

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0400.01 Owen Hatch x2698

**SENATE BILL 26-070**

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**SENATE SPONSORSHIP**

**Amabile and Zamora Wilson**, Gonzales J., Hinrichsen, Marchman, Wallace

**HOUSE SPONSORSHIP**

**Zokaie and Nguyen**, Brown, Camacho, Garcia, Lieder, Martinez, McCormick, Smith, Titone, Velasco

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A GOVERNMENT ENTITY'S ACCESS TO AN AUTOMATIC**  
102 **LICENSE PLATE READER DATABASE CONTAINING HISTORICAL**  
103 **LOCATION INFORMATION.**

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**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 prohibits a government entity from accessing a database that reveals an individual's or a vehicle's historical location information, subject to certain exceptions. The bill prohibits a government entity from sharing historical location information with third parties or government agencies outside their jurisdiction, subject to certain exceptions, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

makes historical location information not a public record for the purposes of the "Colorado Open Records Act".

The bill requires a government entity that collects historical location information to adopt a policy to maintain compliance with the provisions of the regulatory scheme.

An enforcement action is created for the attorney general to enforce the provisions of the bill. Historical location information obtained in violation of the prohibitions of the bill are inadmissible in trial.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Short title.** The short title of this act is the  
3 "Protecting Everyone from Excessive Police Surveillance (PEEPS) Act"  
4 or "PEEPS Act".

5           **SECTION 2. Legislative declaration - legislative intent.**

6 (1) The general assembly finds and declares that:

7           (a) Technological advances and the growth of commercial data  
8 systems have enabled the routine collection, aggregation, storage, and  
9 sale of historical location information relating to individuals and vehicles,  
10 including information derived from cameras, license plate readers,  
11 cellular networks, and other technologies;

12           (b) Historical location information is highly sensitive in nature  
13 and, when accessed over time, can reveal detailed and personal  
14 information about an individual's movements, associations, habits, and  
15 daily activities;

16           (c) Government access to historical location information through  
17 privately or publicly maintained databases, rather than through direct  
18 observation or narrowly targeted collection, presents unique risks of  
19 overbroad surveillance and may occur outside traditional legal processes  
20 and safeguards;

21           (d) The availability of commercial and third-party databases

1 containing historical location information has created pathways for  
2 government entities to obtain such information without a warrant, court  
3 order, or clearly articulated statutory authority;

4 (e) Sharing of historical location information with third parties or  
5 with government agencies outside a government entity's jurisdiction,  
6 absent clear limits and accountability measures, increases the risk of  
7 misuse, unauthorized secondary use, and erosion of public trust;

8 (f) Establishing clear statutory guardrails governing when and  
9 how government entities may access, use, and share historical location  
10 information promotes transparency, accountability, and consistent  
11 application of privacy protections across jurisdictions; and

12 (g) The general assembly recognizes the essential role of  
13 government entities, including law enforcement and emergency service  
14 providers, in protecting public safety, and acknowledges that limited and  
15 clearly defined exceptions are necessary to allow appropriate access to  
16 historical location information in specific circumstances.

17 (2) It is the general assembly's intent to regulate government  
18 access to databases containing historical location information; to restrict  
19 the sharing of such information, except in narrow, well-defined  
20 circumstances; to require oversight, record keeping, and compliance  
21 policies when historical location information is collected; and to ensure  
22 meaningful remedies and enforcement for violations of these protections.

23 **SECTION 3.** In Colorado Revised Statutes, **add** 16-3-313 as  
24 follows:

25 **16-3-313. Prohibition on access to a historical location**  
26 **information database - individual or vehicle - evidence inadmissible**  
27 **in court - definitions.**

1 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
2 REQUIRES:

3 (a) "ACCESS" MEANS VIEWING, QUERYING, RETRIEVING, COPYING,  
4 TRANSMITTING, ANALYZING, OR OTHERWISE USING A DATABASE AS  
5 DEFINED IN THIS SECTION, WHETHER MANUALLY OR AUTOMATICALLY.

