

**Senate Transportation & Energy**

**04/29/2026**

**SB26-152 Changes Automated Vehicle ID Sys Usage**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Bennett Rutledge  Against  themselves	<p>Chair Cutter and members of the committee, good afternoon,</p> <p>This bill, SB26-152 - Changes Automated Vehicle ID Sys Usage, introduces so many violations of American traditions that it would be literally un-American to implement this into law. Let me start by saying that I have "caught" by an AVIS while I was stopped at a red light. Not only are these machines inaccurate if not properly used and maintained, AVIS practically eliminates the Constitutional right to confront one's accuser, and, in an era of crumbling families, mandates testifying against one's children, or even spouse. In effect this is nothing but using machinery to levy erratic financial penalties upon Coloradans already illegally taxed. I am quite beside myself over this.</p> <p>Vote NO on SB26-152 - Changes Automated Vehicle ID Sys Usage</p>
Heather Stauffer  Amend  City of Boulder	<p>My name is Heather Stauffer, and I'm here today on behalf of the City of Boulder. The city is in an amend position on this bill.</p> <p>Boulder is a city of pedestrians, students, cyclists, and transit riders. They are on our roads, our sidewalks, our bike lanes, and our intersections " at every hour of the day. To keep them safe, the city has adopted a robust Vision Zero policy, and we actively use every tool available to us " including AVIS " to hold speeding drivers accountable, and, ideally, to deter them from speeding again. Unfortunately, the bill as drafted undermines that work.</p> <p>I want to focus on one provision: the penalty structure in Section 4(c). It caps the maximum civil penalty for AVIS-detected speeding of twenty-five miles per hour or more over the limit at one hundred twenty dollars. And because everything AVIS issues is a civil notice of violation, this structure eliminates our ability to use automated enforcement to pursue the criminal-level citations " reckless driving, and Class 2 misdemeanor speeding " that Colorado law already attaches to driving twenty-five over.</p>

	<p>Here is what that means on the ground. If a driver is caught on camera doing forty-five in a twenty-mile-per-hour residential zone in Boulder “ conduct that meets the legal definition of reckless driving “ under this bill, the most that driver receives is a one-hundred-and-twenty-dollar ticket in the mail. No points. No license consequences. The same penalty as a driver going eleven over.</p> <p>To put that in perspective: speed is the single biggest factor in pedestrian fatalities. A pedestrian struck at twenty miles per hour has about a ten percent chance of being killed. At forty, that chance climbs to roughly eighty percent. The drivers we most need to deter are the exact drivers this bill treats most leniently.</p> <p>We are asking that this bill be amended to allow local communities to pursue criminal-level citations through AVIS technology for drivers going twenty-five or more miles per hour over the posted limit.</p>
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I move that the bill should be amended to repeal the AVIS statute in its entirety. While the bill authors appear to have good intentions, the bill as written has serious issues.

I commend the authors for attempting to clear the registered owner if they are not the driver (as is, CDOT is trying to fine registered owners regardless of who is driving per [their own FAQs on their website](#), despite 42-4-110.5(2)(h) clearly stating "However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation." – it appears every government agency is highly reliant on that permissive ‘may’ language) However, even a civil violation that aims to punish and penalize behavior is considered 'quasi-criminal'. [A court in Florida](#) found a similar statute which shifts the burden to the accused as unconstitutional. Similarly the entire premise of AVIS is also unconstitutional.

Notwithstanding the constitutional issues the authors go on to lower the threshold from 10mph over the limit to 6mph over the limit and change the cap from \$40 to \$100 for violations of 25 over the limit. I strongly object here as well, people for this often claim it's to increase compliance for safety reasons. If people are traveling well above 25 over, as happened in Kersey, the issue is either an artificially low speed limit or the road design. You don't change behavior by legalizing it for a fee, you change driver behavior by changing the road design so drivers naturally drive at a lower speed limit such as with traffic calming techniques, planting trees near the area, painting stripes to make the road appear narrower, or actually narrowing the road.

