

CHAPTER 102

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 97-1246

BY REPRESENTATIVES Lawrence and May;
also SENATORS Ament, Hernandez, Norton, Pascoe, and Rupert.

AN ACT

CONCERNING MEASURES TO PROTECT THE PRIVACY OF MOTOR VEHICLE RECORDS.

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

SECTION 1. 24-72-204 (3) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.
(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XII) ANY RECORD INDICATING THAT A PERSON HAS OBTAINED DISTINGUISHING LICENSE PLATES OR AN IDENTIFYING PLACARD FOR PERSONS WITH DISABILITIES UNDER SECTION 42-3-121, C.R.S., OR ANY OTHER MOTOR VEHICLE RECORD THAT WOULD REVEAL THE PRESENCE OF A DISABILITY.

SECTION 2. 42-2-136 (6), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-2-136 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-2-136. Unlawful possession or use of license. (5.5) NO PERSON SHALL PHOTOGRAPH, PHOTOSTAT, DUPLICATE, OR IN ANY WAY REPRODUCE ANY DRIVER'S LICENSE OR FACSIMILE THEREOF FOR THE PURPOSE OF DISTRIBUTION, RESALE, REUSE, OR MANIPULATION OF THE DATA OR IMAGES CONTAINED IN SUCH DRIVER'S LICENSE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

UNLESS AUTHORIZED BY THE DEPARTMENT OR OTHERWISE AUTHORIZED BY LAW.

(6) (a) Any person who violates any provision of SUBSECTIONS (1) TO (5) OF THIS SECTION commits a class 2 misdemeanor traffic offense.

(b) ANY PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (5.5) OF THIS SECTION COMMITS A CLASS 3 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106, C.R.S.

SECTION 3. 42-2-309 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-2-309. Unlawful acts. (1) It is unlawful for any person:

(h) TO PHOTOGRAPH, PHOTOSTAT, DUPLICATE, OR IN ANY WAY REPRODUCE ANY IDENTIFICATION CARD OR FACSIMILE THEREOF FOR THE PURPOSE OF DISTRIBUTION, RESALE, REUSE, OR MANIPULATION OF THE DATA OR IMAGES CONTAINED IN SUCH IDENTIFICATION CARD UNLESS AUTHORIZED BY THE DEPARTMENT OR OTHERWISE AUTHORIZED BY LAW.

SECTION 4. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor

(2) The provisions of this act shall apply to requests for motor vehicle records received on or after the applicable effective date of this act and to offenses committed on or after the applicable effective date of this act.

Approved: April 19, 1997