

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0707.01 Jery Payne x2157

HOUSE BILL 20-1145

HOUSE SPONSORSHIP

McKean,

SENATE SPONSORSHIP

Holbert and Garcia,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SAFETY CONSEQUENCES OF A DRIVER PASSING AN**
102 **OFFICIAL VEHICLE THAT DISPLAYS A WARNING LIGHT.**

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>.)

Current law requires a driver who is overtaking an emergency vehicle, tow vehicle, or public utility vehicle that is parked on the side of the road to reduce and maintain a safe speed. The bill requires:

- ! The driver to slow down to 25 miles per hour if the speed limit is less than 45 miles per hour; or
- ! The driver to slow down at least 20 miles per hour less than

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the posted speed limit if the speed limit is 45 miles per hour or more.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-705, **amend** (2)
3 as follows:

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

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

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

15 (III) A stationary public utility service vehicle that is giving a
16 visual signal by means of flashing, rotating, or oscillating amber lights.

17 (b) On a highway with at least two adjacent lanes proceeding in
18 the same direction on the same side of the highway where a stationary
19 authorized emergency vehicle, stationary towing carrier vehicle, or
20 stationary public utility service vehicle is located, the driver of an
21 approaching or passing vehicle shall proceed with due care and caution
22 and yield the right-of-way by moving into a lane at least one moving lane
23 apart from the stationary authorized emergency vehicle, stationary towing
24 carrier vehicle, or stationary public utility service vehicle unless directed
25 otherwise by a peace officer or other authorized emergency personnel. If

1 movement to an adjacent moving lane is not possible due to weather, road
2 conditions, or the immediate presence of vehicular or pedestrian traffic,
3 the driver of the approaching vehicle shall proceed in the manner
4 described in subsection (2)(c) of this section.

5 (c) (I) On a highway that does not have at least two adjacent lanes
6 proceeding in the same direction on the same side of the highway where
7 a stationary authorized emergency vehicle, stationary towing carrier
8 vehicle, or stationary public utility service vehicle is located, or if
9 movement by the driver of the approaching vehicle into an adjacent
10 moving lane, as described in subsection (2)(b) of this section, is not
11 possible, the driver of an approaching vehicle shall reduce and maintain
12 a safe speed with regard to the location of the stationary authorized
13 EMERGENCY vehicle, stationary towing carrier vehicle, or stationary
14 public utility service vehicle; weather conditions; road conditions; and
15 vehicular or pedestrian traffic and proceed with due care and caution, or
16 as directed by a peace officer or other authorized emergency personnel.

17 (II) FOR THE PURPOSES OF THIS SUBSECTION (2)(c), THE
18 FOLLOWING SPEEDS ARE PRESUMED TO BE SAFE UNLESS THE SPEEDS ARE
19 UNSAFE FOR THE CONDITIONS AS PROVIDED IN SECTION 42-4-1101 (1) AND
20 (3):

21 (A) IF THE SPEED LIMIT IS LESS THAN FORTY-FIVE MILES PER HOUR,
22 TWENTY-FIVE MILES PER HOUR OR LESS; OR

23 (B) IF THE SPEED LIMIT IS FORTY-FIVE MILES PER HOUR OR MORE,
24 TWENTY MILES PER HOUR LESS THAN THE SPEED LIMIT.

25 **SECTION 2.** In Colorado Revised Statutes, **add 24-33.5-228** as
26 follows:

27 **24-33.5-228. Public awareness of laws concerning operation**

1 **of vehicle in vicinity of emergency vehicle.** THE CHIEF OR THE CHIEF'S
2 DESIGNEE SHALL COORDINATE WITH THE DEPARTMENT OF
3 TRANSPORTATION TO JOINTLY CREATE A CAMPAIGN RAISING PUBLIC
4 AWARENESS OF THE REQUIREMENTS OF SECTION 42-4-705 AND OF THE
5 DANGERS OF STATIONARY EMERGENCY AND SERVICE VEHICLES THAT ARE
6 ON THE ROAD OR ON THE SIDE OF THE ROAD.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 43-1-126 as
8 follows:

9 **43-1-126. Public awareness of laws concerning operation of**
10 **vehicle in vicinity of emergency vehicle.** THE EXECUTIVE DIRECTOR OR
11 THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL COORDINATE WITH THE
12 CHIEF OF THE COLORADO STATE PATROL TO JOINTLY CREATE A CAMPAIGN
13 RAISING PUBLIC AWARENESS OF THE REQUIREMENTS OF SECTION 42-4-705
14 AND OF THE DANGERS OF STATIONARY EMERGENCY AND SERVICE
15 VEHICLES THAT ARE ON THE ROAD OR ON THE SIDE OF THE ROAD.

16 **SECTION 4. No appropriation.** The general assembly has
17 determined that this act can be implemented within existing
18 appropriations, and therefore no separate appropriation of state money is
19 necessary to carry out the purposes of this act.

20 **SECTION 5. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 5, 2020, if adjournment sine die is on May 6,
24 2020); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election

1 to be held in November 2020 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to offenses committed on or after the
4 applicable effective date of this act.