6 (b) "AUTOMATIC LICENSE PLATE READER" MEANS A SYSTEM,  
7 SOFTWARE, OR COMPUTER ALGORITHM, WHETHER USED INDEPENDENTLY  
8 OR IN COMBINATION WITH ONE OR MORE MOBILE OR FIXED AUTOMATED  
9 CAMERAS, THAT IS USED TO CONVERT IMAGES OF LICENSE PLATES,  
10 VEHICLE CHARACTERISTICS, OR VEHICLE OCCUPANTS INTO  
11 COMPUTER-READABLE DATA.

12 (c) "COLLECT" MEANS USING TECHNOLOGY TO RECORD  
13 INFORMATION ABOUT AN INDIVIDUAL'S OR VEHICLE'S PHYSICAL LOCATIONS  
14 OR MOVEMENTS.

15 (d) "DATABASE" MEANS A PHYSICAL OR DIGITAL INFORMATION  
16 STORAGE SYSTEM, WHETHER PUBLICLY OR PRIVATELY OWNED, THAT  
17 CONTAINS PHOTOS, VIDEOS, LICENSE PLATE DATA, OR ANY  
18 COMBINATION OF THESE, CAPTURED USING AUTOMATIC LICENSE PLATE  
19 READER TECHNOLOGY.

20 (e) (I) "GOVERNMENT ENTITY" HAS THE MEANING SET FORTH IN  
21 SECTION 16-3-303.5.

22 (II) "GOVERNMENT ENTITY" DOES NOT INCLUDE THE JUDICIAL  
23 DEPARTMENT.

24 (f) "GOVERNMENT OFFICIAL" MEANS ANY OFFICER, EMPLOYEE,  
25 AGENT, CONTRACTOR, OR REPRESENTATIVE OF A GOVERNMENT ENTITY.

26 (g) (I) "HISTORICAL LOCATION INFORMATION" MEANS  
27 INFORMATION THAT, WHEN ACCESSED, REVEALS THE LOCATIONS OF AN

1 INDIVIDUAL OR VEHICLE MORE THAN SEVENTY-TWO HOURS PRIOR TO THE  
2 DATE OF THE ACCESS.

3 (II) "HISTORICAL LOCATION INFORMATION" DOES NOT INCLUDE  
4 VIDEO OR IMAGE RECORDINGS GENERATED BY CAMERAS IN  
5 GOVERNMENT-OWNED BUILDINGS OR DASHBOARD CAMERAS AND  
6 BODY-WORN CAMERAS OWNED AND OPERATED BY A GOVERNMENT ENTITY,  
7 REGARDLESS OF WHETHER THE CAMERA TRANSMITS, STORES, OR BACKS UP  
8 A RECORDING TO A LOCAL OR CENTRALIZED STORAGE SYSTEM, SO LONG  
9 AS:

10 (A) THE RECORDING IS NOT INDEXED, SEARCHABLE, OR ANALYZED  
11 BY A UNIQUE IDENTIFIER, INCLUDING AN IDENTIFIER TIED TO A VEHICLE OR  
12 INDIVIDUAL,     BUT NOT INCLUDING AN IDENTIFIER FOR THE INDIVIDUAL  
13 OR VEHICLE CARRYING THE CAMERA OR AN IDENTIFIER CONNECTING THE  
14 RECORDING TO A PARTICULAR CASE OR INCIDENT NUMBER, FOR THE  
15 PURPOSE OF TRACKING OR RECONSTRUCTING AN INDIVIDUAL'S OR  
16 VEHICLE'S HISTORICAL LOCATION INFORMATION; AND

17 (B) ACCESS TO THE RECORDING DOES NOT REVEAL AN  
18 INDIVIDUAL'S OR VEHICLE'S HISTORICAL LOCATION INFORMATION  
19 THROUGH A DATABASE QUERY OR SIMILAR SEARCH PROCESS.

20 (h) "SUPERVISOR" MEANS A GOVERNMENT OFFICIAL WHO  
21 POSSESSES THE AUTHORITY TO DIRECT AND DISCIPLINE ONE OR MORE  
22 GOVERNMENT OFFICIALS WITHIN A GOVERNMENT ENTITY.

