

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0912.01 Josh Schultz x5486

SENATE BILL 23-200

SENATE SPONSORSHIP

Winter F.,

HOUSE SPONSORSHIP

Froelich,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE UTILIZATION OF AUTOMATED VEHICLE
102 IDENTIFICATION SYSTEMS FOR INCREASED TRAFFIC LAW
103 ENFORCEMENT BY CERTAIN JURISDICTIONS.

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>.)

The bill changes the deadline by which the state, a county, a city and county, or a city (jurisdiction) is required to issue and send by mail or other delivery service a notice of violation when a traffic violation is detected through the use of an automated vehicle identification system (system) from 90 days after the violation to:

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

- 30 days after the violation if the motor vehicle involved is registered in the state; or
- 60 days after the violation if the motor vehicle involved is registered outside of the state.

The bill specifies the information required in a notice of violation and a civil penalty assessment notice. If a registered motor vehicle owner (owner) fails to request a hearing to dispute the alleged violation or fails to pay the civil penalty in full by the deadline stated in the notice, the owner waives the right to contest the violation or amount of the penalty, and the jurisdiction is required to enter a final order of liability against the owner. Any appeal of a final order must be brought in the manner required by the jurisdiction for similar appeals.

The bill establishes that the owner of a motor vehicle involved in a violation detected through the use of a system, including an owner engaged in the business of leasing or renting motor vehicles, is presumed liable for any civil penalty imposed, but the owner may obtain payment for the penalty from a person that leased or rented the motor vehicle at the time the violation occurred or may avoid liability for the civil penalty if the owner demonstrates that, at the time of the violation, the motor vehicle was leased to another person for a period of more than one year.

The bill also specifies the methods by which the owner of a motor vehicle involved in a traffic violation may rebut the presumption of liability for the violation.

The bill requires a jurisdiction utilizing a system to report unpaid violations to the department of revenue (department). The department shall keep a record of unpaid violations and suspend the registration of the motor vehicle until the penalty is paid or prohibit the title transfer of the motor vehicle. The bill allows the department to collect a \$25 administration fee to cover its administration costs.

The bill requires a jurisdiction implementing a new system after July 1, 2023, to:

- Announce the implementation of the system through its website for at least 30 days prior to the use of the system; and
- Issue only warnings for traffic violations detected by the system for the first 30 days after the system is installed or deployed.

The bill allows a municipality to designate all or a portion of a street as an automated vehicle identification corridor within which the municipality may locate a system to detect traffic violations under specified circumstances.

The bill permits a jurisdiction to compensate a manufacturer or vendor of system equipment for the value of services provided, in addition to compensating for the value of the system equipment as permitted under current law.

The bill imposes restrictions on when photographs may be taken by a system and on access to and use of photographs and video created by systems and requires photographs and videos to be destroyed after a specified period, with certain exceptions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 42-4-110.5
3 as follows:

4 **42-4-110.5. Automated vehicle identification systems -**
5 **legislative declaration - exceptions to liability - penalty - limits on use**
6 **of photographs and video - definitions.** (1) The general assembly
7 hereby finds and declares that the enforcement of traffic laws through the
8 use of automated vehicle identification systems under this section is a
9 matter of statewide concern and is an area in which uniform state
10 standards are necessary.

11 (1.5) Except for the authorization contained in subsection (1.7) of
12 this section, nothing in this section ~~shall apply~~ APPLIES to a violation
13 detected by an automated vehicle identification ~~device~~ SYSTEM for driving
14 twenty-five miles per hour or more in excess of the reasonable and
15 prudent speed or twenty-five miles per hour or more in excess of the
16 maximum speed limit of seventy-five miles per hour detected by the use
17 of an automated vehicle identification ~~device~~ SYSTEM.

18 (1.7) (a) (I) Upon request from the department of transportation,
19 the department of public safety shall utilize an automated vehicle
20 identification system to detect speeding violations under part 11 of this
21 ~~article~~ ARTICLE 4 within a highway maintenance, repair, or construction
22 zone designated pursuant to section 42-4-614 (1)(a), if the department of
23 public safety complies with subsections (2) to (6) of this section. An

1 automated vehicle identification system shall not be used under this
2 subsection (1.7) unless maintenance, repair, or construction is occurring
3 at the time the system is being used.

