

**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.



HOUSE BILL 25-1230

BY REPRESENTATIVE(S) Caldwell and Paschal, Bacon, Boesenecker, Brown, Duran, English, Froelich, Keltie, Lieder, Lindsay, Phillips, Rydin, Smith, Story, Clifford, Hamrick, Jackson;  
also SENATOR(S) Winter F., Carson, Cutter, Exum, Jodeh, Kipp, Michaelson Jenet, Mullica, Roberts, Wallace.

CONCERNING CHANGES TO THE TRAFFIC VIOLATION FOR OVERTAKING A SCHOOL BUS.

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

**SECTION 1.** In Colorado Revised Statutes, 42-4-110.5, **amend** (1.1)(a)(II) and (2)(g)(III); and **add** (1.1)(a.7), (2)(d)(III), and (4.6) 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.**  
(1.1) As used in this section, unless the context otherwise requires:

(a)(II) "Automated vehicle identification system" includes a system used to detect a violation of part 11 of this article 4 or a local speed

---

*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.*

ordinance; a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs; A SYSTEM USED TO DETECT THE OVERTAKING OF A STOPPED SCHOOL BUS WITH ACTUATED VISUAL SIGNAL LIGHTS IN VIOLATION OF SECTION 42-4-1903 (1)(a); and a system used to detect violations of bus lane or bicycle lane restrictions.

(a.7) "SCHOOL BUS" MEANS A SCHOOL BUS THAT IS REQUIRED TO BEAR ON THE FRONT AND REAR OF SUCH SCHOOL BUS THE WORDS "SCHOOL BUS" AND DISPLAY VISUAL SIGNAL LIGHTS PURSUANT TO SECTION 42-4-1903 (2)(a).

(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:

(d) (III) THIS SUBSECTION (2)(d) DOES NOT APPLY TO AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM DESIGNED TO DETECT THE OVERTAKING OF A SCHOOL BUS WITH ACTUATED VISUAL SIGNAL LIGHTS.

(g) (III) This subsection (2)(g) does not apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal OR THE OVERTAKING OF A SCHOOL BUS WITH ACTUATED VISUAL SIGNAL LIGHTS.

(4.6) (a) IF APPROVED BY A SCHOOL DISTRICT'S BOARD OF EDUCATION, THE STATE, A COUNTY, A CITY AND COUNTY, THE SCHOOL DISTRICT, OR A MUNICIPALITY MAY INSTALL AND UTILIZE AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON THE SCHOOL DISTRICT'S SCHOOL BUSES TO DETECT A MOTOR VEHICLE OVERTAKING A STOPPED SCHOOL BUS WITH ACTUATED VISUAL SIGNAL LIGHTS IN VIOLATION OF SECTION 42-4-1903 (1)(a).

(b) 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 DOLLARS, INCLUDING SURCHARGES OR FEES.

(c) (I) A PHOTOGRAPH PRODUCED BY AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM PURSUANT TO THIS SUBSECTION (4.6) MUST CAPTURE AN IMAGE OF THE MOTOR VEHICLE AND THE MOTOR VEHICLE'S LICENSE PLATE TO FORM THE BASIS OF A NOTICE OF VIOLATION OR CIVIL PENALTY ISSUED PURSUANT TO THIS SUBSECTION (4.6).

(II) A NOTICE OF VIOLATION OR CIVIL PENALTY ISSUED PURSUANT TO THIS SUBSECTION (4.6) MUST BE SENT TO THE REGISTERED OWNER OF THE VEHICLE.

(III) WHEN A PHOTOGRAPH PRODUCED BY AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM INCLUDES AN ELECTRONIC INDICATOR SIGNIFYING ACTUATION OF A SCHOOL BUS'S VISUAL SIGNAL LIGHTS, THERE IS A REBUTTABLE PRESUMPTION THAT THE SCHOOL BUS'S VISUAL SIGNAL LIGHTS WERE ACTUATED AND OPERATIONAL AND THAT THE SCHOOL BUS WAS STOPPED TO RECEIVE OR DISCHARGE SCHOOL CHILDREN.

(d) (I) 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.

(II) A CONTRACT FOR AUTOMATED VEHICLE IDENTIFICATION SYSTEM EQUIPMENT AND FOR SERVICES PROVIDED FOR THE USE OF AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON A SCHOOL BUS MUST NOT CONTAIN A QUOTA REGARDING THE NUMBER OF VIOLATIONS CAPTURED OR NOTICES OF

VIOLATION ISSUED OR REGARDING THE REVENUE GENERATED FOR THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO BE CONTINUOUSLY UTILIZED.

(e) A SCHOOL DISTRICT THAT, INDEPENDENT OF THE STATE, A COUNTY, A CITY AND COUNTY, OR A MUNICIPALITY, INSTALLS AND UTILIZES AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON THE SCHOOL DISTRICT'S SCHOOL BUSES PURSUANT TO THIS SUBSECTION (4.6) SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ONE OR MORE LAW ENFORCEMENT AGENCIES, AND SUCH MEMORANDUM MAY INCLUDE:

(I) PROVISIONS FOR COST SHARING;

(II) PAYMENT RESPONSIBILITIES TO THE MANUFACTURER OR VENDOR OF THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM EQUIPMENT; AND

(III) ENFORCEMENT RESPONSIBILITIES AND REIMBURSEMENT CONSIDERATIONS.

**SECTION 2.** In Colorado Revised Statutes, 42-4-1903, **amend** (4) as follows:

**42-4-1903. School buses - stops - signs - passing - definition.**

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus ~~which~~ THAT is on a different roadway. ~~For the purposes of~~ AS USED IN this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed OR raised ~~or painted~~ median, PHYSICAL BARRIERS, or other intervening space serving as a clearly indicated ~~dividing~~ section or island THAT PHYSICALLY DIVIDES THE ROADWAYS.

**SECTION 3. Applicability.** This act applies to violations occurring on or after the effective date of this act.

**SECTION 4. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

---

Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

---

Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

---

Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO