



Legislative Council Staff

Research Note

Version: Final

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Bill Number

House Bill 16-1143

Sponsors

***Representatives Humphrey,
Van Winkle
Senator Neville T.***

Short Title

***Prohibit Red Light Cameras
Photo Radar Auto ID Systems***

Research Analyst

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Status

This research note reflects the final version of the bill. The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on March 9, 2016.

Summary

This bill prohibits the use of an automated vehicle identification system (AVIS), specifically photo radar and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. An exception is made under the bill for those governmental entities using AVIS to assess tolls and civil penalties on public highways, toll roads and toll highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.

Background

AVIS are devices that automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle. When a traffic violation occurs, these technologies generate a penalty assessment notice or summons and complaint that is issued to the registered owner of the vehicle within 90 days of the alleged violation.

Use of AVIS. The use of AVIS technologies is governed under state law, which allows the state, a county, a city and county, or a municipality to utilize an AVIS to detect state traffic violations. A municipality can also use the technology to detect violations of traffic regulations adopted by the municipality. AVIS cannot be used to detect traffic law violations unless there are

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adequate signs notifying the public that such a system is in use. Upon request from the Colorado Department of Transportation (CDOT), the Department of Public Safety (DPS) must also utilize such technologies to detect speeding violations within a highway maintenance, repair, or construction zone.

Technologies designed to detect violations for disobedience of traffic control signals, also known as red light cameras, can be used throughout the state, a county, a city and county, or a municipality. Use of speed photo radar technologies, also known as mobile camera vans, is limited to school zones; residential neighborhoods; within maintenance, construction, or repair zones; or along streets that border municipal parks. Additionally, a citation can only be issued if an officer or employee of the state, county, city and county, or municipality is present during the operation of the device.

In 2015, eight municipalities issued citations through the use of red light cameras: Aurora, Boulder, Commerce City, Denver, Fort Collins, Greenwood Village, Lone Tree, and Pueblo. Boulder, Denver, Fort Collins, and Sheridan also utilized mobile camera vans within their jurisdictions in 2015. In addition, the city of Littleton previously used AVIS, but discontinued their use in 2015. To date, CDOT and DPS have not deployed AVIS to detect speeding violations.

Penalties issued by AVIS. The maximum penalties that can be issued through AVIS devices are laid out in statute. First-time violations recorded by a mobile camera van cannot carry a penalty if the driver is traveling less than 10 miles per hour over the posted speed limit. The issuing body in these situations must send out a warning to the registered owner of the vehicle. If the driver was traveling 10 miles per hour or more over the speed limit, or in the case of subsequent violations, the maximum penalty that can be imposed through a speed photo radar is \$40, unless the violation occurs within a school zone, in which case it can be doubled. The penalty limits for speed photo radars do not apply to violations committed within a maintenance, construction, or repair zone. The maximum penalty that can be assessed for a traffic control signal violation recorded by a red light camera is \$75. All municipalities currently using red light cameras levy the maximum penalties allowed under statute.

Veto of House Bill 15-1098 and Senate Bill 15-276. In 2015, two bills related to the use of AVIS were vetoed by the Governor. HB 15-1098 would have directed the state or a unit of local government to obtain voter approval before using AVIS. SB 15-276 would have prohibited the issuance of a traffic citation based on the use of AVIS, with certain exceptions. In the veto letters, the Governor encouraged the General Assembly to enact legislation in 2016 that limits AVIS to school and construction zones, and areas with disproportionately high traffic and pedestrian accidents, injuries, and fatalities. Further, the letter suggested that fine revenue be used solely for traffic safety improvements and enforcement.

House Action

House State, Veterans, and Military Affairs Committee (March 9, 2016). At the hearing, representatives of the Denver Police Department, Boulder Police Department, Fort Collins Police Department, and Colorado Municipal League testified in opposition to the bill. The bill was postponed indefinitely by the committee.