4 (II) The department of public safety may contract with a vendor
5 to implement this subsection (1.7), INCLUDING TO:

6 (A) NOTIFY VIOLATORS;

7 (B) COLLECT AND REMIT THE PENALTIES AND SURCHARGES TO THE
8 STATE TREASURY LESS THE VENDOR'S EXPENSES;

9 (C) RECONCILE PAYMENTS AGAINST OUTSTANDING VIOLATIONS;

10 (D) IMPLEMENT COLLECTION EFFORTS; AND

11 (E) NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OF UNPAID
12 VIOLATIONS FOR POSSIBLE REFERRAL TO THE JUDICIAL SYSTEM.

13 (III) If the department of public safety contracts with a vendor, the
14 contract ~~shall~~ MUST incorporate the processing elements specified by the
15 department of public safety. ~~The department of public safety may contract~~
16 ~~with the vendor to notify violators, collect and remit the penalties and~~
17 ~~surcharges to the state treasury less the vendor's expenses, reconcile~~
18 ~~payments against outstanding violations, implement collection efforts,~~
19 ~~and notify the department of public safety of unpaid violations for~~
20 ~~possible referral to the judicial system.~~

21 (IV) No NOTICE OF VIOLATION OR CIVIL penalty assessment ~~or~~
22 ~~summons and complaint~~ or a penalty or surcharge for a violation detected
23 by an automated vehicle identification system under this subsection (1.7)
24 shall be forwarded to the department for processing.

25 (b) The department of transportation shall reimburse the
26 department of public safety for the direct and indirect costs of complying
27 with this subsection (1.7).

1 (2) A municipality may adopt an ordinance authorizing the use of
2 an automated vehicle identification system to detect violations of traffic
3 regulations adopted by the municipality, or the state, a county, a city and
4 county, or a ~~municipality~~ CITY may utilize an automated vehicle
5 identification system to detect traffic violations under state law, subject
6 to the following conditions and limitations:

7 (a) (I) (Deleted by amendment, L. 2002, p. 570, § 1, effective May
8 24, 2002.)

9 (II) If the state, a county, a city and county, or a ~~municipality~~ CITY
10 detects any alleged violation of a municipal traffic regulation or a traffic
11 violation under state law through the use of an automated vehicle
12 identification system, then the state, county, city and county, or
13 ~~municipality~~ CITY shall ~~serve the penalty assessment notice or summons~~
14 ~~and complaint for the alleged violation on the defendant no later than~~
15 ~~ninety days after the alleged violation occurred. If a penalty assessment~~
16 ~~notice or summons and complaint for a violation detected using an~~
17 ~~automated vehicle identification system is personally served, the state, a~~
18 ~~county, a city and county, or a municipality may only charge the actual~~
19 ~~costs of service of process that shall be no more than the amount usually~~
20 ~~charged for civil service of process~~ ISSUE AND SEND, OR CAUSE ITS
21 VENDOR TO ISSUE AND SEND, TO THE REGISTERED OWNER OF THE MOTOR
22 VEHICLE INVOLVED IN THE ALLEGED VIOLATION, BY FIRST-CLASS MAIL, OR
23 BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE
24 UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO
25 FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND
26 PRICE, A NOTICE OF VIOLATION:

27 (A) WITHIN THIRTY DAYS AFTER THE ALLEGED VIOLATION

1 OCCURRED IF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION
2 IS REGISTERED IN THE STATE; OR

3 (B) WITHIN SIXTY DAYS AFTER THE ALLEGED VIOLATION
4 OCCURRED IF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION
5 IS REGISTERED OUTSIDE OF THE STATE.

6 (III) THE NOTICE OF VIOLATION MUST CONTAIN:

7 (A) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
8 MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION;

9 (B) THE LICENSE PLATE NUMBER OF THE MOTOR VEHICLE
10 INVOLVED IN THE ALLEGED VIOLATION;

11 (C) THE DATE, TIME, AND LOCATION OF THE ALLEGED VIOLATION;

12 (D) THE AMOUNT OF THE CIVIL PENALTY PRESCRIBED FOR THE
13 ALLEGED VIOLATION;

14 (E) THE DEADLINE FOR PAYMENT OF THE PRESCRIBED CIVIL
15 PENALTY AND FOR DISPUTING THE ALLEGED VIOLATION; AND

16 (F) INFORMATION ON HOW THE REGISTERED OWNER MAY EITHER
17 DISPUTE THE ALLEGED VIOLATION IN A HEARING OR PAY THE PRESCRIBED
18 CIVIL PENALTY.

