

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

DRAFT  
10.10.07

**BILL 6**

LLS NO. 08-0257.01 Jery Payne

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

---

**SHORT TITLE:** "Charles Mather Highway Safety Act"

---

**A BILL FOR AN ACT**

101 **CONCERNING PREVENTION OF DANGEROUS CONDITIONS ON ROADWAYS**  
102 **IN AREAS WHERE A PUBLIC ENTITY IS PERFORMING WORK ON**  
103 **TRANSPORTATION INFRASTRUCTURE.**

---

**Bill Summary**

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

**Transportation Legislation Review Committee.** Requires the department of transportation and a public entity to designate a roadway as a maintenance, repair, or construction zone when such activities are occurring on the roadway. Applies the same standards to public entities for such designation as apply when the department of transportation makes a similar designation. Doubles the fines for certain moving

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

violations within such zones.

Requires the department of public safety to use an automatic vehicle identification system upon the request of the department of transportation. Requires the department of transportation to reimburse the department of public safety for complying with the request.

Requires a driver approaching a stationary or slow-moving maintenance, repair, or construction vehicle to yield the right-of-way and exercise due care.

---

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 "Charles Mather Safety Act".

4 **SECTION 2.** 42-4-614, Colorado Revised Statutes, is amended  
5 to read:

6 **42-4-614. Designation of highway maintenance, repair, or**  
7 **construction zones - signs - increase in penalties for speeding**  
8 **violations.** (1) (a) If maintenance, repair, or construction activities are  
9 occurring or will ~~be occurring~~ OCCUR within four hours on a portion of a  
10 state highway, the department of transportation ~~may~~ SHALL designate such  
11 portion of the highway as a highway maintenance, repair, or construction  
12 zone. Any person who commits certain violations listed in section  
13 42-4-1701 (4) in a maintenance, repair, or construction zone that is  
14 designated pursuant to this section is subject to the increased penalties  
15 and surcharges imposed by section 42-4-1701 (4) (c).

16 (b) IF MAINTENANCE, REPAIR, OR CONSTRUCTION ACTIVITIES ARE  
17 OCCURRING OR WILL OCCUR WITHIN FOUR HOURS ON A PORTION OF A  
18 ROADWAY THAT IS NOT A STATE HIGHWAY, THE PUBLIC ENTITY  
19 CONDUCTING THE ACTIVITIES SHALL DESIGNATE SUCH PORTION OF THE  
20 ROADWAY AS A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE. A  
21 PERSON WHO COMMITS CERTAIN VIOLATIONS LISTED IN SECTION 42-4-1701

1 (4) IN A MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE THAT IS  
2 DESIGNATED PURSUANT TO THIS SECTION IS SUBJECT TO THE INCREASED  
3 PENALTIES AND SURCHARGES IMPOSED BY SECTION 42-4-1701 (4) (c).

4 (2) The department of transportation OR OTHER PUBLIC ENTITY  
5 shall designate a maintenance, repair, or construction zone by erecting or  
6 placing an appropriate sign in a conspicuous place before the area where  
7 the maintenance, repair, or construction activity is taking place or will be  
8 taking place within four hours. Such sign shall notify the public that  
9 increased penalties for certain traffic violations are in effect in such zone.  
10 The department of transportation OR OTHER PUBLIC ENTITY shall erect or  
11 place a second sign after such zone indicating that the increased penalties  
12 for certain traffic violations are no longer in effect. A maintenance,  
13 repair, or construction zone begins at the location of the sign indicating  
14 that increased penalties are in effect and ends at the location of the sign  
15 indicating that the increased penalties are no longer in effect.

16 (3) Signs used for designating the beginning and end of a  
17 maintenance, construction, or repair zone shall conform to department of  
18 transportation requirements. The department of transportation OR OTHER  
19 PUBLIC ENTITY may display such signs on any fixed, variable, or movable  
20 stand. The department of transportation OR OTHER PUBLIC ENTITY may  
21 place such a sign on a moving vehicle if required for certain department  
22 activities, including, but not limited to, highway painting work.

23 **SECTION 3.** 42-4-1701 (4) (c), Colorado Revised Statutes, is  
24 amended to read:

25 **42-4-1701. Traffic offenses and infractions classified -**  
26 **penalties - penalty and surcharge schedule.** (4) (c) (I) The penalties  
27 and surcharges imposed for speeding violations under subsection (4) (a)

1 (I) (L) of this section shall be doubled if a speeding violation occurs  
2 within a maintenance, repair, or construction zone that is designated by  
3 the department of transportation pursuant to section ~~42-4-614~~ 42-4-614  
4 (1) (a).

