



TOWN OF FIRESTONE
Board of Trustees Regular Meeting Agenda

November 13, 2024
6:00 PM

9900 Park Avenue, Firestone, CO 80504

Board of Trustees Regular Meetings can be viewed live online at www.firestoneco.gov/Agendas

PRE-MEETING WORK SESSION 5:30 PM IN THE RICHARD E. HART TRAINING ROOM

THE AGENDA FOR THE PRE-MEETING WORK SESSION IS A DISCUSSION OF THE FOLLOWING REGULAR
MEETING AGENDA

REGULAR MEETING 6:00 PM IN THE MUNICIPAL COURT AND BOARD ROOM

1. **Call to Order & Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Agenda**
4. **Public Comment** *(maximum time permitted for all Public Comment is 30 minutes)
5. **Consent Agenda**
 - a. Approval of October 23, 2024, Meeting Minutes
 - b. **Resolution 24-109:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A GRANT AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND THE COLORADO STATEWIDE INTERNET PORTAL AUTHORITY
6. **Presentation**
 - a. Presentation of Check to Santa Cops
7. **Discussion/Action**
 - a. **PUBLIC HEARING: Ordinance 1055:** AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, REPEALING AND REENACTING AS AMENDED IN ITS ENTIRETY CHAPTER 10.04 OF THE FIRESTONE MUNICIPAL CODE REGARDING THE ADOPTION OF THE 2024 MODEL TRAFFIC CODE FOR COLORADO.

* Individuals that desire to address the Board of Trustees are requested to sign up at the table at the entrance to the meeting room. Individuals are allotted 3 minutes of Public Comment during the entirety of the meeting. Maximum time permitted for all Public Comment during a meeting is 30 minutes.

If you need special assistance in order to participate in a Board of Trustees meeting, please contact the Town Clerk's Office at 303-531-6264 in advance of the meeting to make arrangements. A forty-eight-hour notice is requested.

- b. **Ordinance 1055:** AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO, REPEALING AND REENACTING AS AMENDED IN ITS ENTIRETY CHAPTER 10.04 OF THE FIRESTONE MUNICIPAL CODE REGARDING ADOPTION OF THE 2024 MODEL TRAFFIC CODE FOR COLORADO
- c. **Resolution 24-106:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND JUB ENGINEERS, INC. FOR CONSTRUCTION ADMINISTRATION SERVICES PERTAINING TO THE WELD COUNTY ROAD 20 AND COAL RIDGE DITCH BRIDGE REPLACEMENT PROJECT
- d. **Resolution 24-105:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE TOWN OF FIRESTONE'S WATER METER CHARGE AND WATER RATE PER GALLON USAGE
- e. **PUBLIC HEARING: Resolution 24-107:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ADOPTING A BUDGET FOR THE FISCAL YEAR OF 2025 AND APPROPRIATING SUMS FOR AND DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025 IN ACCORDANCE WITH THE STATUTES OF THE STATE OF COLORADO
- f. **Resolution 24-108:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW FOR THE 2025 FISCAL YEAR.

8. **Public Comment** *(maximum time permitted for all Public Comment is 30 minutes)

9. **Reports**

- a. Staff
- b. Mayor
- c. Trustees

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10. Executive Session

- a.** An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) for a personnel matter regarding the Town Manager's annual evaluation.

11. Adjournment

* Individuals that desire to address the Board of Trustees are requested to sign up at the table at the entrance to the meeting room. Individuals are allotted 3 minutes of Public Comment during the entirety of the meeting. Maximum time permitted for all Public Comment during a meeting is 30 minutes.

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**AGENDA INFORMATION
MEMORANDUM**

FIRESTONE BOARD OF TRUSTEES



AIM No.: 5.a

Consent Agenda

Meeting Date: November 13, 2024

Initiated By:

Department: Town Clerk

AGENDA ITEM

Approval of October 23, 2024, Meeting Minutes

RECOMMENDATION

SUMMARY

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
N/A

ATTACHMENTS

1. October 23, 2024 BoT Meeting Minutes DRAFT



TOWN OF FIRESTONE
Board of Trustees Regular Meeting
MINUTES
October 23, 2024

1. Call to Order & Roll Call

The Board of Trustees of the Town of Firestone met for a Regular Meeting on October 23, 2024, at the Police Department & Municipal Court building, 9900 Park Avenue, Firestone, Colorado. Mayor Conyac called the meeting to order at 06:00 PM

The following were present upon the call of the roll:

Mayor: Don Conyac, Jr.
Mayor Pro-tem: Frank A. Jimenez
Trustees: Linda J. Haney
Ray Byrd
Matt Holcomb
Lorna Morton
Sean Doherty

2. Pledge of Allegiance

Mayor Conyac led the pledge of allegiance.

3. Approval of Agenda

Motion by Mayor Pro Tem Jimenez, **second** by Trustee Morton, to amend the agenda with the following changes:

- Move Consent Agenda item d, Resolution 24-94, to item g under Discussion/Action.
- Move Consent Agenda item g, Resolution 24-102, to item f under Discussion/Action.
- Shift Discussion/Action item f, 2024 Budget Final Review, to item h under Discussion/Action.

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

Motion by Mayor Pro Tem Jimenez, **second** by Trustee Morton, for approval of the agenda with the above changes.

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton,
Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

4. Public Comment *(maximum time permitted for all Public Comment is 30 minutes)

Drew Peterson, Firestone resident, shared his concerns regarding the evening's agenda.

Linda Alure, Fort Lupton resident, provided information about an upcoming event commemorating the 1955 Flight 629 crash.

5. Consent Agenda

Motion by Mayor Pro Tem Jimenez, **second** by Trustee Haney, to Approve Consent Agenda

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton,
Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

a. Approval of the October 9, 2024 Board of Trustees Regular Meeting Minutes

b. Approval of the October 16, 2024 Board of Trustees Special Meeting Minutes

c. Cancellation of the November 27, 2024, and December 25, 2024, Board of Trustees Meetings

d. **Resolution 24-100:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ACCEPTING THE DEDICATION OF A BUILDING SETBACK, UTILITY AND DRAINAGE EASEMENT FROM COLLECTIVE LAND HOLDING PARTNERSHIP, LLC AND VACATING A PORTION OF THE EXISTING BUILDING SETBACK, DRAINAGE AND UTILITY EASEMENT PERTAINING TO LOT 1-B-1 OF THE DEL CAMINO JUNCTION BUSINESS PARK P.U.D.

- e. **Resolution 24-101:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ACCEPTING THE DEDICATION OF A UTILITY EASEMENT FROM QUIKTRIP CORPORATION PERTAINING TO THE FINAL DEVELOPMENT PLAN FOR QUIKTRIP STORE #4279

6. Presentation

- a. STAR Award Presentation
- b. 2024 Shine Prom Presentation

7. Land Development

- a. **Resolution 24-98:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND DAVIS PARTNERSHIP ARCHITECTS FOR ARCHITECTURAL AND LANDSCAPE DESIGN SERVICES PERTAINING TO DEVELOPMENT OF A GENERAL PUD DISTRICT PLAN FOR CENTRAL PARK

Motion by Trustee Morton, **second** by Trustee Doherty, to Approve **Resolution 24-98:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND DAVIS PARTNERSHIP ARCHITECTS FOR ARCHITECTURAL AND LANDSCAPE DESIGN SERVICES PERTAINING TO DEVELOPMENT OF A GENERAL PUD DISTRICT PLAN FOR CENTRAL PARK

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

- b. **Resolution 24-99:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AMENDED AND RESTATED AGREEMENT FOR SERVICES WITH CHECK-IT CODE CONSULTING, LLC

Motion by Mayor Pro Tem Jimenez, **second** by Trustee Morton, to Approve **Resolution 24-99**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AMENDED AND RESTATED AGREEMENT FOR SERVICES WITH CHECK-IT CODE CONSULTING, LLC

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

8. Discussion/Action

- a. **Resolution 24-95**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING THE COLLECTIVE LAND HOLDING PARTNERSHIP LLC NATIVE WATER CREDIT PURCHASE AGREEMENT

Motion by Trustee Byrd, **second** by Trustee Haney, to Approve **Resolution 24-95**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING THE COLLECTIVE LAND HOLDING PARTNERSHIP LLC NATIVE WATER CREDIT PURCHASE AGREEMENT

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

- b. **Resolution 24-96**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE APPROVING A PURCHASE AND SALE AGREEMENT WITH MICHELE AND BRIAN HERITAGE

Motion by Trustee Doherty, **second** by Mayor Pro Tem Jimenez, to Approve **Resolution 24-96**: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE APPROVING A PURCHASE AND SALE AGREEMENT WITH MICHELE AND BRIAN HERITAGE

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

- c. **Resolution 24-97:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO ADOPTING THE BASELINE AGENCY GROWTH PLAN

Motion by Trustee Doherty, **second** by Mayor Pro Tem Jimenez, to Approve **Resolution 24-97:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO ADOPTING THE BASELINE AGENCY GROWTH PLAN

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

- d. **Resolution 24-103:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO ADOPTING THE BOARD OF TRUSTEES 2025-2026 WORK PLAN.

Motion by Trustee Morton, **second** by Trustee Byrd, to Approve **Resolution 24-103:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO ADOPTING THE BOARD OF TRUSTEES 2025-2026 WORK PLAN.

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

- e. **Resolution 24-104:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN UNDERWRITER ENGAGEMENT LETTER WITH PIPER SANDLER & CO FOR SERVICES REGARDING WATER REVENUE BONDS

Motion by Trustee Doherty, **second** by Mayor Pro Tem Jimenez, to Approve **Resolution 24-104:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN UNDERWRITER ENGAGEMENT LETTER WITH PIPER SANDLER & CO FOR SERVICES REGARDING WATER REVENUE BONDS

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

- f. **Resolution 24-102:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO SUPPORTING THE SAINT VRAIN VALLEY SCHOOL DISTRICT RE-IJ, PROPOSED BOND MEASURE

Motion by Trustee Morton, **second** by Trustee Holcomb, to Approve **Resolution 24-102:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO SUPPORTING THE SAINT VRAIN VALLEY SCHOOL DISTRICT RE-IJ, PROPOSED BOND MEASURE

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Morton, Trustee Byrd, Trustee Doherty

No: Trustee Holcomb, Trustee Haney

Abstain: None

Motion carried

- g. **Resolution 24-94:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND COLORADO CIVIL GROUP INC FOR ENGINEERING DESIGN SERVICES PERTAINING TO THE NEW COAL RIDGE DITCH LATERAL FINAL DESIGN PROJECT

Motion by Mayor Pro Tem Jimenez, **second** by Trustee Morton, to Approve **Resolution 24-94:** A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND COLORADO CIVIL GROUP INC FOR ENGINEERING DESIGN SERVICES PERTAINING TO THE NEW COAL RIDGE DITCH LATERAL FINAL DESIGN PROJECT

Roll Call Vote:

Yes: Mayor Pro Tem Jimenez, Trustee Holcomb, Trustee Haney, Trustee Morton, Trustee Byrd, Trustee Doherty

No: None

Abstain: None

Motion carried

- h. 2025 Budget Final Review

9. **Public Comment** *(maximum time permitted for all Public Comment is 30 minutes)

No one came forward to provide public comment.

10. **Reports**

- a. Staff

10.a.i. Third Quarter Financials

- b. Mayor

- c. Trustees

11. Adjournment

Motion by Mayor Pro Tem Jimenez, **second** by Trustee Morton, to Adjourn. All in Favor, **Motion carried.**

Introduced and Approved the 13th day of November, 2024.

TOWN OF FIRESTONE, COLORADO

ATTEST

Don Conyac, Jr., Mayor

Missy Carranco,
Deputy Town Clerk

AGENDA INFORMATION MEMORANDUM

FIRESTONE BOARD OF TRUSTEES



AIM No.: 5.b

Consent Agenda

Meeting Date: November 13, 2024

Initiated By: Ivy Pitts

Department: Administration

AGENDA ITEM

Resolution 24-109: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING A GRANT AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND THE COLORADO STATEWIDE INTERNET PORTAL AUTHORITY

RECOMMENDATION

Staff recommends approval of the resolution.

SUMMARY

The proposed Grant Agreement with the Colorado State Internet Portal Authority allows the Town to receive \$30,416.00 in GovGrants funding to implement three new CivicPlus products that will improve residents' access to and experience of the Town's services online.

The three products include:

CivicOptimize is a process automation solution that includes the following features.

- Intuitive and user-friendly online form creation, secure document uploads for users, e-signature capability, and approval workflows to help streamline the customer experience
- Accessibility tools to help bring the website into compliance with HB21-1110

CivicPlus Pay enables secure online payments for residents and external customers. This solution integrates with the CivicPlus solutions the Town already utilizes.

NextRequest is an innovative public records request platform that includes the following features.

- User-friendly digital portal to submit, track, and search public records requests
- Automated keyword searching built into intake forms that help direct requestors to website information that is already available
- Public repository of records that have been released to help improve transparency and minimize duplicate requests
- Internal process automation that helps staff efficiently respond to requests, communicate with requestors, and track progress
- Advanced redaction tools to help improve response time and ensure legal compliance

FINANCIAL CONSIDERATIONS

Implementation of the CivicPlus products is included in the 2025 proposed budget. Acceptance of this grant will offset the Town's implementation cost. The ongoing annual expense for these products is \$27,363.00.

HISTORY AND PREVIOUS BOARD ACTION

Town staff was notified of the GovGrants award on September 6, 2024. In preparation for an upcoming leave of absence in the Town Clerk's office, staff is adhering to a tight timeline to start the project. Therefore, on 11/6/2024 via email, the Board agreed to the Town Manager signing the proposed Grant Agreement, which is within the Town Manger authority prior to Board approval of Resolution 24-109.

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
 - Uphold Fiscal Integrity
 - Encourage Community Governance with Civic Partnerships

ATTACHMENTS

1. RESO 24-109 SIPA GovGrants Grant Agreement
2. SIPA GovGrants - Town of Firestone - Grant Agreement

RESOLUTION NO. 24-109

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
FIRESTONE, COLORADO, APPROVING A GRANT AGREEMENT
BETWEEN THE TOWN OF FIRESTONE AND THE COLORADO
STATEWIDE INTERNET PORTAL AUTHORITY**

WHEREAS, the Colorado Statewide Internet Portal Authority (“SIPA”) created the SIPA GovGrants Program which provides assistance to governmental entities to pursue technology projects; and

WHEREAS, the Town of Firestone (“Town”) was awarded GovGrants Program funding in the amount of \$30,416.00 for its Resident Experience Software Project (“Project”); and

WHEREAS, the Project’s goals are to improve the performance of the Town by using technology to dramatically increase the amount of online transaction payments, reduce the time to respond to public information requests, increase the number of online services available to residents, improve digital accessibility and security, and improve overall customer service provided by the Town; and

WHEREAS, acceptance of the grant requires that the parties enter into and abide by the terms of SIPA’s Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

The Grant Agreement between the Town of Firestone and the Colorado Statewide Internet Portal Authority is approved in substantially the same form as the copy attached hereto and made a part of this resolution and the Mayor is authorized to execute the Grant Agreement on behalf of the Town of Firestone.

INTRODUCED, READ AND ADOPTED this __ day of _____, 2024.

TOWN OF FIRESTONE, COLORADO

Don Conyac Jr, Mayor

ATTEST:

Missy Carranco, Deputy Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney



SIPA GovGrants Program

GRANT AGREEMENT BETWEEN THE COLORADO STATEWIDE INTERNET PORTAL AUTHORITY AND TOWN OF FIRESTONE

This Grant Agreement ("Agreement") is by and between the Colorado Statewide Internet Portal Authority ("SIPA"), and **Town of Firestone** ("Grantee").

I. BACKGROUND AND PURPOSE

- A. SIPA's mission under its authorizing statute includes facilitating Electronic Information, Products, and Services ("EIPS"). See C.R.S. § 24-37.7-101(3).
- B. SIPA supports the expansion and improvement of the delivery of EIPS to the public throughout Colorado. C.R.S. §§ 24-37.7-105(1)(b), (h), and (i).
- C. SIPA created the SIPA GovGrants Program ("GovGrants" or the "Program") to provide funding and technical assistance to eligible government entity recipients in Colorado to pursue innovative technology projects. The Program is governed by the SIPA GovGrants Program Manual.
- D. Grantee has an active Eligible Government Entity Agreement with SIPA and is eligible to receive funds under the Program. Grantee was awarded a grant for the amount of **\$30,416.00** ("Grant Funds") to be used for the purposes described in Grantee's proposal for **Resident Experience Software** (the "Project").

II. AGREEMENT

- A. Grant: SIPA will provide the Grant Funds to Grantee in the amount and according to the schedule in the Grant Plan, attached as Exhibit A to this Agreement. SIPA, in its sole discretion, may withhold any payment or modify the payment schedule based on Grantee's compliance with this Agreement or the completion or satisfaction of any milestones or conditions in the Grant Plan.
- B. Scope of Work: Grantee shall use the Grant Funds and any income earned on the Grant Funds in accordance with this Agreement, including all exhibits that may be attached to this Agreement, and for the purposes described in Grantee's GovGrants Application, attached as Exhibit B to this Agreement. Grantee may not make any material changes to Grantee's use of the Grant Funds without the prior written consent of SIPA, to be memorialized in an updated Grant Plan.
- C. Term: Grantee shall expend all Grant Funds in accordance with the Grant Plan. No later than ten business days following the termination or expiration of this Agreement,

SIPA GovGrants Grant Agreement

Town of Firestone

Resident Experience Software

Grantee shall return to SIPA any Grant Funds released to Grantee by SIPA and not expended for the purposes of the Project.

- D. Reporting: Grantee shall provide SIPA with narrative and financial reports no less than quarterly. Financial reports must detail Grantee's expenditure of Grant Funds, including the recipient and purpose of each expenditure. Narrative reports must include a summary of the project status, the benefits realized, and the obstacles encountered, as well as the status of all metrics identified for the Project as part of the Grant Plan. Grantee shall provide SIPA with copies of any external marketing or publicity communications, such as press releases, social media posts, newsletters, website content, etc., related to the Grant or the Project. Grantee shall ensure that appropriate Grantee personnel are available for meetings as reasonably requested by SIPA and that Grantee personnel respond promptly to communications from SIPA regarding the Grant or the Project.
- E. Records and Audit: Grantee shall maintain records that provide a complete audit trail of Grant Funds received and expended, and Grantee shall cooperate and participate in any audit of the Grant Funds conducted under the authority of SIPA or other duly authorized body. Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant or the Project for a period of three years following the completion of the Scope of Work. Grantee shall permit SIPA, its designee, or a duly authorized body, to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee's office or place of business, unless SIPA determines that an audit or inspection is required without notice at a different time to protect the interests of SIPA. If any audit is performed that relates to Grantee's expenditure of Grant Funds, Grantee will provide SIPA a copy of such audit within 14 days after any such audit becomes final.
- F. Authorized Documentation and Communications: Grantee authorizes SIPA to observe, record, photograph, or otherwise document activities related to the Grant Funds or the Project, provided that SIPA gives Grantee reasonable advance notice. Grantee authorizes SIPA to collect, analyze, and share any information or documentation collected from SIPA observations or other sources. Grantee authorizes SIPA to use Grantee's name, logo, or other brand elements, as well as any photographs or other documentation, in SIPA's communications or promotional activities regarding the Grant or the Program. SIPA shall use reasonable care to avoid publicizing any confidential or otherwise sensitive information relating to Grantee, the Grant Funds, or the Project. Grantee shall acknowledge SIPA and the Program in all public communications regarding the Grant or the Project.
- G. Impermissible Activities: Grantee shall not engage in any business or activities, or maintain any relationships, that conflict in any way with the full performance of the obligations of Grantee under this Agreement. Grantee will not use any Grant Funds to participate or intervene in any political campaign or in relation to any candidate for public office. Grantee shall not use any Grant Funds in a way that would result in improper private inurement or private benefit, or that would otherwise violate any applicable law or public policy.

SIPA GovGrants Grant Agreement

Town of Firestone

Resident Experience Software

H. Grantee Authority and Acknowledgement of No Liability of SIPA:

1. **Authority:** Grantee represents and warrants that it has all necessary approvals and authority to accept and expend the Grant Funds. Grantee acknowledges that it is solely responsible for ensuring that its expenditure of Grant Funds is authorized and legal, that it is using the Grant Funds in a legal manner and compliant with the terms of this Agreement, and that SIPA shall have no liability concerning Grantee's acceptance and use of the Grant Funds. Grantee shall not hold itself out as an agent or representative of SIPA, or purport to speak or act on behalf of SIPA. SIPA assumes no liability for any of Grantee's activities using the Grant Funds, including any Project expenses, expenses related to Grantee's employees, or performance or payment under any third-party contract entered into by Grantee. SIPA and Grantee are acting as independent contracting parties, and no partnership, joint venture, fiduciary, or other similar relationship is created under this Agreement.
2. **Responsibility for Incident Response:** If any incident arises that threatens Grantee's ability to use Grant Funds in compliance with this Agreement, Grantee shall be solely responsible for the resolution of such incident, including all costs associated with such incident response. Grantee shall notify SIPA within two business days of Grantee becoming aware of any such incident having occurred or being likely to occur.

- I. **Governmental Immunity:** Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, C.R.S. § 24-30-1501, et seq. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.
- J. **Insurance:** Grantee shall maintain at all times during the term of this Agreement such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq., and upon request, shall provide SIPA with evidence of such insurance. Grantee shall ensure that all contractors or vendors performing any portion of the Scope of Work or receiving any amount of the Grant Funds maintain all insurance customary for the industry in which such third-party operates, or as required by SIPA or the Governmental Immunity Act. SIPA does not provide any insurance coverage of any kind to Grantee under the terms of this Agreement.
- K. **Remedies:** If Grantee fails to comply with any term or condition of this Agreement, SIPA may terminate some or all of the award of Grant Funds and require Grantee to repay all or any portion of the Grant Funds to SIPA. SIPA may also terminate this Agreement and any award of Grant Funds at any time if SIPA has determined, in its sole discretion, that Grantee has used any Grant Funds for an impermissible purpose, has ceased performing the work promised under Exhibit A without intent to resume performance, or has otherwise had a material change in circumstances that would reasonably be expected to

SIPA GovGrants Grant Agreement

Town of Firestone

Resident Experience Software

impact the Project. Any termination of this Agreement or any amount due to be repaid to SIPA by Grantee under this paragraph will be effective upon SIPA's delivery of a written notice of the same to Grantee.

- L. Dispute Resolution: In the event of disputes concerning this Agreement, the Parties will first seek to resolve them at the level of SIPA's Executive Director and the executive director or chief executive officer of Grantee. If the issue cannot be resolved at that level, Grantee may pursue resolution with SIPA's Board of Directors. SIPA's Board of Directors' decision on the issue shall be final and unappealable.
- M. Notices: Grantee's principal representative for receiving notices will be the individual identified in the Grant Plan. Either party may change its representative by providing written notice to the other party. An amendment to this Agreement will be required to change a party's representative. Notices to SIPA shall be as follows:

Statewide Internet Portal Authority
Attn: SIPA GovGrants Program
950 South Cherry Street, Suite 900
Denver, CO 80246
GovGrants@cosipa.gov

III. General Provisions

- A. Assignment: Grantee's rights and obligations under this Agreement are personal and may not be transferred or assigned without the prior, written consent of SIPA. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee's rights and obligations approved by SIPA shall be subject to the provisions of this Agreement.
- B. Entire Understanding: This Agreement represents the complete integration of all understandings between the Parties related to the Scope of Work, and all prior representations and understandings related to the Scope of Work, oral or written, are merged into this Agreement.
- C. Modification: The Parties may agree to modification of the terms and conditions of this Agreement in a formal amendment, properly executed and approved.
- D. Severability: The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Agreement in accordance with the intent of the Agreement.
- E. Survival of Certain Terms: Any provision of this Agreement that imposes an obligation on a Party after termination or expiration of the Agreement shall survive the termination or expiration and shall be enforceable by the other Party.
- F. Third Party Beneficiaries: Except for the Parties' respective successors and assigns described above, this Agreement and the corresponding award of Grant Funds does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Any services or benefits which third parties receive as a result of this

SIPA GovGrants Grant Agreement

Town of Firestone

Resident Experience Software

Agreement or the award of Grant Funds are incidental, and do not create any rights for such third parties.

- G. Waiver: A Party's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.
- H. Governing Law and Venue: The laws of the State of Colorado (except Colorado laws related to choice of law or conflict of law) and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this Agreement. Any legal action related to this Agreement shall be brought in either a state or federal court within the City and County of Denver, Colorado.

IV. SIGNATURES

Each person signing below represents and warrants that the signer is duly authorized to execute this Agreement and bind each Party authorizing such signature.

Grantee: Town of Firestone

Colorado Statewide Internet Portal Authority:

By: _____

Ajay Bagal, Executive Director

Date: _____

Date: _____

Exhibit A to SIPA GovGrants Grant Agreement:

Grant Plan

1. Grantee's Principal Representative:

Ivy Pitts
Administrative Operations Coordinator
Town of Firestone
(303) 531-6283
ipitts@firestoneco.gov

2. Maximum Grant Amount:

The maximum amount payable by SIPA to Grantee under this Grant Agreement is **\$30,416.00**.

3. Grant Term:

The term of this Grant Agreement is **one calendar year**, beginning on the date of execution and terminating on the same date of the subsequent calendar year.

4. Funding Disbursement Schedule:

Disbursement of Grant Funds will be made on a reimbursement basis. Grantee will submit all contractor invoices and documentation of payment as part of Grantee's required reports to SIPA. Within 30 days of SIPA's acceptance of Grantee's report, SIPA will disburse Grant Funds to the Grantee to reimburse all approved expenses. Grant Funds will be disbursed using the payment method selected by Grantee.

Expected Disbursements:

- Q4 2024: \$21,291.20
- Q1 2025: None
- Q2 2025: \$9,124.80

5. Scope of Work:

Grantee will contract with CivicPlus to implement CivicPlus Pay, NextRequest, and CivicOptimize. The details of the contractor engagement are included as Exhibit B to the Grant Agreement.

Grantee acknowledges that Grantee was solely responsible for the process of identifying and selecting appropriate contractors for the purposes of the Grant Project and for defining the scope and activities related to the Grant Project. Grantee will be responsible for all contractor management associated with the Grant Project.

SIPA GovGrants Grant Plan
Town of Firestone
Resident Experience Software

Grantee will be responsible for all “post-implementation process improvement” activities as described in Exhibit B. Grantee acknowledges and understands that failure to complete the post-implementation steps as described in Exhibit B may be grounds for termination of the Grant Agreement and repayment of the Grant Funds, within SIPA’s sole discretion.

6. Key Performance Indicators:

KPI	Description
1	Percentage of town payment transactions completed online increased from 2% to 75%
2	Average time to respond to a public information request reduced by 2 working days
3	Percentage of town forms completed and submitted online increased by 20%
4	National Community Survey Ratings for “public information services” and “overall customer service provided by Firestone employees” increased by 2%

7. Required Reporting:

Grantee will provide financial and narrative reports to SIPA on a quarterly basis through the SIPA Grant Portal. SIPA will provision Grantee with one user account for the portal. The user account must be for a designated individual, and Grantee may not share credentials or otherwise grant access to the SIPA Grant Portal to anyone other than the designated reporting account holder.

Grantee reports should also include all supporting documentation for expenses incurred during the reporting period. To the extent feasible, Grantee reports should include copies of all public communications regarding the Project or the Grant.

Reporting Due Dates:

- Q4 2024: December 6, 2024
- Q1 2025: March 7, 2025
- Q2 2025: June 6, 2025
- Q3 2025: September 5, 2025

Exhibit B - Town of Firestone - Resident Experience Software

Firestone Resident Experience Software Project Plan						
Product	Phase	Stage	Estimated Duration	Description	Internal Project Team	Milestones
CivicPlus Pay		1	1 Week	CP Pay Implementation	Finance, IT, Communications	System configured to accept CP Pay; advanced troubleshooting support provided by Forte
		2	1 Week	Process Mapping: info gathering, team roles defined	Communications, Town Clerk, Administration, IT	Complete customer success plan w/ CP; send initial information on users, department structure and branding/photos
		3	1 Week	Kickoff Call	Communications, Town Clerk, Administration, IT	Outline expectations and set go-live date
NextRequest	1	2	2 Weeks	Portal Info Gathering	Town Clerk, Administration, IT	Town Clerk defines workflows and provides content for CP to build out system
		4	1 Week	Admin Training	Town Clerk, Communications, Administration, IT	Detailed training provided by CP for admin/technical users
		5	1 Week	Staff User Training	Town Clerk, Directors & Key Staff	High-level training provided by CP for key users
		5	1 Week	Go Live	Communications, Town Clerk, Administration, IT	Communications: website updated, public education/outreach
			4 Weeks	Implementation: assess and adjust	Town Clerk	Measure success against baseline metrics; CP support provided throughout implementation
Total Project Duration: 12 Weeks						
		1	2 Weeks	Project Initiation; System Configuration	Communications, Administration, IT	CP set up initial system and users
CivicOptimize	2	2	3 Weeks	Design & Configure: branding, template form development, workflow design, technical implementation	Communications, Administration, IT	Submit any deliverables due to CP, CP applies design/branding elements, initial forms created by CP (see Forms tab), workflow structure created by CP
		3	1 Week	User Training	Communications, Directors & Key Staff	CP provides training for staff website users and directors
		4	1 Week	Launch: CivicPlus assistance until project closeout	Communications, Administration, IT	
		5	4 Weeks	Post-Implementation Process Improvements	Communications, Key Staff	Re-design existing forms and associated processes (see Forms tab)
		6	4 Weeks	Post-Implementation Process Improvements (pt. 2)	Communications, Directors	Engage directors in process improvement exercise to identify opportunities to further improve customer experience with the new technology
Total Project Duration: 13 Weeks						

Exhibit B - Town of Firestone - Resident Experience Software

Firestone Resident Experience Software Project Plan - Forms				
Existing or New?	Department	Form	Transition Timing	Impact
Existing	Events	4th at Firestone Parade Application	Quick	New technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	HR	ADA Complaint/Grievance Form	Quick	
Existing	E&U	Adopt a Place	Medium	New process will be implemented, divide into two and directed to appropriate owner/recipient
Existing	CSO	Animal License Application	Quick	Secure payment ability with CP Pay addition; new technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	Clerk	Board/Commission/Committee Application	Medium	Form will be updated initially; process will be updated later
Existing	Administration	Parks, Trails, Recreation, and Open Space Community Input	Quick	
Existing	Clerk	Community Scholarship Application	Medium	Longer, in-depth form; process will remain the same
Existing	Police	Business Emergency Information Form	Quick	
Existing	Administration	Central Park Development Questions	Quick	
Existing	Administration	We're Listening (public question/comment)	Medium	Workflow will be updated to include/assign all departments for more efficient internal process and faster response to inquiring resident
Existing	Engineering	Stormwater Quality Permit Application	Quick	
Existing	Events	Holiday Festival Booth Application	Quick	Current process requires in-person visit or phone call to complete payment and cannot be completed fully online; new process can be completed fully online with implementation of CP Pay; new technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	Events	Resource Fair Application	Quick	New technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	Events	Summer Event Booth Application	Quick	Current process requires in-person visit or phone call to complete payment and cannot be completed fully online; new process can be completed fully online with implementation of CP Pay; new technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	Events	Event Food Vendor Application	Quick	New technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	Events	External Special Events Application	Lengthy	Complete overhaul of process and workflow; will streamline back-and-forth with applicant, internal stakeholders and external stakeholders
Existing	Events	Art & Music Show Application	Quick	New technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	CSO	Day of Service Volunteer Application	Quick	
Existing	Police	Police Department Volunteer Application	Quick	
Existing	Police	Police Department Complaint/Compliment Form	Quick	
Existing	Police	Police Department Officer Interest Card	Quick	
Existing	Police	Police Department Request for Criminal Justice Records	Lengthy	Current process requires in-person proof of identity and cannot be completed fully online; new process can be completed fully online with submission of a single, secure form
Existing	Police	Police Department Request for Criminal Justice Digital Evidence	Lengthy	Current process requires in-person proof of identity and cannot be completed fully online; new process can be completed fully online with submission of a single, secure form
Existing	SRO	Cram the Cruiser Program	Quick	New technology will allow automated data extraction and enable quicker response time from staff to submitters
Existing	Police	Police Department Residents and Business Watch Request	Quick	
Existing	Events	Event and Program Sponsorship Request Form	Quick	Current process requires in-person visit or phone call to complete payment and cannot be completed fully online; new process can be completed fully online with implementation of CP Pay
Existing	Events	Trunk or Treat Application	Quick	New technology will allow automated data extraction and enable quicker response time from staff to applicants
Existing	Clerk	Municipal Election Judge Application Form	Quick	
Existing	Clerk	Open Records Request	Lengthy	This will transitioned to NextRequest
Existing	Finance	Final Water/Stormwater Request	Quick	Current process lacks clarity for submitter; new process will allow for clear expectations and reduce customer frustration
Existing	Finance	Commercial Water/Stormwater Application	Quick	Current process lacks clarity for submitter; new process will allow for clear expectations and reduce customer frustration
Existing	Finance	Water/Stormwater Deposit Application	Quick	Current process requires in-person visit or phone call to complete payment and cannot be completed fully online; new process can be completed fully online with implementation of CP Pay
Existing	Finance	Barefoot Lakes Residential Stormwater Application	Quick	Current process lacks clarity for submitter; new process will allow for clear expectations and reduce customer frustration
Existing	Finance	Renter/Occupant Water/Stormwater Contact Form	Quick	Current process lacks clarity for submitter; new process will allow for clear expectations and reduce customer frustration
Existing	Finance	Water Account Status Request	Quick	Current process lacks clarity for submitter; new process will allow for clear expectations and reduce customer frustration
Outdated	CSO	Day of Service Project Application	Quick	Will be re-implemented now that SSI can be securely uploaded/included
Outdated	Events	Event and Program Volunteer Application and Waiver	Quick	Will be re-implemented now that SSI can be securely uploaded/included
Outdated	Police	Police Department Ride Along Request	Quick	Will be re-implemented now that SSI can be securely uploaded/included
Outdated	W&CR	Toilet Rebate Program	Quick	Will be re-implemented now that SSI can be securely uploaded/included
Outdated	W&CR	Smart Irrigation Controller Retrofit Program	Quick	Will be re-implemented now that SSI can be securely uploaded/included
New	Administration	Community Room Reservation Request	Lengthy	Request process is not currently online, one must call/email; new process will include webpage, room information/specs, and online request form

Exhibit B - Addendum 1 - Town of Firestone - Resident Experience Software



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Date:

Expires On:

Statement of Work

Q-44624-1

6/13/2023 2:15 PM

10/31/2024

Client:

Town of Firestone, CO

Bill To:

Firestone CO - CivicOptimize

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Megan White		mwhite@civicplus.com		Net 30

One-time(s)

QTY	PRODUCT NAME	DESCRIPTION	TOTAL
1.00	Process Automation Implementation & Setup	The CivicPlus team will document your process workflow, and will work with your team to build, configure, and style your solution.	USD 1,250.00

Recurring Service(s)

QTY	PRODUCT NAME	DESCRIPTION	TOTAL
1.00	Forms & Apps	Forms & Apps	USD 4,000.00
1.00	Data Manager Module	Data Manager Module	USD 2,000.00
1.00	OB Connectors, PA	OB Connectors, PA	USD 1,500.00
1.00	Workflow & Approvals Module	Workflow & Approvals Module	USD 2,000.00
1.00	Annual Professional Services - 5 Hours	Annual Professional Services - 5 Hours	USD 1,075.00
1.00	Scheduling Module	Scheduling Module	USD 1,000.00
1.00	Integration Hub : 1 Integration	Single third party integration for Integration Hub. - Laserfiche	USD 1,500.00
1.00	SDK & Developer Tool Module	SDK & Developer Tool Module	USD 2,000.00

QTY	PRODUCT NAME	DESCRIPTION	TOTAL
1.00	Process Automation Ultimate Package	Process Automation Ultimate Package	USD 0.00

Total Investment - Initial Term	USD 16,325.00
Annual Recurring Services (Subject to Uplift)	USD 15,075.00

Initial Term	12 Months
Initial Term Invoice Schedule	70% invoiced at signing and 30% invoiced 6 months from signing or completion of implementation of Services if earlier

Renewal Procedure	Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date
Annual Uplift	5% to be applied in year 2

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

Acceptance

The undersigned has read and agrees to the following Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature

CivicPlus

By (please sign):

By (please sign):

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:

Organization Legal Name:

Billing Contact:

Title:

Billing Phone Number:

Billing Email:

Billing Address:

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)

CIVICOPTIMIZE™
process automation
and digital services

Ultimate Package

Proposal valid for 60 days from date of receipt



Company Overview

CivicPlus History

CivicPlus began in 1998 when our founder, Ward Morgan, decided to focus on helping local governments work better and engage their residents through their web environment. Over the years, CivicPlus has continued to implement new technologies and merge with industry forerunners to maintain the highest standards of excellence and efficiency for our customers.



Our portfolio includes solutions for website design and hosting, parks and recreation management, emergency and mass communications, agenda and meeting management, 311 and CRM, process automation and digital services, codification, licensing and permits, web governance and ADA remediation, social media archiving, and FOIA management.

EXPERIENCE

25+ Years
10,000+ Customers
850+ Employees

RECOGNITION

Inc. 5000 11-time Honoree
GovTech 2024 Top 100 Company
Stevie® Awards Recognized with multiple, global awards for sales and customer service excellence

Our commitment to deliver the right solutions in design and development, end-user satisfaction, and secure hosting has been instrumental in making us a leader in government web technology. We are proud to have earned the trust of our over 10,000 customers and their 100,000+ administrative users. In addition, over 340 million residents engage with our solutions daily.

Primary Office

302 S. 4th Street, Suite 500
Manhattan, KS 66502
Toll Free: 888.228.2233 | Fax: 785.587.8951
civicplus.com



civicplus.com

Powering & Empowering Government

We empower municipal leaders to transform interactions between residents and government into consistently positive experiences that elevate resident satisfaction, increase revenue, and streamline operations.

Government leaders tell us that one of their most pressing needs is to improve how residents access and experience municipal services; however, they struggle with budget cutbacks and technology constraints. CivicPlus enables civic leaders to solve these problems, making consistently positive interactions between residents and government possible.

CivicPlus is the only government technology company exclusively committed to powering and empowering governments to efficiently operate, serve, and govern using our innovative and integrated technology solutions built and supported by former municipal leaders and award-winning support teams. With it, municipalities increase revenue and operate more efficiently while fostering trust among residents.

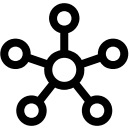
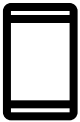


Features & Functionality

Gone are the days of paper processes and manual workflows. Instead, today's residents expect on-demand, digital access to their local government, which means administrations need customizable, scalable, easy-to-implement tools to meet these expectations.

CivicPlus' Process Automation and Digital Services solution lets you automate tasks and daily processes to free up more time to govern, serve, and operate your administration. It also allows you to provide resident-facing digital services, increasing revenue and reducing time spent by both staff and residents.

Digital Government Access

	Ready-to-Use Form Templates for Departments We offer over 150 common form templates pre-built and ready to implement, customize, and deploy instantly. Get your most common resident and staff requests online fast.
	Create a Seamless Government Experience Make transactions easier for your residents and staff with online payments, e-signature, and digitized documents and processes. Allow residents to access the services they need from anywhere, on any device.
	Integrate Critical Systems Use our tools and out-of-the-box API integrations to connect your software systems, automate data flow, and more efficiently streamline your processes.
	Accessible Forms Replace your inaccessible and non-compliant PDFs and move to online forms to better serve all your residents with equitable access and services.
	Build Mobile App Solutions with No Coding Non-technical staff can create progressive web applications (PWAs) using easy drag-and-drop functionality.
	Customize and Configure Approval Workflows Automatically route requests and applications to departments across your municipality for review and processing.



Key Features

FORMS & APPS

Stop fumbling with paper. Instead, connect your critical software systems to simplify and automate your day-to-day processes. With the system's Forms & Apps, you can eliminate inefficient paper and PDF forms and serve your residents online and provide staff an easier way to do business.

Create unlimited forms and workflows, allowing residents to contact you, sign up for various events and activities, pay bills, submit licenses and applications, and more. Various field options include multi-line text input, radio buttons, drop-down lists, and checkboxes, among others, with formatting options, CSS control, text alignment, and more. You can add advanced components to your forms as well including calculations, location positioning, and signatures. Further, staff can preview forms as they are created, in real time. Any staff member can develop these online forms with no programming knowledge necessary through a simple interface.

Forms can be submitted by either residents or staff via a webpage, link, or app. The submission data is sent via email to designated recipient(s) and is viewable in a .pdf format in the submission history. Data is encrypted in transit and at rest.

Our solution's simple app tools allow users to group forms in one downloadable app. The platform is accessible online or even off-line for residents to complete when out of the range of an internet connection. Non-technical employees can easily customize key app components such as icons, splash screens, app names, banner images, and color themes—all without coding.

DATA MANAGER MODULE

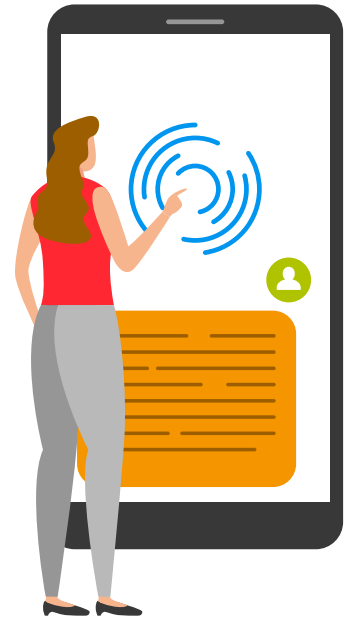
The Data Manager Module option provides up-to-date data reporting on form submissions. The feature includes two key features: the Data Manager view in the console for administrative users (those who are creating and managing forms); and the Data Manager Applet where other users can view submission data without having access to the console where the system is administered. Either view allows the users to view the submission data in a tabular (spreadsheet like) layout, sort data, filter data and export data to a .csv file.

Examples of Built-in Solutions

- License applications and renewals
- Inspections and audits
- Online payments, e-signature, and digitized documents
- Incident reporting
- Requests for information

POWER AUTOMATE CONNECTOR

The Power Automate Connector extends data movement functionality of our Process Automation system to feed data directly out to Office 365 products like SharePoint, Excel, etc. This easy, no code solution can automate many of your staff's daily routines and functions.



WORKFLOW & APPROVALS MODULE

Make transactions for your residents and staff easier by automatically routing resident requests and applications to stakeholders across your municipality for review and processing. With the Workflow & Approvals Module, you can:

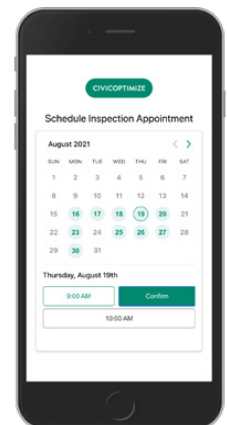
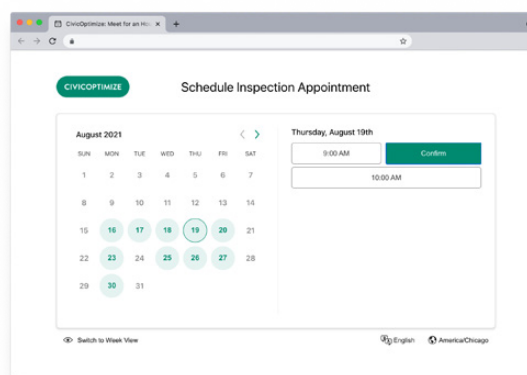
- Review and accept resident submissions
- Allow residents access to their applications
- Provide forms with electronic signature capabilities
- Approve, deny, comment upon, or request clarification on submissions—allowing the original submitter to make changes without having to start over
- Simplify multi-department approval processes
- Set up conditional routing and notifications
- Connect an approval workflow to any of our 150+ government form templates to launch and deliver online services in minutes

SCHEDULING

No more hassle of scheduling, rescheduling, and canceling appointments through mail or phone calls. Your residents can now book appointments with government entities 24/7 by utilizing the online booking service that automatically syncs calendars with relevant employees. You can also collect and validate data and payment prior to scheduling, something you can't do with other scheduling services.

Scheduling Provides:

- **A Branded, Local Experience** – Customize your booking pages with your logo, brand colors, and collect/verify all relevant information you require for the appointment booking.
- **Empowerment** – Allow your residents to book their appointments online, at their convenience. You reduce unwanted walk-in traffic by showing availability online, and it can be used for any in-person or virtual appointment.
- **A Ready-To-Go Solution Out-of-the-Box** – It's simple to configure from the Process Automation console.
- **A Mobile-first Experience** – Scheduling is optimized for ease-of-use from a computer or mobile device.
- **Efficiency & Transparency** – Automated appointment scheduling eliminates walk-ins looking to book appointments and also ensures the data/payment information that is required is handled prior to their appointment time.



INTEGRATION HUB

A key aspect of bringing your solutions online includes integrating existing systems, so CivicPlus has built a tool to easily create integrations between products. CivicPlus' Integration Hub provides an easy-to-use drag-and-drop interface allowing non-technical users to build integrations for syncing content without the need for a developer. Included is one integration with more available for purchase.

- Common CivicPlus integrations with our Process Automation solution include: websites, content management systems, and alerts and notifications. All CivicPlus to CivicPlus integrations are unlimited and free.
- Common third-party integrations include the following, with one included in your project with more available for purchase:
 - Automating location data through Esri, for example when filling out a form.
 - Feeding submission data directly to another system, such as Laserfiche.

SDK & DEVELOPER TOOL MODULE

The SDK & Developer Tool Module will enable your more tech-savvy staff to perform their own technical modification to the system, forms, and data flow. It provides developers with access to source code and API documentation for product development using our software as the foundation for their desired solution. Examples include:

- SDK Developer Access
- CLI Tools - Custom API Hosting
- CLI Tools - Web or CDN Hosting
- Webhooks for Form Submission

CREDIT CARD PROCESSING WITH CIVICPLUS PAY

CivicPlus Pay (Pay) is our integrated, secure, PCI-compliant, utility application. Local governments can use Pay within many of our solutions to enable seamless payment capabilities.

Pay acts as the connector to facilitate a transaction between the CivicPlus solution and the selected payment gateway. Pay offers integrations with several common payment gateways to provide flexible payment solutions. CivicPlus has partnered with several integrated gateways to enhance the customer experience through a streamlined relationship between the CivicPlus solution and the gateway that processes the payments.



If a partner payment gateway is utilized by you, CivicPlus can assist with the facilitation, set-up, support, and troubleshooting services. Pay can also integrate with many other supported gateway providers in addition to our partner network, on a more limited fashion, to assist you in developing a successful system. Additional details on our approved partner network and other supported gateway providers is available upon request.

To utilize any of the approved gateways, an agreement will need to be executed directly between you and the vendor, that will assess separate merchant account and transaction fees. Additional information can be provided upon request.

Because EMV and Card-Swipe devices are encrypted specifically for individual payment gateways, you'll need to procure any required devices directly from your selected gateway provider for either purchase or rent. We are happy to assist in your procurement of such devices.



Implementation

Project Timeline

Design creation, content development, configuration for usability and accessibility, dedicated training – CivicPlus delivers all of this and more during the development of your new system. A typical project timeline ranges from 3-6 weeks. Your exact project timeline will be created based on detailed project scope, project enhancements purchased, availability for meeting coordination, customer deliverable return and completion, approval dates, and other factors.

PHASE 1: INITIATE	1-2 Weeks	• Project Initiation & Customer Deliverables Identified • System Creation & Configuration
PHASE 2: DESIGN & CONFIGURE	1-4 Weeks	• Customer Identified Deliverables Due • Standard Training & Consulting Engagements • Branding & Design Development • Form Development • Technical Implementation (Structure & Workflow)
PHASE 3: LAUNCH	1 Week	• Launch Assistance & Project Close

Project Approach

SYSTEM SETUP

The CivicPlus team will document your process workflow, and will work with your team to provide the following:

- System set up and user configuration
- Form development (from template library or custom)
- Apply graphics in a logo/icon and banner
- User Training



Phase Tasks

PHASE 1 - INITIATE

- Your Implementation Consultant will meet with you to initiate the project and schedule any training and consulting engagement(s) needed
- The Implementation Consultant will also create and configure your system per package specifications

PHASE 2 - DESIGN & CONFIGURE

- All deliverables identified are submitted by customer
- The Implementation Consultant will provide required system configuration, training, and consulting
- The CivicPlus design team will apply branding elements and complete CSS styling
- The content development team will develop included template (or custom) forms in your portal
- CivicPlus implementation team members will customize the technical structure and/or workflow of your system and finalize

PHASE 3 - LAUNCH

- Your new system launches to the public
- Your Implementation Consultant closes out the project



Continuing Services

Technical Support & Services

With technology, unlimited support is crucial. Our live technical support engineers based in North America are ready to answer your staff members' questions and ensure their confidence. CivicPlus' support team is available 7 a.m. – 7 p.m. CST to assist with any questions or concerns regarding the technical functionality and usage of your new solution.

CivicPlus Technical Support will provide a toll-free number as well as an online email support system for users to submit technical issues or questions. Emergency technical support is available 24/7 for designated, named points-of-contact, with members of CivicPlus' support teams available for urgent requests.

Support at a Glance

- Technical support engineers available 7 a.m. – 7 p.m. (CST) Monday – Friday (excluding holidays)
- Accessible via phone and email
- 4-hour response during normal hours
- 24/7 emergency technical support for named points of contact
- Dedicated customer success manager
- Online self-service help with the CivicPlus Help Center (civicplus.help)

CIVICPLUS HELP CENTER

CivicPlus customers have 24/7 access to our online Help Center where users can review articles, user guides, FAQs, and can get tips on best practices. Our Help Center is continually monitored and updated by our dedicated Knowledge Management Team to ensure we are providing the information and resources you need to optimize your solution. In addition, the Help Center provides our release notes to keep your staff informed of upcoming enhancements and maintenance.



AWARD-WINNING

Over the past six years, CivicPlus Technical Support has been recognized by the globally respected Stevie® Awards for Sales and Customer Service. CivicPlus has been honored with three Gold Stevie® Awards, six Silver Stevie® Awards, and eight Bronze Stevie® Awards in the categories of Front-Line Customer Service Team of the Year – Technology Industries, Customer Service Training or Coaching Program of the Year – Technology Industries, Customer Service Department of the Year – Computer Software – Up to 1,000 Employees and 100 or More Employees, Most Valuable Response by a Customer Service Team (COVID-19), Best Customer Satisfaction Strategy, Remote Customer Service

Innovation of the Year, and Achievement in Customer Experience. The Stevie Awards are the world's top honors for customer service, contact center, business development, and sales professionals.



CONTINUING PARTNERSHIP

We won't disappear after your website is launched. You'll be assigned a dedicated customer success manager. They will partner with you by providing information on best practices and how to utilize the tools of your new system to most effectively engage your residents.

MAINTENANCE

CivicPlus is responsible for the ongoing maintenance of your Process Automation solution. This includes:

- Regular review of site logs, error messages, servers, router activity, and the internet in general
- Full backups performed daily
- Regularly scheduled upgrades including fixes and other enhancements
- Operating system patches
- Testing and Development

Hosting & Security

Redundant power sources and internet access ensures consistent and stable connections. We invest over 1.0M annually to ensure we adapt to the ever-changing security landscape while providing maximum availability. CivicPlus' extensive, industry-leading process and procedures for protecting and hosting your site is unparalleled.

AMAZON S3 (AWS)

Your information and data is in secure hands with AWS in our Ohio AWS Availability Zone. Amazon S3's web service interface allows you to store and retrieve any of your data, at any time, from anywhere on the web.

It gives you access to the same highly scalable, and reliable, data storage infrastructure Amazon uses to run its own global network of websites.

You can easily manage the AWS features to organize your data and configure finely-tuned access controls to meet your specific business, organizational, and compliance requirements. Amazon S3 is designed for 99.999% of durability, and stores data for millions of applications for companies all around the world.

Amazon S3 secures your data from unauthorized access with encryption features and access management tools and allows you to block public access to all of your objects at the bucket or the account level if needed.

AROUND-THE-CLOCK PROTECTION

CivicPlus is proactive in identifying any potential system issues. Through regularly scheduled reviews of logs, error messages, servers, router activity, and the internet in general, our personnel often identify and correct issues before they ever affect our customers' solutions.



Optional Enhancements

ANNUAL PROFESSIONAL SERVICES

Get the most out of your Process Automation solution year after year. Purchase blocks of five hours of dedicated attention per year from a CivicPlus staff member who will be able to help out with items like:

- Defining business process and/or workflow for your solution
- Developing forms, either custom or working from a template
- Customizing the technical structure and/or workflow of your system
- Configuring the graphics or custom CSS styling
- Providing consulting and/or training on how to use the system for your unique situation

CUSTOM IDENTITY PROVIDER (IDP) INTEGRATION

CivicPlus offers IdP integration capabilities, which means you'll benefit from easier integration between your CivicEngage website your favorite third-party solutions. Provide single sign-on (SSO) functionality to streamline managing and supporting user credentials and identify management solutions. CivicPlus IdP partners include Microsoft's Entra ID (formerly Azure AD), Microsoft's Active Directory Federation Services (AD FS) versions 3.0, 4.0, and 5.0, and Okta.

Disclaimer

Proposal as Non-Binding Document

A successful project begins with a contract that meets the needs of both parties. This proposal is intended as a non-binding document, and the contents hereof may be superseded by an agreement for services. Its purpose is to provide information on a proposed project we believe will meet your needs based on the information available. If awarded the project, CivicPlus reserves the right to negotiate the contractual terms, obligations, covenants, and insurance requirements before a final agreement is reached. We look forward to developing a mutually beneficial contract with you.



Exhibit B - Addendum 3 - Town of Firestone



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Date:

Expires On:

Statement of Work

Q-84958-1

9/24/2024 4:07 PM

10/31/2024

Client:

Town of Firestone, CO

Bill To:

FIRESTONE TOWN, COLORADO

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Kemp Wyatt		kemp.wyatt@civicplus.com		Net 30

Discount(s)

QTY	PRODUCT NAME	DESCRIPTION	TOTAL
1.00	NextRequest Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	USD -2,697.00

One-time(s)

QTY	PRODUCT NAME	DESCRIPTION	TOTAL
1.00	NextRequest Standard Implementation	NextRequest Standard Implementation (Virtual Only)	USD 1,500.00
1.00	NextRequest Pay Implementation - Forte	Includes setting CivicPlus Pay configuration, configuring CivicPlus products for accepting payments, advanced troubleshooting with our partner's support.	USD 3,000.00

Recurring Service(s)

QTY	PRODUCT NAME	DESCRIPTION	TOTAL
1.00	NextRequest Standard	NextRequest Standard with up to 10 Admin-Publisher Users and 2TB of Storage	USD 10,788.00
1.00	NextRequest Pay Annual Fee - Forte	NextRequest Pay Annual maintenance and support fee	USD 1,500.00

List Price - Initial Term Total	USD 17,073.00
Total Investment - Initial Term	USD 14,091.00
Annual Recurring Services (Subject to Uplift)	USD 12,288.00

Initial Term	10/14/2024 - 10/13/2025, Renewal Term 10/14 each calendar year
Initial Term Invoice Schedule	70% invoiced at signing and 30% invoiced 6 months from signing or completion of implementation of Services if earlier

Renewal Procedure	Automatic 1 year renewal term, unless 60 days notice provided prior to renewal date
Annual Uplift	5% to be applied in year 2

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

Acceptance

The undersigned has read and agrees to the following Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature

CivicPlus

By (please sign):

By (please sign):

Printed Name:

Printed Name:

Title:

Title:

Date:

Date:

Organization Legal Name:

Billing Contact:

Title:

Billing Phone Number:

Billing Email:

Billing Address:

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)



Standard Package



Company Overview

CivicPlus History

CivicPlus began in 1998 when our founder, Ward Morgan, decided to focus on helping local governments work better and engage their residents through their web environment. Over the years, CivicPlus has continued to implement new technologies and merge with industry forerunners to maintain the highest standards of excellence and efficiency for our customers.



Our portfolio includes solutions for website design and hosting, parks and recreation management, emergency and mass communications, agenda and meeting management, 311 and CRM, process automation and digital services, codification, licensing and permits, web governance and ADA remediation, social media archiving, and FOIA management.

EXPERIENCE

25+ Years
10,000+ Customers
850+ Employees

RECOGNITION

Inc. 5000 11-time Honoree
GovTech 2024 Top 100 Company
Stevie® Awards Recognized with multiple, global awards for sales and customer service excellence

Our commitment to deliver the right solutions in design and development, end-user satisfaction, and secure hosting has been instrumental in making us a leader in government web technology. We are proud to have earned the trust of our over 10,000 customers and their 100,000+ administrative users. In addition, over 340 million residents engage with our solutions daily.

Primary Office

302 S. 4th Street, Suite 500
Manhattan, KS 66502
Toll Free: 888.228.2233 | Fax: 785.587.8951
civicplus.com



civicplus.com

Powering & Empowering Government

We empower municipal leaders to transform interactions between residents and government into consistently positive experiences that elevate resident satisfaction, increase revenue, and streamline operations.

Government leaders tell us that one of their most pressing needs is to improve how residents access and experience municipal services; however, they struggle with budget cutbacks and technology constraints. CivicPlus enables civic leaders to solve these problems, making consistently positive interactions between residents and government possible.

What sets us apart is our Civic Experience Platform. CivicPlus is the only government technology company exclusively committed to powering and empowering governments to efficiently operate, serve, and govern using our innovative and integrated technology solutions built and supported by former municipal leaders and award-winning support teams. With it, municipalities increase revenue and operate more efficiently while fostering trust among residents.



NextRequest at a Glance



Serious About Security

SOC 2 Type II Audit, AES-256 encryption, and more



Batch Redaction

Draft redaction, bulk redaction, and more



Experts in Record Requests

Records requests software is all we do



FOIA-Specific Customer Service

All customers assigned a Customer Support Specialists



750+ Customers

And growing fast



Customers Love Us

Check out our glowing Capterra & G2Crowd reviews

"The batch redaction tool is life-changing."

Robby Conteras, National City, CA



Standard Plan Overview

License

- Unlimited Staff Users
- Up to 10 Admin-Publisher Users
- Up to 2 TB of storage

Core Features

- Public Request Portal
- Public Reading Room
- Premier Security Package
- Email Monitoring Suite
- Email Notifications
- Automatic Reminders
- Task Assignment and Tracking
- Time Tracking

Payments

- Invoicing and Online Payments (*Approved payment processors)

Review and Redaction Features

- Redaction with Unlimited Users
- RapidReview (Batch and Draft Redaction)
- OCR (Optical Character Recognition)

IT & Compliance Features

- Retention
- Single Sign-On
- Agency Specific Portal URL
- SOC 2 Type II Audit
- CJIS Attestation Available
- HIPAA Compliance Available with BAA



Plan Details

ADMINISTRATIVE TOOLS

- Staff user roles allow controlled access to specific feature sets
- Configurable departments and related request routing
- User-configurable alerts
- User-configurable templates for responses and request closures
- Customizable tags to categorize requests

MESSAGING AND COMMUNICATION

- Private messages for internal staff communication
- Private documents facilitate internal review and redaction before release
- Email bridge that allows users to send personal messages via email without logging into the application
- Automatic email notifications for “request received,” “due soon,” “overdue,” and other actions and statuses related to a request

PUBLISHING AND PERMISSIONS

- Publish individual requests to the public or only the requester
- Control staff permissions
- Review documents internally before release
- Time-based publishing
- Publish requests
- Visibility by department

REQUEST DIVERSION

- Real-time keyword search that deflects requests by routing people to existing information online
- The ability to review and reference past requests and documents to reduce duplicates

REDACTION

- Area and text-based redaction in browser
- Auto-generates an exemption annotation
- Search-based batch redaction
- Automatically generates both redacted and original versions of your documents



**NEXTREQUEST
BY THE NUMBERS**

2M+ Requests Fulfilled
20M+ Documents Processed



DOCUMENT HOSTING

- Supports any file type, including PDF, email extracts, audio, and video
- Document viewer in application

ROUTING AND ROLES

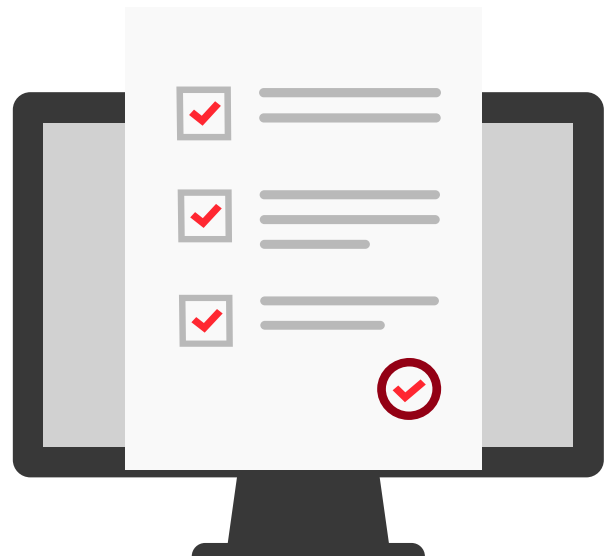
- Automatically send requests to predefined user groups or departments
- Set roles within a group or department
- Define global user abilities with roles

COST, INVOICING, AND PAYMENTS

- Time tracking and cost calculation
- Send and track invoices
- Receive payments online via credit card (PCI compliant)
- Option to create custom invoicing templates

RAPID REVIEW MODULE

- Extract PST and MSG files for review directly in the NextRequest platform
- Rapidly review documents and emails in context and create document workflows
- Redact hundreds of documents at once
- Take bulk actions on documents to release, delete, and move, all at once
- Optical character recognition (OCR) available to decipher the text on scanned documents



DRAFT REDACTION

- Autosaves redactions so you won't lose your work
- Share and collaborate on redactions before finalizing and releasing
- Leave comments on documents for internal review



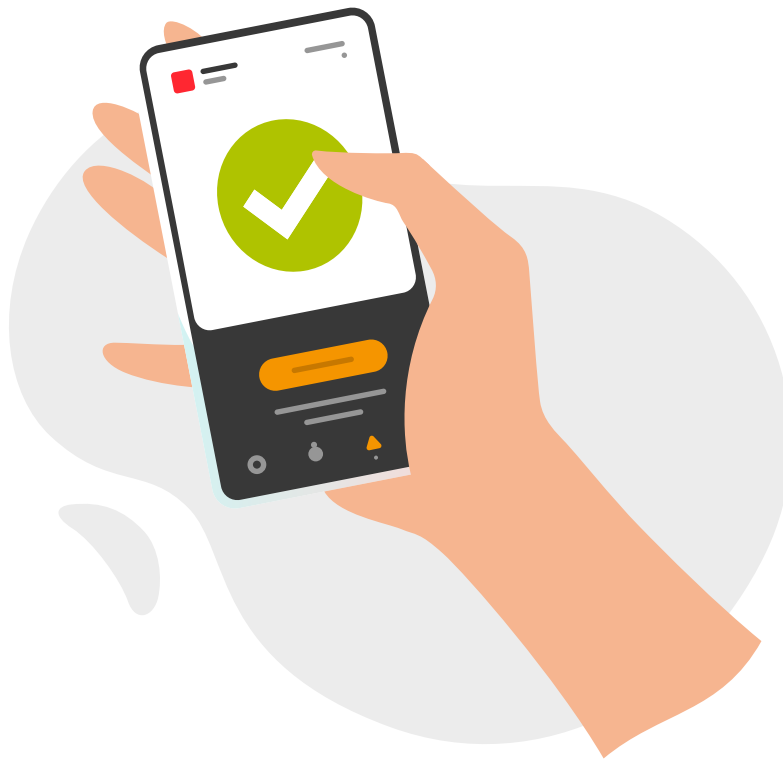
Public Access and Information

BULK DOWNLOAD

- Honor requests so requesters can download some or all documents published for their requests in two clicks

CUSTOM FORMS

- Staff can customize requester forms on the public side to select by department, requester subject, etc.
- It makes requests more accessible and easy to understand for requesters
- Saves time to get requests to the correct department or connect requester with necessary resources



Our records request software empowers organizations to collaborate remotely and asynchronously.



Implementation

Standard Plan Overview

The success of your onboarding is a priority to CivicPlus. Over the course of four stages, we'll work with you to:

Configure the portal to match your agency's process for responding to public records requests and set up agency-specific information such as:

- Users and Departments
- Message Templates
- Instructions for the Requester
- Tags

Train users on how to manage and respond to public records requests. All training is recorded, so you can rewatch and share it at any time or join any of our ongoing bi-weekly virtual training webinars.

- One Admin training with a Launch Manager for those administering the portal
- One Staff training via Webinar for staff users responding to records requests

Keys to a Successful Rollout

Designate a Primary Contact

Choosing someone who is involved in responding to public records requests frequently is ideal.



Clearly Map Out Processes

This is a vital step. Mapping out current processes as well as desired changes is the foundation of a great rollout.

Set Training Dates Early

This will help ensure maximum attendance for your Admin & Staff trainings.



Standard Project Timeline

A typical Standard NextRequest onboarding rollout takes ~8-12 weeks.

STAGE 1	Week 1	Key Stakeholders	Process Mapping: Fill out customer success plan, gather information, and add users, departments, and portal images.
	Week 2	Key Stakeholders	Kickoff Call: 30-60 minute meeting to outline the onboarding and training process as well as set a Go Live date.
STAGE 2	Weeks 2-3	Portal Admins	Gather Info for Portal: Finalize users and departments list. Update templates, alerts, tags, and custom text.
	Week 4	Portal Admins	Admin Training: 60-90 minute meeting for users who will be administering the portal and managing records requests as an Admin.
STAGE 3	Week 6	All Staff Users	Staff Training: 60 minute training for staff who will be responding to record requests within the portal. Note: This staff training is via webinar only.
	Week 7	Communication Team	Go Live: Your agency's portal is now live and available to the public.
STAGE 4	Weeks 8-12	Portal Owner(s)	Check-in Review: Compare the first month of NextRequest usage against 30-day success goals and how you are using NextRequest.

OUR PROMISE TO YOU

Our team is dedicated to giving you the best experience in customer support. If your team changes, if your process changes, or if your agency evolves we're here to help you transition and get you back on track

Continuing Services

Technical Support & Services

With technology, unlimited support is crucial. Our live technical support engineers based in North America are ready to answer your staff members' questions and ensure their confidence.

CivicPlus' support team is available

8 a.m. – 5 p.m. CST to assist with any questions or concerns regarding technical functionality and usage of your solution

CivicPlus Technical Support will provide a toll-free number, chat, and an online email support system for users to submit technical issues or questions. If the customer support specialist is unable to assist with the question or issue, the three-tier escalation process will begin to report issues to our product engineering team for resolution.

Support at a Glance

- Technical support 8 a.m. – 5 p.m. (CST) Monday – Friday (excluding holidays)
- Accessible via phone, email, and chat
- 4-hour response during normal hours
- Dedicated customer success manager
- Online self-service help with the CivicPlus Help Center (civicplus.help)



AWARD-WINNING

CivicPlus has been honored with two Gold Stevie® Awards, three Silver Stevie® Awards, and seven Bronze Stevie® Awards. The Stevie Awards are the world's top honors for customer service, contact center, business development, and sales professionals.

CIVICPLUS HELP CENTER

CivicPlus customers have 24/7 access to our online Help Center where users can review articles, user guides, FAQs, and can get tips on best practices. Our Help Center is continually monitored and updated by our dedicated Knowledge Management Team to ensure we are providing the information and resources you need to optimize your solution. In addition, the Help Center provides our release notes to keep your staff informed of upcoming enhancements and maintenance.

CONTINUING PARTNERSHIP

We won't disappear after your website is launched. You'll be assigned a dedicated customer success manager who will partner with you by providing information on best practices and how to utilize the tools of your new system to most effectively engage your residents.

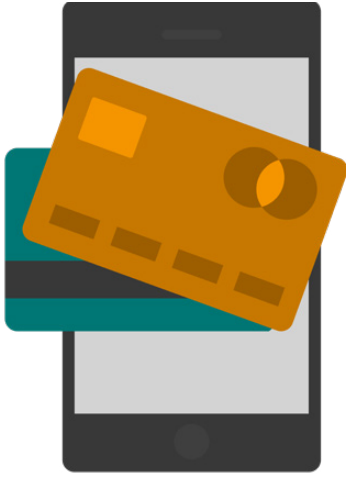


Hosting & Security

Infrastructure	Application Security – NextRequest servers and databases are hosted on Amazon Web Services. All data is hosted in the United states. Storage Security – Customer image assets and documents are stored in Amazon S3. Backups – Your data is backed up daily, weekly, and monthly. Redundancy – We maintain redundancy to prevent single points of failure, are able to replace failed components, and utilize multiple data centers designed for resiliency. Disaster Recovery – We have a step-by-step plan in place to take precautions and minimize the effects of a disaster.
Compliance	SOC 2 Type II Audit – NextRequest has successfully completed a SOC 2 Type II audit. CJIS – NextRequest enables agency Criminal Justice Information Services (CJIS) compliance by mapping features and the organization to CJIS security controls. Encryption – All data is encrypted at rest using AES-256 and in transit using TLS v1 .2. Documents can only be accessed through a valid token that expires. For data, we encrypt in transit using TLS 1.2 and AES-256 at rest. Codebase – The NextRequest codebase is built on the latest version of Ruby and Ruby on Rails. Changes are made to repositories via GitHub Pull Requests (PRs). HTTPS & SSL – All web requests between web clients and NextRequest are secured by TLS version 1.2. Monitoring – Standard application logs are collected daily and weekly. Individual user access is logged within the application and kept in application logs. System status reports are available 24/7 here: https://bit.ly/2YGxbhZ Security Updates – NextRequest’s architecture allows security updates to be made to all customers in real-time, preventing delays in the patching of security vulnerabilities. Data Destruction – At the request of a customer, we will expunge all customer data from NextRequest servers.
Additional Information	Updates & Patches – NextRequest uses a software-as-a-service (SaaS) delivery model. This means customers are always using the most up-to-date version of the application and don’t have to wait for new releases, including security updates. Development is conducted on a 2-week cycle. Single Sign-On (SSO) – NextRequest can add SSO integrations including Active Directory and OAuth to improve password security and access controls across the enterprise organization. Data Exports – Your agency can export your NextRequest data at any time. If you were to leave NextRequest in the future, we can provide a data dump for you. Password Standards – We enforce strong passwords based on the NIST 800-63B guidelines. Browser Compatibility – NextRequest is optimized for Chrome but works with IE11 and up and other modern web browsers.



Optional Add-Ons



Credit Card Processing

CivicPlus Pay (Pay) is our integrated, secure, PCI-compliant, utility application. Local governments can use Pay within many of our solutions to enable seamless payment capabilities.

Pay acts as the connector to facilitate a transaction between the CivicPlus solution and the selected payment gateway. Pay offers integrations with several common payment gateways to provide flexible payment solutions. CivicPlus has partnered with several integrated gateways to enhance the customer experience through a streamlined relationship between the CivicPlus solution and the gateway that processes the payments.

If you utilize a partner payment gateway, CivicPlus can assist with the facilitation, set-up, support, and troubleshooting services. Pay can also integrate with many other supported gateway providers in addition to our partner network, in a more limited fashion, to assist you in developing a successful system. Additional details on our approved partner network and other supported gateway providers are available upon request.

To utilize any of the approved gateways, an agreement will need to be executed directly between you and the vendor, that will assess separate merchant account and transaction fees. Additional information can be provided upon request.

Because EMV and Card-Swipe devices are encrypted specifically for individual payment gateways, you'll need to procure any required devices directly from your selected gateway provider for either purchase or rent. We are happy to assist in your procurement of such devices.

Risk Module

- Personally Identifiable Information, like full names, phone numbers, SSNs, mailing addresses, passport numbers, and much more
- Credentials, including many common API and encryption keys
- Financial Information, like credit card and bank account numbers
- Personal Health Information, including identification numbers associated with health insurance, prescription drugs, and medical devices
- An extra layer of security to help keep track of how many documents have been reviewed and understand their 'Risk Level' on a scale from Low to High, based on the information identified



Disclaimer

Proposal as Non-Binding Document

A successful project begins with a contract that meets the needs of both parties. This proposal is intended as a non-binding document, and the contents hereof may be superseded by an agreement for services. Its purpose is to provide information on a proposed project we believe will meet your needs based on the information available. If awarded the project, CivicPlus reserves the right to negotiate the contractual terms, obligations, covenants, and insurance requirements before a final agreement is reached. We look forward to developing a mutually beneficial contract with you.



**AGENDA INFORMATION
MEMORANDUM**

FIRESTONE BOARD OF TRUSTEES



AIM No.: 6.a

Presentation

Meeting Date: November 13, 2024

Initiated By:

Department: Town Clerk

AGENDA ITEM

Presentation of Check to Santa Cops

RECOMMENDATION

SUMMARY

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
N/A

ATTACHMENTS

None

AGENDA INFORMATION MEMORANDUM

FIRESTONE BOARD OF TRUSTEES



AIM No.: 7.a

Discussion/Action

Meeting Date: November 13, 2024

Initiated By: David Angelo

Department: Police

AGENDA ITEM

PUBLIC HEARING: Ordinance 1055: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, REPEALING AND REENACTING AS AMENDED IN ITS ENTIRETY CHAPTER 10.04 OF THE FIRESTONE MUNICIPAL CODE REGARDING THE ADOPTION OF THE 2024 MODEL TRAFFIC CODE FOR COLORADO.

RECOMMENDATION

Approval of Ordinance 1055

SUMMARY

This ordinance is to adopt the 2024 Model Traffic Code for Colorado by reference, with local amendments, which necessitates a public hearing as required by state law. In accordance with this requirement, the Town has published two hearing notices in the Longmont Times call on October 11, 2024, and November 1, 2024. The Town currently operates under the 2020 Model Traffic Code, which was the last published edition prior to 2024. Under state law, local governments are permitted to adopt the Model Traffic Code by reference.

The Model Traffic Code for Colorado is a comprehensive set of uniform traffic regulations developed through collaboration between state and local governments. Its purpose is to establish consistent policies for road rules statewide. The most recent update to the code was issued by the Colorado Department of Transportation (CDOT) on April 26, 2024.

FINANCIAL CONSIDERATIONS

None

HISTORY AND PREVIOUS BOARD ACTION

The Board of Trustees adopted Ordinance No. 1008 on April 27th, 2022, formally adopting the 2020 Model Traffic Code of Colorado.

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
 - Maintain a Safe, Clean & Beautiful Town

ATTACHMENTS

1. Ord 1055 Firestone Model Traffic Code 2024
2. 2024 Model Traffic Code for Colorado

ORDINANCE NO. 1055

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO, REPEALING AND REENACTING AS AMENDED IN ITS ENTIRETY CHAPTER 10.04 OF THE FIRESTONE MUNICIPAL CODE REGARDING ADOPTION OF THE 2024 MODEL TRAFFIC CODE FOR COLORADO

WHEREAS, since 1952, the Colorado Department of Transportation (“CDOT”) has published and regularly updated a Model Traffic Code for Colorado, which is modeled after the applicable state statutes and adopted by municipalities to ensure the uniformity and standardization of traffic regulations throughout the state; and

WHEREAS, the Town of Firestone (“Town”) by Ordinance No. 1008 adopted the 2020 Model Traffic Code for Colorado, which was the last edition; and

WHEREAS, CDOT has now published 2024 Model Traffic Code for Colorado which the Town desires to adopt by reference with local amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO, AS FOLLOWS:

Section 1. Chapter 10.04 Model Traffic Code of the Firestone Municipal Code, is repealed in its entirety and reenacted to provide as follows:

Sec. 10.04.010 - Adoption.

The 2024 Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation, Traffic Engineering Branch and Safety, 2829 West Howard Place, Denver, Colorado, 80204, including Appendices Definitions but excluding Appendix A, B, C, D, F & G, Part 17, Penalties and Procedure, and Part 18 Vehicles Abandoned on Public Property in their entirety, is hereby adopted by reference as the Model Traffic Code for the Town of Firestone as if fully set out in this codification with, however, the amendments set forth in this chapter.

Sec. 10.04.020 - Scope and effect of Model Traffic Code—Exceptions to provisions.

Section 103(2) and 103(2)(b) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (2) The provisions of this code relating to the operation of vehicles and the movement of pedestrians shall apply to every street, alley, sidewalk, driveway, park and to every other public way or public place or public parking area within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate except:
 - (b) Sections 1401, 1402 and 1413 of this code pertaining to reckless driving, careless driving and eluding a police officer shall apply to all land, areas, and property (including private) within or outside the corporate limits of the town, the use of which the town has jurisdiction and the authority to regulate.

Sec. 10.04.030. - Section 103, Scope and effect of Model Traffic Code—Exceptions to provisions.

Sections 103(3) and (4) of the Model Traffic Code are enacted to provide:

- (3) All references in this code to "official sign(s)," "official signal(s)," "official traffic control device(s)," "official device(s)," or "official marking(s)," shall be construed to refer to any and all signs, signals, devices or markings that have been placed on or about roadways, highways and other public property within the town by authority of the town, or other proper governmental official or agency, whether or not the town or such other proper governmental official or agency exercised such authority by resolution or ordinance. It is the intent of this section that the "official" nature of any sign, signal, device or marking not be construed to be an element of any traffic offense or other provision or violation of this code. Any and all references in this code to acts of a municipality "by resolution," "by ordinance," or "by local ordinance," and any requirement within this code that a municipality act "by resolution," "by ordinance," or "by local ordinance," shall be repealed and to have been construed only to guide administrative action and not as an element of any traffic offense, penalty or violation of this code.
- (4) All provisions in this code establishing offenses as a Class A or B traffic infraction or Class 1 or 2 misdemeanor offense and establishing fines and other sentencing conditions in relation to such offenses, shall be repealed in their entirety, it being the intent that any violation of this code be subject to the city's general penalty provision as set forth in Section 1.16.010 of the Firestone Municipal Code. To the extent any notice or other procedures set forth in the Model Traffic Code conflicts with the requirements or procedures set forth in the Firestone Municipal Code the Municipal Code shall prevail.

Sec. 10.04.040. - Section 104, Adoption of Traffic control manual of the Model Traffic Code

Section 104 of the Model Traffic Code is repealed in its entirety, reenacted and re-titled Authority of police personnel to provide:

- (a) It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all traffic regulations of the town and all state laws applicable to the town.
- (b) Officers of the police department, or such special officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with state traffic laws and this code; provided that, in the event of fire or emergency, or to expedite traffic or protect pedestrians, officers of the department, and other special officers as are assigned by the chief of police, may direct traffic as conditions may require notwithstanding the provisions of the state traffic laws or this code.

Sec. 10.04.050.- Section 106. Who may restrict right of way to highways

Section 106(1) of the Model Traffic Code is amended by deleting the phrase "or ordinance" "or resolution" and "for a total period not to exceed ninety days in any one calendar year" in their entirety.

Section 106(2) of the Model Traffic Code is amended to provide: Signs designating the permissible weights shall be erected and maintained.

Section 106(4.5)(b)(I) and (II) of the Model Traffic Code are repealed in their entirety.

Section 106(6)(a) of the Model Traffic Code is amended by deleting the phrase “as evidenced by resolution or ordinance”

Sec. 10.04.060. - Section 114, Removal of traffic hazards.

Section 114(4) of the Model Traffic Code is enacted to provide:

If the town is not reimbursed within forty-five days after the property owner has been provided a demand for payment, the amount due shall become a lien against the property and certified by the town's finance director and recorded with the office of the Weld County Treasurer. Such lien shall have priority over all other liens except general taxes. The Weld County Treasurer shall collect and pay over to the town such charges in the same manner as the Treasurer is authorized to collect delinquent general property taxes.

Sec. 10.04.070. - Section 115, Traffic engineer.

Section 115 of the Model Traffic Code is enacted to provide:

- (a) The office of the traffic engineer is hereby established. The traffic engineer shall be the director of engineering and utilities or the director's authorized representative and shall exercise the power and duties provided in this code. The director of engineering and utilities shall be directly responsible to the town manager for the performance of the duties and responsibilities of the traffic engineer.
- (1) In the absence of such appointment or at such times as the traffic engineer may be absent from the municipality or unable to perform their duties, said duties shall be vested in the chief of police or other town employee as may be designated by the town manager.
- (b) It shall be the duty of the traffic engineer or the official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the town, and to cooperate with other town offices in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this code.
- (1) By way of example, but not of limitation, the traffic engineer or the official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this code, to act as follows:
 - (i) Install, maintain, and remove traffic control devices.
 - (ii) Designate and mark medians and traffic islands.
 - (iii) Conduct speed limit surveys and investigations.
 - (iv) Designate maximum speed limits throughout the town and post said limits as provided in this code.

- (v) Designate minimum speed limits as provided by this code.
- (vi) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals as provided by this code.
- (vii) Designate one-way streets or roadways.
- (viii) Designate through streets or roadways and control entrances thereto.
- (ix) Designate stop or yield intersections and erect stop or yield signs thereto.
- (x) Establish restrictions, prohibitions and regulations for the parking, standing, or stopping of vehicles.
- (xi) Designate special parking zones for transit providers, press, television, radio cars, and the like.
- (xii) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation.
- (xiii) Establish tow-away zones.
- (xiv) Designate upon what streets, if any, angle parking shall be permitted.
- (xv) Designate and sign intersections at which drivers shall not make a right or left turn, a U turn, or any turn at all times or during certain times.
- (xvi) Designate and sign intersections where multiple turns shall be allowed:
- (xvii) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic.
- (xviii) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway.
- (xix) Establish safety zones at such places where necessary for pedestrian protection.
- (xx) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted.
- (xxi) Establish truck routes and truck loading zones; establish bus stops and taxicab stands.
- (xxii) Designate and sign those streets and roadways where pedestrians, bicyclists or other non-motorized vehicles, or persons operating a motor-driven cycle shall be excluded as provided by law.
- (xxiii) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited.
- (xxiv) Provide for temporary street or alley closures by the erection of barricades.
- (xxv) Issue special permits for curb loading operations, for the movement of vehicles having excess size or width, for parades or processions, and
- (xxvi) Perform such other duties as may be assigned to the traffic engineer by the town manager consistent with the provisions of this code.

Sec. 10.04.080. - Section 119, Driving under restraint.

Section 119 of the Model Traffic Code is enacted to provide:

- (1) It is unlawful for any person to drive a motor vehicle or off-highway vehicle upon any roadway or highway with knowledge that the person's license or privilege to drive, either as a resident or a non-resident, is under restraint for any reason.
- (2) For the purposes of this section "knowledge" means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be

aware that such person's license or privilege to drive was under restraint. "Knowledge" does not mean knowledge of a particular restraint or knowledge of the duration of the restraint.

- (3) "Restraint" or "restrained" means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in this state or another state.
- (4) Prima facie evidence of restraint may be established by certification that a notice was mailed by first class-mail pursuant to C.R.S. 42-1-119(2) to the last know address of the defendant, or by delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

Sec. 10.04.090. - Section 203, Unsafe vehicles—Spot inspections.

Section 203(3) and (4) of the Model Traffic Code are repealed in their entirety.

Sec. 10.04.100 - Section 225, Mufflers—Prevention of noise.

Section 225(3) of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.110. - Section 235, Minimum standards for commercial vehicles—Spot inspections.

Section 235, Minimum standards for commercial vehicles – spot inspections, of the Model Traffic Code, is repealed in its entirety and reenacted to provide:

- (1) A police officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer may inspect the vehicle and all required documents for compliance with the current rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."
- (2) A police officer may immobilize, impound, or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the current rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."

Sec. 10.04.120. - Section 237, Safety belt systems—Mandatory use—Exemptions penalty.

Section 237(4) (a) of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.130. - Section 239, Misuse of wireless telephone—Definitions—Penalty preemption.

Section 239(2), (5) and (5.5) of the Model Traffic Code are amended and or deleted to provide:

- (2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (4) of this section.

(5) (Deleted)

(5.5) (Deleted)

Sec. 10.04.140. - Section 243, Nuisance exhibition of motor vehicle exhaust prohibited.

Section 243 of the Model Traffic Code is enacted to provide:

- (1) (a) It shall be unlawful for any person to engage in a nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle with a gross vehicle weight rating of fourteen thousand pounds or less into the air and onto roadways, other motor vehicles, bicyclists, or pedestrians, in a manner that obstructs or obscures another person's view of the roadway, other users of the roadway, or a traffic control device or otherwise creates a hazard to a driver, bicyclist, or pedestrian.
- (b) The prohibition set forth in subsection (1)(a) of this section does not apply to:
 1. A commercial vehicle, as defined in Appendices Definitions (17.5).
 2. A common carrier, as defined in C.R.S. Section 40-1-102(3)(a)(I).
 3. A motor carrier, as defined in C.R.S. Section 40-10.1-101(10).
 4. A motor carrier of passengers permitted pursuant to C.R.S. Section 40-10.1-302.
 5. A motor carrier of towed motor vehicles permitted pursuant to C.R.S. Section 40-10.1-401.
 6. A motor carrier of household goods, permitted pursuant to C.R.S. Section 40-10.1-502.
 7. A motor vehicle used for agricultural purposes; or
 8. Any other vehicle used for commercial activities.

Sec. 10.04.150- Section 244, License plates.

Section 244 of the Model Traffic Code is enacted to provide:

- (1) License plate required. It shall be unlawful for any person to drive, stop or park or for the owner or person in charge of any vehicle to cause or knowingly permit such vehicle to be driven, stopped or parked on any street or highway within the town or any property owned by the town, any vehicle that has been issued a license plate or plates pursuant to Colorado law, unless the vehicle's license plate or plates for the current registration year are properly attached to and displayed on the vehicle in accordance with Colorado law.
- (2) For the purposes of this section "license plate" includes standardized plates, personalized plates, special plates, military plates and all other plates both permanent and temporary issued pursuant to Colorado law.

Sec. 10.04.160. - Section 501, Size and weight violations-penalty.

Section 501 of the Model Traffic Code is amended by addition of the following:

Notwithstanding any provision of this code to the contrary, when official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the

amounts specified on such signs at any time upon any of the streets or parts thereof or upon any of the bridges or viaducts posted as heretofore provided.

Sec. 10.04.160 - Section 510, Permits for excess size and weight and for manufactured homes—Rules.

Section 510(b)(1) of the Model Traffic Code is amended by deleting the phrase, "All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions. Any ordinances or resolutions of local authorities shall not conflict with this section."

Section 510(11), (12) of the Model Traffic Code are repealed in their entirety and (12) reenacted to provide:

(12) Local authorities may by resolution impose annual permit, single trip permits and overlength, over width and over height permit fees.

Sec.10.04.170. Section 511, Permit standards -state and local of the Model Traffic Code is repealed in its entirety.

Sec.10.04.180. Section 614, Designation of highway maintenance, repair, or construction zones-signs-increase in penalties for speeding violations of the Model Traffic Code is amended by deleting the second sentence of (1)(b) in its entirety and reenacting it to provide:

(b) Penalties for any person who commits a violation of Sec 1101 Speed limits in a construction zone shall be doubled.

Sec. 10.04.190. Section 615, School zones, increase in penalties for moving traffic violations of the Model Traffic Code is amended by deleting section (1) in its entirety and reenacting it to provide:

(1)Penalties for any person who commits a violation of Sec 1101 Speed limits in a school zone shall be doubled.

Sec. 10.04.180. Section 617, Steep downhill grade zones -increase and penalties and surcharges for speeding violations -definitions of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.190. Section 714, Bicyclist or other authorized user in the bicycle lane

Section 714(2)(b)(I) and (II) of the Model Traffic Code are amended by deleting the phrase "and shall be punished as described in section 42-1-1402(2)(b)"and adding sub-section (3) to provide:

(3) For the purposes of this section "bicycle lane" means a portion of the roadway that has been designated by striping, signage, or other pavement markings for the exclusive use of bicyclists or other authorized users of bicycle lanes. Bicycle lane

includes an intersection if the bicycle lane is marked on opposite sides of the intersection.

Sec. 10.04.200. - Section 805, Pedestrians walking or traveling in a wheelchair on highways.

Section 805(5) of the Model Traffic Code is repealed in its entirety and reenacted to provide:

Local authorities may regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 110 and 111 but no regulation differing from this section shall be effective until official signs or devices giving notice thereof have been placed at such location.

Sec. 10.04.210 - Section 901, Required position and method of turning.

Section 901(a) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (a) *Right turns.* Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. Unless double turn lanes are clearly marked by official signs, it shall be unlawful for the driver of a vehicle to make a right turn into any traffic lane other than the right-most lane of traffic of the road onto which the turn is made.
- (b) *Left turns.* The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Unless double turn lanes are clearly marked by official signs, it shall be unlawful for the driver of a vehicle to make a left turn into any traffic lane other than the left-most lane of traffic lawfully available to traffic moving in the direction of travel of such vehicle.

Sec. 10.04.220. - Section 1101, Speed limits.

Section 1101(1) of the Model Traffic Code is amended by deleting the phrase "is reasonable and prudent under the conditions then existing" and replacing with the phrase "the maximum lawful speed limit."

Section 1101(2)(b), (c) and (d) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (b) Twenty-five miles per hour in any business district as set forth in Title 17 of the Firestone Municipal Code;
- (c) Twenty-five miles per hour in any residential district as set forth in Title 17 of the Firestone Municipal Code;
- (d) Fifteen miles per hour in any alley.

Section 1101(4) of the Model Traffic Code is repealed in its entirety.

Section 1101(5) of the Model Traffic Code is amended by deleting the phrase "alleged reasonable and prudent speed" and replacing it with the phrase "maximum lawful speed limit."

Sec. 10.04.230. - Section 1102, Altering of speed limits—when.

Section 1102(1) and (2) and (3) of the Model Traffic Code are amended by deleting the phrases "is reasonable or safe" and replacing it with the phrase "the maximum lawful speed limit" and deleting the phrases "a reasonable and safe" and replacing it with the phrase "the maximum lawful."

Section 1102(6) of the Model Traffic Code is amended by deleting the phrase "by ordinance, or a county by resolution of the board of county commissioners" and adding the phrase "apartment complex, condominium complex or townhouse complex" after the phrase "in mobile home parks" in the section's first sentence.

Sec. 10.04.240. - Section 1203, Ski areas to install signs.

Section 1203 of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.250. - Section 1204, Stopping, standing or parking prohibited in specified places.

Section 1204(8) of the Model Traffic Code is repealed in its entirety and enacted to provide:

No person shall stop, stand or park any vehicle upon any private property without the consent of the owner, lessee or person in possession of such property.

Sec. 10.04.260. - Section 1209, Owner liability for parking violations.

Section 1209 of the Model Traffic Code is amended by the addition of the following:

In any prosecution charging a violation of any provision of this Part 12 governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute an evidentiary prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the location where, and for the time during which, such violation occurred.

Sec. 10.04.270. - Section 1210, Designated areas on private property for authorized vehicles within unincorporated areas of a county.

Section 1210 of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.280. - Section 1213, Parking in electric motor vehicle charging station.

Section 1213(1)(a) of the Model Traffic Code is amended by deleting the phrase "or the equivalent local ordinance," as used throughout this subsection.

Sec. 10.04.290. - Section 1301, Open alcohol beverage container in motor vehicle prohibited.

Section 1301 of the Model Traffic Code is enacted to provide:

- (1) *Definitions.* As used in this section, the following words and phrases shall mean as set forth below, unless otherwise specified:
 - (a) "Alcohol beverage" means a beverage as defined in C.R.S. 44-3-103(2).
 - (b) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - (c) "Open alcohol beverage container" means a bottle, can, or other receptacle that contains any amount of an alcohol beverage, and:
 - (I) That is open or has a broken seal; or
 - (II) The contents of which are partially removed.
 - (d) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating position, including, but not limited to, the glove compartment.
- (2) (a) Except as otherwise permitted in paragraph (b) of this subsection (2), a person while in the passenger area of a motor vehicle that is on a public roadway or highway of this state or the right-of-way of a public roadway or highway of this state may not knowingly:
 - (I) Drink an alcohol beverage; or
 - (II) Have in their possession an open alcohol beverage container.
 (b) The provisions of this subsection (2) shall not apply to:
 - (I) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;
 - (II) The possession by a passenger, other than the driver or a front seat passenger, of an open alcohol beverage container in the living quarters of a motor home or trailer coach as defined in Appendices, Definitions, (57) (106)(a) ;
 - (III) The possession of an open alcohol beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
 - (IV) The possession of an open alcohol beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

Sec. 10.04.300. - Section 1302, Open marijuana container – motor vehicle prohibited.

Section 1302 of the Model Traffic Code is enacted to provide:

- (1) *Definitions.* As used in this section, the following words and phrases shall mean as set forth below unless otherwise specified.
 - (a) *Marijuana* means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant, which is incapable of germination, or the

- weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.
- (b) *Motor vehicle* shall mean a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - (c) *Motor home* means a vehicle designed to provide temporary living quarters and which is built into an integral part of, or a permanent attachment to, a motor vehicle chassis or van.
 - (d) *Open marijuana container* means a receptacle or marijuana accessory that contains any amount of marijuana and:
 - 1. that is open or has a broken seal;
 - 2. The contents of which is partially removed; and
 - 3. there is evidence that marijuana has been consumed within the motor vehicle.
 - (e) *Passenger area* means the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating position, including but not limited to the glove compartment.
 - (f) *Trailer coach* means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.
- (2) Except as otherwise permitted under this section, a person, while in the passenger area of a motor vehicle that is on a public street or roadway, or the right-of-way of a public street or roadway may not knowingly:
- (a) Use or consume marijuana; or
 - (b) Have in their possession an open marijuana container.
- (3) The provisions of this section shall not apply to:
- (a) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or passengers within a state and locally licensed mobile marijuana hospitality establishment;
 - (b) The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a motor home, or trailer coach;
 - (c) The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
 - (d) The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

Sec. 10.04.310. - Section 1409, Compulsory insurance – penalty – legislative intent.

Section 1409(4) and (9) of the Model Traffic Code are deleted in their entirety.

Sec. 10.04.320- Section 1413, Eluding or attempting to elude a police officer.

Section 1413 the Model Traffic Code is enacted to provide:

Any operator of a motor vehicle who an officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases their speed or extinguishes their lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a traffic offense.

Sec. 10.04.330. - Section 1417, Regulation of traffic across private property.

Section 1417 of the Model Traffic Code is enacted to provide:

- (a) It is unlawful for any person to drive a motor vehicle from a public highway or roadway or any public way of this city over, across or through any private property to avoid traffic control signals or traffic control devices or as a route or shortcut from one public highway or roadway or any public way to another.
- (b) As used in this section, "private property" includes, but is not limited to, any property not designated as a public roadway, highway, street or public way, alley, right-of-way or easement.
- (c) It is an affirmative defense to a charge of violation of this section that the person charged is the owner of the property or the owner of a leasehold, possessory interest or easement in or to the property through or across which the motor vehicle is driven.

Sec. 10.04.340- Section 1418, Drivers license required

Section 1418 of the Model Traffic Code is enacted to provide:

- (1) Except as otherwise provided in C.R.S. 42-4-401 et seq., for commercial drivers, no person shall drive any motor vehicle upon any roadway unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by the State's Department of Revenue.
- (2) No person shall drive any motor vehicle upon a highway if such person's driver's or minor driver's license has been expired for one year or less and such person has not been issued another such license by the State's Department of Revenue or by another state or country subsequent to such expiration.
- (3) No person shall drive any motor vehicle upon a highway unless such person has in their immediate possession a current driver's or minor driver's license or an instruction permit issued by the State's Department of Revenue.
- (4) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a highway for which such person has not been issued the correct type or general class of license or permit.

- (5) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a highway without having such license or permit in such person's immediate possession.
- (6) A charge of a violation of subsection (2) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license.
- (7) A charge of a violation of subsection (5) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid license or permit issued to such person or an officially issued duplicate thereof if the original is lost, stolen or destroyed.
- (8) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 - (a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweighs the desirability of avoiding the injury sought to be prevented by this section or;
 - (b) The person is exempt from the requirements of a valid driver's license as set forth in C.R.S. 4-2-102.
- (9) The issue of justification or exemption is an affirmative defense. As used in this subsection (9), "affirmative defense" means that, unless the town's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence of that issue. If the issue involved in an affirmative defense is raised, then the ability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the traffic infraction.

Sec. 10.04.350. – Appendices – Definitions.

Appendices – Definitions of the Model Traffic Code is amended by deletion of the following definitions.

- (11) Business district
- (80) Residence district

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declare it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Violations of this ordinance shall be punishable in accordance with Section 1.16.010 of the Municipal Code of the Town of Firestone, Colorado, which reads in its entirety as follows:

A. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person, at least ten years of age but not yet eighteen years of age, who violates any of the provisions of the ordinances of the Town, shall be punished by a fine not exceeding, at the time of the commission of the offense, the maximum fine established by the state for municipal ordinance violations.

B. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person eighteen years of age or older at the time of the violation, who violates any of the provisions of the ordinances of the Town, shall be punished by a fine not exceeding, at the time of the commission of the offense, the maximum fine established by the state for municipal ordinance violations or by imprisonment not to exceed 364 days, or both such fine and imprisonment.

C. Any person convicted of a violation of the Model Traffic Code as adopted by the Town shall be punished by a fine not exceeding the maximum amount established by the state for municipal ordinance violations except that any person convicted of the offenses of Model Traffic Code Sec. 1101, speeding more than twenty-four miles over the maximum permissible speed, Model Traffic Code Sec. 1105, speed contest, Model Traffic Code Sec. 1401 reckless driving, Model Traffic Code Sec. 1413, eluding or attempting to elude a peace officer or Model Traffic Code Sec. 1409, compulsory insurance shall be subject to imprisonment not to exceed 364 days or both such fine and imprisonment.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Firestone, Colorado, is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED AND PASSED AND APPROVED on first reading the 25th day of **September**, 2024 and ordered published.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THE _____ DAY OF _____ 2024.

TOWN OF FIRESTONE, COLORADO

Don Conyac Jr, Mayor

ATTEST:

APPROVED AS TO FORM:

Miriam Luna Gonzalez, Town Clerk

William P. Hayashi, Town Attorney

Model Traffic Code for Colorado

Originally adopted in 1952. Subsequently revised in 1962, 1966,
1970, 1973, 1974, 1977, 1995, 2003, 2009, 2010, 2020, and 2024



Colorado Department of Transportation

State of Colorado

How to Read Statutes

Many statutes are straightforward while others can be more complicated. Cross-references, dependent subdivisions, and exceptions to a statute's application can make the meaning difficult to follow. The [Texas Legislative Council Guidance for Reading Statutes](#) has been provided to assist the reader with general document comprehension.

Read the Entire Heading.

The heading establishes how the section fits into the organization of the entire code.

Review the Context of the Statute.

The statute should be thought of as a unit of law that is part of a series of units of law. The reader shall scan the contents to see what sections precede and follow the section they are reading. If there is a short title section the reader shall review it (typically at the beginning of the chapter or subchapter).

Key Verbs	Meaning
Shall	A duty imposed on a person or entity
May	A privilege or discretionary power
Must	A condition or a prerequisite
Is entitled to	A right, as opposed to a discretionary power
Shall not / May not	A prohibition

Focus on Organization and Format.

The reader shall assume everything in the statute has meaning, including punctuation and format; therefore, pay close attention for breaks in the statute text.

Identify Statute Exceptions.

Exceptions are identified by keywords such as "certain," "only," "under," "over," "more than," "less than," "if," and "unless." "And" or "or" connecting a final element to the rest of a series often indicates whether all or only one of the elements of the series are needed to satisfy conditions set by the statute.

Do Not Skip Unfamiliar Words.

Do not rely solely on common meanings for words that are unclear or unfamiliar. Instead use statutory context and definitions to determine the precise meaning. For example, "person" may differ from its everyday meaning.

Thoroughly Read All Cross-Referenced Sections.

Legislative drafters use cross-references to other statutory provisions and avoid text repetition. When a cross-reference covers an entire chapter or subchapter, review its table of contents and definitions section to understand the context.

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Why a Model Traffic Code?

Forward

Because of the significant mobility of today's traffic and the influx of motorists from many areas, every driver has a right to expect the rules governing the movement of vehicles and pedestrians on streets and highways are clearly defined and reasonably uniform throughout the state and the nation.

The General Assembly of the State of Colorado has recognized that conflicts between the state's traffic laws and municipal traffic ordinances lead to inconsistencies in the movement of traffic and has strengthened the requirements for uniformity of traffic regulations in the following terms:

"This article constitutes the uniform traffic code throughout the state and in all political subdivisions and municipalities therein". (Source: 42-4-110(1))

"All local authorities may, in the manner prescribed in article 16 of title 31, or in article 15 of title 30, adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such other additional regulations as are provided for in section 42-4-111; except that, in the case of state highways, any such additional regulations shall have the approval of the department of transportation". (Source: 42-4-110(1)(b))

"No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 42-4-603(2)." (Source: 42-4-110(1)(c))

These provisions leave little doubt that the basic driving rules are expected to be uniform statewide for the protection of Colorado drivers and pedestrians. If state laws and local government traffic codes are to serve their purpose they must complement one another and be given the widest possible publicity as companion documents.

The National Committee on Uniform Traffic Laws and Ordinances points out that it is not the proper purpose of traffic legislation to impose unnecessary or unreasonable restrictions on street or highway traffic, but to ensure, as far as this can be done by law and its enforcement, that traffic shall move smoothly, efficiently and safely; that no legitimate user of the street or highway, whether in a vehicle or on foot, shall be killed, injured or frustrated in such use by the improper behavior of others.

Through the cooperative efforts of both state and local governments, the "Model Traffic Code for Colorado" has been developed to make available a specimen set of motor vehicle and traffic regulations that track state law.

Section 42-4-105, states that all traffic control devices placed or maintained by local authorities shall conform to the most recent edition of the federal "Manual on Uniform Traffic Control Devices" (MUTCD) and the state supplement thereto.

Traffic regulatory areas preempted by state law have not been made part of the Code. Local governments are urged to bring their traffic ordinances into harmony with the current Code.

Local governments that adopt the Code by reference are cautioned not to make any changes or additions which are in conflict with state law. However, the adopting local governments are at liberty to delete any parts, articles, or sections which are deemed to be inapplicable. A specimen ordinance and specimen public notices for adopting the Code by reference will be found in the Appendix.

The following official state documents work in tandem to provide a uniform system of traffic regulation and accepted traffic engineering practices for greater operational efficiency and safety:

- Colorado Revised Statutes (C.R.S.), Title 42, Article 4 - Uniform traffic code for the State of Colorado. Updated periodically to correlate with national model legislation.
- Model Traffic Code for Colorado - Model ordinance embodies provisions of Colorado Law applicable to driving in municipalities and counties in a form that can be adopted by reference.
- Colorado Drivers Manual - Drivers' handbooks authorized by Colorado statute. Issued by the Colorado Department of Revenue (Division of Motor Vehicles). Traffic control text and illustrations developed by the Colorado Department of Transportation.
- Manual on Uniform Traffic Control Devices (MUTCD) - Manual of Federal Highway Administration approved traffic control devices. Updated periodically and adopted by the Transportation Commission as required by Colorado Law.

Part 1

Traffic Regulation - Generally

101. Short title.

102. Legislative declaration.

103. Scope and effect of Code - exceptions to provisions.

(1) This Code constitutes the model traffic code throughout this jurisdiction.

(2) The provisions of this Code relating to the operation of vehicles and the movement of pedestrians refer exclusively to the use of streets and highways except:

(a) Where a different place is specifically referred to in a given section;

(b) For provisions of sections 1401, 1402 and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

104. Adoption of traffic control manual.

- See *Appendices Part A*.

105. Local traffic control devices.

Local authorities shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Code or local traffic ordinances or to regulate, warn, or guide traffic, subject in the case of state highways to the provisions of sections 42-4-110 and 43-2-135(1)(g). All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in section 42-4-104.

106. Who may restrict right to use highways.

(1) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(2) After enacting any such ordinance signs designating the permissible weights shall be erected and maintained.

(3) Local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution:

(a) Prohibit the operation of trucks or commercial vehicles on designated highways;

(b) Impose limitations as to the weight of trucks or commercial vehicles if the limitations are designated by appropriate signs placed on the highway;

(c) Prohibit the operation of motor or off-highway vehicles upon a roughed-in road when necessary for the protection and safety of the public; or

(d)(I) When snow-packed conditions exist on a highway or for a continuous seasonal period designated by the local authority when snow-packed conditions are, as determined by the local authority, likely to exist on a highway, designate all or a portion of a highway for over-snow use only, which the local jurisdiction may further limit to travel by human-powered or animal-powered means, or both.

(II) As used in this subsection (3)(d), “over-snow use” means travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle that is primarily designed or altered for use over snow and runs without tires on a continuous belt track or on one or more skis while in use over snow.

(III) Nothing in this subsection (3)(d) affects or limits the provisions of section 33-14-110 governing the operation of snowmobiles on any county road, city street, or highway.

(IV) When wheeled winter access is requested along a highway, nothing in this subsection (3)(d) prohibits a local authority from entering into private winter maintenance agreements and such requests shall be considered.

(4) The department of transportation shall likewise have authority as granted in this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway affected by such resolution.

(4.5)(a) The department of transportation has authority to close any portion of a state highway to public travel.

(b)(I) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(II) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(5)(a)(I)(A) The department of transportation may close any portion of a state highway for public use during dangerous driving conditions, during construction or maintenance operations, or when necessary for the protection and safety of the public.

(B) When icy or snow-packed conditions exist on the highway, the department of transportation may restrict travel on or use of any portion of a state highway by any motor vehicle unless the motor vehicle is equipped with the following: Tire chains or an alternate traction device; four-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; all-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; or tires that are imprinted by a manufacturer with a mountain-snowflake, "MS", "M+S", or "M/S" symbol or that are all-weather rated by the manufacturer and that have a tread depth of at least three sixteenths of an inch.

(C) A closure or restriction under this subsection (5) is effective when signs, including temporary or electronic signs, that notify the public of the closure or restriction are erected upon the highway, and the restriction in subsection (5)(a)(I)(B) of this section is effective on interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison) from September 1 through May 31 of each year. It is unlawful to proceed when a state highway is closed or to proceed when a restriction is in effect without the equipment required by this subsection (5).

(D) The Colorado state patrol shall cooperate with the department of transportation in the enforcement of a closing or restriction under this subsection (5).

(E) The driver of a commercial vehicle with four or more drive wheels, other than a bus, shall affix tire chains to at least four of the drive wheel tires when the vehicle is required to be equipped with tire chains under this subsection (5). The driver of a bus shall affix tire chains to at least two of the drive wheel tires when the vehicle is required to be equipped with tire chains under this subsection (5).

(F) A person who violates this subsection (5)(a)(I) commits a traffic infraction and is subject to the penalties in section 42-4-1701(4)(a)(I)(F).

(II) Any person who operates a motor vehicle in violation of restrictions imposed by the department of transportation or the state patrol under subparagraph (I) of this paragraph (a), where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, shall be subject to an enhanced penalty as set forth in section 42-4-1701 (4)(a)(I)(F).

(III) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(IV) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle and the violation causes a closure in a travel lane shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(V) If a fine is enhanced under subparagraphs (III) and (IV) of this paragraph (a), the portion of the fine that exceeds the fine imposed under subparagraph (I) for an enhancement under subparagraph (III), or subparagraph (II) for an enhancement under subparagraph (IV), that is allocated to the state by sections 42-1-217 and 43-4-205 shall be transferred to the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund created by section 42-4-1701 (4)(c)(II)(B), to be continuously

appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

(VI) Subparagraphs (III) and (IV) of this paragraph (a) shall not apply to a tow operator who is towing a motor vehicle or traveling to a site from which a motor vehicle shall be towed.

(VII) The Colorado department of transportation shall identify an appropriate place for commercial vehicles to apply chains, if necessary, to comply with subparagraph (I) of this paragraph (a) and provide adequate notice to commercial vehicle operators of such places.

(b) The transportation commission may promulgate rules to implement the provisions of this subsection (5).

(c) As used in this subsection (5):

(I) "Alternate traction device" means a device that is approved by the Colorado department of transportation as capable of providing traction comparable to that of metal chains or tire cables under similar conditions.

(II) "Equipped" means that a motor vehicle uses or carries the appropriate traction equipment for icy or snow-packed conditions.

(III) "Tire chains" means metal chains consisting of two circular metal loops, one on each side of the tire, connected by no fewer than nine evenly spaced chains across the tire tread.

(6)(a) Local authorities may, within their respective jurisdictions, for the purpose of road construction and maintenance, temporarily close to through traffic or to all vehicular traffic any highway or portion thereof for a period not to exceed a specified number of workdays for project completion and shall, in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected when, in the opinion of concerned local authorities, as evidenced by resolution or ordinance, such temporary closing of the highway or portion thereof and the rerouting of traffic is necessary for traffic safety and for the protection of work crews and road equipment. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(b) Local authorities, within their respective jurisdictions, may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades, and special local events or civil functions when in the opinion of said authorities such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing.

(c) Local authorities shall enter in to agreements with one another for the establishment, signing and marking of appropriate detours and alternative routes which jointly affect local road systems and which are necessary to carry out the provisions of paragraphs (a) and (b) of this subsection (6). Any temporary closing of the street which is a state highway and any

rerouting of state highway traffic shall have the approval of the department before such closing becomes effective.

(7) A person who violates any provision of this section commits a class B traffic infraction.

107. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

108. Public officers to obey provisions - exceptions for emergency vehicles.

(1) The provisions of this Code applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this Code with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this Code. The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this Code or State law;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the lawful speeds set forth in section 1101 (2) or exceed the maximum lawful speed limits set forth in section 1101 (8) so long as said driver does not endanger life or property;

(d) Disregard regulations governing directions of movement or turning in specified directions.

(3) The exemptions and conditions provided in paragraphs (b) to (d), in their entirety, of subsection (2) of this section for an authorized emergency vehicle shall apply only when such vehicle is making use of audible or visual signals meeting the requirements of section 213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

(4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions

protect the driver from the consequences of such driver's reckless disregard for the safety of others.

109. Low-power scooters, animals, skis, skates, and toy vehicles on highways.

(1) A person riding a low-power scooter upon a roadway where low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code except those provisions of this Code that, by their very nature, can have no application.

(2) A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any low-power scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding low-power scooters upon a roadway shall not ride more than two abreast.

(6.5) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power scooter unless the person and the passenger are wearing protective helmets in accordance with the provisions of section 1502 (4.5) of this Code.

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, electric scooter, and low-power scooter safety throughout the state, the department of revenue in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle, electric scooter and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to the riders and their bicycles, electrical assisted bicycles, electric scooters, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.

(8) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

(9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to

pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose or to any highway or portion of a highway designated for over-snow use only by a local authority pursuant to section 42-4-106(3)(d).

(10) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, electric scooter, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice of the prohibition; except that, with respect to controlled access highways, section 1010(3) applies. When the official signs are erected, a person shall not violate any of the instructions contained on the official signs.

(12) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this section.

(13)(a) Except as otherwise provided in paragraph (b) of this subsection (13), any person who violates a provision of this section commits a class B traffic infraction.

(b) Any person who violates subsection (6.5) of this section commits a class A traffic infraction.

109.5. Low-speed electric vehicles.

(1)(a) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour.

(b) Notwithstanding paragraph (a) of this subsection (1), a low-speed electric vehicle may be operated on a state highway that has a speed limit equal to forty miles per hour or cross a roadway with a speed limit equal to forty miles per hour to cross at-grade, if:

(I) Such roadway's lane width is eleven feet or greater;

(II) Such roadway provides two or more lanes in either direction; and

(III) The Colorado department of transportation has determined, in consultation with local government and law enforcement, upon the basis of a traffic investigation, survey, appropriate design standards, or projected volumes, that the operation of a low-speed electric vehicle on the roadway poses no substantial safety risk or hazard to motorists, bicyclists, pedestrians, or other persons.

(2) No person shall operate a low-speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

109.6. Class B low-speed electric vehicles - effective date - rules.

(1) A class B low speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than forty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than forty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than forty-five miles per hour.

(2) No person shall operate a class B low speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

(4) For the purposes of this section, “class B low-speed electric vehicle” means a low-speed electric vehicle that is capable of traveling at greater than twenty-five miles per hour but less than forty-five miles per hour.

(5)(a) The department of revenue shall not register or issue a title for a class B low-speed electric vehicle until after the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour.

(b) After the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour, the department of revenue shall promulgate rules authorizing the operation of class B low-speed electric vehicles in compliance with this section and shall notify the revisor of statutes in writing. Upon the promulgation of rules authorizing the operation of such vehicles, subsections (1) to (3) of this section shall take effect.

(6) The Colorado department of transportation may regulate the operation of a class B low-speed electric vehicle on a state highway located outside of a municipality. The regulation shall take effect when the Colorado department of transportation places an appropriate sign that provides adequate notice of the regulation.

110. Provisions uniform throughout jurisdiction.

(1) The provisions of this Code shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Local governments shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135(1)(g). All local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations shall be subject to the following conditions and limitations:

(a) All local governments may enact, adopt, or enforce traffic regulations which cover the same subject matter as the various sections of this Code or state law and such additional regulations as are included in section 111, except as otherwise stated in paragraphs (c) to (e) of this subsection (1).

(b) All local authorities may, in the manner prescribed in article 16 of title 31 or in article 15 of title 30 adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such additional regulations as are provided for in section 111; except that in the case of state highways, any such additional regulation shall have the approval of the department of transportation.

(c) No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of any of the “rules of the road” or is otherwise in conflict with the provisions of this article. For the purpose of this section, the “rules of the road” shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 603(2).

(d) In no event shall local authorities have the power to enact by ordinance regulations governing the driving of vehicles by persons under the influence of alcohol or of a controlled substance as defined in section 18-18-102(5), or under the influence of any other drug to a degree that renders any such person incapable of safely operating a vehicle, or whose ability to operate a vehicle is impaired by the consumption of alcohol or by the use of a controlled substance as defined in section 18-18-102(5), or any other drug, the registration of vehicles and the licensing of drivers, the duties and obligations of persons involved in traffic accidents, and vehicle equipment requirements in conflict with the provisions of this article; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.

(2) The municipal courts have jurisdiction over violations of traffic regulations enacted or adopted by municipalities. However, the provisions of sections 42-4-1701, 42-4-1705, and 42-4-1707 shall not be applicable to municipalities.

(3) No person convicted of or pleading guilty to a violation of a municipal traffic ordinance shall be charged or tried in a state court for the same or similar offense.

(4)(a) Any local government located within the program area of the AIR program area as defined in section 304 may adopt ordinances or resolutions pertaining to the enforcement of the emissions control inspection requirements set forth in section 310.

(b) An officer coming upon an unattended vehicle in the program area which is in apparent violation of an ordinance or resolution adopted as authorized in paragraph (a) of this subsection (4) may place upon such a vehicle a penalty assessment notice indicating the offense and directing the owner or operator of such vehicle to remit the penalty assessment as set forth in such ordinance to the local jurisdiction in whose name the penalty assessment notice was issued.

(c) The aggregate amount of fines, penalties, or forfeitures collected pursuant to ordinances or resolutions adopted as authorized in paragraph (a) of this subsection (4) shall be retained by the local jurisdiction in whose name such penalty notice was issued.

(5) The general assembly declares that the adjudication of class A and class B traffic infractions through the county court magistrate system was not intended to create a conflict between the provisions of this article and municipal ordinances covering the same subject matter as this article nor was it intended to require or prohibit the decriminalization of municipal ordinances covering the same subject matter as this article. Municipalities may continue to enforce violations of such ordinances through municipal court even though similar state offenses are enforced through the magistrate system established under this article.

(6)(a) The general assembly hereby finds that the use of automated driving systems will help people who may have difficulty driving, including people who are elderly and people with disabilities, gain access to goods and services essential to daily life. This access requires traveling across and in multiple jurisdictions. Therefore, the regulation of automated driving systems is a matter of statewide concern.

(b) A state agency or a political subdivision of the state shall not adopt or enforce a policy, rule, or ordinance that sets standards for an automated driving system that are different from the standards set for a human driver.

110.5. Automated vehicle identification systems - legislative declaration - exceptions to liability - penalty - limits on use of photographs and video - definitions.

(1) The general assembly hereby finds and declares that the enforcement of traffic laws through the use of automated vehicle identification systems under this section is a matter of statewide concern and is an area in which uniform state standards are necessary.

(1.4) Nothing in this section applies to the use of automated vehicle identification systems for the purpose of collecting tolls, fees, or civil penalties in accordance with part 5 of article 4 of title 43 and section 43-4-808.

(1.5) Except as set out in (1.7), nothing in this section applies to a violation detected by an automated vehicle identification system for driving twenty-five miles per hour or more in excess of the reasonable and prudent speed or twenty-five miles per hour or more in excess of the

maximum speed limit of seventy-five miles per hour detected by the use of an automated vehicle identification system.

(1.7)(a)(I) Upon request from the department of transportation, the department of public safety shall utilize an automated vehicle identification system to detect speeding violations under part 11 of this article 4 within a highway maintenance, repair, or construction zone designated pursuant to section 42-4-614(1)(a), if the department of public safety complies with subsections (2) to (6) of this section. An automated vehicle identification system shall not be used under this subsection (1.7) unless maintenance, repair, or construction is occurring at the time the system is being used.

(II) The department of public safety may contract with a vendor to implement this subsection (1.7), including to:

(A) Notify violators;

(B) collect and remit the penalties and surcharges to the state treasury less the vendor's expenses;

(C) reconcile payments against outstanding violations;

(D) implement collection efforts; and

(E) Notify the department of public safety of unpaid violations for possible referral to the judicial system.

(III) If the department of public safety contracts with a vendor, the contract must incorporate the processing elements specified by the department of public safety.

(IV) No notice of violation or civil penalty assessment or a penalty or surcharge for a violation detected by an automated vehicle identification system under this subsection (1.7) shall be forwarded to the department for processing.

(b) The department of transportation shall reimburse the department of public safety for the direct and indirect costs of complying with this subsection (1.7).

(2) A county or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

(a)(I) (Deleted by amendment, L. 2002, p. 570, § 1, effective May 24, 2002.

(II) If the state, a county, a city and county, or a municipality detects any alleged violation of a county or municipal traffic regulation or a traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county, or municipality shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States Postal Service

that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:

(A) within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or

(B) within sixty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.

(III) the notice of violation must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate number of the motor vehicle involved in the alleged violation;

(C) the date, time and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and

(F) information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.

(IV) If the state, a county, a city and county, or a municipality does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five days after the issuance date on the notice of violation, the state, county, city and county or municipality shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States Postal Service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty days after the deadline on the notice of violation.

(V) The civil penalty assessment notice must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate of the motor vehicle involved in the alleged violation;

(C) the date, time, and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty;

(F) information on how to pay the prescribed civil penalty.

(VI) if the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

(VII) if the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.

(VIII) Final orders may be appealed as to matters of law and fact to the county court in the county where the alleged violation or the municipal court in the municipality where the alleged violation occurred, the registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.

(IX) the state, a county, a city and county, or a municipality shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this section unless the registered owner is personally served the notice of violation or the final order of liability.

(b) Notwithstanding any other provision of the statutes to the contrary, the state, a county, a city and county, or a municipality shall not report to the department any conviction or entry of judgment against a defendant for violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.

(c) Repealed by Laws 2021, Ch. 460 (H.B. 21-1314), § 16, eff. January 1, 2022.

(d)(I) The state, a county, a city and county, or a municipality shall not use an automated vehicle identification system to detect a violation of part 11 of this article 4 or a local speed ordinance unless there is posted an appropriate temporary or permanent sign in a conspicuous place not fewer than three hundred feet before the area in which the automated vehicle identification system is to be used notifying the public that an automated vehicle identification system is in use immediately ahead. The requirement of this subsection (2)(d)(I) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of a county, city and county, or municipality, nor by the posting of a permanent sign in an area in which an automated vehicle identification system is to be used, but this subsection (2)(d)(I) shall not be deemed a prohibition against the posting of such permanent signs.

(II) Except as provided in subsection (2)(d)(I) of this section, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this article 4 or a local traffic ordinance shall not be used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. The sign shall:

(A) Be placed in a conspicuous location not fewer than two hundred feet nor more than five hundred feet before the automated vehicle identification system; and

(B) Use lettering that is at least four inches high for upper case letters and two and nine-tenths inches high for lower case letters.

(e)(I) If the state, county, city and county, or municipality implements a new automated vehicle identification system after July 1, 2023, that is not a replacement of an automated vehicle identification system:

(A) the agency responsible for the automated vehicle identification system shall publicly announce the implementation of the system through its website for at least 30 days prior to the use of the system; and

(B) for the first thirty days after the system is install or deployed, only warnings may be issued for violations of a county or municipal traffic regulation or traffic violation under state law detected by the system.

(II) a state, county, city and county, or municipality may conduct an extended public information campaign or warning period for systems installed or deployed either before or after July 1, 2023.

(f) Repealed by SB 23-200.

(g)(I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county or municipality may locate an automated vehicle identification system to detect violations of a county or municipal traffic regulation or a traffic violation under state law. Before a county or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the county or municipality must:

(A) post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor and a permanent sign not fewer than three hundred feet before each camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera;

(B) illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and

(C) coordinate between the local jurisdiction, the department of transportation, and the Colorado state patrol.

(II) As used in this subsection (2)(g) unless the context otherwise requires, “residential neighborhood” means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.

(III) This subsection (2)(g) does not apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal.

(IV) a county or municipality implementing an automated vehicle identification corridor pursuant to subsection (2)(g)(I) of the section shall publish a report on its website disclosing the number of citation and revenue generated by the automated vehicle identification corridor.

(V)(A) notwithstanding the provisions of subsection (2)(g)(I) of this section, the state may locate an automated vehicle identification system on a highway that is a part of the federal interstate highway system and may issue a notice of violation or a civil penalty assessment notice for a traffic violation under state law detected using the automated vehicle identification system.

(B) a county, a city and county, or a municipality shall not locate an automated vehicle identification system or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.

(h) the state, county, a city and county, or a municipality shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an automated vehicle identification system. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

(3) The department has no authority to assess any points against a license under section 42-2-127 upon entry of a conviction or judgment for a violation of a municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department shall not keep any record of such violation in the official records maintained by the department under section 42-2-121.

(4)(a) If the state, a county, a city and county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by the registered owner that the state, county, city and county, or municipality has detected using an automated vehicle identification system, then the state, county, city and county, or municipality may mail the registered owner a warning regarding the violation, but the state, county, city and county, or municipality shall not impose any penalty or surcharge for such first violation.

(b)(I) If the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation under a municipal traffic regulation or under state law by a driver, or a first such violation by the driver if the provisions of paragraph (a) of this subsection (4) do not apply, through the use of an automated vehicle identification system, then, except as may be permitted in subparagraph (II) of this paragraph (b), the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.

(II) If any violation described in subsection (4)(b)(I) of this section occurs within a school zone, as defined in section 42-4-615, the maximum penalty that may be imposed shall be doubled.

(III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

(4.5) If the state, a county, a city and county, or a municipality detects a violation of a county or municipal traffic regulation or under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

(4.7) If a registered owner fails to pay a penalty imposed for a violation of a county or municipal traffic regulation or a traffic violation under state law detected using an automated vehicle identification system, the state, a county, a city and county, or a municipality shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.

(5) If the state, a county, a city and county, or a municipality has established an automated vehicle identification system for the enforcement of county or municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, or municipality for such equipment shall be based upon the value of such equipment and the value of any services provided to the state, county, city and county or municipality and may not be based upon the number of traffic citations issued or the revenue generated by such equipment.

(6)(a) As used in this section, the term "automated vehicle identification system" means a system whereby:

(I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and

(II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.

(b) "automated vehicle identification system" includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violation of bus lane or bicycle lane restrictions.

(7) The state, county, city and county, or municipality and any vendor operating an automated vehicle identification system shall, unless otherwise provided in this section:

(a) program the automated vehicle identification system to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;

(b) treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24;

(c) not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the automated motor vehicle identification system except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and

(d) destroy any photographs and video of a violation collected by the automated vehicle identification system within three years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.

(l) Subparagraph (l) of this paragraph (b) shall not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

111. Powers of Local Authorities.

(1) Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(a) Regulating or prohibiting the stopping, standing, or parking of vehicles, consistent with the provisions of this article;

(b) Establishing parking meter zones where it is determined upon the basis of an engineering and traffic investigation that the installation and operation of parking meters is necessary to aid in the regulation and control of the parking of vehicles during the hours and on the days specified on parking meter signs;

(c) Regulating traffic by means of police officers or official traffic control devices, consistent with the provisions of this article;

(d) Regulating or prohibiting processions or assemblages on the highways, consistent with the provisions of this article;

(e) Designating particular highways or roadways for use by traffic moving in one direction, consistent with the provisions of this article;

(f) Designating any highway as a through highway or designating any intersection as a stop or yield intersection, consistent with the provisions of this article;

(g) Designating truck routes and restricting the use of highways, consistent with the provisions of this article;

(h) Regulating the operation of bicycles or electrical assisted bicycles and requiring the registration and licensing of same, including the requirement of a registration fee, consistent with the provisions of this article;

(i) Altering or establishing speed limits, consistent with the provisions of this article;

(j) Establishing speed limits for vehicles in public parks, consistent with the provisions of this article;

- (k) Determining and designating streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, consistent with the provisions of this article;
- (l) Regulating or prohibiting the turning of vehicles, consistent with the provisions of this article;
- (m) Designating no-passing zones, consistent with the provisions of this article;
- (n) Prohibiting or regulating the use of controlled-access roadways by nonmotorized traffic or other kinds of traffic, consistent with the provisions of this Code;
- (o) Establishing minimum speed limits, consistent with the provisions of this Code;
- (p) Designating hazardous railroad crossings, consistent with the provisions of this Code;
- (q) Designating and regulating traffic on play streets, consistent with the provisions of this article;
- (r) Prohibiting or restricting pedestrian crossing, consistent with the provisions of this Code;
- (s) Regulating the movement of traffic at school crossings by official traffic control devices or by duly authorized school crossing guards, consistent with the provisions of the Code;
- (t) Regulating persons propelling push carts;
- (u) Regulating persons upon skates, coasters, sleds, or similar devices, consistent with the provisions of this Code;
- (v) Adopting such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
- (w) Adopting such other traffic regulations as are provided for by this article;
- (x) Closing a street or portion thereof temporarily and establishing appropriate detours or an alternative routing for the traffic affected, consistent with the provisions of this article;
- (y) Regulating the local movement of traffic or the use of local streets where such is not provided for in that article;
- (z) Regulating the operation of low-powered scooters, consistent with the provisions of this article; except that local authorities shall be prohibited from establishing any requirements for the registration and licensing of low powered scooters;
- (aa) Regulating the operation of low-speed electric vehicles, including, without limitation, establishing a safety inspection program, on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if such regulation is consistent with this Code;
- (bb) Authorizing and regulating the operation of golf cars on roadways by resolution or ordinance of the governing body, if the authorization or regulation is consistent with this title and does not authorize:

(I) An unlicensed driver of a golf car to carry a passenger who is under twenty-one years of age;

(II) Operation of a golf car by a person under sixteen years of age; or

(III) Operation of a golf car on a state highway; except that the ordinance or resolution may authorize a person to drive a golf car directly across a state highway at an at-grade sidewalk, bike path, or pedestrian path consistent with section 42-4-117(I) and (3);

(cc) Authorizing, prohibiting, or regulating the use of an EPAMD on a roadway, sidewalk, bike path, or pedestrian path consistent with section 117(1) and (3);

(dd) Authorizing or prohibiting the use of an electrical assisted bicycle or electric scooter on a bike or pedestrian path in accordance with section 42-4-1412;

(ee) Enacting the idling standards in conformity with section 42-14-103

(2)(a) An ordinance or regulation enacted under paragraph (a), (b), (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), (aa), or (cc) of subsection (1) of this section may not take effect until official signs or other traffic control devices conforming to standards as required by section 42-4-602, and giving notice of the local traffic regulations are placed upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(b) Regulating the operation of an electric scooter consistent with this title 42.

(c) Subsection (1) of this section does not authorize a local authority to regulate or authorize the use of vehicles and motor vehicles on the state highway system that is subject to section 43-2-135, except in at-grade crossings where the roadway subject to the local authority's jurisdiction crosses the state highway. The local authority may regulate vehicles within such crossings only to the extent necessary to effect the local authority's power to regulate the roadway under the local authority's jurisdiction and only if the regulation or authorization does not interfere with the normal operation of the state highway.

(3)(a) A board of county commissioners may by resolution authorize the use of designated portions of unimproved county roads within the unincorporated portion of the county for motor vehicles participating in timed endurance events and for such purposes shall make such regulations relating to the use of such roads and the operation of vehicles as are consistent with public safety in the conduct of such event and with the cooperation of county law enforcement officials.

(b) Such resolution by a board of county commissioners and regulations based thereon shall designate the specific route which may be used in such event, the time limitations imposed upon such use, any necessary restrictions in the use of such route by persons not participating in such event, special regulations concerning the operation of vehicles while participating in such event in which case any provisions of this article to the contrary shall not apply to such event, and such requirements concerning the sponsorship of any such event as may be reasonably necessary to assure adequate responsibility therefor.

112. Noninterference with the rights of owners of realty.

Subject to the exception provided in section 103(2), nothing in this Code shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Code, or from otherwise regulating such use as may seem best to such owner.

113. Appropriations for administration of article.

(See §42-4-113)

114. Removal of traffic hazards.

(1) Local authorities, within their respective jurisdictions, may by written notice sent by certified mail require the owner of real property abutting on the right-of-way of any highway, sidewalk, or other public way to trim or remove, at the expense of said property owner, any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.

(2) It is the duty of the property owner to remove any dead, overhanging boughs of trees located on the premises of such property owner that endanger life or property on the public right-of-way.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge, or other plant within ten days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the state or local authority for the cost of the work performed.

115. Information on traffic law enforcement - collection - profiling - annual report - repeal. (Repealed)

116. Restrictions for minor drivers - definitions.

(1)(a) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least six months.

(b) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one year.

(c) Paragraphs (a) and (b) of this subsection (1) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The passenger who is under twenty-one years of age is in the vehicle on account of a medical emergency;

(IV) All passengers who are under twenty-one years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.

(2)(a) Except as provided in paragraph (b) of this subsection (2), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one year.

(b) This subsection (2) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possesses a signed statement from the school official containing the date the activity will occur;

(IV) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;

(V) The minor is driving on account of a medical emergency; or

(VI) The minor is an emancipated minor.

(3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:

(a) By the imposition of not less than eight hours nor more than twenty-four hours of community service for a first offense and not less than sixteen hours nor more than forty hours of community service for a subsequent offense;

(b) By the levying of a fine of not more than fifty dollars for a first offense, a fine of not more than one hundred dollars for a second offense, and a fine of one hundred fifty dollars for a subsequent offense;

(c) By an assessment of two license suspension points pursuant to section 42-2-127(5)(kk)

(4) For the purposes of this section:

(a) "Emancipated minor" means an individual under eighteen years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.

(b) "Minor driver" means a person who is operating a motor vehicle and who is under eighteen years of age.

(5) No driver in a motor vehicle shall be cited for a violation of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Codes 1 to 4 of Title 42 other than a violation of this section.

117. Personal mobility devices.

(1) A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this Code, except as to those provisions that by their nature have no application.

(2) Unless otherwise prohibited, an EPAMD may be operated on a roadway in conformity with vehicle use.

(3) An EPAMD shall not be operated:

(a) On a limited-access highway;

(b) On a bike or pedestrian path; or

(c) At a speed of greater than twelve and one-half miles per hour.

(4) A person who violates this section commits a class B traffic infraction.²

(7) Repealed.

118. Establishment of wildlife crossing zones - report - repeal.

(1) The department of transportation created in section 43-1-103, in consultation with both the Colorado state patrol created pursuant to section 24-33.5-201, and the division of wildlife created pursuant to section 24-1-124(3)(h), in the department of natural resources, may establish areas within the public highways of the state as wildlife crossing zones.

(2)(a) If the department of transportation establishes an area within a public highway of the state as a wildlife crossing zone, the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2) to the contrary, the department of transportation shall not establish a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(3)(a) The department of transportation may establish an area within the federal highways of the state as a wildlife crossing zone if the department of transportation receives authorization from the federal government.

(b) If the department of transportation establishes an area within the federal highways of the state as a wildlife crossing zone pursuant to paragraph (a) of this subsection (3), the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(4) If the department of transportation erects a new wildlife crossing zone sign pursuant to subsection (2) or (3) of this section, it shall ensure that the sign indicates, in conformity with the state traffic control manual, that increased traffic penalties are in effect within the wildlife crossing zone. For the purposes of this section, it shall be sufficient that the sign states "increased penalties in effect".

(5) In establishing a lower speed limit within a wildlife crossing zone, the department of transportation shall give due consideration to factors including, but not limited to, the following:

(a) The percentage of traffic accidents that occur within the area that involve the presence of wildlife on the public highway;

(b) The relative levels of traffic congestion and mobility in the area; and

(c) The relative numbers of traffic accidents that occur within the area during the daytime and evening hours and involve the presence of wildlife on the public highway.

(6) As used in this section, unless the context otherwise requires, "wildlife" shall have the same meaning as "big game" as set forth in section 33-1-102(2)

(7)(a) On or before March 1, 2012, the department of transportation shall prepare and submit to the transportation and energy committee of the house of representatives and the transportation committee of the senate, or any successor committees, a report concerning the implementation of this section. The report, at a minimum, shall include:

(I) The location and length of each wildlife crossing zone that the department of transportation has established pursuant to this section;

(II) The total number of miles within the public highways of the state that the department of transportation has established as wildlife crossing zones pursuant to this section;

(III) The total number of wildlife crossing zones within the state for which the department of transportation has established a lower speed limit, including identification of each wildlife crossing zone for which the department has established a lower speed limit;

(IV) The effect, if any, that the establishment of each wildlife crossing zone has had in reducing the frequency of traffic accidents within the area of the public highway that has been established as a wildlife crossing zone; and

(V) A recommendation by the department of transportation as to whether the general assembly should:

(A) Discontinue the establishment of wildlife crossing zones;

(B) Continue the establishment of wildlife crossing zones, as limited by the provisions of paragraph (b) of subsection (1) of this section; or

(C) Expand the establishment of wildlife crossing zones beyond the limits described in paragraph (b) of subsection (1) of this section.

(b) This subsection (7) is repealed, effective March 2, 2012.

(8) Notwithstanding any other provision of this section, the department of transportation shall not establish any area of any interstate highway as a wildlife crossing zone.

Part 2

Equipment

201. Obstruction of view or driving mechanism - hazardous situation.

(1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.

(3) A person shall not drive a motor vehicle equipped with a video display visible to the driver while the motor vehicle is in motion. The provisions of this subsection (3) does not prohibit the usage of a computer, data terminal, or safety equipment in a motor vehicle so long as the computer, data terminal, or safety equipment is not used to display visual entertainment, including internet browsing, social media, and e-mail, to the driver while the motor vehicle is in motion.

(4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(5) No passenger in a vehicle shall ride in such position as to create a hazard for such passenger or others, or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.

(6) No person shall hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion; nor shall the operator knowingly permit any person to hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection (6) shall not apply to parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.

(7) The provisions of subsection (6) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state of Colorado or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the public utilities commission of the state of Colorado, when in the performance of their duties persons are required to stand or sit on the exterior of the vehicle and said vehicle is equipped with adequate handrails and safeguards.

(8) Any person who violates any provision of this section commits a class A traffic infraction.

202. Unsafe vehicles - penalty - identification plates.

(1) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this section and sections 204 to 231 and part 3 of this Code, or which is equipped in any manner in violation of said sections and part 3 or for any person to do any act forbidden or fail to perform any act required under said sections and part 3.

(2) The provisions of this section and sections 204 to 231 and part 3 of this Code with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections and part 3.

(3) Nothing in this Code shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this Code.

(4)(a) Upon its approval, the department of revenue shall issue an identification plate for each vehicle, motor vehicle, trailer, or item of special mobile machinery, or similar implement of equipment, used in any type of construction business which shall, when said plate is affixed, exempt any such item of equipment, machinery, trailer, or vehicle from all or part of this section and sections 204 to 231 of this Code.

(b) The department of revenue is authorized to promulgate written rules and regulations governing the application for, issuance of, and supervision, administration, and revocation of such identification plates and exemption authority and to prescribe the terms and conditions under which said plates may be issued for each item as set forth in paragraph (a) of this subsection (4), and the department of revenue, in so doing, shall consider the safety of users of the public streets and highways and the type, nature, and use of such items set forth in paragraph (a) of this subsection (4) for which exemption is sought.

(c) Each exempt item may be moved on the roads, streets, and highways during daylight hours and at such time as vision is not less than five hundred feet. No cargo or supplies shall be hauled upon such exempt item except cargo and supplies used in normal operation of any such item.

(d) The identification plate shall be of a size and type designated and approved by the department. A fee of one dollar shall be charged and collected by the department for the issuance of each such identification plate. All such fees so collected shall be paid to the state treasurer who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(b).

(e) Each such identification plate shall be issued for a calendar year. Application for such identification plates shall be made by the owner, and such plates shall be issued to the owner of each such item described in paragraph (a) of this subsection (4). Whenever the owner transfers, sells, or assigns the owner's interest therein, the exemption of such item shall expire and the owner shall remove the identification plate therefrom and forward the same to the department of revenue.

(f) An owner shall report a lost or damaged identification plate to the department of revenue, and, upon application to and approval by the department of revenue, the department shall issue a replacement plate upon payment to it of a fee of fifty cents.

(g) Notwithstanding the amount specified for any fee in this subsection (4), the executive director of the department of revenue by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402(3), to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department of revenue by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402(4).

(5) Any person who violates any provision of this section commits a class A traffic infraction.

203. Unsafe vehicles - spot inspections.

(1) Uniformed police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. The fact that a vehicle is an older model vehicle shall not alone constitute reasonable cause. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer may give a written notice and issue a summons to the driver. Said notice shall require that such vehicle be placed in safe condition and properly equipped or that its equipment be placed in proper repair and adjustment, the particulars of which shall be specified on said notice.

(2) In the event any such vehicle is, in the reasonable judgment of such police officer, in such condition that further operation would be hazardous, the officer may require, in addition to the instructions set forth in subsection (1) of this section, that the vehicle be moved at the operator's expense and not operated under its own power or that it be driven to the nearest garage or other place of safety.

(3) Every owner or driver upon receiving the notice and summons issued pursuant to subsection (1) of this section or mailed pursuant to paragraph (b) of subsection (4) of this section shall comply therewith and shall secure a certification upon such notice by a law enforcement officer that such vehicle is in safe condition and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Code. Said certification shall be returned to the owner or driver for presentation in court as provided for in subsection (4) of this section.

(4)(a)(I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the owner repairs the unsafe condition or installs or adjusts the required equipment within thirty days after issuance of the notice and summons and presents the certification required in subsection (3) of this section to the court of competent jurisdiction, the owner shall be punished by a fine of five dollars.

(III) If the owner submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the owner has disposed of the vehicle for junk parts or immobilized the vehicle and also submits to the court the registration and license plates for the vehicle, the owner shall be punished by a fine of five dollars. If the owner wishes to relicense the vehicle in the future, the owner must obtain the certification required in subsection (3) of this section.

(b)(I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the driver submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the driver was not the owner of the car at the time the summons was issued and that the driver mailed, within five days of issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the driver shall be punished by a fine of five dollars.

(c) Upon a showing of good cause that the required repairs or adjustments cannot be made within thirty days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for installation or adjustment of required equipment as may appear justified.

(d) The owner may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification specified in subsection (3) of this section and the fine of five dollars.

204. When lighted lamps are required.

(1) Every vehicle upon a highway within this state, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as required by this Code for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(2) Whenever requirement is declared by this Code as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection (1) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is declared by this Code as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

205. Head lamps on motor vehicles - penalty.

- (1) Every motor vehicle other than a motorcycle or autocycle, shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle. The head lamps shall comply with the requirements and limitations set forth in sections 202 and 204 to 231 and part 3 of this Code where applicable.
- (2) Every motorcycle or autocycle shall be equipped with at least one and not more than two head lamps that comply with the requirements and limitations of sections 202 and 204 to 231 and part 3 of this Code where applicable.
- (3) Every head lamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches, to be measured as set forth in section 204 (3).
- (4) Any person who violates any provision of this section commits a class B traffic infraction.

206. Tail lamps and reflectors - penalty.

- (1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles must be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 204, emits a red light plainly visible from a distance of five hundred feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, and except as provided in section 204. Furthermore, every such vehicle registered in this state and manufactured or assembled after January 1, 1958, must be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 204, comply with the provisions of this section.
- (2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches, to be measured as set forth in section 204 (3).
- (3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
- (4) Every motor vehicle operated on and after January 1, 1958, upon a highway in the state of Colorado must carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in those sections applicable thereto and except as provided in section 204.
- (5) Every new motor vehicle sold on or after January 1, 1958, and operated upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle or autocycle shall carry at least one reflector meeting the requirements of this section, and vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in this part 2.

(6) Every reflector shall be mounted on the vehicle at a height of not less than twenty inches nor more than sixty inches, measured as set forth in section 204 (3) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams and head lamps; except that visibility from a greater distance is required by law of reflectors on certain types of vehicles.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

207. Clearance and identification.

(1) Every vehicle designed or used for the transportation of property or for the transportation of persons shall display lighted lamps at the times mentioned in section 204 when and as required in this section.

(2) Clearance lamps.

(a) Every motor vehicle or motor-drawn vehicle having a width at any part in excess of eighty inches shall be equipped with four clearance lamps located as follows:

(I) Two on the front and one at each side, displaying an amber light visible from a distance of five hundred feet to the front of the vehicle;

(II) Two on the rear and one at each side, displaying a red light visible only to the rear and visible from a distance of five hundred feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp required in section 206.

(b) All clearance lamps required shall be placed on the extreme sides and located on the highest stationary support; except that, when three or more identification lamps are mounted on the rear of a vehicle on the vertical center line and at the extreme height of the vehicle, rear clearance lamps may be mounted at optional height.

(c) Any trailer, when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as provided in this section, may be, but is not required to be, equipped with front clearance lamps if the towing vehicle is of equal or greater width than the towed vehicle.

(d) All clearance lamps required in this section shall be of a type approved by the department of revenue.

(3) Side marker lamps.

