

## CHAPTER 133

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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SENATE BILL 94-007

BY SENATOR Lacy;  
also REPRESENTATIVE June.**AN ACT****CONCERNING THE REMOVAL OF MATERIAL OBSTRUCTING A HIGHWAY RIGHT-OF-WAY.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 42-4-1602, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:**42-4-1602. Definitions.** As used in this part 16, unless the context otherwise requires:

(1.5) "AGENCY EMPLOYEE" MEANS ANY EMPLOYEE OF THE DEPARTMENT OF TRANSPORTATION OR OTHER MUNICIPAL, COUNTY, OR CITY AND COUNTY AGENCY RESPONSIBLE FOR HIGHWAY SAFETY AND MAINTENANCE.

**SECTION 2.** 42-4-1603 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:**42-4-1603. Abandonment of motor vehicles, vehicles, cargo, and debris - public tow.** (2) Whenever any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, ~~or an~~ agent of the Colorado bureau of investigation, OR AGENCY EMPLOYEE finds a motor vehicle, VEHICLE, CARGO, OR DEBRIS, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer OR AGENCY EMPLOYEE is authorized to cause the motor vehicle, VEHICLE, CARGO, OR DEBRIS to be moved to eliminate any such obstruction; and neither the officer, THE AGENCY EMPLOYEE, nor anyone acting under ~~his~~ THE direction OF SUCH OFFICER OR EMPLOYEE shall be liable for any damage to such motor vehicle, VEHICLE, CARGO, OR DEBRIS occasioned by such removal. THE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

REMOVAL PROCESS IS INTENDED TO CLEAR THE OBSTRUCTION, BUT SUCH ACTIVITY SHOULD CREATE AS LITTLE DAMAGE AS POSSIBLE TO THE VEHICLE, OR CARGO, OR BOTH. NO AGENCY EMPLOYEE SHALL CAUSE ANY MOTOR VEHICLE TO BE MOVED UNLESS SUCH EMPLOYEE HAS OBTAINED APPROVAL FROM A LOCAL LAW ENFORCEMENT AGENCY OF A MUNICIPALITY, COUNTY, OR CITY AND COUNTY, THE COLORADO BUREAU OF INVESTIGATION, OR THE COLORADO STATE PATROL.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1994