

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

REENGROSSED

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

LLS NO. 01-0717.01 Jery Payne

HOUSE BILL 01-1237

HOUSE SPONSORSHIP

Witwer

SENATE SPONSORSHIP

Arnold

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR OPERATING AN AUTHORIZED**
102 **EMERGENCY VEHICLE WHEN SUCH OPERATION MAY BE**
103 **CONTRARY TO GENERALLY APPLICABLE VEHICLE LAWS.**

Bill Summary

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

Replaces the following requirements with a requirement that the driver of an authorized emergency vehicle not drive in a reckless manner with or without the use of emergency signals:

- The requirement that the driver of an authorized emergency vehicle slow down at a stop signal.
- The requirement that the driver of an authorized emergency vehicle does not endanger life or property.

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
3rd Reading Unamended
February 26, 2001

HOUSE
Amended 2nd Reading
February 23, 2001

- The requirement that the driver of an authorized emergency vehicle drive with due regard for the safety of all persons. Makes a conforming amendment.

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

2 **SECTION 1.** 42-4-108 (2), (3), and (4), Colorado Revised
3 Statutes, are amended to read:

4 **42-4-108. Public officers to obey provisions - exceptions for**
5 **emergency vehicles.** (2) The driver of an authorized emergency vehicle,
6 when responding to an emergency call, or when in pursuit of an actual or
7 suspected violator of the law, or when responding to but not upon
8 returning from a fire alarm, may exercise the privileges set forth in this
9 section. ~~but subject to the conditions stated in this article.~~ The driver of
10 an authorized emergency vehicle may:

- 11 (a) Park or stand, irrespective of the provisions of this title;
- 12 (b) Proceed past a red or stop signal or stop sign; ~~but only after~~
13 ~~slowing down as may be necessary for safe operation;~~
- 14 (c) Exceed the lawful speeds set forth in section 42-4-1101 (2) or
15 exceed the maximum lawful speed limits set forth in section 42-4-1101
16 (8); ~~so long as said driver does not endanger life or property;~~
- 17 (d) Disregard regulations governing directions of movement or
18 turning in specified directions.

19 (3) The exemptions ~~and conditions~~ provided in paragraphs (b) to
20 (d) ~~in their entirety~~, of subsection (2) of this section for an authorized
21 emergency vehicle shall ~~continue to~~ apply to section 24-10-106 (1) (a),
22 C.R.S., only when such vehicle is making use of audible or visual signals
23 meeting the requirements of section 42-4-213, and the exemption granted
24 in paragraph (a) of subsection (2) of this section shall apply only when

1 such vehicle is making use of visual signals meeting the requirements of
2 section 42-4-213 unless using such visual signals would cause an
3 obstruction to the normal flow of traffic; except that an authorized
4 emergency vehicle being operated as a police vehicle while in actual
5 pursuit of a suspected violator of any provision of this title need not
6 display or make use of audible or visual signals so long as such pursuit is
7 being made to obtain verification of or evidence of the guilt of the
8 suspected violator. Nothing in this section shall be construed to require
9 an emergency vehicle to make use of audible signals when such vehicle
10 is not moving, whether or not the vehicle is occupied.

11 (4) The provisions of this section shall not relieve the driver of an
12 authorized emergency vehicle from the ~~duty to drive with due regard for~~
13 ~~the safety of all persons, nor shall such provisions protect the driver from~~
14 ~~the consequences of such driver's reckless disregard for the safety of~~
15 ~~others~~ CRIMINAL CONSEQUENCES OF OPERATING A VEHICLE IN A CARELESS
16 OR RECKLESS MANNER WHEN NOT USING AUDIBLE OR VISUAL SIGNALS NOR
17 FROM THE CRIMINAL CONSEQUENCES OF OPERATING A VEHICLE IN A
18 RECKLESS MANNER WHEN USING AUDIBLE OR VISUAL SIGNALS.

19 **SECTION 2.** 42-4-805 (8), Colorado Revised Statutes, is
20 amended to read:

21 **42-4-805. Pedestrians walking or traveling in a wheelchair on**
22 **highways.** (8) Upon the immediate approach of an authorized emergency
23 vehicle making use of audible or visual signals meeting the requirements
24 of section 42-4-213 or of a police vehicle properly and lawfully making
25 use of an audible signal only, every pedestrian shall yield the right-of-way
26 to the authorized emergency vehicle and shall leave the roadway and
27 remain off the same until the authorized emergency vehicle has passed,

1 except when otherwise directed by a police officer. This subsection (8)
2 shall not relieve the driver of an authorized emergency vehicle from the
3 duty to use due care as provided in ~~sections~~ SECTION 42-4-108 (4). ~~and~~
4 ~~42-4-807.~~

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