

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 09-0725.01 Jerry Barry

SENATE BILL 09-143

SENATE SPONSORSHIP

Bacon,

HOUSE SPONSORSHIP

Hullinghorst, Fischer

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENFORCING TRAFFIC REGULATIONS THROUGH THE**
102 **EXPANDED USE OF AN AUTOMATED VEHICLE IDENTIFICATION**
103 **SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Expands the types of locations where camera radar can be used for the enforcement of speed limits. Increases the maximum penalty for speeding violations collected pursuant to camera radar to \$75.

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

SENATE
3rd Reading Unamended
February 23, 2009

SENATE
Amended 2nd Reading
February 20, 2009

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

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

4 (a) The National Highway Traffic Safety Administration states
5 Colorado ranked fifth in the United States for speed-related fatalities as
6 a percentage of total traffic fatalities for the period between the years
7 1983 to 2002;

8 (b) In 2008, the National Safety Council announced the adoption
9 of a new public policy supporting the use of speed cameras for traffic
10 safety; and

11 (c) Cities in Colorado such as Boulder and Fort Collins have had
12 success in implementing camera radar programs.

13 (2) The general assembly, therefore, concludes that removing
14 some of the limitations and restrictions on where camera radar can be
15 used for the enforcement of speed limits will help to promote traffic
16 safety and prevent traffic accidents.

17 **SECTION 2.** 42-4-110.5 (2) (g) (I), (2) (g) (II), and (4) (b) (I),
18 Colorado Revised Statutes, are amended, and the said 42-4-110.5 (2) is
19 further amended BY THE ADDITION OF THE FOLLOWING NEW
20 PARAGRAPHS, to read:

21 **42-4-110.5. Automated vehicle identification systems.** (2) A
22 municipality may adopt an ordinance authorizing the use of an automated
23 vehicle identification system to detect violations of traffic regulations
24 adopted by the municipality, or the state, a county, a city and county, or
25 a municipality may utilize an automated vehicle identification system to
26 detect traffic violations under state law, subject to the following
27 conditions and limitations:

1 (g) (I) The state, a county, a city and county, or a municipality
2 shall not issue a penalty assessment notice or summons for a violation
3 detected ~~using~~ BY an automated vehicle identification system unless the
4 violation occurred: ~~within a school zone, as defined in section 42-4-615;~~
5 ~~within a residential neighborhood; within a maintenance, construction, or~~
6 ~~repair zone designated pursuant to section 42-4-614; or along a street that~~
7 ~~borders a municipal park.~~

8 (A) WITHIN A SCHOOL ZONE AS DEFINED IN SECTION 42-4-615;

9 (B) WITHIN A MAINTENANCE, CONSTRUCTION, OR REPAIR ZONE
10 DESIGNATED PURSUANT TO SECTION 42-4-614;

11 (C) ALONG A STREET THAT BORDERS A MUNICIPAL PARK; OR

12 (D) ON A ROADWAY WITH A SPEED LIMIT OF LESS THAN FIFTY
13 MILES PER HOUR.

14 (II) For purposes of this paragraph (g), unless the context
15 otherwise requires, "residential neighborhood" means any block on which
16 a majority of the improvements along both sides of the street are
17 residential dwellings and the speed limit is thirty-five miles per hour or
18 less.

19 (h) ANY REVENUE RECEIVED BY THE STATE, A COUNTY, A CITY AND
20 COUNTY, OR A MUNICIPALITY FROM THE USE OF AN AUTOMATED VEHICLE
21 IDENTIFICATION SYSTEM SHALL ONLY BE USED BY THE STATE, COUNTY,
22 CITY AND COUNTY, OR MUNICIPALITY TO PAY FOR TRAFFIC REGULATION OR
23 TRAFFIC SAFETY.

24 (i) THE STATE, A COUNTY, A CITY AND COUNTY, OR A
25 MUNICIPALITY MAY NOT UTILIZE AN AUTOMATED VEHICLE IDENTIFICATION
26 SYSTEM TO DETECT A VIOLATION OF SECTION 42-4-237 OR ANY
27 COMPARABLE MUNICIPAL ORDINANCE.

1 **SECTION 3.** 42-4-110.5 (2), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF ANEW PARAGRAPH to read:

3 **42-4-110.5. Automated vehicle identification systems.** (2) A
4 municipality may adopt an ordinance authorizing the use of an automated
5 vehicle identification system to detect violations of traffic regulations
6 adopted by the municipality, or the state, a county, a city and county, or
7 a municipality may utilize an automated vehicle identification system to
8 detect traffic violations under state law, subject to the following
9 conditions and limitations:

10 (j) THE STATE, A COUNTY, A CITY AND COUNTY, OR A
11 MUNICIPALITY MAY NOT UTILIZE AN AUTOMATED VEHICLE IDENTIFICATION
12 SYSTEM TO DETECT A VIOLATION OF SECTION 42-4-239 OR ANY
13 COMPARABLE MUNICIPAL ORDINANCE.

14 (4) (b) (I) If the state, a county, a city and county, or a
15 municipality detects a second or subsequent speeding violation under a
16 municipal traffic regulation or under state law by a driver, or a first such
17 violation by the driver if the provisions of paragraph (a) of this subsection
18 (4) do not apply, through the use of an automated vehicle identification
19 system, then, except as may be permitted in subparagraph (II) of this
20 paragraph (b), the maximum penalty that the state, county, city and
21 county, or municipality may impose for such violation, including any
22 surcharge, is forty dollars OR SO MUCH AS IS NECESSARY TO COVER THE
23 EXPENSES OF THE VEHICLE IDENTIFICATION SYSTEM.

24 **SECTION 4. Effective date - applicability.** This act shall take
25 effect July 1, 2009, and shall apply to automated vehicle identification
26 system traffic offenses committed on or after said date; except that,
27 section 3 of this act shall only take effect if House Bill 09-1094 is enacted

1 and becomes law.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.