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SENATE BILL 23-200

BY SENATOR(S) Winter F., Coleman, Cutter, Gonzales, Hansen, Marchman, Priola, Fenberg;
also REPRESENTATIVE(S) Froelich and Herod, Amabile, Bird, Dickson, Epps, Hamrick, Jodeh, Kipp, Lindsay, Mabrey, Michaelson Jenet, Ortiz, Parenti, Vigil, Young, McCluskie.

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1.4) NOTHING IN THIS SECTION APPLIES TO THE USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS FOR THE PURPOSE OF COLLECTING TOLLS, FEES, OR CIVIL PENALTIES IN ACCORDANCE WITH PART 5 OF ARTICLE 4 OF TITLE 43 AND SECTION 43-4-808.

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

(1.7) (a) (I) Upon request from the department of transportation, the department of public safety shall utilize an automated vehicle identification system to detect speeding violations under part 11 of this ~~article~~ ARTICLE 4 within a highway maintenance, repair, or construction zone designated pursuant to section 42-4-614 (1)(a), if the department of public safety complies with subsections (2) to (6) of this section. An automated vehicle identification system shall not be used under this subsection (1.7) unless maintenance, repair, or construction is occurring at the time the system is being used.

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

(A) NOTIFY VIOLATORS;

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

(C) RECONCILE PAYMENTS AGAINST OUTSTANDING VIOLATIONS;

(D) IMPLEMENT COLLECTION EFFORTS; AND

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

(III) If the department of public safety contracts with a vendor, the

contract shall MUST incorporate the processing elements specified by the department of public safety. ~~The department of public safety may contract with the vendor to notify violators, collect and remit the penalties and surcharges to the state treasury less the vendor's expenses, reconcile payments against outstanding violations, implement collection efforts, and notify the department of public safety of unpaid violations for possible referral to the judicial system.~~

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

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

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

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

(II) ~~If the state, a county, a city and county, or a municipality detects any alleged violation of a COUNTY OR municipal traffic regulation or a traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county, or municipality shall serve the penalty assessment notice or summons and complaint for the alleged violation on the defendant no later than ninety days after the alleged violation occurred. If a penalty assessment notice or summons and complaint for a violation detected using an automated vehicle identification system is personally served, the state, a county, a city and county, or a municipality may only charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process~~ ISSUE, OR CAUSE ITS VENDOR TO ISSUE, TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION, BY

FIRST-CLASS MAIL, PERSONAL SERVICE, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND PRICE, A NOTICE OF VIOLATION:

(A) WITHIN THIRTY DAYS AFTER THE ALLEGED VIOLATION OCCURRED IF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION IS REGISTERED IN THE STATE; OR

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

(III) THE NOTICE OF VIOLATION MUST CONTAIN:

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

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

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

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

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

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

(IV) IF THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY DOES NOT RECEIVE THE PRESCRIBED CIVIL PENALTY OR A WRITTEN NOTICE REQUESTING A HEARING TO DISPUTE THE ALLEGED VIOLATION BY THE DEADLINE STATED ON THE NOTICE OF VIOLATION, WHICH DEADLINE MUST NOT BE LESS THAN FORTY-FIVE DAYS AFTER THE ISSUANCE DATE ON THE NOTICE OF VIOLATION, THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL ISSUE, OR CAUSE ITS VENDOR TO ISSUE, BY

FIRST-CLASS MAIL, PERSONAL SERVICE, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND PRICE, A CIVIL PENALTY ASSESSMENT NOTICE FOR THE ALLEGED VIOLATION TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION NO LATER THAN THIRTY DAYS AFTER THE DEADLINE ON THE NOTICE OF VIOLATION.

(V) THE CIVIL PENALTY ASSESSMENT NOTICE MUST CONTAIN:

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

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

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

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

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

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

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

(VII) IF THE REGISTERED OWNER OF THE MOTOR VEHICLE FAILS TO PAY IN FULL THE PRESCRIBED CIVIL PENALTY BY THE DEADLINE STATED IN THE CIVIL PENALTY ASSESSMENT NOTICE, A FINAL ORDER OF LIABILITY SHALL BE ENTERED AGAINST THE REGISTERED OWNER OF THE VEHICLE.

