

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 22, 2016
Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

HB16-1231 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

1 TO AUTOMATICALLY DETECT A VIOLATION OF A TRAFFIC REGULATION AND
2 SIMULTANEOUSLY RECORD A PHOTOGRAPH OF THE VEHICLE, THE
3 OPERATOR OF THE VEHICLE, OR THE LICENSE PLATE OF THE VEHICLE.

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

6 **42-2-107. Application for license or instruction permit -**
7 **anatomical gifts - donations to Emily Maureen Ellen Keyes organ and**
8 **tissue donation awareness fund - legislative declaration - ruels -**
9 **repeal.** (5) (a) (II) ~~For the purposes of this subsection (5), "outstanding~~
10 ~~judgments or warrants" does not include any judgment or warrant~~
11 ~~reported to the department in violation of the provisions of section~~
12 ~~42-4-110.5 (2) (c).~~

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

15 **42-2-118. Renewal of license in person or by mail - donations**
16 **to Emily Maureen Ellen Keyes organ and tissue donation awareness**
17 **fund - repeal.** (3) (a) (II) ~~For the purposes of this subsection (3),~~
18 ~~"outstanding judgments or warrants" does not include any judgment or~~
19 ~~warrant reported to the department in violation of the provisions of~~
20 ~~section 42-4-110.5 (2) (c).~~

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

23 **42-2-122. Department may cancel license - limited license for**
24 **physical or mental limitations.** (1) The department has the authority to
25 cancel, deny, or deny the reissuance of any driver's or minor driver's
26 license upon determining that the licensee was not entitled to the issuance
27 thereof for any of the following reasons:

28 (h) (I) The person has an outstanding judgment or warrant referred
29 to in section 42-4-1709 (7) issued against such person. ~~except that, as~~
30 ~~used in this paragraph (h), "judgment or warrant" shall not include any~~
31 ~~judgment or warrant reported to the department in violation of section~~
32 ~~42-4-110.5 (2) (c).~~

33 **SECTION 5.** In Colorado Revised Statutes, 42-2-127, **repeal**
34 (5.8) as follows:

35 **42-2-127. Authority to suspend license - to deny license - type**
36 **of conviction - points.** (5.8) ~~Notwithstanding any other provision of this~~
37 ~~section, the department may not assess any points for a violation if such~~
38 ~~assessment of points is prohibited under section 42-4-110.5 (3).~~

39 **SECTION 6.** In Colorado Revised Statutes, 42-3-113, **repeal** (10)
40 as follows:

1 **42-3-113. Records of application and registration - definitions.**
2 (10) ~~(a) Whenever a person asks the department or any other state~~
3 ~~department or agency for the name or address of the owner of a motor~~
4 ~~vehicle registered under this section, the department or agency shall~~
5 ~~require the person to disclose if the purpose of the request is to determine~~
6 ~~the name or address of a person suspected of a violation of a state or~~
7 ~~municipal law detected through the use of an automated vehicle~~
8 ~~identification system as described in section 42-4-110.5. If the purpose of~~
9 ~~the request is to determine the name or address of such a suspect, the~~
10 ~~department or agency shall release such information only if the county or~~
11 ~~municipality for which the request is made complies with section~~
12 ~~42-4-110.5.~~

13 ~~(b) No person who receives the name or address of the registered~~
14 ~~owner of a motor vehicle from the department or from a person who~~
15 ~~receives the information from the department shall release such~~
16 ~~information to a county or a municipality unless the county or~~
17 ~~municipality complies with state laws concerning the use of automated~~
18 ~~identification devices.~~

19 **SECTION 7. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in
27 November 2016 and, in such case, will take effect on the date of the
28 official declaration of the vote thereon by the governor."

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