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BILL 4

LLS NO. 23-0103.01 Jason Gelender x4330

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Automated Vehicle Identification Systems"

A BILL FOR AN ACT

101 **CONCERNING AUTOMATED VEHICLE 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 modifies current law governing the use of automated vehicle identification systems (AVIS), such as speed cameras and red light cameras, in the enforcement of traffic laws. Substantial modifications include the following:

- Notices of violations of traffic laws (violations) are required to be mailed to the registered owner of the motor vehicle involved in a violation within 30 days after the alleged violation occurred instead of being mailed or

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- personally served within 90 days after the alleged violation occurred. Processing of violations is made similar to the process used for toll evasion violations detected by AVIS.
- A municipality is authorized to designate all or a portion of a street as an AVIS corridor within which it may move AVIS, subject to specified signage requirements, to detect speed violations.
 - For the first 15 days after installation of an AVIS at a specific location or use of an AVIS within a newly designated AVIS corridor, only warnings may be issued for violations detected by the AVIS.
 - For the first year after installation of an AVIS to detect speed violations, civil penalties may only be issued for violations of at least 11 miles per hour over the posted limit, and thereafter civil penalties may only be issued for violations of at least 6 miles per hour over the posted limit.
 - The requirement that a law enforcement officer or other government employee be present when a violation, other than a violation for disobedience to a traffic signal, is detected by an AVIS in order for a penalty assessment to be issued for the violation is repealed.
 - Revenue received from civil penalties assessed for violations detected by AVIS in excess of amounts needed to fund the installation, operation, and maintenance of AVIS; related administrative costs; the processing of violations detected by AVIS in accordance with the bill's requirements; and the provision of certified traffic safety education classes offered as an alternative to the payment of civil penalty assessments as required by the bill must be expended only for transportation system safety and multimodal infrastructure projects, with funding being prioritized for street safety and traffic calming projects in areas where the revenue is generated.
 - Certain existing limitations on the locations in which civil penalties may be assessed for violations other than disobedience to a traffic signal detected by AVIS are repealed.
 - AVIS are permitted to take photographs only when violations occur, and such photographs must be kept confidential except to the extent necessary to process violations or unless ordered by a court to be disclosed for use in unrelated legal proceedings.
 - The state or a local government that issues a penalty assessment notice or a summons or complaint for a violation detected by AVIS to an individual must:

- Offer the individual options to perform community service or complete a certified traffic safety education class, which must be offered at no cost, in lieu of paying a civil penalty; and
- If the individual has low income, reduce the amount of the civil penalty by 50% and offer the individual an option to pay the civil penalty in installments.
- The state or a local government may not report any information about an individual's failure to pay a civil penalty for a violation detected by AVIS to a consumer reporting agency.
- The state or a local government must conduct and make available for public review the results of a socio-economic equity, racial equity, and privacy assessment before choosing a location at which to install an AVIS.
- The state or a local government that uses AVIS must publish an annual report that includes specified information about its use of AVIS.
- If a motor vehicle is involved in 5 or more violations detected by AVIS in a 2-year period, the department of revenue (department) may notify the insurer of the motor vehicle of the violations.
- The department is required to suspend the registration of the motor vehicle for 90 days if:
 - The owner of the motor vehicle has failed to pay an outstanding civil penalty for such a violation within 90 days after the final determination of the owner's obligation to pay the civil penalty; or
 - The motor vehicle is involved in 6 or more violations detected by AVIS in a 2-year period.
- Beginning in state fiscal year 2024-25, the statutory cap on the civil penalty that may be imposed for second or subsequent violations of speed violations detected by AVIS is adjusted for inflation.
- The definition of AVIS is modified to include a system used to detect violations of bus lane or bicycle lane restrictions.