(VIII) FINAL ORDERS MAY BE APPEALED AS TO MATTERS OF LAW AND FACT TO THE COUNTY COURT IN THE COUNTY WHERE THE ALLEGED VIOLATION OR THE MUNICIPAL COURT IN THE MUNICIPALITY WHERE THE

ALLEGED VIOLATION OCCURRED. THE REGISTERED OWNER OF THE MOTOR VEHICLE MAY ASSERT IN AN APPEAL THAT A NOTICE OF VIOLATION SERVED BY FIRST-CLASS MAIL OR OTHER MAIL DELIVERY SERVICE WAS NOT ACTUALLY DELIVERED. THE APPEAL SHALL BE A DE NOVO HEARING.

(IX) THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY SHALL NOT INITIATE OR PURSUE A COLLECTION ACTION AGAINST A REGISTERED OWNER OF A MOTOR VEHICLE FOR A DEBT RESULTING FROM AN UNPAID PENALTY ASSESSED PURSUANT TO THIS SECTION UNLESS THE REGISTERED OWNER IS PERSONALLY SERVED THE NOTICE OF VIOLATION OR THE FINAL ORDER OF LIABILITY.

(b) Notwithstanding any other provision of the statutes to the contrary, the state, a county, a city and county, or a municipality ~~may~~ SHALL not report to the department any conviction or entry of judgment against a defendant for violation of a COUNTY OR municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.

(c) Repealed.

(d) (I) The state, a county, a city and county, or a municipality ~~may~~ SHALL not use an automated vehicle identification system to detect a violation of part 11 of this ~~article~~ ARTICLE 4 or a local speed ordinance unless there is posted an appropriate temporary OR PERMANENT sign in a conspicuous place not fewer than three hundred feet before the area in which the automated vehicle identification ~~device~~ SYSTEM is to be used notifying the public that an automated vehicle identification ~~device~~ SYSTEM is in use immediately ahead. The requirement of this ~~subparagraph (I)~~ SUBSECTION (2)(d)(I) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of a county, city and county, or municipality, nor by the posting of a permanent sign in an area in which an automated vehicle identification ~~device~~ SYSTEM is to be used, but this ~~subparagraph (I)~~ SUBSECTION (2)(d)(I) shall not be deemed a prohibition against the posting of such permanent signs.

(II) Except as provided in ~~subparagraph (I) of this paragraph (d)~~ SUBSECTION (2)(d)(I) OF THIS SECTION, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this ~~article~~ ARTICLE 4 or a local traffic ordinance shall not be

used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification device SYSTEM is in use immediately ahead. The sign shall:

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

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

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

(A) THE AGENCY RESPONSIBLE FOR THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM SHALL PUBLICLY ANNOUNCE THE IMPLEMENTATION OF THE SYSTEM THROUGH ITS WEBSITE FOR AT LEAST THIRTY DAYS PRIOR TO THE USE OF THE SYSTEM; AND

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

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

~~(f) The state, a county, a city and county, or a municipality shall not issue a penalty assessment notice or summons for a violation detected using an automated vehicle identification system unless, at the time the violation~~

~~is alleged to have occurred, an officer or employee of the state, the county, the city and county, or the municipality is present during the operation of the automated vehicle identification device; except that this paragraph (f) shall not apply to an automated vehicle identification system designed to detect violations for disobedience to a traffic control signal.~~

(g) (I) The state, a county, a city and county, or a municipality shall not issue a NOTICE OF VIOLATION OR CIVIL penalty assessment notice ~~or summons~~ for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; ~~or along a street that borders a municipal park; OR ALONG A STREET OR PORTION OF A STREET THAT A COUNTY OR MUNICIPALITY, BY ORDINANCE OR BY A RESOLUTION OF ITS GOVERNING BODY, DESIGNATES AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, ON WHICH DESIGNATED CORRIDOR THE COUNTY OR MUNICIPALITY MAY LOCATE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT VIOLATIONS OF A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION UNDER STATE LAW. BEFORE A COUNTY OR MUNICIPALITY BEGINS OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, THE COUNTY OR MUNICIPALITY MUST:~~

(A) POST A PERMANENT SIGN IN A CONSPICUOUS PLACE NOT FEWER THAN THREE HUNDRED FEET BEFORE THE BEGINNING OF THE CORRIDOR AND A PERMANENT SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE EACH CAMERA WITHIN THE CORRIDOR THEREAFTER OR A TEMPORARY SIGN NOT FEWER THAN THREE HUNDRED FEET BEFORE ANY MOBILE CAMERA;

(B) ILLUSTRATE, THROUGH DATA COLLECTED WITHIN THE PAST FIVE YEARS, INCIDENTS OF CRASHES, SPEEDING, RECKLESS DRIVING, OR COMMUNITY COMPLAINTS ON A STREET DESIGNATED AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR; AND

(C) COORDINATE BETWEEN THE LOCAL JURISDICTION, THE DEPARTMENT OF TRANSPORTATION, AND THE COLORADO STATE PATROL.

