

CHAPTER 278

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 17-229

BY SENATOR(S) Holbert, Baumgardner, Aguilar, Coram, Court, Crowder, Garcia, Gardner, Guzman, Kefalas, Kerr, Lambert, Marble, Martinez Humenik, Neville T., Priola, Scott, Smallwood, Tate, Todd, Zenzinger, Grantham;
 also REPRESENTATIVE(S) Mitsch Bush and Lawrence, Ransom, Bridges, Buckner, Carver, Catlin, Covarrubias, Esgar, Exum, Garnett, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Liston, McLachlan, Melton, Navarro, Neville P., Nordberg, Rosenthal, Saine, Salazar, Sias, Van Winkle, Williams D., Wilson, Wist, Young.

AN ACT

CONCERNING FAILURE TO EXHIBIT DUE CARE WHEN PASSING VEHICLES DISPLAYING VISUAL SIGNALS.

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

SECTION 1. Short title. This act is known as the "Move Over for Cody Act".

SECTION 2. 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)~~ **SUBSECTIONS (2)(b) AND (2)(c) 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

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

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 3. In Colorado Revised Statutes, 42-2-127, **add** (5)(II) as follows:

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

Type of conviction

Points

(II) (I) EXCEPT AS PROVIDED IN SUBSECTION (5)(II)(II) OR (5)(II)(III) OF THIS SECTION, FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A STATIONARY VEHICLE PURSUANT TO SECTION 42-4-705 (2) 3

(II) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A STATIONARY VEHICLE RESULTING IN BODILY INJURY 6

(III) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A STATIONARY VEHICLE RESULTING IN DEATH 8

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.

Approved: June 1, 2017