

**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**

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**SENATE SPONSORSHIP**

**Winter F.,**

**HOUSE SPONSORSHIP**

**Froelich,**

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**Senate Committees**

Transportation & Energy  
Appropriations

**House Committees**

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**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.**

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**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.

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.

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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           (1.5) Except for the authorization contained in subsection (1.7) of  
12 this section, nothing in this section ~~shall apply~~ APPLIES to a violation  
13 detected by an automated vehicle identification ~~device~~ SYSTEM for driving  
14 twenty-five miles per hour or more in excess of the reasonable and  
15 prudent speed or twenty-five miles per hour or more in excess of the  
16 maximum speed limit of seventy-five miles per hour detected by the use  
17 of an automated vehicle identification ~~device~~ SYSTEM.

18           (1.7) (a) (I) Upon request from the department of transportation,  
19 the department of public safety shall utilize an automated vehicle  
20 identification system to detect speeding violations under part 11 of this  
21 ~~article~~ ARTICLE 4 within a highway maintenance, repair, or construction  
22 zone designated pursuant to section 42-4-614 (1)(a), if the department of

1 public safety complies with subsections (2) to (6) of this section. An  
2 automated vehicle identification system shall not be used under this  
3 subsection (1.7) unless maintenance, repair, or construction is occurring  
4 at the time the system is being used.

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

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

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

22 (IV) No NOTICE OF VIOLATION OR CIVIL penalty assessment ~~or~~  
23 ~~summons and complaint~~ or a penalty or surcharge for a violation detected  
24 by an automated vehicle identification system under this subsection (1.7)  
25 shall be forwarded to the department for processing.

26 (b) The department of transportation shall reimburse the  
27 department of public safety for the direct and indirect costs of complying

1 with this subsection (1.7).

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

8 (a) (I) (Deleted by amendment, L. 2002, p. 570, § 1, effective May  
9 24, 2002.)

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

27 (A) WITHIN THIRTY DAYS AFTER THE ALLEGED VIOLATION

1 OCCURRED IF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION  
2 IS REGISTERED IN THE STATE; OR

3 (B) WITHIN SIXTY DAYS AFTER THE ALLEGED VIOLATION  
4 OCCURRED IF THE MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION  
5 IS REGISTERED OUTSIDE OF THE STATE.

6 (III) THE NOTICE OF VIOLATION MUST CONTAIN:

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

9 (B) THE LICENSE PLATE NUMBER OF THE MOTOR VEHICLE  
10 INVOLVED IN THE ALLEGED VIOLATION;

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

12 (D) THE AMOUNT OF THE CIVIL PENALTY PRESCRIBED FOR THE  
13 ALLEGED VIOLATION;

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

16 (F) INFORMATION ON HOW THE REGISTERED OWNER MAY EITHER  
17 DISPUTE THE ALLEGED VIOLATION IN A HEARING OR PAY THE PRESCRIBED  
18 CIVIL PENALTY.

19 (IV) IF THE STATE, A COUNTY, A CITY AND COUNTY, OR A  
20 MUNICIPALITY DOES NOT RECEIVE THE PRESCRIBED CIVIL PENALTY OR A  
21 WRITTEN NOTICE REQUESTING A HEARING TO DISPUTE THE ALLEGED  
22 VIOLATION BY THE DEADLINE STATED ON THE NOTICE OF VIOLATION,  
23 WHICH DEADLINE MUST NOT BE LESS THAN FORTY-FIVE DAYS AFTER THE  
24 ISSUANCE DATE ON THE NOTICE OF VIOLATION, THE STATE, COUNTY, CITY  
25 AND COUNTY, OR MUNICIPALITY SHALL ISSUE, OR CAUSE ITS VENDOR TO  
26 ISSUE, BY FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED  
27 BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS

1 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO  
2 DELIVERY SPEED, RELIABILITY, AND PRICE, A CIVIL PENALTY ASSESSMENT  
3 NOTICE FOR THE ALLEGED VIOLATION TO THE REGISTERED OWNER OF THE  
4 MOTOR VEHICLE INVOLVED IN THE ALLEGED VIOLATION NO LATER THAN  
5 THIRTY DAYS AFTER THE DEADLINE ON THE NOTICE OF VIOLATION.

