

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 26-152

BY SENATOR(S) Ball and Pelton B., Bridges, Cutter, Hinrichsen,
Coleman;
also REPRESENTATIVE(S) Willford and Barron, Duran.

CONCERNING CHANGES TO THE USAGE OF AUTOMATED VEHICLE
IDENTIFICATION SYSTEMS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Automated vehicle identification systems, referred to in this section as "AVIS", are used for the limited purpose of enforcing specific traffic violations, including speeding and red-light violations, and are subject to statutory requirements, governing notice, signage, and due process;

(b) Conversely, automated license plate reader systems, referred to in this section as "ALPR systems", are distinct technologies from AVIS and are used primarily for law enforcement and investigative purposes, including to locate stolen vehicles or support criminal investigations;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) The provisions of this act apply only to AVIS and civil traffic enforcement;

(d) This act does not regulate, limit, or otherwise affect the use of ALPR systems, and nothing in this act is intended to expand, restrict, or modify existing law governing ALPR systems; and

(e) Given the differences between AVIS as a traffic enforcement tool and ALPR systems as a broader surveillance technology, it is important to maintain a simple distinction between the systems and make clear that the provisions in this act are limited accordingly.

SECTION 2. In Colorado Revised Statutes, 42-4-110.5, **amend** (2) introductory portion, (2)(d)(II)(B), (2)(e), (2)(g)(I.7), (2)(g)(IV), (2)(h), (4), (4.5)(a), (4.6)(b), (4.6)(d)(I), and (5); **repeal** (1.5); and **add** (1.1)(a)(III), (1.1)(a.5), and (2)(i) as follows:

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

(1.1) As used in this section, unless the context otherwise requires:

(a) (III) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" DOES NOT INCLUDE AUTOMATED LICENSE PLATE READER SYSTEMS.

(a.5) (I) "MOBILE AUTOMATED VEHICLE IDENTIFICATION SYSTEM" MEANS AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM DESIGNED TO DETECT TRAFFIC VIOLATIONS AND THAT:

(A) IS CAPABLE OF BEING RELOCATED BETWEEN ENFORCEMENT LOCATIONS;

(B) MAY BE INSTALLED WITHIN OR MOUNTED TO A MOTOR VEHICLE, INCLUDING A VAN, SPORT UTILITY VEHICLE, OR SIMILAR VEHICLE PLATFORM;

(C) DOES NOT INCLUDE A DEVICE OR SYSTEM INSTALLED IN OR MOUNTED TO A TRAILER; AND

(D) IS GENERALLY USED TO PROVIDE FLEXIBILITY TO ADDRESS TEMPORARY ENFORCEMENT IN HIGH-RISK TRAFFIC AREAS OR SHIFTING TRAFFIC PATTERNS.

(II) A DEVICE OR SYSTEM INSTALLED IN OR MOUNTED TO A TRAILER IS CONSIDERED MOBILE IF IT IS MOVED TO A NEW LOCATION WITHIN SEVENTY-TWO HOURS AFTER BEING DEPLOYED OR IS DEPLOYED IN A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE DESIGNATED PURSUANT TO SECTION 42-4-614 OR A SCHOOL ZONE AS DEFINED IN SECTION 42-4-615.

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

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

(d) (II) Except as provided in subsection (2)(d)(I) of this section, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this article 4 or a local traffic ordinance shall not be used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. The sign shall:

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

(e) (I) If the state, A county, A city and county, or A municipality

implements a new automated vehicle identification system ~~after July 1, 2023~~, that is not a replacement of an EXISTING automated vehicle identification system:

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

(B) THE AGENCY RESPONSIBLE FOR THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM SHALL POST A SIGN ANNOUNCING THE UPCOMING USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM AT EACH LOCATION WHERE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM WILL BE INSTALLED AT LEAST THIRTY DAYS BEFORE THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS UTILIZED, AND THE SIGN MUST USE LETTERING THAT IS AT LEAST FOUR INCHES HIGH FOR UPPERCASE LETTERS AND THREE INCHES HIGH FOR LOWERCASE LETTERS; AND

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

(II) ~~A~~ THE state, county, city and county, or municipality may conduct an extended public information campaign or warning period OR POST ADDITIONAL SIGNS for ~~systems~~ EACH NEW SYSTEM installed or deployed ~~either before or after July 1, 2023~~ BEYOND THE MINIMUM REQUIREMENTS IN SUBSECTIONS (2)(e)(I)(A), (2)(e)(I)(B), AND (2)(e)(I)(C) OF THIS SECTION.

(III) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (2)(e) DO NOT APPLY TO A MOBILE AUTOMATED VEHICLE IDENTIFICATION SYSTEM THAT HAS BEEN MOVED TO A NEW LOCATION WITHIN THE SAME ESTABLISHED AUTOMATED VEHICLE IDENTIFICATION CORRIDOR.

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

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

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

(C) Illustrate, through ~~data collected within the past five years~~ QUANTITATIVE DATA COLLECTION, incidents of crashes, speeding, OR reckless driving ~~or community complaints~~ WITHIN THE PAST FIVE YEARS on a street designated as an automated vehicle identification corridor, unless the automated vehicle identification system will be used exclusively to detect unauthorized ~~usage of one or more transit-only lanes~~ USE OF A TRANSIT-ONLY LANE. COMMUNITY COMPLAINTS MAY ALSO BE USED TO ILLUSTRATE THE NEED FOR AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR IF COLLECTED WITH QUANTITATIVE DATA.

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

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

(A) THE REGISTERED OWNER ESTABLISHES THAT THE MOTOR

VEHICLE HAD BEEN SOLD OR LEASED PRIOR TO THE TIME OF THE VIOLATION DETECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM BY PROVIDING A BILL OF SALE OR OTHER DOCUMENTATION TO SHOW THAT THE MOTOR VEHICLE WAS SOLD, LEASED, OR TRANSFERRED BEFORE THE DATE AND TIME OF THE VIOLATION;

(B) THE REGISTERED OWNER ESTABLISHES THAT THE MOTOR VEHICLE HAD BEEN STOLEN PRIOR TO THE TIME OF THE VIOLATION DETECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM BY PROVIDING A COPY OF THE POLICE REPORT TO SHOW THAT THE OWNER'S LICENSE PLATE OR MOTOR VEHICLE WAS STOLEN BEFORE THE DATE AND TIME OF THE VIOLATION;

(C) THE REGISTERED OWNER ESTABLISHES THAT LAW ENFORCEMENT ISSUED A SEPARATE TRAFFIC CITATION TO THE REGISTERED OWNER OR DRIVER OF THE MOTOR VEHICLE FOR THE VIOLATION DETECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM; OR

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

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

(B) THE REGISTERED OWNER OF A MOTOR VEHICLE THAT WAS LEASED AT THE TIME OF THE VIOLATION IS NOT REQUIRED TO SUBMIT AN AFFIDAVIT IF THE MOTOR VEHICLE WAS REGISTERED IN THE NAME OF THE LESSEE AT THE TIME OF THE VIOLATION.

(III) IF THE REGISTERED OWNER TO WHOM A NOTICE OF VIOLATION HAS BEEN ISSUED IS DECEASED, THE AFFIDAVIT MUST INCLUDE BOTH A

CERTIFIED COPY OF THE DEATH CERTIFICATE SHOWING THAT THE DEATH OF THE REGISTERED OWNER OCCURRED BEFORE THE DATE OF THE VIOLATION AND ONE OF THE FOLLOWING:

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

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

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

(IV) UPON RECEIPT OF THE AFFIDAVIT AND SUFFICIENT SUPPORTING DOCUMENTATION PURSUANT TO THIS SUBSECTION (2)(h), THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY SHALL DISMISS THE NOTICE OF VIOLATION AND PROVIDE PROOF OF THE DISMISSAL TO THE REGISTERED OWNER OR OTHER PERSON THAT SUBMITTED THE AFFIDAVIT.

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

(i) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(i)(II) OF THIS SECTION, 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 SHALL ONLY ISSUE A NOTICE OF VIOLATION AND CIVIL PENALTY FOR A VIOLATION DETECTED BY AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM IF THE VIOLATION IS A SPEEDING VIOLATION THAT EXCEEDS THE REGULAR MAXIMUM POSTED SPEED LIMIT FOR THAT LOCATION THAT IS TYPICALLY IN EFFECT WHEN A VARIABLE SPEED LIMIT IS NOT IN EFFECT AND THE SPEED LIMIT IS NOT OTHERWISE TEMPORARILY LOWERED.

