

**First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 05-0618.01 Stephen Miller

HOUSE BILL 05-1187

HOUSE SPONSORSHIP

Larson, McCluskey, and Decker

SENATE SPONSORSHIP

Williams, May R., Bacon, Entz, Isgar, and Teck

House Committees

Transportation & Energy

Senate Committees

Transportation

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT DRIVERS OF VEHICLES YIELD THE**
102 **RIGHT-OF-WAY TO STATIONARY AUTHORIZED EMERGENCY**
103 **VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires drivers of vehicles to yield the right-of-way to stationary authorized emergency vehicles.

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

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.

SENATE
2nd Reading Unamended
March 21, 2005

HOUSE
3rd Reading Unamended
February 25, 2005

HOUSE
Amended 2nd Reading
February 22, 2005

1 **SECTION 1.** 42-4-705, Colorado Revised Statutes, is amended
2 to read:

3 **42-4-705. Operation of vehicle approached by emergency**
4 **vehicle - operation of vehicle approaching stationary emergency**
5 **vehicle.** (1) Upon the immediate approach of an authorized emergency
6 vehicle making use of audible or visual signals meeting the requirements
7 of section 42-4-213 or 42-4-222, the driver of every other vehicle shall
8 yield the right-of-way and where possible shall immediately clear the
9 farthest left-hand lane lawfully available to through traffic and shall drive
10 to a position parallel to, and as close as possible to, the right-hand edge
11 or curb of a roadway clear of any intersection and shall stop and remain
12 in that position until the authorized emergency vehicle has passed, except
13 when otherwise directed by a police officer.

14 (2) (a) A DRIVER IN A VEHICLE THAT IS APPROACHING OR PASSING
15 A STATIONARY AUTHORIZED EMERGENCY VEHICLE THAT IS GIVING A
16 VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR OSCILLATING RED,
17 BLUE, OR WHITE LIGHTS AS PERMITTED BY SECTION 42-4-213 OR 42-4-222,
18 SHALL EXHIBIT DUE CARE AND CAUTION AND PROCEED AS DESCRIBED IN
19 PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2).

20 (b) ON A HIGHWAY WITH AT LEAST TWO ADJACENT LANES
21 PROCEEDING IN THE SAME DIRECTION ON THE SAME SIDE OF THE HIGHWAY
22 WHERE A STATIONARY AUTHORIZED EMERGENCY VEHICLE IS LOCATED, THE
23 DRIVER OF AN APPROACHING OR PASSING VEHICLE SHALL PROCEED WITH
24 DUE CARE AND CAUTION AND YIELD THE RIGHT-OF-WAY BY MOVING INTO
25 A LANE AT LEAST ONE MOVING LANE APART FROM THE STATIONARY
26 AUTHORIZED EMERGENCY VEHICLE, UNLESS DIRECTED OTHERWISE BY A
27 PEACE OFFICER OR OTHER AUTHORIZED EMERGENCY PERSONNEL. IF

1 MOVEMENT TO AN ADJACENT MOVING LANE IS NOT POSSIBLE DUE TO
2 WEATHER, ROAD CONDITIONS, OR THE IMMEDIATE PRESENCE OF
3 VEHICULAR OR PEDESTRIAN TRAFFIC, THE DRIVER OF THE APPROACHING
4 VEHICLE SHALL PROCEED IN THE MANNER DESCRIBED IN PARAGRAPH (c)
5 OF THIS SUBSECTION (2).

6 (c) ON A HIGHWAY THAT DOES NOT HAVE AT LEAST TWO ADJACENT
7 LANES PROCEEDING IN THE SAME DIRECTION ON THE SAME SIDE OF THE
8 HIGHWAY WHERE A STATIONARY AUTHORIZED EMERGENCY VEHICLE IS
9 LOCATED, OR IF MOVEMENT BY THE DRIVER OF THE APPROACHING VEHICLE
10 INTO AN ADJACENT MOVING LANE, AS DESCRIBED IN PARAGRAPH (b) OF
11 THIS SUBSECTION (2), IS NOT POSSIBLE, THE DRIVER OF AN APPROACHING
12 VEHICLE SHALL REDUCE AND MAINTAIN A SAFE SPEED WITH REGARD TO
13 THE LOCATION OF THE STATIONARY AUTHORIZED VEHICLE, WEATHER
14 CONDITIONS, ROAD CONDITIONS, AND VEHICULAR OR PEDESTRIAN TRAFFIC
15 AND PROCEED WITH DUE CARE AND CAUTION, OR AS DIRECTED BY A PEACE
16 OFFICER OR OTHER AUTHORIZED EMERGENCY PERSONNEL.

17 (3) (a) Any person who violates ~~any provision~~ SUBSECTION (1) of
18 this section commits a class A traffic infraction.

19 (b) ANY PERSON WHO VIOLATES SUBSECTION (2) OF THIS SECTION
20 COMMITS CARELESS DRIVING AS DESCRIBED IN SECTION 42-4-1402.

21 **SECTION 2. Effective date - applicability.** This act shall take
22 effect July 1, 2005, and shall apply to traffic infractions committed on or
23 after said date.

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.