

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 23-0912.01 Josh Schultz x5486

**SENATE BILL 23-200**

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**SENATE SPONSORSHIP**

**Winter F.,** Coleman, Cutter, Fenberg, Gonzales, Hansen, Marchman, Priola

**HOUSE SPONSORSHIP**

**Froelich and Herod,**

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**Senate Committees**

Transportation & Energy  
Appropriations

**House Committees**

Transportation, Housing & Local Government  
Appropriations

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**A BILL FOR AN ACT**

101      **CONCERNING THE UTILIZATION OF AUTOMATED VEHICLE**  
102                    **IDENTIFICATION SYSTEMS FOR INCREASED TRAFFIC LAW**  
103                    **ENFORCEMENT BY CERTAIN JURISDICTIONS, AND, IN**  
104                    **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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

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.*

SENATE  
3rd Reading Unamended  
April 21, 2023

SENATE  
Amended 2nd Reading  
April 20, 2023

detected through the use of an automated vehicle identification system (system) from 90 days after the violation to:

- 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.

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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           (1.4) NOTHING IN THIS SECTION APPLIES TO THE USE OF  
12 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS FOR THE PURPOSE OF  
13 COLLECTING TOLLS, FEES, OR CIVIL PENALTIES IN ACCORDANCE WITH PART  
14 5 OF ARTICLE 4 OF TITLE 43 AND SECTION 43-4-808.

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

22           (1.7) (a) (I) Upon request from the department of transportation,

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

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

11 (A) NOTIFY VIOLATORS;

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

14 (C) RECONCILE PAYMENTS AGAINST OUTSTANDING VIOLATIONS;

15 (D) IMPLEMENT COLLECTION EFFORTS; AND

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

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

26 (IV) No NOTICE OF VIOLATION OR CIVIL penalty assessment ~~or~~  
27 ~~summons and complaint~~ or a penalty or surcharge for a violation detected

1 by an automated vehicle identification system under this subsection (1.7)  
2 shall be forwarded to the department for processing.

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

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

12 (a) (I) (Deleted by amendment, L. 2002, p. 570, § 1, effective May  
13 24, 2002.)

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

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

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

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

11 (III) THE NOTICE OF VIOLATION MUST CONTAIN:

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

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

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

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

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

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

24 (IV) IF THE STATE, A COUNTY, A CITY AND COUNTY, OR A  
25 MUNICIPALITY DOES NOT RECEIVE THE PRESCRIBED CIVIL PENALTY OR A  
26 WRITTEN NOTICE REQUESTING A HEARING TO DISPUTE THE ALLEGED  
27 VIOLATION BY THE DEADLINE STATED ON THE NOTICE OF VIOLATION,

1 WHICH DEADLINE MUST NOT BE LESS THAN FORTY-FIVE DAYS AFTER THE  
2 ISSUANCE DATE ON THE NOTICE OF VIOLATION, THE STATE, COUNTY, CITY  
3 AND COUNTY, OR MUNICIPALITY SHALL ISSUE, OR CAUSE ITS VENDOR TO  
4 ISSUE, BY FIRST-CLASS MAIL, PERSONAL SERVICE, OR BY ANY MAIL  
5 DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED  
6 STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO  
7 FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND  
8 PRICE, A CIVIL PENALTY ASSESSMENT NOTICE FOR THE ALLEGED  
9 VIOLATION TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED  
10 IN THE ALLEGED VIOLATION NO LATER THAN THIRTY DAYS AFTER THE  
11 DEADLINE ON THE NOTICE OF VIOLATION.

