

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 18-0391.01 Jery Payne x2157

HOUSE BILL 18-1188

HOUSE SPONSORSHIP

Jackson, Winter, Bridges, Coleman, Ginal, Melton, Roberts, Salazar

SENATE SPONSORSHIP

Hill, Zenzinger

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE COLORADO DEPARTMENT OF**
102 **TRANSPORTATION TO USE LOCATION INFORMATION FROM AN**
103 **ELECTRONIC DEVICE.**

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>.)

Current law generally requires a state or local agency to get a search warrant before obtaining location information from an electronic device. The bill authorizes the Colorado department of transportation to use highway infrastructure technology to communicate with motor vehicles to facilitate transportation or manage traffic.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-242, **add** (6) as
3 follows:

4 **42-4-242. Automated driving systems - safe harbor - location**
5 **information - legislative declaration and intent.** (6) (a) THE GENERAL
6 ASSEMBLY FINDS AND DECLARES THAT THE ADVENT OF AUTOMATED
7 DRIVING SYSTEMS AND THE INCREASING USE OF TECHNOLOGY TO MANAGE
8 TRAFFIC AND FACILITATE TRAVEL HOLD GREAT PROMISE TO INCREASE THE
9 EFFICIENCY OF COLORADO'S TRANSPORTATION SYSTEM. SECTION
10 16-3-303.5, HOWEVER, LIMITS THE USE BY GOVERNMENT ENTITIES OF
11 LOCATION INFORMATION OF ELECTRONIC DEVICES. THE INTENT OF THIS
12 SUBSECTION (6) IS TO AUTHORIZE THE COLORADO DEPARTMENT OF
13 TRANSPORTATION TO IMPLEMENT HIGHWAY INFRASTRUCTURE
14 TECHNOLOGY THAT COMMUNICATES WITH MOTOR VEHICLES, BUT NOT FOR
15 THE PURPOSES CONTEMPLATED BY SECTION 16-3-303.5.

16 (b) NOTWITHSTANDING SECTION 16-3-303.5, THE COLORADO
17 DEPARTMENT OF TRANSPORTATION MAY OBTAIN AND USE THE LOCATION
18 INFORMATION OF AN ELECTRONIC DEVICE IN A MOTOR VEHICLE DERIVED
19 FROM COMMUNICATION WITH INFRASTRUCTURE TECHNOLOGY **ONLY** FOR
20 THE PURPOSE OF FACILITATING TRANSPORTATION OR MANAGING TRAFFIC.

21 (c) NOTHING IN SUBSECTION (6)(b) OF THIS SECTION ALLOWS THE
22 COLORADO DEPARTMENT OF TRANSPORTATION TO OBTAIN AND USE
23 NONPUBLIC INFORMATION DERIVED FROM A MOTOR VEHICLE THAT IS
24 COMMUNICATED BETWEEN MOTOR VEHICLES OR BETWEEN A MOTOR
25 VEHICLE AND THE MOTOR VEHICLE MANUFACTURER WITHOUT A LEGAL
26 ORDER.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2018 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.