23 (i) "WARRANT" HAS THE MEANING SET FORTH IN THIS ARTICLE 3.  
24 "WARRANT" DOES NOT MEAN A SUBPOENA.

25 (2) A GOVERNMENT OFFICIAL SHALL NOT ACCESS A DATABASE  
26 THAT REVEALS HISTORICAL LOCATION INFORMATION, EXCEPT:

27 (a) WHEN THE GOVERNMENT OFFICIAL HAS OBTAINED A VALID

1 JUDICIAL WARRANT ISSUED PURSUANT TO THIS PART 3 TO ACCESS THE  
2 DATABASE;

3 (b) WHEN AN INDIVIDUAL GIVES EXPRESS CONSENT TO THEIR  
4 SPECIFIC HISTORICAL LOCATION INFORMATION BEING REVEALED TO A  
5 SPECIFIC GOVERNMENT OFFICIAL OR ENTITY, SO LONG AS THE CONSENT  
6 DOES NOT ALLOW THE GOVERNMENT OFFICIAL OR ENTITY TO ACCESS THE  
7 HISTORICAL LOCATION INFORMATION OF AN INDIVIDUAL WHO HAS NOT  
8 CONSENTED;

9 (c) WHEN THE REGISTERED OWNER OF A VEHICLE REPORTS THE  
10 VEHICLE LOST OR STOLEN AND VOLUNTARILY CONSENTS TO THE VEHICLE'S  
11 HISTORICAL LOCATION INFORMATION BEING SEARCHED;

12 (d) WHEN EXIGENT CIRCUMSTANCES MAKE OBTAINING A WARRANT  
13 IMPRACTICAL BEFORE THE EXIGENCY EXPIRES; OR

14 (e) WHEN A GOVERNMENT OFFICIAL IS CARRYING OUT ANY OF THE  
15 FOLLOWING PURPOSES AND USES THE HISTORICAL LOCATION INFORMATION  
16 SOLELY FOR THE PURPOSE OF:

17 (I) TOLL COLLECTION AND ENFORCEMENT, AUTHORIZED PURSUANT  
18 TO SECTION 43-4-808 OR 43-4-506.5;

19 (II) TRAFFIC ENFORCEMENT, AUTHORIZED PURSUANT TO SECTION  
20 42-4-110.5;

21 (III) PARKING ENFORCEMENT;

22 (IV) THE OPERATION, MAINTENANCE, TESTING, SECURITY, OR  
23 INTEGRITY OF A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN SECTION  
24 29-11-101, OR A 911 SYSTEM; OR

25 (V) INFORMATION SECURITY AS NECESSARY TO IMPLEMENT THE  
26 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

27 (3) (a) A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS

1 HISTORICAL LOCATION INFORMATION USING AUTOMATIC LICENSE PLATE  
2 READER TECHNOLOGY SHALL NOT SHARE IT WITH A GOVERNMENT  
3 OFFICIAL OR ENTITY OUTSIDE THE STATE, EXCEPT FOR A REASON SET  
4 FORTH IN SUBSECTION (2) OF THIS SECTION OR PURSUANT TO A VALID  
5 COURT ORDER.

6 (b) (I) A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS  
7 HISTORICAL LOCATION INFORMATION SHALL NOT SELL OR CONVEY IT TO  
8 A PRIVATE, NONGOVERNMENTAL THIRD PARTY FOR ANY REASON,  
9 WHETHER AS A MARKET TRANSACTION OR OTHERWISE, EXCEPT TO THE  
10 LIMITED EXTENT NECESSARY FOR A NONGOVERNMENTAL THIRD PARTY  
11 VENDOR, ACTING SOLELY AS A SERVICE PROVIDER TO THE GOVERNMENT  
12 OFFICIAL OR ENTITY, TO TEMPORARILY ACCESS THE HISTORICAL LOCATION  
13 INFORMATION FOR THE SOLE PURPOSE OF DIAGNOSING, REPAIRING, OR  
14 CONDUCTING MAINTENANCE ON A TECHNICAL MALFUNCTION OR  
15 SOFTWARE DEFECT IN THE SYSTEM USED TO COLLECT THE HISTORICAL  
16 LOCATION INFORMATION.

17 (II) ACCESS BY A NONGOVERNMENTAL THIRD PARTY VENDOR TO  
18 HISTORICAL LOCATION INFORMATION SHALL:

19 (A) BE LIMITED IN SCOPE AND DURATION TO THE MINIMUM EXTENT  
20 NECESSARY TO RESOLVE THE IDENTIFIED MALFUNCTION OR DEFECT;

21 (B) PROHIBIT THE VENDOR FROM RETAINING, COPYING,  
22 AGGREGATING, ANALYZING, OR USING THE HISTORICAL LOCATION  
23 INFORMATION FOR ANY PURPOSE OTHER THAN RESOLVING THE  
24 MALFUNCTION OR DEFECT;

25 (C) PROHIBIT THE VENDOR FROM DISCLOSING THE HISTORICAL  
26 LOCATION INFORMATION TO ANY OTHER INDIVIDUAL OR ENTITY, UNLESS  
27 THE INDIVIDUAL OR ENTITY IS REQUIRED FOR ASSISTANCE IN RESOLVING

1 THE MALFUNCTION OR DEFECT; AND

2 (D) REQUIRE THE VENDOR TO DELETE OR OTHERWISE RELINQUISH  
3 ACCESS TO THE HISTORICAL LOCATION INFORMATION IMMEDIATELY UPON  
4 RESOLUTION OF THE MALFUNCTION OR DEFECT.

5 (c) A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS  
6 HISTORICAL LOCATION INFORMATION SHALL ADOPT A POLICY FOR  
7 COMPLIANCE WITH THIS SECTION THAT ENSURES:

8 (I) THE SECURITY AND ACCESS REGULATIONS OF THIS SECTION ARE  
9 ADHERED TO;

10 (II) THAT HISTORICAL LOCATION INFORMATION IS ENCRYPTED OR  
11 OTHERWISE RENDERED UNREADABLE TO AN UNAUTHORIZED USER USING  
12 METHODOLOGY OR TECHNOLOGY GENERALLY ACCEPTED IN THE FIELD OF  
13 INFORMATION SECURITY;

14 (III) THAT A GOVERNMENT OFFICIAL DOES NOT ACCESS A  
15 DATABASE CONTAINING HISTORICAL LOCATION INFORMATION, ABSENT A  
16 SHOWING TO A SUPERVISOR, AND, WITH WRITTEN APPROVAL FROM THE  
17 SUPERVISOR, THAT THE ACCESS COMPLIES WITH SUBSECTION (2) OF THIS  
18 SECTION;

19 (IV) A RECORD IS CREATED AND MAINTAINED EACH TIME  
20 HISTORICAL LOCATION INFORMATION IS ACCESSED. THE RECORD MUST  
21 INCLUDE:

22 (A) THE IDENTITY OF THE GOVERNMENT OFFICIAL AND ENTITY  
23 SEEKING ACCESS;

24 (B) THE SPECIFIC PURPOSE FOR WHICH ACCESS WAS SOUGHT;

25 (C) THE APPLICABLE EXCEPTION AS LISTED IN SUBSECTION (2) OF  
26 THIS SECTION AND THE SPECIFIC FACTUAL BASIS FOR THE SUPERVISOR  
27 BELIEVING THE EXCEPTION WAS APPLICABLE;

1 (D) THE SUPERVISOR'S WRITTEN APPROVAL THAT GRANTED  
2 ACCESS;

3 (E) THE FULL DESCRIPTION OF THE HISTORICAL LOCATION  
4 INFORMATION ACCESSED; AND

5 (F) REDACTIONS FOR LICENSE PLATE NUMBERS OR OTHER  
6 PERSONALLY IDENTIFIABLE INFORMATION;

7 (V) THAT THE RECORDS REQUIRED PURSUANT TO SUBSECTION  
8 (3)(c)(IV) OF THIS SECTION ARE AUDITED BY ONE OR MORE SUPERVISORS  
9 AT LEAST EVERY NINETY DAYS TO ENSURE COMPLIANCE WITH THIS  
10 SECTION. THE GOVERNMENT OFFICIAL OR ENTITY SHALL CREATE A  
11 WRITTEN STANDARDIZED POLICY OR PRACTICE FOR AN AUDIT THAT  
12 REQUIRES, AT MINIMUM:

