

Colorado Revised Statutes Title 42 Vehicles and Traffic § 42-4-1105 Automated vehicle identification systems--definition

(e) The state, a county, a city and county, or a municipality may not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an automated vehicle identification system. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

The Denver Revised Municipal Code 54-833 talks about presumptiveness. The registered owner of the vehicle is presumed to be the driver of the vehicle in ...

Sec. 54-833. - Presumption in reference to automated vehicle identification system violations.

In any proceeding alleging a violation under this chapter, proof through the use of an automated vehicle identification system that the particular vehicle described in the summons and complaint was used by one in violation of the traffic code, together with proof that the person named in the summons and complaint was at the time of the violation the registered owner of the vehicle or the designated operator of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle or the operator designated by the registered owner of the vehicle was the person who was committing the violation at the point where, and for the time during which, the violation occurred. **This presumption may be rebutted** if the finder of fact determines that there is probative evidence that the registered owner of the vehicle or the operator designated by the registered owner of the vehicle was not operating the vehicle at the time the violation was committed.

In the event that the person issued a notice of violation resulting from the use of an automated traffic enforcement system chooses to contest the issuance of the notice of violation by refuting that he or she was the person operating the vehicle at the time the violation was committed, he or she may sign an affidavit under penalty of perjury, to be filed with the county court, that he or she was not the person operating the vehicle at the time the infraction or violation was committed.

Penalties for filing false affidavits shall apply and be enforceable in either the county court or district court having jurisdiction over the offense.