19 (IV) IF THE STATE, A COUNTY, A CITY AND COUNTY, OR A CITY
20 DOES NOT RECEIVE THE PRESCRIBED CIVIL PENALTY OR A WRITTEN NOTICE
21 REQUESTING A HEARING TO DISPUTE THE ALLEGED VIOLATION BY THE
22 DEADLINE STATED ON THE NOTICE OF VIOLATION, WHICH DEADLINE MUST
23 NOT BE LESS THAN FORTY-FIVE DAYS AFTER THE ISSUANCE DATE ON THE
24 NOTICE OF VIOLATION, THE STATE, COUNTY, CITY AND COUNTY, OR CITY
25 SHALL ISSUE AND SEND, OR CAUSE ITS VENDOR TO ISSUE AND SEND, BY
26 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN
27 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS

1 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO
2 DELIVERY SPEED, RELIABILITY, AND PRICE, A CIVIL PENALTY ASSESSMENT
3 NOTICE FOR THE ALLEGED VIOLATION TO THE REGISTERED OWNER OF THE
4 MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION NO LATER THAN
5 THIRTY DAYS AFTER THE DEADLINE ON THE NOTICE OF VIOLATION.

6 (V) THE CIVIL PENALTY ASSESSMENT NOTICE MUST CONTAIN:

7 (A) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
8 MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION;

9 (B) THE LICENSE PLATE OF THE MOTOR VEHICLE INVOLVED IN THE
10 ALLEGED VIOLATION;

11 (C) THE DATE, TIME, AND LOCATION OF THE ALLEGED VIOLATION;

12 (D) THE AMOUNT OF THE CIVIL PENALTY PRESCRIBED FOR THE
13 ALLEGED VIOLATION;

14 (E) THE DEADLINE FOR PAYMENT OF THE PRESCRIBED CIVIL
15 PENALTY; AND

16 (F) INFORMATION ON HOW TO PAY THE PRESCRIBED CIVIL
17 PENALTY.

18 (VI) IF THE REGISTERED OWNER OF THE MOTOR VEHICLE FAILS TO
19 REQUEST A HEARING TO DISPUTE THE ALLEGED VIOLATION BY THE
20 DEADLINE STATED IN THE NOTICE OF VIOLATION, THE REGISTERED OWNER
21 WAIVES ANY RIGHT TO CONTEST THE VIOLATION OR THE AMOUNT OF THE
22 PRESCRIBED CIVIL PENALTY.

23 (VII) IF THE REGISTERED OWNER OF THE MOTOR VEHICLE FAILS TO
24 PAY IN FULL THE PRESCRIBED CIVIL PENALTY BY THE DEADLINE STATED IN
25 THE CIVIL PENALTY ASSESSMENT NOTICE, THE STATE, A COUNTY, A CITY
26 AND COUNTY, OR A CITY SHALL ENTER A FINAL ORDER OF LIABILITY
27 AGAINST THE REGISTERED OWNER OF THE MOTOR VEHICLE.

1 (VIII) ANY APPEAL OF THE FINAL ORDER MUST BE BROUGHT IN THE
2 MANNER SPECIFIED BY THE STATE, COUNTY, CITY AND COUNTY, OR CITY
3 FOR SIMILAR APPEALS.

4 (IX) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)(a)(X)
5 AND (2)(a)(XI) OF THIS SECTION, THE REGISTERED OWNER OF THE MOTOR
6 VEHICLE INVOLVED IN A VIOLATION DETECTED THROUGH THE USE OF AN
7 AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS LIABLE FOR ANY CIVIL
8 PENALTY IMPOSED BY THE STATE, A COUNTY, A CITY AND COUNTY, OR A
9 CITY.

