

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 23-0107.01 Jery Payne x2157

**HOUSE BILL 23-1123**

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**A BILL FOR AN ACT**

101      **CONCERNING A REQUIREMENT THAT MOTOR VEHICLE DRIVERS TAKE**  
102                      **CERTAIN ACTIONS TO MITIGATE THE RISK THEIR VEHICLES**  
103                      **PRESENT TO STATIONARY VEHICLES ON THE ROAD.**

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**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>.)*

**Transportation Legislation Review Committee.** Current law requires a motor vehicle driver to move to one lane apart from a stationary vehicle when:

- 2 lanes move in the same direction;
- The driver is able to move to the lane apart; and

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

SENATE  
2nd Reading Unamended  
March 6, 2023

HOUSE  
3rd Reading Unamended  
February 22, 2023

HOUSE  
Amended 2nd Reading  
February 21, 2023

- One of the following vehicles is stationary on the road:
  - An authorized emergency vehicle;
  - A stationary towing carrier vehicle;
  - A stationary public utility service vehicle; or
  - A vehicle to which chains are being applied.

If a person cannot move to be one lane apart from the stationary vehicle, the person must slow down and drive at a safe speed.

The bill adds the same requirement for stationary motor vehicles that are displaying flashing hazard lights or warning lights and clarifies that the law applies to public utility service vehicles operated by the public utility or by an authorized contractor of the public utility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-705, **amend**  
 3 **(2)(a), (2)(b), (2)(c)(I), and (2.6); and add (2)(a)(IV) 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 MOTOR vehicle shall exhibit due**  
 8 **care and caution and proceed as described in subsections (2)(b) and (2)(c)**  
 9 **of this section when approaching or passing:**

10 (I) A stationary authorized emergency vehicle, INCLUDING A PORT  
 11 OF ENTRY VEHICLE, that is giving a visual signal by means of flashing,  
 12 rotating, or oscillating red, blue, or white lights as permitted by section  
 13 42-4-213 or 42-4-222;

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

16 (III) A stationary public utility service vehicle THAT IS OPERATED  
 17 BY A PUBLIC UTILITY, AS DEFINED IN SECTION 39-4-101 OR 40-1-103, OR  
 18 AN AUTHORIZED CONTRACTOR OF THE PUBLIC UTILITY AND that is giving  
 19 a visual signal by means of flashing, rotating, or oscillating amber lights;

1 OR

2 (IV) A STATIONARY MOTOR VEHICLE GIVING A HAZARD SIGNAL BY  
3 DISPLAYING ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING  
4 LIGHTS.

5 (b) On a highway with at least two adjacent lanes proceeding in  
6 the same direction on the same side of the highway where a stationary  
7 ~~authorized emergency vehicle, stationary towing carrier vehicle, or~~  
8 ~~stationary public utility service~~ vehicle DESCRIBED IN SUBSECTION (2)(a)  
9 OF THIS SECTION is located, the driver of an approaching or passing  
10 vehicle shall proceed with due care and caution and yield the right-of-way  
11 by moving into a lane at least one moving lane apart from the stationary  
12 ~~authorized emergency vehicle, stationary towing carrier vehicle, or~~  
13 ~~stationary public utility service~~ vehicle DESCRIBED IN SUBSECTION (2)(a)  
14 OF THIS SECTION unless directed otherwise by a peace officer or other  
15 authorized emergency personnel. If movement to an adjacent moving lane  
16 is not possible due to weather, road conditions, or the immediate presence  
17 of vehicular or pedestrian traffic, the driver of the approaching MOTOR  
18 vehicle shall proceed in the manner described in subsection (2)(c) of this  
19 section.

20 (c) (I) On a highway that does not have at least two adjacent lanes  
21 proceeding in the same direction on the same side of the highway where  
22 a stationary ~~authorized emergency vehicle, stationary towing carrier~~  
23 ~~vehicle, or stationary public utility service~~ vehicle DESCRIBED IN  
24 SUBSECTION (2)(a) OF THIS SECTION is located, or if movement by the  
25 driver of the approaching MOTOR vehicle into an adjacent moving lane,  
26 as described in subsection (2)(b) of this section, is not possible, the driver  
27 of an approaching MOTOR vehicle shall reduce and maintain a safe speed

1 with regard to the location of the stationary ~~authorized emergency~~  
2 ~~vehicle, stationary towing carrier vehicle, or stationary public utility~~  
3 ~~service~~ vehicle DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION;  
4 weather conditions; road conditions; and vehicular or pedestrian traffic  
5 and proceed with due care and caution, or as directed by a peace officer  
6 or other authorized emergency personnel.

7 (2.6) (a) A driver in a vehicle that is approaching or passing a  
8 motor vehicle where the tires are being equipped with chains on the side  
9 of the highway shall exhibit due care and caution and proceed as  
10 described in ~~paragraphs (b) and (c) of this subsection (2.6)~~ SUBSECTION  
11 (2) OF THIS SECTION. THE DRIVER OF A MOTOR VEHICLE THAT IS BEING  
12 EQUIPPED WITH CHAINS SHALL GIVE A HAZARD SIGNAL BY DISPLAYING  
13 ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING LIGHTS.

14 (b) ~~On a highway with at least two adjacent lanes proceeding in~~  
15 ~~the same direction on the same side of the highway where chains are~~  
16 ~~being applied to the tires of a motor vehicle, the driver of an approaching~~  
17 ~~or passing vehicle shall proceed with due care and caution and yield the~~  
18 ~~right-of-way by moving into a lane at least one moving lane apart from~~  
19 ~~the vehicle, unless directed otherwise by a peace officer or other~~  
20 ~~authorized emergency personnel. If movement to an adjacent moving lane~~  
21 ~~is not possible due to weather, road conditions, or the immediate presence~~  
22 ~~of vehicular or pedestrian traffic, the driver of the approaching vehicle~~  
23 ~~shall proceed in the manner described in paragraph (c) of this subsection~~  
24 ~~(2.6).~~

25 (c) ~~On a highway that does not have at least two adjacent lanes~~  
26 ~~proceeding in the same direction on the same side of the highway where~~  
27 ~~chains are being applied to the tires of a motor vehicle, or if movement~~

1 ~~by the driver of the approaching vehicle into an adjacent moving lane, as~~  
2 ~~described in paragraph (b) of this subsection (2.6), is not possible, the~~  
3 ~~driver of an approaching vehicle shall reduce and maintain a safe speed~~  
4 ~~with regard to the location of the motor vehicle where chains are being~~  
5 ~~applied to the tires, weather conditions, road conditions, and vehicular or~~  
6 ~~pedestrian traffic, and shall proceed with due care and caution, or as~~  
7 ~~directed by a peace officer or other authorized emergency personnel.~~

8           **SECTION 2. Act subject to petition - effective date -**  
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
10 the expiration of the ninety-day period after final adjournment of the  
11 general assembly; except that, if a referendum petition is filed pursuant  
12 to section 1 (3) of article V of the state constitution against this act or an  
13 item, section, or part of this act within such period, then the act, item,  
14 section, or part will not take effect unless approved by the people at the  
15 general election to be held in November 2024 and, in such case, will take  
16 effect on the date of the official declaration of the vote thereon by the  
17 governor.

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