

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0912.01 Josh Schultz x5486

SENATE BILL 23-200

SENATE SPONSORSHIP

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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.

HOUSE
3rd Reading Unamended
May 2, 2023

HOUSE
Amended 2nd Reading
May 1, 2023

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

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

19 == == ==

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

26 (c) Repealed.

27 (d) (I) The state, a county, a city and county, or a municipality

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

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

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

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

27 (e) (I) ~~The state, a county, a city and county, or a municipality may~~

1 ~~not require a registered owner of a vehicle to disclose the identity of a~~
2 ~~driver of the vehicle who is detected through the use of an automated~~
3 ~~vehicle identification system. However, the registered owner may be~~
4 ~~required to submit evidence that the owner was not the driver at the time~~
5 ~~of the alleged violation.~~ IF THE STATE, COUNTY, CITY AND COUNTY, OR
6 MUNICIPALITY IMPLEMENTS A NEW AUTOMATED VEHICLE IDENTIFICATION
7 SYSTEM AFTER JULY 1, 2023, THAT IS NOT A REPLACEMENT OF AN
8 AUTOMATED VEHICLE IDENTIFICATION SYSTEM:

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

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

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

21 ~~(f) The state, a county, a city and county, or a municipality shall~~
22 ~~not issue a penalty assessment notice or summons for a violation detected~~
23 ~~using an automated vehicle identification system unless, at the time the~~
24 ~~violation is alleged to have occurred, an officer or employee of the state,~~
25 ~~the county, the city and county, or the municipality is present during the~~
26 ~~operation of the automated vehicle identification device; except that this~~
27 ~~paragraph (f) shall not apply to an automated vehicle identification system~~

1 ~~designed to detect violations for disobedience to a traffic control signal.~~

2 (g) (I) The state, a county, a city and county, or a municipality
3 shall not issue a NOTICE OF VIOLATION OR CIVIL penalty assessment notice
4 ~~or summons~~ for a violation detected using an automated vehicle
5 identification system unless the violation occurred within a school zone,
6 as defined in section 42-4-615; within a residential neighborhood; within
7 a maintenance, construction, or repair zone designated pursuant to section
8 42-4-614; ~~or~~ along a street that borders a municipal park; OR ALONG A ___
9 STREET OR PORTION OF A STREET THAT A COUNTY OR MUNICIPALITY, BY
10 ORDINANCE OR BY A RESOLUTION OF ITS GOVERNING BODY, DESIGNATES
11 AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, ON WHICH
12 DESIGNATED CORRIDOR THE COUNTY OR MUNICIPALITY MAY LOCATE AN
13 AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT VIOLATIONS OF
14 A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION
15 UNDER STATE LAW. BEFORE A COUNTY OR MUNICIPALITY BEGINS
16 OPERATION OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IN AN
17 AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, THE COUNTY OR
18 MUNICIPALITY MUST:

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

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

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

3 (II) ~~For purposes of this paragraph (g)~~ AS USED IN THIS
4 SUBSECTION (2)(g), unless the context otherwise requires, "residential
5 neighborhood" means any block on which a majority of the improvements
6 along both sides of the street are residential dwellings and the speed limit
7 is thirty-five miles per hour or less.

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

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

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

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

27 (h) THE STATE, A COUNTY, A CITY AND COUNTY, OR A

1 MUNICIPALITY SHALL NOT REQUIRE A REGISTERED OWNER OF A VEHICLE
2 TO DISCLOSE THE IDENTITY OF A DRIVER OF THE VEHICLE WHO IS
3 DETECTED THROUGH THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION
4 SYSTEM. HOWEVER, THE REGISTERED OWNER MAY BE REQUIRED TO
5 SUBMIT EVIDENCE THAT THE OWNER WAS NOT THE DRIVER AT THE TIME OF
6 THE ALLEGED VIOLATION.

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

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

25 (b) (I) If the state, a county, a city and county, or a municipality
26 detects a second or subsequent speeding violation under a COUNTY OR
27 municipal traffic regulation or under state law ~~by a driver~~ THE

1 REGISTERED OWNER, or a first such violation by the driver REGISTERED
2 OWNER, if the provisions of ~~paragraph (a) of this subsection (4)~~
3 SUBSECTION (4)(a) OF THIS SECTION do not apply, through the use of an
4 automated vehicle identification system, then, except as may be permitted
5 in ~~subparagraph (H) of this paragraph (b)~~ SUBSECTION (4)(b)(II) OF THIS
6 SECTION, the maximum penalty that the state, county, city and county, or
7 municipality may impose for such violation, including any surcharge, is
8 forty dollars.

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

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

16 (4.5) If the state, a county, a city and county, or a municipality
17 detects a violation ~~under~~ OF a COUNTY OR municipal traffic regulation or
18 TRAFFIC VIOLATION under state law for disobedience to a traffic control
19 signal through the use of an automated vehicle identification system, the
20 maximum CIVIL penalty that the state, a county, a city and county, or a
21 municipality may impose for such violation, including any surcharge, is
22 seventy-five dollars.

23 (4.7) If a driver REGISTERED OWNER fails to pay a penalty imposed
24 for a violation OF A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR A
25 TRAFFIC VIOLATION UNDER STATE LAW detected using an automated
26 vehicle identification ~~device~~ SYSTEM, the state, a county, a city and
27 county, or a municipality shall not attempt to enforce such a penalty by

1 immobilizing the ~~driver's~~ REGISTERED OWNER'S vehicle.

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

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

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

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

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

27 (7) THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY

1 AND ANY VENDOR OPERATING AN AUTOMATED VEHICLE IDENTIFICATION
2 SYSTEM SHALL, UNLESS OTHERWISE PROVIDED IN THIS SECTION:

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

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

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

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

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

27 

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