

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-1133.01 Jason Gelender x4330

SENATE BILL 24-195

SENATE SPONSORSHIP

Winter F. and Cutter,

HOUSE SPONSORSHIP

Lindsay and Lindstedt,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTION OF VULNERABLE ROAD USERS.**

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>.)

Section 1 of the bill amends the statute that governs the use of automated vehicle identification systems (AVIS) on roadways other than toll highways operated by a public highway authority or the high-performance transportation enterprise in the department of transportation (CDOT) to:

- Clarify that CDOT and the Colorado state patrol (CSP) have authority to use AVIS to detect traffic violations on any portion of a highway that is part of the state highway

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.

system (state highway), which generally includes federal interstate highways, U.S. highways, highways that are not part of any federal system but are declared by the transportation commission to be part of the state highway system, and other federal-aid highways;

- Clarify that the state has final authority to authorize the use of AVIS by a local government on a state highway; and
- Authorize CDOT, in consultation with the CSP, to promulgate rules, including rules governing the process by which use of AVIS is approved or disapproved, rules governing the AVIS enforcement process, and rules setting the amount of civil penalties, including increased civil penalties for traffic violations detected by AVIS that occur in work zones or school zones, for traffic violation detected by AVIS used by the state.

Section 1 also:

- Requires a local government to coordinate with CDOT and the Colorado state patrol both before designating an AVIS corridor on a state highway and before actually using AVIS on a state highway rather than only before actually using AVIS; and
- Requires civil penalties collected by the state for traffic violations detected by AVIS, net of court and operations costs, to be credited to the state highway fund and used only to fund road safety projects that protect vulnerable road users.

Section 2 requires CDOT to establish and include in its statutorily required performance plan declining annual targets for vulnerable road user fatalities and, as part of the targets, also establish engineering methodology and internal education requirements for practices to prioritize safety over speed on high-injury networks.

For state fiscal year 2025-26 and each succeeding state fiscal year, **section 3** requires CDOT, after accounting for eligible critical safety-related asset management surface transportation infrastructure projects and as determined by the transportation commission, to expend a specified minimum amount of the money credited to the state highway fund from the road safety surcharge and certain other fees, fines, and surcharges that are imposed on motor vehicle registrations and dedicated for certain types of road safety projects that protect vulnerable road users.

To guide CDOT in implementing **sections 2 and 3**, **section 4** amends an existing definition of "road safety project" to include certain types of projects that protect vulnerable road users and defines the term "vulnerable road user".

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)(g)(I) introductory portion, (4)(b)(III), and
4 (4.5); **repeal** (1.7), (2)(g)(I)(C), (4)(b)(II), and (6); and **add** (1.1), (2.5),
5 and (8) as follows:

6 **42-4-110.5. Automated vehicle identification systems -**
7 **exceptions to liability - penalty - limits on use of photographs and**
8 **video - rules - legislative declaration - definitions.** (1.1) AS USED IN
9 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) (I) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" MEANS A
11 SYSTEM WHEREBY:

12 (A) A MACHINE IS USED TO AUTOMATICALLY DETECT A VIOLATION
13 OF A TRAFFIC REGULATION AND SIMULTANEOUSLY RECORD A PHOTOGRAPH
14 OF THE VEHICLE, THE OPERATOR OF THE VEHICLE, AND THE LICENSE PLATE
15 OF THE VEHICLE; AND

16 (B) A NOTICE OF VIOLATION OR CIVIL PENALTY ASSESSMENT
17 NOTICE MAY BE ISSUED TO THE REGISTERED OWNER OF THE MOTOR
18 VEHICLE.

19 (II) "AUTOMATED VEHICLE IDENTIFICATION SYSTEM" INCLUDES A
20 SYSTEM USED TO DETECT A VIOLATION OF PART 11 OF THIS ARTICLE 4 OR
21 A LOCAL SPEED ORDINANCE, A SYSTEM USED TO DETECT VIOLATIONS OF
22 TRAFFIC RESTRICTIONS IMPOSED BY TRAFFIC SIGNALS OR TRAFFIC SIGNS,
23 AND A SYSTEM USED TO DETECT VIOLATIONS OF BUS LANE OR BICYCLE
24 LANE RESTRICTIONS.

25 (b) "STATE", NOTWITHSTANDING SECTION 42-1-102 (95), MEANS
26 THE STATE OF COLORADO ACTING THROUGH THE DEPARTMENT OF PUBLIC
27 SAFETY OR THE DEPARTMENT OF TRANSPORTATION.

1 (c) "STATE HIGHWAY SYSTEM" MEANS THE STATE HIGHWAY
2 SYSTEM ESTABLISHED IN SECTION 43-2-101 (1).

3 ~~(1.7) (a) (I) Upon request from the department of transportation,~~
4 ~~the department of public safety shall utilize an automated vehicle~~
5 ~~identification system to detect speeding violations under part 11 of this~~
6 ~~article 4 within a highway maintenance, repair, or construction zone~~
7 ~~designated pursuant to section 42-4-614(1)(a), if the department of public~~
8 ~~safety complies with subsections (2) to (6) of this section. An automated~~
9 ~~vehicle identification system shall not be used under this subsection (1.7)~~
10 ~~unless maintenance, repair, or construction is occurring at the time the~~
11 ~~system is being used.~~

12 ~~(II) The department of public safety may contract with a vendor~~
13 ~~to implement this subsection (1.7), including to:~~

14 ~~(A) Notify violators;~~

15 ~~(B) Collect and remit the penalties and surcharges to the state~~
16 ~~treasury less the vendor's expenses;~~

17 ~~(C) Reconcile payments against outstanding violations;~~

18 ~~(D) Implement collection efforts; and~~

19 ~~(E) Notify the department of public safety of unpaid violations for~~
20 ~~possible referral to the judicial system.~~

21 ~~(III) If the department of public safety contracts with a vendor, the~~
22 ~~contract must incorporate the processing elements specified by the~~
23 ~~department of public safety.~~

24 ~~(IV) No notice of violation or civil penalty assessment or a penalty~~
25 ~~or surcharge for a violation detected by an automated vehicle~~
26 ~~identification system under this subsection (1.7) shall be forwarded to the~~
27 ~~department for processing.~~

1 ~~(b) The department of transportation shall reimburse the~~
2 ~~department of public safety for the direct and indirect costs of complying~~
3 ~~with this subsection (1.7).~~

4 (2) A county or municipality may adopt an ordinance authorizing
5 the use of an automated vehicle identification system to detect violations
6 of traffic regulations adopted by the county or municipality, or the state,
7 a county, a city and county, or a municipality may utilize an automated
8 vehicle identification system to detect traffic violations under state law,
9 subject to the following conditions and limitations AND, AS APPLICABLE,
10 THE REQUIREMENTS FOR STATE HIGHWAYS SET FORTH IN AND ANY RULES
11 ADOPTED BY THE DEPARTMENT OF TRANSPORTATION PURSUANT TO
12 SUBSECTION (2.5) OF THIS SECTION:

13 (g) (I) The state, a county, a city and county, or a municipality
14 shall not issue a notice of violation or civil penalty assessment notice for
15 a violation detected using an automated vehicle identification system
16 unless the violation occurred within a school zone, as defined in section
17 42-4-615; within a residential neighborhood; within a maintenance,
18 construction, or repair zone designated pursuant to section 42-4-614;
19 along a street that borders a municipal park; or along a street or portion
20 of a street that a county or municipality, by ordinance or by a resolution
21 of its governing body, designates as an automated vehicle identification
22 corridor, on which designated corridor the county or municipality may
23 locate an automated vehicle identification system to detect violations of
24 a county or municipal traffic regulation or a traffic violation under state
25 law. BOTH BEFORE A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY
26 DESIGNATES AN AUTOMATED VEHICLE IDENTIFICATION CORRIDOR ON A
27 STATE HIGHWAY AND BEFORE A COUNTY, A CITY AND COUNTY, OR A

1 MUNICIPALITY BEGINS OPERATION OF AN AUTOMATED VEHICLE
2 IDENTIFICATION SYSTEM IN AN AUTOMATED VEHICLE IDENTIFICATION
3 CORRIDOR ON A STATE HIGHWAY, THE COUNTY OR MUNICIPALITY SHALL
4 COORDINATE WITH THE DEPARTMENT OF TRANSPORTATION AND THE
5 COLORADO STATE PATROL. Before a county, CITY AND COUNTY, or
6 municipality begins operation of an automated vehicle identification
7 system in an automated vehicle identification corridor, the county or
8 municipality must:

