  
4 warrant reported to the department in violation of the provisions of  
5 section 42-4-110.5 (2) (c).

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

8 42-2-122. Department may cancel license - limited license for  
9 physical or mental limitations. (1) The department has the authority to  
10 cancel, deny, or deny the reissuance of any driver's or minor driver's  
11 license upon determining that the licensee was not entitled to the issuance  
12 thereof for any of the following reasons:

13 (h) (I) The person has an outstanding judgment or warrant referred  
14 to in section 42-4-1709 (7) issued against such person. except that, as  
15 used in this paragraph (h), "judgment or warrant" shall not include any  
16 judgment or warrant reported to the department in violation of section  
17 42-4-110.5 (2) (c).

18 SECTION 5. In Colorado Revised Statutes, 42-2-127, repeal  
19 (5.8) as follows:

20 42-2-127. Authority to suspend license - to deny license - type  
21 of conviction - points. (5.8) Notwithstanding any other provision of this  
22 section, the department may not assess any points for a violation if such  
23 assessment of points is prohibited under section 42-4-110.5 (3):

24 SECTION 6. In Colorado Revised Statutes, 42-3-113, repeal (10)  
25 as follows:

26 42-3-113. Records of application and registration - definitions.  
27 (10) (a) Whenever a person asks the department or any other state  
28 department or agency for the name or address of the owner of a motor  
29 vehicle registered under this section, the department or agency shall  
30 require the person to disclose if the purpose of the request is to determine  
31 the name or address of a person suspected of a violation of a state or  
32 municipal law detected through the use of an automated vehicle  
33 identification system as described in section 42-4-110.5. If the purpose of  
34 the request is to determine the name or address of such a suspect, the  
35 department or agency shall release such information only if the county or  
36 municipality for which the request is made complies with section  
37 42-4-110.5:

38 (b) No person who receives the name or address of the registered  
39 owner of a motor vehicle from the department or from a person who  
40 receives the information from the department shall release such  
41 information to a county or a municipality unless the county or

1 ~~municipality complies with state laws concerning the use of automated~~  
2 ~~identification devices.~~

3       **SECTION 7. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2016 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor."

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