5 (II) (A) The penalties and surcharges imposed for violations under  
6 ~~subsections (4) (a) (I) (C), (4) (a) (I) (G), (4) (a) (I) (H), (4) (a) (I) (I), (4)~~  
7 ~~(a) (I) (J), (4) (a) (I) (K), (4) (a) (I) (N), and (4) (a) (I) (O)~~  
8 SUB-SUBPARAGRAPHS (C), (G), (H), (I), (J), (K), (N), AND (O) OF  
9 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (4) of this section  
10 shall be doubled if a violation occurs within a maintenance, repair, or  
11 construction zone that is designated by the department of transportation  
12 pursuant to section ~~42-4-614~~ 42-4-614 (1) (a); except that the fines for  
13 violating sections 42-4-314, 42-4-610, 42-4-613, 42-4-706, 42-4-707,  
14 42-4-708, 42-4-709, 42-4-710, 42-4-1011, 42-4-1012, 42-4-1404,  
15 42-4-1408, and 42-4-1414 shall not be doubled under this subparagraph  
16 (II).

17 (B) There is hereby created, within the highway users tax fund,  
18 the highway construction workers' safety account.

19 (C) If a fine is doubled under SUBPARAGRAPHS (I) OR (II) OF this  
20 paragraph (c), one-half of the fine allocated to the state by sections  
21 42-1-217 and 43-4-205, C.R.S., shall be transferred to the state treasurer,  
22 who shall deposit it in the highway construction workers' safety account  
23 within the highway users tax fund to be continuously appropriated to the  
24 department of transportation for work zone safety equipment, signs, and  
25 law enforcement.

26 (D) This subparagraph (II) is effective July 1, 2006.

27 (III) THE PENALTIES AND SURCHARGES IMPOSED FOR SPEEDING

1 VIOLATIONS UNDER SUBSECTION (4) (a) (I) (L) OF THIS SECTION SHALL BE  
2 DOUBLED IF A SPEEDING VIOLATION OCCURS WITHIN A MAINTENANCE,  
3 REPAIR, OR CONSTRUCTION ZONE THAT IS DESIGNATED BY A PUBLIC ENTITY  
4 PURSUANT TO SECTION 42-4-614 (1) (b).

5 (IV) THE PENALTIES AND SURCHARGES IMPOSED FOR VIOLATIONS  
6 UNDER SUB-SUBPARAGRAPHS (C), (G), (H), (I), (J), (K), (N), AND (O) OF  
7 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION  
8 SHALL BE DOUBLED IF A VIOLATION OCCURS WITHIN A MAINTENANCE,  
9 REPAIR, OR CONSTRUCTION ZONE THAT IS DESIGNATED BY A PUBLIC ENTITY  
10 PURSUANT TO SECTION 42-4-614 (1) (b); EXCEPT THAT THE FINES FOR  
11 VIOLATING SECTIONS 42-4-314, 42-4-610, 42-4-613, 42-4-706, 42-4-707,  
12 42-4-708, 42-4-709, 42-4-710, 42-4-1011, 42-4-1012, 42-4-1404,  
13 42-4-1408, AND 42-4-1414 SHALL NOT BE DOUBLED UNDER THIS  
14 SUBPARAGRAPH (IV).

15 **SECTION 4.** 42-4-110.5 (1.5), Colorado Revised Statutes, is  
16 amended, and the said 42-4-110.5 is further amended BY THE  
17 ADDITION OF A NEW SUBSECTION, to read:

18 **42-4-110.5. Automated vehicle identification systems.**

19 (1.5) Except for the ~~provisions concerning service of process~~  
20 AUTHORIZATION contained in ~~subparagraph (I) of paragraph (a) of~~  
21 ~~subsection (2)~~ SUBSECTION (1.7) of this section, nothing in this section  
22 shall apply to a violation detected by an automated vehicle identification  
23 device for driving twenty-five miles per hour or more in excess of the  
24 reasonable and prudent speed or twenty-five miles per hour or more in  
25 excess of the maximum speed limit of seventy-five miles per hour  
26 detected by the use of an automated vehicle identification device.

27 (1.7) (a) UPON REQUEST FROM THE DEPARTMENT OF

1 TRANSPORTATION, THE DEPARTMENT OF PUBLIC SAFETY SHALL UTILIZE AN  
2 AUTOMATED VEHICLE IDENTIFICATION SYSTEM TO DETECT SPEEDING  
3 VIOLATIONS UNDER PART 11 OF THIS ARTICLE WITHIN A HIGHWAY  
4 MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE DESIGNATED PURSUANT  
5 TO SECTION 42-4-614 (1) (a), IF THE DEPARTMENT OF PUBLIC SAFETY  
6 COMPLIES WITH SUBSECTIONS (2) TO (6) OF THIS SECTION. AN AUTOMATIC  
7 VEHICLE IDENTIFICATION SYSTEM SHALL NOT BE USED UNDER THIS  
8 SUBSECTION (1.7) UNLESS MAINTENANCE, REPAIR, OR CONSTRUCTION IS  
9 OCCURRING AT THE TIME THE SYSTEM IS BEING USED.

