

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 19-1207

BY REPRESENTATIVE(S) Roberts, Buentello, Cutter, Esgar, Galindo, Gray, Hansen, Lontine, McCluskie, McLachlan, Michaelson Jenet, Valdez D., Becker, Snyder;
also SENATOR(S) Donovan and Rankin, Court, Moreno, Priola, Todd.

CONCERNING A REQUIREMENT THAT MOTOR VEHICLES MEET
TRACTION-CONTROL STANDARDS FOR WINTER CONDITIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-4-106, **amend** (5)(a)(I); and **add** (5)(c) as follows:

42-4-106. Who may restrict right to use highways - definitions - repeal. (5) (a) (I) (A) The department of transportation ~~shall also have authority to~~ MAY close any portion of a state highway to public travel or to prohibit the use thereof unless motor vehicles using the same are equipped with tire chains, four-wheel drive with adequate tires for the existing conditions, or snow tires with a "mud and snow" or all weather rating from the manufacturer having a tread of sufficient abrasive or skid-resistant design or composition and depth to provide adequate traction under existing driving conditions during storms or when other dangerous driving

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~conditions exist or during construction or maintenance operations whenever the department considers such closing or restriction of use necessary for the protection and safety of the public. Such prohibition~~ FOR PUBLIC USE DURING DANGEROUS DRIVING CONDITIONS, DURING CONSTRUCTION OR MAINTENANCE OPERATIONS, OR WHEN NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC.

(B) WHEN ICY OR SNOW-PACKED CONDITIONS EXIST ON THE HIGHWAY, THE DEPARTMENT OF TRANSPORTATION MAY RESTRICT TRAVEL ON OR USE OF ANY PORTION OF A STATE HIGHWAY BY ANY MOTOR VEHICLE UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH THE FOLLOWING: TIRE CHAINS OR AN ALTERNATE TRACTION DEVICE; FOUR-WHEEL DRIVE WITH TIRES THAT HAVE A TREAD DEPTH OF AT LEAST THREE SIXTEENTHS OF AN INCH AND THAT ARE ADEQUATE FOR THE CONDITIONS; ALL-WHEEL DRIVE WITH TIRES THAT HAVE A TREAD DEPTH OF AT LEAST THREE SIXTEENTHS OF AN INCH AND THAT ARE ADEQUATE FOR THE CONDITIONS; OR TIRES THAT ARE IMPRINTED BY A MANUFACTURER WITH A MOUNTAIN-SNOWFLAKE, "M&S", "M+S", OR "M/S" SYMBOL OR THAT ARE ALL-WEATHER RATED BY THE MANUFACTURER AND THAT HAVE A TREAD DEPTH OF AT LEAST THREE SIXTEENTHS OF AN INCH.

(C) A CLOSURE ~~or restriction of use shall be~~ UNDER THIS SUBSECTION (5) IS EFFECTIVE WHEN SIGNS, INCLUDING TEMPORARY OR ELECTRONIC SIGNS, ~~giving notice thereof~~ THAT NOTIFY THE PUBLIC OF THE CLOSURE OR RESTRICTION ARE ERECTED UPON ~~such portion of said~~ THE HIGHWAY, ~~and it shall be unlawful to proceed in violation of such notice~~ AND THE RESTRICTION IN SUBSECTION (5)(a)(I)(B) OF THIS SECTION IS EFFECTIVE ON INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND MILEPOST 259 (MORRISON) FROM SEPTEMBER 1 THROUGH MAY 31 OF EACH YEAR. IT IS UNLAWFUL TO PROCEED WHEN A STATE HIGHWAY IS CLOSED OR TO PROCEED WHEN A RESTRICTION IS IN EFFECT WITHOUT THE EQUIPMENT REQUIRED BY THIS SUBSECTION (5).

(D) The Colorado state patrol shall cooperate with the department of transportation in the enforcement of ~~any such~~ A closing or restriction of use. "Tire chains", as used in this subsection (5), means metal chains which consist of two circular metal loops, one on each side of the tire, connected by not less than nine evenly spaced chains across the tire tread and any other traction devices differing from such metal chains in construction, material, or design but capable of providing traction equal to or exceeding that of

~~such metal chains under similar conditions~~ UNDER THIS SUBSECTION (5).

(E) The ~~operator~~ DRIVER of a commercial vehicle with four or more drive wheels, other than a bus, shall affix tire chains to at least four of the drive wheel tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required to be equipped with tire chains under this subsection (5). The ~~operator~~ DRIVER of a bus shall affix tire chains to at least two of the drive wheel tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required to be equipped with tire chains under this subsection (5).

(F) A PERSON WHO VIOLATES THIS SUBSECTION (5)(a)(I) COMMITS A TRAFFIC INFRACTION AND IS SUBJECT TO THE PENALTIES IN SECTION 42-4-1701 (4)(a)(I)(F).

(c) AS USED IN THIS SUBSECTION (5):

(I) "ALTERNATE TRACTION DEVICE" MEANS A DEVICE THAT IS APPROVED BY THE COLORADO DEPARTMENT OF TRANSPORTATION AS CAPABLE OF PROVIDING TRACTION COMPARABLE TO THAT OF METAL CHAINS OR TIRE CABLES UNDER SIMILAR CONDITIONS.

(II) "EQUIPPED" MEANS THAT A MOTOR VEHICLE USES OR CARRIES THE APPROPRIATE TRACTION EQUIPMENT FOR ICY OR SNOW-PACKED CONDITIONS.

(III) "TIRE CHAINS" MEANS METAL CHAINS CONSISTING OF TWO CIRCULAR METAL LOOPS, ONE ON EACH SIDE OF THE TIRE, CONNECTED BY NO FEWER THAN NINE EVENLY SPACED CHAINS ACROSS THE TIRE TREAD.

SECTION 2. In Colorado Revised Statutes, 43-2-145, **add** (11) as follows:

43-2-145. Transportation legislation review - committee - definition - repeal. (11) (a) IN THE 2019 INTERIM BETWEEN THE FIRST REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY AND THE SECOND REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY, THE DEPARTMENT OF TRANSPORTATION AND THE COLORADO STATE PATROL, IN COORDINATION WITH THE COMMITTEE, SHALL MEET WITH STAKEHOLDERS TO DISCUSS OPTIONS AND METHODS OF TRACTION CONTROL ENFORCEMENT, INCLUDING THE LEGALITY AND FEASIBILITY OF PHYSICAL INSPECTION

CHECKPOINTS, ON PASSENGER VEHICLES OPERATING ON INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND MILEPOST 259 (MORRISON). IN ACCORDANCE WITH THIS PROCESS, THE DEPARTMENT OF TRANSPORTATION AND THE COLORADO STATE PATROL SHALL DETERMINE WHETHER THE BEST SOLUTION IS FOR THE DEPARTMENT OF TRANSPORTATION TO PROPOSE RULES OR TO RECOMMEND LEGISLATION TO THE COMMITTEE. BY SEPTEMBER 1, 2019, THE DEPARTMENT OF TRANSPORTATION AND THE COLORADO STATE PATROL SHALL REPORT THEIR RECOMMENDATIONS TO THE COMMITTEE.

(b) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2020.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO