

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0899.01 Renee Leone x2695

SENATE BILL 26-152

SENATE SPONSORSHIP

Ball and Pelton B.,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING CHANGES TO THE USAGE OF AUTOMATED VEHICLE
102 IDENTIFICATION SYSTEMS.

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 makes changes to the use of automated vehicle identification systems (AVIS), including:

- Modifying the public notice requirements that the state, a county, a city and county, a municipality, or an agency responsible for placing a new AVIS must provide before utilizing the new AVIS;

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.

- Creating a procedure by which a registered owner of a motor vehicle may prove that they were not the driver of the motor vehicle at the time when a violation was detected by an AVIS and, thereby, under certain circumstances, relieving the registered owner from having to pay the civil penalty associated with the notice of violation;
- Requiring that, if a variable speed limit is in effect or a speed limit is otherwise temporarily lowered due to hazardous weather or other traffic conditions, the state, a county, a city and county, or a municipality may only issue a notice of violation and civil penalty for a speeding violation that exceeds the regular maximum posted speed limit for that location;
- Changing the penalty structure for different levels of speeding violations detected by an AVIS;
- Establishing that the compensation the state, a county, a city and county, or a municipality pays to a manufacturer or vendor of an AVIS must, in addition to other conditions, be a flat monthly rate; and
- Beginning January 1, 2035, increasing the civil penalties associated with notices of violations issued for violations captured by an AVIS.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-110.5, **amend**
3 (2) introductory portion, (2)(e), (2)(g)(I.7), (2)(g)(IV), (2)(h), (4), (4.5)(a),
4 (4.6)(b), and (5); **repeal** (1.5); and **add** (2)(i) as follows:

5 **42-4-110.5. Automated vehicle identification systems - school**
6 **buses - exceptions to liability - penalty - contracting - limits on use of**
7 **photographs and video - rules - legislative declaration - definitions -**
8 **repeal.**

9 ~~(1.5) Nothing in this section applies to a violation detected by an~~
10 ~~automated vehicle identification system for driving twenty-five miles per~~
11 ~~hour or more in excess of the reasonable and prudent speed or twenty-five~~
12 ~~miles per hour or more in excess of the maximum speed limit of~~
13 ~~seventy-five miles per hour detected by the use of an automated vehicle~~

1 ~~identification system.~~

2 (2) A county, city and county, or municipality may adopt an
3 ordinance authorizing the use of an automated vehicle identification
4 system to detect violations of traffic regulations adopted by the county,
5 city and county, or municipality, or the state, a county, a city and county,
6 or a municipality may utilize an automated vehicle identification system
7 to detect traffic violations under state law, subject to ~~the following~~
8 ~~conditions and limitations and, as applicable,~~ the requirements for state
9 highways set forth in and any rules adopted by the department of
10 transportation pursuant to subsection (2.5) of this section, AS APPLICABLE,
11 AND THE FOLLOWING CONDITIONS AND LIMITATIONS:

12 (e) (I) If the state, A county, A city and county, or A municipality
13 implements a new automated vehicle identification system ~~after July 1,~~
14 ~~2023,~~ that is not a replacement of an EXISTING automated vehicle
15 identification system:

16 (A) The agency responsible for the automated vehicle
17 identification system shall publicly announce the implementation of the
18 system through its website AND SOCIAL MEDIA ACCOUNTS, IF ANY, for at
19 least thirty days prior to the use of the system; and

20 (B) For the first thirty days after the system is installed or
21 deployed, only warnings may be issued for violations of a county or
22 municipal traffic regulation or traffic violation under state law detected
23 by the system. SUCH WARNINGS MUST BE ISSUED AND DELIVERED IN
24 WRITING.

