

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 a speed
3 limit violation, size or weight limit violation and to
4 protect contractors or employees in a school or
5 construction zone. A recording of the violation and images
6 and data produced by the automated vehicle identification
7 system shall be prima facie evidence of the facts contained
8 in the recording and shall be admissible in a judicial or
9 administrative proceeding to adjudicate liability for the
10 violation. If the identity of the driver of a vehicle
11 against whom a violation is recorded under this subsection
12 is unknown, the registered owner of the vehicle recorded by
13 the automated vehicle identification system shall be fined
14 an amount not to exceed the statutory maximum amount for
15 the violation plus assessed fees and costs provided that:

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

23

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 a conspicuous place not fewer

1 than three hundred (300) feet before the area in which the
2 automated vehicle identification device is to be operated
3 notifying the traveling public that an automated vehicle
4 identification device is in use immediately 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 speed limit violation, size or weight limit violation or
12 other violation that endangers contractors or employees in
13 a school or construction zone and may be discoverable for
14 other criminal actions;

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

20
21 (v) Any vendor who provides automated vehicle
22 identification system services shall be paid a flat rate

1 and not a percentage based on the number of violations
2 recorded.

3

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

5

6 (a) As used in this article:

7

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

10

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 and
18 images and data produced by the automated vehicle
19 identification system shall be prima facie evidence of the
20 facts contained in the recording and shall be admissible in
21 a judicial or administrative proceeding to adjudicate
22 liability for the violation. If the identity of the driver
23 of a vehicle against whom a violation is recorded under

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

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

13
14 (ii) It shall be a defense to a violation
15 recorded by the automated vehicle identification system and
16 issued under this section that the registered owner of the
17 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 (g) An automated vehicle identification system
5 authorized in subsection (b) of this section shall be
6 operated according to the following parameters:

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

12
13 (ii) During operation of the system, there is
14 posted appropriate signage in a conspicuous place not fewer
15 than three hundred (300) feet before the area in which the
16 automated vehicle identification device is to be operated
17 notifying the traveling public that an automated vehicle
18 identification device is in use immediately ahead;

19
20 (iii) Recordings or images from an automated
21 vehicle identification system used pursuant to subsection
22 (f) of this section shall not be a public record under the
23 Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.

1 Recordings or images may be entered into evidence for a
2 violation of this article and may be discoverable for other
3 criminal actions;

4

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

9

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

14

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

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(END)