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 (1), (1.5), (2), (3), (4)(b), (4.5), (4.7), and (6) as follows:

4 **42-4-110.5. Automated vehicle identification systems -**

1 **legislative declaration - definitions.** (1) The general assembly hereby
2 finds and declares that the enforcement of traffic laws through the use of
3 automated vehicle identification systems under this section is a matter of
4 statewide concern and is an area in which uniform state standards are
5 necessary. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
6 THE PURPOSE OF THE ENFORCEMENT OF TRAFFIC LAWS THROUGH THE USE
7 OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS IS TO DISCOURAGE
8 UNSAFE OPERATION OF MOTOR VEHICLES AND IMPROVE SAFETY FOR ALL
9 USERS OF THE TRANSPORTATION SYSTEM; THAT SUCH ENFORCEMENT
10 SHOULD BE REASONABLE, EQUITABLE, AND NONDISCRIMINATORY; AND
11 THAT REVENUE GENERATED BY SUCH ENFORCEMENT SHOULD BE USED
12 SOLELY TO PAY FOR ENFORCEMENT COSTS AND TO FUND PROGRAMS AND
13 PROJECTS THAT MAKE THE TRANSPORTATION SYSTEM SAFER.

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

21 (2) A municipality may adopt an ordinance authorizing the use of
22 an automated vehicle identification system to detect violations of traffic
23 regulations adopted by the municipality, or the state, a county, a city and
24 county, or a municipality may utilize an automated vehicle identification
25 system to detect traffic violations under state law, subject to the following
26 REQUIREMENTS, conditions, and limitations:

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

1 24, 2002.)

2 (II) If the state, a county, a city and county, or a municipality
3 detects any alleged violation of a municipal traffic regulation or a traffic
4 violation under state law through the use of an automated vehicle
5 identification system, then the state, county, city and county, or
6 municipality shall, ~~serve~~ BY FIRST-CLASS MAIL OR BY ANY MAIL DELIVERY
7 SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES POSTAL
8 SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST-CLASS MAIL WITH
9 RESPECT TO DELIVERY SPEED, RELIABILITY, AND PRICE, SEND the penalty
10 assessment notice or summons and complaint for the alleged violation ~~on~~
11 TO the ~~defendant~~ REGISTERED OWNER OF THE MOTOR VEHICLE INVOLVED
12 IN THE VIOLATION. THE PENALTY ASSESSMENT OR SUMMONS AND
13 COMPLAINT MUST BE MAILED no later than ~~ninety~~ THIRTY days after the
14 alleged violation occurred. ~~If a penalty assessment notice or summons and~~
15 ~~complaint for a violation detected using an automated vehicle~~
16 ~~identification system is personally served, the state, a county, a city and~~
17 ~~county, or a municipality may only charge the actual costs of service of~~
18 ~~process that shall be no more than the amount usually charged for civil~~
19 ~~service of process~~ THE NOTICE OR SUMMONS AND COMPLAINT MUST
20 CONTAIN THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE
21 VEHICLE INVOLVED, THE LICENSE PLATE NUMBER OF THE VEHICLE
22 INVOLVED, THE DATE OF THE NOTICE, THE DATE, TIME, AND LOCATION OF
23 THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED FOR THE
24 VIOLATION, A PLACE FOR THE OWNER TO EXECUTE A SIGNED
25 ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION, AND SUCH
26 OTHER INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE THE
27 NOTICE AS A COMPLAINT TO APPEAR FOR ADJUDICATION OF A CIVIL

1 PENALTY ASSESSMENT FOR THE VIOLATION. EXCEPT AS OTHERWISE
2 PROVIDED IN SUBSECTIONS (2)(a)(III) AND (2)(a)(IV) OF THIS SECTION,
3 THE REGISTERED OWNER OF THE VEHICLE INVOLVED IN A VIOLATION IS
4 PRESUMED LIABLE FOR ANY CIVIL PENALTY IMPOSED BY THE STATE, A
5 COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY. IF THE REGISTERED
6 OWNER OF THE VEHICLE DOES NOT PAY THE PRESCRIBED CIVIL PENALTY
7 WITHIN THE AMOUNT OF TIME SPECIFIED IN THE CIVIL PENALTY
8 ASSESSMENT NOTICE, WHICH MUST BE NO LESS THAN THE TIME PROVIDED
9 IN NOTICES FOR SIMILAR VIOLATIONS DETECTED BY MEANS OTHER THAN
10 THROUGH THE USE OF AN AUTOMATED MOTOR VEHICLE IDENTIFICATION
11 SYSTEM, THE NOTICE CONSTITUTES A COMPLAINT TO APPEAR FOR
12 ADJUDICATION OF THE VIOLATION IN COURT OR IN AN ADMINISTRATIVE
13 PROCEEDING IN THE MANNER SPECIFIED BY THE STATE, COUNTY, CITY AND
14 COUNTY, OR MUNICIPALITY FOR SIMILAR VIOLATIONS DETECTED BY MEANS
15 OTHER THAN THROUGH THE USE OF AN AUTOMATED MOTOR VEHICLE
16 IDENTIFICATION SYSTEM, AND THE REGISTERED OWNER OF THE VEHICLE
17 SHALL, WITHIN THE TIME SPECIFIED IN THE NOTICE, RESPOND TO THE
18 COMPLAINT IN THE MANNER SPECIFIED IN THE NOTICE. IF THE REGISTERED
19 OWNER OF THE VEHICLE FAILS TO PAY IN FULL THE OUTSTANDING CIVIL
20 PENALTY AS SET FORTH IN THE NOTICE OR TO APPEAR AND ANSWER THE
21 COMPLAINT AND REQUEST A HEARING AS SPECIFIED IN THE NOTICE, A FINAL
22 ORDER OF LIABILITY SHALL BE ENTERED AGAINST THE REGISTERED OWNER
23 OF THE VEHICLE FOR THE PURPOSES OF ENABLING THE REGISTERED OWNER
24 TO APPEAL AND ALLOWING THE STATE, COUNTY, CITY AND COUNTY, OR
25 MUNICIPALITY TO PROCEED TO JUDGMENT.

26 (III) THE OWNER OF A MOTOR VEHICLE INVOLVED IN A VIOLATION
27 OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION UNDER

1 STATE LAW WHO IS ENGAGED IN THE BUSINESS OF LEASING OR RENTING
2 MOTOR VEHICLES IS LIABLE FOR PAYMENT OF THE CIVIL PENALTY FOR THE
3 VIOLATION; EXCEPT THAT, AT THE DISCRETION OF THE OWNER:

4 (A) THE OWNER MAY OBTAIN PAYMENT FOR THE CIVIL PENALTY
5 FOR THE VIOLATION FROM THE PERSON OR COMPANY WHO LEASED OR
6 RENTED THE MOTOR VEHICLE AT THE TIME THE VIOLATION OCCURRED
7 THROUGH A CREDIT OR DEBIT CARD PAYMENT AND FORWARD THE
8 PAYMENT TO THE STATE, COUNTY, CITY AND COUNTY, OR MUNICIPALITY
9 IMPOSING THE CIVIL PENALTY; OR

10 (B) THE OWNER MAY SEEK TO AVOID LIABILITY FOR THE CIVIL
11 PENALTY FOR THE VIOLATION IF THE OWNER OF THE LEASED OR RENTED
12 MOTOR VEHICLE CAN FURNISH SUFFICIENT EVIDENCE THAT, AT THE TIME
13 OF THE VIOLATION, THE MOTOR VEHICLE WAS LEASED OR RENTED TO
14 ANOTHER PERSON. TO AVOID LIABILITY FOR PAYMENT, THE OWNER OF THE
15 MOTOR VEHICLE SHALL, WITHIN THIRTY DAYS AFTER RECEIPT OF THE
16 NOTIFICATION OF THE VIOLATION, FURNISH TO THE STATE, COUNTY, CITY
17 AND COUNTY, OR MUNICIPALITY AN AFFIDAVIT CONTAINING THE NAME,
18 ADDRESS, AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON WHO
19 LEASED OR RENTED THE MOTOR VEHICLE. AS A CONDITION TO AVOID
20 LIABILITY FOR PAYMENT OF A CIVIL PENALTY, ANY PERSON OR COMPANY
21 WHO LEASES OR RENTS MOTOR VEHICLES TO A PERSON SHALL INCLUDE A
22 NOTICE IN THE LEASING OR RENTAL AGREEMENT STATING THAT, PURSUANT
23 TO THE REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR
24 LEASING THE MOTOR VEHICLE IS LIABLE FOR PAYMENT OF ANY CIVIL
25 PENALTY FOR A VIOLATION INCURRED ON OR AFTER THE DATE THE PERSON
26 RENTING OR LEASING THE MOTOR VEHICLE TAKES POSSESSION OF THE
27 MOTOR VEHICLE. THE NOTICE SHALL INFORM THE PERSON RENTING OR

1 LEASING THE MOTOR VEHICLE THAT THE PERSON'S NAME, ADDRESS, AND
2 STATE DRIVER'S LICENSE NUMBER SHALL BE FURNISHED TO THE
3 GOVERNMENT IMPOSING THE CIVIL PENALTY FOR A VIOLATION THAT
4 OCCURS DURING THE TERM OF THE LEASE OR RENTAL AGREEMENT.

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

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

13 (B) THE OWNER DID NOT HAVE CUSTODY AND CONTROL OF THE
14 MOTOR VEHICLE AT THE TIME OF THE VIOLATION DUE TO THEFT AS
15 EVIDENCED BY A REPORT TO A LAW ENFORCEMENT AGENCY.

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

22 (c) Repealed.

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

27 (A) There is posted an appropriate ~~temporary~~ sign in a

1 conspicuous place not fewer than three hundred feet before the area in
2 which the automated vehicle identification ~~device~~ SYSTEM is to be used
3 notifying the public that an automated vehicle identification ~~device~~
4 SYSTEM is in use immediately ahead; OR

5 (B) A MUNICIPALITY DESIGNATES ALL OR A PORTION OF A STREET
6 AS AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM CORRIDOR WITHIN
7 WHICH THE MUNICIPALITY MAY MOVE AN AUTOMATED VEHICLE
8 IDENTIFICATION SYSTEM TO DETECT VIOLATIONS OF PART 11 OF THIS
9 ARTICLE 4 OR A LOCAL SPEED ORDINANCE AND POSTS PERMANENT SIGNS
10 IN CONSPICUOUS PLACES IN EACH DIRECTION OF TRAVEL NOT FEWER THAN
11 THREE HUNDRED FEET BEFORE THE BEGINNING AND END OF THE CORRIDOR,
12 ON INTERSECTING STREETS AT EACH MAJOR INTERSECTION WITHIN THE
13 CORRIDOR, AND AT LEAST ONCE PER MILE WITHIN THE CORRIDOR.

14 (I.5) The requirement of ~~this subparagraph (I) shall not be deemed~~
15 SUBSECTION (2)(d)(I)(A) OF THIS SECTION IS NOT satisfied by the posting
16 of a permanent sign or signs at the borders of a county, city and county,
17 or municipality, ~~nor by the posting of a permanent sign in an area in~~
18 ~~which an automated vehicle identification device is to be used, but this~~
19 ~~subparagraph (I) shall not be deemed a prohibition against~~ BUT SAID
20 SUBSECTION (2)(d)(I)(A) DOES NOT PROHIBIT the posting of such
21 permanent signs.

22 (II) Except as provided in ~~subparagraph (I) of this paragraph (d)~~
23 SUBSECTION (2)(d)(I) OF THIS SECTION, an automated vehicle
24 identification system designed to detect disobedience to a traffic control
25 signal or another violation of this ~~article~~ ARTICLE 4 or a local traffic
26 ordinance shall not be used unless the state, county, city and county, or
27 municipality using ~~such~~ THE system conspicuously posts a sign notifying

1 the public that an automated vehicle identification ~~device~~ SYSTEM is in
2 use immediately ahead. The sign shall:

3 (A) Be placed in a conspicuous place not fewer than two hundred
4 feet nor more than five hundred feet before the automated vehicle
5 identification system; and

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

8 ~~(e) The state, a county, a city and county, or a municipality may~~
9 ~~not require a registered owner of a vehicle to disclose the identity of a~~
10 ~~driver of the vehicle who is detected through the use of an automated~~
11 ~~vehicle identification system. However, the registered owner may be~~
12 ~~required to submit evidence that the owner was not the driver at the time~~
13 ~~of the alleged violation~~ FOR THE FIRST FIFTEEN DAYS AFTER AN
14 AUTOMATED VEHICLE IDENTIFICATION SYSTEM IS INSTALLED AT A SPECIFIC
15 LOCATION OR USED WITHIN A NEWLY DESIGNATED AUTOMATED VEHICLE
16 IDENTIFICATION SYSTEM CORRIDOR, ONLY WARNINGS MAY BE ISSUED FOR
17 VIOLATIONS OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC
18 VIOLATION UNDER STATE LAW DETECTED BY THE AUTOMATED VEHICLE
19 IDENTIFICATION SYSTEM. FOR THE FIRST YEAR AFTER AN AUTOMATED
20 VEHICLE IDENTIFICATION SYSTEM IS INSTALLED TO DETECT VIOLATIONS OF
21 PART 11 OF THIS ARTICLE 4 OR A LOCAL SPEED ORDINANCE, CIVIL
22 PENALTIES MAY ONLY BE IMPOSED FOR SPEED VIOLATIONS OF ELEVEN OR
23 MORE MILES PER HOUR OVER THE POSTED SPEED LIMITS. THEREAFTER
24 CIVIL PENALTIES MAY ONLY BE IMPOSED FOR SPEED VIOLATIONS OF SIX OR
25 MORE MILES PER HOUR OVER THE POSTED SPEED LIMIT.

26 (f) ~~The state, a county, a city and county, or a municipality shall~~
27 ~~not issue a penalty assessment notice or summons for a violation detected~~

1 ~~using an automated vehicle identification system unless, at the time the~~
2 ~~violation is alleged to have occurred, an officer or employee of the state,~~
3 ~~the county, the city and county, or the municipality is present during the~~
4 ~~operation of the automated vehicle identification device; except that this~~
5 ~~paragraph (f) shall not apply to an automated vehicle identification system~~
6 ~~designed to detect violations for disobedience to a traffic control signal~~

7 IN ADDITION TO THE LIMITATION SET FORTH IN SUBSECTION (5) OF THIS
8 SECTION, ALL REVENUE RECEIVED BY THE STATE, A COUNTY, A CITY AND
9 COUNTY, OR A MUNICIPALITY FROM CIVIL PENALTIES IMPOSED FOR
10 VIOLATIONS OF A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC
11 VIOLATION UNDER STATE LAW DETECTED BY AUTOMATED VEHICLE
12 IDENTIFICATION SYSTEMS IN EXCESS OF AMOUNTS NEEDED TO PAY THE
13 COSTS OF PERFORMING EQUITY AND PRIVACY ASSESSMENTS REQUIRED
14 PURSUANT TO SUBSECTION (2)(i) OF THIS SECTION; INSTALLING,
15 OPERATING, AND MAINTAINING AUTOMATED VEHICLE SYSTEMS;
16 PROCESSING VIOLATIONS; UNDERTAKING RELATED ADMINISTRATIVE TASKS
17 SUCH AS ACCOUNTING, AND ENSURING COMPLIANCE WITH STATE LAW; AND
18 PAYING THE COSTS OF CERTIFIED TRAFFIC SAFETY EDUCATION CLASSES AS
19 REQUIRED BY SUBSECTION (2)(h)(I)(A) OF THIS SECTION MUST BE
20 EXPENDED ONLY FOR STATE HIGHWAY, COUNTY ROAD, AND LOCAL STREET
21 SAFETY OR MULTIMODAL INFRASTRUCTURE PROGRAMS AND PROJECTS
22 INCLUDING BUT NOT LIMITED TO THE REVITALIZING MAIN STREETS AND
23 SAFER MAIN STREETS PROGRAMS OF THE DEPARTMENT OF
24 TRANSPORTATION. IN EXPENDING SUCH REVENUE PURSUANT TO THIS
25 SUBSECTION (2)(f), THE STATE, A COUNTY, A CITY AND COUNTY, OR A
26 MUNICIPALITY SHALL PRIORITIZE FUNDING FOR STREET SAFETY AND
27 TRAFFIC CALMING PROJECTS IN AREAS WHERE SUCH REVENUE IS

1 GENERATED.

2 (g) ~~(f) The state, a county, a city and county, or a municipality~~
3 ~~shall not issue a penalty assessment notice or summons for a violation~~
4 ~~detected using an automated vehicle identification system unless the~~
5 ~~violation occurred within a school zone, as defined in section 42-4-615;~~
6 ~~within a residential neighborhood; within a maintenance, construction, or~~
7 ~~repair zone designated pursuant to section 42-4-614; or along a street that~~
8 ~~borders a municipal park.~~

9 ~~(H) For purposes of this paragraph (g), unless the context~~
10 ~~otherwise requires, "residential neighborhood" means any block on which~~
11 ~~a majority of the improvements along both sides of the street are~~
12 ~~residential dwellings and the speed limit is thirty-five miles per hour or~~
13 ~~less.~~

14 ~~(H) This paragraph (g) shall not apply to an automated vehicle~~
15 ~~identification system designed to detect disobedience to a traffic control~~
16 ~~signal~~ AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM SHALL BE
17 PROGRAMMED TO ONLY TAKE PHOTOGRAPHS WHEN A VIOLATION OF A
18 MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION UNDER STATE
19 LAW OCCURS, AND THE STATE OR THE COUNTY, CITY AND COUNTY, OR
20 MUNICIPALITY AND ANY VENDOR OPERATING THE AUTOMATED VEHICLE
21 IDENTIFICATION SYSTEM SHALL, UNLESS OTHERWISE PROVIDED IN THIS
22 SECTION:

23 (I) TREAT ALL PHOTOGRAPHS TAKEN BY THE AUTOMATED MOTOR
24 VEHICLE IDENTIFICATION SYSTEM AS CONFIDENTIAL;

25 (II) NOT USE, DISCLOSE, SELL, OR PERMIT ACCESS TO DATA
26 COLLECTED BY THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM EXCEPT
27 TO THE EXTENT NECESSARY TO PROCESS VIOLATIONS OR, PURSUANT TO

1 COURT ORDER ONLY, FOR USE IN UNRELATED LEGAL PROCEEDINGS; AND

2 (III) DESTROY ANY PHOTOGRAPH OF A VIOLATION TAKEN BY THE
3 AUTOMATED VEHICLE IDENTIFICATION SYSTEM WITHIN SEVEN DAYS
4 FOLLOWING THE FINAL DISPOSITION OF THE VIOLATION.

5 (h) (I) THE STATE, A COUNTY, A CITY AND COUNTY, OR A
6 MUNICIPALITY MUST OFFER AN INDIVIDUAL TO WHOM IT ISSUES A PENALTY
7 ASSESSMENT NOTICE OR A SUMMONS AND COMPLAINT FOR A VIOLATION OF
8 A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION UNDER STATE
9 LAW DETECTED BY AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM:

10 (A) A DIVERSION PROGRAM THAT INCLUDES OPTIONS TO EITHER
11 PERFORM COMMUNITY SERVICE OR COMPLETE A CERTIFIED TRAFFIC
12 SAFETY EDUCATION CLASS, WHICH MUST BE OFFERED AT NO COST, IN LIEU
13 OF PAYING A CIVIL PENALTY;

14 (B) IF THE INDIVIDUAL HAS LOW INCOME, AN OPTION TO PAY THE
15 CIVIL PENALTY IN INSTALLMENTS; AND

16 (C) IF THE INDIVIDUAL HAS LOW INCOME, A REDUCTION OF FIFTY
17 PERCENT IN THE AMOUNT OF THE CIVIL PENALTY.

18 (II) THE STATE, A COUNTY, A CITY AND COUNTY, OR A
19 MUNICIPALITY MAY NOT REPORT ANY INFORMATION ABOUT AN
20 INDIVIDUAL'S FAILURE TO TIMELY PAY A CIVIL PENALTY FOR A VIOLATION
21 DETECTED BY AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO A
22 CONSUMER REPORTING AGENCY, AS DEFINED IN SECTION 5-18-103 (4).

23 (III) AS USED IN THIS SUBSECTION (2)(h), "LOW INCOME" MEANS
24 AN ANNUAL INCOME THAT DOES NOT EXCEED TWO HUNDRED PERCENT OF
25 THE FEDERAL POVERTY LINE.

26 (i) BEFORE THE STATE, A COUNTY, A CITY AND COUNTY, OR A
27 MUNICIPALITY SELECTS A LOCATION FOR AN AUTOMATED VEHICLE

1 IDENTIFICATION SYSTEM, IT SHALL CONDUCT AN ASSESSMENT AS TO
2 WHETHER INSTALLING THE SYSTEM AT THAT LOCATION WOULD
3 ADVERSELY AFFECT RACIAL EQUITY, SOCIO-ECONOMIC EQUITY, OR
4 PRIVACY. THE RESULTS OF THE ASSESSMENT MUST BE MADE AVAILABLE
5 FOR PUBLIC REVIEW BY BEING RELEASED IN WRITING OR PRESENTED AT A
6 PUBLIC HEARING.

7 (j) THE STATE, A COUNTY, A CITY AND COUNTY, OR A
8 MUNICIPALITY THAT USES AUTOMATED VEHICLE IDENTIFICATION SYSTEMS
9 SHALL PUBLISH AND POST ON ITS WEBSITE AN ANNUAL REPORT THAT:

10 (I) IDENTIFIES ALL LOCATIONS WHERE AUTOMATED VEHICLE
11 IDENTIFICATION SYSTEMS WERE ADDED DURING THE PAST YEAR AND
12 EXPLAINS WHY THEY WERE ADDED IN THOSE LOCATIONS;

13 (II) SPECIFIES THE NUMBER OF WARNINGS AND THE AGGREGATE
14 NUMBER OF CIVIL PENALTY ASSESSMENT NOTICES AND SUMMONS AND
15 COMPLAINTS FOR VIOLATIONS DETECTED BY AN AUTOMATED VEHICLE
16 IDENTIFICATION SYSTEM; AND

17 (III) TO THE EXTENT AVAILABLE, PROVIDES DEMOGRAPHIC DATA,
18 INCLUDING RESIDENCY WITHIN OR OUTSIDE THE STATE, COUNTY, CITY AND
19 COUNTY, OR MUNICIPALITY, FOR PERSONS GIVEN WARNINGS, CIVIL
20 PENALTY ASSESSMENT NOTICE, AND SUMMONS AND COMPLAINTS FOR
21 VIOLATIONS DETECTED BY AUTOMATED VEHICLE IDENTIFICATION
22 SYSTEMS.

23 (3) The department has no authority to assess any points against
24 a license under section 42-2-127 upon entry of a conviction or judgment
25 for a violation of a municipal traffic regulation or a traffic violation under
26 state law if the violation was detected through the use of an automated
27 vehicle identification system. HOWEVER, the department ~~may not~~ SHALL

1 keep any record of such A violation REPORTED TO THE DEPARTMENT BY
2 THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY
3 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION in the official records
4 maintained by the department under section 42-2-121 AND:

5 (a) IF A MOTOR VEHICLE HAS BEEN INVOLVED IN FIVE OR MORE
6 SUCH VIOLATIONS WITHIN A TWO-YEAR PERIOD, THE DEPARTMENT MAY
7 NOTIFY THE COMPANY THAT INSURES THE MOTOR VEHICLE OF THE
8 VIOLATIONS; AND

9 (b) THE DEPARTMENT SHALL SUSPEND THE REGISTRATION OF A
10 MOTOR VEHICLE FOR A PERIOD OF NINETY DAYS IF:

11 (I) THE OWNER OF THE MOTOR VEHICLE HAS FAILED TO PAY AN
12 OUTSTANDING CIVIL PENALTY FOR SUCH A VIOLATION WITHIN NINETY
13 DAYS AFTER THE FINAL DETERMINATION OF THE OWNER'S OBLIGATION TO
14 PAY THE CIVIL PENALTY; OR

15 (II) THE MOTOR VEHICLE HAS BEEN INVOLVED IN SIX OR MORE
16 SUCH VIOLATIONS WITHIN A TWO-YEAR PERIOD.

17 (4) (b) (I) If the state, a county, a city and county, or a
18 municipality detects a second or subsequent speeding violation ~~under~~ OF
19 a municipal traffic regulation or A TRAFFIC VIOLATION under state law by
20 a driver, or a first such violation by the driver if the provisions of
21 ~~paragraph (a) of this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION
22 do not apply, through the use of an automated vehicle identification
23 system, then, except as may be permitted in ~~subparagraph (II) of this~~
24 ~~paragraph (b)~~ SUBSECTION (4)(b)(II) OF THIS SECTION, the maximum
25 penalty that the state, county, city and county, or municipality may impose
26 for such violation, including any surcharge, is forty dollars.

27 (II) If any violation described in ~~subparagraph (I) of this~~

1 ~~paragraph (b)~~ SUBSECTION (4)(b)(I) OF THIS SECTION occurs within a
2 school zone, as defined in section 42-4-615, the maximum penalty that
3 may be imposed shall be doubled.

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

7 (IV) (A) FOR VIOLATIONS OCCURRING IN STATE FISCAL YEAR
8 2024-25 OR ANY SUBSEQUENT STATE FISCAL YEAR, THE MAXIMUM
9 PENALTY THAT MAY BE IMPOSED PURSUANT TO SUBSECTION (4)(b)(I) OR
10 (4)(b)(II) OF THIS SECTION IS THE AMOUNT OF THE MAXIMUM PENALTY FOR
11 THE PRIOR STATE FISCAL YEAR ADJUSTED FOR INFLATION AND ROUNDED
12 TO THE NEAREST DOLLAR.

13 (B) AS USED IN THIS SUBSECTION (4)(b)(IV), "INFLATION" MEANS
14 THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT
15 OF LABOR BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
16 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
17 CONSUMERS, OR ITS APPLICABLE SUCCESSOR INDEX.

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

25 (4.7) If a driver fails to pay a penalty imposed for a violation OF
26 A MUNICIPAL TRAFFIC REGULATION OR A TRAFFIC VIOLATION UNDER STATE
27 LAW detected using an automated vehicle identification ~~device~~ SYSTEM,

1 the state, a county, a city and county, or a municipality shall not attempt
2 to enforce such a penalty by immobilizing the driver's vehicle.

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

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

8 (b) (II) A penalty assessment notice or summons and complaint
9 is issued to the registered owner of the motor vehicle.

10 (b) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" INCLUDES
11 BUT IS NOT LIMITED TO A SYSTEM USED TO DETECT VIOLATIONS OF PART
12 11 OF THIS ARTICLE 4 OR A LOCAL SPEED ORDINANCE, A SYSTEM USED TO
13 DETECT VIOLATIONS OF TRAFFIC RESTRICTIONS IMPOSED BY TRAFFIC
14 SIGNALS OR TRAFFIC SIGNS , AND A SYSTEM USED TO DETECT VIOLATIONS
15 OF BUS LANE OR BICYCLE LANE RESTRICTIONS.

16 **SECTION 2.** In Colorado Revised Statutes, 42-4-1102, **amend**
17 (9) as follows:

18 **42-4-1102. Altering of speed limits - department to study rural**
19 **state highways and increase speed limits - definitions.** (9) For
20 purposes of this section, "residential neighborhood" ~~has the same~~
21 ~~meaning as set forth in section 42-4-110.5 (2)(g)(H)~~ MEANS ANY BLOCK
22 ON WHICH A MAJORITY OF THE IMPROVEMENTS ALONG BOTH SIDES OF THE
23 STREET ARE RESIDENTIAL DWELLINGS AND THE SPEED LIMIT IS
24 THIRTY-FIVE MILES PER HOUR OR LESS.

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