

CHAPTER 48

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 05-1069

BY REPRESENTATIVE(S) Ragsdale, Borodkin, Cadman, Frangas, Green, McFadyen, Merrifield, and Vigil;
also SENATOR(S) Williams.

AN ACT

CONCERNING CERTAIN EMERGENCY SIGNALS ATTACHED TO MOTOR VEHICLES.

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

SECTION 1. 42-4-238 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-238. Blue and red lights - illegal use or possession. (2) It shall be an affirmative defense that the defendant was:

(e) A COLLECTOR OF FIRE ENGINES, FIRE SUPPRESSION VEHICLES, OR AMBULANCES AND THE VEHICLE TO WHICH THE RED OR BLUE LAMPS WERE AFFIXED IS VALUED FOR THE VEHICLE'S HISTORICAL INTEREST OR AS A COLLECTOR'S ITEM.

SECTION 2. 42-4-222 (1) (a), Colorado Revised Statutes, is amended, and the said 42-4-222 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-222. Volunteer firefighters - volunteer ambulance attendants - special lights and alarm systems. (1) (a) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns, counties, cities, and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area ~~which~~ THAT the ambulance service would be reasonably expected to serve may have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red lights 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 lamps or combination of

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

signal lamps 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 AS AUTHORIZED BY SUBSECTION (3) OF THIS SECTION OR when a member of 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. EXCEPT AS AUTHORIZED IN SUBSECTION (3) OF THIS SECTION, 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.

(3) A FIRE ENGINE COLLECTOR OR MEMBER OF A FIRE DEPARTMENT MAY USE THE SIGNAL SYSTEM AUTHORIZED BY SUBSECTION (1) OF THIS SECTION IN A FUNERAL, PARADE, OR FOR OTHER SPECIAL PURPOSES IF THE CIRCUMSTANCES WOULD NOT LEAD A REASONABLE PERSON TO BELIEVE THAT SUCH VEHICLE IS RESPONDING TO AN ACTUAL EMERGENCY.

SECTION 3. 42-4-224 (1) and (2), Colorado Revised Statutes, are amended to read:

42-4-224. Horns or warning devices. (1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in section 42-4-213 (1) in the case of authorized emergency vehicles OR AS PROVIDED IN SECTION 42-4-222. The driver of a motor vehicle, when reasonably necessary to ~~insure~~ ENSURE safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device, which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices ~~which~~ THAT are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under section 42-4-213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. SUCH DEVICE SHALL NOT BE USED FOR SUCH SPECIAL PURPOSES UNLESS THE CIRCUMSTANCES WOULD NOT LEAD A REASONABLE PERSON TO BELIEVE THAT SUCH VEHICLE IS RESPONDING TO AN ACTUAL EMERGENCY.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to actions occurring on or after said date.

SECTION 5. 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: April 7, 2005