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

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

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

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

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

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

22 (F) INFORMATION ON HOW TO PAY THE PRESCRIBED CIVIL  
23 PENALTY; AND

24 

25 (VI) IF THE REGISTERED OWNER OF THE MOTOR VEHICLE FAILS TO  
26 REQUEST A HEARING TO DISPUTE THE ALLEGED VIOLATION BY THE  
27 DEADLINE STATED IN THE NOTICE OF VIOLATION, THE REGISTERED OWNER

1 WAIVES ANY RIGHT TO CONTEST THE VIOLATION OR THE AMOUNT OF THE  
2 PRESCRIBED CIVIL PENALTY.

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

7 (VIII) FINAL ORDERS MAY BE APPEALED AS TO MATTERS OF LAW  
8 AND FACT TO THE COUNTY COURT IN THE COUNTY WHERE THE ALLEGED  
9 VIOLATION OR THE MUNICIPAL COURT IN THE MUNICIPALITY WHERE THE  
10 ALLEGED VIOLATION OCCURRED. THE APPEAL SHALL BE A DE NOVO  
11 HEARING.

12 == == ==

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

22 (c) Repealed.

23 (d) (I) The state, a county, a city and county, or a municipality  
24 may not use an automated vehicle identification system to detect a  
25 violation of part 11 of this ~~article~~ ARTICLE 4 or a local speed ordinance  
26 unless there is posted an appropriate temporary OR PERMANENT sign in a  
27 conspicuous place not fewer than three hundred feet before the area in



1 which the automated vehicle identification ~~device~~ SYSTEM is to be used  
2 notifying the public that an automated vehicle identification ~~device~~  
3 SYSTEM is in use immediately ahead. The requirement of this  
4 ~~subparagraph (f)~~ SUBSECTION (2)(d)(I) shall not be deemed satisfied by  
5 the posting of a permanent sign or signs at the borders of a county, city  
6 and county, or municipality, nor by the posting of a permanent sign in an  
7 area in which an automated vehicle identification ~~device~~ SYSTEM is to be  
8 used, but this ~~subparagraph (f)~~ SUBSECTION (2)(d)(I) shall not be deemed  
9 a prohibition against the posting of such permanent signs.

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

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

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

23 (e) (I) ~~The state, a county, a city and county, or a municipality may~~  
24 ~~not require a registered owner of a vehicle to disclose the identity of a~~  
25 ~~driver of the vehicle who is detected through the use of an automated~~  
26 ~~vehicle identification system. However, the registered owner may be~~  
27 ~~required to submit evidence that the owner was not the driver at the time~~

1 ~~of the alleged violation.~~ IF THE STATE, COUNTY, CITY AND COUNTY, OR  
2 MUNICIPALITY IMPLEMENTS A NEW AUTOMATED VEHICLE IDENTIFICATION  
3 SYSTEM AFTER JULY 1, 2023, THAT IS NOT A REPLACEMENT OF AN  
4 AUTOMATED VEHICLE IDENTIFICATION SYSTEM:

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

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

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

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

25 (g) (I) The state, a county, a city and county, or a municipality  
26 shall not issue a NOTICE OF VIOLATION OR CIVIL penalty assessment notice  
27 ~~or summons~~ for a violation detected using an automated vehicle

1 identification system unless the violation occurred within a school zone,  
2 as defined in section 42-4-615; within a residential neighborhood; within  
3 a maintenance, construction, or repair zone designated pursuant to section  
4 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  
5 ORDINANCE OR BY A RESOLUTION OF ITS GOVERNING BODY, DESIGNATES  
6 AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, ON WHICH  
7 DESIGNATED CORRIDOR THE COUNTY OR MUNICIPALITY MAY LOCATE AN  
8 AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT VIOLATIONS OF  
9 A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION  
10 UNDER STATE LAW. BEFORE A COUNTY OR MUNICIPALITY DESIGNATES AN  
11 AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, THE COUNTY OR  
12 MUNICIPALITY MUST:

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

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

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

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

1 along both sides of the street are residential dwellings and the speed limit  
2 is thirty-five miles per hour or less.