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

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

9 (B) THE LICENSE PLATE OF THE MOTOR VEHICLE INVOLVED IN THE  
10 ALLEGED VIOLATION;

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

12 (D) THE AMOUNT OF THE CIVIL PENALTY PRESCRIBED FOR THE  
13 ALLEGED VIOLATION;

14 (E) THE DEADLINE FOR PAYMENT OF THE PRESCRIBED CIVIL  
15 PENALTY;     

16 (F) INFORMATION ON HOW TO PAY THE PRESCRIBED CIVIL  
17 PENALTY; AND

18 (G) A NOTICE THAT AN UNPAID PENALTY WILL BE REPORTED TO  
19 THE DEPARTMENT AND MAY RESULT IN THE DEPARTMENT PROHIBITING THE  
20 RENEWAL OF THE REGISTRATION OF THE MOTOR VEHICLE OR PROHIBITING  
21 THE TRANSFER OF TITLE OF THE MOTOR VEHICLE AND THAT THE  
22 DEPARTMENT MAY IMPOSE A TWENTY-FIVE-DOLLAR FEE TO COVER ITS  
23 ADMINISTRATIVE COSTS.

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) ANY APPEAL OF THE FINAL ORDER MUST BE BROUGHT IN THE  
7       MANNER SPECIFIED BY THE STATE, COUNTY, CITY AND COUNTY, OR  
8       MUNICIPALITY FOR SIMILAR APPEALS.

9               (IX) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)(a)(X)  
10       AND (2)(a)(XI) OF THIS SECTION, THE REGISTERED OWNER OF THE MOTOR  
11       VEHICLE INVOLVED IN A VIOLATION DETECTED THROUGH THE USE OF AN  
12       AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS LIABLE FOR ANY CIVIL  
13       PENALTY IMPOSED BY THE STATE, A COUNTY, A CITY AND COUNTY, OR A  
14       MUNICIPALITY.

15              (X) THE REGISTERED OWNER OF A MOTOR VEHICLE INVOLVED IN  
16       A VIOLATION OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC  
17       VIOLATION UNDER STATE LAW WHO IS ENGAGED IN THE BUSINESS OF  
18       LEASING OR RENTING MOTOR VEHICLES IS LIABLE FOR PAYMENT OF THE  
19       CIVIL PENALTY FOR THE VIOLATION; EXCEPT THAT, AT THE DISCRETION OF  
20       THE REGISTERED OWNER:

21              (A) THE REGISTERED OWNER MAY OBTAIN PAYMENT FOR THE CIVIL  
22       PENALTY FROM THE INDIVIDUAL OR COMPANY THAT LEASED OR RENTED  
23       THE MOTOR VEHICLE AT THE TIME THE VIOLATION OCCURRED THROUGH A  
24       CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE PAYMENT TO THE  
25       STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY IMPOSING THE CIVIL  
26       PENALTY; OR

