

CHAPTER 205

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 05-1187

BY REPRESENTATIVE(S) Larson, McCluskey, Decker, Berens, Borodkin, Brophy, Coleman, Frangas, Green, Hall, Hoppe, Kerr, Knoedler, Lindstrom, Marshall, Massey, McFadyen, Merrifield, Plant, Pommer, Soper, Stafford, Sullivan, and Romanoff; also SENATOR(S) Williams, May R., Bacon, Entz, Isgar, Teck, Hillman, Kester, Shaffer, and Wiens.

AN ACT

CONCERNING A REQUIREMENT THAT DRIVERS OF VEHICLES YIELD THE RIGHT-OF-WAY TO STATIONARY AUTHORIZED EMERGENCY VEHICLES.

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

SECTION 1. 42-4-705, Colorado Revised Statutes, is amended to read:

42-4-705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 42-4-213 or 42-4-222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(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, SHALL EXHIBIT DUE CARE AND CAUTION AND PROCEED AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2).

(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 IS LOCATED, THE DRIVER OF AN APPROACHING OR PASSING VEHICLE SHALL PROCEED WITH DUE CARE AND CAUTION AND YIELD THE

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

RIGHT-OF-WAY BY MOVING INTO A LANE AT LEAST ONE MOVING LANE APART FROM THE STATIONARY AUTHORIZED EMERGENCY 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).

(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 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), 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, 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) (a) Any person who violates ~~any provision~~ SUBSECTION (1) of this section commits a class A traffic infraction.

(b) ANY PERSON WHO VIOLATES SUBSECTION (2) OF THIS SECTION COMMITS CARELESS DRIVING AS DESCRIBED IN SECTION 42-4-1402.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to traffic infractions committed on or after said date.

SECTION 3. 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: June 1, 2005