

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

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

1 paragraph (xl) and 31-18-805 by creating a new subsection
2 (f) are amended to read:

3

4 **31-5-102. Definitions.**

5

6 (a) Except as otherwise provided, as used in this
7 act:

8

9 (lxix) "Automated vehicle identification system"
10 means a device is used to automatically detect and record a
11 violation of a traffic regulation and simultaneously record
12 a photograph of the vehicle, the operator of the vehicle
13 and the license plate of the vehicle but does not include a
14 video system equipped on a school bus under W.S. 21-3-
15 131(b)(x):

16

17

18 **31-5-1203. Unlawful acts by persons owning or**
19 **controlling vehicles; automated vehicle identification**
20 **system.**

21

22 (a) It is unlawful for the owner or any other person,
23 employing or otherwise directing the driver of any vehicle

1 to require or knowingly to permit the operation of the
2 vehicle upon a highway in any manner contrary to law.

3
4 (b) The department or local authority may employ an
5 automated vehicle identification system to detect a speed
6 limit violation, size or weight limit violation or other
7 violation that jeopardizes the safety and welfare of the
8 traveling public or highway authorities, contractors or
9 employees in a school or construction zone. A recording of
10 the violation and images and data produced by the automated
11 vehicle identification system shall be prima facie evidence
12 of the facts contained in the recording and shall be
13 admissible in a judicial or administrative proceeding to
14 adjudicate liability for the violation. If the identity of
15 the driver of a vehicle against whom a violation is
16 recorded under this subsection is unknown, the registered
17 owner of the vehicle recorded by the automated vehicle
18 identification system shall be fined an amount not to
19 exceed the statutory maximum amount for the violation plus
20 assessed fees and costs provided that:

21

22 (i) A fine issued to a registered owner of a
23 vehicle under this subsection shall not be considered a

1 moving violation for the purpose of suspending a driver's
2 license under W.S. 31-7-129 and shall not be considered a
3 conviction under W.S. 31-5-1201 or as a prior conviction for
4 any other purpose; and

5
6 (ii) It shall be a defense to a violation
7 recorded by the automated vehicle identification system and
8 issued under this section that the registered owner of the
9 vehicle:

10
11 (A) Did not provide express or implied
12 consent to the person who was operating the vehicle at the
13 time of the violation; or

14
15 (B) Transferred ownership of the vehicle to
16 a new owner before the recorded violation.

17
18 (c) An automated vehicle identification system
19 authorized in subsection (b) of this section shall be
20 operated according to the following parameters:

21
22 (i) Resulting from operation of the system, a
23 penalty assessment notice or summons and complaint may be

1 issued to the registered owner of the vehicle identified by
2 the recordings of the violation from the device;

3
4 (ii) During operation of the system, there is
5 posted appropriate signage in a conspicuous place not fewer
6 than three hundred (300) feet before the area in which the
7 automated vehicle identification device is to be operated
8 notifying the traveling public that an automated vehicle
9 identification device is in use immediately ahead;

10
11 (iii) Recordings or images from an automated
12 vehicle identification system used pursuant to subsection
13 (b) of this section shall not be a public record under the
14 Wyoming Public Records Act, W.S. 16-4-201 through 16-4-205.
15 Recordings or images may be entered into evidence for a
16 speed limit violation, size or weight limit violation or
17 other violation that jeopardizes the safety and welfare of
18 the traveling public or highway authorities, contractors or
19 employees in a school or construction zone and may be
20 discoverable for other criminal actions;

21
22 (iv) Recordings or images made from an automated
23 vehicle identification system under subsection (b) of this

1 section shall be destroyed within one (1) year of the date
2 the recording was made.

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

11

12

(END)