

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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

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.**

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.

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 municipality may adopt an ordinance authorizing the use of
7 an automated vehicle identification system to detect violations of traffic
8 regulations adopted by the municipality, or the state, a county, a city and
9 county, or a municipality may utilize an automated vehicle identification
10 system to detect traffic violations under state law, subject to the following
11 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 municipal traffic regulation or a traffic
16 violation under state law through the use of an automated vehicle
17 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 DRIVER OF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION, BY
27 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN

1 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS
2 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO
3 DELIVERY SPEED, RELIABILITY, AND 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 DRIVER OF THE MOTOR
12 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 DRIVER MAY EITHER DISPUTE THE
21 ALLEGED VIOLATION IN A HEARING OR PAY THE PRESCRIBED CIVIL
22 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, OR BY ANY MAIL DELIVERY SERVICE OFFERED
4 BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS
5 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO
6 DELIVERY SPEED, RELIABILITY, AND PRICE, A CIVIL PENALTY ASSESSMENT
7 NOTICE FOR THE ALLEGED VIOLATION TO THE DRIVER OF THE MOTOR
8 VEHICLE INVOLVED IN THE ALLEGED VIOLATION NO LATER THAN THIRTY
9 DAYS AFTER THE DEADLINE ON THE NOTICE OF VIOLATION.

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

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

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

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

22 (G) A NOTICE THAT AN UNPAID PENALTY WILL BE REPORTED TO
23 THE DEPARTMENT AND WILL RESULT IN THE DEPARTMENT PROHIBITING
24 THE RENEWAL OF THE REGISTRATION OF THE MOTOR VEHICLE OR
25 PROHIBITING THE TRANSFER OF TITLE OF THE MOTOR VEHICLE AND THAT
26 A TWENTY-FIVE DOLLAR ADMINISTRATION FEE IS ADDED TO ANY UNPAID
27 VIOLATION SUBJECT TO THIS SECTION.

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

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

9 (VIII) FINAL ORDERS MAY BE APPEALED AS TO MATTERS OF LAW
10 AND FACT TO THE COUNTY COURT IN THE COUNTY WHERE THE ALLEGED
11 VIOLATION OCCURRED. THE APPEAL SHALL BE A DE NOVO 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~~ CITY may
15 not report to the department any conviction or entry of judgment against
16 a defendant for violation of a municipal traffic regulation or a traffic
17 violation under state law if the violation was detected through the use of
18 an automated vehicle identification system; EXCEPT THAT, THE STATE, A
19 COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY SHALL REPORT UNPAID
20 VIOLATIONS TO THE DEPARTMENT PURSUANT TO SUBSECTIONS (3)(a) AND
21 (3)(b) OF THIS SECTION.

22 (c) Repealed.

23 (d) (I) The state, a county, a city and county, or a ~~municipality~~
24 CITY 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~~ CITY, nor by the posting of a permanent sign
7 in an area in which an automated vehicle identification ~~device~~ SYSTEM is
8 to be used, but this ~~subparagraph (f)~~ SUBSECTION (2)(d)(I) shall not be
9 deemed 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~~ CITY using such system conspicuously posts a sign notifying
16 the public that an automated vehicle identification ~~device~~ SYSTEM is in
17 use 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 MUNICIPAL TRAFFIC REGULATION OR TRAFFIC VIOLATION UNDER STATE
12 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 MUNICIPAL TRAFFIC REGULATION, VIOLATIONS OF A COUNTY TRAFFIC
10 CODE, OR A TRAFFIC VIOLATION UNDER STATE LAW. BEFORE A COUNTY OR
11 MUNICIPALITY DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION
12 CORRIDOR, THE 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;

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

20 (I) PROHIBIT THE RENEWAL OF THE REGISTRATION OF THE MOTOR
21 VEHICLE UNTIL THE CIVIL PENALTY AND THE FEE ASSESSED PURSUANT TO
22 THIS SECTION ARE PAID; AND

23 (II) PROHIBIT THE TITLE TRANSFER OF THE MOTOR VEHICLE UNTIL
24 THE CIVIL PENALTY AND THE FEE ASSESSED PURSUANT TO THIS SECTION
25 ARE PAID.

26 (b) A TWENTY-FIVE DOLLAR ADMINISTRATION FEE IS ADDED TO
27 ANY UNPAID VIOLATION SUBJECT TO THIS SECTION AND THE DEPARTMENT

1 IS ENTITLED TO THE TWENTY-FIVE DOLLAR ADMINISTRATION FEE TO COVER
2 ITS ADMINISTRATION OF THIS SECTION. THE STATE, COUNTY, CITY AND
3 COUNTY, OR MUNICIPALITY ISSUING THE VIOLATION SHALL DISCLOSE THE
4 TWENTY-FIVE DOLLAR ADMINISTRATION FEE IN THE FINAL ORDER OF
5 LIABILITY. FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE
6 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
7 TO THE COLORADO DRIVES VEHICLE SERVICES ACCOUNT CREATED IN
8 SECTION 42-1-211 (2).

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

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

1 city and county, or municipality may impose for such violation, including
2 any surcharge, is forty dollars.

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) TREAT ALL PHOTOGRAPHS AND VIDEO COLLECTED BY THE
27 AUTOMATED MOTOR VEHICLE IDENTIFICATION SYSTEM AS CONFIDENTIAL

1 AND EXEMPT FROM DISCLOSURE AND INSPECTION PURSUANT TO THE
2 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24;

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

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

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

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

- 25 (a) \$133,280 for DRIVES maintenance and support; and
26 (b) \$21,236 for the purchase of information technology services.
27 (2) For the 2023-24 state fiscal year, \$21,236 is appropriated to

1 the office of the governor for use by the office of information technology.
2 This appropriation is from reappropriated funds received from the
3 department of revenue under subsection (1)(b) of this section. To
4 implement this act, the office may use this appropriation to provide
5 information technology services for the department of revenue.

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