On top of these issues, [photo radar devices are not calibrated daily](#) like police radar is with tuning forks to ensure its accuracy the day a citation was issued by testing before and after the citation was issued. Instead photo radar devices can go years (up to 2 years at least with the vendor Kersey uses as the End of Line calibration certificate issued in 2024 does not expire until this year) without any re-calibration being performed. During that time period photo radar equipment, like any measurement instrument, can fall out of accuracy. Hundreds to thousands of drivers could be cited before a re-calibration discovers that the equipment has fallen out of accuracy. CDOT uses an ‘average’ speed between 2 cameras and issues citations if you ‘average’ over 10mph, there’s nothing even in the statute authorizing these and these can in fact be gamed. You can travel 20 over a 65mph limit and still come out 9mph over or less average speed if you time it right (e.g. traveling 85mph for half a mile and then the speed limit or under the rest of the way between 2 cameras 1 mile apart would average 74mph or 9mph over the limit and under the threshold), apps have been developed already that are now telling drivers their average speed in real time as they pass through these corridors. These cameras do not increase safety, they increase revenue. Receiving a ticket in the mail after a fatal accident doesn’t solve the driving behavior issue, and you can’t collect on it anyhow if I’m dead.

This bill also aimed to make warnings ‘mandatory’ as many municipalities were interpreting the word ‘may’ as permissive. Yet, somehow, the only thing this bill did was add "SUCH WARNINGS MUST BE ISSUED AND DELIVERED IN WRITING." to the end of the paragraph, it STILL uses the word 'MAY' in the first sentence "For the first thirty days after the system is installed or deployed, only warnings may be issued." So the warnings still appear to be permissive, just that if they are issued, they MUST be issued and delivered IN WRITING. I’m not sure how the bill authors could get this so wrong.

Lastly, the sign requirement, if we’re going to have an intrusive, invasive and revenue generating law instead of safety, I can at least get behind the sign requirement, but this section should also be amended. We have seen a PLETHORA of signs in different municipalities. Right now the only requirement is that a sign with letters of a certain height be displayed.

In a 2002 [Colorado Supreme Court case, City of Commerce City v. State, 40 P. 3d 1273](#), that outlawed AVIS absent an authorizing statute by this body, the court noted: Without the unifying state legislation, a driver — simply by commuting to work on a typical day — could be subjected to a patchwork of rules and procedures by individual cities. Thus, the regulation of automated vehicle identification systems affects the residents of Colorado as a whole, as opposed to simply affecting local residents.

There is currently ZERO uniformity on what the sign should look like in terms of what shape it is, how big the sign itself should be, where it should be mounted, or even what color(s) it should be.

CRS 42-4-104 adopts the federal MUTCD, in that spirit if we are going to have photo enforcement, I think it's not too much of an ask that the signs be visible and uniform and comply with it.

For example CRS 42-4-1208 dealing with disabled parking spots also provides:

(7) Statewide concern.

(b)

(III) Modern life requires travel across multiple local jurisdictions. Inconsistent local marking and enforcement of reserved parking for persons with disabilities confuses people, which prevents them from fully obeying disabled parking regulations.

(c) The general assembly therefore declares that access to reserved parking by persons with disabilities is a matter of statewide concern and that the provisions set forth in this section preempt any action contrary to this section if the action is adopted by a political subdivision of the state.

In the same spirit, if municipalities are going to be doing LOCAL photo enforcement, drivers Statewide should know what to expect when they cross into their jurisdiction.

The MUTCD 11<sup>th</sup> edition, adopted by CDOT, already has photo enforcement signs:

Section 2C.69 Photo Enforced Plaques (W16-10P and W16-10aP) Option: 01 A Photo Enforced (W16-10P) plaque or a PHOTO ENFORCED (W16-10aP) word message plaque (see Figure 2C-16) may be mounted below a warning sign to advise road users that the regulations associated with the condition being warned about (such as a traffic control signal or a toll plaza) are being enforced by photographic equipment

Respectfully,

Lucky225