(a) Every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds thirty feet in overall length shall be equipped with four side marker lamps located as follows:

(I) One on each side near the front displaying an amber light visible from a distance of five hundred feet to the side of the vehicle on which it is located;

(II) One on each side near the rear displaying a red light visible from a distance of five hundred feet to the side of the vehicle on which it is located; but the rear marker light shall not be so placed as to be visible from the front of the vehicle.

(b) Each side marker lamp required shall be located not less than fifteen inches above the level on which the vehicle stands.

(c) If the clearance lamps required by this section are of such a design as to display lights visible from a distance of five hundred feet at right angles to the sides of the vehicles, they shall be deemed to meet the requirements as to marker lamps in this subsection (3).

(d) All marker lamps required in this section shall be of a type approved by the department of revenue.

(4) Clearance reflectors.

(a) Every motor vehicle having a width at any part in excess of eighty inches shall be equipped with clearance reflectors located as follows:

(I) Two red reflectors on the rear and one at each side, located not more than one inch from the extreme outside edges of the vehicle;

(II) All such reflectors shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(b) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps if any such tail lamps meet the location limits specified for reflectors.

(c) All such clearance reflectors shall be of a type approved by the department of revenue.

(5) Side marker reflectors.

(a) Every motor vehicle or motor-drawn vehicle or combination of vehicles which exceeds thirty feet in overall length shall be equipped with four side marker reflectors located as follows:

(I) One amber reflector on each side near the front;

(II) One red reflector on each side near the rear.

(b) Each side marker reflector shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(c) All such side marker reflectors shall be of a type approved by the department of revenue.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

(7) Nothing in this section shall be construed to supersede any federal motor vehicle safety standard established pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966", Public Law 89-563, as amended.

208. Stop lamps and turn signals - penalty.

(1) Every motor vehicle or motor-drawn vehicle shall be equipped with a stop light in good working order at all times and shall meet the requirements of section 215 (1).

(2) A person shall not sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1958, unless it is equipped with at least two stop lamps meeting the requirements of section 215 (1); except that a motorcycle or autocycle manufactured or assembled after January 1, 1958, must be equipped with at least one stop lamp meeting the requirements of section 215 (1).

(3) A person shall not sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1958, and a person shall not operate any motor vehicle, trailer, or semitrailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four inches, unless it is equipped with electrical turn signals meeting the requirements of section 215 (2). This subsection (3) does not apply to any motorcycle, autocycle, or low-power scooter.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

209. Lamp or flag on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in section 204, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time, there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. Any person who violates any provision of this section commits a class A traffic infraction.

210. Lamps on parked vehicles.

(1) Whenever a vehicle is lawfully parked upon a highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable

to the side of the vehicle that is closer to passing traffic. This subsection (2) shall not apply to a low-power scooter.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

(5) This section shall not apply to low-speed electric vehicles.

211. Lamps on farm equipment and other vehicles and equipment.

(1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear of such vehicle.

(2) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in section 204, in addition to the lamps required in subsection (1) of this section, be equipped with two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(3) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with the following lamps:

(a) At least one lamp mounted to indicate as nearly as practicable to the extreme left projection of said combination and displaying a white light visible from a distance of not less than five hundred feet to the front of said combination;

(b) Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear thereof and two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear thereof when illuminated by the upper beams of head lamps.

(4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with two single-beam head lamps meeting the requirements of section 216 or 218, respectively, and at least one red lamp visible from a distance of not less than five hundred feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred feet to one hundred feet when directly in front of lawful upper beams of head lamps.

(5)(a) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with lamps as follows:

(I) The farm tractor element of every such combination shall be equipped as required in subsection (4) of this section.

(II) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than five hundred feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(b) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear.

(6) The lamps and reflectors required in this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections, both to the right and to the left of said vehicle, shall be indicated as nearly as practicable.

(7) Every vehicle, including animal-drawn vehicles and vehicles referred to in section 202 (2), not specifically required by the provisions of this Code to be equipped with lamps or other lighting devices shall at all times specified in section 204 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle and shall also be equipped with two lamps displaying red lights visible from a distance of not less than five hundred feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear and two red reflectors visible for distances of one hundred feet to six hundred feet to the rear when illuminated by the upper beams of head lamps.

(8) Any person who violates any provision of this section commits a class B traffic infraction.

212. Spot lamps and auxiliary lamps.

(1) Any motor vehicle may be equipped with not more than two spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection (2) may be used with lower head-lamp beams as specified in section 216 (1)(b).

(3) Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height of not less than twenty inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary passing lamps.

(4) Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height of not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary driving lamps.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

213. Audible and visual signals on emergency vehicles.

(1) Except as otherwise provided in this section or in section 42-4-222 in the case of volunteer fire vehicles and volunteer ambulances, every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Code, be equipped as a minimum with a siren and a horn. Such devices shall be capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet.

(2) Every authorized emergency vehicle, except those used as undercover vehicles by governmental agencies, shall, in addition to any other equipment and distinctive markings required by this Code, be equipped with at least one signal lamp mounted as high as practicable, which shall be capable of displaying a flashing, oscillating, or rotating red light to the front and to the rear having sufficient intensity to be visible at five hundred feet in normal sunlight. In addition to the required red light, flashing, oscillating, or rotating signal lights may be used which emit blue, white, or blue in combination with white.

(3) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with the red lights specified in this section.

(4) Any authorized emergency vehicle, including those authorized by section 222, may be equipped with green flashing lights, mounted at sufficient height and having sufficient intensity to be visible at five hundred feet in all directions in normal daylight. Such lights may only be used at the single designated command post at any emergency location or incident and only when such command post is stationary. The single command post shall be designated by the on-scene incident commander in accordance with local or state government emergency plans. Any other use of a green light by a vehicle shall constitute a violation of this section.

(5) The use of either the audible or the visual signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in section 705.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

214. Visual signals on service vehicles.

(1) Except as otherwise provided in this section, every authorized service vehicle must, in addition to any other equipment required by this Code, be equipped with one or more warning lamps

mounted as high as practicable, which must be capable of displaying in all directions one or more flashing, oscillating, or rotating yellow lights. Only yellow and no other color or combination of colors may be used as a warning lamp on an authorized service vehicle; except that an authorized service vehicle snowplow operated by a state, county, or local government may also be equipped with and use no more than two flashing, oscillating, or rotating blue lights as warning lamps. Lighted directional signs used by police and highway departments to direct traffic need not be visible except to the front and rear. Such lights must have sufficient intensity to be visible at five hundred feet in normal sunlight.

(2) The warning lamps authorized in subsection (1) of this section shall be activated by the operator of an authorized service vehicle only when the vehicle is operating upon the roadway so as to create a hazard to other traffic. The use of such lamps shall not relieve the operator from the duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by this Code. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

(3) Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized in subsection (1) of this section, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such service vehicle and, in the case of highway and traffic maintenance equipment engaged in work upon the highway, shall comply with the instructions of section 712.

(4) On or after January 1, 1978, only authorized service vehicles shall be equipped with the warning lights authorized in subsection (1) of this section.

(5) The department of transportation shall determine by rule which types of vehicles render an essential public service when operating on or along a roadway and warrant designation as authorized service vehicles under specified conditions, including, without limitation, vehicles that sell or apply chains or other equipment to motor vehicles necessary to enable compliance with section 106.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in subsection (1) of this section, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, "echelon formation" mean a formation in which snowplows are arranged diagonally, with each unit stationed behind and to the right, or behind and to the left, of the unit ahead.

215. Signal lamps and devices - additional lighting equipment.

(1) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with a stop lamp or lamps on the rear of the vehicle which, except as provided in section 204, shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be

actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps shall be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. Such lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and, except as provided in section 204, when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, such lamps shall indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(3) No stop lamp or signal lamp shall project a glaring or dazzling light.

(4) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(5) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.

(6) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but no such back-up lamp shall be lighted when the motor vehicle is in forward motion.

(7) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this Code. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and, except as provided in section 204, shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

(8) Any vehicle eighty inches or more in overall width may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted horizontally.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

215.5. Signal lamps and devices - street rod vehicles and custom motor vehicles.

Repealed.

216. Multiple-beam road lights - penalty.

(1) Except as provided in this Code, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination of lamps on motor vehicles, other than motorcycles, autocycles, or low-power scooters, shall be arranged so that the driver may select at will between distributions of light projected to different elevations, and the lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(1.5) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for low-speed electric vehicles in lieu of multiple beam, road-lighting equipment specified in this section if the single distribution of light complies with paragraph (b) of subsection (1) of this section.

(2) A new motor vehicle, other than a motorcycle, autocycle, or low-power scooter, that has multiple beam road-lighting equipment, shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be designed and located so that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

217. Use of multiple-beam lights.

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in section 216 (1)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(b) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this title other than the uppermost distribution of light specified in section 216 (1)(a).

(c) A low-speed electric vehicle may use the distribution of light authorized in section 216 (1.5).

(2) Any person who violates any provision of this section commits a class A traffic infraction.

218. Single-beam road-lighting equipment.

(1) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 15, 1936, in lieu of multiple-beam road-lighting equipment specified in section 216 if the single distribution of light complies with the following requirements and limitations:

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

219. Number of lamps permitted.

Whenever a motor vehicle equipped with head lamps as required in this Code is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. Any person who violates any provision of this section commits a class B traffic infraction.

220. Low-power scooters - lighting equipment - department control - use and operation.

(1)(a) A low-power scooter when in use at the times specified in section 204 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except

that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.

(c) A low-power scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(2) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1274, § 44, effective October 1, 2009.)

(3)(a) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) Repealed

(c) This subsection (3) shall not be construed to prohibit the use on any vehicle of simultaneously flashing hazard warning lights as provided by section 215 (7).

(4) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer or for use upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this Code, or parts of any of the foregoing which tend to change the original design or performance thereof, unless of a type which has been approved by the department of revenue.

(5) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(6) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted, and aimed in accordance with instructions of the department of revenue.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

221. Bicycle, electric scooter, and personal mobility device equipment.

(1) No other provision of this part 2 and no provision of part 3 of article 4 applies to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, electric scooter, or EPAMD except those provisions in this Article 4 made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.

(7) Every bicycle, electrical assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, or electric scooter within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles, electrical assisted bicycles, or electric scooters at retail shall not sell any bicycle, electrical assisted bicycle, or electric scooter, unless the bicycle, electrical assisted bicycle, or electric scooter, has an identifying number permanently stamped or cast on its frame.

(8.5) A local government may regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which the local government may regulate the operation of a class 1 electric assisted bicycle.

(9)(a) On or after January 1, 2018, every manufacturer or distributor of new electrical assisted bicycles intended for sale or distribution in this state shall permanently affix to each electrical assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in the Arial font in at least nine-point type.

(b) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.

(10)(a) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission and codified at 16 CFR 1512 or its successor regulation.

(b) A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.

(c) A class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hours, the speed the electrical assisted bicycle is traveling.

(11) A person who violated this section commits a class B traffic infraction.

222. Volunteer firefighters - volunteer ambulance-attendants - special lights and alarm systems.

(1)(a) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns, counties, cities, and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area that the ambulance service would be reasonably expected to serve may have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red lights visible to the front and rear at five hundred feet in normal sunlight. In addition to the red light, flashing, oscillating, or rotating signal lights may be used that emit white or white in combination with red lights. At least one of such signal lamps or combination of signal lamps shall be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only as authorized by subsection (3) of this section or when a member of a fire department is responding to or attending a fire alarm or other emergency or when a member of an ambulance service is responding to an emergency requiring the member's services. Except as authorized in subsection (3) of this section, neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a member of a volunteer fire department or a volunteer ambulance service may equip his or her private automobile with the equipment described in paragraph (a) of this subsection (1) only after receiving a permit for the equipment from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves.

(2) (Deleted by amendment, L. 96, p. 957, § 3, effective July 1, 1996.)

(3) A fire engine collector or member of a fire department may use the signal system authorized by subsection (1) of this section in a funeral, parade, or for other special purposes if the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

223. Brakes - penalty.

(1) Brake equipment required:

(a) Every motor vehicle, other than a motorcycle or autocycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one part

of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle, auticycle, and low-power scooter, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(c) Every trailer or semitrailer of a gross weight of three thousand pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied. The provisions of this paragraph (c) shall not be applicable to any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1) (a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in subsection (2) of this section.

(d) Every motor vehicle, trailer, or semitrailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:

(I) Any trailer or semitrailer of less than three thousand pounds gross weight, or any horse trailer of a capacity of two horses or less, or any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with loaded trailer attached in the distance specified by subsection (2) of this section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one wheel.

(II) Any truck or truck tractor, manufactured before July 25, 1980, and having three or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels meet the performance requirements of subsection (2) of this section.

(III) Every trailer or semitrailer of three thousand pounds or more gross weight must have brakes on all wheels.

(e) Provisions of this subsection (1) shall not apply to manufactured homes.

(2) Performance ability of brakes:

(a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty miles per hour within a distance of forty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent.

(b) Under the conditions stated in paragraph (a) of this subsection (2), the hand brakes shall be adequate to stop such vehicle within a distance of fifty-five feet, and said hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the conditions stated in paragraph (a) of this subsection (2), the service brakes upon a motor vehicle equipped with two-wheel brakes only, when permitted under this section, shall be adequate to stop the vehicle within a distance of fifty-five feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this title.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

(2.5) The department of public safety is specifically authorized to adopt rules relating to the use of surge brakes.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

224. Horns or warning devices.

(1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in section 213(1) in the case of authorized emergency vehicles or as provided in section 222. The driver of a motor vehicle, when reasonably necessary to ensure safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices that are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under section 213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. Such device shall not be used for such special purposes unless the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

(3) A bicycle, electrical assisted bicycle, electric scooter, or low-power scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter, a siren or whistle.

(4) Snowplows and other snow-removal equipment shall display flashing yellow lights meeting the requirements of section 214 as a warning to drivers when such equipment is in service on the highway.

(5)(a) When any snowplow or other snow removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such snowplow.

(b) The driver of a snowplow, while engaged in the removal or control of snow and ice on any highway open to traffic and while displaying the required flashing yellow warning lights as provided by section 214, shall not be charged with any violation of the provisions of this Code relating to parking or standing, turning, backing, or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of a snowplow from the consequences of a reckless or careless disregard for the safety of others.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in section 42-4-214, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, "echelon formation" means a formation in which snowplows are arranged diagonally, with each unit stationed behind and to the right, or behind, and to the left, of the unit ahead.

225. Mufflers - prevention of noise.

(1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

(1.5) Any commercial vehicle, as defined in section 235 (1)(a), subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler.

(2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in §§43-4-205(5.5)(a).

(4) This section shall not apply to electric motor vehicles.

226. Mirrors - exterior placements.

(1) Every motor vehicle shall be equipped with a mirror or mirrors so located and so constructed as to reflect to the driver a free and unobstructed view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component that, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object that obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

227. Windows unobstructed - certain materials prohibited - windshield wiper requirements.

(1)(a)(I) Except as provided in this paragraph (a), no person shall operate any motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or treated with any material or component which presents an opaque, nontransparent, or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent light transmittance. The windshield shall allow seventy percent light transmittance.

(II) The provisions of this paragraph (a) shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle; however, if such windows allow less than twenty-seven percent light transmittance, then the front side windows and the windshield on such vehicles shall allow seventy percent light transmittance.

(III) A law enforcement vehicle may have its windows, except the windshield, treated in such a manner so as to allow less than twenty-seven percent light transmittance only for the purpose of providing a valid law enforcement service. A law enforcement vehicle with such window treatment shall not be used for any traffic law enforcement operations, including operations concerning any offense in this article. For purposes of this subparagraph (III), "law enforcement vehicle" means a vehicle owned or leased by a state or local law

enforcement agency. The treatment of the windshield of a law enforcement vehicle is subject to the limits described in paragraph (b) of this subsection (1).

(b) Notwithstanding any provision of paragraph (a) of this subsection (1), nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:

(I) The bottom edge of the material extends no more than four inches measured from the top of the windshield down;

(II) The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;

(III) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

(c) Nothing in this subsection (1) shall be construed to prevent the use of any window which is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by such covering which meets such guidelines.

(d) No material shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

(e) Nothing in this subsection (1) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) (a) Except as provided in paragraph (b) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who installs, covers, or treats a windshield or window so that the windshield or window does not meet the requirements of subsection (1)(a) of this section commits a class A traffic infraction.

(4) This section shall apply to all motor vehicles; except that subsection (2) of this section shall not apply to low-speed electric vehicles.

228. Restrictions on tire equipment.

(1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, and it is unlawful to operate upon the highways of this state any motor vehicle, trailer, or semitrailer equipped with solid rubber tires.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread on the traction surface of the tire; except that, on single-tired passenger vehicles and on other single-tired vehicles with rated capacities up to and including three-fourths ton, it shall be permissible to use tires containing studs or other protuberances which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire; and except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(4) The department of transportation and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Code.

(5)(a) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with this subsection (5) and any supplemental rules and regulations promulgated by the executive director of the department.

(b) The executive director of the department shall promulgate such rules as the executive director deems necessary setting forth requirements of safe operating conditions for tires. These rules shall be utilized by law enforcement officers for visual inspection of tires and shall include methods for simple gauge measurement of tire tread depth.

(c) A tire shall be considered unsafe if it has:

(I) Any bump, bulge, or knot affecting the tire structure;

(II) A break which exposes a tire body cord or is repaired with a boot or patch;

(III) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, on those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two-tread grooves at three locations equally spaced around the circumference of the tire; except that this subparagraph (III) shall not apply to tires on a commercial vehicle as such term is defined in section 235 (1)(a); or

(IV) Such other conditions as may be reasonably demonstrated to render it unsafe.

(6) No passenger car tire shall be used on any motor vehicle which is driven or moved on any highway if such tire was designed or manufactured for non-highway use.

(7) No person shall sell any motor vehicle for highway use unless the vehicle is equipped with tires that are in compliance with subsections (5) and (6) of this section and any rules of safe operating condition promulgated by the department.

(8)(a) Any person who violates any provision of subsection (1), (2), (3), (5), or (6) of this section commits a class A traffic infraction.

(b) Any person who violates any provision of subsection (7) of this section commits a class 2 misdemeanor traffic offense.

229. Safety glazing material in motor vehicles.

(1) No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered, unless such vehicle is equipped with safety glazing material of a type approved by the department for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

(2) The term "safety glazing materials" means such glazing materials as will reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The department shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section, and the department shall not, after January 1, 1958, register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and the department shall suspend the registration of any motor vehicle subject to this section which is found to be not so equipped until it is made to conform to the requirements of this section.

(4) No person shall operate a motor vehicle on any highway within this state unless the vehicle is equipped with a front windshield as provided in this section, except as provided in section 232 (1) and except for motor vehicles registered as collectors' items under sections 42-12-301 or 42-12-302.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

230. Emergency lighting equipment - who must carry.

(1) No motor vehicle carrying a truck license and weighing six thousand pounds or more and no passenger bus shall be operated over the highways of this state at any time without carrying in an accessible place inside or on the outside of the vehicle three bidirectional emergency reflective triangles of a type approved by the department, but the use of such equipment is not required in municipalities where there are street lights within not more than one hundred feet.

(2) Whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the bidirectional emergency reflective triangles as directed in subsection (3) of this section.

(3) Except as provided in subsection (2) of this section, whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within ten minutes, place the bidirectional emergency reflective triangles in the following manner:

(a) One at the traffic side of the stopped vehicle, within ten feet of the front or rear of the vehicle;

(b) One at a distance of approximately one hundred feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction toward traffic approaching in that lane; and

(c) One at a distance of approximately one hundred feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (a) and (b) of this subsection (3) in the center of the traffic lane or shoulder occupied by the vehicle; or

(d) If the vehicle is stopped within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the emergency equipment required by this subsection (3) in the direction of the obstruction to view at a distance of one hundred feet to five hundred feet from the stopped vehicle so as to afford ample warning to other users of the highway; or

(e) If the vehicle is stopped upon the traveled portion or the shoulder of a divided or one-way highway, the driver shall place the emergency equipment required by this subsection (3), one at a distance of two hundred feet and one at a distance of one hundred feet in a direction toward approaching traffic in the center of the lane or shoulder occupied by the vehicle, and one at the traffic side of the vehicle within ten feet of the rear of the vehicle.

(4) No motor vehicle operating as a tow truck, as defined in section 40-10.1-101(21), at the scene of an accident shall move or attempt to move any wrecked vehicle without first complying with those sections of the law concerning emergency lighting.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

231. Parking lights.

When lighted lamps are required by section 204, no vehicle shall be driven upon a highway with the parking lights lighted except when the lights are being used as signal lamps and except when the head lamps are lighted at the same time. Parking lights are those lights permitted by section 215 and any other lights mounted on the front of the vehicle, designed to be displayed primarily when the vehicle is parked. Any person who violates any provision of this section commits a class B traffic infraction.

232. Minimum safety standards for motorcycles, autocycles, and low-power scooters.

(1)(a) Except as provided in subsection (1)(b) of this section, a person shall not drive a motorcycle, autocycle, or low-power scooter on a public highway unless the person and any passenger in or on the motorcycle, autocycle, or low-power scooter is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) does not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

(b) A person driving or riding an autocycle need not wear eye protection if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(2) The department shall adopt standards and specifications for the design of goggles and eyeglasses.

(3) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

233. Alteration of suspension system.

(1) No person shall operate a motor vehicle of a type required to be registered under the laws of this state upon a public highway with either the rear or front suspension system altered or changed from the manufacturer's original design except in accordance with specifications permitting such alteration established by the department. Nothing contained in this section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this section prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear shall not affect the control of the vehicle.

(2) This section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes, and such motor vehicles may be lawfully towed on the highways of this state.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

234. Slow-moving vehicles - display of emblem.

(1)(a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, electric scooters, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway must display a triangular slow-moving vehicle emblem on the rear.

(b) The department shall set standards for a triangular slow-moving emblem for use on low-speed electric vehicles.

(c) Bicycles, electrical assisted bicycles, electric scooters and other human-powered vehicles may, but need not, display the emblem specified in this subsection (1).

(2) The executive director of the department shall adopt standards and specifications for such emblem, position of the mounting thereof, and requirements for certification of conformance with the standards and specifications adopted by the American society of agricultural engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.

(3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

235. Minimum standards for commercial vehicles - motor carrier safety fund - created - definition - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) A self-propelled or towed vehicle;

(A) Bearing an apportioned plate;

(B) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used in commerce on public highways; or

(C) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used to transport sixteen or more passengers, including the driver, unless the vehicle is a school bus regulated in accordance with section 42-4-1904, or a vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as the school district does not receive remuneration, other than reimbursement of the school district's costs, for the use of the vehicle;

(II) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; and

(III) A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

(b) Repealed.

(c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).

(2)(a) A person shall not operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless the vehicle is in compliance with the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. A person that violates such rules, including intrastate motor carriers, shall be subject to the civil penalties authorized pursuant to 49 CFR 386, subpart G. A person that uses an independent contractor is not liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. A state agency or court collecting civil penalties pursuant to this article 4 shall transmit the civil penalties to the state treasurer, who shall credit the same to the highway users tax fund created in section 43-4-201, for allocation and expenditure as specified in section 43-4-205(5.5)(a).

(b) Notwithstanding paragraph (a) of this subsection (2):

(I) Intrastate motor carriers shall not be subject to any provisions in 49 CFR, part 386, subpart G that relate the amount of a penalty to a violator's ability to pay, and such penalties shall be based upon the nature and gravity of the violation, the degree of culpability, and such other matters as justice and public safety may require;

(II) When determining the assessment of a civil penalty for safety violations, the period of a motor carrier's safety compliance history that a compliance review officer may consider shall not exceed three years; and

(III) The intrastate operation of implements of husbandry shall not be subject to the civil penalties provided in 49 CFR, part 386, subpart G. Nothing in this subsection (2) shall be construed to repeal, preempt, or negate any existing regulatory exemption for agricultural operations, intrastate farm vehicle drivers, intrastate vehicles or combinations of vehicles with a gross vehicle weight rating of not more than twenty-six thousand pounds that do not require a commercial driver's license to operate, or any successor or analogous agricultural exemptions, whether based on federal or state law.

(IV) This section does not apply to a motor vehicle or motor vehicle and trailer combination:

(A) With a gross vehicle weight, gross vehicle weight rating, or gross combination rating of less than twenty-six thousand one pounds;

(B) Not operated in interstate commerce;

(C) Not transporting hazardous materials requiring placarding;

(D) Not transporting either sixteen or more passengers including the driver or eight or more passengers for compensation; and

(E) If the motor vehicle or combination is being used solely for agricultural purposes.

(c) The Colorado state patrol has exclusive enforcement authority to conduct compliance reviews, as defined in 49 CFR 385.3, and to impose civil penalties pursuant to the reviews.

This subsection (2)(c) does not expand or limit the ability of local governments to conduct roadside safety inspections.

(d)(I) Pursuant to section 42-3-120, upon notice from the Colorado state patrol, for a carrier that fails to pay in full a civil penalty imposed pursuant to this subsection (2) within thirty days after notification of the penalty or fails to cooperate with the completion of a compliance review within thirty days after notification of the failure to cooperate, the department shall:

(A) cancel the motor carrier's registration; and

(B) enter both the motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record.

(II) Repealed.

(3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules and regulations adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. The declaration of knowledge shall be in writing on a form provided by the Colorado state patrol. Such form must be signed and returned by a motor carrier according to rules adopted by the chief.

(4)(a)(I) Except as described in subsection (4)(a)(III) of this section, the chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles and, as specified in subsection (4)(a)(II) of this section, vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the chief pursuant to this subsection (4)(a) must be performed by an enforcement official, as defined in section 42-20-103(2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(II) With respect to the operation of all vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds, the chief of the Colorado state patrol may adopt rules that authorize the Colorado state patrol to:

(A) Annually inspect these vehicles;

(B) Enforce with respect to these vehicles all requirements for the securing of loads that apply to commercial vehicles; and

(C) Enforce with respect to these vehicles all requirements relating to the use of coupling devices for commercial vehicles.

(III) Rules establishing insurance requirements for vehicles used by licensed river outfitters are established by the parks and wildlife commission pursuant to section 33-32-103(1)(e).

(b) The Colorado public utilities commission may enforce safety rules of the chief of the Colorado state patrol governing commercial vehicles described in subparagraphs (I) and (II) of paragraph (a) of subsection (1) of this section pursuant to his or her authority to regulate motor carriers, as defined in section 40-10.1-101, including the issuance of civil penalties for violations of such rules as provided in section 40-7-113.

(5) Any person who violates a rule or regulation promulgated by the chief of the Colorado state patrol pursuant to this section or fails to comply with subsection (3) of this section commits a class 2 misdemeanor traffic offense.

(6) The motor carrier safety fund is created in the state treasury. The fund consists of moneys transferred from the public utilities commission motor carrier fund pursuant to section 40-2-110.5(9)(a). Moneys in the fund are subject to appropriation by the general assembly for the direct and indirect costs of the advancement of highway safety relating to commercial carrier operations pursuant to this section. All interest derived from the deposit and investment of moneys in the fund are credited to the fund, and any moneys not appropriated remain in the fund and do not transfer or revert to the general fund or any other fund.

236. Child restraint systems required - definitions - exemptions.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care center" means a facility required to be licensed under the "Foster Care, Residential, Day Treatment, and Agency Licensing Act", part 9 of article 6 of title 26, or the "Child Care Licensing Act", part 3 of article 5 of title 26.5.

(a.3) Deleted.

(a.5) "Child restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 CFR 571.213, as amended.

(a.7) Deleted.

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. "Motor vehicle" does not include motorcycles, low-power scooters, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is

physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

(c) "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2)(a)(I) Unless exempted pursuant to subsection (3) of this section, and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system according to the manufacturer's instructions:

(II) If the child is less than one year of age and weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child, who is at least eight years of age but less than sixteen years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in section 42-2-105.5(4), the requirements of subsection (2) of this section shall not apply to a child who:

(a) Repealed.

(b) Is less than eight years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(c) Is being transported in a commercial motor vehicle, as defined in section 42-2-402(4)(a), that is operated by a child care center; or

(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237;

(e) (Deleted by amendment, L. 2011, (SB 11-227), ch. 295, p. 1399, § 1, effective June 7, 2011.)

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in section 40-10.1-101, or an operator of a luxury limousine service as defined in section 40-10.1-301.

(4) No Rule.

(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(7) (a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section commits a class B traffic infraction.

(b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).

(8) The fine may be waived if the defendant presents the court with satisfactory evidence or proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

(9) (Deleted by amendment, L. 2010, (SB 10-110), ch 294, p. 1365, § 3, effective August 1, 2020.

(10) and (11) Repealed.

237. Safety belt systems - mandatory use - exemptions - penalty - definitions.

(1) As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle and every driver of and every passenger in an auticycle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

(3) Except as provided in section 42-2-105.5, the requirement of subsection (2) of this section shall not apply to:

- (a) A child required by section 236 to be restrained by a child restraint system;
 - (b) A member of an ambulance team, other than the driver, while involved in patient care;
 - (c) A peace officer as described in section 16-2.5-101, while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (2) of this section and which only provide exceptions necessary to protect the officer;
 - (d) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;
 - (e) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;
 - (f) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and
 - (g) A person operating a motor vehicle which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.
- (4)(a) Except as otherwise provided in paragraph (b) of this subsection (4), any person who operates a motor vehicle while such person or any passenger is in violation of the requirement of subsection (2) of this section commits a class B traffic infraction. Penalties collected pursuant to this subsection (4) shall be transmitted to the appropriate authority pursuant to the provisions of section 42-1-217(1)(e) and (2).
- (b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).
- (5) No driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Codes 1 to 4 of this title other than a violation of this section.
- (6) Testimony at a trial for a violation charged pursuant to subsection (4) of this section may include:
- (a) Testimony by a law enforcement officer that the officer observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (2) of this section; or
 - (b) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.

(7) Evidence of failure to comply with the requirement of subsection (2) of this section shall be admissible to mitigate damages with respect to any person who was involved in a motor vehicle accident and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. Such mitigation shall be limited to awards for pain and suffering and shall not be used for limiting recovery of economic loss and medical payments.

238. Blue and red lights - illegal use or possession.

(1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in section 42-1-102(6), that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.

(2) It shall be an affirmative defense that the defendant was:

(a) A peace officer as described in section 16-2.5-101; or

(b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or

(c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to section 222 (1)(b); or

(d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or

(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item.

(3) A violation of this section is a class 2 misdemeanor.

239. Misuse of a wireless telephone - definitions - penalty - preemption.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) “Operating a motor vehicle” means driving a motor vehicle on a public highway, but “operating a motor vehicle” shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) “Use” means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) “Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider’s equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (3) of this section.

(3) A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

(a) To contact a public safety entity; or

(b) During an emergency.

(5)(a) A person who operates a motor vehicle in violation of subsection (2) of this section commits a class A traffic infraction as defined in section 42-4-1701(3). and the court or the department of revenue shall assess a fine of fifty dollars.

(b) A second or subsequent violation of subsection (2) of this section is a class A traffic infraction as defined in section 1701(3), and the court or the department of revenue shall assess a fine of one hundred dollars.

(5.5)(a) Except as provided in subsections (5.5)(b) and (5.5)(c) of this section, a person who operates a motor vehicle in violation of subsection (3) of this section commits a class 2 misdemeanor traffic offense, and the court or the department shall assess a fine of three hundred dollars.

(b) If the person’s actions are the proximate cause of bodily injury to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(c) If the person’s actions are the proximate cause of death to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(6)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by 42-4-1402.

(7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

(8) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

(9) The general assembly finds and declares that use of wireless telephones in motor vehicles is a matter of statewide concern.

240. Low-speed electric vehicle equipment requirements.

A low-speed electric vehicle shall conform with applicable federal manufacturing equipment standards. Any person who operates a low-speed electric vehicle in violation of this section commits a class B traffic infraction.

241. Unlawful removal of tow-truck signage - unlawful usage of tow-truck signage.

(1)(a) A person, other than a towing carrier or peace officer as described in section 16-2.5-101, commits the crime of unlawful removal of tow-truck signage if:

(I) A towing carrier has placed a tow-truck warning sign on the driver-side window of a vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the vehicle; and

(II) The vehicle to be towed is within fifty feet of the towing carrier vehicle; and

(III) The person removes the tow-truck warning sign from the vehicle before the tow is completed.

(b) A person commits the crime of unlawful usage of tow-truck signage if the person places a tow-truck warning sign on a vehicle when the vehicle is not in the process of being towed or when the vehicle is occupied.

(c) A towing carrier may permit an owner of the vehicle to be towed to retrieve any personal items from the vehicle before the vehicle is towed.

(2) A person who violates subsection (1) of this section commits a class A traffic infraction.

(3) For purposes of this section, "tow-truck warning sign" means a sign that is at least eight inches by eight inches, is either yellow or orange, and states the following:

WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.

242. Automated driving systems - safe harbor.

(1) A person may use an automated driving system to drive a motor vehicle or to control a function of a motor vehicle if the system is capable of complying with every state and federal law that applies to the function that the system is operating.

(2) Any provision in articles 1 to 3 of title 42 and article 4 that by its nature regulates a human driver, including section 42-2-101, does not apply to an automated driving system, except for laws regulating the physical driving of a vehicle.

(3)(a) If an automated driving system is not capable of complying with every state and federal law that applies to the function the system is operating, a person shall not test the system unless approved by the Colorado state patrol and the Colorado department of transportation, in accordance with a process overseen by the Colorado state patrol and the Colorado department of transportation.

(b) A person who violates this subsection (3) commits a class B traffic infraction. Upon determining that there is probable cause to believe that a motor vehicle was used to violate this subsection (3), a peace officer of the state patrol may impound or immobilize the motor vehicle until the person who violated this section has obtained the required approval in accordance with subsection (3)(a) of this section or signed an affidavit, under penalty of perjury, stating the person's intention to cease using the automated driving system in Colorado without the required approval.

(4) The Colorado department of transportation shall report to the transportation legislation review committee by September 1 of each year, concerning the testing of automated driving systems in Colorado. The first report is due by September 1, 2018. Notwithstanding the provisions of section 24-1-136, the reporting requirements contained in this subsection (4) continued indefinitely.

(5) Liability for a crash involving an automated driving system driving a motor vehicle that is not under human control is determined in accordance with applicable state law, federal law, or common law.

Part 3
Emissions Inspection
(Omitted)

Part 4
Diesel Inspection Program
(Omitted)

Part 5

Size - Weight - Load

501. Size and weight violations - penalty.

Except as provided in section 509, it is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 502 to 512 or otherwise in violation of said sections or section 1407, except as permitted in section 510. The maximum size and weight of vehicles specified in said sections shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations, except as express authority may be granted in section 42-4-106.

502. Width of vehicles.

(1) The total outside width of any vehicle or the load thereon shall not exceed eight feet six inches, except as otherwise provided in this section.

(2)(a) A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.

(b) A vehicle and trailer may transport a load of rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width.

(3) It is unlawful for any person to operate a vehicle or a motor vehicle which has attached thereto in any manner any chain, rope, wire, or other equipment which drags, swings, or projects in any manner so as to endanger the person or property of another.

(4) The total outside width of buses and coaches used for the transportation of passengers shall not exceed eight feet six inches.

(5)(a) The total outside width of vehicles as included in this section shall not be construed so as to prohibit the projection beyond such width of clearance lights, rearview mirrors, or other accessories required by federal, state, or city laws or regulations.

(b) The width requirements imposed by subsection (1) of this section shall not include appurtenances on recreational vehicles, including but not limited to motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, and truck campers, all as defined in section 24-32-902, so long as such recreational vehicle, including such appurtenances, does not exceed a total outside width of nine feet six inches.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

503. Projecting loads on passenger vehicles.

Except with regard to the operation of a motorcycle, autocycle, bicycle, electrical assisted bicycle or electric scooter, a person shall not operate a passenger-type vehicle on any highway with any load carried extending beyond the line of the fenders on the left side of the vehicle nor extending

more than six inches beyond the line of the fenders on the right side of the vehicle. A person who violates this section commits a class B traffic infraction.

504. Height and length of vehicles.

(1) No vehicle unladen or with load shall exceed a height of fourteen feet six inches. The department of transportation shall designate highways with overhead highway structures that have less than fourteen feet six inches of vertical clearance. A driver shall not drive a vehicle under a structure if the vehicle's height exceeds the department's designated vertical clearance for the structure.

(2) No single motor vehicle shall exceed a length of forty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the limits of a town, city, or municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may extend to forty feet.

(3) Buses used for the transportation of passengers between towns, cities, and municipalities in the state of Colorado may be sixty feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of thirteen feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in section 508; except that buses with a height of fourteen feet six inches which otherwise conform to the requirements of this subsection (3) shall be operated only on highways designated by the department of transportation.

(4) No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to unladen truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length or to unladen truck tractor-semitrailer-trailer combinations when the semitrailer and the trailer are each twenty-eight feet six inches or less in length. Said length limitations shall also not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in section 42-4-510, but, in respect to night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(4.5) Notwithstanding the provisions of subsection (4) of this section, drivers shall not drive the following combinations of vehicles:

(a) Saddle-mount combinations consisting of more than four units or saddle-mount combinations exceeding ninety-seven feet in overall length;

(b) Laden truck tractor-semitrailer combinations exceeding seventy-five feet in overall length; and

(c) Stinger-steered vehicle combinations for transporting automobiles or boats and whose total overall length exceeds eighty feet; except that the overall length of these combinations excludes:

(i) Safety devices that are not designed or used for carrying cargo;

(II) Automobiles or boats being transported;

(III) Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, shall not extend more than four feet beyond the extreme front of the grill of such vehicle and no load or extension device may extend more than six feet to the extreme rear of the vehicle.

(d) Towaway trailer transporter combinations that:

(I) Exceed eighty-two feet in overall length;

(II) Carry property;

(III) Exceed an overall weight of twenty-six thousand pounds;

(IV) Consist of more than a single towing unit and two trailers or semitrailers; or

(V) Do not constitute inventory property of a manufacturer, distributor, or dealer of the trailer or semitrailer.

(5) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the front most point of the grill of such vehicle; but a load may project not more than four feet beyond the front most point of the grill assembly of the vehicle engine compartment of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or to either side.

(6) The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, and pipes shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of subsection (5) of this section, and no load shall project to the rear more than ten feet.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

505. Longer vehicle combinations.

(1) Notwithstanding any other provision of this Code to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the department of transportation may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in each vehicle. The fee for the permit shall be two hundred fifty dollars per year.

(2) The permits shall allow operation, over designated highways, of the following vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles:

(a) An unladen truck tractor, a semitrailer, and two trailers. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed twenty-eight feet six inches in length.

(b) An unladen truck tractor, a semitrailer, and a single trailer. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed forty-eight feet in length. Notwithstanding any other restriction set forth in this section, such combination may have up to eleven axles when used to transport empty trailers.

(c) An unladen truck tractor, a semitrailer, and a single trailer, one trailer of which is not more than forty-eight feet long, the other trailer of which is not more than twenty-eight feet six inches long. A semitrailer used with a converter dolly shall be considered a trailer. The shorter trailer shall be operated as the rear trailer.

(d) A truck and single trailer, having an overall length of not more than eighty-five feet, the truck of which is not more than thirty-five feet long and the trailer of which is not more than forty feet long. For the purposes of this paragraph (d), a semitrailer used with a converter dolly shall be considered a trailer.

(3) The long combinations are limited to interstate highway 25, interstate highway 76, interstate highway 70 west of its intersection with state highway 13 in Garfield county, interstate highway 70 east of its intersection with U.S. 40 and state highway 26, the circumferential highways designated I-225 and I-270, and state highway 133 in Delta county from mile marker 8.9 to mile marker 9.7.

(4) The department of transportation shall promulgate rules and regulations governing the issuance of the permits, including, but not limited to, selection of carriers, driver qualifications, equipment selection, hours of operation, and safety considerations; except that they shall not include hazardous materials subject to regulation by the provisions of Code 20 of this title.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

506. Trailers and towed vehicles.

(1) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of a structural nature which cannot readily be dismembered and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

(2) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(3) Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth wheel connection meeting the requirements of the department of transportation, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened, or otherwise damaged shall be used. This subsection (3) shall apply to all motor vehicles, to all trailers, except semitrailers connected by a proper fifth wheel, and to any dolly used to convert a semitrailer to a full trailer.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

507. Wheel and axle loads.

(1) The gross weight upon any wheel of a vehicle shall not exceed the following:

(a) When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;

(b) When the wheel is equipped with a pneumatic tire, nine thousand pounds.

(2) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:

(a) When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;

(b) Except as provided in paragraph (b.5) of this subsection (2), when the wheels attached to a single axle are equipped with pneumatic tires, twenty thousand pounds;

(b.5) When the wheels attached to a single axle are equipped with pneumatic tires and the vehicle or vehicle combination is a digger derrick or bucket boom truck operated by an electric utility on a highway that is not on the interstate system as defined in section 43-2-101 (2), twenty-one thousand pounds;

(c) When the wheels attached to a tandem axle are equipped with pneumatic tires, thirty-six thousand pounds for highways on the interstate system and forty thousand pounds for highways not on the interstate system.

(3)(a) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of paragraph (b) of subsection (2) of this section.

(b) (omitted for 1987 passed date?)

(c) A vehicle contracted by or owned and operated by a local authority or special district is exempt from paragraph (c) of subsection (2) of this section of the vehicle:

(I) Is equipped with a vacuum or jet equipment to load or unload solid, semisolid, or liquid waste for water or wastewater treatment or transportation systems or for the removal of storm water; and

(II) Is not operated on the interstate system as defined by section 43-2-101.

(4) For the purposes of this section:

(a) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.

(b) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

(5) The gross weight upon any one wheel of a steel-tired vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

(6) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

508. Gross weight of vehicles and loads - definition.

(1)(a) Except as provided in subsection (1.5) of this section, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge when the gross weight upon any one axle of a vehicle exceeds the limits prescribed in section 507.

(b) Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 1,000(L + 40)$, where W represents the gross weight in pounds and L represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; except that, in computation of this formula, the gross vehicle weight must not exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section must be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the amount determined by the formula $W = 500[(LN/N-1) + 12N + 36]$, up to a maximum of eighty thousand pounds, where W represents the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L represents the distance in feet between the extreme of any group of two or more consecutive axles, and N represents the number of axles in the group.

(d) For the purposes of this subsection (1), where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation does not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(1.5) The gross weight limits provided in subsection (1) of this section increase, but by no more than two thousand pounds, for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. For the purposes of this subsection (1.5), "alternative fuel" has the same meaning provided in section 24-30-1104(2)(c)(III)(a).

(2) The department upon registering any vehicle under the laws of this state, which vehicle is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may acquire such information and may make such investigation or tests as necessary to enable it to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this article. The department shall not register any such vehicle for a permissible gross weight exceeding the limitations set forth in sections 501 to 512 and 1407 of this Code. Every such vehicle shall meet the following requirements:

(a) It shall be equipped with brakes as required in section 223;

(b) Every motor vehicle to be operated outside of business and residential district shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or be drawn thereby.

(3) If the federal highway administration or the United States congress prescribes or adopts vehicle size or weight limits greater than those now prescribed by the "Federal-Aid Highway Act of 1956", which limits exceed in full or in part the provisions of section 504 or paragraph (b) or (c) of subsection (1) of this Code, the transportation commission, upon determining that Colorado highways have been constructed to standards which will accommodate such additional size or weight and that the adoption of said size and weight limitations will not jeopardize any distribution of federal highway funds to the state, may adopt size and weight limits comparable to those prescribed or adopted by the federal highway administration or the United States congress and may authorize said limits to be used by owners or operators of vehicles while said vehicles are using highways within this state; but no vehicle size or weight limit so adopted by the commission shall be less in any respect than those now provided for in section 504 or paragraph (b) or (c) of subsection (1) of this section.

(4) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

509. Vehicles weighed - excess removed.

(1) Any police or peace officer, as described in section 16-2.5-101, having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

(2)(a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under sections 501 to 512 and 1407. All material

so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in section 102 (32), such officer shall permit the driver of such vehicle to proceed to the driver's destination without requiring the driver to unload the excess portion of such load.

(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a class 2 misdemeanor traffic offense.

510. Permits for excess size and weight and for manufactured homes - rules - definition.

(1)(a) Any local authority with respect to highways under its jurisdiction may, upon application in writing and good cause being shown therefor, issue a single trip, a special, or an annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Code or otherwise not in conformity with the provisions of this Code upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible; except that permits for the movement of any manufactured home shall be issued as provided in subsection (2) of this section.

(b)(I) The application for any permit shall specifically describe the vehicle and load to be operated or moved and the particular highways for which the permit to operate is requested, and whether such permit is for a single trip, a special, or an annual operation, and the time of such movement. All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions adopted in accordance with section 511. Any ordinances or resolutions of local authorities shall not conflict with this section.

(II) An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:

(A) The vehicle has a quad axle grouping and the maximum gross weight of the vehicle does not exceed one hundred ten thousand pounds; or

(B) The vehicle is operated in combination with a trailer or semitrailer, the trailer has two or three axles, and the maximum gross weight of the vehicle does not exceed ninety-seven thousand pounds; and

(C) The owner and operator of the motor vehicle are in compliance with the federal "Motor Carrier Safety Improvement Act of 1999", Pub.L. 106-159, as amended, as applicable to commercial vehicles; and

(D) The vehicle complies with rules promulgated by the department of transportation concerning the distribution of the load upon the vehicle's axles.

(III) A permit issued pursuant to this paragraph (b) shall not authorize the operation or movement of a motor vehicle on the interstate highway in violation of federal law.

(c)(I) A single trip or annual permit shall be issued pursuant to this section for a self-propelled fixed load crane that exceeds legal weight limits if it does not exceed the weight limits authorized by the department of transportation. A boom trailer or boom dolly shall not be permitted unless the boom trailer or boom dolly is attached to the crane in a manner and for the purpose of distributing load to meet the weight requirements established by the department. A self-propelled fixed load crane may be permitted with counterweights when a boom trailer or boom dolly is used if the counterweights do not exceed the manufacturer's rated capacity of the self-propelled fixed load crane and do not cause the vehicle to exceed permitted axle or gross weight limits. A permit issued pursuant to this paragraph (c) shall not authorize movement on interstate highways if not approved by federal law.

(II) For the purposes of this paragraph (c), "self-propelled fixed load crane" means a self-powered mobile crane designed with equipment or parts permanently attached to the body of the crane. A self-propelled fixed load crane includes, without limitation, the crane's shackles and slings.

(d) For the purposes of this section, section 42-4-511, and any rule promulgated under this section or section 42-4-511, a load of fluid milk products carried by a vehicle is deemed to not be a divisible load.

Note: 1.5 & 1.7(2)(a) An authentication of paid ad valorem taxes, after notification of such movement to the county treasurer, may serve as a permit for movement of manufactured homes on public streets or highways under the county's jurisdiction. An authentication of paid ad valorem taxes from the county treasurer of the county from which the manufactured home is to be moved, after notification of such movement has been provided to the county assessor of the county to which the manufactured home is to be moved, pursuant to section 39-5-205, may also serve as a permit for the movement of manufactured homes from one adjoining county to an adjoining county on streets and highways under local jurisdiction. The treasurer shall issue along with the authentication of paid ad valorem taxes a transportable manufactured home permit. The treasurer may establish and collect a fee, which shall not exceed ten dollars, for issuing the authentication of paid ad valorem taxes and the transportable manufactured home permit. Such transportable manufactured home permit shall be printed on an eleven inch by six inch fluorescent orange card and shall contain the following information: The name and address of the owner of the mobile home; the name and address of the mover; the transport number of the mover, a description of the mobile home including the make, year, and identification or serial number; the county authentication number; and an expiration date. The expiration date shall be set by the treasurer, but in no event shall the expiration date be more than thirty days after the date of issue of the permit. Such transportable manufactured home permit shall be valid for a single trip only. The transportable manufactured home permit shall be prominently displayed on the rear of the mobile home during transit of the mobile home. Peace officers and local tax and assessment officials may request, and upon demand shall be shown, all moving permits, tax receipts, or certificates required by this subsection (2). Nothing in this section shall require a permit from a county treasurer for the movement of a new manufactured home. For the purposes of this section,

a new manufactured home is one in transit under invoice or manufacturer's statement of origin which has not been previously occupied for residential purposes.