25 (II) ~~A~~ THE state, A county, A city and county, or A municipality
26 ~~may~~ SHALL conduct an extended public information campaign or warning
27 period for ~~systems~~ EACH NEW SYSTEM installed or deployed. ~~either before~~

1 ~~or after July 1, 2023~~ AS PART OF SUCH CAMPAIGN OR WARNING PERIOD,
2 THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY SHALL POST A
3 SIGN ANNOUNCING THE UPCOMING USE OF AN AUTOMATED VEHICLE
4 IDENTIFICATION SYSTEM AT EACH LOCATION WHERE AN AUTOMATED
5 VEHICLE IDENTIFICATION SYSTEM WILL BE INSTALLED AT LEAST THIRTY
6 DAYS BEFORE THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS
7 UTILIZED. THE SIGN MUST USE LETTERING THAT IS AT LEAST FOUR INCHES
8 HIGH FOR UPPERCASE LETTERS AND TWO AND NINE-TENTHS INCHES HIGH
9 FOR LOWERCASE LETTERS.

10 (g) (I.7) Before the state, a county, A city and county, or A
11 municipality begins operation of an automated vehicle identification
12 system in an automated vehicle identification corridor, the state, county,
13 city and county, or municipality must:

14 (A) Post a permanent sign in a conspicuous place not fewer than
15 three hundred feet before the beginning of the corridor; ~~and~~

16 (B) Post a permanent sign not fewer than three hundred feet
17 before each static camera within the corridor ~~thereafter~~ or a temporary
18 sign not fewer than three hundred feet before any mobile camera; except
19 that, ~~for an automated vehicle identification corridor on which~~ IF an
20 automated vehicle identification system is used on transit vehicles for the
21 ~~purpose of detecting~~ WILL BE USED EXCLUSIVELY TO DETECT unauthorized
22 use of a transit-only lane, THE STATE, COUNTY, CITY AND COUNTY, OR
23 MUNICIPALITY MUST post permanent signs at one-half mile or more
24 frequent intervals WITHIN THE AUTOMATED VEHICLE IDENTIFICATION
25 CORRIDOR; and

26 (C) Illustrate, through ~~data collected within the past five years~~
27 QUANTITATIVE DATA COLLECTION, incidents of crashes, speeding, OR

1 reckless driving ~~or community complaints~~ WITHIN THE PAST FIVE YEARS
2 on a street designated as an automated vehicle identification corridor,
3 unless the automated vehicle identification system will be used
4 exclusively to detect unauthorized ~~usage of one or more transit-only lanes~~
5 USE OF A TRANSIT-ONLY LANE. COMMUNITY COMPLAINTS MAY ALSO BE
6 USED TO ILLUSTRATE THE NEED FOR AN AUTOMATED VEHICLE
7 IDENTIFICATION CORRIDOR IF COLLECTED WITH QUANTITATIVE DATA.

8 (IV) The state, a county, a city and county, or a municipality
9 implementing an automated vehicle identification corridor pursuant to
10 subsection (2)(g)(I) of this section shall ANNUALLY publish a report on its
11 website disclosing the number of citations and AMOUNT OF revenue
12 generated by the automated vehicle identification corridor.

13 (h) (I) ~~The state, a county, a city and county, or a municipality~~
14 ~~shall not require a registered owner of a vehicle to disclose the identity of~~
15 ~~a driver of the vehicle who is detected through the use of an automated~~
16 ~~vehicle identification system. However, the registered owner may be~~
17 ~~required to submit evidence that the owner was not the driver at the time~~
18 ~~of the alleged violation.~~ THE REGISTERED OWNER OF THE MOTOR VEHICLE
19 DETECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS
20 RESPONSIBLE FOR PAYING THE CIVIL PENALTY ASSOCIATED WITH THE
21 NOTICE OF THE VIOLATION UNLESS:

22 (A) THE REGISTERED OWNER ESTABLISHES THAT THE MOTOR
23 VEHICLE WAS IN THE CARE, CUSTODY, OR CONTROL OF ANOTHER PERSON
24 AT THE TIME OF THE VIOLATION DETECTED BY THE AUTOMATED VEHICLE
25 IDENTIFICATION SYSTEM;