27              (B) THE REGISTERED OWNER MAY SEEK TO AVOID LIABILITY FOR



1 THE CIVIL PENALTY IF THE REGISTERED OWNER OF THE LEASED OR RENTED  
2 MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE TIME  
3 OF THE VIOLATION, THE MOTOR VEHICLE WAS LEASED TO ANOTHER  
4 PERSON FOR A LEASE TERM OF MORE THAN ONE YEAR. TO AVOID LIABILITY  
5 FOR PAYMENT, THE REGISTERED OWNER OF THE MOTOR VEHICLE SHALL,  
6 WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTICE OF VIOLATION,  
7 FURNISH TO THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY AN  
8 AFFIDAVIT CONTAINING THE NAME, ADDRESS, AND, IF AVAILABLE, THE  
9 STATE DRIVER'S LICENSE NUMBER OF THE INDIVIDUAL OR COMPANY THAT  
10 LEASED THE MOTOR VEHICLE. AS A CONDITION TO AVOID LIABILITY FOR  
11 PAYMENT OF A CIVIL PENALTY, ANY INDIVIDUAL OR COMPANY THAT  
12 LEASES MOTOR VEHICLES TO A PERSON SHALL INCLUDE A NOTICE IN THE  
13 LEASE AGREEMENT STATING THAT: THE PERSON LEASING OR RENTING THE  
14 MOTOR VEHICLE IS LIABLE FOR PAYMENT OF ANY PENALTIES FOR A TRAFFIC  
15 VIOLATION ISSUED AGAINST THE REGISTERED OWNER DURING THE PERIOD  
16 OF TIME FOR WHICH THE PERSON LEASES THE MOTOR VEHICLE; THE  
17 REGISTERED OWNER MAY, THROUGH AN AFFIDAVIT, FURNISH THE NAME,  
18 ADDRESS, AND, IF AVAILABLE, THE PERSON'S STATE DRIVER'S LICENSE  
19 NUMBER, TO THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY  
20 IMPOSING THE CIVIL PENALTY FOR ANY VIOLATION THAT OCCURS DURING  
21 THE TERM OF THE LEASE AGREEMENT; AND UPON RECEIPT OF THE  
22 AFFIDAVIT, THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY  
23 MAY ISSUE AND SEND, OR CAUSE ITS VENDOR TO ISSUE AND SEND, A  
24 NOTICE OF VIOLATION, AND IF NECESSARY, A CIVIL PENALTY ASSESSMENT  
25 NOTICE, BY FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE  
26 OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE  
27 THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT

1 TO DELIVERY SPEED, RELIABILITY, AND PRICE, TO THE PERSON NAMED AS  
2 LEASING THE MOTOR VEHICLE.

3 (XI) THE REGISTERED OWNER OF A MOTOR VEHICLE INVOLVED IN  
4 A VIOLATION OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC  
5 VIOLATION UNDER STATE LAW MAY REBUT THE PRESUMPTION OF LIABILITY  
6 FOR THE VIOLATION BY PROVING, BY A PREPONDERANCE OF THE EVIDENCE,  
7 THAT:

8 (A) THE REGISTERED OWNER SOLD OR OTHERWISE TRANSFERRED  
9 OWNERSHIP OF THE MOTOR VEHICLE TO ANOTHER PERSON BEFORE THE  
10 DATE OF THE VIOLATION, AS EVIDENCED BY A BILL OF SALE OR A SIMILAR  
11 DOCUMENT;

12 (B) THE REGISTERED OWNER DID NOT HAVE CUSTODY OR CONTROL  
13 OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT, AS  
14 EVIDENCED BY A REPORT TO A LAW ENFORCEMENT AGENCY; OR

15 (C) EXCEPT FOR THE REGISTERED OWNER OF A MOTOR VEHICLE  
16 LEASED OR RENTED TO ANOTHER PERSON, THE REGISTERED OWNER DID  
17 NOT HAVE CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF  
18 THE VIOLATION BECAUSE ANOTHER DRIVER HAD CUSTODY OR CONTROL OF  
19 THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, AS EVIDENCED BY  
20 THE REGISTERED OWNER TESTIFYING UNDER OATH, EITHER IN A HEARING  
21 OR THROUGH AN AFFIDAVIT, THAT THE REGISTERED OWNER DID NOT HAVE  
22 CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE  
23 VIOLATION AND BY PROVIDING THE NAME, ADDRESS, AND, IF KNOWN, THE  
24 DATE OF BIRTH AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON WHO  
25 HAD CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE  
26 VIOLATION. TO AVOID LIABILITY FOR PAYMENT, THE REGISTERED OWNER  
27 OF THE MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER RECEIPT OF

1 THE NOTICE OF VIOLATION, FURNISH TO THE STATE, COUNTY, CITY AND  
2 COUNTY, OR MUNICIPALITY AN AFFIDAVIT CONTAINING THE NAME,  
3 ADDRESS, AND, IF AVAILABLE, THE STATE DRIVER'S LICENSE NUMBER OF  
4 THE PERSON WHO HAD CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT  
5 THE TIME OF THE VIOLATION. UPON RECEIPT OF THE AFFIDAVIT, THE  
6 STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY ISSUE AND  
7 SEND, OR CAUSE ITS VENDOR TO ISSUE AND SEND, A NOTICE OF VIOLATION,  
8 AND, IF NECESSARY, A CIVIL PENALTY ASSESSMENT NOTICE, BY  
9 FIRST-CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN  
10 ENTITY OTHER THAN THE UNITED STATES POSTAL SERVICE THAT IS  
11 EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH RESPECT TO  
12 DELIVERY SPEED, RELIABILITY, AND PRICE, TO THE PERSON NAMED AS  
13 HAVING CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF  
14 THE VIOLATION.

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

24 (c) Repealed.

25 (d) (I) The state, a county, a city and county, or a ~~municipality~~  
26 CITY may not use an automated vehicle identification system to detect a  
27 violation of part 11 of this ~~article~~ ARTICLE 4 or a local speed ordinance

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

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

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

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

25 (e) (I) ~~The state, a county, a city and county, or a municipality may~~  
26 ~~not require a registered owner of a vehicle to disclose the identity of a~~  
27 ~~driver of the vehicle who is detected through the use of an automated~~

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

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

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

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

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

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

1 shall not issue a NOTICE OF VIOLATION OR CIVIL penalty assessment notice  
2 ~~or summons~~ for a violation detected using an automated vehicle  
3 identification system unless the violation occurred within a school zone,  
4 as defined in section 42-4-615; within a residential neighborhood; within  
5 a maintenance, construction, or repair zone designated pursuant to section  
6 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  
7 ORDINANCE OR BY A RESOLUTION OF ITS GOVERNING BODY, DESIGNATES  
8 AS AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR, ON WHICH  
9 DESIGNATED CORRIDOR THE COUNTY OR MUNICIPALITY MAY LOCATE AN  
10 AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT VIOLATIONS OF  
11 A MUNICIPAL TRAFFIC REGULATION, VIOLATIONS OF A COUNTY TRAFFIC  
12 CODE, OR A TRAFFIC VIOLATION UNDER STATE LAW, SO LONG AS THE  
13 COUNTY OR MUNICIPALITY POSTS A PERMANENT SIGN IN A CONSPICUOUS  
14 PLACE NOT FEWER THAN THREE HUNDRED FEET BEFORE THE BEGINNING OF  
15 THE CORRIDOR AND EVERY FIVE HUNDRED FEET THEREAFTER.  
16

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

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

25 (3) (a) The department has no authority to assess any points  
26 against a license under section 42-2-127 upon entry of a conviction or  
27 judgment for a violation of a municipal traffic regulation or a traffic

1 violation under state law if the violation was detected through the use of  
2 an automated vehicle identification system. HOWEVER, FOR ANY  
3 VIOLATION THAT IS UNPAID WITHIN SIXTY DAYS AFTER THE FINAL  
4 DISPOSITION OF THE VIOLATION, the department ~~may not~~ SHALL keep any  
5 record of ~~such~~ THE violation REPORTED BY THE STATE, A COUNTY, A CITY  
6 AND COUNTY, OR A MUNICIPALITY in the official records maintained by the  
7 department under section 42-2-121 AND:

