

**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

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

Froelich and Herod,

Senate Committees

Transportation & Energy
Appropriations

House Committees

Transportation, Housing & Local Government
Appropriations

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.

SENATE
3rd Reading Unamended
April 21, 2023

SENATE
Amended 2nd Reading
April 20, 2023

- 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 (1.4) 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,
23 the department of public safety shall utilize an automated vehicle

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

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

- 10 (A) NOTIFY VIOLATORS;
- 11 (B) COLLECT AND REMIT THE PENALTIES AND SURCHARGES TO THE
12 STATE TREASURY LESS THE VENDOR'S EXPENSES;
- 13 (C) RECONCILE PAYMENTS AGAINST OUTSTANDING VIOLATIONS;
- 14 (D) IMPLEMENT COLLECTION EFFORTS; AND
- 15 (E) NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OF UNPAID
16 VIOLATIONS FOR POSSIBLE REFERRAL TO THE JUDICIAL SYSTEM.

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

25 (IV) No NOTICE OF VIOLATION OR CIVIL penalty assessment ~~or~~
26 ~~summons and complaint~~ or a penalty or surcharge for a violation detected
27 by an automated vehicle identification system under this subsection (1.7)

1 shall be forwarded to the department for processing.

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

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

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

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

1 STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO
2 FIRST-CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY, AND
3 PRICE, A NOTICE OF VIOLATION:

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

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

10 (III) THE NOTICE OF VIOLATION MUST CONTAIN:

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

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

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

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

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

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

23 (IV) IF THE STATE, A COUNTY, A CITY AND COUNTY, OR A
24 MUNICIPALITY DOES NOT RECEIVE THE PRESCRIBED CIVIL PENALTY OR A
25 WRITTEN NOTICE REQUESTING A HEARING TO DISPUTE THE ALLEGED
26 VIOLATION BY THE DEADLINE STATED ON THE NOTICE OF VIOLATION,
27 WHICH DEADLINE MUST NOT BE LESS THAN FORTY-FIVE DAYS AFTER THE

1 ISSUANCE DATE ON THE NOTICE OF VIOLATION, THE STATE, COUNTY, CITY
2 AND COUNTY, OR MUNICIPALITY SHALL ISSUE, OR CAUSE ITS VENDOR TO
3 ISSUE, BY FIRST-CLASS MAIL, PERSONAL SERVICE, 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, A CIVIL PENALTY ASSESSMENT NOTICE FOR THE ALLEGED
8 VIOLATION TO THE REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED
9 IN THE ALLEGED VIOLATION NO LATER THAN THIRTY DAYS AFTER THE
10 DEADLINE ON THE NOTICE OF VIOLATION.

11 (V) THE CIVIL PENALTY ASSESSMENT NOTICE 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 OF THE MOTOR VEHICLE INVOLVED IN THE
15 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;

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

23

24 (VI) IF THE REGISTERED OWNER OF THE MOTOR VEHICLE FAILS TO
25 REQUEST A HEARING TO DISPUTE THE ALLEGED VIOLATION BY THE
26 DEADLINE STATED IN THE NOTICE OF VIOLATION, THE REGISTERED OWNER
27 WAIVES ANY RIGHT TO CONTEST THE VIOLATION OR THE AMOUNT OF THE

1 PRESCRIBED CIVIL PENALTY.

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

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

11 == == ==

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

21 (c) Repealed.

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

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

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

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

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

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

1 MUNICIPALITY IMPLEMENTS A NEW AUTOMATED VEHICLE IDENTIFICATION
2 SYSTEM AFTER JULY 1, 2023, THAT IS NOT A REPLACEMENT OF AN
3 AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

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

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

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

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

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

1 as defined in section 42-4-615; within a residential neighborhood; within
2 a maintenance, construction, or repair zone designated pursuant to section
3 42-4-614; ~~or~~ along a street that borders a municipal park; OR ALONG A
4 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:

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

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

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

24 (II) ~~For purposes of this paragraph (g)~~ AS USED IN THIS
25 SUBSECTION (2)(g), unless the context otherwise requires, "residential
26 neighborhood" means any block on which a majority of the improvements
27 along both sides of the street are residential dwellings and the speed limit

1 is thirty-five miles per hour or less.

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

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

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

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

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

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

11 [REDACTED]

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

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

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

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

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

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

23 (4.5) If the state, a county, a city and county, or a municipality
24 detects a violation ~~under~~ OF a COUNTY OR municipal traffic regulation or
25 TRAFFIC VIOLATION under state law for disobedience to a traffic control
26 signal through the use of an automated vehicle identification system, the
27 maximum CIVIL penalty that the state, a county, a city and county, or a

1 municipality may impose for such violation, including any surcharge, is
2 seventy-five dollars.

3 (4.7) If a driver REGISTERED OWNER fails to pay a penalty imposed
4 for a violation OF A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR A
5 TRAFFIC VIOLATION UNDER STATE LAW detected using an automated
6 vehicle identification device SYSTEM, the state, a county, a city and
7 county, or a municipality shall not attempt to enforce such a penalty by
8 immobilizing the driver's REGISTERED OWNER'S vehicle.

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

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

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

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

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

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

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

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

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

25 (d) DESTROY ANY PHOTOGRAPHS AND VIDEO OF A VIOLATION
26 COLLECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM WITHIN
27 THREE YEARS AFTER THE FINAL DISPOSITION OF THE VIOLATION UNLESS

1 THE PHOTOGRAPHS OR VIDEO ARE MAINTAINED IN A SEPARATE SYSTEM
2 FOR OTHER PURPOSES ALLOWED BY LAW.

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

7



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