(b) All applications for permits to move manufactured homes over state highways shall comply with the following special provisions:

(I) Each such application shall be for a single trip, a special permit, an annual permit, or, subject to the requirements of paragraph (a) of subsection (1.5) of this section, an annual fleet permit. The application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all manufactured homes moved within this state by the permit holder during the effective term of the permit. Each application for a single trip permit shall be accompanied by an authentication of paid ad valorem taxes on the used manufactured home.

(II) Holders of permits shall keep and maintain, for not less than three calendar years, records of all manufactured homes moved in whole or in part within this state, which records shall include the plate number of the towing vehicle; the year, make, serial number, and size of the unit moved, together with date of the move; the place of pickup; and the exact address of the final destination and the county of final destination and the name and address of the landowner of the final destination. These records shall be available upon request within this state for inspection by the state of Colorado or any of its ad valorem taxing governmental subdivisions.

(III) Holders of permits shall obtain an authentication of paid ad valorem taxes through the date of the move from the owner of a used manufactured home or from the county treasurer of the county from which the used manufactured home is being moved. Permit holders shall notify the county treasurer of the county from which the manufactured home is being moved of the new exact address of the final destination and the county of final destination of the manufactured home and the name and address of the landowner of the final destination, and, if within the state, the county treasurer shall forward copies of the used manufactured home tax certificate to the county assessor of the destination county. County treasurers may compute ad valorem manufactured home taxes due based upon the next preceding year's assessment prorated through the date of the move and accept payment of such as payment in full.

(IV) No owner of a manufactured home shall move the manufactured home or provide for the movement of the manufactured home without being the holder of a paid ad valorem tax certificate and a transportable manufactured home permit thereon, and no person shall assist such an owner in the movement of such owner's manufactured home, including a manufactured home dealer. Except as otherwise provided in this paragraph (b), a permit holder who moves any manufactured home within this state shall be liable for all unpaid ad valorem taxes thereon through the date of such move if movement is made prior to payment of the ad valorem taxes due on the manufactured home moved.

(V) In the event of an imminent natural or man-made disaster or emergency, including, but not limited to, rising waters, flood, or fire, the owner, owner's representative or agent, occupant, or tenant of a manufactured home or the mobile home park owner or manager,

lienholder, or manufactured home dealer is specifically exempted from the need to obtain a permit pursuant to this section and may move the endangered manufactured home out of the danger area to a temporary or new permanent location and may move such manufactured home back to its original location without a permit or penalty or fee requirement. Upon any such move to a temporary location as a result of a disaster or emergency, the person making the move or such person's agent or representative shall notify the county assessor in the county to which the manufactured home has been moved, within twenty days after such move, of the date and circumstances pertaining to the move and the temporary or permanent new location of the manufactured home. If the manufactured home is moved to a new permanent location from a temporary location as a result of a disaster or emergency, a permit for such move shall be issued but no fee shall be assessed.

(3) Any local authority is authorized to issue or withhold a permit, as provided in this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure.

(4) The original or a copy of every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the authority that granted a permit may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be carried in the vehicle or combination of vehicles to which it refers. No person shall violate any of the terms or conditions of such permit.

(5) No vehicle having a permit under this section shall be remodeled, rebuilt, altered, or changed except in such a way as to conform to those specifications and limitations established in sections 501 to 507 and 1407.

(6) Any person who has obtained a valid permit for the movement of any oversize vehicle or load may attach to such vehicle or load or to any vehicle accompanying the same not more than three illuminated flashing yellow signals as warning devices.

(7) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to such person's place of business within the state or to the premises of a purchaser or prospective purchaser within the state; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(8) The department of transportation shall have a procedure to allow those persons who are transporting loads from another state into Colorado and who would require a permit under the provisions of this section to make advance arrangements by telephone or other means of communication for the issuance of a permit if the load otherwise complies with the requirements of this section.

(9) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to such person's place of business within the state or to the premises of a purchaser or prospective purchaser within the state; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(10) Local law enforcement officials shall verify the validity of permits issued under this section whenever feasible. Upon determination by any of such officials or by any personnel of a county assessor's or county treasurer's office indicating that a manufactured home has been moved without a valid permit, the district attorney shall investigate and prosecute any alleged violation as authorized by law.

(11)(a) The department of transportation or the Colorado state patrol may charge permit applicants permit fees as follows:

(I) For overlength, overwidth, and overheight permits on loads or vehicles which do not exceed legal weight limits:

(A) Annual permit, two hundred fifty dollars;

(B) Single trip permit, fifteen dollars;

(II) Not applicable.

(III) For overweight permits for vehicles or loads exceeding legal weight limits up to two hundred thousand pounds:

(A) Annual permit, four hundred dollars;

(B) Single trip permit, fifteen dollars plus five dollars per axle;

(C) Annual fleet permits, one thousand five hundred dollars plus twenty-five dollars per vehicle to be permitted. For purposes of this sub-subparagraph (C), "fleet" means any group of two or more vehicles owned by one person. This sub-subparagraph (C) shall apply only to longer vehicle combinations as defined in section 505.

(IV) Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of two hundred thousand pounds, one hundred twenty-five dollars for a permit for a single trip, including a super-load permit issued under subsection (1.7) of this section; except that a super-load permit fee is four hundred dollars;

(V) The fee for an annual fleet permit issued pursuant to subsection (1.5) or (2) of this section is three thousand dollars for a fleet of from two to ten vehicles plus three hundred dollars for each additional vehicle in the fleet;

(VI) For overweight permits for vehicles that have a quad axle grouping for subdivisible vehicles or loads exceeding legal weight limits issued pursuant to subsection (1)(b)(II)(A) of this section:

(A) Annual permit, five hundred dollars; and

(B) Single trip permit, thirty dollars plus ten dollars per axle.

(VII) For overweight permits for vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II)(B) of this section:

(A) Annual permit, five hundred dollars;

(B) Six-month permit, two hundred fifty dollars; and

(C) Single-trip permit, fifteen dollars plus ten dollars per axle.

(VIII) For annual fleet overweight permits for fleets of vehicles that have a quad axle grouping, fleets of vehicle combinations with a trailer that has two or three axles, and fleets of both vehicles that have a quad axle grouping and vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II) of this section, two thousand dollars plus thirty-five dollars per vehicle to be permitted.

(b) Any local authority may impose a fee, in addition to but not to exceed the amounts required in subparagraphs (I) and (III) of paragraph (a) of this subsection (11), as provided by the applicable local ordinance or resolution; and, in the case of a permit under subparagraph (IV) of paragraph (a) of this subsection (11), the amount of the fee shall not exceed the actual cost of the extraordinary action.

(12)(a) Any person holding a permit issued pursuant to this section or any person operating a vehicle pursuant to such permit who violates any provision of this section, any ordinance or resolution of a local authority, or any standards or rules or regulations promulgated pursuant to this section, except the provisions of subsection (2)(b)(IV) of this section, commits a class 2 misdemeanor.

(b) Any person who violates the provisions of subsection (2)(b)(IV) of this section commits a petty offense.

(c) A local authority with regard to a local permit may, after a hearing, revoke, suspend, refuse to renew, or refuse to issue any permit authorized by this section upon a finding that the holder of the permit has violated the provisions of this section, any ordinance or resolution of the local authority, or any standards or rules promulgated pursuant to this section.

(d) A driver or holder of a permit issued pursuant to subsection (1.7) of this section who fails to comply with the terms of the permit or subsection (1.7) of this section commits a class 2 misdemeanor.

511. Permit standards - state and local.

(1)(a) Any permits which may be required by local authorities shall be issued in accordance with ordinances and resolutions adopted by the respective local authorities after a public hearing at which testimony is received from affected motor vehicle owners and operators. Notice of such public hearing shall be published in a newspaper having general circulation within the local authority's jurisdiction. Such notice shall not be less than eight days prior to the date of hearing. The publication shall not be placed in that portion of the newspaper in which legal notices or classified advertisements appear. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public, including motor vehicle owners and operators to be affected, may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing.

(b) At least thirty days prior to such public hearing, the local authority shall transmit a copy of the proposed ordinance or resolution to the department of transportation for its comments, and said department shall make such comments in writing to the local authority prior to such public hearing.

(c) Any local authority that adopts or has adopted an ordinance or resolution governing permits for the movement of oversize or overweight vehicles or loads shall file a copy of the ordinance or resolution with the department of transportation.

512. Liability for damage to highway.

(1) No person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure. When the damage sustained to said highway or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight authorized by sections 501 to 512 and 1407, it shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued in accordance with sections 501 to 512 and 1407.

(2) Every person violating the provisions of subsection (1) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

Part 6

Signals - Signs - Markings

601. Local governments to sign highways, where.

This local government shall place and maintain such traffic control devices, conforming to the "Manual of Uniform Traffic Control Devices" and specifications, upon streets and highways as it deems necessary to indicate and to carry out the provisions of this Code or to regulate, warn, or guide traffic.

602. Local traffic control devices.

(1) No local authority shall erect or maintain any stop sign or traffic control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the department of transportation.

(2) Where practical no local authority shall maintain three traffic control signals located on a roadway so as to be within one minute's driving time (to be determined by the speed limit) from any one of the signals to the other without synchronizing the lights to enhance the flow of traffic and thereby reduce air pollution.

603. Obedience to official traffic control devices.

(1) No driver of a vehicle shall disobey the instructions of any official traffic control device including any official hand signal device placed or displayed in accordance with the provisions of this Code unless otherwise directed by a police officer subject to the exceptions in this Code granted the driver of an authorized emergency vehicle.

(2) No provision of this Code for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Code, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this Code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Code unless the contrary is established by competent evidence.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

604. Traffic control signal legend.

(1) If traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the traffic control manual adopted by the department of transportation, only the colors green, yellow, and red shall be used, except for special pedestrian-control signals carrying a word or symbol legend as provided in section 802, and said lights, arrows, and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(I) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection and to pedestrians lawfully within an adjacent crosswalk at the time such signal is exhibited.

(II) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(III) Unless otherwise directed by a pedestrian-control signal as provided in section 42-4-802, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication:

(I) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(II) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in section 802, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady red indication:

(I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown; except that:

(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their

respective jurisdictions have by ordinance or resolution prohibited any such right turn and have erected an official sign at each intersection where such right turn is prohibited.

(B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this subparagraph (B) if local authorities have by ordinance prohibited any such left turn and erected a sign giving notice of any such prohibition at each intersection where such left turn is prohibited.

(C) To promote uniformity in traffic regulation throughout the state and to protect the public peace, health, and safety, the general assembly declares that no local authority shall have any discretion other than is expressly provided in this subparagraph (I).

(II) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(III) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

(IV) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(d) Non-intersection signal: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) Lane-use-control signals: Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and apply to drivers of vehicles as follows:

(I) Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.

(II) Yellow "X" (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red "X" signal is exhibited.

(III) Yellow "X" (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.

(IV) Red "X" (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

605. Flashing signals.

(1) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:

(a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by the provisions of sections 706 to 708.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

606. Display of unauthorized signs or devices.

(1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark, or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(2) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

(4) The provisions of this section shall not be applicable to informational sites authorized under section 43-1-405.

(5) The provisions of this section shall not be applicable to specific information signs authorized under section 43-1-420.

607. Interference with official devices.

(1)(a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof. Except as otherwise provided in subsection (2) of this section, any person who violates any provision of this paragraph (a) commits a class B traffic infraction.

(b) No person shall possess or sell, without lawful authority, an electronic device that is designed to cause a traffic light to change. A person who violates any provision of this paragraph (b) commits a class B traffic infraction.

(2)(a) No person shall use an electronic device, without lawful authority, that causes a traffic light to change. Except as otherwise provided in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.

(b) A person who violates any provision of paragraph (a) of this subsection (2) and thereby proximately causes bodily injury to another person commits a class 1 misdemeanor traffic offense. In addition to any other penalty imposed by law, the court shall impose a fine of one thousand dollars.

608. Signals by hand or signal device.

(1) Any stop or turn signal when required as provided by section 42-4-903, shall be given either by means of the hand and arm as provided by section 42-4-609, or by signal lamps or signal device of the type approved by the department, except as otherwise provided in subsection (2) of this section.

(2) Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

609. Method of giving hand and arm signals.

(1) All signals required to be given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left-turn, hand and arm extended horizontally;

(b) Right-turn, hand and arm extended upward;

(c) Stop or decrease speed, hand and arm extended downward.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

610. Unauthorized insignia.

No owner shall display upon any part of the owner's vehicle any official designation, sign, or insignia of any public or quasi-public corporation or municipal, state, or national department or governmental subdivision without authority of such agency or any insignia, badge, sign, emblem, or distinctive mark of any organization or society of which the owner is not a bona fide member or otherwise authorized to display such sign or insignia. Any person who violates any provision of this section commits a class B traffic infraction.

611. Paralegic persons or persons with disabilities - distress flag.

(1) Any paralegic person or person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half inches in width and thirteen inches in length, with the letter "D" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the department of transportation before the same is used.

(2) Any person who is not a paralegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment.

(3) Any person who is not a paralegic person or a person with a disability who uses such flag as a signal or for any other purpose commits a class A traffic infraction.

612. When signals are inoperative or malfunctioning.

(1)(a) When a driver approaches an intersection and faces a traffic control signal that is inoperative, that remains on steady red or steady yellow during several time cycles, or that does not recognize a motorcycle or autocycle that is operated by the driver, the provisions controlling entrance to a through street or highway from a stop sign or highway, as provided under section 703, apply until a police officer assumes control of traffic or until the traffic control signal resumes normal operation.

(b) If a traffic control signal at a place other than an intersection ceases to operate or malfunctions as specified in subsection (1)(a) of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

(2) Whenever a pedestrian faces a pedestrian-control signal as provided in section 802 which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

613. Failure to pay toll established by regional transportation authority.

Any person who fails to pay a required fee, toll, rate, or charge established by a regional transportation authority created pursuant to part 6 of Code 4 of title 43, for the privilege of traveling on or using any property included in a regional transportation system pursuant to part 6 of Code 4 of title 43, commits a class A traffic infraction.

614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations.

(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(2) Local authorities, within their jurisdiction, shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that the increased penalties for certain traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to department of transportation requirements. Local authorities may display such signs on any fixed, variable, or movable stand. Local authorities may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

615. School zones - increase in penalties for moving traffic violations.

(1) Any person who commits a moving traffic violation in a school zone is subject to the increased penalties and surcharges imposed by section 1701(4)(d).

(2) For the purposes of this section, "school zone" means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The state or local government having jurisdiction over the placement of traffic signs and

traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the state or local government shall consider when increased penalties are necessary to protect the safety of school children.

(3) This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 because such violation also occurred within a highway maintenance, repair, or construction zone.

616. Wildlife crossing zones - increase in penalties for moving traffic violations.

(1) Except as described by subsection (4) of this section, a person who commits a moving traffic violation in a wildlife crossing zone is subject to the increased penalties and surcharges imposed by section 1701 (4)(d.5).

(2) For the purposes of this section, "wildlife crossing zone" means an area on a public highway that:

(a) Begins at a sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to enter a wildlife crossing zone; and

(b) Extends to:

(I) A sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to leave a wildlife crossing zone; or

(II) If no sign exists that complies with subparagraph (I) of this paragraph (b), the distance indicated on the sign indicating the beginning of the wildlife crossing zone; or

(III) If no sign exists that complies with subparagraph (I) or (II) of this paragraph (b), one-half mile beyond the sign indicating the beginning of the wildlife crossing zone.

(3)(a) If the department of transportation erects a sign that indicates that a person is about to enter a wildlife crossing zone pursuant to section 118, the department of transportation shall:

(I) Establish the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section; and

(II) Ensure that the sign indicates the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section.

(b) In erecting signs as described in paragraph (a) of this subsection (3), the department of transportation, pursuant to section 118, shall not erect signs establishing a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(4) This section shall not apply if:

- (a) The person who commits a moving traffic violation in a wildlife crossing zone is already subject to increased penalties and surcharges for said violation pursuant to section 614 or 615;
- (b) The sign indicating that a person is about to enter a wildlife crossing zone does not indicate that increased traffic penalties are in effect in the zone; or
- (c) The person who commits a moving traffic violation in a wildlife crossing zone commits the violation during a time that the area is not deemed by the department of transportation to be a wildlife crossing zone for the purposes of this section.

617. Steep downhill grade zones - increase in penalties and surcharges for speeding violations - definitions.

- (1) The department may designate a steep downhill grade zone in any area of any state highway where the downhill grade is five percent or greater and where the department determines there are safety concerns related to commercial motor vehicles exceeding the posted speed limits.
- (2) The department shall erect, where applicable, signs consistent with subsection (3) of this section notifying drivers of each area of the state highways that the department has designated as a steep downhill grade zone.
- (3) As used in this section, unless the context otherwise requires, "steep downhill grade zone" means an area of a state highway that:
 - (a) begins at a sign that:
 - (I) conforms to the state traffic control manual;
 - (II) was erected by the department pursuant to subsection (2) of this section;
 - (III) indicates that a driver is about to enter a steep downhill grade zone; and
 - (IV) notifies commercial motor vehicle drivers that increased penalties and surcharges are in effect and assessed for speeding in the zone; and
 - (b) extends to:
 - (I) a sign that:
 - (A) conforms to the state traffic control manual;
 - (B) was erected by the department pursuant to subsection (2) of this section and
 - (C) indicates that a driver is at the end of the steep downhill grade zone; or
 - (II) if no signs exist that complies with subsection (3)(b)(I) of this section, a distance:
 - (A) as indicated on the sign described in subsection (3)(a) of this section; or
 - (B) of one-half of a mile beyond the sign described in subsection (3)(a) of this section; and
 - (c) is designated as a steep downhill grade zone by the department of transportation pursuant to subsection (1) of this section.

(4) A driver of a commercial motor vehicle who commits a speeding violation in a steep downhill grade zone is subject to the increased penalties and surcharges imposed under section 42-4-1701(4)(d)(7).

(5) As used in this section:

(a) “commercial motor vehicle” has the same meaning as set forth in 42-4-102(4).

(b) “department” means the department of transportation created in in section 43-1-103.

Part 7

Rights-Of-Way

701. Vehicles approaching or entering an intersection.

- (1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (2) The foregoing rule is modified at through highways and otherwise as stated in sections 702 to 704.
- (3) Any person who violates any provision of this section commits a class A traffic infraction.

702. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Any person who violates any provision of this section commits a class A traffic infraction.

703. Entering through highway - stop or yield intersection.

- (1) The department of transportation and local authorities, within their respective jurisdictions, may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction. In the case of state highways, such regulations shall be subject to the provisions of section 43-2-135(1)(g).
- (2) Every sign erected pursuant to subsection (1) of this section shall be a standard sign adopted by the department of transportation.
- (3) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
- (4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is

moving across or within the intersection or junction of roadways; except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

704. Vehicle entering roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. Any person who violates any provision of this section commits a class A traffic infraction.

705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2)(a) A driver in a motor vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:

(I) A stationary authorized emergency vehicle, including a port of entry vehicle, that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 213 or 222;

(II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights;

(III) A stationary public utility service vehicle that is operated by a public utility, as defined in section 39-4-101 or 40-1-103, or an authorized contractor of the public utility and that is giving a visual signal by means of flashing, rotating, or oscillating amber lights; or

(IV) A stationary motor vehicle giving a hazard signal by displaying alternately flashing lights or displaying warning lights.

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described on subsection (2)(a) of this section is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary vehicle described in subsection (2)(a) of this section unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate

presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in subsection (2)(c) of this section.

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described in subsection (2)(a) of this section is located, or if movement by the driver of the approaching motor vehicle into an adjacent moving lane, as described in subsection (2)(b) of this section, is not possible, the driver of an approaching motor vehicle shall reduce and maintain a safe speed with regard to the location of the stationary vehicle described in subsection (2)(a) of this section; weather conditions; road conditions; and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(II) For the purposes of this subsection (2)(c), the following speeds are presumed to be safe unless the speeds are unsafe for the conditions as provided in section 1101(1) and (3):

(a) If the speed limit is less than forty-five miles per hour, twenty-five miles per hour or less; or

(b) If the speed limit is forty-five miles per or more, twenty miles per hour less than the speed limit.

(2.5)(a) A driver in a vehicle that is approaching or passing a maintenance, repair, or construction vehicle that is moving at less than twenty miles per hour shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2.5).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2.5).

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.5), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(2.6) A driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in subsection (2) of this section. The driver of a motor vehicle that is being equipped

with chains shall give a hazard signal by displaying alternately flashing lights or displaying warning lights.

(3)(a) Any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) Except as otherwise provided in subsection (3)(b)(II) and (3)(b)(III) of this section, any person who violates subsection (2), (2.5), or (2.6) of this section commits careless driving as described in 42-4-1402.

(II) If the person violates subsection (2) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits a class 1 traffic misdemeanor.

(III) If the person violates subsection (2) of this section and the person's actions are the proximate cause of the death of another person, the person commits a class 6 felony and shall be punished as described in section 18-1.3-401.

706. Obedience to railroad signal.

(1) Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flagperson, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:

(a) Stop not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or

(b) If the driver would not have a reasonable view of approaching trains or on-track equipment when stopped in accordance with subsection (1)(a) of this section:

(I) Stop before proceeding across the railroad grade crossing at the point nearest the crossing where the driver has reasonable view of approaching trains or on-track equipment; and

(II) Not proceed until the railroad grade can be crossed safely.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

707. Certain vehicles must stop at railroad grade crossings.

(1)(a) Except as otherwise provided in this section, the driver of a school bus, as defined in subsection (5)(b) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with rules issued under section 42-20-108, or the driver of a commercial vehicle, as defined in section 42-4-235, that is transporting passengers, before crossing at grade any tracks of a railroad

(I) shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of the railroad;

(II) While stopped, shall listen and look in both directions along the track for any approaching train or on-track equipment or for signals indicating the approach of a train or on-track equipment; and

(III) Shall not proceed until the driver can do so safely.

(b) After stopping as required in this section and upon proceeding when it is safe to do so, the driver of a vehicle described in subsection (1)(a) of this section:

(I) shall cross only if there is no necessity for changing gears while traversing the crossing; and

(II) Shall not manually shift gears while crossing the tracks.

(2) This section shall not apply at street railway grade crossings within a business district.

(3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.

(4) Subsection (1) of this section does not apply at:

(a) (Deleted by amendment, L. 2006, p. 42, §1, effective July 1, 2006.)

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing at which traffic is controlled by a police officer or human flagperson;

(d) A railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.

(5) For the purposes of this section:

(a) The definition of hazardous materials shall be the definition contained in the rules adopted by the chief of the Colorado state patrol pursuant to section 42-20-108.

(b) "School bus" means only those school buses that are required to bear on the front and rear of such school bus the words "SCHOOL BUS" and display visual signal lights pursuant to section 1903(2)(a).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

708. Moving heavy equipment at railroad grade crossing.

- (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.
- (2) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.
- (3) Before making a crossing described in subsection (1) of this section, the person operating or moving the vehicle or equipment:
 - (a) Shall first stop the vehicle or equipment not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad;
 - (b) While stopped, shall listen and look in both directions along the track for any approaching train, for on-track equipment or for signals indicating the approach of a train or on-track equipment; and
 - (c) Shall not proceed until the crossing can be made safely.
- (4) Before making a crossing described in subsection (1) of this section, the person moving or operating the vehicle or equipment shall ensure that no warning is being given, whether by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or on-track equipment.
- (5) Subsection (3) of this section does not apply at any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.
- (6) Any person who violates any provision of this section commits a class B traffic infraction.

709. Stop when traffic obstructed.

A driver shall not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, railroad trains, or railroad on-track equipment, notwithstanding the indication of a traffic control signal to proceed. Any person who violates any provision of this section commits a class A traffic infraction.

710. Emerging from or entering alley, driveway, or building.

- (1) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway, or entranceway, shall yield the right-of-way to any pedestrian upon or about

to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of section 704.

(2) The driver of a vehicle entering an alley, driveway, or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway.

(3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

711. Driving on mountain highways.

(1) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near to the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway.

(2) On narrow mountain highways with turnouts having a grade of six percent or more, ascending vehicles shall have the right-of-way over descending vehicles, except where it is more practicable for the ascending vehicle to return to a turnout.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

712. Driving in highway work area.

(1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a highway within any highway construction or maintenance work area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section 214.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

713. Yielding right-of-way to transit buses - definitions - penalty.

(1) As used in this section, unless the context otherwise requires:

(a) "Public mass transit operator" has the same meaning as in section 43-1-102(5).

(b) "Transit bus" means a bus operated by a public mass transit operator.

(2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:

(a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and

(b) A yield sign as described in subsection (3) of this section is displayed and illuminated on the back of the transit bus.

(3) The yield sign referred to in paragraph (b) of subsection (2) of this section shall:

(a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and

(b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.

(4) This section does not require a public mass transit operator to install yield signs as described in subsection (3) of this section on transit buses operated by the public mass transit operator.

(5) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

714. Bicyclist or other authorized user in bicycle lane.

(1) The driver of a vehicle shall yield the right-of-way to a bicyclist or other authorized user of a bicycle lane in a bicycle lane.

(2)(a) Except as provided in subsection (2)(b) of this section, any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) If a person violates subsection (1) of this section and the person's actions are the proximate cause of a crash, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(a).

(II) If a person violates subsection (1) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(b).

715. Yielding right-of-way in roundabouts - definitions.

(1) As used in this section:

(a) "Large Vehicle" means a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than thirty-five feet or a total width of more than ten feet.

(b) "Roundabout" means a circular intersection or junction in which road traffic flows almost continuously in one direction around a central island.

(2)(a) When entering, exiting, or driving in the circulatory lanes in a roundabout, a person driving a vehicle shall:

(I) yield the right-of-way to the driver of a large vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard; and

(II) slow down or yield to the other vehicle as required by subsection (2)(a)(I) of this section.

(b) This subsection (2) does not require a person who is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to the driver of a large vehicle that is approaching, but has not yet entered, the roundabout.

(c) this subsection (2) does not require a person who is driving a vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to a large vehicle that is driving behind the person's vehicle and allow the large vehicle to pass the person's vehicle.

(3) If two vehicles that are large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard, the driver on the right shall yield the right-of-way to the driver on the left and shall slow down or yield to the driver on the left.

(4) A person who violates this section commits a class A traffic infraction.

Part 8 Pedestrians

801. Pedestrian obedience to traffic control devices and traffic regulations.

- (1) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to the pedestrian, unless otherwise directed by a police officer.
- (2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections 604 and 802(5).
- (3) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Code.
- (4) Any person who violates any provision of this section commits a class B traffic infraction.

802. Pedestrians' right-of-way in crosswalks.

- (1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (2) Subsection (1) of this section shall not apply under the conditions stated in section 803.
- (3) A pedestrian shall not suddenly leave a curb or other place of safety and ride a bicycle, electrical assisted bicycle, or electric scooter, or walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.
- (4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:
 - (a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.
 - (b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.
 - (c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

(d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and “Walk” and “Don’t Walk” signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the “Walk” indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 803(4).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

803. Crossing at other than crosswalks.

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

804. Pedestrian to use right half of crosswalk. (Repealed)

805. Pedestrians walking or traveling in a wheelchair on highways.

(1) Pedestrians walking or traveling in a wheelchair along and upon highways where sidewalks are not provided shall walk or travel only on a road shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, in the case of a two-way roadway, shall walk or travel only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.

(2) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. For the purposes of this subsection (2), “roadway” means that portion of the road normally used by moving motor vehicle traffic.

(3) It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in section 12-22-303(7), or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.

(4) This section applying to pedestrians shall also be applicable to riders of animals.

(5) This local government may, by ordinance, regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 110 and 111, but no ordinance regulating such use of streets and highways in a manner differing from this section shall be effective until official signs or devices giving notice thereof have been placed as required by section 111(2).

(6) No person shall solicit a ride on any highway included in the interstate system, as defined in section 43-2-101(2), except at an entrance to or exit from such highway or at places specifically designated by the department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.

(7) Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.

(8) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection (8) shall not relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in sections 108(4) and 807.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

806. Driving through safety zone prohibited.

No vehicle at any time shall be driven through or within a safety zone. Any person who violates any provision of this section commits a class A traffic infraction.

807. Drivers to exercise due care.

Notwithstanding any of the provisions of this Code, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a class A traffic infraction.

808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

(1) Any pedestrian other than a person in a wheelchair, or any driver of a vehicle who approaches an individual who has an obviously apparent disability shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said individual. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the individual is using a mobility device, is assisted by a service animal as defined in section 24-34-301, is being assisted by another person, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a class A traffic offense.

Part 9

Turning - Stopping

901. Required position and method of turning.

(1) The driver of a motor vehicle intending to turn shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(c) Two-way left-turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices in the manner prescribed in the state traffic control manual, a left turn shall not be made from any other lane, and a vehicle shall not be driven in said special lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(2) Local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and, when such devices are so placed, no driver shall turn a vehicle other than as directed and required by such devices. In the case of streets which are a part of the state highway system, the local regulation shall be subject to the approval of the department of transportation as provided in section 43-2-135(1)(g).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

902. Limitations on turning around.

(1) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic.

(2) The driver of any vehicle shall not turn such vehicle at an intersection or any other location so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with or endangering other traffic.

(3) Local authorities, within their respective jurisdictions, subject to the provisions of section 43-2-135(1)(g), in the case of streets which are state highways, may erect "U-turn" prohibition or restriction signs at intersections or other locations where such movements are deemed to be hazardous, and, whenever official signs are so erected, no driver of a vehicle shall disobey the instructions thereof.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

903. Turning movements and required signals.

(1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 901, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in sections 608 and 609.

(2) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning in urban or metropolitan areas and shall be given continuously for at least two hundred feet on all four-lane highways and other highways where the prima facie or posted speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in sections 608 and 609 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in section 608(2) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

Part 10

Driving - Overtaking - Passing

1001. Drive on right side - exceptions.

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; but any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic as indicated by official traffic control devices.

(1) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(2) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (1)(b) of this section. However, this subsection (3) does not prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1002. Passing oncoming vehicles.

(1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:

(a) Allow oncoming vehicles at least one-half of the main-traveled portion of the roadway in accordance with subsection (1) of this section; and

(b) Allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1003. Overtaking a vehicle on the left.

(1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and sections 1004 to 1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1004. When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or giving indication of making a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.

(1.5) The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1005. Limitations on overtaking on the left.

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Code and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(2) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(3) Local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Where such signs or markings are in place to define a no-passing zone and such signs or markings are clearly visible to an ordinarily observant person, no driver shall drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(4) The provisions of this section shall not apply:

(a) Upon a one-way roadway;

(b) Under the conditions described in section 1001(1)(b);

(c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or

(d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(1) Any person who violates any provision of this section commits a class A traffic infraction.

1006. One-way roadways and rotary traffic islands.

(1) Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(2) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(3) Local authorities with respect to highways under their respective jurisdictions may designate any roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. In the case of streets which are a part of the state highway system, the regulation shall be subject to the approval of the department of transportation pursuant to section 43-2-135(1)(g).

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1007. Driving on roadways laned for traffic.

(1) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this section shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to the traffic moving in the direction the vehicle is proceeding and is designated by official traffic control devices to give notice of such allocation. Under no condition shall an attempt be made to pass upon the shoulder or any portion of the roadway remaining to the right of the indicated right-hand traffic lane.

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(2)(a) The department of transportation may designate with signage an area on a roadway not otherwise laned for traffic for use by commercial vehicles, as defined in section 235(1)(a), that are designed to transport sixteen or more passengers, including the driver, and that are operated

by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business. Use of such an area is limited to vehicles authorized by the department operating under conditions of use established by the department but, subject to the conditions of use, the driver of an authorized vehicle has sole discretion to decide whether or not to drive on such an area based on the driver's assessment of the safety of doing so. The department shall consult with the Colorado state patrol before granting authorization for the use of the area and establishing conditions of use. The department shall impose and each authorized user shall acknowledge the conditions for use by written agreement, and the department need not note the conditions of use in roadway signage. An authorized user does not violate this section or section 1004 when operating in accordance with the conditions of use for an area imposed by the department and acknowledged by the user in a written agreement.

(b) The department of transportation shall work with local governmental agencies in implementing the provisions of this subsection (2).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1008. Following too closely.

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger; except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1008.5. Crowding or threatening bicyclist.

(1) The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.

(2) Any person who violates subsection (1) of this section commits careless driving as described in section 1402.

1009. Coasting prohibited.

- (1) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.
- (2) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.
- (3) Any person who violates any provision of this section commits a class A traffic infraction.

1010. Driving on divided or controlled-access highways.

(1) Whenever any highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic control devices. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings or by the provisions of section 42-4-902. However, this subsection (1) does not prohibit a left turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in the state traffic control manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(2)(a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(b) Wherever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway and the ramp intersection is not designated or signed as a stop or yield intersection as provided in section 703(1), drivers may use the acceleration lane to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety. Traffic so merging shall be subject to the rule governing the changing of lanes as set forth in section 1007(1)(a).

(c) Wherever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the mainstream of faster-moving traffic.

(3) Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations shall install official traffic control devices in conformity with the standards established by sections 601 and 602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1011. Use of runaway vehicle ramps.

- (1) No person shall use a runaway vehicle ramp unless such person is in an emergency situation requiring use of the ramp to stop such person's vehicle.
- (2) No person shall stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the ramp.
- (3) Any person who violates any provision of this section commits a class A traffic infraction.

1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes - penalty.

(1) Local authorities, with respect to streets and highways under their respective jurisdictions, may designate exclusive or preferential lanes for vehicles that carry a specified number of persons. The occupancy level of vehicles and the time of day when lane usage is restricted to high occupancy vehicles, if applicable, shall be designated by official traffic control devices.

(2) A motorcycle or autocycle may be operated upon high occupancy vehicle lanes pursuant to section 163 of the "Highway Improvement Act of 1982", pub.l. 97-424, as amended, or upon high occupancy toll lanes, unless prohibited by official traffic control devices.

(2.5)(a)(I) Except as otherwise provided in paragraph (d) of this subsection (2.5), a motor vehicle with a gross vehicle weight of twenty-six thousand pounds or less that is either an inherently low-emission vehicle or a hybrid vehicle may be operated upon high occupancy vehicle lanes without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemption relating to hybrid vehicles shall apply only if such exemption does not affect the receipt of federal funds and does not violate any federal laws or regulations.

(II) As used in this subsection (2.5), "inherently low-emission vehicle" or "ILEV" means:

(A) A light-duty vehicle or light-duty truck, regardless of whether such vehicle or truck is part of a motor vehicle fleet, that has been certified by the federal environmental protection agency as conforming to the ILEV guidelines, procedures, and standards as published in the federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042 (September 30, 1994), as amended from time to time; and

(B) A heavy-duty vehicle powered by an engine that has been certified as set forth in sub-subparagraph (A) of this subparagraph (II).

(III) As used in this subsection (2.5), "hybrid vehicle" means a motor vehicle with a hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel, including electricity, and a traditional fuel.

(b) No person shall operate a vehicle upon a high occupancy vehicle lane pursuant to this subsection (2.5) unless the vehicle:

(I) Meets all applicable federal emission standards set forth in 40 CFR sec. 88.311-93, as amended from time to time, or, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid vehicle; and

(II) Is identified by means of a circular sticker or decal at least four inches in diameter, made of bright orange reflective material, and affixed either to the windshield, to the front of the side view mirror on the driver's side, or to the front bumper of the vehicle. Said sticker or decal shall be approved by the Colorado department of transportation.

(c) Local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEVs and, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed by September 1, 2003.

(d)(I) In consultation with the regional transportation district, the department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, shall, in connection with their periodic level-of-service evaluation of high occupancy vehicle lanes, perform a level-of-service evaluation of the use of high occupancy vehicle lanes by ILEVs and hybrid vehicles. If the use of high occupancy vehicle lanes by ILEVs or hybrid vehicles is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the department of transportation or a local authority may restrict or eliminate use of such lanes by ILEVs or hybrid vehicles.

(II) If the United States secretary of transportation makes a formal determination that, by giving effect to paragraph (a) of this subsection (2.5) on a particular highway or lane, the state of Colorado would disqualify itself from receiving federal highway funds the state would otherwise qualify to receive or would be required to refund federal transportation grant funds it has already received, then said paragraph (a) shall not be effective as to such highway or lane.

(3)(a) Any person who uses a high occupancy vehicle lane in violation of restrictions imposed by local authorities commits a class A traffic infraction.

(b) Any person convicted of a third or subsequent offense of paragraph (a) of this subsection (3) committed within a twelve-month period shall be subject to an increased penalty pursuant to section 1701(4)(a)(I)(K).

1013. Passing lane - definitions - penalty.

(1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a non-passing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a non-passing lane.

(2) For the purposes of this section:

(a) "Non-passing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

(b) "Passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.

(3) A person who violates this section commits a class A traffic infraction.

Part 11

Speed Regulations

1101. Speed limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

- (a) Twenty miles per hour on narrow, winding mountain highways or on blind curves;
- (b) Twenty-five miles per hour in any business district, as defined in section 42-1-102(11);
- (c) Thirty miles per hour in any residence district, as defined in section 42-1-102(80);
- (d) Forty miles per hour on open mountain highways;
- (e) Forty-five miles per hour for all single rear axle vehicles in the business of transporting trash that exceed twenty thousand pounds, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);
- (f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101(2), and are not surfaced, four-lane freeways or expressways;
- (g) Sixty-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), or are freeways or expressways;
- (h) Any speed not in excess of a speed limit designated by an official traffic control device.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), "prima facie evidence" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

(5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

(7) Notwithstanding paragraphs (a), (b), and (c) of subsection (2) of this section, any city or town may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction, and such speed limits shall not be subject to the provisions of subsection (4) of this section.

(8)(a) (Deleted by amendment, L. 96, p. 578, § 2, effective May 25, 1996.)

(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway at a speed in excess of a maximum lawful speed limit of seventy-five miles per hour.

(c) The speed limit set forth in paragraph (b) of this subsection (8) is the maximum lawful speed limit and is not subject to the provisions of subsection (4) of this section.

(d) Local authorities within their respective jurisdictions shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway.

(e) The provisions of this subsection (8) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the state.

(f) In every charge of a violation of paragraph (b) of this subsection (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of seventy-five miles per hour.

(g) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty miles per hour. Local authorities shall not authorize low-power scooters to exceed forty miles per hour on a roadway.

(9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in section 108, exist.

(10) The minimum requirement for commission of a traffic infraction or misdemeanor traffic offense under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(11) It shall not be a defense to prosecution for a violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

(12)(a) A violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class A traffic infraction.

(b) A violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense; except that such violation within a maintenance, repair, or construction zone, designated pursuant to section 614, is a class 1 misdemeanor traffic offense.

(c) A violation under subsection (3) of this section is a class A traffic infraction.

1102. Altering of speed limits - department to study rural state highways and increase speed limits - definitions - repeal.

(1)(a) Whenever local authorities determine upon the basis of a traffic investigation or survey or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a state highway under its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto; except that no speed limit in excess of seventy-five miles per hour shall be authorized by said local authority.

(b) Repealed.

(2) Whenever county or municipal authorities within their respective jurisdictions determine upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto. No such local authority shall have the power to alter the basic rules set forth in section 1101(1) or in any event to authorize by resolution or ordinance a speed in excess of seventy-five miles per hour.

(3) Local municipal authorities within their respective jurisdictions shall determine upon the basis of a traffic investigation or survey the proper speed for all arterial streets and shall declare a reasonable and safe speed limit thereon which may be greater or less than the speed specified under section 1101(2)(b) or (2)(c). Such speed limit shall not exceed seventy-five miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this subsection (3), an “arterial street” means any United States or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(4) No alteration of speed limits on state highways within cities, cities and counties, and incorporated towns is effective until it has been approved in writing by the department of transportation. Upon the request of any incorporated city or town, the department of transportation shall conduct any traffic investigation or survey that is deemed to be warranted for determination of a safe and reasonable speed limit on any street or portion thereof that is a state highway. In conducting such a traffic investigation, the department may receive and consider traffic and engineering data provided by the city or county engineer of any requesting local government that will be impacted by a proposed alteration of speed limits. Any speed limit so determined by the department becomes effective when declared by the local authority and made known by official signs conforming to the state traffic control manual.

(5) Whenever the local authorities, within their respective jurisdictions, determine upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school or construction area or other place during certain hours or periods of the day when special or temporary hazards exist, the department or the concerned local authority may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except that no such speed limit shall be less than twenty miles per hour on a state highway or other arterial street as defined in subsection (3) of this section nor less than fifteen miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the department of transportation before becoming effective.

(6) In its discretion, a municipality, by ordinance, or a county, by resolution of the board of county commissioners, may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of sections 1101 to 1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. Unless there is an agreement to the contrary, the jurisdiction ordering the regulations shall be responsible for the erection and maintenance of the signs.

(7) Any powers granted in this section to county or municipal authorities may be exercised by such authorities or by any municipal officer or employee who is designated by ordinance to exercise such powers.

1103. Minimum speed regulation.

- (1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.
- (2) Whenever the department of transportation or local authorities within their respective jurisdictions determine, on the basis of an engineering and traffic investigation as described in the state traffic control manual, that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, said department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.
- (3) Notwithstanding any minimum speed that may be authorized and posted pursuant to this section, if any person drives a motor vehicle on a highway outside an incorporated area or on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:
 - (a) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of section 1001 (2) until such impeded traffic has passed by; or
 - (b) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.
- (4) Wherever special uphill traffic lanes or roadside turnouts are provided and posted, drivers of all vehicles proceeding at less than the normal and reasonable speed of traffic shall use such lanes or turnouts to allow other vehicles to pass or maintain normal traffic flow.
- (5) Any person who violates any provision of this section commits a class A traffic infraction.

1104. Speed limits on elevated structures.

- (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.
- (2) The department of transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under sections 1101 to 1104, said department shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable standard signs stating such maximum speed to be erected and maintained before each end of such structure in conformity with the state traffic control manual.

(3) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1105. Speed contests - speed exhibitions - aiding and facilitating - immobilization of motor vehicle - definitions.

(1)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed contest on a highway.

(b) For purposes of this section, “speed contest” means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.

(c) A person who violates any provision of this subsection (1) commits a class 1 misdemeanor traffic offense.

(2)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.

(b) For purposes of this section, “speed exhibition” means the operation of a motor vehicle to present a display of speed or power. “Speed exhibition” includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

(c) A person who violates any provision of this subsection (2) commits a class 2 misdemeanor traffic offense.

(3)(a) Except as otherwise provided in subsection (4) of this section, a person shall not, for the purpose of facilitating or aiding or as an incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.

(b) A person who violates any provision of this subsection (3) commits, pursuant to section 1703, the offense that the person aided in or facilitated the commission of. Nothing in this subsection (3) shall be construed to preclude charging a person under section 1703 for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.

(4) The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip.

(5)(a) In addition to a sentence imposed pursuant to this section or pursuant to any other provision of law:

(I) Upon the second conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to fourteen days.

(II) Upon the third or subsequent conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to thirty days but more than fourteen days.

(b) The period during which a motor vehicle may be fitted with an immobilization device pursuant to paragraph (a) of this subsection (5) shall be in addition to any period during which the motor vehicle was impounded prior to sentencing.

(c) An order issued under this subsection (5) shall state the requirements included in subsections (7) and (8) of this section.

(d) For purposes of this section, “immobilization device” means a device locked into place over a wheel of a motor vehicle that prevents the motor vehicle from being moved. “Immobilization device” includes but is not limited to a device commonly referred to as a “traffic boot” or “boot”.

(6)(a) Except as otherwise provided in subsection (9) of this section, a law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall attempt to locate the motor vehicle within its jurisdiction. The law enforcement agency may, in its discretion, attempt to locate the motor vehicle outside of its jurisdiction.

(b) Nothing in this subsection (6) shall be construed to:

(I) Prohibit a law enforcement agency from seeking the assistance of another law enforcement agency for the purpose of placing an immobilization device on a motor vehicle or removing the device in accordance with this section; or

(II) Require a law enforcement agency to expend excessive time or commit excessive staff to the task of locating a motor vehicle subject to immobilization under this section.

(c) The time spent by a law enforcement agency in locating a motor vehicle in accordance with this subsection (6) shall not alter the immobilization period ordered by the court under subsection (5) of this section.

(d) A law enforcement agency that places an immobilization device on a motor vehicle pursuant to this section shall affix a notice to the immobilized motor vehicle stating the information described in subsections (7) and (8) of this section.

(e) A peace officer who locates or attempts to locate a motor vehicle, or who places or removes, or assists with the placement or removal of, an immobilization device in accordance with the provisions of this section shall be immune from civil liability for damages, except for damages arising from willful and wanton conduct.

(7)(a) The owner of a motor vehicle immobilized under this section shall be assessed a fee of thirty-five dollars for each day the motor vehicle is ordered immobilized and, except as otherwise provided in paragraph (d) of this subsection (7), thirty-five dollars for each day up to fourteen days after the immobilization period that the fee for the immobilization period is not paid. The owner shall pay the fee to the law enforcement agency that places the immobilization device on the motor vehicle.

(b) The owner, within fourteen days after the end of the immobilization period ordered by the court, may obtain removal of the immobilization device by the law enforcement agency that placed it by requesting the removal and paying the fee required under paragraph (a) of this subsection (7).

(c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an "abandoned motor vehicle", as defined in sections 1802(1)(d) and 2102(1)(d), and subject to the provisions of part 18 or 21 of this Code, whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or 2108(2)(a.5).

(d) Upon application of the owner of an immobilized motor vehicle, the court that ordered the immobilization may, in its discretion, grant additional time to pay the immobilization fee required under paragraph (a) of this subsection (7). If additional time is granted, the court shall notify the law enforcement agency that placed the immobilization device.

(8)(a) A person may not remove an immobilization device that is placed on a motor vehicle pursuant to this section during the immobilization period ordered by the court.

(b) No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of part 18 or 21 of this Code.

(c) A person who violates any provision of this subsection (8) commits a class 2 misdemeanor traffic offense.

(9)(a) A law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall inform the court at sentencing if it is unable to comply with the court's order either because the law enforcement agency is not yet equipped with an immobilization device or because it does not have a sufficient number of immobilization devices. The court, upon being so informed, shall, in lieu of ordering immobilization, order the law enforcement agency to impound the motor vehicle for the same time period that the court initially ordered the motor vehicle to be immobilized.

(b) If a motor vehicle is ordered to be impounded pursuant to paragraph (a) of this subsection (9), the provisions of subsections (6) to (8) of this section shall not apply.

Part 12

Parking

1201. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Any person who violates any provision of this section commits a class A traffic infraction.

1202. Parking or abandonment of vehicles.

(1) No person shall stop, park, or leave standing any vehicle, either attended or unattended, outside of a business or a residential district, upon the paved or improved and main-traveled part of the highway. Nothing contained in this section shall apply to the driver of any vehicle which is disabled while on the paved or improved and main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

1203. Ski areas to install signs

(1) Colorado ski areas shall install traffic control signs as provided in this section on both sides of that segment of every highway which is within one mile of and which leads to the recognized entrances to the ski area parking lots if it is found that:

(a) The ski area has insufficient parking capacity as evidenced by the practice of parking by motor vehicles on such highways; and

(b) Such parking constitutes a hazard to traffic or an obstacle to snow removal or the movement or passage of emergency equipment.