10 (X) THE REGISTERED OWNER OF A MOTOR VEHICLE INVOLVED IN
11 A VIOLATION OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC
12 VIOLATION UNDER STATE LAW WHO IS ENGAGED IN THE BUSINESS OF
13 LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR PAYMENT OF THE
14 CIVIL PENALTY FOR THE VIOLATION; EXCEPT THAT, AT THE DISCRETION OF
15 THE REGISTERED OWNER:

16 (A) THE REGISTERED OWNER MAY OBTAIN PAYMENT FOR THE CIVIL
17 PENALTY FROM THE INDIVIDUAL OR COMPANY THAT LEASED OR RENTED
18 THE MOTOR VEHICLE AT THE TIME THE VIOLATION OCCURRED THROUGH A
19 CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE
20 STATE, COUNTY, CITY AND COUNTY, OR CITY IMPOSING THE CIVIL
21 PENALTY; OR

22 (B) THE REGISTERED OWNER MAY SEEK TO AVOID LIABILITY FOR
23 THE CIVIL PENALTY IF THE REGISTERED OWNER OF THE LEASED OR RENTED
24 MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE TIME
25 OF THE VIOLATION, THE MOTOR VEHICLE WAS LEASED TO ANOTHER
26 PERSON FOR A LEASE TERM OF MORE THAN ONE YEAR. TO AVOID LIABILITY
27 FOR PAYMENT, THE REGISTERED OWNER OF THE MOTOR VEHICLE SHALL,

1 WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTICE OF VIOLATION,
2 FURNISH TO THE STATE, COUNTY, CITY AND COUNTY, OR CITY AN
3 AFFIDAVIT CONTAINING THE NAME, ADDRESS, AND, IF AVAILABLE, THE
4 STATE DRIVER'S LICENSE NUMBER OF THE INDIVIDUAL OR COMPANY THAT
5 LEASED THE MOTOR VEHICLE. AS A CONDITION TO AVOID LIABILITY FOR
6 PAYMENT OF A CIVIL PENALTY, ANY INDIVIDUAL OR COMPANY THAT
7 LEASES MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE
8 LEASE AGREEMENT STATING THAT: THE PERSON LEASING OR RENTING THE
9 MOTOR VEHICLE IS LIABLE FOR PAYMENT OF ANY PENALTIES FOR A TRAFFIC
10 VIOLATION ISSUED AGAINST THE REGISTERED OWNER DURING THE PERIOD
11 OF TIME FOR WHICH THE PERSON LEASES THE MOTOR VEHICLE; THE
12 REGISTERED OWNER MAY, THROUGH AN AFFIDAVIT, FURNISH THE NAME,
13 ADDRESS, AND, IF AVAILABLE, THE PERSON'S STATE DRIVER'S LICENSE
14 NUMBER, TO THE STATE, COUNTY, CITY AND COUNTY, OR CITY IMPOSING
15 THE CIVIL PENALTY FOR ANY VIOLATION THAT OCCURS DURING THE TERM
16 OF THE LEASE AGREEMENT; AND UPON RECEIPT OF THE AFFIDAVIT, THE
17 STATE, COUNTY, CITY AND COUNTY, OR CITY MAY ISSUE AND SEND, OR
18 CAUSE ITS VENDOR TO ISSUE AND SEND, A NOTICE OF VIOLATION, AND IF
19 NECESSARY, A CIVIL PENALTY ASSESSMENT NOTICE, BY FIRST-CLASS MAIL,
20 OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN
21 THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR
22 SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED,
23 RELIABILITY, AND PRICE, TO THE PERSON NAMED AS LEASING THE MOTOR
24 VEHICLE.

25 (XI) THE REGISTERED OWNER OF A MOTOR VEHICLE INVOLVED IN
26 A VIOLATION OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC
27 VIOLATION UNDER STATE LAW MAY REBUT THE PRESUMPTION OF LIABILITY

1 FOR THE VIOLATION BY PROVING, BY A PREPONDERANCE OF THE EVIDENCE,
2 THAT:

3 (A) THE REGISTERED OWNER SOLD OR OTHERWISE TRANSFERRED
4 OWNERSHIP OF THE MOTOR VEHICLE TO ANOTHER PERSON BEFORE THE
5 DATE OF THE VIOLATION, AS EVIDENCED BY A BILL OF SALE OR A SIMILAR
6 DOCUMENT;

7 (B) THE REGISTERED OWNER DID NOT HAVE CUSTODY OR CONTROL
8 OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT, AS
9 EVIDENCED BY A REPORT TO A LAW ENFORCEMENT AGENCY; OR

