

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 15-0313.01 Jery Payne x2157

**HOUSE BILL 15-1173**

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**HOUSE SPONSORSHIP**

**Mitsch Bush and Rankin,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A REQUIREMENT THAT MOTOR VEHICLES HAVE CERTAIN**  
102 **TRACTION EQUIPMENT WHEN DRIVING ON THE INTERSTATE 70**  
103 **MOUNTAIN CORRIDOR.**

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**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/bills summaries>.)*

The bill requires all motor vehicles driving on interstate 70 between Morrison and Dotsero during the snowy season to:

- ! Have tires with the mountain-snowflake symbol and a tread depth of 1/8 inch; or
- ! Have tires with the M+S or M/S symbol and a tread depth

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.*

HOUSE  
Amended 2nd Reading  
February 26, 2015

of 1/8 inch;  
! Carry tire chains or an equivalent traction device.  
The penalties for a violation are a \$100 fine and \$32 surcharge.  
The department of transportation is instructed to erect signs at  
appropriate places, notifying the public of this requirement.  
The bill also rewrites the chain law to clarify its provisions.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds, determines, and declares that:

4 (a) Interstate 70 is the major east-west freeway route through  
5 Colorado;

6 (b) Interstate 70 is the only way to drive from Denver to many  
7 mountain communities;

8 (c) Mountain communities rely on Interstate 70 for goods and  
9 services, medical visits, business trips to Denver, and especially tourist  
10 visits, which are the key economic factors in these areas;

11 (d) Interstate 70 is the major route to several mountain resort  
12 areas, and these tourist hubs are a significant economic engine for the  
13 state;

14 (e) The Western Slope utilizes Interstate 70 to transport:  
15 agricultural products; natural resources, such as oil and gas; and forest  
16 products to the Front Range and beyond;

17 (f) Both the Colorado department of transportation and the Denver  
18 Metro Chamber of Commerce have identified the Interstate 70 mountain  
19 corridor as essential for commerce in our state;

20 (g) During heavy snow and inclement weather, both Vail Pass and  
21 the Eisenhower-Johnson Memorial Tunnels, as well as other portions of  
22 Interstate 70 from Idaho Springs to Dotsero, have been reduced to one

1 lane or completely closed on account of vehicles with inadequate winter  
2 driving equipment;

3 (h) Motorists driving passenger vehicles might not realize the  
4 equipment needed to successfully negotiate these stretches of Interstate  
5 70;

6 (i) Lane closures and complete road closure both pose significant  
7 public safety risks, cost the taxpayers, and can result in significant  
8 economic losses for communities along Interstate 70 and for the entire  
9 state; and

10 (j) Therefore, another tool is needed to reduce travel times, road  
11 congestion, and highway closures. It is in the public interest to require  
12 vehicles to be properly equipped when traveling on Interstate 70 when  
13 inclement weather is likely to occur. This bill establishes a pilot-program  
14 traction law. If the pilot program is a success, the general assembly  
15 intends to expand the program with future legislation to cover other  
16 problematic highways.

17 **SECTION 2.** In Colorado Revised Statutes, 42-4-106, **amend** (5)

18 (a) (I) as follows:

19 **42-4-106. Who may restrict right to use highways - repeal.**

20 (5) (a) (I) (A) The department of transportation ~~shall also have authority~~  
21 ~~to~~ MAY close any portion of a state highway ~~to public travel or to prohibit~~  
22 ~~the use thereof~~ FOR USE DURING STORMS OR OTHER DANGEROUS DRIVING  
23 CONDITIONS, DURING CONSTRUCTION OR MAINTENANCE OPERATIONS, OR  
24 WHENEVER THE DEPARTMENT CONSIDERS A ROAD CLOSURE NECESSARY  
25 FOR THE PROTECTION AND SAFETY OF THE PUBLIC.

26 (B) THE DEPARTMENT MAY RESTRICT ANY PORTION OF A STATE  
27 HIGHWAY TO TRAVEL BY ANY MOTOR VEHICLE ~~unless THE motor vehicles~~

1 ~~using the same are~~ VEHICLE IS equipped with tire chains, A TRACTION  
2 CONTROL DEVICE, four-wheel drive ~~WITH OR ALL-WHEEL DRIVE~~ with  
3 adequate tires for the existing conditions, or snow tires with a "mud and  
4 snow" or all weather rating from the manufacturer having a tread of  
5 sufficient abrasive or skid-resistant design ~~or composition and depth~~ to  
6 provide adequate traction under existing driving conditions. ~~during storms~~  
7 ~~or when other dangerous driving conditions exist or during construction~~  
8 ~~or maintenance operations whenever the department considers such~~  
9 ~~closing or restriction of use~~ ~~IT necessary for the protection and safety of~~  
10 ~~the public.~~

11 (C) ~~Such A prohibition or restriction of use shall be~~ UNDER THIS  
12 SUBSECTION (5) IS effective when signs, including temporary or electronic  
13 signs, ~~giving notice thereof~~ THAT NOTIFY THE PUBLIC OF THE PROHIBITION  
14 OR RESTRICTION are erected upon ~~such portion of said~~ THE highway. ~~and~~  
15 ~~it shall be unlawful to proceed in violation of such notice.~~

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

24 (E) The ~~operator~~ DRIVER of a commercial vehicle with four or  
25 more drive wheels, other than a bus, shall affix tire chains to at least four  
26 of the drive wheel tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required  
27 to be equipped with tire chains under this subsection (5). The ~~operator~~

1 DRIVER of a bus shall affix tire chains to at least two of the drive wheel  
2 tires ~~of such vehicle~~ when ~~such~~ THE vehicle is required to be equipped  
3 with tire chains under this subsection (5).

