

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

ENGROSSED

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

LLS NO. 11-0872.01 Michael Dohr

SENATE BILL 11-260

SENATE SPONSORSHIP

Morse,

HOUSE SPONSORSHIP

Lee,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING SAFETY PROCEDURES RELATED TO THE TOWING OF**
102 **VEHICLES.**

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://www.leg.state.co.us/billsummaries>.)

If a towing carrier places a warning sign on the driver-side window of a vehicle prior to towing it and a person, other than a towing carrier or peace officer, removes the sign, he or she commits a class 3 misdemeanor. If a person places a tow-truck warning sign on a vehicle that is not in the process of being towed or while the vehicle is occupied,

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
Amended 2nd Reading
April 29, 2011

he or she commits a class 3 misdemeanor.

Current law requires that drivers yield the right-of-way to stationary authorized emergency vehicles on the road. The bill requires that drivers also yield the right-of-way to stationary tow trucks on the road.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Allen Rose Tow-truck Safety Act".

4 **SECTION 2.** Part 2 of article 4 of title 42, Colorado Revised
5 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
6 read:

7 **42-4-241. Unlawful removal of tow-truck signage - unlawful**
8 **usage of tow-truck signage.** (1) (a) A PERSON, OTHER THAN A TOWING
9 CARRIER OR PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S.,
10 COMMITS THE CRIME OF UNLAWFUL REMOVAL OF TOW-TRUCK SIGNAGE IF:

11 (I) A TOWING CARRIER HAS PLACED A TOW-TRUCK WARNING SIGN
12 ON THE DRIVER-SIDE WINDOW OF A VEHICLE TO BE TOWED OR, IF WINDOW
13 PLACEMENT IS IMPRACTICABLE, IN ANOTHER LOCATION ON THE
14 DRIVER-SIDE OF THE VEHICLE; AND

15 (II) THE VEHICLE TO BE TOWED IS WITHIN TEN FEET OF THE TOWING
16 CARRIER VEHICLE; AND

17 (III) THE PERSON REMOVES THE TOW-TRUCK WARNING SIGN FROM
18 THE VEHICLE BEFORE THE TOW IS COMPLETED.

19 (b) A PERSON COMMITS THE CRIME OF UNLAWFUL USAGE OF
20 TOW-TRUCK SIGNAGE IF THE PERSON PLACES A TOW-TRUCK WARNING SIGN
21 ON A VEHICLE WHEN THE VEHICLE IS NOT IN THE PROCESS OF BEING TOWED
22 OR WHEN THE VEHICLE IS OCCUPIED.

23 (c) A TOWING CARRIER MAY PERMIT AN OWNER OF THE VEHICLE TO

1 BE TOWED TO RETRIEVE ANY PERSONAL ITEMS FROM THE VEHICLE BEFORE
2 THE VEHICLE IS TOWED.

3 (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
4 COMMITS A CLASS 3 MISDEMEANOR.

5 (3) FOR PURPOSES OF THIS SECTION, "TOW-TRUCK WARNING SIGN"
6 MEANS A SIGN THAT IS AT LEAST EIGHT INCHES BY EIGHT INCHES, IS EITHER
7 YELLOW OR ORANGE, AND STATES THE FOLLOWING:

8 WARNING: THIS VEHICLE IS IN TOW. ATTEMPTING TO
9 OPERATE OR OPERATING THIS VEHICLE MAY RESULT IN
10 CRIMINAL PROSECUTION AND MAY LEAD TO INJURY OR
11 DEATH TO YOU OR ANOTHER PERSON.

12 **SECTION 3.** 42-4-705 (2), Colorado Revised Statutes, is
13 amended to read:

14 **42-4-705. Operation of vehicle approached by emergency**
15 **vehicle - operation of vehicle approaching stationary emergency**
16 **vehicle or stationary towing carrier vehicle.** (2) (a) A driver in a
17 vehicle that is approaching or passing a stationary authorized emergency
18 vehicle that is giving a visual signal by means of flashing, rotating, or
19 oscillating red, blue, or white lights as permitted by section 42-4-213 or
20 42-4-222, OR A STATIONARY TOWING CARRIER VEHICLE THAT IS GIVING A
21 VISUAL SIGNAL BY MEANS OF FLASHING, ROTATING, OR OSCILLATING
22 YELLOW LIGHTS shall exhibit due care and caution and proceed as
23 described in paragraphs (b) and (c) of this subsection (2).

24 (b) On a highway with at least two adjacent lanes proceeding in
25 the same direction on the same side of the highway where a stationary
26 authorized emergency vehicle OR STATIONARY TOWING CARRIER VEHICLE
27 is located, the driver of an approaching or passing vehicle shall proceed

1 with due care and caution and yield the right-of-way by moving into a
2 lane at least one moving lane apart from the stationary authorized
3 emergency vehicle OR STATIONARY TOWING CARRIER VEHICLE, unless
4 directed otherwise by a peace officer or other authorized emergency
5 personnel. If movement to an adjacent moving lane is not possible due
6 to weather, road conditions, or the immediate presence of vehicular or
7 pedestrian traffic, the driver of the approaching vehicle shall proceed in
8 the manner described in paragraph (c) of this subsection (2).

9 (c) On a highway that does not have at least two adjacent lanes
10 proceeding in the same direction on the same side of the highway where
11 a stationary authorized emergency vehicle OR STATIONARY TOWING
12 CARRIER VEHICLE is located, or if movement by the driver of the
13 approaching vehicle into an adjacent moving lane, as described in
14 paragraph (b) of this subsection (2), is not possible, the driver of an
15 approaching vehicle shall reduce and maintain a safe speed with regard
16 to the location of the stationary authorized vehicle OR STATIONARY
17 TOWING CARRIER VEHICLE, weather conditions, road conditions, and
18 vehicular or pedestrian traffic and proceed with due care and caution, or
19 as directed by a peace officer or other authorized emergency personnel.

20 **SECTION 4. Effective date - applicability.** This act shall take
21 effect July 1, 2011, and shall apply to offenses committed on or after said
22 date.

23 **SECTION 5. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.