

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

**INTRODUCED**

LLS NO. 17-0971.01 Jerry Barry x4341

**SENATE BILL 17-229**

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**SENATE SPONSORSHIP**

**Holbert**, Baumgardner

**HOUSE SPONSORSHIP**

**Mitsch Bush and Lawrence**, Ransom

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**Senate Committees**

Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING FAILURE TO EXHIBIT DUE CARE WHEN PASSING VEHICLES**

102 **DISPLAYING VISUAL SIGNALS.**

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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>.)*

Under current, law a driver who fails to exhibit due care and caution when approaching or passing a stationary emergency vehicle or towing carrier vehicle commits careless driving, which is a class A traffic offense. The bill adds stationary public utility service vehicles to the statute.

The bill increases the penalty to a class 1 misdemeanor if the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

driver's actions are the proximate cause of bodily injury to another person and to a class 6 felony if the actions are the proximate cause of the death of another person.

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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), and (3)(b) 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 vehicle that is ~~approaching or~~  
8 ~~passing a stationary authorized emergency vehicle that is giving a visual~~  
9 ~~signal by means of flashing, rotating, or oscillating red, blue, or white~~  
10 ~~lights as permitted by section 42-4-213 or 42-4-222 or a stationary towing~~  
11 ~~carrier vehicle that is giving a visual signal by means of flashing, rotating,~~  
12 ~~or oscillating yellow lights shall exhibit due care and caution and proceed~~  
13 ~~as described in paragraphs (b) and (c) of this subsection (2)~~ SUBSECTIONS  
14 (2)(b) AND (2)(c) OF THIS SECTION WHEN APPROACHING OR PASSING:

15 (I) A STATIONARY AUTHORIZED EMERGENCY VEHICLE THAT IS  
16 GIVING A VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR  
17 OSCILLATING RED, BLUE, OR WHITE LIGHTS AS PERMITTED BY SECTION  
18 42-4-213 OR 42-4-222;

19 (II) A STATIONARY TOWING CARRIER VEHICLE THAT IS GIVING A  
20 VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR OSCILLATING  
21 YELLOW LIGHTS; OR

22 (III) A STATIONARY PUBLIC UTILITY SERVICE VEHICLE THAT IS  
23 GIVING A VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR  
24 OSCILLATING AMBER LIGHTS.

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

15           (c) On a highway that does not have at least two adjacent lanes  
16 proceeding in the same direction on the same side of the highway where  
17 a stationary authorized emergency vehicle, ~~or~~ stationary towing carrier  
18 vehicle, OR STATIONARY PUBLIC UTILITY SERVICE VEHICLE is located, or  
19 if movement by the driver of the approaching vehicle into an adjacent  
20 moving lane, as described in ~~paragraph (b) of this subsection (2)~~  
21 SUBSECTION (2)(b) OF THIS SECTION, is not possible, the driver of an  
22 approaching vehicle shall reduce and maintain a safe speed with regard  
23 to the location of the stationary authorized vehicle, ~~or~~ stationary towing  
24 carrier vehicle, OR STATIONARY PUBLIC UTILITY SERVICE VEHICLE;  
25 weather conditions; road conditions; and vehicular or pedestrian traffic  
26 and proceed with due care and caution, or as directed by a peace officer  
27 or other authorized emergency personnel.

1 (3) (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS  
2 (3)(b)(II) AND (3)(b)(III) OF THIS SECTION, any person who violates  
3 subsection (2), (2.5), or (2.6) of this section commits careless driving as  
4 described in section 42-4-1402.

5 (II) IF THE PERSON VIOLATES SUBSECTION (2) OF THIS SECTION AND  
6 THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF BODILY INJURY TO  
7 ANOTHER PERSON, THE PERSON COMMITS A CLASS 1 MISDEMEANOR AND  
8 SHALL BE PUNISHED AS DESCRIBED IN SECTION 18-1.3-501.

9 (III) IF THE PERSON VIOLATES SUBSECTION (2) OF THIS SECTION  
10 AND THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF THE DEATH OF  
11 ANOTHER PERSON, THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE  
12 PUNISHED AS DESCRIBED IN SECTION 18-1.3-401.

13 **SECTION 2.** In Colorado Revised Statutes, 42-2-127, **add** (5)(II)  
14 as follows:

15 **42-2-127. Authority to suspend license - to deny license - type**  
16 **of conviction - points.** (5) Point system schedule:

17 <b>Type of conviction</b>	<b>Points</b>
18 (II) (I) EXCEPT AS PROVIDED IN SUBSECTION (5)(II)(II) OR 19 (5)(II)(III) OF THIS SECTION, FAILURE TO EXERCISE DUE CARE WHEN 20 APPROACHING A STATIONARY VEHICLE PURSUANT TO SECTION 42-4-705 21 (2) .....	3
22 (II) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A 23 STATIONARY VEHICLE RESULTING IN BODILY INJURY .....	6
24 (III) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A 25 STATIONARY VEHICLE RESULTING IN DEATH .....	8

26 **SECTION 3. Potential appropriation.** Pursuant to section  
27 2-2-703, C.R.S., any bill that results in a net increase in periods of

1 imprisonment in state correctional facilities must include an appropriation  
2 of money that is sufficient to cover any increased capital construction, any  
3 operational costs, and increased parole costs that are the result of the bill  
4 for the department of corrections in each of the first five years following  
5 the effective date of the bill. Because this act may increase periods of  
6 imprisonment, this act may require a five-year appropriation.

7           **SECTION 4. Act subject to petition - effective date -**  
8 **applicability.** (1) This act takes effect September 1, 2017; except that,  
9 if a referendum petition is filed pursuant to section 1 (3) of article V of  
10 the state constitution against this act or an item, section, or part of this act  
11 within the ninety-day period after final adjournment of the general  
12 assembly, then the act, item, section, or part will not take effect unless  
13 approved by the people at the general election to be held in November  
14 2018 and, in such case, will take effect on the date of the official  
15 declaration of the vote thereon by the governor.

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