26 (B) THE REGISTERED OWNER ESTABLISHES THAT LAW
27 ENFORCEMENT ISSUED A SEPARATE TRAFFIC CITATION TO THE REGISTERED

1 OWNER OR DRIVER OF THE MOTOR VEHICLE FOR THE VIOLATION DETECTED
2 BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM; OR

3 (C) A REPRESENTATIVE OF THE ESTATE OR A FAMILY MEMBER OF
4 THE REGISTERED OWNER ESTABLISHES THAT THE REGISTERED OWNER WAS
5 DECEASED PRIOR TO THE DATE OF THE VIOLATION DETECTED BY THE
6 AUTOMATED VEHICLE IDENTIFICATION SYSTEM.

7 (II) TO ESTABLISH THAT THE REGISTERED OWNER IS NOT
8 RESPONSIBLE FOR PAYING A CIVIL PENALTY ASSOCIATED WITH A NOTICE
9 OF VIOLATION, THE REGISTERED OWNER OR A REPRESENTATIVE OF THE
10 ESTATE OR A FAMILY MEMBER OF THE REGISTERED OWNER MUST, WITHIN
11 THIRTY DAYS AFTER THE DATE OF ISSUANCE OF THE NOTICE OF VIOLATION,
12 PROVIDE TO THE ENTITY THAT ISSUED THE NOTICE OF VIOLATION AN
13 AFFIDAVIT WITH INFORMATION SHOWING THAT ONE OF THE EXCEPTIONS
14 SET FORTH IN SUBSECTION (2)(h)(I) OF THIS SECTION APPLIES.

15 (III) (A) IF THE REGISTERED OWNER CLAIMS AN EXCEPTION
16 PURSUANT TO SUBSECTION (2)(h)(I)(A) OF THIS SECTION, THE REGISTERED
17 OWNER SHALL INCLUDE IN THE AFFIDAVIT THE NAME, THE DATE OF BIRTH,
18 AND, IF KNOWN, THE DRIVER'S LICENSE NUMBER OF THE PERSON THAT HAD
19 CARE, CUSTODY, OR CONTROL OF THE MOTOR VEHICLE AT THE TIME THE
20 AUTOMATED VEHICLE IDENTIFICATION SYSTEM DETECTED THE VIOLATION.

21 (B) THE REGISTERED OWNER OF A MOTOR VEHICLE THAT WAS
22 LEASED AT THE TIME OF THE VIOLATION IS NOT REQUIRED TO SUBMIT AN
23 AFFIDAVIT PURSUANT TO SUBSECTION (2)(h)(III)(A) OF THIS SECTION IF
24 THE MOTOR VEHICLE WAS REGISTERED IN THE NAME OF THE LESSEE AT THE
25 TIME OF THE VIOLATION.

26 (IV) IF THE REGISTERED OWNER CLAIMS AN EXCEPTION PURSUANT
27 TO SUBSECTION (2)(h)(I)(B) OF THIS SECTION, THE REGISTERED OWNER

1 SHALL INCLUDE IN THE AFFIDAVIT THE SERIAL NUMBER OF THE TRAFFIC
2 CITATION.

3 (V) IF THE REGISTERED OWNER TO WHOM A NOTICE OF VIOLATION
4 HAS BEEN ISSUED IS DECEASED, THE AFFIDAVIT MUST INCLUDE BOTH A
5 CERTIFIED COPY OF THE DEATH CERTIFICATE SHOWING THAT THE DEATH
6 OF THE REGISTERED OWNER OCCURRED BEFORE THE DATE OF THE
7 VIOLATION AND ONE OF THE FOLLOWING:

8 (A) A BILL OF SALE OR OTHER DOCUMENT SHOWING THAT THE
9 MOTOR VEHICLE WAS SOLD OR TRANSFERRED AFTER THE DATE OF THE
10 REGISTERED OWNER'S DEATH AND BEFORE THE DATE OF THE VIOLATION;

