

Second 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. 16-0368.01 Jery Payne x2157

**HOUSE BILL 16-1039**

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**HOUSE SPONSORSHIP**

**Mitsch Bush and Rankin,**

**SENATE SPONSORSHIP**

**Todd and Donovan,**

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**House Committees**  
Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A REQUIREMENT THAT NONCOMMERCIAL MOTOR**  
102            **VEHICLES BE APPROPRIATELY EQUIPPED WHEN DRIVING ON THE**  
103            **INTERSTATE 70 MOUNTAIN CORRIDOR DURING WINTER STORM**  
104            **CONDITIONS.**

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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/billsummaries>.)*

**Transportation Legislation Review Committee.** Currently, a person is required to use certain traction control equipment, such as chains or snow-rated tires, when the Colorado department of

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 1, 2016

transportation restricts road use due to a winter storm. The bill broadens this law to require the traction equipment to be carried on I-70 between milepost 133 (Dotsero) and milepost 259 (Morrison) when icy or snow-packed conditions are present. The bill also requires that this traction control equipment be used when icy or snowy conditions are present.

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

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

4           (1) During heavy snow and inclement weather, both Vail Pass and  
5 the Eisenhower-Johnson Memorial Tunnels, as well as other portions of  
6 the Interstate 70 (I-70) mountain corridor from Idaho Springs to Dotsero,  
7 have been reduced to one lane or completely closed because of passenger  
8 vehicles using inadequate winter driving equipment.

9           (2) Winter closures on the I-70 mountain corridor caused by  
10 passenger vehicles not equipped with either adequate tires, chains, or  
11 alternative traction devices cause severe problems for mountain  
12 community workers, who typically drive properly equipped vehicles  
13 while commuting to their jobs. Mountain community workers who use  
14 public transit to get to work along the mountain corridor are also  
15 negatively affected when a lane closure occurs. Missing even a few hours'  
16 pay causes hardship.

17           (3) Economic losses for communities along the I-70 mountain  
18 corridor and for the entire state are estimated at \$800,000 per hour of  
19 closure.

20           (4) Inadequate traction use on the I-70 mountain corridor risks  
21 public safety.

22           (5) Lane closures create a competitive disadvantage for Colorado

1 businesses.

2 (6) Neither the intent nor the effect of this bill will be to create tire  
3 checkpoints, wherein each driver will be stopped to determine whether  
4 the motor vehicle's equipment meets the requirements of section 42-4-106  
5 (5), C.R.S.

6 **SECTION 2.** In Colorado Revised Statutes, 42-4-106, **amend** (5)  
7 (a) (I) as follows:

8 **42-4-106. Who may restrict right to use highways - repeal.**

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

15 (B) ~~unless motor vehicles using the same are equipped with tire~~  
16 ~~chains, four-wheel drive with adequate tires for the existing conditions,~~  
17 ~~or snow tires with a "mud and snow" or all weather rating from the~~  
18 ~~manufacturer having a tread of sufficient abrasive or skid-resistant design~~  
19 ~~or composition and depth to provide adequate traction under existing~~  
20 ~~driving conditions. during storms or when other dangerous driving~~  
21 ~~conditions exist or during construction or maintenance operations~~  
22 ~~whenever the department considers such closing or restriction of use~~  
23 ~~necessary for the protection and safety of the public~~ THE DEPARTMENT  
24 MAY RESTRICT ANY PORTION OF A STATE HIGHWAY TO TRAVEL BY ANY  
25 MOTOR VEHICLE UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH THE  
26 FOLLOWING: TIRE CHAINS OR AN APPROVED TRACTION-CONTROL DEVICE;  
27 FOUR-WHEEL DRIVE WITH TIRES THAT HAVE A TREAD DEPTH OF FOUR

1 THIRTY-SECONDS OF AN INCH; ALL-WHEEL DRIVE WITH TIRES THAT HAVE  
2 A TREAD DEPTH OF FOUR THIRTY-SECONDS OF AN INCH; OR TIRES THAT ARE  
3 IMPRINTED BY A MANUFACTURER WITH A MOUNTAIN-SNOWFLAKE, "M&S",  
4 "M+S", OR "M/S" SYMBOL AND THAT HAVE A TREAD DEPTH OF FOUR  
5 THIRTY-SECONDS OF AN INCH.

6 (C) ~~Such~~ A prohibition or restriction ~~of use shall be~~ UNDER THIS  
7 SUBSECTION (5) IS effective when signs, including temporary or electronic  
8 signs, ~~giving notice thereof~~ THAT NOTIFY THE PUBLIC OF THE PROHIBITION  
9 OR RESTRICTION are erected upon ~~such portion of said~~ THE highway, ~~and~~  
10 ~~it shall be unlawful to proceed in violation of such notice~~ AND THE  
11 RESTRICTION IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I) IS  
12 EFFECTIVE ON INTERSTATE 70 BETWEEN MILEPOST 133 (DOTSERO) AND  
13 MILEPOST 259 (MORRISON) BETWEEN OCTOBER 1 TO MAY 15 OF EACH  
14 YEAR.

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

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

1 tires of such vehicle when such THE vehicle is required to be equipped  
2 with tire chains under this subsection (5).

3 (F) "EQUIPPED", AS USED IN THIS SUBSECTION (5), MEANS THAT A  
4 MOTOR VEHICLE USES OR CARRIES THE APPROPRIATE TRACTION  
5 EQUIPMENT IF ICY OR SNOW-PACKED CONDITIONS ARE NOT PRESENT AND  
6 THAT A MOTOR VEHICLE USES THE APPROPRIATE TRACTION EQUIPMENT IF  
7 ICY OR SNOW-PACKED CONDITIONS ARE PRESENT.

8 (G) "TIRE CHAINS", AS USED IN THIS SUBSECTION (5), MEANS  
9 METAL CHAINS CONSISTING OF TWO CIRCULAR METAL LOOPS, ONE ON EACH  
10 SIDE OF THE TIRE, CONNECTED BY NO FEWER THAN NINE EVENLY SPACED  
11 CHAINS ACROSS THE TIRE TREAD.

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

17 (I) A PERSON WHO VIOLATES THIS SUBPARAGRAPH (I) COMMITS A  
18 TRAFFIC INFRACTION AND IS SUBJECT TO THE PENALTIES IN SECTION  
19 42-4-1701 (4) (a) (I) (F).

20 **SECTION 3. Act subject to petition - effective date -**  
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
22 the expiration of the ninety-day period after final adjournment of the  
23 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
24 2016); except that, if a referendum petition is filed pursuant to section 1  
25 (3) of article V of the state constitution against this act or an item, section,  
26 or part of this act within such period, then the act, item, section, or part  
27 will not take effect unless approved by the people at the general election

1 to be held in November 2016 and, in such case, will take effect on the  
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to offenses committed on or after the effective  
4 date of this act.