

CHAPTER 19

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 23-1123

BY REPRESENTATIVE(S) Lindsay and Weinberg, Dickson, Froelich, Lindstedt, Snyder, Taggart, Titone, Valdez, Wilson; also SENATOR(S) Bridges and Rich, Winter F., Buckner, Cutter, Exum, Ginal, Hinrichsen, Liston, Lundeen, Marchman, Pelton R., Priola, Roberts, Simpson, Smallwood, Sullivan, Van Winkle, Will, Zenzinger.

AN ACT

CONCERNING A REQUIREMENT THAT MOTOR VEHICLE DRIVERS TAKE CERTAIN ACTIONS TO MITIGATE THE RISK THEIR VEHICLES PRESENT TO STATIONARY VEHICLES ON THE ROAD.

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

SECTION 1. In Colorado Revised Statutes, 42-4-705, **amend** (2)(a), (2)(b), (2)(c)(I), and (2.6) as follows:

42-4-705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle. (2) (a) A driver in a MOTOR vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:

(I) A stationary authorized emergency vehicle, INCLUDING A PORT OF ENTRY VEHICLE, that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 42-4-213 or 42-4-222;

(II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; ~~or~~

(III) A stationary public utility service vehicle THAT IS OPERATED BY A PUBLIC UTILITY, AS DEFINED IN SECTION 39-4-101 OR 40-1-103, OR AN AUTHORIZED CONTRACTOR OF THE PUBLIC UTILITY AND that is giving a visual signal by means of flashing, rotating, or oscillating amber lights; OR

(IV) A STATIONARY MOTOR VEHICLE GIVING A HAZARD SIGNAL BY DISPLAYING ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING LIGHTS.

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.

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary ~~authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle~~ DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary ~~authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle~~ DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching MOTOR vehicle shall proceed in the manner described in subsection (2)(c) of this section.

(c) (I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary ~~authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle~~ DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION is located, or if movement by the driver of the approaching MOTOR vehicle into an adjacent moving lane, as described in subsection (2)(b) of this section, is not possible, the driver of an approaching MOTOR vehicle shall reduce and maintain a safe speed with regard to the location of the stationary ~~authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle~~ DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION; weather conditions; road conditions; and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(2.6) ~~(a)~~ A driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in ~~paragraphs (b) and (c) of this subsection (2.6)~~ SUBSECTION (2) OF THIS SECTION. THE DRIVER OF A MOTOR VEHICLE THAT IS BEING EQUIPPED WITH CHAINS SHALL GIVE A HAZARD SIGNAL BY DISPLAYING ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING LIGHTS.

~~(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2.6).~~

~~(c) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.6), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the motor vehicle where chains are being~~

~~applied to the tires, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.~~

SECTION 2. 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; 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 2024 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.

Approved: March 17, 2023