11 (B) DOCUMENTED PROOF THAT THE REGISTERED LICENSE PLATE
12 BELONGING TO THE REGISTERED OWNER WAS RETURNED TO THE
13 DEPARTMENT OR ANOTHER OFFICE OR AUTHORIZED AGENT OF THE
14 DEPARTMENT AFTER THE DATE OF THE REGISTERED OWNER'S DEATH AND
15 BEFORE THE DATE OF THE VIOLATION; OR

16 (C) A COPY OF THE POLICE REPORT SHOWING THAT THE
17 REGISTERED OWNER'S LICENSE PLATE OR MOTOR VEHICLE WAS STOLEN
18 AFTER THE DATE OF THE REGISTERED OWNER'S DEATH AND BEFORE THE
19 DATE OF THE VIOLATION.

20 (VI) UPON RECEIPT OF THE AFFIDAVIT AND SUFFICIENT
21 SUPPORTING DOCUMENTATION PURSUANT TO SUBSECTIONS (2)(h)(I)(B)
22 AND (2)(h)(IV) OR SUBSECTIONS (2)(h)(I)(C) AND (2)(h)(V) OF THIS
23 SECTION, THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY
24 SHALL DISMISS THE NOTICE OF VIOLATION AND PROVIDE PROOF OF THE
25 DISMISSAL TO THE REGISTERED OWNER OR OTHER PERSON THAT
26 SUBMITTED THE AFFIDAVIT.

27 (VII) (A) UPON RECEIPT OF THE AFFIDAVIT AND SUFFICIENT

1 SUPPORTING DOCUMENTATION PURSUANT TO SUBSECTIONS (2)(h)(I)(A)
2 AND (2)(h)(III)(A) OF THIS SECTION, THE STATE, A COUNTY, A CITY AND
3 COUNTY, OR A MUNICIPALITY MAY ISSUE A NOTICE OF VIOLATION TO THE
4 PERSON IDENTIFIED IN THE AFFIDAVIT AS HAVING CARE, CUSTODY, OR
5 CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION. IF THE
6 STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY SENDS A
7 NOTICE OF VIOLATION TO THE PERSON IDENTIFIED IN THE AFFIDAVIT, IT
8 MUST DO SO WITHIN THIRTY DAYS AFTER RECEIPT OF THE AFFIDAVIT FROM
9 THE REGISTERED OWNER. THE AFFIDAVIT SUBMITTED BY THE REGISTERED
10 OWNER MAY BE USED AS EVIDENCE IN A PROCEEDING TO ESTABLISH THAT
11 THE PERSON IDENTIFIED IN THE AFFIDAVIT WAS IN ACTUAL CARE,
12 CUSTODY, OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE
13 VIOLATION.

14 (B) IF THE PERSON IDENTIFIED BY THE REGISTERED OWNER AS
15 HAVING CARE, CUSTODY, OR CONTROL OF THE MOTOR VEHICLE AT THE
16 TIME OF THE VIOLATION, AND WHO HAS RECEIVED A NOTICE OF VIOLATION
17 FROM THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY BASED
18 ON THAT IDENTIFICATION, AFFIRMS THAT THEY DID NOT HAVE CARE,
19 CUSTODY, OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE
20 VIOLATION, THE PERSON MUST PROVIDE THE STATE, COUNTY, CITY AND
21 COUNTY, OR MUNICIPALITY AN AFFIDAVIT STATING SUCH WITHIN THIRTY
22 DAYS AFTER THE ISSUANCE OF THE NOTICE OF VIOLATION TO THAT PERSON.

