

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Cutter

1 Amend reengrossed bill, page 2, after line 1 insert:

2 **"SECTION 1. Legislative declaration.** (1) The general
3 assembly finds and declares that:

4 (a) Municipalities have primary response authority for traffic
5 enforcement on portions of federal interstates located in their jurisdiction
6 pursuant to section 43-2-135 (1)(g), Colorado Revised Statutes;

7 (b) It is dangerous to conduct in-person traffic enforcement on
8 interstate highways, and municipalities expend significant resources
9 responding to traffic incidents on federal interstates;

10 (c) Automated vehicle identification systems, referred to in this
11 section as "AVIS", are a safe and effective way to conduct traffic
12 enforcement that municipalities have been utilizing for at least 30 years;

13 (d) In 1997, the general assembly adopted the first state law
14 regarding utilization of AVIS throughout Colorado. The law has been
15 amended from time to time but has remained in effect since that time.

16 (e) Federal prohibitions on masking convictions for traffic control
17 violations by commercial driver's license holders pursuant to 49 CFR
18 384.226 have never been implicated by the use of AVIS in the United
19 States;

20 (f) Federal masking is not implicated by AVIS because AVIS
21 violations result in administrative citations and penalties imposed on the
22 vehicle owner, not traffic control convictions, as that term is used in 49
23 CFR 384.226, imposed on the driver;

24 (g) Federal masking is only implicated where the identity of the
25 driver is known, a conviction is obtained, and a deliberate decision is
26 made not to place the conviction on the driving record;

27 (h) AVIS are separate and distinct from automated license plate
28 readers in that AVIS do not continuously capture data for every passing
29 vehicle and instead only activate and capture data when certain traffic
30 violations occur;

31 (i) Under section 42-4-110.5 (7)(b), Colorado Revised Statutes,
32 photographs or videos collected by AVIS are confidential and exempt
33 from disclosure and inspection under the "Colorado Open Records Act";
34 and

35 (j) Under section 24-74-103, Colorado Revised Statutes, state and
36 political subdivision employees are prohibited from disclosing personal
37 identifying information, which includes data from AVIS, for the purpose
38 of investigating for, participating in, cooperating with, or assisting in
39 federal immigration enforcement.

40 (2) Therefore, the general assembly expressly declares that AVIS

1 are a safe, effective, and highly regulated tool that has been successfully
2 used solely for traffic enforcement in Colorado for decades and
3 extending such use by local governments to interstate highways will
4 further the traffic safety goals of this state.".

5 Renumber succeeding sections accordingly.

** ** ** ** ** ** ** **