8 (I) PROHIBIT THE RENEWAL OF THE REGISTRATION OF THE MOTOR  
9 VEHICLE UNTIL THE CIVIL PENALTY AND THE FEE ASSESSED PURSUANT TO  
10 THIS SECTION ARE PAID; OR

11 (II) PROHIBIT THE TITLE TRANSFER OF THE MOTOR VEHICLE UNTIL  
12 THE CIVIL PENALTY AND THE FEE ASSESSED PURSUANT TO THIS SECTION  
13 ARE PAID; OR

14 (b) A TWENTY-FIVE DOLLAR ADMINISTRATION FEE IS ADDED TO  
15 ANY UNPAID VIOLATION SUBJECT TO THIS SECTION AND THE DEPARTMENT  
16 IS ENTITLED TO THE TWENTY-FIVE DOLLAR ADMINISTRATION FEE TO COVER  
17 ITS ADMINISTRATION OF THIS SECTION.

18 (4) (a) If the state, a county, a city and county, or a municipality  
19 detects a speeding violation of less than ten miles per hour over the  
20 reasonable and prudent speed under a municipal traffic regulation or  
21 under state law through the use of an automated vehicle identification  
22 system and the violation is the first violation ~~by such driver~~ INVOLVING  
23 THE MOTOR VEHICLE that the state, county, city and county, or  
24 municipality has detected using an automated vehicle identification  
25 system, then the state, county, city and county, or municipality ~~shall~~ MAY  
26 mail ~~such driver~~ THE REGISTERED OWNER OF THE MOTOR VEHICLE a  
27 warning regarding the violation, ~~and~~ BUT the state, county, city and

1 county, or municipality ~~may~~ SHALL not impose any penalty or surcharge  
2 for such first violation.

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

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

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

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



1 (4.7) If a ~~driver~~ REGISTERED OWNER fails to pay a penalty imposed  
2 for a violation OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC  
3 VIOLATION UNDER STATE LAW detected using an automated vehicle  
4 identification ~~device~~ SYSTEM, the state, a county, a city and county, or a  
5 municipality shall not attempt to enforce such a penalty by immobilizing  
6 the ~~driver's~~ REGISTERED OWNER'S vehicle.

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

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

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

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

26 (b) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" INCLUDES A  
27 SYSTEM USED TO DETECT A VIOLATION OF PART 11 OF THIS ARTICLE 4 OR

1 A LOCAL SPEED ORDINANCE, A SYSTEM USED TO DETECT VIOLATIONS OF  
2 TRAFFIC RESTRICTIONS IMPOSED BY TRAFFIC SIGNALS OR TRAFFIC SIGNS,  
3 AND A SYSTEM USED TO DETECT VIOLATIONS OF BUS LANE OR BICYCLE  
4 LANE RESTRICTIONS.

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

8 (a) PROGRAM THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM  
9 TO TAKE PHOTOGRAPHS ONLY WHEN A VIOLATION OF A MUNICIPAL  
10 TRAFFIC REGULATION OR TRAFFIC VIOLATION UNDER STATE LAW OCCURS;

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

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

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

27 **SECTION 2. Appropriation. (1) For the 2023-24 state fiscal**

1 year, \$154,516 is appropriated to the department of revenue. This  
2 appropriation is from the Colorado DRIVES vehicle services account in  
3 the highway users tax fund created in section 42-1-211 (2), C.R.S. To  
4 implement this act, the department may use this appropriation as follows:

5 (a) \$133,280 for DRIVES maintenance and support; and

6 (b) \$21,236 for the purchase of information technology services.

7 (2) For the 2023-24 state fiscal year, \$21,236 is appropriated to  
8 the office of the governor for use by the office of information technology.

9 This appropriation is from reappropriated funds received from the  
10 department of revenue under subsection (1)(b) of this section. To  
11 implement this act, the office may use this appropriation to provide  
12 information technology services for the department of revenue.

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