23 (VIII) IF THE STATE, A COUNTY, A CITY AND COUNTY, OR A
24 MUNICIPALITY RECEIVES AN AFFIDAVIT PURSUANT TO SUBSECTION
25 (2)(h)(VII)(B) OF THIS SECTION THAT AFFIRMS THAT THE PERSON
26 IDENTIFIED BY THE REGISTERED OWNER DID NOT HAVE CARE, CUSTODY, OR
27 CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THE

1 STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY:

2 (A) NOTIFY THE REGISTERED OWNER THAT THE NOTICE OF
3 VIOLATION WILL NOT BE DISMISSED DUE TO FAILURE TO ESTABLISH THAT
4 ANOTHER PERSON HAD CARE, CUSTODY, OR CONTROL OF THE MOTOR
5 VEHICLE AT THE TIME OF THE VIOLATION; OR

6 (B) DISMISS THE NOTICE OF VIOLATION AND PROVIDE PROOF OF
7 THE DISMISSAL TO THE REGISTERED OWNER.

8 (IX) A PERSON THAT SUBMITS A FALSE AFFIDAVIT COMMITS A
9 CLASS 2 MISDEMEANOR TRAFFIC OFFENSE AND, UPON CONVICTION, SHALL
10 BE PUNISHED AS PROVIDED IN SECTION 42-4-1701 (3).

11 (i) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(i)(II) OF THIS
12 SECTION, IF A VARIABLE SPEED LIMIT IS IN EFFECT OR A SPEED LIMIT IS
13 OTHERWISE TEMPORARILY LOWERED DUE TO HAZARDOUS WEATHER OR
14 OTHER TRAFFIC CONDITIONS, THE STATE, A COUNTY, A CITY AND COUNTY,
15 OR A MUNICIPALITY SHALL ONLY ISSUE A NOTICE OF VIOLATION AND CIVIL
16 PENALTY FOR A VIOLATION DETECTED BY AN AUTOMATED VEHICLE
17 IDENTIFICATION SYSTEM IF THE VIOLATION IS A SPEEDING VIOLATION THAT
18 EXCEEDS THE REGULAR MAXIMUM POSTED SPEED LIMIT FOR THAT
19 LOCATION THAT IS TYPICALLY IN EFFECT WHEN A VARIABLE SPEED LIMIT
20 IS NOT IN EFFECT AND THE SPEED LIMIT IS NOT OTHERWISE TEMPORARILY
21 LOWERED.

22 (II) SUBSECTION (2)(i)(I) OF THIS SECTION DOES NOT APPLY WHEN
23 A SPEED LIMIT IS TEMPORARILY LOWERED DUE TO THE NEED FOR A
24 TEMPORARY HIGHWAY MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE
25 DESIGNATED PURSUANT TO SECTION 42-4-614.

26 (4) (a) (I) If, THROUGH THE USE OF AN AUTOMATED VEHICLE
27 IDENTIFICATION SYSTEM, the state, a county, a city and county, or a

1 municipality detects a speeding violation of less than ~~ten~~ SIX miles per
2 hour over the reasonable and prudent speed under a county or municipal
3 traffic regulation or under state law, ~~through the use of an automated~~
4 ~~vehicle identification system and the violation is the first violation by the~~
5 ~~registered owner that the state, county, city and county, or municipality~~
6 ~~has detected using an automated vehicle identification system,~~ then the
7 state, county, city and county, or municipality may mail the registered
8 owner a warning regarding the violation. ~~but~~ The state, county, city and
9 county, or municipality shall not impose ~~any~~ A penalty or surcharge for
10 such ~~first~~ A violation.