10 (C) EXCEPT FOR THE REGISTERED OWNER OF A MOTOR VEHICLE
11 LEASED OR RENTED TO ANOTHER PERSON, THE REGISTERED OWNER DID
12 NOT HAVE CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF
13 THE VIOLATION BECAUSE ANOTHER DRIVER HAD CUSTODY OR CONTROL OF
14 THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, AS EVIDENCED BY
15 THE REGISTERED OWNER TESTIFYING UNDER OATH, EITHER IN A HEARING
16 OR THROUGH AN AFFIDAVIT, THAT THE REGISTERED OWNER DID NOT HAVE
17 CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE
18 VIOLATION AND BY PROVIDING THE NAME, ADDRESS, AND, IF KNOWN, THE
19 DATE OF BIRTH AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON WHO
20 HAD CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE
21 VIOLATION. TO AVOID LIABILITY FOR PAYMENT, THE REGISTERED OWNER
22 OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER RECEIPT OF
23 THE NOTICE OF VIOLATION, FURNISH TO THE STATE, COUNTY, CITY AND
24 COUNTY, OR CITY AN AFFIDAVIT CONTAINING THE NAME, ADDRESS, AND,
25 IF AVAILABLE, THE STATE DRIVER'S LICENSE NUMBER OF THE PERSON WHO
26 HAD CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE
27 VIOLATION. UPON RECEIPT OF THE AFFIDAVIT, THE STATE, COUNTY, CITY

1 AND COUNTY, OR CITY MAY ISSUE AND SEND, OR CAUSE ITS VENDOR TO
2 ISSUE AND SEND, A NOTICE OF VIOLATION, AND, IF NECESSARY, A CIVIL
3 PENALTY ASSESSMENT NOTICE, BY FIRST-CLASS MAIL, OR BY ANY MAIL
4 DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED
5 STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO
6 FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND
7 PRICE, TO THE PERSON NAMED AS HAVING CUSTODY OR CONTROL OF THE
8 MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

9 (b) Notwithstanding any other provision of the statutes to the
10 contrary, the state, a county, a city and county, or a ~~municipality~~ CITY may
11 not report to the department any conviction or entry of judgment against
12 a defendant for violation of a municipal traffic regulation or a traffic
13 violation under state law if the violation was detected through the use of
14 an automated vehicle identification system; EXCEPT THAT, THE STATE, A
15 COUNTY, A CITY AND COUNTY, OR A CITY SHALL REPORT UNPAID
16 VIOLATIONS TO THE DEPARTMENT PURSUANT TO SUBSECTIONS (3)(a) AND
17 (3)(b) OF THIS SECTION.

18 (c) Repealed.

19 (d) (I) The state, a county, a city and county, or a ~~municipality~~
20 CITY may not use an automated vehicle identification system to detect a
21 violation of part 11 of this ~~article~~ ARTICLE 4 or a local speed ordinance
22 unless there is posted an appropriate temporary OR PERMANENT sign in a
23 conspicuous place not fewer than three hundred feet before the area in
24 which the automated vehicle identification ~~device~~ SYSTEM is to be used
25 notifying the public that an automated vehicle identification ~~device~~
26 SYSTEM is in use immediately ahead. The requirement of this
27 ~~subparagraph (I)~~ SUBSECTION (2)(d)(I) shall not be deemed satisfied by

1 the posting of a permanent sign or signs at the borders of a county, city
2 and county, or ~~municipality~~ CITY, nor by the posting of a permanent sign
3 in an area in which an automated vehicle identification ~~device~~ SYSTEM is
4 to be used, but this ~~subparagraph (f)~~ SUBSECTION (2)(d)(I) shall not be
5 deemed a prohibition against the posting of such permanent signs.

6 (II) Except as provided in ~~subparagraph (f) of this paragraph (d)~~
7 SUBSECTION (2)(d)(I) OF THIS SECTION, an automated vehicle
8 identification system designed to detect disobedience to a traffic control
9 signal or another violation of this ~~article~~ ARTICLE 4 or a local traffic
10 ordinance shall not be used unless the state, county, city and county, or
11 ~~municipality~~ CITY using such system conspicuously posts a sign notifying
12 the public that an automated vehicle identification ~~device~~ SYSTEM is in
13 use immediately ahead. The sign shall:

14 (A) Be placed in a conspicuous ~~place~~ LOCATION not fewer than
15 two hundred feet nor more than five hundred feet before the automated
16 vehicle identification system; and

17 (B) Use lettering that is at least four inches high for upper case
18 letters and two and nine-tenths inches high for lower case letters.

