SENATE FILE NO. SF0003

Automated vehicle identification systems.

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

A BILL for

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

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

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

31-5-102. Definitions.
(a) Except as otherwise provided, as used in this act:

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

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

(a) It is unlawful for the owner or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a highway in any manner contrary to law.
(b) The department or local authority may employ an automated vehicle identification system to detect a speed limit violation, size or weight limit violation and to protect contractors or employees in a school or construction zone. A recording of the violation and images and data produced by the automated vehicle identification system shall be prima facie evidence of the facts contained in the recording and shall be admissible in a judicial or administrative proceeding to adjudicate liability for the violation. If the identity of the driver of a vehicle against whom a violation is recorded under this subsection is unknown, the registered owner of the vehicle recorded by the automated vehicle identification system shall be fined an amount not to exceed the statutory maximum amount for the violation plus assessed fees and costs provided that:

(i) A fine issued to a registered owner of a vehicle under this subsection shall not be considered a moving violation for the purpose of suspending a driver's license under W.S. 31-7-129 and shall not be considered a conviction under W.S. 31-5-1201 or as a prior conviction for any other purpose; and
(ii) It shall be a defense to a violation recorded by the automated vehicle identification system and issued under this section that the registered owner of the vehicle:

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

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

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

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

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

(iii) Recordings or images from an automated vehicle identification system used pursuant to subsection (b) of this section shall not be a public record under the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205. Recordings or images may be entered into evidence for a speed limit violation, size or weight limit violation or other violation that endangers contractors or employees in a school or construction zone and may be discoverable for other criminal actions;

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

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


(a) As used in this article:

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

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

(f) The department or local authority may employ an automated vehicle identification system to detect a violation of this article. A recording of the violation and images and data produced by the automated vehicle identification system shall be prima facie evidence of the facts contained in the recording and shall be admissible in a judicial or administrative proceeding to adjudicate liability for the violation. If the identity of the driver of a vehicle against whom a violation is recorded under
this subsection is unknown, the registered owner of the vehicle recorded by the automated vehicle identification system shall be fined an amount not to exceed the statutory maximum amount for the violation plus assessed fees and costs provided that:

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

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

(A) Did not provide express or implied consent to the person who was operating the vehicle at the time of the violation; or
(B) Transferred ownership of the vehicle to a new owner before the recorded violation.

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

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

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

(iii) Recordings or images from an automated vehicle identification system used pursuant to subsection (f) of this section shall not be a public record under the Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.
Recordings or images may be entered into evidence for a violation of this article and may be discoverable for other criminal actions;

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

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

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