11 (II) IF, THROUGH THE USE OF AN AUTOMATED VEHICLE
12 IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A CITY AND COUNTY, OR
13 A MUNICIPALITY DETECTS A SPEEDING VIOLATION OF AT LEAST SIX AND
14 LESS THAN TEN MILES PER HOUR OVER THE REASONABLE AND PRUDENT
15 SPEED UNDER A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR UNDER
16 STATE LAW, AND THE VIOLATION IS THE FIRST VIOLATION BY THE
17 REGISTERED OWNER THAT THE STATE, COUNTY, CITY AND COUNTY, OR
18 MUNICIPALITY HAS DETECTED USING AN AUTOMATED VEHICLE
19 IDENTIFICATION SYSTEM, THEN THE STATE, COUNTY, CITY AND COUNTY,
20 OR MUNICIPALITY SHALL MAIL THE REGISTERED OWNER A WARNING
21 REGARDING THE VIOLATION. THE STATE, COUNTY, CITY AND COUNTY, OR
22 MUNICIPALITY SHALL NOT IMPOSE A PENALTY OR SURCHARGE FOR SUCH
23 FIRST VIOLATION.

24 (III) (A) NOTWITHSTANDING SUBSECTION (4)(a)(II) OF THIS
25 SECTION, IF, BEFORE JANUARY 1, 2035, THROUGH THE USE OF AN
26 AUTOMATED VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A
27 CITY AND COUNTY, OR A MUNICIPALITY DETECTS A SPEEDING VIOLATION

1 OF AT LEAST SIX AND LESS THAN TEN MILES PER HOUR OVER THE
2 REASONABLE AND PRUDENT SPEED IN A SCHOOL ZONE AS DEFINED IN
3 SECTION 42-4-615, OR WITHIN A HIGHWAY MAINTENANCE, REPAIR, OR
4 CONSTRUCTION ZONE DESIGNATED PURSUANT TO SECTION 42-4-614, AND
5 THE VIOLATION IS THE FIRST VIOLATION BY THE REGISTERED OWNER, THE
6 MAXIMUM PENALTY THAT THE STATE, COUNTY, CITY AND COUNTY, OR
7 MUNICIPALITY MAY IMPOSE FOR SUCH VIOLATION, INCLUDING ANY
8 SURCHARGE, IS FORTY DOLLARS.

9 (B) THIS SUBSECTION (4)(a)(III) IS REPEALED, EFFECTIVE JANUARY
10 1, 2036.

11 (IV) NOTWITHSTANDING SUBSECTION (4)(a)(II) OF THIS SECTION,
12 BEGINNING JANUARY 1, 2035, IF, THROUGH THE USE OF AN AUTOMATED
13 VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A CITY AND
14 COUNTY, OR A MUNICIPALITY DETECTS A SPEEDING VIOLATION OF AT
15 LEAST SIX AND LESS THAN TEN MILES PER HOUR OVER THE REASONABLE
16 AND PRUDENT SPEED IN A SCHOOL ZONE AS DEFINED IN SECTION 42-4-615,
17 OR WITHIN A HIGHWAY MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE
18 DESIGNATED PURSUANT TO SECTION 42-4-614, AND THE VIOLATION IS THE
19 FIRST VIOLATION BY THE REGISTERED OWNER, THE MAXIMUM PENALTY
20 THAT THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY
21 IMPOSE FOR SUCH VIOLATION, INCLUDING ANY SURCHARGE, IS FIFTY
22 DOLLARS.

23 (b) (I) (A) If, BEFORE JANUARY 1, 2035, THROUGH THE USE OF AN
24 AUTOMATED VEHICLE IDENTIFICATION SYSTEM, the state, a county, a city
25 and county, or a municipality detects a second or subsequent speeding
26 violation BY A REGISTERED OWNER OF AT LEAST SIX AND LESS THAN TEN
27 MILES PER HOUR OVER THE REASONABLE AND PRUDENT SPEED under a

1 county or municipal traffic regulation or under state law, ~~by the registered~~
2 ~~owner, or a first such~~ SPEEDING violation by the registered owner ~~if the~~
3 ~~provisions of subsection (4)(a) of this section do not apply, through the~~
4 ~~use of an automated vehicle identification system~~ OF AT LEAST TEN AND
5 LESS THAN TWENTY-FIVE MILES PER HOUR OVER THE REASONABLE AND
6 PRUDENT SPEED, then, except as may be permitted in subsection (4)(b)(II)
7 of this section, the maximum penalty that the state, county, city and
8 county, or municipality may impose for such violation, including any
9 surcharge, is forty dollars.