10 (b) THE DEPARTMENT OF TRANSPORTATION SHALL REIMBURSE THE  
11 DEPARTMENT OF PUBLIC SAFETY FOR THE DIRECT AND INDIRECT COSTS OF  
12 COMPLYING WITH THIS SUBSECTION (1.7).

13 **SECTION 5.** 42-4-705 (3) (b), Colorado Revised Statutes, is  
14 amended, and the said 42-4-705 is further amended BY THE ADDITION  
15 OF A NEW SUBSECTION, to read:

16 **42-4-705. Operation of vehicle approached by emergency**  
17 **vehicle - operation of vehicle approaching stationary emergency**  
18 **vehicle.** (2.5) (a) A DRIVER IN A VEHICLE THAT IS APPROACHING OR  
19 PASSING A MAINTENANCE, REPAIR, OR CONSTRUCTION VEHICLE THAT IS  
20 MOVING AT LESS THAN TWENTY MILES PER HOUR SHALL EXHIBIT DUE CARE  
21 AND CAUTION AND PROCEED AS DESCRIBED IN PARAGRAPHS (b) AND (c) OF  
22 THIS SUBSECTION (2.5).

23 (b) ON A HIGHWAY WITH AT LEAST TWO ADJACENT LANES  
24 PROCEEDING IN THE SAME DIRECTION ON THE SAME SIDE OF THE HIGHWAY  
25 WHERE A STATIONARY OR SLOW-MOVING MAINTENANCE, REPAIR, OR  
26 CONSTRUCTION VEHICLE IS LOCATED, THE DRIVER OF AN APPROACHING OR  
27 PASSING VEHICLE SHALL PROCEED WITH DUE CARE AND CAUTION AND

1 YIELD THE RIGHT-OF-WAY BY MOVING INTO A LANE AT LEAST ONE MOVING  
2 LANE APART FROM THE VEHICLE, UNLESS DIRECTED OTHERWISE BY A  
3 PEACE OFFICER OR OTHER AUTHORIZED EMERGENCY PERSONNEL. IF  
4 MOVEMENT TO AN ADJACENT MOVING LANE IS NOT POSSIBLE DUE TO  
5 WEATHER, ROAD CONDITIONS, OR THE IMMEDIATE PRESENCE OF  
6 VEHICULAR OR PEDESTRIAN TRAFFIC, THE DRIVER OF THE APPROACHING  
7 VEHICLE SHALL PROCEED IN THE MANNER DESCRIBED IN PARAGRAPH (c)  
8 OF THIS SUBSECTION (2.5).

9 (c) ON A HIGHWAY THAT DOES NOT HAVE AT LEAST TWO ADJACENT  
10 LANES PROCEEDING IN THE SAME DIRECTION ON THE SAME SIDE OF THE  
11 HIGHWAY WHERE A STATIONARY OR SLOW-MOVING MAINTENANCE,  
12 REPAIR, OR CONSTRUCTION VEHICLE IS LOCATED, OR IF MOVEMENT BY THE  
13 DRIVER OF THE APPROACHING VEHICLE INTO AN ADJACENT MOVING LANE,  
14 AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2.5), IS NOT  
15 POSSIBLE, THE DRIVER OF AN APPROACHING VEHICLE SHALL REDUCE AND  
16 MAINTAIN A SAFE SPEED WITH REGARD TO THE LOCATION OF THE  
17 STATIONARY OR SLOW-MOVING MAINTENANCE, REPAIR, OR CONSTRUCTION  
18 VEHICLE, WEATHER CONDITIONS, ROAD CONDITIONS, AND VEHICULAR OR  
19 PEDESTRIAN TRAFFIC, AND SHALL PROCEED WITH DUE CARE AND CAUTION,  
20 OR AS DIRECTED BY A PEACE OFFICER OR OTHER AUTHORIZED EMERGENCY  
21 PERSONNEL.

22 (3) (b) Any person who violates subsection (2) OR (2.5) of this  
23 section commits careless driving as described in section 42-4-1402.

24 **SECTION 6. Applicability.** This act shall apply to acts  
25 committed on or after the effective date of this act.

26 **SECTION 7. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.