

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0107.01 Jery Payne x2157

HOUSE BILL 23-1123

HOUSE SPONSORSHIP

Lindsay,

SENATE SPONSORSHIP

Bridges, Winter F., Rich

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT MOTOR VEHICLE DRIVERS TAKE**
102 **CERTAIN ACTIONS TO MITIGATE THE RISK THEIR VEHICLES**
103 **PRESENT TO STATIONARY VEHICLES ON THE ROAD.**

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>.)

Transportation Legislation Review Committee. Current law requires a motor vehicle driver to move to one lane apart from a stationary vehicle when:

- 2 lanes move in the same direction;
- The driver is able to move to the lane apart; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- One of the following vehicles is stationary on the road:
 - An authorized emergency vehicle;
 - A stationary towing carrier vehicle;
 - A stationary public utility service vehicle; or
 - A vehicle to which chains are being applied.

If a person cannot move to be one lane apart from the stationary vehicle, the person must slow down and drive at a safe speed.

The bill adds the same requirement for stationary motor vehicles that are displaying flashing hazard lights or warning lights and clarifies that the law applies to public utility service vehicles operated by the public utility or by an authorized contractor of the public utility.

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)(I), and (2.6); and add (2)(a)(IV) 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 MOTOR vehicle shall exhibit due**
 8 **care and caution and proceed as described in subsections (2)(b) and (2)(c)**
 9 **of this section when approaching or passing:**

10 (I) A stationary authorized emergency vehicle, INCLUDING A PORT
 11 OF ENTRY VEHICLE, that is giving a visual signal by means of flashing,
 12 rotating, or oscillating red, blue, or white lights as permitted by section
 13 42-4-213 or 42-4-222;

14 (II) A stationary towing carrier vehicle that is giving a visual
 15 signal by means of flashing, rotating, or oscillating yellow lights; or

16 (III) A stationary public utility service vehicle THAT IS OPERATED
 17 BY A PUBLIC UTILITY, AS DEFINED IN SECTION 39-4-101 OR 40-1-103, OR
 18 AN AUTHORIZED CONTRACTOR OF THE PUBLIC UTILITY AND that is giving
 19 a visual signal by means of flashing, rotating, or oscillating amber lights;

1 OR

2 (IV) A STATIONARY MOTOR VEHICLE GIVING A HAZARD SIGNAL BY
3 DISPLAYING ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING
4 LIGHTS.

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

20 (c) (I) On a highway that does not have at least two adjacent lanes
21 proceeding in the same direction on the same side of the highway where
22 a stationary ~~authorized emergency vehicle, stationary towing carrier~~
23 ~~vehicle, or stationary public utility service~~ vehicle DESCRIBED IN
24 SUBSECTION (2)(a) OF THIS SECTION is located, or if movement by the
25 driver of the approaching MOTOR vehicle into an adjacent moving lane,
26 as described in subsection (2)(b) of this section, is not possible, the driver
27 of an approaching MOTOR vehicle shall reduce and maintain a safe speed

1 with regard to the location of the stationary ~~authorized emergency~~
2 ~~vehicle, stationary towing carrier vehicle, or stationary public utility~~
3 ~~service~~ vehicle DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION;
4 weather conditions; road conditions; and vehicular or pedestrian traffic
5 and proceed with due care and caution, or as directed by a peace officer
6 or other authorized emergency personnel.

7 (2.6) (a) A driver in a vehicle that is approaching or passing a
8 motor vehicle where the tires are being equipped with chains on the side
9 of the highway shall exhibit due care and caution and proceed as
10 described in ~~paragraphs (b) and (c) of this subsection (2.6)~~ SUBSECTION
11 (2) OF THIS SECTION. THE DRIVER OF A MOTOR VEHICLE THAT IS BEING
12 EQUIPPED WITH CHAINS SHALL GIVE A HAZARD SIGNAL BY DISPLAYING
13 ALTERNATELY FLASHING LIGHTS OR DISPLAYING WARNING LIGHTS.

14 (b) ~~On a highway with at least two adjacent lanes proceeding in~~
15 ~~the same direction on the same side of the highway where chains are~~
16 ~~being applied to the tires of a motor vehicle, the driver of an approaching~~
17 ~~or passing vehicle shall proceed with due care and caution and yield the~~
18 ~~right-of-way by moving into a lane at least one moving lane apart from~~
19 ~~the vehicle, unless directed otherwise by a peace officer or other~~
20 ~~authorized emergency personnel. If movement to an adjacent moving lane~~
21 ~~is not possible due to weather, road conditions, or the immediate presence~~
22 ~~of vehicular or pedestrian traffic, the driver of the approaching vehicle~~
23 ~~shall proceed in the manner described in paragraph (c) of this subsection~~
24 ~~(2.6).~~

25 (c) ~~On a highway that does not have at least two adjacent lanes~~
26 ~~proceeding in the same direction on the same side of the highway where~~
27 ~~chains are being applied to the tires of a motor vehicle, or if movement~~

1 ~~by the driver of the approaching vehicle into an adjacent moving lane, as~~
2 ~~described in paragraph (b) of this subsection (2.6), is not possible, the~~
3 ~~driver of an approaching vehicle shall reduce and maintain a safe speed~~
4 ~~with regard to the location of the motor vehicle where chains are being~~
5 ~~applied to the tires, weather conditions, road conditions, and vehicular or~~
6 ~~pedestrian traffic, and shall proceed with due care and caution, or as~~
7 ~~directed by a peace officer or other authorized emergency personnel.~~

8 **SECTION 2. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly; except that, if a referendum petition is filed pursuant
12 to section 1 (3) of article V of the state constitution against this act or an
13 item, section, or part of this act within such period, then the act, item,
14 section, or part will not take effect unless approved by the people at the
15 general election to be held in November 2024 and, in such case, will take
16 effect on the date of the official declaration of the vote thereon by the
17 governor.

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