

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0743.01 Renee Leone x2695

HOUSE BILL 25-1230

HOUSE SPONSORSHIP

Caldwell and Paschal,

SENATE SPONSORSHIP

Winter F.,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

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

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 permits the state, a county, a city and county, or a municipality to, with approval from a school district's board of education, install and utilize automated vehicle identification systems (AVIS) on the school district's school buses to detect a driver of a vehicle that overtakes a stopped school bus with actuated visual signal lights in violation of current law. If an AVIS detects such a violation, the state, a

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.

county, a city and county, or a municipality may impose a civil penalty of not more than \$300 for the violation. The bill creates a rebuttable presumption that when an image produced by an AVIS includes an electronic indicator signifying that a school bus's visual signal lights are actuated, the visual signal lights are presumed to be actuated and operational.

The bill mandates that the state, a county, a city and county, or a municipality that installs an AVIS on a school bus shall not use the fines collected through the use of the AVIS system to compensate the AVIS manufacturer or vendor and that any such compensation paid to the manufacturer or vendor must not be based exclusively upon the number of citations issued or revenue generated by the AVIS.

Current law states that a driver on a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway. **Section 2** amends the definition of "highway with separate roadways" to include a roadway separated by physical barriers and to exclude a roadway separated by a painted median.

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)(a)(II) and (2)(g)(III); and **add** (1.1)(a.7), (2)(d)(III), and (4.6) as
4 follows:

5 **42-4-110.5. Automated vehicle identification systems - school**
6 **buses - exceptions to liability - penalty - contracting - limits on use of**
7 **photographs and video - rules - legislative declaration - definitions.**

8 (1.1) As used in this section, unless the context otherwise requires:

9 (a) (II) "Automated vehicle identification system" includes a
10 system used to detect a violation of part 11 of this article 4 or a local
11 speed ordinance; a system used to detect violations of traffic restrictions
12 imposed by traffic signals or traffic signs; A SYSTEM USED TO DETECT THE
13 OVERTAKING OF A STOPPED SCHOOL BUS WITH ACTUATED VISUAL SIGNAL
14 LIGHTS IN VIOLATION OF SECTION 42-4-1903 (1)(a); and a system used to
15 detect violations of bus lane or bicycle lane restrictions.

16 (a.7) "SCHOOL BUS" MEANS A SCHOOL BUS THAT IS REQUIRED TO

1 BEAR ON THE FRONT AND REAR OF SUCH SCHOOL BUS THE WORDS
2 "SCHOOL BUS" AND DISPLAY VISUAL SIGNAL LIGHTS PURSUANT TO
3 SECTION 42-4-1903 (2)(a).

4 (2) A county, city and county, or municipality may adopt an
5 ordinance authorizing the use of an automated vehicle identification
6 system to detect violations of traffic regulations adopted by the county,
7 city and county, or municipality, or the state, a county, a city and county,
8 or a municipality may utilize an automated vehicle identification system
9 to detect traffic violations under state law, subject to the following
10 conditions and limitations and, as applicable, the requirements for state
11 highways set forth in and any rules adopted by the department of
12 transportation pursuant to subsection (2.5) of this section:

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

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

20 (4.6) (a) IF APPROVED BY A SCHOOL DISTRICT'S BOARD OF
21 EDUCATION, THE STATE, A COUNTY, A CITY AND COUNTY, OR A
22 MUNICIPALITY MAY INSTALL AND UTILIZE AN AUTOMATED VEHICLE
23 IDENTIFICATION SYSTEM ON THE SCHOOL DISTRICT'S SCHOOL BUSES TO
24 DETECT A MOTOR VEHICLE OVERTAKING A STOPPED SCHOOL BUS WITH
25 ACTUATED VISUAL SIGNAL LIGHTS IN VIOLATION OF SECTION 42-4-1903
26 (1)(a).

27 (b) IF, THROUGH THE USE OF AN AUTOMATED VEHICLE

1 IDENTIFICATION SYSTEM, THE STATE, A COUNTY, A CITY AND COUNTY, OR
2 A MUNICIPALITY DETECTS █ A MOTOR VEHICLE OVERTAKING A STOPPED
3 SCHOOL BUS WITH ACTUATED VISUAL SIGNAL LIGHTS IN VIOLATION OF
4 SECTION 42-4-1903 (1)(a), THE MAXIMUM CIVIL PENALTY THE STATE,
5 COUNTY, CITY AND COUNTY, OR MUNICIPALITY MAY IMPOSE FOR THE
6 VIOLATION IS THREE HUNDRED DOLLARS, INCLUDING SURCHARGES OR
7 FEES.

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

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

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

22 (d) (I) THE STATE, A COUNTY, A CITY AND COUNTY, OR A
23 MUNICIPALITY THAT HAS INSTALLED AN AUTOMATED VEHICLE
24 IDENTIFICATION SYSTEM ON A SCHOOL BUS TO DETECT █ A MOTOR
25 VEHICLE OVERTAKING A STOPPED SCHOOL BUS SHALL NOT USE ANY
26 PORTION OF A FINE COLLECTED THROUGH THE USE OF SUCH SYSTEM AS THE
27 BASIS FOR PAYMENT TO THE MANUFACTURER OR VENDOR OF THE

1 AUTOMATED VEHICLE IDENTIFICATION SYSTEM EQUIPMENT. THE
2 COMPENSATION PAID BY THE STATE, COUNTY, CITY AND COUNTY, OR
3 MUNICIPALITY FOR SUCH EQUIPMENT MUST BE BASED UPON THE VALUE OF
4 ANY EQUIPMENT OR SERVICES PROVIDED AND MUST NOT BE BASED
5 EXCLUSIVELY UPON THE NUMBER OF TRAFFIC CITATIONS ISSUED OR THE
6 REVENUE GENERATED BY THE AUTOMATED VEHICLE IDENTIFICATION
7 SYSTEM EQUIPMENT.

8 (II) A CONTRACT FOR AUTOMATED VEHICLE IDENTIFICATION
9 SYSTEM EQUIPMENT AND FOR SERVICES PROVIDED FOR THE USE OF AN
10 AUTOMATED VEHICLE IDENTIFICATION SYSTEM ON A SCHOOL BUS MUST
11 NOT CONTAIN A QUOTA REGARDING THE NUMBER OF VIOLATIONS
12 CAPTURED OR NOTICES OF VIOLATION ISSUED OR REGARDING THE REVENUE
13 GENERATED FOR THE AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO BE
14 CONTINUOUSLY UTILIZED.

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

17 **42-4-1903. School buses - stops - signs - passing - definition.**

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

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

27 **SECTION 4. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.