

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0632.02 Richard Sweetman x4333

HOUSE BILL 22-1080

HOUSE SPONSORSHIP

Williams,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AUTOMATED VEHICLE IDENTIFICATION SYSTEMS FOR
102 TRAFFIC LAW ENFORCEMENT.

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>.)

Section 1 of the bill states that if the state or a local government that is not already using automated vehicle identification systems (systems) wishes to begin using such systems, it must submit the matter to the voters of the state or the local government, as applicable, as a ballot question at a general election.

A governmental entity or its agent or a toll road or toll highway

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

operator may use a system to assess tolls and charges and issue citations for violations relating to high-occupancy vehicle and high-occupancy toll lanes, to assess tolls and civil penalties for toll roads and highways, and to assess tolls and civil penalties for public highways.

On and after November 9, 2022, the state or a local government that generates revenue through the use of systems shall use the revenue for traffic safety or transportation-related projects.

Section 2 makes necessary conforming amendments and states that a driver against whom a penalty is assessed as a result of the use of a system may satisfy the penalty by paying the full amount of it to any of certain nonprofit agencies and providing proof of such payment to the entity that imposed the penalty.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-4-110.7 as
3 follows:

4 **42-4-110.7. Automated vehicle identification systems - voter**
5 **approval - definition.** (1) (a) IF THE STATE, OR A LOCAL GOVERNMENT
6 THAT IS NOT ALREADY USING AUTOMATED VEHICLE IDENTIFICATION
7 SYSTEMS AS OF THE EFFECTIVE DATE OF THIS SECTION, WISHES TO BEGIN
8 USING AUTOMATED VEHICLE IDENTIFICATION SYSTEMS, IT MUST SUBMIT
9 THE FOLLOWING BALLOT QUESTION TO THE VOTERS OF THE STATE OR THE
10 LOCAL GOVERNMENT, AS APPLICABLE, AT A GENERAL ELECTION: "SHALL
11 [THE STATE/NAME OF LOCAL GOVERNMENT] BE AUTHORIZED TO USE
12 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS AT [NAME OF
13 LOCATIONS]?" IF THE VOTERS APPROVE THE BALLOT QUESTION, THE STATE
14 OR THE LOCAL GOVERNMENT, AS APPLICABLE, MAY BEGIN TO USE
15 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS.

16 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, A
17 GOVERNMENTAL ENTITY OR AGENT OF A GOVERNMENTAL ENTITY OR A
18 TOLL ROAD OR TOLL HIGHWAY OPERATOR MAY USE AN AUTOMATED
19 VEHICLE IDENTIFICATION SYSTEM TO ASSESS TOLLS AND CHARGES AND

1 ISSUE CITATIONS FOR VIOLATIONS RELATING TO HIGH-OCCUPANCY
2 VEHICLE AND HIGH-OCCUPANCY TOLL LANES PURSUANT TO SECTION
3 42-4-1012 (1)(d), TO ASSESS TOLLS AND CIVIL PENALTIES FOR TOLL ROADS
4 AND HIGHWAYS PURSUANT TO SECTION 43-3-302, AND TO ASSESS TOLLS
5 AND CIVIL PENALTIES FOR PUBLIC HIGHWAYS PURSUANT TO SECTIONS
6 43-4-506 AND 43-4-506.5.

7 (2) ON AND AFTER NOVEMBER 9, 2022, THE STATE OR A LOCAL
8 GOVERNMENT THAT GENERATES REVENUE THROUGH THE USE OF
9 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS SHALL USE THE REVENUE
10 FOR TRAFFIC SAFETY OR TRANSPORTATION-RELATED PROJECTS.

11 (3) AS USED IN THIS SECTION, "AUTOMATED VEHICLE
12 IDENTIFICATION SYSTEM" HAS THE MEANING SET FORTH IN SECTION
13 42-4-110.5.