4 (F) "TIRE CHAINS", AS USED IN THIS SUBSECTION (5), MEANS  
5 METAL CHAINS CONSISTING OF TWO CIRCULAR METAL LOOPS, ONE ON  
6 EACH SIDE OF THE TIRE, CONNECTED BY NOT LESS THAN NINE EVENLY  
7 SPACED CHAINS ACROSS THE TIRE TREAD.

8 (G) "TRACTION CONTROL DEVICE", AS USED IN THIS SUBSECTION  
9 (5), MEANS A DEVICE AFFIXED TO A WHEEL OR TIRE THAT IS APPROVED BY  
10 THE COLORADO DEPARTMENT OF TRANSPORTATION AS CAPABLE OF  
11 PROVIDING TRACTION EQUAL TO OR EXCEEDING THAT OF METAL CHAINS  
12 UNDER SIMILAR CONDITIONS.

13 (H) A PERSON WHO VIOLATES THIS SUBPARAGRAPH (I) COMMITS  
14 A TRAFFIC INFRACTION AND IS SUBJECT TO THE PENALTIES IN SECTION  
15 42-4-1701 (4) (a) (I) (F).

16 **SECTION 3.** In Colorado Revised Statutes, **add** 42-4-242 as  
17 follows:

18 **42-4-242. Winter traction equipment - I-70.** (1) FROM  
19 NOVEMBER 1 OF EACH YEAR TO MAY 15 OF EACH YEAR, A PERSON SHALL  
20 NOT DRIVE A MOTOR VEHICLE ON INTERSTATE 70 BETWEEN MILEPOST 133  
21 (DOTSERO) AND MILEPOST 259 (MORRISON) UNLESS THE MOTOR VEHICLE:

22 (a) HAS TIRES THAT ARE IMPRINTED BY THE MANUFACTURER WITH  
23 THE MOUNTAIN-SNOWFLAKE SYMBOL AND THAT HAVE A TREAD DEPTH OF  
24 AT LEAST FOUR THIRTY-SECONDS OF AN INCH;

25 (b) HAS TIRES THAT ARE IMPRINTED BY THE MANUFACTURER WITH  
26 THE "M+S" OR "M/S" SYMBOL AND THAT HAVE A TREAD DEPTH OF AT  
27 LEAST FOUR THIRTY-SECONDS OF AN INCH; ■

1 (c) HAS FOUR-WHEEL DRIVE OR ALL-WHEEL DRIVE AND HAS TIRES  
2 WITH A TREAD DEPTH OF AT LEAST FOUR THIRTY-SECONDS OF AN INCH; OR

3 (d) CARRIES TIRE CHAINS OR A TRACTION CONTROL DEVICE WITHIN  
4 THE MOTOR VEHICLE AT ALL TIMES.

5 (2) THIS SECTION DOES NOT APPLY TO COMMERCIAL VEHICLES AS  
6 DEFINED BY SECTION 42-4-235 (1) (a).

7 (3) BEGINNING SEPTEMBER 1, 2015, THE COLORADO DEPARTMENT  
8 OF TRANSPORTATION SHALL NOTIFY THE PUBLIC OF THE REQUIREMENTS OF  
9 THIS SECTION THROUGH TEMPORARY OR PERMANENT SIGNS, THE  
10 DEPARTMENT'S TRAVEL WEB SITE, SOCIAL MEDIA, AND OTHER  
11 APPROPRIATE MEANS.

12 (4) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE  
13 PENALTIES FOR VIOLATING SECTION 42-4-106 (5) (a) (I) AND (II), WHICH  
14 ARE SET FORTH IN SECTION 42-4-1701 (4) (a) (I) (F).

15 (5) AS USED IN THIS SECTION:

16 (a) "TIRE CHAINS" MEANS METAL CHAINS OF TWO CIRCULAR  
17 METAL LOOPS, ONE ON EACH SIDE OF THE TIRE, CONNECTED BY NO FEWER  
18 THAN NINE EVENLY SPACED CHAINS ACROSS THE TIRE TREAD.

19 (b) "TRACTION CONTROL DEVICE" MEANS A DEVICE AFFIXED TO A  
20 WHEEL OR TIRE THAT IS APPROVED BY THE COLORADO DEPARTMENT OF  
21 TRANSPORTATION AS CAPABLE OF PROVIDING TRACTION EQUAL TO OR  
22 EXCEEDING THAT OF METAL CHAINS UNDER SIMILAR CONDITIONS.

23 (c) "TREAD DEPTH" MEANS THE MEASUREMENT OF ANY TWO  
24 TREAD GROOVES AT THREE LOCATIONS EQUALLY SPACED AROUND THE  
25 CIRCUMFERENCE OF THE TIRE.

26 ■ ■ ■

27 **SECTION 4. Applicability.** This act applies to offenses

1 committed on or after the effective date of this act.

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