

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0971.01 Jerry Barry x4341

SENATE BILL 17-229

SENATE SPONSORSHIP

Holbert, Baumgardner

HOUSE SPONSORSHIP

Mitsch Bush and Lawrence, Ransom

Senate Committees
Judiciary

House Committees
Transportation & Energy

HOUSE
3rd Reading Unamended
May 2, 2017

A BILL FOR AN ACT

101 **CONCERNING FAILURE TO EXHIBIT DUE CARE WHEN PASSING VEHICLES**
102 **DISPLAYING VISUAL SIGNALS.**

HOUSE
2nd Reading Unamended
May 1, 2017

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>.)

SENATE
3rd Reading Unamended
April 17, 2017

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

SENATE
Amended 2nd Reading
April 13, 2017

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.

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

2 **SECTION 1. Short title.** This act is known as the "Move Over
3 for Cody Act".

4 **SECTION 2.** In Colorado Revised Statutes, 42-4-705, **amend**
5 (2)(a), (2)(b), (2)(c), and (3)(b) as follows:

6 **42-4-705. Operation of vehicle approached by emergency**
7 **vehicle - operation of vehicle approaching stationary emergency**
8 **vehicle, stationary towing carrier vehicle, or stationary public utility**
9 **service vehicle.** (2) (a) A driver in a vehicle ~~that is approaching or~~
10 ~~passing a stationary authorized emergency vehicle that is giving a visual~~
11 ~~signal by means of flashing, rotating, or oscillating red, blue, or white~~
12 ~~lights as permitted by section 42-4-213 or 42-4-222 or a stationary towing~~
13 ~~carrier vehicle that is giving a visual signal by means of flashing, rotating,~~
14 ~~or oscillating yellow lights shall exhibit due care and caution and proceed~~
15 ~~as described in paragraphs (b) and (c) of this subsection (2)~~ SUBSECTIONS
16 (2)(b) AND (2)(c) OF THIS SECTION WHEN APPROACHING OR PASSING:

17 (I) A STATIONARY AUTHORIZED EMERGENCY VEHICLE THAT IS
18 GIVING A VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR
19 OSCILLATING RED, BLUE, OR WHITE LIGHTS AS PERMITTED BY SECTION
20 42-4-213 OR 42-4-222;

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

24 (III) A STATIONARY PUBLIC UTILITY SERVICE VEHICLE THAT IS

1 GIVING A VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR
2 OSCILLATING AMBER LIGHTS.

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

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

1 and proceed with due care and caution, or as directed by a peace officer
2 or other authorized emergency personnel.

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

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

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

15 **SECTION 3.** In Colorado Revised Statutes, 42-2-127, **add** (5)(II)
16 as follows:

17 **42-2-127. Authority to suspend license - to deny license - type**
18 **of conviction - points.** (5) Point system schedule:

Type of conviction	Points
20 (II) (I) EXCEPT AS PROVIDED IN SUBSECTION (5)(II)(II) OR 21 (5)(II)(III) OF THIS SECTION, FAILURE TO EXERCISE DUE CARE WHEN 22 APPROACHING A STATIONARY VEHICLE PURSUANT TO SECTION 42-4-705	
23 (2)	3
24 (II) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A 25 STATIONARY VEHICLE RESULTING IN BODILY INJURY	6
26 (III) FAILURE TO EXERCISE DUE CARE WHEN APPROACHING A 27 STATIONARY VEHICLE RESULTING IN DEATH	8

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

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