19 (e) (I) ~~The state, a county, a city and county, or a municipality may~~
20 ~~not require a registered owner of a vehicle to disclose the identity of a~~
21 ~~driver of the vehicle who is detected through the use of an automated~~
22 ~~vehicle identification system. However, the registered owner may be~~
23 ~~required to submit evidence that the owner was not the driver at the time~~
24 ~~of the alleged violation.~~ IF THE STATE, COUNTY, CITY AND COUNTY, OR
25 CITY IMPLEMENTS A NEW AUTOMATED VEHICLE IDENTIFICATION SYSTEM
26 AFTER JULY 1, 2023:

27 (A) THE AGENCY RESPONSIBLE FOR THE AUTOMATED VEHICLE

1 IDENTIFICATION SYSTEM SHALL PUBLICLY ANNOUNCE THE
2 IMPLEMENTATION OF THE SYSTEM THROUGH ITS WEBSITE FOR AT LEAST
3 THIRTY DAYS PRIOR TO THE USE OF THE SYSTEM; AND

4 (B) FOR THE FIRST THIRTY DAYS AFTER THE SYSTEM IS INSTALLED
5 OR DEPLOYED, ONLY WARNINGS MAY BE ISSUED FOR VIOLATIONS OF A
6 MUNICIPAL TRAFFIC REGULATION OR TRAFFIC VIOLATION UNDER STATE
7 LAW DETECTED BY THE SYSTEM.

8 (II) A STATE, COUNTY, CITY AND COUNTY, OR CITY MAY CONDUCT
9 AN EXTENDED PUBLIC INFORMATION CAMPAIGN OR WARNING PERIOD FOR
10 SYSTEMS INSTALLED OR DEPLOYED EITHER BEFORE OR AFTER JULY 1,
11 2023.

12 ~~(f) The state, a county, a city and county, or a municipality shall~~
13 ~~not issue a penalty assessment notice or summons for a violation detected~~
14 ~~using an automated vehicle identification system unless, at the time the~~
15 ~~violation is alleged to have occurred, an officer or employee of the state,~~
16 ~~the county, the city and county, or the municipality is present during the~~
17 ~~operation of the automated vehicle identification device; except that this~~
18 ~~paragraph (f) shall not apply to an automated vehicle identification system~~
19 ~~designed to detect violations for disobedience to a traffic control signal.~~

20 (g) (I) The state, a county, a city and county, or a ~~municipality~~
21 CITY shall not issue a NOTICE OF VIOLATION OR CIVIL penalty assessment
22 notice ~~or summons~~ for a violation detected using an automated vehicle
23 identification system unless the violation occurred within a school zone,
24 as defined in section 42-4-615; within a residential neighborhood; within
25 a maintenance, construction, or repair zone designated pursuant to section
26 42-4-614; ~~or~~ along a street that borders a municipal park; OR ALONG A
27 STREET OR PORTION OF A STREET THAT A MUNICIPALITY, BY ORDINANCE

1 OR BY A RESOLUTION OF ITS GOVERNING BODY, DESIGNATES AS AN
2 AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, ON WHICH DESIGNATED
3 CORRIDOR THE MUNICIPALITY MAY LOCATE AN AUTOMATED VEHICLE
4 IDENTIFICATION SYSTEM TO DETECT VIOLATIONS OF A MUNICIPAL TRAFFIC
5 REGULATION OR A TRAFFIC VIOLATION UNDER STATE LAW, SO LONG AS THE
6 MUNICIPALITY POSTS A PERMANENT SIGN IN A CONSPICUOUS PLACE NOT
7 FEWER THAN THREE HUNDRED FEET BEFORE EACH POINT WHERE TRAFFIC
8 ENTERS THE CORRIDOR.

9 (II) ~~For purposes of this paragraph (g)~~ AS USED IN THIS
10 SUBSECTION (2)(g), unless the context otherwise requires, "residential
11 neighborhood" means any block on which a majority of the improvements
12 along both sides of the street are residential dwellings and the speed limit
13 is thirty-five miles per hour or less.