(2) The findings required by subsection (1) of this section shall be made by the department of transportation for the state highway system, by the chairman of the board of county commissioners for county roads, and by the chief executive officer of a municipality for a municipal street system. Such findings shall be based upon a traffic investigation.

(3) Such signs shall conform to any and all specifications of the department of transportation adopted pursuant to section 42-4-601. All such signs shall contain a statement that there is no parking allowed on a highway right-of-way so as to obstruct traffic or highway maintenance and that offending vehicles will be towed away.

1204. Stopping, standing, or parking prohibited in specified places.

(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) On a sidewalk;
- (b) Within an intersection;
- (c) On a crosswalk;
- (d) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (h) On any railroad tracks;
- (i) On any controlled-access highway;
- (j) In the area between roadways of a divided highway, including crossovers;
- (k) At any other place where official signs prohibit stopping.

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) Within five feet of a public or private driveway;
- (b) Within fifteen feet of a fire hydrant;
- (c) Within twenty feet of a crosswalk at an intersection;
- (d) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- (e) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;
- (f) At any other place where official signs prohibit standing.

(3) In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

- (a) Within fifty feet of the nearest rail of a railroad crossing;

(b) At any other place where official signs prohibit parking.

(4)(a) Subsection (1)(a) of this section does not prohibit a person from parking a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk in accordance with the provisions of section 1412(11)(a) and (11)(b).

(b) Subsection (1)(f) of this section does not prohibit persons from parking two or more bicycles, electrical assisted bicycles, or electric scooters abreast in accordance with the provisions of section 1412(11)(d).

(c) Subsections (2)(a), (2)(c), and (2)(d) of this section do not apply to a bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk in accordance with section 1412(11)(a) and (11)(b).

(5) No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.

(6) This local authority, with respect to highways under its jurisdiction, may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where it is determined, upon the basis of a traffic investigation or study, that such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

(7) Any person who violates any provision of this section commits a class B traffic infraction; except that, if a person violates paragraph (b) of subsection (2) of this section and the violation occurs in an unincorporated area of a county, the penalty is fifty dollars.

(8) A political subdivision shall not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle or autocycle within a space served by a single parking meter.

1205. Parking at curb or edge of roadway.

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance permit angle parking on any roadway; except that angle parking shall not be permitted on any state highway unless the department of transportation has

determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1206. Unattended motor vehicle - definitions.

(1) A person driving or in charge of an unlocked motor vehicle shall not permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, and effectively setting the brake thereon. When the vehicle is standing upon any grade, the person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

(3) The use or operation of a remote starter system and adequate security measures is sufficient to comply with subsection (1) of this section.

(4) As used in this section:

(a) "Adequate security measures" includes, but is not limited to:

(I) Using a vehicle that requires a key to put the vehicle into gear and move the vehicle;

(II) Keeping a keyless start fob out of proximity of the vehicle; or

(III) Employing steering wheel security devices.

(b) "Remote starter system" means a device installed in a motor vehicle that allows the engine of the vehicle to be started by remote or radio control.

(5) Nothing in this section preempts or otherwise impairs the power of local authorities to enforce or enact ordinances or resolutions concerning time limits on the idling of motor vehicles on or before August 10, 2017.

1207. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Any person who violates any provision of this section commits a class B traffic infraction.

1208. Reserve parking for persons with disabilities - applicability - rules.

(1) Definitions. As used in this section:

(a) "Disability" or "disabled" has the same meaning as set forth in [section 42-3-204](#).

(b) "Holder" means a person with a disability who has lawfully obtained an identifying plate or placard.

- (c) "Identifying figure" has the same meaning as set forth in [section 42-3-204](#).
- (d) "Identifying placard" has the same meaning as set forth in [section 42-3-204](#).
- (e) "Identifying plate" has the same meaning as set forth in [section 42-3-204](#).
- (f) "Professional" has the same meaning as set forth in [section 42-3-204](#).
- (f.5) "Remuneration-exempt identifying placard" has the same meaning as set forth in [section 42-3-204](#).
- (g) "Reserved parking" means a parking space reserved for a person with a disability.

(2) Use of plate or placard.

(a) A person with a disability may use reserved parking on public property or private property if the person displays an identifying plate or placard while using reserved parking.

(b) When an identifying placard is used for reserved parking, the driver of the parked motor vehicle shall ensure that the front of the identifying placard is legible and visible through the windshield when viewed from outside the vehicle. The driver shall hang the placard from the rear-view mirror unless a rear-view mirror is not available or the individual is physically unable to hang the placard from the rear-view mirror. If the tag is not hung from the rear-view mirror, the driver shall display it on the dashboard.

(c) A person with a disability who is a resident of a state other than Colorado may use reserved parking in Colorado if the motor vehicle displays an identifying plate or placard issued by a state other than Colorado, and if:

(I) The identifying plate or placard is currently valid in the state of issuance and meets the requirements of 23 CFR 1235; and

(II) The holder has not been a resident in Colorado for more than ninety days.

(d) A motor vehicle with an identifying plate or a placard may be parked in public parking areas along public streets or in private parking lots regardless of any time limitation imposed upon parking in the area; except that a jurisdiction may specifically limit reserved parking on any public street to no less than four hours. To limit reserved parking, the jurisdiction must clearly post the appropriate time limits in the area. The ability to park notwithstanding parking limitations does not apply to areas in which:

(I) Stopping, standing, or parking of all vehicles is prohibited;

(II) Only special vehicles may be parked; or

(III) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(e)(I) The owner of public or private property may request the installation of official signs or pavement markings identifying reserved parking spaces. The request operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer.

An officer may enforce this section on private property notwithstanding any provision of law to the contrary.

(II)(A) The number and placement of accessible parking spaces should meet or exceed section 1106 of chapter 11 of the 2012 (second printing) version of the international building code, or any succeeding standard, published by the international code council.

(B) The technical standards for accessible parking spaces should meet or exceed section 502, or any successor section, of the "Accessible and Useable Buildings and Facilities" standard, or any succeeding standard, promulgated and amended from time to time by the international code council (commonly cited as ICC/ANSI A117.1).

(C) Access aisles should post "Wheelchair Access Aisle Absolutely No Parking" sign, which blocks neither the access aisle nor accessible routes.

(D) The technical standards for post- or wall-mounted signs indicating accessible parking spaces and van-accessible parking spaces should meet or exceed section 2B.46 concerning parking, standing, and stopping signs and section 2B.47 concerning design of parking, standing, and stopping of the 2009 version of the manual on uniform traffic control devices, or any succeeding standard, published by the United States federal highway administration.

(III) The owner of real property with multiple-family dwellings affixed and with reserved parking shall retain the reserved parking as commonly owned for the tenants, owners, or visitors of the individual units within the dwellings. This subparagraph (III) does not prohibit the sale of all commonly owned property so long as the reserved parking is not severed from the other elements.

(IV) A person shall not impose restrictions on the use of disabled parking unless specifically authorized by a statute of Colorado and a resolution of or ordinance of a political subdivision of Colorado and notice of the restriction is prominently posted by a sign clearly visible at the parking space.

(3) Misuse of reserved parking.

(a) A person without a disability shall not park in a parking space on public or private property that is clearly identified by an official sign or by visible pavement markings as being reserved parking or as being a passenger loading zone unless:

(I) The person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the reserved parking space; and

(II) An identifying plate or placard obtained under or authorized by section 42-3-204, is displayed in or on the vehicle if the license plate or placard is currently valid or has expired less than one month before the day the person used the reserved parking.

(a.5) A person shall not, while parked in a parking space that requires remuneration, display a remuneration-exempt identifying placard that is not issued to the person. A person who possesses a remuneration-exempt identifying placard shall not allow another person to use the placard to park in a parking space that requires remuneration.

(b)(I) A person, after using a reserved parking space that has a time limit, shall not switch motor vehicles or move the motor vehicle to another reserved parking space within one hundred yards of the original parking space within the same eight hours in order to exceed the time limit.

(II)(A) Parking in a time-limited reserved parking space for more than three hours for at least three days a week for at least two weeks creates a rebuttable presumption that the person is violating this paragraph (b).

(B) This subparagraph (II) does not apply to privately owned parking spaces.

(c) A person shall not use reserved parking for a commercial purpose unless:

(I) The purpose relates to transacting business with a business the reserved parking is intended to serve; or

(II) The owner of private property consents to allow the use.

(d)(I) An employee of an entity shall not use an identifying placard issued to the entity unless the employee is transporting persons with disabilities.

(II) For a violation of this paragraph (d), the chief operations officer within Colorado of the entity to whom the placard or plate was issued and the offending employee are each subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(III)(A) It is an affirmative defense to a violation of this paragraph (d) for the chief operations officer within Colorado that the entity enforces an internal policy controlling access to and use of identifying placards issued to the entity.

(B) If the placard used is expired by operation of section 42-3-204(6)(f), it is an affirmative defense to a violation of this paragraph (d) that the person did not know the placard was expired if the person who used the placard was the person to whom it was issued.

(e)(I) A person who violates subsection (3)(a) or (3)(a.5) of this section is subject to the penalties in section 42-4-1701(4)(a)(VIII) and (IX).

(II) A person who violates paragraphs (b) to (d) of this subsection (3) is subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(4) Blocking access.

(a) Regardless of whether a person displays an identifying plate or placard, a person shall not park a vehicle so as to block reasonable access to curb ramps, passenger loading zones, or accessible routes, as identified in 28 CFR part 36 appendix A, that are clearly identified unless the person is actively loading or unloading a person with a disability.

(b) A person who violates this subsection (4) is subject to the penalties in section 42-4-1701(4)(a)(VIII).

(5) Fraud and trafficking. A person is subject to the penalties in section 42-4-1701(4)(a)(X), if the person:

(a) Knowingly and fraudulently obtains, possesses, uses, or transfers an identifying placard issued to a person with a disability;

(b) Knowingly makes, possesses, uses, alters, or transfers what purports to be, but is not, an identifying placard; or

(c) Knowingly creates or uses a device intended to give the impression that it is an identifying placard when viewed from outside the vehicle.

(6) Enforcement of reserved parking.

(a) A peace officer or authorized and uniformed parking enforcement official may check the identification of a person using an identifying plate or placard in order to determine whether the use is authorized.

(b)(I) A peace officer or authorized and uniformed parking enforcement official may confiscate an identifying placard that is being used in violation of this section.

(II) The peace officer or parking enforcement official shall send a confiscated placard to the department unless it is being held as evidence for prosecution of a violation of this section. If the tag is being held as evidence, the peace officer or parking enforcement official shall notify the department of the confiscation and pending charges.

(III) The department shall hold a confiscated placard for thirty days and may dispose of the placard after thirty days. The department shall release the placard to the person with a disability to whom it was issued when the person signs a statement under penalty of perjury that he or she was unaware that the violator used, or intended to use, the placard in violation of this section.

(c) A peace officer and the department may investigate an allegation that a person is violating this section.

(d) A person who observes a violation of this section may submit evidence, including a sworn statement, concerning the violation to any law enforcement agency.

(e)(I) A peace officer may issue a penalty assessment notice for a violation of paragraph (b), (c), or (d) of subsection (3) of this section by sending it by certified mail to the registered owner of the motor vehicle. The peace officer shall include in the penalty assessment notice the offense or infraction, the time and place where it occurred, and a statement that the payment of the penalty assessment and a surcharge is due within twenty days after the issuance of the notice. The department receives payment of the penalty assessment by the due date if the payment is received or postmarked by the twentieth day after the vehicle owner received the penalty assessment notice.

(II) If the penalty assessment and surcharge are not paid within twenty days after the date the vehicle owner receives the assessment notice specified in subparagraph (I) of this paragraph (e), the peace officer who issued the original penalty assessment notice shall file

a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at the time and place specified.

(f)(I) The entering court shall send certification of the entry of judgment for each violation of paragraph (b), (c), or (d) of subsection (3) of this section to the department.

(II) Upon receipt of certification of an entry of judgment for a violation of paragraph (b), (c), or (d) of subsection (3) of this section, the department shall not register the person's vehicle until all fines imposed for the violations have been paid.

(III) Upon receipt of certification or independent verification of an entry of judgment, the department shall revoke an identifying plate or placard as provided in section 42-3-204(7)(d).

(g)(I) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section or section 42-3-204, or for any misuse of an identifying plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder furnishes sufficient evidence that the identifying plate or placard was, at the time of the violation, in the care, custody, or control of another person without the holder's knowledge or consent.

(II) A holder may avoid the liability described in subparagraph (I) of this paragraph (g) if, within a reasonable time after notification of the violation, the holder furnishes to the prosecutorial division of the appropriate jurisdiction the name and address of the person who had the care, custody, or control of the identifying plate or placard at the time of the violation or the holder reports the license plate or placard lost or stolen to both the appropriate local law enforcement agency and the department.

(h) An employer shall not forbid an employee from reporting violations of this section. A person shall not initiate or administer any disciplinary action against an employee because the employee notified the authorities of a possible violation of this section if the employee has a good-faith belief that a violation has occurred.

(i) A landlord shall not retaliate against a tenant because the tenant notified the authorities of a possible violation of this section if the tenant has a good-faith belief that a violation has occurred.

(j) In order to stop a vehicle from blocking access or illegally using reserved parking, a peace officer may order a vehicle that is used to violate subsection (4) of this section to be towed to an impound lot or a vehicle storage location. The peace officer shall verify that the vehicle has not been stolen and report the tow to the department of revenue in accordance with section 42-4-1804.

(k) The local authority issuing a citation under this section, or under any local ordinance defining a substantially equivalent offense, shall transfer one-half of the fine to the state treasurer, who shall credit the fine to the disabled parking education and enforcement fund created in section 42-1-226.

1209. Owner liability for parking violations.

In addition to any other liability provided for in this Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. To avoid liability for payment the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody, or control of the motor vehicle. The notice shall inform the operator that the operator's name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

1210. Designated areas on private property for authorized vehicles.

(1) The owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the board of county commissioners for use only by authorized vehicles and that said areas, upon acceptance in writing by the board of county commissioners, shall be clearly marked by the owner or lessee with official traffic control devices, as defined in section 42-1-102(64). Such a request shall be a waiver of any objection the owner or lessee may assert concerning enforcement of this section by peace officers of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding. When the owner or lessee gives written notice to the board of county commissioners that said request is withdrawn, and the owner or lessee removes all traffic control devices, the provisions of this section shall no longer be applicable.

(2) It is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided in this section.

(3) Any person who violates the provisions of subsection (2) of this section commits a class A traffic infraction. The disposition of fines and forfeitures shall be paid into the treasury of the county at such times and in such manner as may be prescribed by the board of county commissioners.

1211. Limitations on backing.

(1)(a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1212. Pay parking access for disabled.

(1) A person who owns, operates, or manages a parking space that requires remuneration shall not tow, boot, or otherwise take adverse action against an individual or motor vehicle parking in the space for failure to pay the remuneration if the motor vehicle bears a remuneration-exempt identifying placard issued pursuant to [section 42-3-204](#).

(2) Notwithstanding any statute, resolution, or ordinance of the state of Colorado, a political subdivision of Colorado, or a governing board of a state institution of higher education, parking in a space without paying the required remuneration is not a violation of the statute, resolution, or ordinance if the conditions specified in subsection (1) of this section are met.

(3) A law or parking enforcement agency shall withdraw any penalty assessment notice or summons and complaint that is deemed not to be a violation under subsection (2) of this section within five business days after being shown proof that the individual cited has a valid remuneration-exempt identifying placard.

1213. Parking in electric motor vehicle charging stations.

(1)(a) For the purposes of this section, “official sign” means a sign identifying a parking space for electric motor vehicle charging that cites this section or the equivalent local ordinance and that clearly displays the penalties for violating this section or the equivalent local ordinance.

(b) The owner of public or private property may install official signs that identify a parking space as a dedicated charging station. The installation operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer. A peace officer may enforce this section on private property.

(2)(a) A person shall not park a motor vehicle within a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle.

(b) Except as provided in subsection (3) of this section, a person shall not park a plug-in electric motor vehicle in a parking space with a dedicated charging connector for the parking space unless the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle.

(c) A plug-in electric motor vehicle is rebuttably presumed to not be charging if the motor vehicle is:

(I) Parked in a charging station parking space with a dedicated charging connector for the space; and

(II) Not continuously and electrically connected to the charger for longer than thirty minutes.

(3)(a) A person may park a plug-in electric motor vehicle at a charging after the motor vehicle is fully charged in a parking lot:

(I) That serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;

(II) That serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or

(III) Between the hours of 11 p.m. and 5 a.m.

(b) The exception in subsection (3)(a) of this section is an affirmative defense to a violation of subsection (2) of this section.

(4) A person who violates this section commits a class B traffic infraction.

Part 13
Alcohol And Drug Offenses
(Omitted)

Part 14

Other Offenses

1401. Reckless driving - penalty.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of the persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, electrical assisted bicycle, or electric scooter is not subject to section 42-4-127.

1402. Careless driving - penalty.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle, electrical assisted bicycle, or electric scooter is not subject to section 42-2-127.

1402.5 Vulnerable road user - prohibition - violations and penalties - definition.

1) Definition. As used in this section, unless the context otherwise requires, “vulnerable road user” means:

- (a) A pedestrian;
- (b) A person engaged in work upon a roadway or upon utility facilities along a roadway;
- (c) A person providing emergency services within a right-of-way;
- (d) A peace officer who is outside a motor vehicle and performing the peace officer's duties in a right-of-way;
- (e) A person riding or leading an animal; or
- (f) A person lawfully using any of the following on a public right-of-way, crosswalk, or shoulder of the roadway:
 - (I) A bicycle, electrical assisted bicycle, tricycle, or other pedal-powered vehicle;
 - (II) A farm tractor or similar vehicle designed primarily for farm use;
 - (III) A skateboard;
 - (IV) Roller skates;
 - (V) In-line skates;
 - (VI) A scooter;
 - (VII) A moped;

- (VIII) A motorcycle;
- (IX) An off-highway vehicle;
- (X) An animal-drawn, wheeled vehicle;
- (XI) Farm equipment;
- (XII) A sled;
- (XIII) An electric personal assistive mobility device;
- (XIV) A wheelchair;
- (XV) A baby stroller;
- (XVI) A nonmotorized pull wagon; or
- (XVII) An autocycle.

(2) Prohibition. A person who drives a motor vehicle in violation of section 1402 and whose actions are the proximate cause of serious bodily injury, as defined in section 1601(4)(b), to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.

(3) Violations and penalties. (a) Infliction of serious bodily injury to a vulnerable road user is a class 1 traffic misdemeanor.

(b) In addition to the penalties imposed in subsections (3)(a) and (3)(c) of this section, the court may order the violator to: (I) Attend a driver improvement course in accordance with section 1717; and (II) Perform useful public service for a number of hours, which must not exceed three hundred twenty hours, to be determined by the court in accordance with section 18-1.3-507.

(c) In addition to the penalties imposed in subsections (3)(a) and (3)(b) of this section, a person who is convicted of violating this section is subject to:

- (I) License suspension in accordance with section 42-2-127; and
- (II) An order of restitution under part 6 of article 1.3 of title 18.

1403. Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Any person who violates any provision of this section commits a class A traffic infraction.

1404. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire, alarm of fire, or practice runs or laid down on any street, private driveway, or highway without the

consent of the fire department official in command. Any person who violates any provision of this section commits a class B traffic infraction.

1405. Riding in trailers.

No person shall occupy a trailer while it is being moved upon a public highway. Any person who violates any provision of this section commits a class B traffic infraction.

1406. Foreign matter on highway prohibited.

(1)(a) No person shall throw or deposit upon or along any highway any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or other substance likely to injure any person, animal, or vehicle upon or along such highway.

(b) No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

(5)(a) Except as provided in paragraph (b) of this subsection (5), any person who violates any provision of this section commits a class B traffic infraction.

(b)(I) Any person who violates subsection (1)(b) of this section commits a petty offense and shall be punished as provided in section 18-1.3-501.

(II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars in lieu of the penalty and surcharge prescribed in section 1701(4)(a)(I)(N).

(6) As used in this section:

(a) "Container" includes, but is not limited to, a bottle, a can, a box, or a diaper.

(b) "Human waste" means urine or feces produced by a human.

1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

(1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from blowing, dropping,

sifting, leaking, or otherwise escaping therefrom; except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2) (Deleted by amendment, L. 99, p. 295, §1, effective July 1, 1999.)

(2.4)(a) A vehicle shall not be driven or moved on a highway if the vehicle is transporting trash or recyclables unless at least one of the following conditions is met:

(I) The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(II) The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(III) The load is required to be secured under and complies with 49 CFR parts 392 and 393; or

(IV) The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

(b) Paragraph (a) of this subsection (2.4) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one mile radius of the motor vehicle's last collection point.

(2.5)(a) No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:

(I) The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle; or

(II) The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Nothing in this subsection (2.5) shall apply to a vehicle:

(I) Operating entirely within a marked construction zone;

(II) Involved in maintenance of public roads during snow or ice removal operations; or

(III) Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to section 29-22-102.

(2.7) For the purposes of this section:

(a) "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

(b) "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.

(c) "Trash" means material or objects that have been or are in the process of being discarded or transported.

(3)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a class A traffic infraction.

(c) Any person who violates any provision of this section while driving or moving a car or pickup truck and thereby proximately causes bodily injury to another person commits a class 2 misdemeanor traffic offense.

1407.5. Splash guards - when required.

(1) As used in this section, unless the context otherwise requires:

(a) "Splash guards" means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.

(b) "Splash guards" must, at a minimum, be wide enough to cover the full tread of the tire or tires being protected, hang perpendicular from the vehicle not more than ten inches above the surface of the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.

(2) Except as otherwise permitted in this section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle or motor vehicle is equipped with splash guards. However, vehicles and motor vehicles with splash guards that violate this section shall be allowed to remain in service for the time necessary to continue to a place where the deficient splash guards will be replaced. Such replacement shall occur at the first reasonable opportunity.

(3) This section does not apply to:

(a) Passenger-carrying motor vehicles registered pursuant to section 42-3-306(2);

(b) Trucks and truck tractors registered pursuant to section 42-3-306(4) or (5), having an empty weight of ten thousand pounds or less;

(c) Trailers equipped with fenders or utility pole trailers;

(d) Vehicles while involved in chip and seal or paving operations or road widening equipment;

(e) Truck tractors or converter dollies when used in combination with other vehicles;

(f) Vehicles drawn by animals; or

(g) Bicycles, electrical assisted bicycles, or electric scooters.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

(1) Any metropolitan recreation district, any park and recreation district organized pursuant to Code 1 of title 32, or any recreation district organized pursuant to the provisions of part 7 of Code 20 of title 30, referred to in this section as a “district”, shall have the authority to designate areas on property owned or controlled by the district in which the operation of motor vehicles shall be prohibited. Areas in which it shall be prohibited to operate motor vehicles shall be clearly posted by a district.

(2) It is unlawful for any person to operate a motor vehicle in an area owned or under the control of a district if the district has declared the operation of motor vehicles to be prohibited in such area, as provided in subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

1409. Compulsory insurance - penalty - legislative intent.

(1) No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3)(a) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(b) As used in this section, “evidence of a complying policy or certificate of self-insurance in full force and effect” includes the presentation of such a policy or certificate upon a cell phone or other electronic device.

(4)(a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by section 42-4-1701(3)(a)(II)(A), shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to section 42-4-1701(3)(a)(II)(A), the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars, and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of section 16-11-101.6, shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service, subject to the provisions of section 18-1.3-507.

(5) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) A person charged with violating subsection (1), (2), or (3) of this section shall not be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation. The court clerk's office may dismiss the charge if it verifies that the person had a valid policy in effect at the time of the alleged violation using the uninsured motorist identification database created in section 42-7-602.

(7) Repealed.

(8) (Deleted by amendment, L. 2003, p. 2648, § 7, effective July 1, 2003.)

(8.5) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:

(a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and

(b) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

(9) It is the intent of the general assembly that the money collected as fines imposed pursuant subsections (4)(a) and (4)(b) of this section are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general

assembly further determines that an authorized agent is supervising the public highways through his or her enforcement of the requirements for demonstration of proof of motor vehicle insurance pursuant to section 42-3-105(1)(d). Therefore, of the money collected from fines pursuant to subsections (4)(a) and (4)(b) of this section, fifty percent shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the money collected from fines for violations subsection (4)(a) or (4)(b) of this section shall be transmitted to the authorized agent for the county in which the violation occurred.

1410.5 Providing false evidence of proof of motor vehicle insurance - penalty.

(1) It is unlawful for any person to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle liability insurance required by state law to a law enforcement officer, judge, magistrate, prosecutor, or employee of a court clerk's office with the intent to mislead that official regarding the status or any motor vehicle liability insurance policy in the course of an official investigation, or for purposes of dismissing any charge under section 1409 or reducing any penalty imposed under section 1409, where such means, manner, type, or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.

(2) Violation of this section is a class B traffic infraction, punishable by a fine of up to five hundred dollars.

(3) A person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of this section shall be deemed, but only for purposes of section 18-1-408. to have been convicted of a criminal offense.

1411. Use of earphones while driving.

(1)(a) No person shall operate a motor vehicle while wearing earphones.

(b) For purposes of this subsection (1), "earphones" includes any headset, radio, tape player, or other similar device which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone.

(2) Any person who violates this section commits a class B traffic infraction.

(3) Nothing in this section authorizes the holder of a commercial driver's license issued pursuant to part 4 of article 2 of this title to act in violation of any federal law or regulation relating to driving a commercial vehicle.

1412. Operation of bicycles and other human-powered vehicles.

(1) A person riding a bicycle, or electrical assisted bicycle, or electric scooter has all of the rights and duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4, except as provided in section 1412.5, and except as to those provisions that by their nature can have no application. Said bicycle, electrical assisted bicycle, or electric scooter riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within incorporated cities and towns, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in section 111. Notwithstanding any contrary provision in this article 4, when a county or municipality has adopted an ordinance or resolution that regulates the operation of bicycles, electrical assisted bicycles, and electric scooters at controlled intersections, as defined in section 1412.5(4)(a), and that does not conflict with section 1412.5, riders are subject to the local ordinance or resolution.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the "Colorado Governmental Immunity Act", Code 10 of title 24.

(3) A bicycle, electrical assisted bicycle, or electric scooter shall not be used to carry more persons at one time than the number for which it is designed or equipped.

(4) A person riding upon a bicycle, electrical assisted bicycle, or electric scooter shall not attach the vehicle or the rider to any motor vehicle upon a roadway.

(5)(a) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(b) A bicyclist shall not be expected or required to:

(I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle, electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of the roadway as judged safe by the bicyclist, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)(a) Persons riding bicycles, electrical assisted bicycles, or electric scooter upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding bicycles, electrical assisted bicycles, or electric scooters two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the rider intends to proceed, the bicyclist may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause

official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle, electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle, electrical assisted bicycle, or electric scooter.

(10)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing the pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where the use of bicycles, electrical assisted bicycles, electric scooters is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, including the rights and duties granted and required by section 802.

(d) (Deleted by amendment, L. 2005, p. 1353, § 1, effective July 1, 2005.)

(11)(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk must not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of one or more bicycles or electric scooters near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles, electrical assisted bicycles, or electrical scooters parked anywhere on a highway must conform to the provisions of part 12 of this article 4 regulating the parking of vehicles.

(12)(a) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense; except that 42-2-127, shall not apply.

(b) Any person riding a bicycle, electrical assisted bicycle, or electric scooter who violates any provision of this Code other than this section that is applicable to such a vehicle and for which a penalty is specified, the person is subject to the same specified penalty as any other vehicle; except that 42-2-127, does not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if the accident does not involve a motor vehicle.

(14)(a)(I) A person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.

(II) A local authority may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or a pedestrian path under its jurisdiction.

(b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:

(I) The path is within a street or highway; or

(II) The local authority permits the operation of a class 3 electrical assisted bicycle on a path under its jurisdiction.

(15)(a) A person under sixteen years of age shall not ride a class 3 electrical assisted bicycle upon any street, highway, or bike or pedestrian path; except that a person under sixteen years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

(b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;

(II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and

(III) The protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.

(c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages.

1412.5. Statewide regulation of certain persons approaching intersections who are not operating motor vehicles - status of existing local ordinance or resolution - legislative declaration - definitions.

(1) The general assembly hereby finds and declares that:

(a) The regulation of persons approaching controlled intersections is a matter of mixed state and local concern; and

(b) It is necessary, appropriate, and in the best interest of the state to reduce injuries, fatalities, and property damage resulting from collisions at controlled intersections between motor vehicles and persons who are not operating motor vehicles by allowing most persons approaching controlled intersections who are fifteen years of age or older or who are under fifteen years of age and accompanied by an adult and who are not operating motor vehicles to approach controlled intersections in the manner set forth in this section.

(2)(a)(I) A pedestrian or a person who is fifteen years of age or older or who is under fifteen years of age and accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with a stop sign shall slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the pedestrian or person operating a low-speed conveyance shall slow to a reasonable speed and yield the right-of-way to any traffic or pedestrian in or approaching the intersection. After the pedestrian or person operating a low-speed conveyance has slowed to a reasonable speed and yielded the right-of-way if required, the pedestrian or person operating a low-speed conveyance may cautiously make a turn or proceed through the intersection without stopping.

(II) For purposes of this subsection (2)(a), a reasonable speed is ten miles per hour or less. A municipality, by ordinance, or a county, by resolution, may raise the maximum reasonable speed to twenty miles per hour if the municipality or county also posts signs at the intersection stating that higher speed limitation.

(b) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with an illuminated red traffic control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians. Once the person operating a low-speed conveyance has yielded, the person operating a low-speed conveyance may cautiously proceed in the same direction through the intersection or make a right-hand turn. When a red traffic control signal is illuminated, a person operating a low-speed conveyance shall not proceed through the intersection or turn right if an oncoming vehicle is turning or preparing to turn left in front of the person operating a low-speed conveyance.

(c) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance approaching an intersection of a roadway with an illuminated red traffic control signal may make a left-hand turn only if turning onto a one-way street and only after stopping and yielding to other traffic

and pedestrians. However, a person operating a low-speed conveyance shall not turn left if an oncoming vehicle is turning or preparing to turn right.

(d) Notwithstanding any other provision of this subsection (2), if a county or municipality has placed a traffic sign or a traffic control signal at a controlled intersection and the traffic sign or traffic control signal provides instructions only to one or more specified types of low-speed conveyances, the operator of a low-speed conveyance to which the traffic sign or traffic control signal is directed shall obey the instructions provided by the sign or traffic control signal.

(e) If a county or municipality adopted a valid ordinance or resolution that regulates bicycles or electrical assisted bicycles substantially as described in subsections (2)(a.5), (2)(b.5), and (2)(c.5) of this section prior to May 3, 2018, that ordinance or resolution remains valid to the extent that it applies to the operation of bicycles or electrical assisted bicycles by persons who are under fifteen years of age and who are not accompanied by an adult.

(2.5) This section supersedes any conflicting ordinance that a municipality, county, or city and county adopts, but nothing in this section affects the validity of any ordinance or resolution adopted by a municipality, county, or city and county that regulates the conduct of persons approaching controlled intersections and does not conflict with this section.

(3) This section does not diminish or alter the authority of the department of transportation or the state transportation commission, as those entities are defined in section 43-1-102, regarding the department's or commission's authority to regulate motor vehicle traffic on any portion of the state highway system as defined in section 43-2-101(1).

(3.5) This section does not create any right for a pedestrian or the operator of a low-speed conveyance to travel on any portion of a roadway where travel is otherwise prohibited by state law or by an ordinance or resolution adopted by a municipality, county, or city and county.

(4) As used in this section:

(a) "Controlled intersection" means an intersection of a roadway that is controlled by either a stop sign or a traffic control signal.

(b) "Low-speed conveyance" means:

(I) A vehicle, as defined in section 42-1-102(112), that is not a motor vehicle, as defined in section 42-1-102(58), a low-power scooter as defined in section 42-1-102(48.5), or a low-speed electric vehicle, as defined in section 42-1-102(48.6);

(II) A toy vehicle, as defined in section 42-1-102(103.5), that is exclusively human-powered;
or

(III) An electric personal assistance mobility device or EPAMD, as defined in section 42-1-102(28.7), or a device that would be an electric personal assistance mobility device or EPAMD but for the fact that it has fewer or more than two wheels or has tandem wheels.

1413. (Removed)

1414. Use of dyed fuel on highways prohibited.

(1) No person shall operate a motor vehicle upon any highway of the state using diesel fuel dyed to show that no taxes have been collected on the fuel.

(2)(a) Any person who violates subsection (1) of this section commits a class B traffic infraction.

(b) Any person who commits a second violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4-1701(4)(a)(I)(N).

(c) Any person who commits a third or subsequent violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4-1701(4)(a)(I)(N).

(3) Any person violating any provision of this section shall be subject to audit by the department regarding payment of motor fuel tax.

1415. Radar jamming devices prohibited - penalty.

(1)(a) No person shall use, possess, or sell a radar jamming device.

(b) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

(2)(a) For purposes of this section, “radar jamming device” means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. “Radar jamming device” includes but is not limited to devices commonly referred to as “jammers” or “scramblers”.

(b) For purposes of this section, “radar jamming device” shall not include equipment that is legal under FCC regulations, such as a citizens’ band radio, ham radio, or any other similar electronic equipment.

(3) Radar jamming devices are subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this section is charged.

(4) A violation of subsection (1) of this section is a class 2 misdemeanor traffic offense, punishable as provided in section 42-4-1701(3)(a)(II)(A).

(5) The provisions of subsection (1) of this section shall not apply to peace officers acting in their official capacity.

1416. Failure to present a valid transit pass or coupon - fare inspector authorization - definitions.

(1) A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.

(2) A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to subsection (4) of this section, a peace officer, or any other employee or agent of a public transportation entity.

(3) A violation of this section is a class B traffic infraction and is punishable by a fine of seventy-five dollars. Notwithstanding any other provision of law, fines for a violation of subsection (1) of this section shall be retained by the clerk of the court in the city and county of Denver upon receipt by the clerk for a violation occurring within that jurisdiction, or transmitted to the state judicial department if the fine is received by the clerk of the court of any other county.

(4)(a) Public transportation entities may appoint or employ, with the power of removal, fare inspectors as necessary to enforce the provisions of this section. The employing public transportation entity shall determine the requirements for employment as a fare inspector.

(b) A fare inspector appointed or employed pursuant to this section is authorized to enforce the provisions of this section while acting within the scope of his or her authority and in the performance of his or her duties. A fare inspector is authorized to issue a citation to a person who commits failure to provide a valid transit pass or coupon in violation of this section. The fare inspector shall issue a citation on behalf of the county in which the person occupying, riding in, or using a public transportation vehicle without paying the applicable fare is located at the time the violation is discovered. The public transportation entity whose fare inspector issued the citation shall timely deliver the citation to the clerk of the county court for the jurisdiction in which the accused person is located at the time the violation is discovered.

(5) As used in this section, unless the context otherwise requires:

(a) "Proof of prior fare payment" means:

(I) A transit pass valid for the day and time of use;

(II) A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or

(III) A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.

(b) "Public transportation entity" means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.

(c) "Public transportation vehicle" means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.

(d) "Transit pass" means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.

Part 15

Motorcycles

1501. Traffic laws apply to persons operating motorcycles - special permits.

(1) Every person operating a motorcycle or autocycle shall be granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4 and except as to those provisions of this article 4 that by their nature are not applicable.

(2) For the purposes of a prearranged, organized special event and upon a showing that safety will be reasonably maintained, the department of transportation may grant a special permit exempting the operation of a motorcycle or autocycle from any requirement of this part 15.

1502. Motorcycles and autocycles - protective helmet.

(1) A person driving a motorcycle or autocycle shall ride only upon the permanent and regular seat attached to the motorcycle or autocycle. The driver of a motorcycle or an autocycle shall not carry any other person and another person shall not ride on a motorcycle or autocycle unless the motorcycle or autocycle is designed to carry more than one person. If a motorcycle or autocycle is designed to carry more than one person, a passenger may ride upon the permanent seat if the permanent seat is designed for two persons or upon another seat firmly attached to the motorcycle or autocycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(3) No person shall operate a motorcycle while carrying packages, bundles, or other articles which prevent the person from keeping both hands on the handlebars.

(4) A driver shall not carry any person, and another person shall not ride, in a position that will interfere with the operation or control of the motorcycle or autocycle or the view of the operator.

(4.5)(a) Except as provided in subsection (4.5)(c) of this section, a person shall not operate or ride as a passenger on a motorcycle, autocycle, or low-power scooter on a roadway unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

(II) The protective helmet conforms to the design and specifications set forth in paragraph (b) of this subsection (4.5); and

(III) The protective helmet is secured properly on the person's head with a chin strap while the motorcycle, autocycle, or low-power scooter is in motion.

(b) A protective helmet required to be worn by this subsection (4.5) shall:

(I) Be designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;

(II) Consist of lining, padding, and chin strap; and

(III) Meet or exceed the standards established in the United States department of transportation federal motor vehicle safety standard no. 218, 49 CFR 571.218, for motorcycle helmets.

(c) A person driving or riding an autocycle need not wear a helmet if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

1503. Operating motorcycles and autocycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle or autocycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) A person shall not operate a motorcycle or autocycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

1504. Clinging to other vehicles.

A person riding upon a motorcycle or autocycle shall not attach himself, herself, or the motorcycle or autocycle to any other vehicle on a roadway. Any person who violates this section commits a class A traffic infraction.

Part 16
Accidents And Accident Reports
(Omitted)

Part 17

Penalties And Procedure

Preface.

(1) Municipalities that have adopted the Code need to be aware of: sections 13-10-101, et. seq., section 42-4-110(2), and the Colorado Municipal Court Rules (C.M.C.R.).

(2) Counties that have adopted the Code need to be aware of: part 5 of Code 6 of title 13, section 16-2-201, sections 30-15-401(1)(h), 30-15-402, 30-15-407, section 42-4-1701, Colorado Rules for Magistrates - Rule 7, and Colorado Rules of Criminal Procedure - Rule 4.1.

(3) Counties additionally need to be aware of section 30-15-401(1)(h), which reads in part, emphasis added:

“To control and regulate the movement and parking of vehicles and motor vehicles on public property; except that misdemeanor traffic offenses and the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest.”.

Pursuant to section 30-15-402, which reads in part, emphasis added:

(1) “Any person who violates any county ordinance adopted pursuant to this part 4 ... in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, and sections 42-4-1708 to 42-4-1718, shall apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.

(2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103”.

1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.

(1) It is a traffic infraction for any person to violate any of the provisions of articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 unless such violation is, by articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 or by any other law of this state, declared to be a felony, misdemeanor, petty offense, civil infraction, or misdemeanor traffic offense. Such a traffic infraction constitutes a civil matter.

(2)(a) For the purposes of this part 17, "judge" shall include any county court magistrate who hears traffic infraction matters, but no person charged with a traffic violation other than a traffic infraction or class 2 misdemeanor traffic offense shall be taken before a county court magistrate.

(b) For the purposes of this part 17, "magistrate" shall include any county court judge who is acting as a county court magistrate in traffic infraction and class 2 misdemeanor traffic offense matters.

(3)(a)(I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	\$15.00 Penalty	\$100.00 Penalty
B	\$15.00 Penalty	\$100.00 Penalty

(II)(A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), subsections (4) and (5) of this section, and sections 42-4-1301.3, 42-4-1301.4 and 42-4-1307, or the section creating the offense, misdemeanor traffic offenses are vided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both

(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense shall be required to pay restitution as required by article 18.5 of title 16, and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 18-1.3-507.

(b) Any traffic infraction or misdemeanor traffic offense defined by law outside of articles 1 to 4 of this title shall be punishable as provided in the statute defining it or as otherwise provided by law.

(c) The department has no authority to assess any points under section 42-2-127, upon entry of judgment for any class B traffic infractions.

(4)(a)(I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title 42 to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized,

and have a surcharge levied thereon pursuant to sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be four dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

(A) Drivers' license violations:

Section Violated	Penalty	Surcharge
42-2-101	\$35.00	\$10.00
42-2-101(2), (3), or (5)	\$15.00	\$6.00
42-2-103	\$15.00	\$6.00
42-2-105	\$70.00	\$10.00
42-2-105.5(4)	\$65.00	\$10.00
42-2-106	\$70.00	\$ 10.00
42-2-115	\$35.00	\$10.00
42-2-116(6)(a)	\$30.00	\$6.00
42-2-119	\$15.00	\$6.00
42-2-134	\$35.00	\$10.00
42-2-136	\$35.00	\$10.00
42-2-138	\$100.00	\$15.00
42-2-139	\$35.00	\$10.00
42-2-140	\$35.00	\$10.00
42-2-141	\$35.00	\$10.00
42-2-204	\$70.00	\$10.00
42-2-404	\$100.00	\$15.00

(B) Registration and taxation violations:

Section Violated	Penalty	Surcharge
42-3-103	\$50.00	\$16.00
42-3-113	\$15.00	\$6.00
42-3-202	\$15.00	\$6.00
42-3-116	\$50.00	\$16.00
42-3-121(1)(a)	\$75.00	\$24.00
42-3-121(1)(c)	\$35.00	\$10.00
42-3-121(1)(f), (1)(g), and (1)(h)	\$75.00	\$24.00
42-3-304 to 306	\$50.00	\$16.00
42-3-308	\$50.00	\$16.00

(C) Traffic regulation generally:

Section Violated	Penalty	Surcharge
Sec.[1] 1412	\$15.00	\$6.00
Sec. 109(13)(a)	\$15.00	\$6.00
Sec. 109(13)(b)	\$100.00	\$15.00
Sec. 1211	\$30.00	\$6.00
Sec. 1405	\$15.00	\$6.00

1[1] NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

(D) Equipment violations:

Section Violated	Penalty	Surcharge
Sec. 201	\$35.00	\$10.00
Sec. 202	\$35.00	\$10.00
Sec. 204	\$15.00	\$6.00
Sec. 205	\$15.00	\$6.00
Sec. 206	\$15.00	\$6.00
Sec. 207	\$15.00	\$6.00
Sec. 208	\$15.00	\$6.00
Sec. 209	\$15.00	\$6.00
Sec. 210	\$15.00	\$6.00
Sec. 211	\$15.00	\$6.00
Sec. 212	\$15.00	\$6.00
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Sec. 216	\$15.00	\$6.00
Sec. 217	\$15.00	\$6.00
Sec. 218	\$15.00	\$6.00
Sec. 219	\$15.00	\$6.00
Sec. 220	\$15.00	\$6.00
Sec. 221	\$15.00	\$6.00
Sec. 222(1)	\$15.00	\$6.00
Sec. 223	\$15.00	\$6.00
Sec. 224	\$15.00	\$6.00
Sec. 225(1)	\$15.00	\$6.00

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1. NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

Sec. 226	\$15.00	\$6.00
Sec. 227(1)	\$50.00	\$16.00
Sec. 228(1), (2), (3), (5), or (6)	\$15.00	\$6.00
Sec. 229	\$15.00	\$6.00
Sec. 230	\$15.00	\$6.00
Sec. 231	\$15.00	\$6.00
Sec. 232	\$15.00	\$6.00
Sec. 233	\$75.00	\$24.00
Sec. 234	\$15.00	\$6.00
Sec. 235	\$50.00	\$16.00
Sec. 236	\$65.00	\$16.00
Sec. 237	\$65.00	\$6.00
Sec. 1411	\$15.00	\$6.00
Sec. 1412	\$15.00	\$6.00
Sec. 1901	\$35.00	\$ 10.00

(E) Emissions inspections:

Section Violated	Penalty	Surcharge
Sec. 313(3)(c)	\$100.00	\$15.00
Sec. 313(3)(d)	\$15.00	\$6.00
(E.5) Dispel Inspections:		
Sec. 412	\$50.00	\$16.00

(F) Size, weight, and load violations:

Section Violated	Penalty	Surcharge
Sec. 106(1), (3), (4), (6), or (7)	\$35.00	\$10.00
Sec. 106(5)(a)(I)	\$100.00	\$32.00
Sec. 106(5)(a)(II)	\$500.00	\$156.00
Sec. 106(5)(a)(III)	\$500.00	\$78.00
Sec. 106(5)(a)(IV)	\$1,000.00	\$156.00
Sec. 105(1) to (5)	\$50.00	\$16.00
Sec. 106	\$50.00	\$16.00
Sec. 502	\$75.00	\$24.00
Sec. 503	\$15.00	\$6.00
Sec. 504	\$75.00	\$24.00
Sec. 505	\$75.00	\$24.00
Sec. 506	\$15.00	\$6.00
Sec. 509	\$50.00	\$16.00
Sec. 510(12)(a)	\$35.00	\$10.00
Sec. 512	\$75.00	\$24.00

(G) Signals, signs, and markings violations:

Section Violated	Penalty	Surcharge
Sec. 603	\$100.00	\$10.00
Sec. 604	\$100.00	\$10.00
Sec. 605	\$70.00	\$10.00
Sec. 606	\$15.00	\$6.00
Sec. 607(1)	\$50.00	\$16.00
Sec. 607(2)(a)	\$100.00	\$32.00
Sec. 608(1)	\$70.00	\$6.00
Sec. 608(2)	\$15.00	\$6.00
Sec. 609	\$15.00	\$6.00
Sec. 610	\$15.00	\$6.00
Sec. 611	\$100.00	\$15.00
Sec. 612	\$70.00	\$10.00
Sec. 613	\$35.00	\$10.00

(H) Rights-of-way violations:

Section Violated	Penalty	Surcharge
Sec. 701	\$70.00	\$10.00
Sec. 702	\$70.00	\$10.00
Sec. 703	\$70.00	\$10.00
Sec. 704	\$70.00	\$10.00
Sec. 705	\$70.00	\$16.00
Sec. 706	\$70.00	\$10.00
Sec. 707	\$70.00	\$10.00
Sec. 708	\$35.00	\$10.00
Sec. 709	\$70.00	\$10.00
Sec. 710	\$70.00	\$10.00
Sec. 711	\$100.00	\$10.00
Sec. 712	\$70.00	\$10.00
Sec. 714	\$70.00	\$10.00
Sec. 715	\$70.00	\$11.00

(I) Pedestrian violations:

Section Violated	Penalty	Surcharge
Sec. 801	\$15.00	\$6.00
Sec. 802(1)	\$30.00	\$6.00
Sec. 802(3)	\$15.00	\$6.00
Sec. 802(4)	\$30.00	\$6.00
Sec. 802(5)	\$30.00	\$6.00
Sec. 803	\$15.00	\$6.00

Sec. 805	\$15.00	\$6.00
Sec. 806	\$70.00	\$10.00
Sec. 807	\$70.00	\$10.00
Sec. 808	\$70.00	\$10.00

(J) Turning and stopping violations:

Section Violated	Penalty	Surcharge
Sec. 901	\$70.00	\$10.00
Sec. 902	\$70.00	\$10.00
Sec. 903	\$70.00	\$10.00

(K) Driving, overtaking, and passing violations:

Section Violated	Penalty	Surcharge
Sec. 1001	\$70.00	\$10.00
Sec. 1002	\$100.00	\$10.00
Sec. 1003	\$100.00	\$10.00
Sec. 1004	\$100.00	\$10.00
Sec. 1005	\$100.00	\$10.00
Sec. 1006	\$70.00	\$10.00
Sec. 1007	\$100.00	\$10.00
Sec. 1008	\$100.00	\$10.00
Sec. 1009	\$70.00	\$10.00
Sec. 1010	\$70.00	\$10.00
Sec. 1011	\$200.00	\$32.00
Sec. 1012(3)(a)	\$65.00	(NONE)
Sec. 1012(3)(b)	\$125.00	(NONE)
Sec. 1013	\$100.00	(NONE)

(L) Speeding violations:

Sec. 1101(1) or (8)(b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$30.00	\$6.00

Sec. 1101(1) or (8)(b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$70.00	\$10.00

Sec. 1101(1) or (8)(b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$135.00	\$16.00

Sec. 1101(1) or (8)(b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$200.00	\$32.00

Sec. 1101(8)(g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
\$50.00	\$6.00

Sec. 1101(8)(g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
\$75.00	\$10.00

Sec. 1101(8)(g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
\$100.00	\$16.00

Section Violated	Penalty	Surcharge
Sec. 1101(3)	\$100.00	\$10.00
Sec. 1103	\$50.00	\$6.00
Sec. 1104	\$30.00	\$6.00

(M) Parking violations:

Section Violated	Penalty	Surcharge
Sec. 1201	\$30.00	\$6.00
Sec. 1202	\$30.00	\$6.00
Sec. 1204	\$15.00	\$6.00
Sec. 1205	\$15.00	\$6.00
Sec. 1206	\$15.00	\$6.00
Sec. 1207	\$15.00	\$6.00
Sec. 1208	\$150.00	\$32.00
Sec. 1210	\$50.00	\$10.00
Sec. 1213	\$150.00	\$32.00

(N) Other offenses:

Section Violated	Penalty	Surcharge
Sec. 1301(2)(d)	\$100.00	\$16.00
Sec. 1305	\$50.00	\$16.00
Sec. 1305.5(2)	\$50.00	\$7.80
Sec. 1402	\$150.00	\$16.00
Sec. 1403	\$30.00	\$6.00
Sec. 1404	\$15.00	\$6.00
Sec. 1406	\$35.00	\$10.00
Sec. 1407(3)(a)	\$35.00	\$10.00
Sec. 1407(3)(b)	\$100.00	\$30.00
Sec. 1407(3)(c)	\$500.00	\$200.00
Sec. 314(1) and (2)	\$35.00	\$10.00
Sec. 314(6)(a)	\$100.00	\$10.00
Sec. 1408	\$15.00	\$6.00
Sec. 1414(2)(a)	\$500.00	\$156.00
Sec. 1414(2)(b)	\$1,000.00	\$312.00
Sec. 1414(2)(c)	\$5,000.00	\$1,560.00
Sec. 1416(3)	\$75.00	\$4.00
42-20-109(2)	\$250.00	\$66.00

(O) Motorcycle violations:

Section Violated	Penalty	Surcharge
Sec. 1502(1), (2), (3), or (4)	\$30.00	\$6.00
Sec. 1502(4.5)	\$100.00	\$15.00
Sec. 1503	\$30.00	\$6.00
Sec. 1504	\$30.00	\$6.00

(P) Offenses by persons controlling vehicles:

Section Violated	Penalty	Surcharge
Sec. 239(5)(a)	\$50.00	\$6.00
Sec. 239(5)(b)	\$100.00	\$6.00
Sec. 239(5.5)	\$300.00	\$6.00
Sec. 1704	\$15.00	\$6.00

(Q) Certificates of title:

Section Violated	Penalty	Surcharge
42-6-110	\$100.00	\$15.00
42-6-112	\$100.00	\$15.00

(R) Proof of financial responsibility:

Section Violated	Penalty	Surcharge
42-7-422	\$100.00	\$15.00
42-7-506	\$50.00	\$15.00
42-7-507	\$100.00	\$15.00
42-7-510	\$100.00	\$15.00

(S) Uninsured motorist identification database protection:

Section Violated	Penalty	Surcharge
42-7-606	\$100.00	\$15.00

(II)(A) A person convicted of violating section 507 or 508 shall be fined pursuant to this sub-subparagraph (A), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction. A person who violates section 507 or 508 shall be punished by the following fine plus a surcharge of sixteen percent of the fine as follows:

Excess Weight - Pounds	Penalty
1 - 1,000	\$20.00
1,001 - 3,000	\$25.00
3,001 - 5,000	0.03 per pound overweight
5,001 - 7,000	0.05 per pound overweight rounded to the nearest dollar
7,001 - 10,000	0.07 per pound overweight rounded to the nearest dollar
10,001 - 15,000	0.10 per pound overweight rounded to the nearest dollar
15,001 - 19,750	0.15 per pound rounded to the nearest dollar
Over 19,750	0.25 per pound overweight rounded to the nearest dollar

(B) The state, county, city, or city and county issuing a citation that results in the assessment of the penalties in sub-subparagraph (A) of this subparagraph (II) may retain and distribute the following amount of the penalty according to the law of the jurisdiction that assesses the penalty, but the remainder of the penalty shall be transmitted to the state treasurer, who shall credit the moneys to the commercial vehicle enterprise tax fund created in section 42-1-225:

Excess Weight - Pounds	Penalty Retained
1 - 3,000	\$15.00
3,001 - 4,250	\$25.00
4,251 - 4,500	\$50.00
4,501 - 4,750	\$55.00
4,751 - 5,000	\$60.00
5,001 - 5,250	\$65.00
5,251 - 5,500	\$75.00

5,501 - 5,750	\$85.00
5,751 - 6,000	\$95.00
6,001 - 6,250	\$105.00
6,251 - 6,500	\$125.00
6,501 - 6,750	\$145.00
6,751 - 7,000	\$165.00
7,001 - 7,250	\$185.00
7,251 - 7,500	\$215.00
7,501 - 7,750	\$245.00
7,751 - 8,000	\$275.00
8,001 - 8,250	\$305.00
8,251 - 8,500	\$345.00
8,501 - 8,750	\$385.00
8,751 - 9,000	\$425.00
9,001 - 9,250	\$465.00
9,251 - 9,500	\$515.00
9,501 - 9,750	\$565.00
9,751 - 10,000	\$615.00
10,001 - 10,250	\$665.00
Over 10,250	\$30.00 for each 250 pounds additional overweight, plus \$665.00

(III) Any person convicted of violating any of the rules promulgated pursuant to section 510, except section 510(2)(b)(IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Except as provided in sub-subparagraph (D) of this subparagraph (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by the following fine plus a surcharge of sixteen percent of the fine:

Excess Weight Above Maximum

Excess Weight - Pounds	Penalty Retained
1 - 2,500	\$50.00
2,501 - 5,000	\$100.00
5,001 - 7,500	\$200.00
7,501 - 10,000	\$400.00
Over 10,000	\$150.00 for each 1,000 pounds additional overweight, plus \$400.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or

loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(D) The fines for a person who violates the maximum permitted weight on an axle or on gross weight under a permit issued pursuant to section 510(1)(b)(II) shall be doubled.