14 **SECTION 2.** In Colorado Revised Statutes, 42-4-110.5, **amend**
15 (1), (1.7)(a), (2) introductory portion, and (4.7); and **add** (5.5) as follows:

16 **42-4-110.5. Automated vehicle identification systems -**
17 **legislative declaration - signage required - penalties - definitions.**

18 (1) The general assembly hereby finds and declares that the enforcement
19 of traffic laws through the use of automated vehicle identification systems
20 under this section is a matter of ~~statewide~~ MIXED STATE AND LOCAL
21 concern and is an area in which uniform state standards THAT SUPERSEDE
22 CONFLICTING LOCAL CHARTER PROVISIONS AND ORDINANCES are
23 necessary.

24 (1.7) (a) Upon request from the department of transportation AND
25 SUBJECT TO VOTER APPROVAL PURSUANT TO SECTION 42-4-110.7 (1), the
26 department of public safety shall utilize an automated vehicle
27 identification system to detect speeding violations under part 11 of this

1 ~~article~~ ARTICLE 4 within a highway maintenance, repair, or construction
2 zone designated pursuant to section 42-4-614 (1)(a) if the department of
3 public safety complies with subsections (2) to (6) of this section. An
4 automated vehicle identification system shall not be used under this
5 subsection (1.7) unless maintenance, repair, or construction is occurring
6 at the time the system is being used. The department of public safety may
7 contract with a vendor to implement this subsection (1.7). If the
8 department of public safety contracts with a vendor, the contract ~~shall~~
9 MUST incorporate the processing elements specified by the department of
10 public safety. EXCEPT AS DESCRIBED IN SUBSECTION (5.5) OF THIS
11 SECTION, the department of public safety may contract with the vendor to
12 notify violators, collect and remit the penalties and surcharges to the state
13 treasury less the vendor's expenses, reconcile payments against
14 outstanding violations, implement collection efforts, and notify the
15 department of public safety of unpaid violations for possible referral to
16 the judicial system. ~~No~~ A penalty assessment or summons and complaint
17 or a penalty or surcharge for a violation detected by an automated vehicle
18 identification system under this subsection (1.7) shall NOT be forwarded
19 to the department for processing.

20 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 42-4-110.7, a
21 municipality may adopt an ordinance authorizing the use of an automated
22 vehicle identification system to detect violations of traffic regulations
23 adopted by the municipality, or the state, a county, a city and county, or
24 a municipality may utilize an automated vehicle identification system to
25 detect traffic violations under state law, subject to the following
26 conditions and limitations:

27 (4.7) EXCEPT AS DESCRIBED IN SUBSECTION (5.5) OF THIS SECTION,

1 if a driver fails to pay a penalty imposed for a violation detected using an
2 automated vehicle identification device, the state, a county, a city and
3 county, or a municipality shall not attempt to enforce such a penalty by
4 immobilizing the driver's vehicle.

5 (5.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DRIVER
6 AGAINST WHOM A PENALTY IS ASSESSED PURSUANT TO THIS SECTION MAY
7 SATISFY THE PENALTY BY:

- 8 (a) PAYING THE FULL AMOUNT OF THE PENALTY TO:
- 9 (I) THE COLORADO FALLEN FIREFIGHTERS FOUNDATION;
 - 10 (II) THE COLORADO POLICE OFFICERS FOUNDATION;
 - 11 (III) MOTHERS AGAINST DRUNK DRIVING;
 - 12 (IV) THE COLORADO FREEDOM FUND;
 - 13 (V) THE COLORADO CRIMINAL JUSTICE REFORM COALITION; OR
 - 14 (VI) ANY NONPROFIT ORGANIZATION THAT THE STATE OR A LOCAL
15 GOVERNMENT, AS APPLICABLE, HAS DESIGNATED FOR THE PURPOSES OF
16 THIS SUBSECTION (5.5); AND
- 17 (b) PROVIDING PROOF OF SUCH PAYMENT TO THE ENTITY THAT
18 IMPOSED THE PENALTY.

19 **SECTION 3. 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; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2022 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.