

SENATE FILE NO. SF0102

Automated vehicle identification systems.

Sponsored by: Senator(s) Gierau and Representative(s)
Roscoe, Schwartz and Yin

A BILL

for

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

6

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

8

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

13

14 **31-5-102. Definitions.**

15

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

3
4 (lxix) "Automated vehicle identification system"
5 means a system incorporating all of the following but does
6 not include a video system equipped on a school bus under
7 W.S. 21-3-131(b)(x):

8
9 (A) A device is used to automatically
10 detect a violation of a traffic regulation and
11 simultaneously record a photograph of the vehicle, the
12 operator of the vehicle and the license plate of the
13 vehicle;

14
15 (B) A penalty assessment notice or summons
16 and complaint may be issued to the registered owner of the
17 vehicle identified in subparagraph (A) of this paragraph;

18
19 (C) There is posted appropriate signage in
20 a conspicuous place not fewer than three hundred (300) feet
21 before the area in which the automated vehicle
22 identification device is to be used notifying the traveling

1 public that an automated vehicle identification device is
2 in use immediately ahead.

3

4 **31-5-1203. Unlawful acts by persons owning or**
5 **controlling vehicles; automated vehicle identification**
6 **system.**

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

12

13 (b) The department or local authority may employ an
14 automated vehicle identification system to detect a speed
15 limit violation, size or weight limit violation or other
16 violation that jeopardizes the safety and welfare of the
17 traveling public or highway authorities, contractors or
18 employees in a school or construction zone. A recording of
19 the violation, images and data produced by the automated
20 vehicle identification system shall be prima facie evidence
21 of the facts contained in it and shall be admissible in a
22 judicial or administrative proceeding to adjudicate
23 liability for the violation. If the identity of the driver

1 of a vehicle against whom a violation is recorded under
2 this subsection is unknown, the registered owner of the
3 vehicle recorded by the automated vehicle identification
4 system shall be fined an amount not to exceed the statutory
5 maximum amount plus assessed fees and costs for the
6 violation provided that:

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

14
15 (ii) It shall be a defense to enforcement of a
16 fine issued under this subsection that the registered owner
17 of the vehicle:

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

22

1 (B) Transferred ownership of the vehicle to
2 a new owner before the recorded violation.

3
4 **31-18-801. Definitions.**

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6 (a) As used in this article:

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

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

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

1 is unknown, the registered owner of the vehicle recorded by
2 the automated vehicle identification system shall be fined
3 an amount not to exceed the statutory maximum amount plus
4 assessed fees and costs for the violation 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 for
11 any other purpose; and

12
13 (ii) It shall be a defense to enforcement of a
14 fine issued under this subsection that the registered owner
15 of the vehicle:

16
17 (A) Did not provide express or implied
18 consent to the person who was operating the vehicle at the
19 time of the violation; or

20
21 (B) Transferred ownership of the vehicle to
22 a new owner before the recorded violation.

23

1 **Section 2.** This act is effective July 1, 2020.

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(END)