

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

REREVISED

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

LLS NO. 19-0806.01 Jery Payne x2157

HOUSE BILL 19-1207

HOUSE SPONSORSHIP

Roberts, Becker, Buentello, Cutter, Esgar, Galindo, Gray, Hansen, Lontine, McCluskie, McLachlan, Michaelson Jenet, Valdez D.

SENATE SPONSORSHIP

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House Committees

Transportation & Local Government

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A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT MOTOR VEHICLES MEET**
102 **TRACTION-CONTROL STANDARDS FOR WINTER CONDITIONS.**

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>.)

Currently, a person is required to use certain traction-control equipment, such as chains or snow-rated tires, when the Colorado department of transportation restricts road use due to a winter storm. The bill:

- ! Allows for current technology and traction options;
- ! Sets minimum standards for tires; and

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

SENATE
3rd Reading Unamended
April 8, 2019

SENATE
Amended 2nd Reading
April 5, 2019

HOUSE
3rd Reading Unamended
March 11, 2019

HOUSE
Amended 2nd Reading
March 8, 2019

! Requires the traction equipment to be carried on I-70 between milepost 133 (Dotsero) and milepost 259 (Morrison) from September 1 through May 31 and used when icy or snow-packed conditions are present.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-106, **amend**
3 (5)(a)(I); and **add** (5)(c) as follows:

4 **42-4-106. Who may restrict right to use highways - definitions**
5 **- repeal.** (5) (a) (I) (A) The department of transportation ~~shall also have~~
6 ~~authority to~~ MAY close any portion of a state highway to public travel or
7 ~~to prohibit the use thereof unless motor vehicles using the same are~~
8 ~~equipped with tire chains, four-wheel drive with adequate tires for the~~
9 ~~existing conditions, or snow tires with a "mud and snow" or all weather~~
10 ~~rating from the manufacturer having a tread of sufficient abrasive or~~
11 ~~skid-resistant design or composition and depth to provide adequate~~
12 ~~traction under existing driving conditions during storms or when other~~
13 ~~dangerous driving conditions exist or during construction or maintenance~~
14 ~~operations whenever the department considers such closing or restriction~~
15 ~~of use necessary for the protection and safety of the public. Such~~
16 ~~prohibition~~ FOR PUBLIC USE DURING DANGEROUS DRIVING CONDITIONS,
17 DURING CONSTRUCTION OR MAINTENANCE OPERATIONS, OR WHEN
18 NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC.

19 (B) WHEN ICY OR SNOW-PACKED CONDITIONS EXIST ON THE
20 HIGHWAY, THE DEPARTMENT OF TRANSPORTATION MAY RESTRICT TRAVEL
21 ON OR USE OF ANY PORTION OF A STATE HIGHWAY BY ANY MOTOR VEHICLE
22 UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH THE FOLLOWING: TIRE
23 CHAINS OR AN ALTERNATE TRACTION DEVICE; FOUR-WHEEL DRIVE WITH

1 TIRES THAT HAVE A TREAD DEPTH OF AT LEAST THREE SIXTEENTHS OF AN
2 INCH AND THAT ARE ADEQUATE FOR THE CONDITIONS; ALL-WHEEL DRIVE
3 WITH TIRES THAT HAVE A TREAD DEPTH OF AT LEAST THREE SIXTEENTHS
4 OF AN INCH AND THAT ARE ADEQUATE FOR THE CONDITIONS; OR TIRES
5 THAT ARE IMPRINTED BY A MANUFACTURER WITH A
6 MOUNTAIN-SNOWFLAKE, "M&S", "M+S", OR "M/S" SYMBOL OR THAT ARE
7 ALL-WEATHER RATED BY THE MANUFACTURER AND THAT HAVE A TREAD
8 DEPTH OF AT LEAST THREE SIXTEENTHS OF AN INCH.

9 (C) A CLOSURE or restriction ~~of use shall be~~ UNDER THIS
10 SUBSECTION (5) IS effective when signs, including temporary or electronic
11 signs, ~~giving notice thereof~~ THAT NOTIFY THE PUBLIC OF THE CLOSURE OR
12 RESTRICTION are erected upon ~~such portion of said~~ THE highway, ~~and it~~
13 ~~shall be unlawful to proceed in violation of such notice~~ AND THE
14 RESTRICTION IN SUBSECTION (5)(a)(I)(B) OF THIS SECTION IS EFFECTIVE ON
15 INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND MILEPOST 259
16 (MORRISON) FROM SEPTEMBER 1 THROUGH MAY 31 OF EACH YEAR. IT IS
17 UNLAWFUL TO PROCEED WHEN A STATE HIGHWAY IS CLOSED OR TO
18 PROCEED WHEN A RESTRICTION IS IN EFFECT WITHOUT THE EQUIPMENT
19 REQUIRED BY THIS SUBSECTION (5).

