

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0313.01 Jery Payne x2157

HOUSE BILL 15-1173

HOUSE SPONSORSHIP

Mitsch Bush and Rankin,

SENATE SPONSORSHIP

(None),

House Committees
Transportation & Energy

Senate Committees

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.**

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.*

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.

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 COMMITS A CLASS B
13 TRAFFIC INFRACTION.

14 (5) AS USED IN THIS SECTION:

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

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

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

25 **SECTION 4.** In Colorado Revised Statutes, 42-4-1701, **amend**
26 (4) (a) (I) (D) as follows:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
 2 as provided in paragraph (c) of subsection (5) of this section, every
 3 person who is convicted of, who admits liability for, or against whom a
 4 judgment is entered for a violation of any provision of this title to which
 5 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
 6 or penalized, and have a surcharge levied in accordance with sections
 7 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with
 8 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to
 9 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in
 10 the schedule, the penalty for class A and class B traffic infractions is
 11 fifteen dollars, and the surcharge is four dollars. These penalties and
 12 surcharges apply whether the defendant acknowledges the defendant's
 13 guilt or liability in accordance with the procedure set forth by paragraph
 14 (a) of subsection (5) of this section, is found guilty by a court of
 15 competent jurisdiction, or has judgment entered against the defendant by
 16 a county court magistrate. Penalties and surcharges for violating specific
 17 sections are as follows:

18 (D) **Equipment violations:**

19	42-4-201	\$ 35.00	\$ 10.00
20	42-4-202	35.00	10.00
21	42-4-204	15.00	6.00
22	42-4-205	15.00	6.00
23	42-4-206	15.00	6.00
24	42-4-207	15.00	6.00
25	42-4-208	15.00	6.00
26	42-4-209	15.00	6.00
27	42-4-210	15.00	6.00

1	42-4-211	15.00	6.00
2	42-4-212	15.00	6.00
3	42-4-213	15.00	6.00
4	42-4-214	15.00	6.00
5	42-4-215	15.00	6.00
6	42-4-216	15.00	6.00
7	42-4-217	15.00	6.00
8	42-4-218	15.00	6.00
9	42-4-219	15.00	6.00
10	42-4-220	15.00	6.00
11	42-4-221	15.00	6.00
12	42-4-222 (1)	15.00	6.00
13	42-4-223	15.00	6.00
14	42-4-224	15.00	6.00
15	42-4-225 (1)	15.00	6.00
16	42-4-226	15.00	6.00
17	42-4-227 (1)	50.00	16.00
18	42-4-227 (2)	15.00	6.00
19	42-4-228 (1), (2), (3),		
20	(5), or (6)	15.00	6.00
21	42-4-229	15.00	6.00
22	42-4-230	15.00	6.00
23	42-4-231	15.00	6.00
24	42-4-232	15.00	6.00
25	42-4-233	75.00	24.00
26	42-4-234	15.00	6.00
27	42-4-235	50.00	16.00

1	42-4-236	65.00	16.00
2	42-4-237	65.00	6.00
3	42-4-237	65.00	6.00
4	42-4-242	100.00	32.00
5	42-4-1411	15.00	6.00
6	42-4-1412	15.00	6.00
7	42-4-1901	35.00	10.00

8 **SECTION 5. Applicability.** This act applies to offenses
9 committed on or after the effective date of this act.

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