



Automated Vehicle Identification Systems

By Katie Ruedebusch

This *issue brief* discusses the use of automated vehicle identification systems in Colorado.

Automated Vehicle Identification Systems

Automated vehicle identification systems (AVIS), automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, its operator, and the license plate. When a traffic violation occurs, these technologies generate a penalty assessment notice or summons and complaint that is issued to the registered owner of the vehicle.

The two most common types of AVIS are red light cameras and photo radar technologies (photo speed vans). Governments typically use these systems to increase safety at intersections and reduce traffic accidents and fatalities. Cameras may also be deployed when police departments experience traffic officer shortages.

Colorado Law

State law governs the usage of AVIS.¹ Colorado law allows the state, a county, or a municipality to use AVIS to detect traffic violations. A municipality may also use AVIS to detect traffic violations adopted by the municipality. Upon request from the Colorado Department of Transportation, the Department of Public Safety must also utilize AVIS to detect speeding violations within highway maintenance, repair, or construction zones.

Nine local governments use AVIS: Aurora, Boulder, Commerce City, Denver, Fort Collins, Greenwood Village, Lone Tree, Pueblo, and Sheridan. Colorado Springs is adding AVIS to four intersections in late 2018. The state of Colorado does not currently use AVIS to enforce traffic laws on state highways.

Limits on usage. Red light cameras may be used throughout the state. However, use of photo speed vans is limited to school zones; residential neighborhoods; within maintenance, construction, or repair zones; or along a street that borders a municipal park.

Penalties. State law establishes the maximum original penalty for traffic violations detected by these systems. The maximum penalty for a violation captured by a red light camera is \$75. The maximum penalty for a speed violation captured by a photo speed van is \$40. However, the photo speed van maximum is doubled in a school zone and does not apply within a maintenance, construction, or repair zone. No points may be assessed against an individual's driver license for a violation detected with AVIS.

In addition, AVIS may not be used to detect a violation unless a sign is posted to notify the public that a system is in use. A penalty assessment notice or summons must be delivered within 90 days of the alleged violation. Governmental entities are not permitted to enforce a penalty by immobilizing a vehicle or reporting it to the Division of Motor Vehicles.

¹Section 42-4-110.5, C.R.S.

If it is an individual's first offense captured by a photo speed van and he or she is detected driving less than ten miles per hour over the speed limit, the governmental entity is required to issue a warning. Subsequent fees for violations captured by either system may apply due to failure to respond, personal service, and default. In the case of default, the penalty may be sent to a collection agency.

Citation issuance. Current law requires that penalty assessment notices or summons and complaints are issued to the registered owner of a motor vehicle.² The state and local governments may not require that a registered owner of a vehicle disclose the identity of the vehicle's driver, but registered vehicle owners may be required to submit evidence that the owner was not the driver at the time of the alleged violation. For example, if a husband was driving a car registered to his wife alone, his wife would receive the summons for the traffic violation. The wife could be required to prove that she was not the person driving the car at the time of the incident, but would not have to provide her husband's identity as the driver.

Additional uses of AVIS. Most jurisdictions in Colorado do not use AVIS for any other traffic violations beyond red light traffic violations or speeding. However, some municipalities use footage from AVIS to assist with additional enforcement activities, such as to locate a hit-and-run person of interest or to investigate other vehicle accidents.

AVIS Administration in Colorado

Governance. Municipalities typically hire contractors to deploy the camera technology and citation system. Local law enforcement or other divisions within the municipality manage those contractors. Generally, law enforcement officers review AVIS citations before they are sent out. Usually, several notices are mailed to the registered vehicle owner. Individuals who fail to respond may be personally served. If the citation is personally served, the defendant may be charged for the cost of the service of process.

Use of revenue. Each municipality uses the revenue generated from AVIS differently. Most local governments use the revenue to administer the AVIS program, along with funding general city services. Some municipalities use the revenue for specific programs, such as police department traffic enforcement, victim assistance programs, or problem-solving courts.

National AVIS Usage

Twenty-five states and the District of Columbia allow some use of AVIS. The type of AVIS permitted varies state to state. For example, Texas allows red light cameras, but not photo speed radar. Only four states prohibit all forms of AVIS.

²Section 42-4-110.5 (6)(b), C.R.S.