10 (B) THIS SUBSECTION (4)(b)(I) IS REPEALED, EFFECTIVE JANUARY
11 1, 2036.

12 (I.5) BEGINNING JANUARY 1, 2035, IF, THROUGH THE USE OF AN
13 AUTOMATED VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A
14 CITY AND COUNTY, OR A MUNICIPALITY DETECTS A SECOND OR
15 SUBSEQUENT SPEEDING VIOLATION BY A REGISTERED OWNER OF AT LEAST
16 SIX AND LESS THAN TEN MILES PER HOUR OVER THE REASONABLE AND
17 PRUDENT SPEED UNDER A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR
18 UNDER STATE LAW, OR A SPEEDING VIOLATION BY THE REGISTERED OWNER
19 OF AT LEAST TEN AND LESS THAN TWENTY-FIVE MILES PER HOUR OVER THE
20 REASONABLE AND PRUDENT SPEED, THEN, EXCEPT AS MAY BE PERMITTED
21 IN SUBSECTION (4)(b)(II) OF THIS SECTION, THE MAXIMUM PENALTY THAT
22 THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY IMPOSE
23 FOR SUCH VIOLATION, INCLUDING ANY SURCHARGE, IS FIFTY DOLLARS.

24 (II) If ~~any~~ A violation described in subsection (4)(b)(I) OR
25 (4)(b)(I.5) of this section occurs within a school zone as defined in
26 section 42-4-615, OR WITHIN A HIGHWAY MAINTENANCE, REPAIR, OR
27 CONSTRUCTION ZONE DESIGNATED PURSUANT TO SECTION 42-4-614, the

1 maximum penalty that may be imposed ~~shall be~~ IS doubled.

2 (III) ~~Subsection (4)(b)(I) of this section does not apply within a~~
3 ~~maintenance, construction, or repair zone designated pursuant to section~~
4 ~~42-4-614 or a school zone, as defined in section 42-4-615 (2).~~

5 (c) (I) (A) IF, BEFORE JANUARY 1, 2035, THROUGH THE USE OF AN
6 AUTOMATED VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A
7 CITY AND COUNTY, OR A MUNICIPALITY DETECTS A SPEEDING VIOLATION
8 BY A REGISTERED OWNER OF TWENTY-FIVE MILES PER HOUR OR MORE
9 OVER THE REASONABLE AND PRUDENT SPEED UNDER A COUNTY OR
10 MUNICIPAL TRAFFIC REGULATION OR UNDER STATE LAW, THE MAXIMUM
11 PENALTY THAT THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY
12 MAY IMPOSE FOR SUCH VIOLATION, INCLUDING ANY SURCHARGE, IS ONE
13 HUNDRED TWENTY DOLLARS.

14 (B) THIS SUBSECTION (4)(c)(I) IS REPEALED, EFFECTIVE JANUARY
15 1, 2036.

16 (II) BEGINNING JANUARY 1, 2035, IF, THROUGH THE USE OF AN
17 AUTOMATED VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A
18 CITY AND COUNTY, OR A MUNICIPALITY DETECTS A SPEEDING VIOLATION
19 BY A REGISTERED OWNER OF TWENTY-FIVE MILES PER HOUR OR MORE
20 OVER THE REASONABLE AND PRUDENT SPEED UNDER A COUNTY OR
21 MUNICIPAL TRAFFIC REGULATION OR UNDER STATE LAW, THE MAXIMUM
22 PENALTY THAT THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY
23 MAY IMPOSE FOR SUCH VIOLATION, INCLUDING ANY SURCHARGE, IS ONE
24 HUNDRED FIFTY DOLLARS.