13 (A) VERIFICATION THAT ALL INFORMATION REQUIRED PURSUANT  
14 TO SUBSECTION (3)(c)(IV) OF THIS SECTION HAS BEEN PROVIDED;

15 (B) VERIFICATION THAT THE SPECIFIC PURPOSE FOR WHICH ACCESS  
16 WAS SOUGHT COMPLIES WITH THIS SECTION;

17 (C) VERIFICATION THAT THE SCOPE OF THE HISTORICAL LOCATION  
18 INFORMATION ACCESSED COMPLIES WITH THIS SECTION; AND

19 (D) THAT IN THE EVENT THE AUDITOR OR AUDITORS DETERMINE OR  
20 HAVE REASON TO BELIEVE THAT A GOVERNMENT OFFICIAL OR ENTITY HAS  
21 VIOLATED ANY PROVISION OF THIS SECTION, FURTHER INVESTIGATION OF  
22 THE ACTUAL OR SUSPECTED VIOLATION;

23 (VI) THE CREATION AND MAINTENANCE OF AN ANNUAL REPORT  
24 THAT BOTH COMPILES AND SUMMARIZES THE RECORDS DESCRIBED IN  
25 SUBSECTION (3)(c)(IV) OF THIS SECTION. THE REPORT MUST BE MADE  
26 AVAILABLE BY JUNE 30 OF EACH YEAR TO THE PUBLIC. THE ANNUAL  
27 REPORT MUST INCLUDE THE NUMBER AND TYPE OF TECHNOLOGY DEVICES

1 HELD BY A GOVERNMENT ENTITY THAT CAN COLLECT AN INDIVIDUAL'S OR  
2 VEHICLE'S PHYSICAL LOCATION OR MOVEMENTS, AND THE LOCATION  
3 WHERE THE DEVICES ARE DEPLOYED.

4 (VII) THAT ALL GOVERNMENT OFFICIALS WHOSE DUTIES INCLUDE  
5 ACCESSING A DATABASE THAT CONTAINS HISTORICAL LOCATION  
6 INFORMATION COMPLETE TRAINING ON HOW TO COMPLY WITH THIS  
7 SECTION AND THE COMPLIANCE POLICY ADOPTED PURSUANT TO THIS  
8 SECTION. THE TRAINING MUST NOT BE CREATED OR ADMINISTRATED BY A  
9 PRIVATE ENTITY WHOSE BUSINESS INVOLVES COLLECTING HISTORICAL  
10 LOCATION INFORMATION.

11 (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(d)(II) OF THIS  
12 SECTION, A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS  
13 HISTORICAL LOCATION INFORMATION SHALL NOT RETAIN THE  
14 INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE DATE THE  
15 INFORMATION IS COLLECTED.

16 (II) HISTORICAL LOCATION INFORMATION THAT WAS ACCESSED IN  
17 COMPLIANCE WITH SUBSECTION (2) OF THIS SECTION MAY ONLY BE  
18 RETAINED FOR THIRTY-ONE DAYS OR MORE IF:

19 (A) A VALID JUDICIAL WARRANT OR VALID COURT ORDER  
20 EXPRESSLY AUTHORIZES THE GOVERNMENT OFFICIAL OR ENTITY TO RETAIN  
21 THE HISTORICAL LOCATION INFORMATION FOR A PERIOD OF THIRTY-ONE  
22 DAYS OR LONGER; OR

23 (B) THE INFORMATION IS NECESSARY TO PRESERVE EVIDENCE IN  
24 AN ACTIVE CRIMINAL INVESTIGATION OR OTHER LEGAL PROCEEDING AND  
25 THE SUPERVISOR OF THE INVESTIGATION MAKES A WRITTEN  
26 DETERMINATION, BASED ON SPECIFIC AND ARTICULABLE FACTS, THAT  
27 RETAINING THE HISTORICAL LOCATION INFORMATION FOR THIRTY-ONE