(II) ~~For purposes of this paragraph (g)~~ AS USED IN THIS SUBSECTION (2)(g), unless the context otherwise requires, "residential neighborhood" means any block on which a majority of the improvements along both sides

of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.

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

(IV) A COUNTY OR MUNICIPALITY IMPLEMENTING AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR PURSUANT TO SUBSECTION (2)(g)(I) OF THIS SECTION SHALL PUBLISH A REPORT ON ITS WEBSITE DISCLOSING THE NUMBER OF CITATIONS AND REVENUE GENERATED BY THE AUTOMATED VEHICLE IDENTIFICATION CORRIDOR.

(V) (A) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(g)(I) OF THIS SECTION, THE STATE MAY LOCATE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON A HIGHWAY THAT IS A PART OF THE FEDERAL INTERSTATE HIGHWAY SYSTEM AND MAY ISSUE A NOTICE OF VIOLATION OR A CIVIL PENALTY ASSESSMENT NOTICE FOR A TRAFFIC VIOLATION UNDER STATE LAW DETECTED USING THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM.

(B) A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY SHALL NOT LOCATE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM OR CREATE AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON ANY HIGHWAY THAT IS A PART OF THE FEDERAL INTERSTATE HIGHWAY SYSTEM.

(h) THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY SHALL NOT REQUIRE A REGISTERED OWNER OF A VEHICLE TO DISCLOSE THE IDENTITY OF A DRIVER OF THE VEHICLE WHO IS DETECTED THROUGH THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM. HOWEVER, THE REGISTERED OWNER MAY BE REQUIRED TO SUBMIT EVIDENCE THAT THE OWNER WAS NOT THE DRIVER AT THE TIME OF THE ALLEGED VIOLATION.

(3) The department has no authority to assess any points against a license under section 42-2-127 upon entry of a conviction or judgment for a violation of a COUNTY OR municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department ~~may~~ SHALL not keep any record of such violation in the official records maintained by the department under section 42-2-121.

(4) (a) If the state, a county, a city and county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a COUNTY OR municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by ~~such driver~~ THE REGISTERED OWNER that the state, county, city and county, or municipality has detected using an automated vehicle identification system, then the state, county, city and county, or municipality ~~shall~~ MAY mail ~~such driver~~ THE REGISTERED OWNER a warning regarding the violation, ~~and~~ BUT the state, county, city and county, or municipality ~~may~~ SHALL not impose any penalty or surcharge for such first violation.

(b) (I) If the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation under a COUNTY OR municipal traffic regulation or under state law by ~~a driver~~ THE REGISTERED OWNER, or a first such violation by the ~~driver~~ REGISTERED OWNER, if the provisions of ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION do not apply, through the use of an automated vehicle identification system, then, except as may be permitted in ~~subparagraph (H) of this paragraph (b)~~ SUBSECTION (4)(b)(II) OF THIS SECTION, the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.

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

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

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

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

(5) If the state, a county, a city and county, or a municipality has established an automated vehicle identification system for the enforcement of COUNTY OR municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, or municipality for such equipment shall be based upon the value of such equipment AND THE VALUE OF ANY SERVICES PROVIDED TO THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY and may not be based upon the number of traffic citations issued or the revenue generated by such equipment OR SERVICES.

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

~~(a)~~ (I) A machine is used to 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; and

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

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

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

(a) PROGRAM THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO RETAIN DATA ONLY WHEN A VIOLATION OF A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR TRAFFIC VIOLATION UNDER STATE LAW OCCURS;

(b) TREAT ALL PHOTOGRAPHS AND VIDEO COLLECTED BY THE AUTOMATED MOTOR VEHICLE IDENTIFICATION SYSTEM AS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE AND INSPECTION PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24;

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

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

SECTION 2. Effective date. This act takes effect upon passage; except that section 42-4-110.5 (3), Colorado Revised Statutes, as enacted in section 1 of this act, takes effect June 1, 2024.

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

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO