

SENATE FILE NO. SF0003

Automated vehicle identification systems.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; providing for  
2 enforcement of and fines for traffic violations using an  
3 automated vehicle identification system; specifying  
4 exceptions; clarifying access to and the use of recordings  
5 from an automated vehicle identification system; providing  
6 defenses; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 31-5-102(a) by creating a new  
11 paragraph (lxix), 31-5-1203, 31-18-801(a) by creating a new  
12 paragraph (xl) and 31-18-805 by creating new subsections  
13 (f) and (g) are amended to read:

14

15 **31-5-102. Definitions.**

1

2 (a) Except as otherwise provided, as used in this  
3 act:

4

5 (lxix) "Automated vehicle identification system"  
6 means a device is used to automatically detect and record a  
7 violation of a traffic regulation and simultaneously record  
8 a photograph of the vehicle, the operator of the vehicle  
9 and the license plate of the vehicle but does not include a  
10 video system equipped on a school bus under W.S.  
11 21-3-131(b)(x).

12

13

14 **31-5-1203. Unlawful acts by persons owning or**  
15 **controlling vehicles; automated vehicle identification**  
16 **system.**

17

18 (a) It is unlawful for the owner or any other person,  
19 employing or otherwise directing the driver of any vehicle  
20 to require or knowingly to permit the operation of the  
21 vehicle upon a highway in any manner contrary to law.

22

1       (b) The department or local authority may employ an  
2 automated vehicle identification system to detect gross  
3 weight limit or trailer restriction violation in a posted  
4 restricted area. A recording of the violation and images  
5 and data produced by the automated vehicle identification  
6 system shall be prima facie evidence of the facts contained  
7 in the recording and shall be admissible in a judicial or  
8 administrative proceeding to adjudicate liability for the  
9 violation. If the identity of the driver of a vehicle  
10 against whom a violation is recorded under this subsection  
11 is unknown, the registered owner of the vehicle recorded by  
12 the automated vehicle identification system shall be fined  
13 an amount not to exceed the statutory maximum amount for  
14 the violation plus assessed fees and costs provided that:

15  
16       (i) A fine issued to a registered owner of a  
17 vehicle under this subsection shall not be considered a  
18 moving violation for the purpose of suspending a driver's  
19 license under W.S. 31-7-129 and shall not be considered a  
20 conviction under W.S. 31-5-1201 or as a prior conviction for  
21 any other purpose; and

22

1           (ii) It shall be a defense to a violation  
2 recorded by the automated vehicle identification system and  
3 issued under this section that the registered owner of the  
4 vehicle:

5  
6           (A) Did not provide express or implied  
7 consent to the person who was operating the vehicle at the  
8 time of the violation; or

9  
10           (B) Transferred ownership of the vehicle to  
11 a new owner before the recorded violation.

12  
13           (c) An automated vehicle identification system  
14 authorized in subsection (b) of this section shall be  
15 operated according to the following parameters:

16  
17           (i) Resulting from operation of the system, a  
18 penalty assessment notice or summons and complaint may be  
19 issued to the registered owner of the vehicle identified by  
20 the recordings of the violation from the device;

21  
22           (ii) During operation of the system, there is  
23 posted appropriate signage in accordance with the adopted

1 version of the manual on uniform traffic control devices  
2 and other best practices notifying the traveling public  
3 that an automated vehicle identification device is in use  
4 ahead;

5  
6 (iii) Recordings or images from an automated  
7 vehicle identification system used pursuant to subsection  
8 (b) of this section shall not be a public record under the  
9 Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.  
10 Recordings or images may be entered into evidence for a  
11 gross weight limit or trailer restriction violation in a  
12 posted restricted area and may be discoverable for other  
13 criminal actions;

14  
15 (iv) Recordings or images made from an automated  
16 vehicle identification system under subsection (b) of this  
17 section shall be destroyed within one (1) year of the date  
18 the recording was made;

19  
20 (v) Any vendor who provides automated vehicle  
21 identification system services shall be paid a flat rate  
22 and not a percentage based on the number of violations  
23 recorded.

1

2           **31-18-801. Definitions.**

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4           (a) As used in this article:

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6                   (xl) "Automated vehicle identification system"  
7 means as defined in W.S. 31-5-102(a)(lxix).

8

9           **31-18-805. Penalties for violations; permit where**  
10 **vehicle or load cannot be dismantled; enforcement; fines;**  
11 **automated vehicle identification system.**

12

13           (f) The department or local authority may employ an  
14 automated vehicle identification system to detect a gross  
15 weight limit or trailer restriction violation of this  
16 article where the restricted area is posted. A recording of  
17 the violation and images and data produced by the automated  
18 vehicle identification system shall be prima facie evidence  
19 of the facts contained in the recording and shall be  
20 admissible in a judicial or administrative proceeding to  
21 adjudicate liability for the violation. If the identity of  
22 the driver of a vehicle against whom a violation is  
23 recorded under this subsection is unknown, the registered

1 owner of the vehicle recorded by the automated vehicle  
2 identification system shall be fined an amount not to  
3 exceed the statutory maximum amount for the violation plus  
4 assessed fees and costs provided that:

5  
6 (i) A fine issued to a registered owner of a  
7 vehicle under this subsection shall not be considered a  
8 moving violation for the purpose of suspending a driver's  
9 license under W.S. 31-7-129 and shall not be considered a  
10 conviction under W.S. 31-5-1201 or as a prior conviction  
11 for any other purpose; and

12  
13 (ii) It shall be a defense to a violation  
14 recorded by the automated vehicle identification system and  
15 issued under this section that the registered owner of the  
16 vehicle:

17  
18 (A) Did not provide express or implied  
19 consent to the person who was operating the vehicle at the  
20 time of the violation; or

21  
22 (B) Transferred ownership of the vehicle to  
23 a new owner before the recorded violation.

1

2 (g) An automated vehicle identification system  
3 authorized in subsection (b) of this section shall be  
4 operated according to the following parameters:

5

6 (i) Resulting from operation of the system, a  
7 penalty assessment notice or summons and complaint may be  
8 issued to the registered owner of the vehicle identified by  
9 the recordings of the violation from the device;

10

11 (ii) During operation of the system, there is  
12 posted appropriate signage in accordance with the adopted  
13 version of the manual on uniform traffic control devices  
14 and other best practices notifying the traveling public  
15 that an automated vehicle identification device is in use  
16 ahead;

17

18 (iii) Recordings or images from an automated  
19 vehicle identification system used pursuant to subsection  
20 (f) of this section shall not be a public record under the  
21 Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.  
22 Recordings or images may be entered into evidence for a  
23 gross weight limit or trailer restriction violation of this



1 article where the restricted area is posted and may be  
2 discoverable for other criminal actions;

3

4 (iv) Recordings or images made from an automated  
5 vehicle identification system under subsection (f) of this  
6 section shall be destroyed within one (1) year of the date  
7 the recording was made;

8

9 (v) Any vendor who provides automated vehicle  
10 identification system services shall be paid a flat rate  
11 and not a percentage based on the number of violations  
12 recorded.

13

14 **Section 2.** This act is effective July 1, 2021.

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(END)