

CHAPTER 39

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 04-1076

BY REPRESENTATIVE(S) Madden, Brophy, Hodge, Rose, Berry, Borodkin, Boyd, Cadman, Carroll, Cerbo, Clapp, Garcia, Hall, Hoppe, Jahn, King, Larson, Lee, Marshall, May M., McFadyen, McGihon, Miller, Mitchell, Paccione, Ragsdale, Salazar, Sinclair, Smith, Spradley, Tochtrop, Vigil, Weddig, Welker, White, and Williams S.;
also SENATOR(S) Arnold, Andrews, Chlouber, Entz, Gordon, Groff, Grossman, Hillman, Phillips, Teck, Tupa, and Veiga.

AN ACT

CONCERNING A PROHIBITION ON DRIVING MOTOR VEHICLES IN THE PASSING LANE EXCEPT WHEN APPROPRIATE.

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

SECTION 1. Part 10 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-1013. Passing lane - definitions - penalty. (1) A PERSON SHALL NOT DRIVE A MOTOR VEHICLE IN THE PASSING LANE OF A HIGHWAY IF THE SPEED LIMIT IS SIXTY-FIVE MILES PER HOUR OR MORE UNLESS SUCH PERSON IS PASSING OTHER MOTOR VEHICLES THAT ARE IN A NONPASSING LANE OR TURNING LEFT, OR UNLESS THE VOLUME OF TRAFFIC DOES NOT PERMIT THE MOTOR VEHICLE TO SAFELY MERGE INTO A NONPASSING LANE.

(2) FOR THE PURPOSES OF THIS SECTION:

(a) "NONPASSING LANE" MEANS ANY LANE THAT IS TO THE RIGHT OF THE PASSING LANE IF THERE ARE TWO OR MORE ADJACENT LANES OF TRAFFIC MOVING IN THE SAME DIRECTION IN ONE ROADWAY.

(b) "PASSING LANE" MEANS THE FARTHEST TO THE LEFT LANE IF THERE ARE TWO OR MORE ADJACENT LANES OF TRAFFIC MOVING IN THE SAME DIRECTION IN ONE ROADWAY; EXCEPT THAT IF SUCH LEFT LANE IS RESTRICTED TO HIGH OCCUPANCY VEHICLE USE OR IS DESIGNED FOR LEFT TURNS ONLY, THE PASSING LANE SHALL BE THE LANE IMMEDIATELY TO THE RIGHT OF SUCH HIGH OCCUPANCY LANE OR LEFT-TURN LANE.

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

(3) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

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: March 17, 2004