9 (C) ~~Coordinate between the local jurisdiction, the department of~~
10 ~~transportation, and the Colorado state patrol.~~

11 (2.5) (a) THE STATE HAS FINAL AUTHORITY TO AUTHORIZE THE USE
12 OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM BY THE STATE OR A
13 COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY ON ANY PORTION OF A
14 HIGHWAY THAT IS PART OF THE STATE HIGHWAY SYSTEM, AND THE STATE
15 MAY ITSELF USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON
16 ANY PORTION OF A HIGHWAY THAT IS PART OF THE STATE HIGHWAY
17 SYSTEM. THE DEPARTMENT OF TRANSPORTATION MAY PROMULGATE
18 RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION RELATING TO THE
19 USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS ON PORTIONS OF
20 HIGHWAYS THAT ARE PART OF THE STATE HIGHWAY SYSTEM, INCLUDING
21 BUT NOT LIMITED TO RULES THAT:

22 (I) SPECIFY THE PROCESS THAT A COUNTY, A CITY AND COUNTY, OR
23 A MUNICIPALITY MUST FOLLOW TO OBTAIN APPROVAL FOR THE USE OF AN
24 AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

25 (II) SPECIFY PRIORITIZATION CRITERIA THAT THE DEPARTMENT OF
26 TRANSPORTATION WILL USE TO DETERMINE WHETHER TO APPROVE THE USE
27 OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM AND, IF MULTIPLE

1 ENTITIES SEEK AUTHORIZATION TO USE AN AUTOMATED VEHICLE
2 IDENTIFICATION SYSTEM ON THE SAME PORTION OF A HIGHWAY THAT IS
3 PART OF THE STATE HIGHWAY SYSTEM, TO DETERMINE WHICH ENTITY IS
4 AUTHORIZED TO USE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

5 (III) SPECIFY, CONSISTENT WITH THE REQUIREMENTS OF
6 SUBSECTION (2)(a) OF THIS SECTION, THE PROCESS THAT THE STATE WILL
7 USE TO NOTIFY A COUNTY, CITY AND COUNTY, OR MUNICIPALITY THAT THE
8 STATE WILL BE USING AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM
9 WITHIN ITS JURISDICTION AND THE ADMINISTRATIVE AND ENFORCEMENT
10 PROCESS THAT THE DEPARTMENT OF TRANSPORTATION WILL USE TO
11 ADMINISTER, HEAR, AND RESOLVE A TRAFFIC VIOLATION DETECTED
12 THROUGH THE USE BY THE DEPARTMENT OF TRANSPORTATION OF AN
13 AUTOMATED VEHICLE IDENTIFICATION SYSTEM;

14 (IV) ESTABLISH, SUBJECT TO THE CAPS SET FORTH IN SUBSECTIONS
15 (4)(b) AND (4.5) OF THIS SECTION AND ANY OTHER PROVISION OF LAW, THE
16 AMOUNT OF CIVIL PENALTIES IMPOSED FOR TRAFFIC VIOLATIONS DETECTED
17 THROUGH THE USE BY THE DEPARTMENT OF TRANSPORTATION OF AN
18 AUTOMATED VEHICLE IDENTIFICATION SYSTEM; AND

19 (V) PROVIDE, CONSISTENT WITH THIS SECTION, ANY ADDITIONAL
20 REQUIREMENTS, GUIDANCE, OR CLARIFICATION THAT THE DEPARTMENT OF
21 TRANSPORTATION DEEMS NECESSARY OR APPROPRIATE TO IMPLEMENT
22 THIS SECTION.

23 (b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
24 DEPARTMENT OF TRANSPORTATION CONSULT WITH THE COLORADO STATE
25 PATROL WHEN PROMULGATING RULES RELATING TO THE USE OF
26 AUTOMATED VEHICLE IDENTIFICATION SYSTEMS AND BEFORE
27 AUTHORIZING THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION

1 SYSTEM BY THE STATE OR A COUNTY, A CITY AND COUNTY, OR A
2 MUNICIPALITY ON ANY PORTION OF A HIGHWAY THAT IS PART OF THE
3 STATE HIGHWAY SYSTEM.

4 ~~(4) (b) (II) If any violation described in subsection (4)(b)(I) of this~~
5 ~~section occurs within a school zone, as defined in section 42-4-615, the~~
6 ~~maximum penalty that may be imposed shall be doubled.~~

7 (III) Subsection (4)(b)(I) of this section does not apply within a
8 maintenance, construction, or repair zone designated pursuant to section
9 42-4-614 OR A SCHOOL ZONE, AS DEFINED IN SECTION 42-4-615 (2).

10 (4.5) (a) If the state, a county, a city and county, or a municipality
11 detects a violation of a county or municipal traffic regulation or traffic
12 violation under state law for disobedience to a traffic control signal
13 through the use of an automated vehicle identification system, the
14 maximum civil penalty that the state, a county, a city and county, or a
15 municipality may impose for such violation, including any surcharge, is
16 seventy-five dollars.

17 (b) SUBSECTION (4.5)(a) OF THIS SECTION DOES NOT APPLY WITHIN
18 A MAINTENANCE, CONSTRUCTION, OR REPAIR ZONE DESIGNATED
19 PURSUANT TO SECTION 42-4-614 OR A SCHOOL ZONE, AS DEFINED IN
20 SECTION 42-4-615 (2).

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

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

26 ~~(II) A notice of violation or civil penalty assessment notice may~~
27 ~~be issued to the registered owner of the motor vehicle.~~

1 ~~(b) "Automated vehicle identification system" includes a system~~
2 ~~used to detect a violation of part 11 of this article 4 or a local speed~~
3 ~~ordinance, a system used to detect violations of traffic restrictions~~
4 ~~imposed by traffic signals or traffic signs, and a system used to detect~~
5 ~~violations of bus lane or bicycle lane restrictions.~~

6 (8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
7 AGGREGATE AMOUNT OF REVENUE, EXCLUSIVE OF COURT AND
8 OPERATIONS COSTS, COLLECTED BY THE STATE AS CIVIL PENALTIES FOR
9 VIOLATIONS DETECTED BY AUTOMATED VEHICLE IDENTIFICATION SYSTEMS
10 MUST BE CREDITED TO THE STATE HIGHWAY FUND AND USED BY THE
11 DEPARTMENT ONLY TO FUND ROAD SAFETY PROJECTS, AS DEFINED IN
12 SECTION 43-4-803 (21), OF THE TYPE DESCRIBED IN SECTION 43-4-803
13 (21)(b).

14 **SECTION 2.** In Colorado Revised Statutes, **add** 43-1-132 as
15 follows:

16 **43-1-132. Vulnerable road user fatality reduction targets -**
17 **requirements.** (1) AS PART OF ITS EFFORT TO REDUCE FATALITIES FOR
18 VULNERABLE ROAD USERS, AS DEFINED IN SECTION 43-4-803 (29), THE
19 DEPARTMENT SHALL ESTABLISH DECLINING ANNUAL TARGETS FOR
20 VULNERABLE ROAD USER FATALITIES AS PART OF ITS PERFORMANCE PLAN
21 REQUIRED BY SECTION 2-7-204 (3).

22 (2) AS PART OF THE TARGETS ESTABLISHED IN SUBSECTION (1) OF
23 THIS SECTION, THE DEPARTMENT SHALL ESTABLISH ENGINEERING
24 METHODOLOGY AND INTERNAL EDUCATION REQUIREMENTS FOR PRACTICES
25 TO PRIORITIZE SAFETY OVER SPEED ON HIGH-INJURY NETWORKS.

26 **SECTION 3.** In Colorado Revised Statutes, 43-4-206, **amend** (3)
27 as follows:

1 **43-4-206. State allocation.** (3) The revenue credited to the
2 ~~highway users tax fund~~ STATE HIGHWAY FUND pursuant to section
3 43-4-205 (6.3) ~~shall~~ MUST be expended by the department of
4 transportation only for road safety projects, as defined in section 43-4-803
5 (21); except that the department shall, in furtherance of its duty to
6 supervise state highways and as a consequence in compliance with
7 section 43-4-810:

8 (a) Expend ten million dollars per year of the ~~revenues~~ REVENUE
9 for the planning, designing, engineering, acquisition, installation,
10 construction, repair, reconstruction, maintenance, operation, or
11 administration of transit-related projects, including, but not limited to,
12 designated bicycle or pedestrian lanes of highway and infrastructure
13 needed to integrate different transportation modes within a multimodal
14 transportation system that enhance the safety of state highways for transit
15 users; AND

16 (b) (I) EXPEND, FOR STATE FISCAL YEAR 2025-26 AND EACH
17 SUCCEEDING STATE FISCAL YEAR, AFTER ACCOUNTING FOR CRITICAL
18 SAFETY-RELATED ASSET MANAGEMENT SURFACE TRANSPORTATION
19 INFRASTRUCTURE PROJECTS ELIGIBLE FOR FUNDING PURSUANT TO SECTION
20 43-4-803 (21)(a) AND AS DETERMINED BY THE TRANSPORTATION
21 COMMISSION, AT LEAST TEN PERCENT OF THE REMAINING REVENUE BUT NO
22 LESS THAN SEVEN MILLION DOLLARS, AS ADJUSTED PURSUANT TO
23 SUBSECTION (3)(b)(II) OF THIS SECTION FOR STATE FISCAL YEAR 2026-27
24 AND EACH SUCCEEDING STATE FISCAL YEAR, FOR THE TYPES OF ROAD
25 SAFETY PROJECTS DESCRIBED IN SECTION 43-4-803 (21)(b).

26 (II) FOR STATE FISCAL YEAR 2026-27 AND EACH SUCCEEDING
27 STATE FISCAL YEAR, THE MINIMUM DOLLAR AMOUNT OF EXPENDITURE

1 REQUIRED BY SUBSECTION (3)(b)(I) OF THIS SECTION IS SEVEN MILLION
2 DOLLARS, ADJUSTED FOR THE CUMULATIVE PERCENTAGE CHANGE IN THE
3 AMOUNT OF REVENUE ACTUALLY CREDITED TO THE STATE HIGHWAY FUND
4 PURSUANT TO SECTION 43-4-205 (6.3) FROM STATE FISCAL YEAR 2024-25
5 THROUGH THE PRIOR STATE FISCAL YEAR.

6 **SECTION 4.** In Colorado Revised Statutes, 43-4-803, **amend**
7 (21); and **add** (29) as follows:

8 **43-4-803. Definitions.** As used in this part 8, unless the context
9 otherwise requires:

10 (21) "Road safety project" means:

11 (a) A construction, reconstruction, or maintenance project that the
12 commission determines is needed to enhance the safety of a state
13 highway, a county determines is needed to enhance the safety of a county
14 road, or a municipality determines is needed to enhance the safety of a
15 city street; OR

16 (b) A PROJECT THAT IMPROVES TRANSPORTATION SYSTEM
17 INFRASTRUCTURE OR OTHERWISE IMPLEMENTS DATA-DRIVEN STRATEGIES
18 THAT REDUCE THE NUMBER OF COLLISIONS WITH MOTOR VEHICLES THAT
19 RESULT IN DEATH OR SERIOUS INJURY TO VULNERABLE ROAD USERS.
20 ELIGIBLE PROJECTS INCLUDE, BUT ARE NOT LIMITED TO, PROJECTS THAT
21 MEET OR EXCEED THE DEPARTMENT'S COST-TO-BENEFIT RATIO FOR SAFETY
22 PROJECTS AND:

23 (I) SEPARATE USERS IN SPACE, SUCH AS SEPARATED BIKE LANES,
24 WALKWAYS, AND PEDESTRIAN REFUGE ISLANDS; OR

25 (II) INCREASE ATTENTIVENESS AND AWARENESS, SUCH AS
26 CROSSWALK VISIBILITY ENHANCEMENTS, PEDESTRIAN HYBRID BEACONS,
27 AND LIGHTING.

1 (29) "VULNERABLE ROAD USER" MEANS AN INDIVIDUAL WHO IS
2 UNPROTECTED BY AN OUTSIDE SHIELD WHEN USING A ROAD, INCLUDING,
3 BUT NOT LIMITED TO, A PEDESTRIAN, A BICYCLIST, AND AN INDIVIDUAL
4 USING ANY OTHER NONMOTORIZED OR MOTORIZED PERSONAL
5 CONVEYANCE THAT DOES NOT ENCLOSE THE INDIVIDUAL.

6 **SECTION 5. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.