20 (D) The Colorado state patrol shall cooperate with the department
21 of transportation in the enforcement of ~~any such~~ A closing or restriction
22 of use. ~~"Fire chains", as used in this subsection (5), means metal chains~~
23 ~~which consist of two circular metal loops, one on each side of the tire,~~
24 ~~connected by not less than nine evenly spaced chains across the tire tread~~
25 ~~and any other traction devices differing from such metal chains in~~
26 ~~construction, material, or design but capable of providing traction equal~~
27 ~~to or exceeding that of such metal chains under similar conditions~~ UNDER

1 THIS SUBSECTION (5).

2 (E) The ~~operator~~ DRIVER of a commercial vehicle with four or
3 more drive wheels, other than a bus, shall affix tire chains to at least four
4 of the drive wheel tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required
5 to be equipped with tire chains under this subsection (5). The ~~operator~~
6 DRIVER of a bus shall affix tire chains to at least two of the drive wheel
7 tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required to be equipped
8 with tire chains under this subsection (5).

9 (F) A PERSON WHO VIOLATES THIS SUBSECTION (5)(a)(I) COMMITS
10 A TRAFFIC INFRACTION AND IS SUBJECT TO THE PENALTIES IN SECTION
11 42-4-1701 (4)(a)(I)(F).

12 (c) AS USED IN THIS SUBSECTION (5):

13 (I) "ALTERNATE TRACTION DEVICE" MEANS A DEVICE THAT IS
14 APPROVED BY THE COLORADO DEPARTMENT OF TRANSPORTATION AS
15 CAPABLE OF PROVIDING TRACTION COMPARABLE TO THAT OF METAL
16 CHAINS OR TIRE CABLES UNDER SIMILAR CONDITIONS.

17 (II) "EQUIPPED" MEANS THAT A MOTOR VEHICLE USES OR CARRIES
18 THE APPROPRIATE TRACTION EQUIPMENT FOR ICY OR SNOW-PACKED
19 CONDITIONS.

20 (III) "TIRE CHAINS" MEANS METAL CHAINS CONSISTING OF TWO
21 CIRCULAR METAL LOOPS, ONE ON EACH SIDE OF THE TIRE, CONNECTED BY
22 NO FEWER THAN NINE EVENLY SPACED CHAINS ACROSS THE TIRE TREAD.

23 SECTION 2. In Colorado Revised Statutes, 43-2-145, add (10)
24 as follows:

25 43-2-145. Transportation legislation review - committee -
26 definition - repeal. (10) (a) IN THE 2019 INTERIM BETWEEN THE FIRST
27 REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY AND THE

1 SECOND REGULAR SESSION OF THE SEVENTY-SECOND GENERAL ASSEMBLY,
2 THE DEPARTMENT OF TRANSPORTATION AND THE COLORADO STATE
3 PATROL, IN COORDINATION WITH THE COMMITTEE, SHALL MEET WITH
4 STAKEHOLDERS TO DISCUSS OPTIONS AND METHODS OF TRACTION
5 CONTROL ENFORCEMENT, INCLUDING THE LEGALITY AND FEASIBILITY OF
6 PHYSICAL INSPECTION CHECKPOINTS, ON PASSENGER VEHICLES OPERATING
7 ON INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND MILEPOST 259
8 (MORRISON). IN ACCORDANCE WITH THIS PROCESS, THE DEPARTMENT OF
9 TRANSPORTATION AND THE COLORADO STATE PATROL SHALL DETERMINE
10 WHETHER THE BEST SOLUTION IS FOR THE DEPARTMENT OF
11 TRANSPORTATION TO PROPOSE RULES OR TO RECOMMEND LEGISLATION TO
12 THE COMMITTEE. BY SEPTEMBER 1, 2019, THE DEPARTMENT OF
13 TRANSPORTATION AND THE COLORADO STATE PATROL SHALL REPORT
14 THEIR RECOMMENDATIONS TO THE COMMITTEE.

15 (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JULY 1, 2020.

16 **SECTION 3. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly (August 2, 2019, if adjournment sine die is on May 3,
20 2019); except that, if a referendum petition is filed pursuant to section 1
21 (3) of article V of the state constitution against this act or an item, section,
22 or part of this act within such period, then the act, item, section, or part
23 will not take effect unless approved by the people at the general election
24 to be held in November 2020 and, in such case, will take effect on the
25 date of the official declaration of the vote thereon by the governor.

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