25 (4.5) (a) (I) (A) If, BEFORE JANUARY 1, 2035, the state, a county,
26 a city and county, or a municipality detects a violation of a county, city
27 and county, or municipal traffic regulation or traffic violation under state

1 law for disobedience to a traffic control signal through the use of an
2 automated vehicle identification system, the maximum civil penalty that
3 the state, a county, a city and county, or a municipality may impose for
4 such violation, including any surcharge, is seventy-five dollars.

5 (B) THIS SUBSECTION (4.5)(a)(I) IS REPEALED, EFFECTIVE
6 JANUARY 1, 2036.

7 (II) BEGINNING JANUARY 1, 2035, IF THE STATE, A COUNTY, A CITY
8 AND COUNTY, OR A MUNICIPALITY DETECTS A VIOLATION OF A COUNTY,
9 CITY AND COUNTY, OR MUNICIPAL TRAFFIC REGULATION OR TRAFFIC
10 VIOLATION UNDER STATE LAW FOR DISOBEDIENCE TO A TRAFFIC CONTROL
11 SIGNAL THROUGH THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION
12 SYSTEM, THE MAXIMUM CIVIL PENALTY THAT THE STATE, COUNTY, CITY
13 AND COUNTY, OR MUNICIPALITY MAY IMPOSE FOR SUCH VIOLATION,
14 INCLUDING ANY SURCHARGE, IS NINETY-FIVE DOLLARS.

15 (4.6) (b) (I) (A) If, BEFORE JANUARY 1, 2035, through the use of
16 an automated vehicle identification system, the state, a county, a city and
17 county, or a municipality detects a motor vehicle overtaking a stopped
18 school bus with actuated visual signal lights in violation of section
19 42-4-1903 (1)(a), the maximum civil penalty the state, county, city and
20 county, or municipality may impose for the violation is three hundred
21 dollars, including surcharges or fees.

22 (B) THIS SUBSECTION (4.6)(b)(I) IS REPEALED, EFFECTIVE
23 JANUARY 1, 2036.

24 (II) BEGINNING JANUARY 1, 2035, IF, THROUGH THE USE OF AN
25 AUTOMATED VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A
26 CITY AND COUNTY, OR A MUNICIPALITY DETECTS A MOTOR VEHICLE
27 OVERTAKING A STOPPED SCHOOL BUS WITH ACTUATED VISUAL SIGNAL

1 LIGHTS IN VIOLATION OF SECTION 42-4-1903 (1)(a), THE MAXIMUM CIVIL
2 PENALTY THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY
3 IMPOSE FOR THE VIOLATION IS THREE HUNDRED SEVENTY-FIVE DOLLARS,
4 INCLUDING SURCHARGES OR FEES.

5 (5) If the state, a county, a city and county, or a municipality has
6 established an automated vehicle identification system for the
7 enforcement of county or municipal traffic regulations or state traffic
8 laws, then no portion of any fine collected through the use of such system
9 may be paid to the manufacturer or vendor of the automated vehicle
10 identification system equipment. The compensation paid by the state,
11 county, city and county, or municipality for such equipment shall:

12 (a) Be based upon the value of such equipment and the value of
13 any services provided to the state, county, city and county, or
14 municipality; ~~and may~~

15 (b) Not be based upon the number of traffic citations issued or the
16 AMOUNT OF revenue generated by such equipment or services; AND

17 (c) BE A FLAT MONTHLY RATE.

18 **SECTION 2. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly (August 12, 2026, if adjournment sine die is on May 13,
22 2026); except that, if a referendum petition is filed pursuant to section 1
23 (3) of article V of the state constitution against this act or an item, section,
24 or part of this act within such period, then the act, item, section, or part
25 will not take effect unless approved by the people at the general election
26 to be held in November 2026 and, in such case, will take effect on the
27 date of the official declaration of the vote thereon by the governor.

- 1 (2) This act applies to conduct occurring or contracts entered into
- 2 or renewed on or after the applicable effective date of this act.