A BILL FOR AN ACT

CONCERNING FAILURE TO EXHIBIT DUE CARE WHEN PASSING VEHICLES

DISPLAYING VISUAL SIGNALS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Under current law a driver who fails to exhibit due care and caution when approaching or passing a stationary emergency vehicle or towing carrier vehicle commits careless driving, which is a class A traffic offense. The bill adds stationary public utility service vehicles to the statute.

The bill increases the penalty to a class 1 misdemeanor if the
driver's actions are the proximate cause of bodily injury to another person and to a class 6 felony if the actions are the proximate cause of the death of another person.

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), and (3)(b) 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 vehicle that is approaching or passing a stationary authorized emergency 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 or a stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2) OF THIS SECTION WHEN APPROACHING OR PASSING:

(I) A STATIONARY AUTHORIZED EMERGENCY 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 GIVING A VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR OSCILLATING AMBER LIGHTS.
(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, or stationary towing carrier vehicle, or
STATIONARY PUBLIC UTILITY SERVICE VEHICLE 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, or stationary
towing carrier vehicle, or STATIONARY PUBLIC UTILITY SERVICE 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)
SUBSECTION (2)(c) OF THIS SECTION.

(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
a stationary authorized emergency vehicle, or stationary towing carrier
vehicle, or STATIONARY PUBLIC UTILITY SERVICE VEHICLE is located, or
if movement by the driver of the approaching vehicle into an adjacent
moving lane, as described in paragraph (b) of this subsection (2)
SUBSECTION (2)(b) OF THIS SECTION, is not possible, the driver of an
approaching vehicle shall reduce and maintain a safe speed with regard
to the location of the stationary authorized vehicle, or stationary towing
carrier vehicle, or STATIONARY PUBLIC UTILITY SERVICE VEHICLE;
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.
(3) (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (3)(b)(II) AND (3)(b)(III) OF THIS SECTION, any person who violates subsection (2), (2.5), or (2.6) of this section commits careless driving as described in section 42-4-1402.

(II) IF THE PERSON VIOLATES SUBSECTION (2) OF THIS SECTION AND THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF BODILY INJURY TO ANOTHER PERSON, THE PERSON COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS DESCRIBED IN SECTION 18-1.3-501.

(III) IF THE PERSON VIOLATES SUBSECTION (2) OF THIS SECTION AND THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF THE DEATH OF ANOTHER PERSON, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS DESCRIBED IN SECTION 18-1.3-401.

SECTION 2. In Colorado Revised Statutes, 42-2-127, add (5)(ll) as follows:

42-2-127. Authority to suspend license - to deny license - type of conviction - points. (5) Point system schedule:

<table>
<thead>
<tr>
<th>Type of conviction</th>
<th>Points</th>
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<tbody>
<tr>
<td>(ll) (I) EXCEPT AS PROVIDED IN SUBSECTION (5)(ll)(II) OR (5)(ll)(III) OF THIS SECTION, FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A STATIONARY VEHICLE PURSUANT TO SECTION 42-4-705</td>
<td>3</td>
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<tr>
<td>(2)</td>
<td></td>
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<td>(II) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A STATIONARY VEHICLE RESULTING IN BODILY INJURY</td>
<td>6</td>
</tr>
<tr>
<td>(III) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A STATIONARY VEHICLE RESULTING IN DEATH</td>
<td>8</td>
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</tbody>
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SECTION 3. Potential appropriation. Pursuant to section 2-2-703, C.R.S., any bill that results in a net increase in periods of
imprisonment in state correctional facilities must include an appropriation
doing money that is sufficient to cover any increased capital construction, any
operational costs, and increased parole costs that are the result of the bill
for the department of corrections in each of the first five years following
the effective date of the bill. Because this act may increase periods of
imprisonment, this act may require a five-year appropriation.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2017; 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 the ninety-day period after final adjournment of the general
assembly, 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
2018 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.