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

(4) (a) (I) If, THROUGH THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM, the state, a county, a city and county, or a municipality detects a speeding violation of less than ~~ten~~ SIX miles per hour over the reasonable and prudent speed under a county or municipal traffic regulation or under state law, ~~through the use of an automated vehicle identification system and the violation is the first violation by the registered owner that the state, county, city and county, or municipality has detected using an automated vehicle identification system,~~ then the state, county, city and county, or municipality may mail the registered owner a warning regarding the violation. ~~but~~ The state, county, city and county, or municipality shall not impose ~~any~~ A penalty or surcharge for such ~~first~~ A violation UNLESS THE VIOLATION OCCURS WITHIN A SCHOOL ZONE, AS DEFINED IN SECTION 42-4-615, OR WITHIN A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE DESIGNATED PURSUANT TO SECTION 42-4-614, IN WHICH CASE THE MAXIMUM PENALTY THAT THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY IMPOSE FOR SUCH VIOLATION, INCLUDING ANY SURCHARGE, IS FORTY DOLLARS.

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

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

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

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

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

(b) (I) (A) If, BEFORE JANUARY 1, 2035, THROUGH THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM, the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation BY A REGISTERED OWNER OF AT LEAST SIX AND LESS THAN TEN MILES PER HOUR OVER THE REASONABLE AND PRUDENT SPEED under a county or municipal traffic regulation or under state law, ~~by the registered owner, or a first such~~ SPEEDING violation by the registered owner ~~if the provisions of subsection (4)(a) of this section do not apply, through the use of an automated vehicle identification system~~ OF AT LEAST TEN AND LESS THAN TWENTY-FIVE MILES PER HOUR OVER THE REASONABLE AND PRUDENT SPEED, then, except as may be permitted in subsection (4)(b)(II) of this section, the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.

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

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

(II) If ~~any~~ A violation described in subsection (4)(b)(I) OR (4)(b)(I.5) of this section occurs within a school zone as defined in section 42-4-615, OR WITHIN A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE DESIGNATED PURSUANT TO SECTION 42-4-614, the maximum penalty that may be imposed ~~shall be~~ IS doubled.

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

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

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

(II) BEGINNING JANUARY 1, 2035, IF, THROUGH THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY DETECTS A SPEEDING VIOLATION BY A REGISTERED OWNER OF TWENTY-FIVE MILES PER HOUR OR MORE OVER THE

REASONABLE AND PRUDENT SPEED UNDER A COUNTY OR MUNICIPAL TRAFFIC REGULATION OR UNDER STATE LAW, THE MAXIMUM PENALTY THAT THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY IMPOSE FOR SUCH VIOLATION, INCLUDING ANY SURCHARGE, IS ONE HUNDRED FIFTY DOLLARS.

(4.5) (a) (I) (A) If, BEFORE JANUARY 1, 2035, the state, a county, a city and county, or a municipality detects a violation of a county, city and county, or municipal traffic regulation or traffic violation under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

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

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

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

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

(II) BEGINNING JANUARY 1, 2035, IF, THROUGH THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY DETECTS A MOTOR VEHICLE

OVERTAKING A STOPPED SCHOOL BUS WITH ACTUATED VISUAL SIGNAL LIGHTS IN VIOLATION OF SECTION 42-4-1903 (1)(a), THE MAXIMUM CIVIL PENALTY THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY IMPOSE FOR THE VIOLATION IS THREE HUNDRED SEVENTY-FIVE DOLLARS, INCLUDING SURCHARGES OR FEES.

(d) (I) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, the state, a county, a city and county, a school district, or a municipality that has installed an automated vehicle identification system on a school bus to detect a motor vehicle overtaking a stopped school bus shall not use any portion of a fine collected through the use of such system as the basis for payment to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, school district, or municipality for such equipment must be based upon the value of any equipment or services provided and must not be based exclusively upon the number of traffic citations issued or the revenue generated by the automated vehicle identification system equipment.

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

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

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

(II) BE STRUCTURED AS A FLAT MONTHLY FEE OR A FLAT HOURLY RATE THAT IS NOT CONTINGENT UPON, AND DOES NOT VARY BASED ON, THE NUMBER OF TRAFFIC CITATIONS ISSUED OR THE AMOUNT OF REVENUE GENERATED; AND

(c) NOT INCLUDE ANY INCENTIVES, BONUSES, ESCALATORS, OR

OTHER PROVISIONS THAT ARE DIRECTLY TIED TO THE NUMBER OF CITATIONS ISSUED OR THE AMOUNT OF REVENUE GENERATED.

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

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

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO