

## CHAPTER 188

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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## SENATE BILL 96-068

BY SENATORS Dennis, Feeley, Hopper, and L. Powers;  
also REPRESENTATIVES Young, Armstrong, and Mace.

**AN ACT****CONCERNING THE SAFETY OF EMERGENCY PERSONNEL.**

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

**SECTION 1.** 18-8-104 (1) (a) and (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 18-8-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**18-8-104. Obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer.** (1) (a) A person commits obstructing a peace officer, ~~or fireman~~ FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER when, by using or threatening to use violence, force, physical interference, or an obstacle, ~~he~~ SUCH PERSON knowingly obstructs, impairs, or hinders the enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his OR HER official authority; or knowingly obstructs, impairs, or hinders the prevention, control, or abatement of fire by a ~~fireman~~ FIREFIGHTER, acting under color of his OR HER official authority; OR KNOWINGLY OBSTRUCTS, IMPAIRS, OR HINDERS THE ADMINISTRATION OF MEDICAL TREATMENT OR EMERGENCY ASSISTANCE BY AN EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE SPECIALIST, ACTING UNDER COLOR OF HIS OR HER OFFICIAL AUTHORITY, OR KNOWINGLY OBSTRUCTS, IMPAIRS, OR HINDERS THE ADMINISTRATION OF EMERGENCY CARE OR EMERGENCY ASSISTANCE BY A VOLUNTEER, ACTING IN GOOD FAITH TO RENDER SUCH CARE OR ASSISTANCE WITHOUT COMPENSATION AT THE PLACE OF AN EMERGENCY OR ACCIDENT.

(4) Obstructing a peace officer, ~~or fireman~~ FIREFIGHTER, EMERGENCY MEDICAL SERVICE PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER is a class 2 misdemeanor.

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

(5) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY MEDICAL SERVICE PROVIDER" MEANS A MEMBER OF A PUBLIC OR PRIVATE EMERGENCY MEDICAL SERVICE AGENCY, WHETHER THAT PERSON IS A VOLUNTEER OR RECEIVES COMPENSATION FOR SERVICES RENDERED AS SUCH EMERGENCY MEDICAL SERVICE PROVIDER.

(b) "RESCUE SPECIALIST" MEANS A MEMBER OF A PUBLIC OR PRIVATE RESCUE AGENCY, WHETHER THAT PERSON IS A VOLUNTEER OR RECEIVES COMPENSATION FOR SERVICES RENDERED AS SUCH RESCUE SPECIALIST.

**SECTION 2.** 42-4-214 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-214. Visual signals on service vehicles.** (1) Except as otherwise provided in this section, on or after January 1, 1978, every authorized service vehicle shall, in addition to any other equipment required by this article, be equipped with one or more warning lamps mounted as high as practicable, which shall be capable of displaying in all directions one or more flashing, oscillating, or rotating yellow lights. ~~Every~~ ONLY YELLOW AND NO OTHER COLOR OR COMBINATION OF COLORS SHALL BE USED AS A WARNING LAMP ON AN AUTHORIZED SERVICE VEHICLE; EXCEPT THAT AN authorized service vehicle snowplow operated by a general purpose government may also be equipped with and use no more than two flashing, oscillating, or rotating blue lights as warning lamps. Lighted directional signs used by police and highway departments to direct traffic need not be visible except to the front and rear. Such lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

**SECTION 3.** 42-4-222 (1) and (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

**42-4-222. Volunteer firefighters - volunteer ambulance attendants - special lights and alarm systems.** (1) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns and cities and fire protection districts AND ALL MEMBERS OF A VOLUNTEER AMBULANCE SERVICE REGULARLY ATTACHED TO A VOLUNTEER AMBULANCE SERVICE WITHIN AN AREA WHICH THE AMBULANCE SERVICE WOULD BE REASONABLY EXPECTED TO SERVE may have their private automobiles ~~identified by red lights installed, two in number, in the front portion of said automobiles so that they can be readily seen by the public. Such lights may have a red glass lens with the word "Fire" across the face, and said word "Fire" shall be cast into the glass; or said automobiles may be equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red or white lights or a combination thereof,~~ visible to the front and rear at five hundred feet in normal sunlight. IN ADDITION TO THE RED LIGHT, FLASHING, OSCILLATING, OR ROTATING SIGNAL LIGHTS MAY BE USED THAT EMIT WHITE OR WHITE IN COMBINATION WITH RED LIGHTS. AT LEAST ONE OF such signal ~~lamp~~ LAMPS or combination of signal lamps ~~may~~ SHALL be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only when a member of ~~any such~~ A FIRE department is

responding to or attending a fire alarm or other emergency OR WHEN A MEMBER OF AN AMBULANCE SERVICE IS RESPONDING TO AN EMERGENCY REQUIRING THE MEMBER'S SERVICES. Neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.

~~(2) (a) All members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area which the ambulance service would be reasonably expected to serve may have their private automobiles identified by:~~

~~(I) Two red lights installed in the front portion of said automobiles so that they can be readily seen by the public, which lights shall have red glass lenses; or~~

~~(II) A red light temporarily or permanently mounted on the top of the automobile.~~

~~(b) The automobiles may be equipped with audible signal systems such as sirens, whistles, or bells.~~

~~(c) The lights, together with any signal systems authorized by this subsection (2), may be used only when a member of an ambulance service is responding to an emergency requiring the member's services.~~

~~(d) The lights and signals shall not be used for any other purpose than the one set forth in this subsection (2). If used for any other purpose, the violator commits a class B traffic infraction.~~

**SECTION 4.** 42-4-108 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-108. Public officers to obey provisions - exceptions for emergency vehicles.** (3) The exemptions ~~granted~~ AND CONDITIONS PROVIDED in paragraphs (b) to (d), IN THEIR ENTIRETY, of subsection (2) of this section ~~to~~ FOR an authorized emergency vehicle shall CONTINUE TO apply TO SECTION 24-10-106 (1) (a), C.R.S., only when such vehicle is making use of audible ~~and~~ OR visual signals meeting the requirements of section 42-4-213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 42-4-213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title need not display or make use of audible ~~and~~ OR visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

**SECTION 5.** 42-4-805 (8), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-805. Pedestrians walking or traveling in a wheelchair on highways.** (8) Upon the immediate approach of an authorized emergency vehicle making use

of audible ~~and~~ OR visual signals meeting the requirements of section 42-4-213 or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection (8) shall not relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in sections 42-4-108 (4) and 42-4-807.

**SECTION 6.** 42-4-1701 (4) (a) (I) (D), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

**(D) Equipment violations:**

42-4-201	\$ 35.00	\$ 4.00
42-4-202	35.00	4.00
42-4-204	15.00	2.00
42-4-205	15.00	2.00
42-4-206	15.00	2.00
42-4-207	15.00	2.00
42-4-208	15.00	2.00
42-4-209	15.00	2.00
42-4-210	15.00	2.00
42-4-211	15.00	2.00
42-4-212	15.00	2.00
42-4-213	15.00	2.00
42-4-214	15.00	2.00
42-4-215	15.00	2.00
42-4-216	15.00	2.00
42-4-217	15.00	2.00
42-4-218	15.00	2.00
42-4-219	15.00	2.00
42-4-220	15.00	2.00
42-4-221	15.00	2.00
42-4-222 (1) <del>or (2)</del>	15.00	2.00

42-4-223	15.00	2.00
42-4-224	15.00	2.00
42-4-225	15.00	2.00
42-4-226	15.00	2.00
42-4-227 (1)	50.00	6.00
42-4-227 (2)	15.00	2.00
42-4-228 (1), (2), (3), (5), or (6)	15.00	2.00
42-4-229	15.00	2.00
42-4-230	15.00	2.00
42-4-231	15.00	2.00
42-4-232	15.00	2.00
42-4-233	75.00	9.00
42-4-234	15.00	2.00
42-4-235	50.00	6.00
42-4-236	50.00	6.00
42-4-237	15.00	2.00
42-4-1411	15.00	2.00
42-4-1412	15.00	2.00
42-4-1901	35.00	4.00

**SECTION 7. Effective date - applicability.** This act shall take effect July 1, 1996, and shall apply to offenses committed on or after said date.

**SECTION 8. 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: May 23, 1996