

CHAPTER 298

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 11-260

BY SENATOR(S) Morse, Carroll, Giron, King K., King S., Shaffer B., Tochtrop, Williams S.;
also REPRESENTATIVE(S) Lee, Ferrandino, Fields, Fischer, Labuda, Pace, Schafer S., Vigil.

AN ACT**CONCERNING SAFETY PROCEDURES RELATED TO THE TOWING OF VEHICLES.**

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

SECTION 1. Short title. This act shall be known and may be cited as the "Allen Rose Tow-truck Safety Act".

SECTION 2. Part 2 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-241. Unlawful removal of tow-truck signage - unlawful usage of tow-truck signage. (1) (a) A PERSON, OTHER THAN A TOWING CARRIER OR PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., COMMITS THE CRIME OF UNLAWFUL REMOVAL OF TOW-TRUCK SIGNAGE IF:

(I) A TOWING CARRIER HAS PLACED A TOW-TRUCK WARNING SIGN ON THE DRIVER-SIDE WINDOW OF A VEHICLE TO BE TOWED OR, IF WINDOW PLACEMENT IS IMPRACTICABLE, IN ANOTHER LOCATION ON THE DRIVER-SIDE OF THE VEHICLE; AND

(II) THE VEHICLE TO BE TOWED IS WITHIN FIFTY FEET OF THE TOWING CARRIER VEHICLE; AND

(III) THE PERSON REMOVES THE TOW-TRUCK WARNING SIGN FROM THE VEHICLE BEFORE THE TOW IS COMPLETED.

(b) A PERSON COMMITS THE CRIME OF UNLAWFUL USAGE OF TOW-TRUCK SIGNAGE IF THE PERSON PLACES A TOW-TRUCK WARNING SIGN ON A VEHICLE WHEN THE VEHICLE IS NOT IN THE PROCESS OF BEING TOWED OR WHEN THE VEHICLE IS

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

OCCUPIED.

(c) A TOWING CARRIER MAY PERMIT AN OWNER OF THE VEHICLE TO BE TOWED TO RETRIEVE ANY PERSONAL ITEMS FROM THE VEHICLE BEFORE THE VEHICLE IS TOWED.

(2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 3 MISDEMEANOR.

(3) FOR PURPOSES OF THIS SECTION, "TOW-TRUCK WARNING SIGN" MEANS A SIGN THAT IS AT LEAST EIGHT INCHES BY EIGHT INCHES, IS EITHER YELLOW OR ORANGE, AND STATES THE FOLLOWING:

WARNING: THIS VEHICLE IS IN TOW. ATTEMPTING TO OPERATE OR OPERATING THIS VEHICLE MAY RESULT IN CRIMINAL PROSECUTION AND MAY LEAD TO INJURY OR DEATH TO YOU OR ANOTHER PERSON.

SECTION 3. 42-4-705 (2), Colorado Revised Statutes, is amended to read:

42-4-705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle or stationary towing carrier vehicle. (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, OR A STATIONARY TOWING CARRIER VEHICLE THAT IS GIVING A VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR OSCILLATING YELLOW LIGHTS 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 OR STATIONARY TOWING CARRIER VEHICLE is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle OR STATIONARY TOWING CARRIER 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 OR STATIONARY TOWING CARRIER 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 OR STATIONARY TOWING CARRIER 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.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2011, and shall apply to offenses committed 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: June 7, 2011