14 (III) This ~~paragraph (g)~~ shall SUBSECTION (2)(g) DOES not apply
15 to an automated vehicle identification system designed to detect
16 disobedience to a traffic control signal.

17 (3) (a) The department has no authority to assess any points
18 against a license under section 42-2-127 upon entry of a conviction or
19 judgment for a violation of a municipal traffic regulation or a traffic
20 violation under state law if the violation was detected through the use of
21 an automated vehicle identification system. HOWEVER, FOR ANY
22 VIOLATION THAT IS UNPAID WITHIN SIXTY DAYS AFTER THE FINAL
23 DISPOSITION OF THE VIOLATION, the department ~~may not~~ SHALL keep any
24 record of ~~such~~ THE violation REPORTED BY THE STATE, A COUNTY, A CITY
25 AND COUNTY, OR A CITY in the official records maintained by the
26 department under section 42-2-121 AND:

27 (I) SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE UNTIL THE

1 CIVIL PENALTY IS PAID; OR

2 (II) PROHIBIT THE TITLE TRANSFER OF THE MOTOR VEHICLE.

3 (b) A TWENTY-FIVE DOLLAR ADMINISTRATION FEE IS ADDED TO
4 ANY UNPAID VIOLATION SUBJECT TO THIS SECTION AND THE DEPARTMENT
5 IS ENTITLED TO THE TWENTY-FIVE DOLLAR ADMINISTRATION FEE TO COVER
6 ITS ADMINISTRATION OF THIS SECTION.

7 (4) (a) If the state, a county, a city and county, or a ~~municipality~~
8 CITY detects a speeding violation of less than ten miles per hour over the
9 reasonable and prudent speed under a municipal traffic regulation or
10 under state law through the use of an automated vehicle identification
11 system and the violation is the first violation ~~by such driver~~ INVOLVING
12 THE MOTOR VEHICLE that the state, county, city and county, or
13 ~~municipality~~ CITY has detected using an automated vehicle identification
14 system, then the state, county, city and county, or ~~municipality shall~~ CITY
15 MAY mail ~~such driver~~ THE REGISTERED OWNER OF THE MOTOR VEHICLE a
16 warning regarding the violation, ~~and~~ BUT the state, county, city and
17 county, or ~~municipality may~~ CITY SHALL not impose any penalty or
18 surcharge for such first violation.

19 (b) (I) If the state, a county, a city and county, or a ~~municipality~~
20 CITY detects a second or subsequent speeding violation under a municipal
21 traffic regulation or under state law ~~by a driver~~ INVOLVING THE MOTOR
22 VEHICLE, or a first such violation ~~by the driver~~ INVOLVING THE MOTOR
23 VEHICLE if the provisions of ~~paragraph (a) of this subsection (4)~~
24 SUBSECTION (4)(a) OF THIS SECTION do not apply, through the use of an
25 automated vehicle identification system, then, except as may be permitted
26 in ~~subparagraph (II) of this paragraph (b)~~ SUBSECTION (4)(b)(II) OF THIS
27 SECTION, the maximum penalty that the state, county, city and county, or

1 ~~municipality~~ CITY may impose for such violation, including any
2 surcharge, is forty dollars.

3 (II) If any violation described in ~~subparagraph (f) of this~~
4 ~~paragraph (b)~~ SUBSECTION (4)(b)(I) OF THIS SECTION occurs within a
5 school zone, as defined in section 42-4-615, the maximum penalty that
6 may be imposed shall be doubled.

7 (III) ~~Subparagraph (f) of this paragraph (b) shall~~ SUBSECTION
8 (4)(b)(I) OF THIS SECTION DOES not apply within a maintenance,
9 construction, or repair zone designated pursuant to section 42-4-614.

10 (4.5) If the state, a county, a city and county, or a ~~municipality~~
11 CITY detects a violation ~~under~~ OF a municipal traffic regulation or TRAFFIC
12 VIOLATION under state law for disobedience to a traffic control signal
13 through the use of an automated vehicle identification system, the
14 maximum CIVIL penalty that the state, a county, a city and county, or a
15 ~~municipality~~ CITY may impose for such violation, including any
16 surcharge, is seventy-five dollars.