(IV)(A) Any person convicted of violating section 42-3-114 who has not been convicted of a violation of section 42-3-114 in the twelve months preceding such conviction shall be fined as follows, whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

Number of days beyond renewal period that registration has been expired	Penalty	Surcharge
1-29	\$35.00	\$8.00
30 - 59	\$50.00	\$12.00
60 and over	\$75.00	\$18.00

(B) Any person convicted of violating section 42-3-114 who has been convicted of violating said section within the twelve months preceding such conviction shall be fined pursuant to subparagraph (I) of paragraph (a) of subsection (3) of this section.

(V) Any person convicted of violating section 42-20-204(2) shall be fined twenty-five dollars, whether the violator acknowledges guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction.

(VI)(A) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply, shall, in addition to any other fine or penalty or surcharge, be assessed a surcharge of one dollar, which amount shall be transmitted to the state treasurer for deposit in the family-friendly court program cash fund created in section 13-3-113(6). This surcharge shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate.

(B) Repealed.

(VII) The penalties and surcharges for a second or subsequent violation of section 42-20-109(2), within twelve months shall be doubled.

(VIII) A person who violates section 42-3-204(7)(f)(II), or section 1208(3)(a) or (4) commits a class A traffic infraction and, upon conviction, shall be punished by a surcharge of thirty-two dollars under sections [24-4.1-119\(1\)\(f\)](#) and [24-4.2-104\(1\)\(b\)\(I\)](#), and:

(A) A fine of not less than three hundred fifty dollars but not more than one thousand dollars for the first offense;

(B) A fine of not less than six hundred dollars but not more than one thousand dollars for a second offense; and

(C) A fine of not less than one thousand dollars but not more than five thousand dollars, in addition to not more than ten hours of community service, for a third or subsequent offense.

(IX) A person who violates section 1208(3) by parking a vehicle owned by a commercial carrier commits a class A traffic infraction.

(X)(A) A person who violates section 1208(5) of this section commits a class A traffic infraction.

(B) A person who willfully receives remuneration for violating section 1208(5) commits a class A traffic infraction.

(b)(I) The schedule in subparagraph (I) of paragraph (a) of this subsection (4) shall not apply when the provisions of paragraph (c) of subsection (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in subparagraphs (II) and (III) of paragraph (a) of this subsection (4) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(c)(I) The penalties and surcharges imposed for speeding violations under subsection (4)(a)(I)(L) of this section shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the penalty for violating section 1101(1) or (8)(b) by twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.

(II)(A) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (II).

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

(C) If a fine is doubled under subparagraph (I) or (II) of this paragraph (c), one-half of the fine allocated to the state by sections 42-1-217 and section 205, shall be transferred to

the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund to be continuously appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

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

(III) The penalties and surcharges imposed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b).

(IV) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (IV).

(d) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a school zone pursuant to section 615.

(d.5)(I) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a wildlife crossing zone pursuant to section 616.

(II)(A) There is hereby created, within the highway users tax fund, the wildlife crossing zones safety account.

(B) If a penalty and surcharge are doubled pursuant to subparagraph (I) of this paragraph (d.5), one-half of the penalty and surcharge allocated to the state by sections 42-1-217 and section 205, shall be transferred to the state treasurer, who shall deposit the moneys in the wildlife crossing zones safety account within the highway users tax fund to be continuously appropriated to the department of transportation for wildlife crossing zones signs and law enforcement.

(e)(I) An additional twenty dollars shall be assessed for speeding violations pursuant to subsection (4)(a)(I)(L) of this section in addition to the penalties and surcharge stated in subsection (4)(a)(I)(L) of this section. Money collected pursuant to this subsection (4)(e) must be transmitted to the state treasurer, who shall deposit such money in the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(II) If the surcharge is collected by a county, the surcharge shall be twenty-two dollars of which two dollars shall be retained by the county and the remaining twenty dollars must be transmitted to the state treasurer and credited to the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(III) An additional twenty dollars is assessed for a violation of a traffic regulation pursuant to subsection (4)(a)(I)(C) of this section for a violation of section 42-4-109(13)(b), in addition to the penalties stated in subsection (4)(a)(I)(C) of this section. An additional twenty dollars must be assessed for a motorcycle or autocycle violation pursuant to subsection (4)(a)(I)(O) of this section for a violation of section 42-4-1502(4.5), in addition to the penalties stated in subsection (4)(a)(I)(O) of this section. Money collected pursuant to this subsection (4)(e)(III) must be transmitted to the state treasurer, who shall deposit the money in the Colorado brain injury trust fund created pursuant to section 26-1-309, to be used for the purposes set forth in part 3 of article 1 of title 26.

(d.7)(I) the penalty and surcharge imposed for a violation under subsection (4)(a)(I)(L) of this section is doubled if the violation is committed by a driver of a commercial motor vehicle within an area of a state highway that the department of transportation has designated as a steep downhill grade zone pursuant to section 42-4-617.

(II)(A) there is created, within the highway users tax fund, the mountain highways commercial motor vehicle safety account, referred to within this subsection (4)(d.7) as the “account”.

(B) notwithstanding any provision of law to the contrary, for each fine collected pursuant to section 42-4-617(4) and subsection (4)(d.7)(I) of this section, the state treasurer shall credit one-half of the amount of the fine to the account. All money credited to the account is continuously appropriated to the department of transportation and to the freight mobility and safety branch created within the transportation development division of the department of transportation pursuant to section 43-1-117 to pay costs associated with the provision of educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies of means by which the state may reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the mountains of the state.

(f)(I) In addition to the surcharge specified in sub-subparagraph (N) of subparagraph (I) of paragraph (a) of this subsection (4), the court shall assess a surcharge of five dollars for a violation of section 42-4-1301(2)(d). Moneys collected pursuant to this paragraph (f) must be transmitted to the state treasurer who shall deposit such moneys in the rural alcohol and substance abuse cash fund created in section 27-80-117(3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(II) If the additional surcharge is collected by a county court, the additional surcharge shall be six dollars of which one dollar shall be retained by the county and the remaining five dollars shall be transmitted to the state treasurer and credited to the rural alcohol and substance abuse cash fund created in section 27-80-117 (3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(III) This paragraph (f) is repealed, effective September 1, 2025, unless the general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117.

(5)(a)(I) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1707(3) or by section 1709, whichever is applicable. The fine or penalty specified in subsection (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant; except that the fine or penalty charged and the surcharge thereon shall be paid to the county if it relates to a traffic offense authorized by county ordinance. The department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. Except as otherwise provided in subparagraph (II) of this paragraph (a), in the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127. Except as otherwise provided in section 1710(1)(b), acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(II) In the case of an offense other than a traffic infraction that involves a minor under the age of eighteen years, the officer shall proceed in accordance with the provisions of section 1706(2) or 1707(1)(b) or (3)(a.5). In no case may an officer issue a penalty assessment notice to a minor under the age of eighteen years and require or offer that the minor consent to be taken by the officer to the nearest mailbox to mail the amount of the fine or penalty and surcharge thereon to the department.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the peace officer shall proceed in accordance with section 42-4-1705, or 1707 of this Code. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the department of revenue as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, and should the department of revenue not accept payment for such penalty and surcharge as evidenced by receipt, the defendant shall be allowed to pay such penalty and surcharge thereon and the

docket fee in the amount set forth in section 1710(4) to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two business days prior to the time for appearance as specified in the notice. If the penalty for a misdemeanor, misdemeanor traffic offense, or a petty offense and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the same manner as is provided by law for prosecutions of the misdemeanors not specified in subsection (4) of this section. If the penalty for a traffic infraction and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the manner provided for in this article for the prosecution of traffic infractions. In either case, the maximum penalty that may be imposed shall not exceed the penalty set forth in the applicable penalty and surcharge schedule in subsection (4) of this section.

(b.5) The provisions of section 1710(1)(b) shall govern any case described in paragraph (b) of this subsection (5) in which a minor under the age of eighteen years submits timely payment for an infraction or offense in a penalty assessment notice but such payment is not accompanied by the penalty assessment notice signed and notarized in the manner required by section 1707(3)(a.5) or 1709(1.5).

(c)(I) The penalty and surcharge schedules of subsection (4) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting misdemeanors, petty offenses, or misdemeanor traffic offenses not specified in said subsection (4) of this section, nor shall they apply to the violations constituting misdemeanors, petty offenses, misdemeanor traffic offenses, or traffic infractions specified in said subsection (4) of this section when it appears that:

(A) (Deleted by amendment, L. 96, p. 580, § 4, effective May 25, 1996.)

(B) In a violation of section 1101(1) or (8)(b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of seventy-five miles per hour by more than twenty-four miles per hour;

(C) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(D) The defendant has, in the course of the same transaction, violated one of the provisions of this title specified in the penalty and surcharge schedules in subsection (4) of this section and has also violated one or more provisions of this title not so specified, and the peace officer charges such defendant with two or more violations, any one of which is not specified in the penalty and surcharge schedules in subsection (4) of this section.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall be inapplicable; except that the penalty and surcharge provided in the schedule contained in sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (4) of this section for any violation of section 121 shall always apply to such a violation. In all cases where the penalty and surcharge schedule contained in

subparagraph (I) of paragraph (a) of subsection (4) of this section is inapplicable, the provisions of subsection (3) of this section shall apply.

(d) In addition to any other cases governed by this section, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall apply in the following cases:

(I) In all cases in which a peace officer was authorized by the provisions of this subsection (5) to offer a penalty assessment notice for the commission of a misdemeanor, petty offense, or misdemeanor traffic offense but such peace officer chose not to offer such penalty assessment notice;

(II) In all cases involving the commission of a misdemeanor, petty offense, or misdemeanor traffic offense in which a penalty assessment notice was offered by a peace officer but such penalty assessment notice was refused by the defendant.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharges thereon pursuant to sections 119(1)(f) and 104 to the Colorado department of revenue within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of the notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within the twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

(7) Notwithstanding the provisions of paragraph (b) of subsection (5) of this section, receipt of payment by mail by the department or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.

(8) The surcharges described in subsections (4) to (6) of this section are separate and distinct from a surcharge levied pursuant to section 24-33.5-415.6.

1702. Counties - traffic offenses classified - schedule of fines.

(1) Pursuant to sections 30-15-402(1), and 42-4-1701, it is a traffic infraction for any person to violate parts 1 and 2, and 5 to 19 of this Code except as otherwise provided in subsections (2), (3), (4), and (5) of this section.

(2) Violation of sections 238, 239, 607(2)(a), 1402(2), and 1409, of this Code are class 1 traffic misdemeanors

(3) Violations of sections 107, 228(8), 233, 507, 508, 509, 510, 1105, 1401, 1402(1), 1407, 1412, 1413, 1704, 1716(2) and 1903(1)(a) of this Code are class 2 traffic misdemeanors.

(4) In section 1101 of this Code a violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a traffic infraction; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense.

(5) Violation of subsection (1.5) of section 225 shall, upon conviction, be punished by a fine of five hundred dollars.

(6) The County Commissioners may adopt a fine and surcharge schedule for penalty assessment violations.

1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

1704. Offenses by persons controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

1705. Person arrested to be taken before the proper court

(1) Whenever a person is arrested for any violation of this article 4 punishable as a misdemeanor, the arrested person must be taken without unnecessary delay before a county judge who has jurisdiction of such offense as provided by law, in any of the following cases:

- (a) When a person arrested demands an appearance without unnecessary delay before a judge;
- (b) When the person is arrested and charged with an offense under this article causing or contributing to an accident resulting in injury or death to any person;
- (c) When the person is arrested and charged with DUI, DUI per se, or UDD;
- (d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
- (e) In any other event when the provisions of section 42-4-1701 (5)(b) and (5)(c) apply.

(2) Whenever any person is arrested by a police officer for any violation of this article 4 punishable as a misdemeanor and is not required to be taken before a county judge as provided in

subsection (1) of this section, the arrested person must, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 42-4-1707 or be taken without unnecessary delay before a county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(2.5) In any case in which the arrested person who is taken before a county judge pursuant to subsection (1) or (2) of this section is a child, as defined in section 19-1-103, of section 42-4-1706(2) applies.

(3) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with DUI, DUI per se, or UDD and who has been given a written notice or summons to appear in court as provided in section 42-4-1707 in a state-approved treatment facility for alcohol use disorders even though entry or other record of such arrest and charge has been made. Placement is governed by article 81 of title 27, except where in conflict with this section.

1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.

(1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, convicted of a misdemeanor traffic offense pursuant to this article 4, violating the conditions of probation imposed pursuant to this article 4, or found in contempt of court in connection with a violation or alleged violation pursuant to this article 4 must not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that receives and provides care for children or if the jail is located within forty miles of such facility. The court imposing penalties pursuant to this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to section 19-2.5-305(4).

(2)(a) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, arrested and incarcerated for an alleged misdemeanor traffic offense pursuant to this article 4, and not released on bond, must be taken before a county judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to section 19-2.5-305(4)(e). The child must not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time pursuant to this subsection (2), Saturdays, Sundays, and court holidays are included.

(b) In any case in which a child is taken before a county judge pursuant to paragraph (a) of this subsection (2), the child's parent or legal guardian shall immediately be notified by the

court in which the county judge sits. Any person so notified by the court under this paragraph (b) shall comply with the provisions of section 42-4-1716(4).

1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses--release—registration.

(1)(a) Whenever a person commits a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 1701(5)(a), and such person is not required by the provisions of section 42-4-1705, to be arrested and taken without unnecessary delay before a county judge, the peace officer may issue and serve upon the defendant a summons and complaint which must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; direct the defendant to appear in a specified county court at a specified time and place; and be signed by the peace officer. The summons and complaint submitted to the department of revenue and the county court before which appearance is required, either by paper or electronic submission, must contain the name and address of the defendant, the license of the vehicle involved, if any, and the number of the defendant's driver's license, if any.

(b) A summons and complaint issued and served pursuant to paragraph (a) of this subsection (1) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing an advisement to the minor that the minor's parent or legal guardian, if known, shall be notified by the court from which the summons is issued and be required to appear with the minor at the minor's court hearing or hearings.

(2) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

(3)(a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location of the offense, the amount of the penalty prescribed for the offense, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the offense pursuant to section 42-2-

127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(a.5) A penalty assessment notice issued and served pursuant to paragraph (a) of this subsection (3) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(I) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(II) Preprinted signature lines following the declaration on which the reviewing person described in subparagraph (I) of this paragraph (a.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(III) An advisement to the minor that:

(A) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(B) The parent or legal guardian of the minor is required by law to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(C) Noncompliance with the requirement set forth in sub-subparagraph (B) of this subparagraph (III) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 42-4-1710(1) (b), 42-4-1710(1.5), and 42-4-1716(4).

(b) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor within the department and such other copies sent as may be required by rule of the department to govern the internal administration of this article between the department and the Colorado state patrol.

(4)(a) The time specified in the summons portion of said summons and complaint must be at least twenty days after the date such summons and complaint is served, unless the defendant shall demand an earlier court appearance date.

(b) The time specified in the summons portion of said penalty assessment notice shall be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier court appearance date.

(5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a county court within the county in which the offense is alleged to have been committed.

(6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, must receive information on the penalty assessment notice or summons and complaint that directs the defendant to appear at a specified county court at a specified time and place in the event the penalty and surcharges are not paid, and other information that may be required by law to constitute the penalty assessment to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701. If the defendant does possess a valid Colorado driver's license, the defendant must not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. The peace officer shall not require any person who is eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 to produce or divulge such person's social security number.

(7) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

1708. Traffic Infractions - proper court for hearing, burden of proof - appeal - collateral attack.

(1) Every hearing in county court for the adjudication of a traffic infraction, as provided by this article, shall be held before a county court magistrate appointed pursuant to part 5 of article 6 of title 13, or before a county judge acting as a magistrate; except that, whenever a crime and a class A or class B traffic infraction or a crime and both such class A and class B traffic infractions are charged in the same summons and complaint, all charges shall be made returnable before a judge or magistrate having jurisdiction over the crime and the rules of criminal procedure shall apply. Nothing in this part 17 or in part 5 of article 6 of title 13, shall be construed to prevent a court having jurisdiction over a criminal charge relating to traffic law violations from lawfully entering a judgment on a case dealing with a class A or class B traffic infraction.

(2) When a court of competent jurisdiction determines that a person charged with a class 1 or class 2 misdemeanor traffic offense is guilty of a lesser-included offense which is a class A or class B traffic infraction, the court may enter a judgment as to such lesser charge.

(3) The burden of proof shall be upon the people, and the traffic magistrate shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt. The district attorney or the district attorney's deputy may, in the district attorney's discretion, enter traffic infraction cases for the purpose of attempting a negotiated plea or a stipulation to deferred prosecution or deferred judgment and sentence but shall not be required to so enter by any person, court, or law, nor shall the district attorney represent the state at hearings conducted by a magistrate or a county judge acting as a magistrate on class A or class B traffic infraction matters. The magistrate or county judge acting as a magistrate shall be permitted to call and question any witness and shall also act as the fact finder at hearings on traffic infraction matters.

(4) Appeal from final judgment on a traffic infraction matter shall be taken to the district court for the county in which the magistrate or judge acting as magistrate is located.

(5)(a) Except as otherwise provided in paragraph (b) of this subsection (5), no person against whom a judgment has been entered for a traffic infraction as defined in section 42-4-1701(3)(a) shall collaterally attack the validity of that judgment unless such attack is commenced within six months after the date of entry of the judgment.

(b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in subsection (5)(a) of this section are:

(I) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

(II) A case in which the court entering judgment did not have jurisdiction over the person of the violator;

(III) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment or certification of the violator to an institution for treatment as a person with a mental health disorder; or

(IV) Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

1709. Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license.

(1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location of the offense, the amount of the penalty prescribed for the traffic infraction, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(a) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(b) Preprinted signature lines following the declaration on which the reviewing person described in paragraph (a) of this subsection (1.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(c) An advisement to the minor that:

(I) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(II) The parent or legal guardian of the minor is required by this Code to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(III) Noncompliance with the requirement set forth in subparagraph (II) of this paragraph (c) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 1710 (1)(b), 1710 (1.5), and 1716 (4).

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the clerk of the court and such other copies sent as may be required by ordinance or the court.

(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be a court within the county in which the traffic infraction is alleged to have been committed.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

(6) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(7)(a) A person is not allowed or permitted to obtain or renew a permanent driver's, minor driver's, or probationary license if such person has, at the time of making application for obtaining or renewing such driver's license:

(VI) Issued a check or order to the department to pay a penalty assessment, a driver's license fee, a license reinstatement fee, or a motor vehicle record fee and such check or order is returned for insufficient funds or a closed account and remains unpaid. For the purposes of this subsection (7), the term "insufficient funds" means having an insufficient balance on account with a bank or other drawee for the payment of a check or order when the check or order is presented for payment within thirty days after issue.

1710. Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice - procedures.

(1)(a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this Code and surcharge thereon pursuant to section 24-4.2-104 (1), the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a minor under the age of eighteen years shall be required to appear at a hearing on the date and time specified in the citation and answer the complaint if the penalty assessment was timely paid but not signed and notarized in the manner required by section 1709(1.5).

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

(2) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in section 18-1-405. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge thereon, a docket fee, and other applicable costs authorized by ordinance or the court. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to this Code.

1711. Compliance with promise to appear.

A defendant may comply with a requirement to appear in court through an appearance by counsel.

1712. Procedure prescribed not exclusive.

The foregoing provisions of this Code shall govern all police officers in making arrests without a warrant or issuing citations for violations of this Code, for offenses or infractions committed in their presence, but the procedure prescribed in this Code shall not otherwise be exclusive of any other method prescribed by law or ordinance for the arrest and prosecution of a person for an offense or infraction of like grade.

1713. Conviction record inadmissible in civil action.

Except as provided in sections 42-2-201 to 42-2-208, no record of the conviction of any person for any violation of this Code shall be admissible as evidence in any court in any civil action.

1714. Traffic violation not to affect credibility of witness.

The conviction of a person upon a charge of violating any provision of this Code or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

1715. Convictions, judgments, and charges recorded - public inspection.

(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2) Within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating any provision of this Code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made or the conviction was had or bail was forfeited shall prepare and immediately forward to the motor vehicle division of the department of revenue an abstract of the record of said court covering every case in which said person had a judgment entered against him or her, was so convicted, or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(3) Said abstract must be made upon a form furnished by the department of revenue and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture as the case may be.

1716. Notice to appear or pay fine - failure to appear - penalty.

(1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

(2) A person commits a traffic offense if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.

(3) Deleted.

(4)(a)(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), a person who is a parent or legal guardian of a minor under the age of eighteen years and who is required to appear in court with the minor pursuant to the provisions of this part 17 including but not limited to section 1706(2)(b) or 1710(1.5), shall appear in court at the location and on the date stated in the penalty assessment notice or in the summons and complaint or as instructed by the court.

(II) The provisions of subparagraph (I) of this paragraph (a) concerning the appearance of a parent or legal guardian shall not apply in a case where the minor under the age of eighteen years or the parent of the minor demonstrates to the court by clear and convincing evidence that the minor is an emancipated minor.

(III) For purposes of this subsection (4), "emancipated minor" means a minor under the age of eighteen years who has no legal guardian and whose parents have entirely surrendered the right to the care, custody, and earnings of the minor, no longer are under any duty to support or maintain the minor, and have made no provision for the support of the minor.

1717. Conviction - attendance at driver improvement school.

(1) Except as otherwise provided in subsection (2) of this section, whenever a person has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Such school shall be approved by the court.

(2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court may require the minor to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with section 1716 (4), of this Code, shall pay the cost of attending the designated driver improvement school. The court shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Such school shall be approved by the court.

1718. Electronic transmission of data—standards.

A municipal court, county court, district court, or any court with jurisdiction over violations of traffic rules and laws shall not dismiss any charges or refuse to enforce any traffic law or rule solely because a penalty assessment notice or summons and complaint issued pursuant to the standards established in this section is in electronic form or contains an electronic signature.

1719. Violations--commercial driver's license--compliance with federal regulation.

As to a holder of a commercial driver's license as defined in section 42-2-402 or the operator of a commercial motor vehicle as defined in section 42-2-402, a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.

Part 18

Vehicles Abandoned On Public Property

1801. Legislative declaration.

This jurisdiction hereby declares that the purpose of this part 18 is to provide procedures for the removal, storage, and disposal of motor vehicles that are abandoned on public property.

1802. Definitions. As used in this part 18, unless the context otherwise requires:

(1) “Abandoned motor vehicle” means:

(a) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, outside the limits of any incorporated town or city for a period of forty-eight hours or longer;

(b) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of any incorporated town or city for a period longer than any limit prescribed by any local ordinance concerning the abandonment of motor vehicles or, if there is no such ordinance, for a period of forty-eight hours or longer;

(c) Any motor vehicle stored in an impound lot at the request of a law enforcement agency and not removed from the impound lot within seventy-two hours after the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

(d) A motor vehicle fitted with an immobilization device that is on public property and deemed to be abandoned pursuant to section 1105(7)(c); or

(e) Any motor vehicle left unattended at a regional transportation district parking facility, as defined in section 32-9-119.9(6), that is deemed to be abandoned pursuant to section 32-9-119.9(4)(b).

(2) “Agency employee” means any employee of the department of transportation or other municipal, county, or city and county agency responsible for highway safety and maintenance.

(3) (Deleted by amendment, L. 2009, (HB09- 1279), ch. 170, p. 763, § 1, effective August 5, 2009.)

(4) “Appraisal” means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by any employee of the Colorado state patrol or of any sheriff’s or police department whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department.

(5) “Disabled motor vehicle” means any motor vehicle that is stopped or parked, either attended or unattended, upon a public right-of-way and that is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.

(6) "Impound lot" means a parcel of real property that is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

(7) "Operator" means a person or a firm licensed by the public utilities commission as a towing carrier.

(8) "Public property" means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, as defined in section 31-1-101(6), or other governmental entity of this state.

(9) "Responsible law enforcement agency" means the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency's jurisdiction.

1803. Abandonment of motor vehicles - public property.

(1)(a) No person shall abandon any motor vehicle upon public property. Any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, or agent of the Colorado bureau of investigation who finds a motor vehicle that such officer has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the law enforcement agency employing such officer.

(b) If an operator is used by the responsible law enforcement agency to tow or impound the motor vehicle pursuant to paragraph (a) of this subsection (1), the operator shall be provided with written authorization to possess the motor vehicle on a document that includes, without limitation, the year, make, model, vehicle identification number, and storage location.

(2) Whenever any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, agent of the Colorado bureau of investigation, or agency employee finds a motor vehicle, vehicle, cargo, or debris, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer or agency employee is authorized to cause the motor vehicle, vehicle, cargo, or debris to be moved to eliminate any such obstruction; and neither the officer, the agency employee, nor anyone acting under the direction of such officer or employee shall be liable for any damage to such motor vehicle, vehicle, cargo, or debris occasioned by such removal. The removal process is intended to clear the obstruction, but such activity should create as little damage as possible to the vehicle, or cargo, or both. No agency employee shall cause any motor vehicle to be moved unless such employee has obtained approval from a local law enforcement agency of a municipality, county, or city and county, the Colorado bureau of investigation, or the Colorado state patrol.

(3) The operator shall be responsible for removing the motor vehicle and the motor vehicle debris from the site pursuant to this section, but shall not be required to remove or clean up any hazardous or commercial cargo the motor vehicle carried. The commercial carrier shall be responsible for removal or clean-up of the hazardous or commercial cargo.

1804. Report of abandoned motor vehicles - owner's opportunity to request hearing.

(1)(a) Upon having an abandoned motor vehicle towed, the responsible law enforcement agency shall ascertain, if possible, whether or not the motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the towing carrier shall have the right to recover from the owner their reasonable costs and fees for recovering and securing the motor vehicle. Nothing in this section shall be construed to authorize fees for services that were not provided or that were provided by another person or entity.

(b) As soon as possible, but in no event later than ten working days after having an abandoned motor vehicle towed, the responsible law enforcement agency shall report the same to the department by first-class or certified mail, by personal delivery, or by internet communication. The report shall be on a form prescribed and supplied by the department.

(c) The report shall contain the following information:

(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, the identity of the responsible law enforcement agency, and the business address, telephone number, and name and signature of a representative from the responsible law enforcement agency;

(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(III) A description of the abandoned motor vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number.

(2) Upon its receipt of a report made under subsection (1) or (6) of this section, the department shall search its records to ascertain the last-known owner of record for the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days after such receipt, the department shall complete its search and shall transmit such report, together with all relevant information, to the responsible law enforcement agency.

(3) The responsible law enforcement agency, upon its receipt of the report required under subsection (2) of this section, shall determine, from all available information and after reasonable inquiry, whether the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the operator shall have the right to recover from the owner their reasonable costs to recover and secure the motor vehicle.

(4)(a) If the responsible law enforcement agency, does not use an operator to store the motor vehicle, the responsible law enforcement agency, within ten working days after the receipt of the report from the department within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim of any lien under section 1806 and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty calendar days after the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(b) If the responsible law enforcement agency uses an operator to store the motor vehicle, the responsible law enforcement agency within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by first class mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of the report and the claim of any lien under section 1806. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from where it was towed, and that from the postmark on the notice, the motor vehicle is subject to sale.

(c) The responsible law enforcement agency shall include in the notices sent pursuant to either paragraph (a) or (b) of this subsection (4), a statement informing the owner of record of the opportunity to request a hearing concerning the legality of the towing of the abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose.

(d) If an owner or lienholder requests a hearing, the owner or lienholder shall make the request in writing to the responsible law enforcement agency within ten days after the notice was sent, as determined by the postmark. Such hearing, if requested, shall be conducted pursuant to the provisions of section 24-4-105, if the responsible law enforcement agency is the Colorado state patrol. If a local political subdivision is the responsible law enforcement agency, such hearing shall be conducted pursuant to local hearing procedures. If it is determined at the hearing that the motor vehicle was illegally towed upon request from a law enforcement agency, all towing charges and storage fees assessed against the vehicle shall be paid by such law enforcement agency.

(5) The department shall maintain department-approved notice forms satisfying the requirements of subsection (4) of this section and shall make them available for use by local law enforcement agencies.

(6)(a)(I) Except as provided in subparagraph (II) of this paragraph (a), an operator or its agent shall, no less than two days, but no more than ten days after a motor vehicle has been towed, determine who the owner is and if there is a lienholder and send a notice by certified mail, return receipt requested, to the last address of the owner, and any lienholder, as determined from the records of the department or from a national search performed by the department

(II) If the department conducts a national title search in accordance with paragraph (b) of subsection (2) of this section, each day elapsing between the department being notified and the department returning information on the motor vehicle as a result of the search does

not count against the tow operator's ten-day deadline to contact the motor vehicle's owner or any lienholder. This subparagraph (II) does not affect daily storage fees.

(III) The cost of complying with this paragraph (a) is a cost of towing; except that the total of all costs of complying with this section shall not exceed one hundred fifty dollars. To comply with this subsection (6), the notice to the owner and lienholder must be sent within five days after the operator receives the information from the department and must contain the following information:

(A) The fact of possession, including the date possession was taken, the location of storage of the motor vehicle, and the location from which it was towed;

(B) The identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(C) A description of the motor vehicle, including the make, model, color, and year and the number, issuing state, and expiration date of the license plate, or any other indicia of the motor vehicle's state of origin.

(b) The operator shall not be entitled to recover any daily storage fees from the day the vehicle is towed until the day the owner and lienholder are notified, unless the operator reasonably attempts to notify the owner and lienholder by the date specified in paragraph (a) of this subsection (6). Sending a notice by certified mail, return receipt requested, to the owner and the lienholder as represented in department records shall be deemed a reasonable attempt to notify the owner and the lienholder. Failure to notify the owner and the lienholder due to the receipt of erroneous information from the department or a failure of the law enforcement agency to comply with this section shall not cause the loss of such storage fees accrued from the date the vehicle is towed until the owner and the lienholder receive such notice.

1805. Appraisal of abandoned motor vehicles - sale.

(1)(a) Abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a tow from public property shall be appraised by a law enforcement officer or an independent motor vehicle dealer and sold by the responsible law enforcement agency at a public or private sale held not less than thirty days nor more than sixty days after the date the notice required by section 42-4-1804(4), was mailed.

(b) Subject to section 1804, the operator may continue to charge for daily storage fees until the responsible law enforcement agency complies with this section.

(2) If the appraised value of an abandoned motor vehicle sold pursuant to this section is three hundred fifty dollars or less, the sale shall be made only for the purpose of junking, scrapping, or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado certificate of title. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804(2), to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The responsible

law enforcement agency making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the department and shall deliver a copy of such report of sale to the purchaser of the motor vehicle. Upon receipt of any report of sale with supporting documents on any sale made pursuant to this subsection (2), the department shall purge the records for such vehicle as provided in section 42-4-1810(1)(b), and shall not issue a new certificate of title for such vehicle. Any certificate of title issued in violation of this subsection (2) shall be void.

(3) If the appraised value of an abandoned motor vehicle sold pursuant to this section is more than three hundred fifty dollars, the sale may be made for any intended use by the purchaser. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804 (2), and an application for a Colorado certificate of title signed by a legally authorized representative of the responsible law enforcement agency conducting the sale, to the person purchasing such motor vehicle. The purchaser of the abandoned motor vehicle shall be entitled to a Colorado certificate of title upon application and proof of compliance with the applicable provisions of the "Certificate of Title Act", part 1 of Code 6 of this title, within fourteen days after the sale; except that, if such vehicle is less than five years old, including the current year model, and if the department does not provide the name of an owner of record to the law enforcement agency, the purchaser shall apply for a bonded title and the department shall issue such bonded title upon the applicant meeting the qualifications for such title pursuant to rules promulgated by the department.

(4)(a) Transferring the title of a motor vehicle to an operator to satisfy a debt created pursuant to this part 18 shall not be deemed to be the sale of a motor vehicle.

(b) Nothing in this section requires an operator to be licensed pursuant to Part 1 of article 6 of title 12, for purposes of conducting activities under this part 18.

1806. Liens upon towed motor vehicles.

(1) Whenever an operator who is registered with the department in accordance with subsection (2) of this section recovers, removes, or stores a motor vehicle upon instructions from any duly authorized law enforcement agency or peace officer who has determined that such motor vehicle is an abandoned motor vehicle, such operator shall have a possessory lien, subject to the provisions of section 1804 (6), upon such motor vehicle and its attached accessories or equipment for all fees for recovering, towing, and storage as authorized in section 1809 (2) (a). Such lien shall be a first and prior lien on the motor vehicle, and such lien shall be satisfied before all other charges against such motor vehicle.

(2)(a) No operator shall have a possessory lien upon a motor vehicle described in subsection (1) of this section unless said operator is registered with the department. Such registration shall include the following information:

(I) The location of the operator's tow business;

(II) The hours of operation of the operator's tow business;

(III) The location of the impound lot where vehicles may be claimed by the owner of record;
and

(IV) Any information relating to a violation of any provision contained in this part 18 or of any other state law or rule relating to the operation, theft, or transfer of motor vehicles.

(b) The executive director of the department may cancel the registration of any operator if an administrative law judge finds, after affording the operator due notice and an opportunity to be heard, that the operator has violated any of the provisions set forth in this part 18.

1807. Perfection of lien.

The lien provided for in section 1806 shall be perfected by taking physical possession of the motor vehicle and its attached accessories or equipment and by sending to the department within ten working days after the time possession was taken a notice containing the information required in the report to be made under the provisions of section 1804. In addition, such report shall contain a declaration by the operator that a possessory lien is claimed for all past, present, and future charges, up to the date of redemption, and that the lien is enforceable and may be foreclosed pursuant to the provisions of this part 18.

1808. Foreclosure of lien.

Any motor vehicle and its attached accessories and equipment or personal property within or attached to such vehicle that are not redeemed by the last known owner of record or lienholder after such owner or lienholder has been sent notice of such lien by the operator or responsible law enforcement agency shall be sold in accordance with the provisions of section 1805.

1809. Proceeds of sale.

(1) If the sale of any motor vehicle, personal property, and its attached accessories or equipment under the provisions of section 42-4-1805, produces an amount less than or equal to the sum of all charges of the operator who has perfected his or her lien, then the operator shall have a valid claim against the owner for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Failure to register such vehicle in accordance with this title shall constitute a waiver of such owner's right to be notified pursuant to this part 18 for the purposes of foreclosure of the lien pursuant to section 1808. Such charges shall be assessed in the manner provided for in paragraph (a) of subsection (2) of this section.

(2) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of section 1805 produces an amount greater than the sum of all charges of the operator who has perfected his or her lien:

(a) The entity receiving the proceeds shall first satisfy the operator's reasonable fee arising from the sale of the motor vehicle and the cost and fees of towing and storing the abandoned motor vehicle, subject to a maximum charge specified in rules promulgated by the public utilities commission that govern nonconsensual tows by towing carriers.

(b) Any balance remaining after payment pursuant to paragraph (a) of this subsection (2) shall be paid to the responsible law enforcement agency to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle, and any other costs of the responsible law enforcement agency including administrative costs, taxes, fines, and penalties due.

(b.5) In the case of the sale of an abandoned motor vehicle described in section 42-4-1802(1)(d), any balance remaining after payment pursuant to paragraph (b) of this subsection (2) shall be paid to the law enforcement agency that is owed a fee for the court-ordered placement of an immobilization device on the motor vehicle pursuant to section 1105.

(c) Any balance remaining after payment pursuant to paragraphs (b) and (b.5) of this subsection (2) shall be forwarded to the department, and the department may recover from such balance any taxes, fees, and penalties due and payable to it with respect to such motor vehicle.

(d) Any balance remaining after payment pursuant to paragraph (c) of this subsection (2) shall be paid by the department: First, to any lienholder of record as the lienholder's interest may appear upon the records of the department; second, to any owner of record as the owner's interest may so appear; and then to any person submitting proof of such person's interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty days after the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(e).

(3) The provisions of paragraphs (a) and (b) of subsection (2) of this section shall not apply to a responsible law enforcement agency operating under a towing contract.

1810. Transfer and purge of certificates of title.

(1) Whenever any motor vehicle is abandoned and removed and sold in accordance with the procedures set forth in this part 18, the department shall transfer the certificate of title or issue a new certificate of title or shall purge such certificate of title in either of the following cases:

(a) Upon a person's submission to the department of the necessary documents indicating the abandonment, removal, and subsequent sale or transfer of a motor vehicle, the department shall transfer the certificate of title or issue a new certificate of title for such abandoned motor vehicle.

(b) Upon a person's submission of documents indicating the abandonment, removal, and subsequent wrecking or dismantling of a motor vehicle, including all sales of abandoned motor vehicles with an appraised value under three hundred fifty dollars that are conducted pursuant to section 1805(2), the department shall keep the records for one year and then purge the records for such abandoned motor vehicle; except that the department shall not be required to wait before purging the records if the purchaser is a licensed motor vehicle dealer.

1811. Penalty.

Unless otherwise specified in this part 18, any person who knowingly violates any of the provisions of this part 18 commits a petty offense and shall be punished as provided in section 18-1.3-503.

1812. Exemptions.

(1) Nothing in this part 18 shall be construed to include or apply to the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved and main-traveled portion of a highway, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Nothing in this part 18 shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in, coming from, or going to an emergency.

1813. Local regulations.

(1) The state or any county, municipality as defined in section 31-1-101(6), or other governmental entity of the state may execute a contract or contracts for the removal, storage, or disposal of abandoned motor vehicles within the area of its authority to effectuate the provisions of this part 18.

(2) The provisions of this part 18 may be superseded by ordinance or resolution of a municipality, as defined in section 31-1-101, or any county that sets forth procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles on public property; except that such ordinance or resolution shall not deprive an operator of a lien attached and perfected under this part 18.

1814. Violation of motor vehicle registration or inspection laws - separate statutory provision.

Owners of motor vehicles impounded by the Colorado state patrol for violation of motor vehicle registration or inspection laws shall receive notice and the opportunity for a hearing pursuant to the provisions of section 42-13-106. If such a motor vehicle is found to be abandoned in accordance with the provisions of said section 42-13-106, the notice and hearing provisions to owners of motor vehicles under other sections of this part 18 shall be deemed to have been met for purposes of proper disposition of the motor vehicle under the terms of this part 18. Nevertheless, the notice and hearing provisions of the other sections of this part 18 as to lienholders are applicable and shall not be deemed to have been met by the provisions of section 42-13-106, or this section.

Part 19

School Bus Requirements

1901. School buses - equipped with supplementary brake retarders.

(1)(a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this section, passengers of any school bus being used on mountainous terrain by any school district of the state shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus during the period of such use.

(b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any road or street which the department of transportation has designated as being located on mountainous terrain.

(2)(a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:

(I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or

(II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.

(b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on or after April 17, 1991. The general assembly also encourages school districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses.

(3) For purposes of this section and section 1902:

(a) "Mountainous terrain" means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and sidehill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

(b) Repealed

1902. School vehicle drivers - special training required.

On and after July 1, 1992, the driver of any school vehicle as defined in section 42-1-102(88.5), owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 1901(3)(a), and driving in adverse weather conditions.

1903. School buses - stops - signs - passing.

(1)(a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet

before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren.

(b)(I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.

(II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.

(2)(a) Every school bus as defined in section 42-1-102(88), other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of schoolchildren shall:

(I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and

(II) Display eight visual signal lights meeting the requirements of 49 CFR 571.108 or its successor regulation.

(b)(I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

(II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

(c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.

(3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

(5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

(6)(a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.

(7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

1904. Regulations for school buses - regulations on discharge of passengers - penalty - exception.

(1) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this Code to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating

multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

(2) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be cancelled after notice and hearing by the responsible officers of such district.

(3) Any person who violates any provision of this commits a petty offense.

(4) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

Appendices

Definitions:

As used in this Code, unless the context otherwise requires:

(1) "**Acceleration lane**" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

(2) "**Administrator**" means the property tax administrator.

(3) "**Alley**" means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

(4) "**Apportioned registration**" means registration of a vehicle pursuant to a reciprocal agreement under which the fees paid for registration of such vehicle are ultimately divided among the several jurisdictions in which the vehicle travels, based upon the number of miles traveled by the vehicle in each jurisdiction or upon some other agreed criterion.

(4.5) "**Appurtenance**" means a piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task, including awnings, support hardware, and extractable equipment. "Appurtenance" does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.

(5) "**Authorized agent**" means the county clerk and recorder in each county in the state of Colorado, the clerk and recorder in the city and county of Broomfield, and the manager of revenue or such other official of the city and county of Denver as may be appointed by the mayor to perform the functions related to the registration of, titling of, or filing of liens on motor vehicles, wheeled trailers, semitrailers, trailer coaches, special mobile machinery, off-highway vehicles, and manufactured homes.

(6) "**Authorized emergency vehicle**" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

(a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or

(b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies

(7) "**Authorized service vehicle**" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and

tow trucks, as determined by the department of transportation under section 42-4-214(5) Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

(7.5) "**Autocycle**" means a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in section 42-4-237(1)(b). For purposes of this subsection (7.5), "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

(7.7) "**Automated driving system**" means hardware and software that are collectively capable, without any intervention or supervision by a human operator, of performing all aspects of the dynamic driving task for a vehicle on a part-time or full-time basis, described as levels 4 and 5 automation in SAE International's standard J3016, as it existed in September 2016.