1 DAYS OR MORE IS REQUIRED; OR

2 (C) AN INDIVIDUAL GIVES EXPRESS CONSENT TO THEIR SPECIFIC  
3 HISTORICAL LOCATION INFORMATION BEING REVEALED TO A SPECIFIC  
4 GOVERNMENT OFFICIAL OR ENTITY AND CONSENTS TO THEIR HISTORICAL  
5 LOCATION INFORMATION BEING KEPT FOR THIRTY-ONE DAYS OR MORE, SO  
6 LONG AS THE CONSENT DOES NOT ALLOW THE GOVERNMENT OFFICIAL OR  
7 ENTITY TO ACCESS THE HISTORICAL LOCATION INFORMATION OF AN  
8 INDIVIDUAL WHO HAS NOT CONSENTED.

9 (III) UPON EXPIRATION OF THE APPLICABLE RETENTION PERIOD  
10 DESCRIBED IN THIS SUBSECTION (3)(d), THE GOVERNMENT OFFICIAL OR  
11 ENTITY SHALL PERMANENTLY DESTROY THE HISTORICAL LOCATION  
12 INFORMATION AND ANY COPIES OF THE INFORMATION IN A MANNER THAT  
13 RENDERS THE INFORMATION UNRECOVERABLE.

14 (IV) THE COMPLIANCE POLICY REQUIRED PURSUANT TO  
15 SUBSECTION (3)(c) OF THIS SECTION MUST INCLUDE PROCEDURES TO  
16 ENSURE TIMELY DESTRUCTION OF THE HISTORICAL LOCATION  
17 INFORMATION REQUIRED PURSUANT TO THIS SUBSECTION (3)(d) AND  
18 VERIFICATION OF DESTRUCTION.

19 (4) (a) HISTORICAL LOCATION INFORMATION ACCESSED IN  
20 VIOLATION OF THIS SECTION IS NOT ADMISSIBLE AS EVIDENCE IN ANY  
21 CRIMINAL OR CIVIL PROCEEDING OR ANY OTHER JUDICIAL, QUASI-JUDICIAL,  
22 OR ADMINISTRATIVE HEARING OR PROCEEDING.

23 (b) A GOVERNMENT ENTITY SHALL HAVE A WRITTEN, MANDATORY  
24 DISCIPLINARY POLICY THAT INCLUDES PROVISIONS FOR SUSPENDING OR  
25 REVOKING A GOVERNMENT OFFICIAL'S ACCESS TO ANY DATABASE THAT  
26 INCLUDES HISTORICAL LOCATION INFORMATION WHEN THE GOVERNMENT  
27 OFFICIAL VIOLATES ANY PROVISION OF THIS SECTION. A GOVERNMENT

1 ENTITY SHALL NOT DEVIATE FROM ITS WRITTEN DISCIPLINARY POLICY  
2 AFTER A FINDING THAT A GOVERNMENT OFFICIAL VIOLATED A PROVISION  
3 OF THIS SECTION.

4 (5) A POLITICAL SUBDIVISION OF THE STATE SHALL NOT ADOPT A  
5 LAW OR POLICY THAT ALLOWS GOVERNMENT OFFICIALS OR ENTITIES TO  
6 ACCESS HISTORICAL LOCATION INFORMATION IN A MANNER LESS  
7 RESTRICTIVE THAN PROVIDED IN THIS SECTION.

8 (6) FOR PURPOSES OF THIS SECTION, A SUBPOENA IS NOT A VALID  
9 COURT ORDER.

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11 ==

12 **SECTION 4. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
14 the expiration of the ninety-day period after final adjournment of the  
15 general assembly (August 12, 2026, if adjournment sine die is on May 13,  
16 2026); except that, if a referendum petition is filed pursuant to section 1  
17 (3) of article V of the state constitution against this act or an item, section,  
18 or part of this act within such period, then the act, item, section, or part  
19 will not take effect unless approved by the people at the general election  
20 to be held in November 2026 and, in such case, will take effect on the  
21 date of the official declaration of the vote thereon by the governor.

22 (2) This act applies to violations on or after the applicable  
23 effective date of this act.