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

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


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

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

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

1 ALLEGED VIOLATION.

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

12 

13 (b) A TWENTY-FIVE DOLLAR ADMINISTRATION FEE IS ADDED TO  
14 ANY UNPAID VIOLATION SUBJECT TO THIS SECTION AND THE DEPARTMENT  
15 IS ENTITLED TO THE TWENTY-FIVE DOLLAR ADMINISTRATION FEE TO COVER  
16 ITS ADMINISTRATION OF THIS SECTION. THE STATE, COUNTY, CITY AND  
17 COUNTY, OR MUNICIPALITY ISSUING THE VIOLATION SHALL DISCLOSE THE  
18 TWENTY-FIVE DOLLAR ADMINISTRATION FEE IN THE FINAL ORDER OF  
19 LIABILITY. FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE  
20 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
21 TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT CREATED IN  
22 SECTION 42-1-211 (2).

23 (4) (a) If the state, a county, a city and county, or a municipality  
24 detects a speeding violation of less than ten miles per hour over the  
25 reasonable and prudent speed under a COUNTY OR municipal traffic  
26 regulation or under state law through the use of an automated vehicle  
27 identification system and the violation is the first violation by such driver

1 THE REGISTERED OWNER that the state, county, city and county, or  
2 municipality has detected using an automated vehicle identification  
3 system, then the state, county, city and county, or municipality shall MAY  
4 mail ~~such driver~~ THE REGISTERED OWNER a warning regarding the  
5 violation, and BUT the state, county, city and county, or municipality may  
6 SHALL not impose any penalty or surcharge for such first violation.

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

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

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

24 (4.5) If the state, a county, a city and county, or a municipality  
25 detects a violation ~~under~~ OF a COUNTY OR municipal traffic regulation or  
26 TRAFFIC VIOLATION under state law for disobedience to a traffic control  
27 signal through the use of an automated vehicle identification system, the

1 maximum CIVIL penalty that the state, a county, a city and county, or a  
2 municipality may impose for such violation, including any surcharge, is  
3 seventy-five dollars.

4 (4.7) If a driver REGISTERED OWNER fails to pay a penalty imposed  
5 for a violation OF A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR A  
6 TRAFFIC VIOLATION UNDER STATE LAW detected using an automated  
7 vehicle identification ~~device~~ SYSTEM, the state, a county, a city and  
8 county, or a municipality shall not attempt to enforce such a penalty by  
9 immobilizing the driver's REGISTERED OWNER'S vehicle.

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

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

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

26 (b) (II) A NOTICE OF VIOLATION OR CIVIL penalty assessment  
27 ~~notice or summons and complaint is~~ MAY BE issued to the registered

1 owner of the motor vehicle.

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

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

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

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

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

26 (d) DESTROY ANY PHOTOGRAPHS AND VIDEO OF A VIOLATION  
27 COLLECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM WITHIN



1 THREE YEARS AFTER THE FINAL DISPOSITION OF THE VIOLATION UNLESS  
2 THE PHOTOGRAPHS OR VIDEO ARE MAINTAINED IN A SEPARATE SYSTEM  
3 FOR OTHER PURPOSES ALLOWED BY LAW.

4 **SECTION 2. Effective date.** This act takes effect upon passage;  
5 except that sections 42-4-110.5 (2)(a)(V)(G), (3)(a)(I), (3)(a)(II), and  
6 (3)(b), Colorado Revised Statutes, as enacted in section 1 of this act, take  
7 effect June 1, 2024.

8 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal  
9 year, \$154,516 is appropriated to the department of revenue. This  
10 appropriation is from the Colorado DRIVES vehicle services account in  
11 the highway users tax fund created in section 42-1-211 (2), C.R.S. To  
12 implement this act, the department may use this appropriation as follows:

- 13 (a) \$133,280 for DRIVES maintenance and support; and  
14 (b) \$21,236 for the purchase of information technology services.

15 (2) For the 2023-24 state fiscal year, \$21,236 is appropriated to  
16 the office of the governor for use by the office of information technology.  
17 This appropriation is from reappropriated funds received from the  
18 department of revenue under subsection (1)(b) of this section. To  
19 implement this act, the office may use this appropriation to provide  
20 information technology services for the department of revenue.

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