17 (4.7) If a ~~driver~~ REGISTERED OWNER fails to pay a penalty imposed
18 for a violation OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC
19 VIOLATION UNDER STATE LAW detected using an automated vehicle
20 identification ~~device~~ SYSTEM, the state, a county, a city and county, or a
21 ~~municipality~~ CITY shall not attempt to enforce such a penalty by
22 immobilizing the ~~driver's~~ REGISTERED OWNER'S vehicle.

23 (5) If the state, a county, a city and county, or a ~~municipality~~ CITY
24 has established an automated vehicle identification system for the
25 enforcement of municipal traffic regulations or state traffic laws, then no
26 portion of any fine collected through the use of such system may be paid
27 to the manufacturer or vendor of the automated vehicle identification

1 system equipment. The compensation paid by the state, county, city and
2 county, or ~~municipality~~ CITY for such equipment shall be based upon the
3 value of such equipment AND THE VALUE OF ANY SERVICES PROVIDED TO
4 THE STATE, COUNTY, CITY AND COUNTY, OR CITY and may not be based
5 upon the number of traffic citations issued or the revenue generated by
6 such equipment OR SERVICES.

7 (6) (a) As used in this section, the term "automated vehicle
8 identification system" means a system whereby:

9 (a) (I) A machine is used to automatically detect a violation of a
10 traffic regulation and simultaneously record a photograph of the vehicle,
11 the operator of the vehicle, and the license plate of the vehicle; and

12 (b) (II) A NOTICE OF VIOLATION OR CIVIL penalty assessment
13 notice ~~or summons and complaint is~~ MAY BE issued to the registered
14 owner of the motor vehicle.

15 (b) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" INCLUDES A
16 SYSTEM USED TO DETECT A VIOLATION OF PART 11 OF THIS ARTICLE 4 OR
17 A LOCAL SPEED ORDINANCE, A SYSTEM USED TO DETECT VIOLATIONS OF
18 TRAFFIC RESTRICTIONS IMPOSED BY TRAFFIC SIGNALS OR TRAFFIC SIGNS,
19 AND A SYSTEM USED TO DETECT VIOLATIONS OF BUS LANE OR BICYCLE
20 LANE RESTRICTIONS.

21 (7) THE STATE, COUNTY, CITY AND COUNTY, OR CITY AND ANY
22 VENDOR OPERATING AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM
23 SHALL, UNLESS OTHERWISE PROVIDED IN THIS SECTION:

24 (a) PROGRAM THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM
25 TO TAKE PHOTOGRAPHS ONLY WHEN A VIOLATION OF A MUNICIPAL
26 TRAFFIC REGULATION OR TRAFFIC VIOLATION UNDER STATE LAW OCCURS;

27 (b) TREAT ALL PHOTOGRAPHS AND VIDEO COLLECTED BY THE

1 AUTOMATED MOTOR VEHICLE IDENTIFICATION SYSTEM AS CONFIDENTIAL
2 AND EXEMPT FROM DISCLOSURE AND INSPECTION PURSUANT TO THE
3 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24;

4 (c) NOT USE, DISCLOSE, SELL, OR PERMIT ACCESS TO
5 PHOTOGRAPHS, VIDEO, OR PERSONAL IDENTIFIABLE DATA COLLECTED BY
6 THE AUTOMATED MOTOR VEHICLE IDENTIFICATION SYSTEM EXCEPT TO THE
7 EXTENT NECESSARY TO OPERATE THE PROGRAM, INCLUDING FOR PURPOSES
8 OF PROCESSING VIOLATIONS, FOR OTHER LAW ENFORCEMENT PURPOSES,
9 OR, PURSUANT TO A COURT ORDER, FOR USE IN UNRELATED LEGAL
10 PROCEEDINGS; AND

11 (d) DESTROY ANY PHOTOGRAPHS AND VIDEO OF A VIOLATION
12 COLLECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM WITHIN
13 THREE YEARS AFTER THE FINAL DISPOSITION OF THE VIOLATION UNLESS
14 THE PHOTOGRAPHS OR VIDEO ARE MAINTAINED IN A SEPARATE SYSTEM
15 FOR OTHER PURPOSES ALLOWED BY LAW.

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