(8) "**Automobile**" means any motor vehicle.

(8.5) "**BAC**" means either:

(a) A person's blood alcohol content, expressed in grams of alcohol per one hundred milliliters of blood as shown by analysis of the person's blood; or

(b) A person's breath alcohol content, expressed in grams of alcohol per two hundred ten liters of breath as shown by analysis of the person's breath.

(9) "**Base jurisdiction**" means the state, province, or other jurisdiction which receives, apportions, and remits to other jurisdictions moneys paid for registration of a vehicle pursuant to a reciprocal agreement governing registration of vehicles.

(10) "**Bicycle**" means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(10.5) "**Bulk electronic transfer**" means the mass electronic transfer of files, updated files, or portions thereof, in the same form as those files exist within the department.

(11) "**Business district**" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

(12) "**Calendar year**" means the twelve calendar months beginning January 1 and ending December 31 of any year.

(13) "**Camper coach**" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

(14) "**Camper trailer**" means a wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

(15) "**Chauffeur**" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(16) "**Classified personal property**" means any personal property which has been classified for the purpose of imposing thereon a graduated annual specific ownership tax.

(16.5) "**Colorado DRIVES**" is an acronym that stands for "Colorado driver's license, record, identification, and vehicle enterprise solution" and means the driver and vehicle services information technology system that the department uses to provide driver, identification, and vehicle title registration services to Colorado residents.

(17) "**Commercial carrier**" means any owner of a motor vehicle, truck, laden or unladen truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.

(17.5) "**Commercial vehicle**" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This subsection (17.5) shall not apply for purposes of sections 42-4-235 and 42-4-707(1).

(18) "**Controlled-access highway**" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(19) "**Convicted**" or "**conviction**" means:

(a) A plea of guilty or nolo contendere;

(b) A verdict of guilty;

(c) An adjudication of delinquency under title 19;

(d) The payment of a penalty assessment under section 42-4-1701, or this Code, if the summons states clearly the points to be assessed for the offense; and

(e) As to a holder of a commercial driver's license as defined in [section 42-2-402](#), or the operator of a commercial motor vehicle as defined in [section 42-2-402](#);

(I) An unvacated adjudication of guilt or a determination by an authorized administrative hearing that a person has violated or failed to comply with the law;

(II) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(III) The payment of a fine or court cost or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated; or

(IV) A deferred sentence.

(20) "**Court**" means any municipal court, county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.

(21) "**Crosswalk**" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.

(22) "**Dealer**" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under articles 1 to 4 of title 42, and who has an established place of business for such purpose in this state.

(23) "**Deceleration lane**" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.

(23.5) "**Declared gross vehicle weight**" means the combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.

(24) "**Department**" means the Department of Revenue of this state acting directly or through its duly authorized officers and agents.

(24.5) "**Distinctive special license plate**" means a special license plate that is issued to a person because such person has an immutable characteristic or special achievement honor. Such special achievement honor shall not include a common achievement such as graduating from an institution of higher education. Such special achievement shall include honorable service in the armed forces of the United States. "Distinctive special license plate" shall include a license plate that is issued to a person or the person's family to honor such person's service in the armed forces.

(25) "**Divided highway**" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

(26) "**Drive-away transporter**" or "**tow-away transporter**" means every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or transported singly, or by saddlemount, towbar, or fullmount methods, or by any lawful combination thereof.

(27) "**Driver**" means every person, including a minor driver under the age of twenty-one years, who drives or is in actual physical control of a vehicle.

(27.3) **"DUI"** means driving under the influence, as defined in [section 42-4-1301\(1\)\(f\)](#), and use of the term shall incorporate by reference the offense described in [section 42-4-1301\(1\)\(a\)](#).

(27.5) **"DUI per se"** means driving with a BAC of 0.08 or more, and use of the term shall incorporate by reference the offense described in [section 42-4-1301\(2\)\(a\)](#).

(27.7) **"DWAI"** means driving while ability impaired, as defined in [section 42-4-1301\(1\)\(g\)](#), and use of the term shall incorporate by reference the offense described in [section 42-4-1301\(1\)\(b\)](#).

(27.8) (a) **"Dynamic driving task"** means all of the following aspects of driving:

(I) Operational aspects, including steering, braking, accelerating, and monitoring the vehicle and the roadway; and

(II) Tactical aspects, including responding to events, determining when to change lanes, turning, using signals, and other related actions.

(b) **"Dynamic driving task"** does not include strategic aspects, including determining destinations or way points, of driving.

(28) **"Effective date of registration period certificate"** means the month in which a fleet owner must register all fleet vehicles.

(28.5) **"Electrical assisted bicycle"** means a vehicle having two or three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) **"Class 1 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) **"Class 2 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) **"Class 3 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

(28.7) **"Electric personal assistive mobility device" or "EPAMD"** means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(28.8)(a) **"Electric Scooter"** means a device:

(I) Weighing less than one hundred pounds;

(II) With handlebars and an electric motor;

(III) That is powered by an electric motor; and

(IV) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) "**Electric Scooter**" does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

(29) "**Empty weight**" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.

(30) "**Essential parts**" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(31) "**Established place of business**" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where such dealer's or manufacturer's books and records are kept and a large share of his or her business transacted.

(31.5) "**Exceptions processing**" means the procedures the department uses to assist persons who are unable for reasons beyond their control to present all the necessary documents required by the department and must rely on alternative documents to establish identity, date of birth, or United States citizenship in lieu of lawful presence in the United States.

(32) "**Explosives and hazardous materials**" means any substance so defined by the code of federal regulations, title 49, chapter 1, parts 173.50 through 173.389.

(33) "**Farm tractor**" means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

(34) "**Flammable liquid**" means any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(35) "**Fleet operator**" means any resident who owns or leases ten or more motor vehicles, trailers, or pole trailers and who receives from the department a registration period certificate in accordance with article 3 of title 42.

(36) "**Fleet vehicle**" means any motor vehicle, trailer, or pole trailer owned or leased by a fleet operator and registered pursuant to section 42-3-125.

(37) "**Foreign vehicle**" means every motor vehicle, trailer, or semitrailer which is brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(38) "**Fullmount**" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

(39) "**Garage**" means any public building or place of business for the storage or repair of automobiles.

(39.5) "**Golf car**" means a self-propelled vehicle not designed primarily for operation on roadways and that has:

- (a) A design speed of less than twenty miles per hour;
- (b) At least three wheels in contact with the ground;
- (c) An empty weight of not more than one thousand three hundred pounds; and
- (d) A carrying capacity of not more than four persons.

(40) "**Graduated annual specific ownership tax**" means an annual tax imposed in lieu of an ad valorem tax upon the personal property required to be classified by the general assembly pursuant to the provisions of section 6 of article X of the state constitution.

(41) "**Gross dollar volume**" means the total contracted cost of work performed or put in place in a given county by the owner or operator of special mobile machinery.

(41.5) "**Group special license plate**" means a special license plate that is not a distinctive plate and is issued to a group of people because such people have a common interest or affinity.

(42) "**High occupancy vehicle lane**" means a lane designated pursuant to the provisions of section 42-4-1012(1), or this Code.

(43) "**Highway**" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or the entire width of every way declared to be a public highway by any law of this state.

(43.3) "**Human operator**" means a natural person in the vehicle with immediate access to controls for steering, braking, and acceleration.

(43.5) "**Immediate family**" means a person who is related by blood, marriage, or adoption.

(44)(a) On and after July 1, 2000, "**Implement of husbandry**" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 5 of article 4 of this title, be considered as component parts of such implements of husbandry.

(b) Effective July 1, 2013, for purposes of this section, "implements of husbandry" includes personal property valued by the county assessor as silvicultural.

(45) "**Intersection**" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways

thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

(45.5) "**Kit vehicle**" means a passenger-type motor vehicle assembled, by other than a licensed manufacturer, from a manufactured kit that includes a prefabricated body and chassis and is accompanied by a manufacturer's statement of origin.

(46) "**Lane**" means the portion of a roadway for the movement of a single line of vehicles.

(47) "**Laned highway**" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(47.3) "**Last-known address**" means:

(a) For notifications regarding motor vehicles, the most recent mailing address provided on a vehicle registration or vehicle registration mailing address change notification provided in accordance with section 42-3-113, or the corrected address as reported by an address correction service licensed by the United States postal service;

(b) For notifications regarding driving privileges, driver's licenses, or identification cards when there is a driver's license or identification card on file with the department, the most recent of either:

(I) The mailing address provided by an applicant for a driver's license or identification card;

(II) The mailing address stated on an address change notification provided to the department pursuant to subsection (47.3)(a) of this section; or

(III) The corrected address as reported by an address correction service licensed by the United States postal service;

(c) For notifications regarding driving privileges or identification cards when there is no driver's license or identification card on file with the department, the most recent address shown on any other record on file with the department pursuant to this article 1 and as may be corrected by an address correction service licensed by the United States postal service.

(47.5) "**Lien**" means a security interest in a motor or off-highway vehicle under article 9 of title 4, and this article.

(48) "**Local authorities**" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

(48.5)(a) "**Low-power scooter**" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

(II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "**Low-power scooter**" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights-of-way.

(48.6) "**Low-speed electric vehicle**" means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground;

(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(49) "**Manufacturer**" means any person, firm, association, corporation, or trust, whether resident or nonresident, who manufactures or assembles new and unused motor vehicles of a type required to be registered under articles 1 to 4 of this title.

(50) "**Manufacturer's suggested retail price**" means the retail price of such motor vehicle suggested by the manufacturer plus the retail price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle prior to the sale to the retail purchaser.

(51) "**Markings**" means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning, or guiding traffic.

(52) "**Metal tires**" means all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(52.5) "**Military vehicle**" means a vehicle of any size or weight that is valued for historical purposes, that was manufactured for use by any nation's armed forces, and that is maintained in a condition that represents its military design and markings.

(53) "**Minor driver's license**" means the license issued to a person who is at least sixteen years of age but who has not yet attained the age of twenty-one years.

(54) (Deleted by amendment, L. 2010, (HB 10-1172), ch. 320, p. 1486, § 1, effective October 1, 2010.)

(55) "**Motorcycle**" means an auticycle or a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three

wheels in contact with the ground, except that the term does not include a farm tractor, low-speed electric vehicle, or low-power scooter.

(56) (Deleted by amendment, L. 2009, (HB 09-1026), ch.281, p. 1260, § 22, effective October 1, 2009).

(57) "**Motor home**" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

(58) "**Motor vehicle**" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401, for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections [42-2-127](#), [42-2-127.7](#), [42-2-128](#), [42-2-138](#), [42-2-206](#), [42-4-1301](#), and [42-4-1301.1](#), "motor vehicle" includes a low-power scooter..

(59) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1260, § 22, effective October 1, 2009.)

(60) "**Mounted equipment**" means any item weighing more than five hundred pounds that is permanently mounted on a vehicle, including mounting by means such as welding or bolting the equipment to a vehicle.

(60.3) "**Multipurpose trailer**" means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose trailer" is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

(60.5) (Deleted by amendment, L. 2009, (SB 09-075), ch. 418, p. 2320, § 4, effective August 5, 2009.)

(61) "**Noncommercial or recreational vehicle**" means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.

(62) "**Nonresident**" means every person who is not a resident of this state.

(63) "**Off-highway vehicle**" shall have the same meaning as set forth in section 33-14.5-101(3).

(64) "**Official traffic control devices**" means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(65) "**Official traffic control signal**" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(66) "**Owner**" means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of articles 1 to 4 of title 42. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

(67) "**Park**" or "**parking**" means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

(68) "**Pedestrian**" means any person afoot or any person using a wheelchair.

(68.5)(a) "**Persistent drunk driver**" means any person who:

(I) Has been convicted of or had his or her driver's license revoked for two or more alcohol-related driving violations;

(II) Continues to drive after a driver's license or driving privilege restraint has been imposed for one or more alcohol-related driving offenses;

(III) Drives a motor vehicle while the amount of alcohol in such person's blood, as shown by analysis of the person's blood or breath, was 0.15 or more grams of alcohol per one hundred milliliters of blood or 0.15 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving; or

(IV) Refuses to take or complete, or to cooperate in the completing of, a test of his or her blood, breath, saliva, or urine as required by section [18-3-106\(4\)](#) or [18-3-205\(4\)](#), or section [42-4-1301.1\(2\)](#).

(b) Nothing in this subsection (68.5) shall be interpreted to affect the penalties imposed under this title for multiple alcohol- or drug-related driving offenses, including, but not limited to, penalties imposed for violations under sections [42-2-125\(1\)\(g\)](#) and (1)(i) and [42-2-202\(2\)](#).

(69) "**Person**" means a natural person, estate, trust, firm, copartnership, association, corporation, or business entity.

(69.5) "**Plug-in electric motor vehicle**" means:

(a) a motor vehicle that has received an acknowledgement of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. sec. 30D as amended, or successor statute; or

(b) any motor vehicle that can recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

(70) "**Pneumatic tires**" means all tires inflated with compressed air.

(71) "**Pole,**" "**pipe trailer,**" or "**dolly**" means every vehicle of the trailer type having one or more axles not more than forty-eight inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All the registration provisions of articles 1 to 4 of title 42, shall apply to every pole, pipe trailer, or dolly.

(72) "**Police officer**" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(72.2) "**Power takeoff equipment**" means equipment that is attached to a motor vehicle and is powered by the motor that powers the locomotion of the motor vehicle.

(72.5) "**Primary user**" means an organization that collects bulk data for the purpose of in-house business use.

(72.7) "**Principal office**" means the office in this state designated by a fleet owner as its principal place of business.

(73) "**Private road**" or "**driveway**" means every road or driveway not open to the use of the public for purposes of vehicular travel.

(74) Repealed.

(75) "**Railroad sign or signal**" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(76) "**Reciprocal agreement**" or "**reciprocity**" means an agreement among two or more states, provinces, or other jurisdictions for coordinated, shared, or mutual enforcement or administration of laws relating to the registration, operation, or taxation of vehicles and other personal property in interstate commerce. The term includes without limitation the "international registration plan" and any successor agreement providing for the apportionment, among participating jurisdictions, of vehicle registration fees or taxes.

(77) "**Reconstructed vehicle**" means any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(78) "**Registration period**" or "**registration year**" means any consecutive twelve-month period.

(79) "**Registration period certificate**" means the document issued by the department to a fleet owner, upon application of a fleet owner, which states the month in which registration is required for all motor vehicles owned by the fleet owner.

(80) "**Residence district**" means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(81) "**Resident**" means any person who owns or operates any business in this state or any person who has resided within this state continuously for a period of ninety days or has obtained gainful employment within this state, whichever shall occur first.

(82) "**Right-of-way**" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(83) "**Road**" means any highway.

(84) "**Road tractor**" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(85) "**Roadway**" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

(86) "**Saddlemount combination**" means a combination of vehicles in which a truck or laden or unladen truck tractor tows one or more additional trucks or laden or unladen truck tractors and in which each such towed truck or laden or unladen truck tractor is connected by a saddle to the frame or fifth wheel of the vehicle immediately in front of such truck or laden or unladen truck tractor. For the purposes of this subsection (86), "saddle" means a mechanism which connects the front axle of a towed vehicle to the frame or fifth wheel of a vehicle immediately in front of such towed vehicle and which functions like a fifth wheel kingpin connection. A saddlemount combination may include one fullmount.

(87) "**Safety zone**" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(88) "**School bus**" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.

(88.5)(a) "**School vehicle**" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity.

(b) "**School vehicle**" does not include:

(I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or

(II) A motor vehicle that is owned by or under contract to a child care center, as defined in [section 26-6-102 \(5\)](#), and that is used for the transportation of children who are served by the child care center.

(89) "**Semitrailer**" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

(90) "**Sidewalk**" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

(91) "**Snowplow**" means any vehicle originally designed for highway snow and ice removal or control or subsequently adapted for such purposes which is operated by or for the state of Colorado or any political subdivision thereof.

(92) "**Solid rubber tires**" means every tire made of rubber other than a pneumatic tire.

(93) "**Specially constructed vehicle**" means any vehicle which has not been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

(93.5)(a) "**Special mobile machinery**" means machinery that is pulled, hauled, or driven over a highway and is either:

(I) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or

(II) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways.

(b) "**Special mobile machinery**" includes vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

(94) "**Stand**" or "**standing**" means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

(95) "**State**" means a state, territory, organized or unorganized, or district of the United States.

(96) "**State motor vehicle licensing agency**" means the department of revenue.

(97) "**State traffic control manual**" means the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", including any supplement thereto, as adopted by the transportation commission.

(98) "**Steam and electric trains**" includes:

(a) "**Railroad**", which means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails;

(b) "**Railroad train**", which means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(c) "**Streetcar**", which means a car other than a railroad train for transporting persons or property upon rails principally within a municipality.

(99) "**Stinger-steered**" means a semitrailer combination configuration wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(100) "**Stop**" or "**stopping**" means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(101) "**Stop line**" or "**limit line**" means a line which indicates where drivers shall stop when directed by an official traffic control device or a police officer.

(101.5) "**Street rod vehicle**" means a vehicle manufactured in 1948 or earlier with a body design that has been modified for safe road use.

(102) "**Supervisor**" means the executive director of the department of revenue or head of a group, division, or subordinate department appointed by the executive director in accordance with article 35 of title 24.

(102.5) "**Surge brakes**" means a system whereby the brakes of a trailer are actuated as a result of the forward pressure of the trailer against the tow vehicle during deceleration.

(102.7) "**Temporary special event license plate**" means a special license plate valid for a limited time period that is issued to a person or group of people in connection with a special event. "Temporary special event license plate" does not mean a special plate for the purposes of section 42-3-207.

(103) "**Through highway**" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by law.

(103.5)(a) "**Toy vehicle**" means any vehicle, that has wheels and is not designed for use on public highways or for off-road use.

(b) **"Toy vehicle"** includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) **"Toy vehicle"** does not include off-highway vehicles or snowmobiles.

(104) **"Traffic"** means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any highway for the purposes of travel.

(104.5) **"Traffic Investigation or Survey"** means a documented, data driven, comprehensive analysis using methods consistent with an Engineering Study as defined in the latest edition of the Manual on Uniform Traffic Control Devices.

(105) **"Trailer"** means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers as defined in subsection (60.3) of this section.

(106)(a) **"Trailer coach"** means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

(b) **"Manufactured home"** means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

(107) **"Transporter"** means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(108) **"Truck"** means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

(109) **"Truck tractor - laden"** or **"laden truck tractor"** means any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing a semitrailer or trailer and its cargo load over the public highways.

(109.5) **"Truck tractor - unladen"** or **"unladen truck tractor"** means any motor vehicle not carrying cargo that is generally used to draw a semitrailer or trailer and its cargo load over the public highways.

(109.7) **"UDD"** means underage drinking and driving, and use of the term shall incorporate by reference the offense described in section 42-4-1301(2)(d).

(110) "**Used vehicle**" means every motor vehicle which has been sold, bargained for, exchanged, or given away, or has had the title transferred from the person who first acquired it from the manufacturer or importer, and has been so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.

(111) "**Utility trailer**" means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

(112) "**Vehicle**" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(112.5) "**Vendor**" means an organization that collects bulk data for the purpose of reselling the data.

(113) "**Wheelchair**" means a motorized or nonmotorized wheeled device designed for use by a person with a physical disability.

Appendix Part A. Instructions For Adopting The Model Traffic Code By Reference

(Based on parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30; and on section 43-2-135(1)(g))

1. Adopting Ordinance (see specimen)

(a) Form and Content. The form and content of the adopting ordinance should be patterned as closely as possible after the specimen.

(b) Exceptions. Any and all sections of the Code that are inapplicable to the municipality or county and are thereby to be deleted must be enumerated in the adopting ordinance.

(c) Penalties. Any penalties shall be subject to sections 31-16-204 or 30-35-404.

2. Introduction:

The Board of Trustees, City Council or Board of County Commissioners shall meet and introduce the adopting ordinance.

3. Notice of Hearing: (see specimen)

After introduction of the adopting ordinance the Board of Trustees, City or Town Council, Board of County Commissioners must schedule a public hearing and give notice of such hearing. Notice of the hearing shall be published twice in a newspaper published or having a general circulation in the municipality, once at least eight days preceding the hearing, and once at least fifteen days preceding the hearing. If there is no such newspaper the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

4. Content of Notice:

The notice of public hearing shall state the time and place of the hearing and shall also state that copies of the Code, being considered for adoption, are on file at the office of the City (Town) Clerk or County Clerk and are open to public inspection during regular business hours. The notice shall also contain brief explanation of the purpose of the Code, the subject matter, the name and address of the agency by which it has been developed, and the date of publication of the Code. See sections 30-35-403 or 31-16-203.

5. Copies of Code:

A link to the current CDOT Model Traffic Code must be posted online along with a link to an accessible pdf of the Model Traffic Code adopted by the City (Town) Clerk or County Clerk. Not fewer than three copies of the Code, all certified to be true copies by the City (Town) Clerk or County Clerk, shall be filed in the Clerk's office fifteen days preceding the public hearing. The current CDOT Model Traffic Code, along with an electronic copy adopted by the City (Town) Clerk or County Clerk will be available online, without charge. The current CDOT Model Traffic Code is available here:

<https://www.codot.gov/safety/traffic-safety/assets/documents>

6. Deletions or Additions:

After the hearing, the governing body may amend, adopt or reject the adopting ordinance. If any deletions or additions are made in the Code by the Board of Trustees, City or Town Council, or Board of County Commissioners they must be duly noted in the adopting ordinance and will be available online, without charge on the City (Town) or Country website.

7. Colorado Department of Transportation Approval:

Approval by the Colorado Department of Transportation is required by law for all regulations pertaining to streets which are state highways. This approval will take the form of a written certification signed by the Chief Engineer or designee. Approval should be sought following the public hearing and before the actual publication of the adopting ordinance so that the Department will have time to certify its approval of the regulations and schedules prior to the date the ordinance is calendared to become effective.

8. Requirements for Department Approval:

For purposes of review and approval the Colorado Department of Transportation requires an authenticated copy of the adopting ordinance. A draft copy of the adopting ordinance may be submitted for review by CDOT prior to authentication.

9. Publication or Posting of Ordinance:

After passage by the City or Town Council, or Board of County Commissioners the adopting ordinance shall be published in full in some newspaper published within the corporate limits, or if there be none, then in some newspaper or online news publication of general circulation in the municipality or county. If there is no such newspaper or online news publication, the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

10. Effective Date:

The ordinance shall neither take effect nor be in force until the expiration of thirty days after it has been published or posted, except when the ordinance contains a special clause declaring that an emergency exists and that the ordinance is necessary for the immediate preservation of the public health and safety. The excepted ordinance shall take effect upon adoption and compliance with requirements for the mayor's approval as provided by section 31-16-104, provided it has been passed by an affirmative vote of two-thirds of the members of the governing body of the City or Town. However, in no case shall regulations pertaining to state highways become effective until approval has been obtained from the Colorado Department of Transportation.

11. Public Record:

After adoption of the Code by reference, the City, Town or County Clerk shall keep on file at least three copies for public inspection while the ordinance is in force, except that one of these copies may be placed in the office of the chief enforcement officer instead of in the office of the Clerk.

**Appendix Part B:
Specimen Ordinance For Adopting
The Model Traffic Code By Reference**

ORDINANCE NO. _____

TITLE: AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE

(CITY TOWN COUNTY) OF _____ COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL, BOARD OF TRUSTEES, BOARD OF COUNTY COMMISSIONERS OF THE (CITY TOWN COUNTY) OF _____ COLORADO:

Section 1. Adoption.

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, there is hereby adopted by reference the 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City, Town, County. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the (City Town County) of _____ Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2024 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

(The adopting municipality or county should list and cross reference to affected sections any deletions. If none, in the above statement write "none". - Delete from Ordinance)

Section 3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

(The adopting municipality or county should set forth in full any additions to or modifications of the adopted Code. If none, so indicate by inserting the word "None." - Delete from Ordinance))

Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions adopted in this ordinance.

(b) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a surcharge in accordance with 42-4-1701(4)(e)(II).

(For use by Home Rule Towns and Cities- Delete from Ordinance))

(c) In addition to Section 4. Penalties.(b), every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceeding _____ dollars (\$_____), or by imprisonment not exceeding _____ (00) days, or by both such fine and imprisonment.

{For use by Counties}

(c) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a minimum fine in accordance with Section 1701, not exceeding _____ (\$_____), or by both such fine and imprisonment not exceeding _____(00) days.

(d)

Section 5. Application.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality or county, the use of which this municipality or county has jurisdiction and authority to regulate.

Section 6. Validity.

If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The (City Town Council) (Board of County Commissioners) hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal.

Existing or parts of ordinances (identifying ordinance number may be cited) covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 8. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification.

The City, Town, County Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE (CITY COUNCIL - BOARD OF COUNTY COMMISSIONERS) AFTER A PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____, 20____.

Mayor or Chairman

(SEAL) (CITY TOWN COUNTY) OF _____

ATTEST:

(City Town County) Clerk

Appendix Part C: Specimen Notice Of Hearing

NOTICE is hereby given of a public hearing before the (City Town Council Board of County Commissioners) of _____ Colorado, at _____(time) of the _____ day of _____, 20____, at _____(location)for the purpose of considering the adoption by reference of the "Model Traffic Code" 2020 edition, as the traffic ordinance of the (City, Town, County) of _____, Colorado.

Copies of the Model Traffic Code are on file at the office or the website of the (City, Town, County) Clerk and may be inspected during regular business hours. If enacted as an ordinance of this City or County the Model Traffic Code will not be published in full, but in accordance with state law, copies will be kept on file and on the website of the (City, Town, County).

The "Model Traffic Code" 2024 edition is published by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 West Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the (City Town County). The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

At its next regular meeting following this hearing, the (City Town Council) (Board of County Commissioners) will consider passage of the adopting Ordinance.

This notice given and published by the order of the (City Town Council) (Board of County Commissioners).

Dated this _____ day of _____, 20____.

(City Town County) Of _____, Colorado

_____ (City Town County) Clerk

First notice of hearing _____ 20__

Second notice of hearing _____ 20__

Appendix Part D:
Specimen Certification - Posting Of Ordinance

State Of Colorado

County Of _____

Town Of _____

The undersigned Clerk of the Town of _____ Colorado, hereby certifies, upon resolution of the Board of Trustees, that there is no newspaper published within or which has a general circulation within the municipality; that upon the authorization and direction of the Board of Trustees the undersigned has caused to be posted in three (3) public places namely:

1. _____
2. _____
3. _____

An ordinance entitled: "ADOPTING BY REFERENCE THE 2020 EDITION OF THE 'MODEL TRAFFIC CODE FOR COLORADO LOCAL GOVERNMENTS'; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR PENALTIES THEREOF."

The same being Ordinance No. _____

Dated this ____ day of _____ 20__.

The undersigned further attests that each of the copies of said Ordinance remained posted continuously and uninterruptedly for the period required by law.

WITNESS the hand and seal of the undersigned on this _____ day of _____ 20__

Town Clerk

(SEAL)

Appendix Part E: Instructions For Amending Model Traffic Code Previously Adopted By Reference

(Based on parts 1 and 2 of article 16 of title 31, as amended, and section 43-2-135 (1)(g))

1. Amending Ordinance:

Colorado law provides that whenever a Code is amended by the agency which originally promulgated or adopted it, any municipality which has previously adopted the Code by reference may also adopt the amendments by reference through the same procedure as required for the adoption of the original Code; or an ordinance may be enacted in regular manner, setting forth the entire text of the amendments. The instructions which follow apply to the latter method.

2. Form and Content:

The form and content of the amending ordinance should conform to the requirements set forth in part 1 of article 16 of title 31, Colorado Revised Statutes, as amended.

Amendments pertaining to sections of the Code which are inapplicable to the municipality should be deleted in the amending ordinance.

3. Public Hearing:

No hearing is required if an ordinance is enacted setting forth the entire text of the amendments.

4. Publication or Posting:

Publication or posting requirements for the amending ordinance are the same as for any other ordinance adopted by a City or Town. Publication or posting procedures are described in Part D of this Appendix.

5. Colorado Department of Transportation Approval:

Colorado Department of Transportation approval of the amended regulations is required before any regulations pertaining to streets which are state highways become effective. This approval will take the form of a written certification signed by the Chief Engineer or designee.

6. Effective Date:

The amending ordinance will take effect upon adoption and compliance with requirements for the mayor's approval or thirty days after publication as provided by law. The procedure in each case is described in item no. 10 Part A of this Appendix.

7. Public Record:

After passage of the amending ordinance the City or Town Clerk should continue to keep on file at least three copies of the adopted code, for public inspection in the manner shown in item no. 11 in Part A of this Appendix.

**Appendix Part F:
Listing Of Amendments For Updating Previous Edition
Of Model Traffic Code Adopted By Reference**

Colorado statutes grant municipalities the option of enacting an ordinance in the regular manner for the purpose of amending a code previously adopted by reference. To accomplish this, however, the entire text of the amendments must be set forth in such an ordinance. Local Governments that desire to follow this procedure instead of adopting the current edition of the Code by reference may obtain a listing and description of all pertinent changes from the Colorado Department of Transportation. The procedure for amending a code directly rather than by reference is set forth in Part E of this Appendix.

Whenever possible, municipalities should to adopt the latest edition of the Code by reference instead of resorting to an amending ordinance. This procedure has several important advantages:

- (1) It avoids the problem of relating the various revisions and additions in an amending ordinance to the adopted edition of the Code;
- (2) It enables a city or town to have on record the latest references to applicable State statutes and national recommendations as well as informative and current editorial notes relating to the various traffic regulations; and
- (3) It facilitates the task of drafting the municipal ordinance pertaining to the Code.

Appendix Part G:
Specimen Certification Of Model Traffic Code

*(Form to be affixed to inside front or back cover of each Code provided for public inspection.)

State Of Colorado

Certification

County Of _____

City (Town) Of _____

We, the undersigned, do hereby certify that this Model Traffic Code is a true and accurate copy of the Code adopted by reference by the (City Town County) of _____, Colorado under Ordinance No. _____ pursuant to and as provided by parts 1 and 2 of article 16 of title 31 or part 4 of article 15 title 30.

Dated this _____ day of _____, 20____ .

By _____

Mayor or Chairman

Attest: (City Town County) Of _____

Clerk

(SEAL)

Appendix Part H:
Why A Model Traffic Code For Colorado?

1. Uniformity of basic road rules.
2. Uniformity of local traffic regulations.
3. Standardization of traffic regulation and control on streets that are state highways.
4. Compatibility of traffic ordinances with State and national vehicle codes.

All Contributing To
Greater Traffic Safety
And Operational Efficiency
In Moving People And Goods
Through And Within
Our Local Governments!

(See Forward to Code for details)

AGENDA INFORMATION MEMORANDUM

FIRESTONE BOARD OF TRUSTEES



AIM No.: 7.b

Discussion/Action

Meeting Date: November 13, 2024

Initiated By: David Angelo

Department: Police

AGENDA ITEM

Ordinance 1055: AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO, REPEALING AND REENACTING AS AMENDED IN ITS ENTIRETY CHAPTER 10.04 OF THE FIRESTONE MUNICIPAL CODE REGARDING ADOPTION OF THE 2024 MODEL TRAFFIC CODE FOR COLORADO

RECOMMENDATION

Staff recommends approval of Ordinance No. 1055

SUMMARY

Approval of the ordinance will update the Town's traffic code from the 2020 Model Traffic Code to the current 2024 Model Traffic Code.

The Model Traffic Code for Colorado is a comprehensive set of uniform regulations developed through collaboration between state and local governments. The most recent update to the code was issued by the Colorado Department of Transportation (CDOT) on April 26, 2024.

The Town currently operates under the 2020 Model Traffic Code, which was the last published edition prior to 2024.

The benefits of adopting the latest version of the Model Traffic Code are: 1) Uniformity of basic road rules; 2) Uniformity of local traffic regulations; 3) Standardization of traffic regulation and control on streets that are state highways; and, 4) Compatibility of traffic ordinances with State and national vehicle codes.

FINANCIAL CONSIDERATIONS

None

HISTORY AND PREVIOUS BOARD ACTION

The Board of Trustees adopted Ordinance No. 1008 on April 27, 2022, formally adopting 2020 Model Traffic Code of Colorado.

BOARD STRATEGIC PLAN IMPACT

✓ This agenda item furthers the Board's strategic goal of:

- Maintain a Safe, Clean & Beautiful Town

ATTACHMENTS

1. Ord 1055 Firestone Model Traffic Code 2024
2. 2024 Model Traffic Code for Colorado

ORDINANCE NO. 1055

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO, REPEALING AND REENACTING AS AMENDED IN ITS ENTIRETY CHAPTER 10.04 OF THE FIRESTONE MUNICIPAL CODE REGARDING ADOPTION OF THE 2024 MODEL TRAFFIC CODE FOR COLORADO

WHEREAS, since 1952, the Colorado Department of Transportation (“CDOT”) has published and regularly updated a Model Traffic Code for Colorado, which is modeled after the applicable state statutes and adopted by municipalities to ensure the uniformity and standardization of traffic regulations throughout the state; and

WHEREAS, the Town of Firestone (“Town”) by Ordinance No. 1008 adopted the 2020 Model Traffic Code for Colorado, which was the last edition; and

WHEREAS, CDOT has now published 2024 Model Traffic Code for Colorado which the Town desires to adopt by reference with local amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE COLORADO, AS FOLLOWS:

Section 1. Chapter 10.04 Model Traffic Code of the Firestone Municipal Code, is repealed in its entirety and reenacted to provide as follows:

Sec. 10.04.010 - Adoption.

The 2024 Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation, Traffic Engineering Branch and Safety, 2829 West Howard Place, Denver, Colorado, 80204, including Appendices Definitions but excluding Appendix A, B, C, D, F & G, Part 17, Penalties and Procedure, and Part 18 Vehicles Abandoned on Public Property in their entirety, is hereby adopted by reference as the Model Traffic Code for the Town of Firestone as if fully set out in this codification with, however, the amendments set forth in this chapter.

Sec. 10.04.020 - Scope and effect of Model Traffic Code—Exceptions to provisions.

Section 103(2) and 103(2)(b) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (2) The provisions of this code relating to the operation of vehicles and the movement of pedestrians shall apply to every street, alley, sidewalk, driveway, park and to every other public way or public place or public parking area within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate except:
 - (b) Sections 1401, 1402 and 1413 of this code pertaining to reckless driving, careless driving and eluding a police officer shall apply to all land, areas, and property (including private) within or outside the corporate limits of the town, the use of which the town has jurisdiction and the authority to regulate.

Sec. 10.04.030. - Section 103, Scope and effect of Model Traffic Code—Exceptions to provisions.

Sections 103(3) and (4) of the Model Traffic Code are enacted to provide:

- (3) All references in this code to "official sign(s)," "official signal(s)," "official traffic control device(s)," "official device(s)," or "official marking(s)," shall be construed to refer to any and all signs, signals, devices or markings that have been placed on or about roadways, highways and other public property within the town by authority of the town, or other proper governmental official or agency, whether or not the town or such other proper governmental official or agency exercised such authority by resolution or ordinance. It is the intent of this section that the "official" nature of any sign, signal, device or marking not be construed to be an element of any traffic offense or other provision or violation of this code. Any and all references in this code to acts of a municipality "by resolution," "by ordinance," or "by local ordinance," and any requirement within this code that a municipality act "by resolution," "by ordinance," or "by local ordinance," shall be repealed and to have been construed only to guide administrative action and not as an element of any traffic offense, penalty or violation of this code.
- (4) All provisions in this code establishing offenses as a Class A or B traffic infraction or Class 1 or 2 misdemeanor offense and establishing fines and other sentencing conditions in relation to such offenses, shall be repealed in their entirety, it being the intent that any violation of this code be subject to the city's general penalty provision as set forth in Section 1.16.010 of the Firestone Municipal Code. To the extent any notice or other procedures set forth in the Model Traffic Code conflicts with the requirements or procedures set forth in the Firestone Municipal Code the Municipal Code shall prevail.

Sec. 10.04.040. - Section 104, Adoption of Traffic control manual of the Model Traffic Code

Section 104 of the Model Traffic Code is repealed in its entirety, reenacted and re-titled Authority of police personnel to provide:

- (a) It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all traffic regulations of the town and all state laws applicable to the town.
- (b) Officers of the police department, or such special officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with state traffic laws and this code; provided that, in the event of fire or emergency, or to expedite traffic or protect pedestrians, officers of the department, and other special officers as are assigned by the chief of police, may direct traffic as conditions may require notwithstanding the provisions of the state traffic laws or this code.

Sec. 10.04.050.- Section 106. Who may restrict right of way to highways

Section 106(1) of the Model Traffic Code is amended by deleting the phrase "or ordinance" "or resolution" and "for a total period not to exceed ninety days in any one calendar year" in their entirety.

Section 106(2) of the Model Traffic Code is amended to provide: Signs designating the permissible weights shall be erected and maintained.

Section 106(4.5)(b)(I) and (II) of the Model Traffic Code are repealed in their entirety.

Section 106(6)(a) of the Model Traffic Code is amended by deleting the phrase “as evidenced by resolution or ordinance”

Sec. 10.04.060. - Section 114, Removal of traffic hazards.

Section 114(4) of the Model Traffic Code is enacted to provide:

If the town is not reimbursed within forty-five days after the property owner has been provided a demand for payment, the amount due shall become a lien against the property and certified by the town's finance director and recorded with the office of the Weld County Treasurer. Such lien shall have priority over all other liens except general taxes. The Weld County Treasurer shall collect and pay over to the town such charges in the same manner as the Treasurer is authorized to collect delinquent general property taxes.

Sec. 10.04.070. - Section 115, Traffic engineer.

Section 115 of the Model Traffic Code is enacted to provide:

- (a) The office of the traffic engineer is hereby established. The traffic engineer shall be the director of engineering and utilities or the director's authorized representative and shall exercise the power and duties provided in this code. The director of engineering and utilities shall be directly responsible to the town manager for the performance of the duties and responsibilities of the traffic engineer.
- (1) In the absence of such appointment or at such times as the traffic engineer may be absent from the municipality or unable to perform their duties, said duties shall be vested in the chief of police or other town employee as may be designated by the town manager.
- (b) It shall be the duty of the traffic engineer or the official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the town, and to cooperate with other town offices in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this code.
- (1) By way of example, but not of limitation, the traffic engineer or the official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this code, to act as follows:
 - (i) Install, maintain, and remove traffic control devices.
 - (ii) Designate and mark medians and traffic islands.
 - (iii) Conduct speed limit surveys and investigations.
 - (iv) Designate maximum speed limits throughout the town and post said limits as provided in this code.

- (v) Designate minimum speed limits as provided by this code.
- (vi) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals as provided by this code.
- (vii) Designate one-way streets or roadways.
- (viii) Designate through streets or roadways and control entrances thereto.
- (ix) Designate stop or yield intersections and erect stop or yield signs thereto.
- (x) Establish restrictions, prohibitions and regulations for the parking, standing, or stopping of vehicles.
- (xi) Designate special parking zones for transit providers, press, television, radio cars, and the like.
- (xii) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation.
- (xiii) Establish tow-away zones.
- (xiv) Designate upon what streets, if any, angle parking shall be permitted.
- (xv) Designate and sign intersections at which drivers shall not make a right or left turn, a U turn, or any turn at all times or during certain times.
- (xvi) Designate and sign intersections where multiple turns shall be allowed:
- (xvii) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic.
- (xviii) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway.
- (xix) Establish safety zones at such places where necessary for pedestrian protection.
- (xx) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted.
- (xxi) Establish truck routes and truck loading zones; establish bus stops and taxicab stands.
- (xxii) Designate and sign those streets and roadways where pedestrians, bicyclists or other non-motorized vehicles, or persons operating a motor-driven cycle shall be excluded as provided by law.
- (xxiii) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited.
- (xxiv) Provide for temporary street or alley closures by the erection of barricades.
- (xxv) Issue special permits for curb loading operations, for the movement of vehicles having excess size or width, for parades or processions, and
- (xxvi) Perform such other duties as may be assigned to the traffic engineer by the town manager consistent with the provisions of this code.

Sec. 10.04.080. - Section 119, Driving under restraint.

Section 119 of the Model Traffic Code is enacted to provide:

- (1) It is unlawful for any person to drive a motor vehicle or off-highway vehicle upon any roadway or highway with knowledge that the person's license or privilege to drive, either as a resident or a non-resident, is under restraint for any reason.
- (2) For the purposes of this section "knowledge" means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be

aware that such person's license or privilege to drive was under restraint. "Knowledge" does not mean knowledge of a particular restraint or knowledge of the duration of the restraint.

- (3) "Restraint" or "restrained" means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in this state or another state.
- (4) Prima facie evidence of restraint may be established by certification that a notice was mailed by first class-mail pursuant to C.R.S. 42-1-119(2) to the last know address of the defendant, or by delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant.

Sec. 10.04.090. - Section 203, Unsafe vehicles—Spot inspections.

Section 203(3) and (4) of the Model Traffic Code are repealed in their entirety.

Sec. 10.04.100 - Section 225, Mufflers—Prevention of noise.

Section 225(3) of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.110. - Section 235, Minimum standards for commercial vehicles—Spot inspections.

Section 235, Minimum standards for commercial vehicles – spot inspections, of the Model Traffic Code, is repealed in its entirety and reenacted to provide:

- (1) A police officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer may inspect the vehicle and all required documents for compliance with the current rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."
- (2) A police officer may immobilize, impound, or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the current rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."

Sec. 10.04.120. - Section 237, Safety belt systems—Mandatory use—Exemptions penalty.

Section 237(4) (a) of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.130. - Section 239, Misuse of wireless telephone—Definitions—Penalty preemption.

Section 239(2), (5) and (5.5) of the Model Traffic Code are amended and or deleted to provide:

- (2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (4) of this section.

(5) (Deleted)

(5.5) (Deleted)

Sec. 10.04.140. - Section 243, Nuisance exhibition of motor vehicle exhaust prohibited.

Section 243 of the Model Traffic Code is enacted to provide:

- (1) (a) It shall be unlawful for any person to engage in a nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle with a gross vehicle weight rating of fourteen thousand pounds or less into the air and onto roadways, other motor vehicles, bicyclists, or pedestrians, in a manner that obstructs or obscures another person's view of the roadway, other users of the roadway, or a traffic control device or otherwise creates a hazard to a driver, bicyclist, or pedestrian.
- (b) The prohibition set forth in subsection (1)(a) of this section does not apply to:
 1. A commercial vehicle, as defined in Appendices Definitions (17.5).
 2. A common carrier, as defined in C.R.S. Section 40-1-102(3)(a)(I).
 3. A motor carrier, as defined in C.R.S. Section 40-10.1-101(10).
 4. A motor carrier of passengers permitted pursuant to C.R.S. Section 40-10.1-302.
 5. A motor carrier of towed motor vehicles permitted pursuant to C.R.S. Section 40-10.1-401.
 6. A motor carrier of household goods, permitted pursuant to C.R.S. Section 40-10.1-502.
 7. A motor vehicle used for agricultural purposes; or
 8. Any other vehicle used for commercial activities.

Sec. 10.04.150- Section 244, License plates.

Section 244 of the Model Traffic Code is enacted to provide:

- (1) License plate required. It shall be unlawful for any person to drive, stop or park or for the owner or person in charge of any vehicle to cause or knowingly permit such vehicle to be driven, stopped or parked on any street or highway within the town or any property owned by the town, any vehicle that has been issued a license plate or plates pursuant to Colorado law, unless the vehicle's license plate or plates for the current registration year are properly attached to and displayed on the vehicle in accordance with Colorado law.
- (2) For the purposes of this section "license plate" includes standardized plates, personalized plates, special plates, military plates and all other plates both permanent and temporary issued pursuant to Colorado law.

Sec. 10.04.160. - Section 501, Size and weight violations-penalty.

Section 501 of the Model Traffic Code is amended by addition of the following:

Notwithstanding any provision of this code to the contrary, when official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the

amounts specified on such signs at any time upon any of the streets or parts thereof or upon any of the bridges or viaducts posted as heretofore provided.

Sec. 10.04.160 - Section 510, Permits for excess size and weight and for manufactured homes—Rules.

Section 510(b)(1) of the Model Traffic Code is amended by deleting the phrase, "All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions. Any ordinances or resolutions of local authorities shall not conflict with this section."

Section 510(11), (12) of the Model Traffic Code are repealed in their entirety and (12) reenacted to provide:

(12) Local authorities may by resolution impose annual permit, single trip permits and overlength, over width and over height permit fees.

Sec.10.04.170. Section 511, Permit standards -state and local of the Model Traffic Code is repealed in its entirety.

Sec.10.04.180. Section 614, Designation of highway maintenance, repair, or construction zones-signs-increase in penalties for speeding violations of the Model Traffic Code is amended by deleting the second sentence of (1)(b) in its entirety and reenacting it to provide:

(b) Penalties for any person who commits a violation of Sec 1101 Speed limits in a construction zone shall be doubled.

Sec. 10.04.190. Section 615, School zones, increase in penalties for moving traffic violations of the Model Traffic Code is amended by deleting section (1) in its entirety and reenacting it to provide:

(1)Penalties for any person who commits a violation of Sec 1101 Speed limits in a school zone shall be doubled.

Sec. 10.04.180. Section 617, Steep downhill grade zones -increase and penalties and surcharges for speeding violations -definitions of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.190. Section 714, Bicyclist or other authorized user in the bicycle lane

Section 714(2)(b)(I) and (II) of the Model Traffic Code are amended by deleting the phrase “and shall be punished as described in section 42-1-1402(2)(b)”and adding sub-section (3) to provide:

(3) For the purposes of this section “bicycle lane” means a portion of the roadway that has been designated by striping, signage, or other pavement markings for the exclusive use of bicyclists or other authorized users of bicycle lanes. Bicycle lane

includes an intersection if the bicycle lane is marked on opposite sides of the intersection.

Sec. 10.04.200. - Section 805, Pedestrians walking or traveling in a wheelchair on highways.

Section 805(5) of the Model Traffic Code is repealed in its entirety and reenacted to provide:

Local authorities may regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 110 and 111 but no regulation differing from this section shall be effective until official signs or devices giving notice thereof have been placed at such location.

Sec. 10.04.210 - Section 901, Required position and method of turning.

Section 901(a) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (a) *Right turns.* Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. Unless double turn lanes are clearly marked by official signs, it shall be unlawful for the driver of a vehicle to make a right turn into any traffic lane other than the right-most lane of traffic of the road onto which the turn is made.
- (b) *Left turns.* The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Unless double turn lanes are clearly marked by official signs, it shall be unlawful for the driver of a vehicle to make a left turn into any traffic lane other than the left-most lane of traffic lawfully available to traffic moving in the direction of travel of such vehicle.

Sec. 10.04.220. - Section 1101, Speed limits.

Section 1101(1) of the Model Traffic Code is amended by deleting the phrase "is reasonable and prudent under the conditions then existing" and replacing with the phrase "the maximum lawful speed limit."

Section 1101(2)(b), (c) and (d) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (b) Twenty-five miles per hour in any business district as set forth in Title 17 of the Firestone Municipal Code;
- (c) Twenty-five miles per hour in any residential district as set forth in Title 17 of the Firestone Municipal Code;
- (d) Fifteen miles per hour in any alley.

Section 1101(4) of the Model Traffic Code is repealed in its entirety.

Section 1101(5) of the Model Traffic Code is amended by deleting the phrase "alleged reasonable and prudent speed" and replacing it with the phrase "maximum lawful speed limit."

Sec. 10.04.230. - Section 1102, Altering of speed limits—when.

Section 1102(1) and (2) and (3) of the Model Traffic Code are amended by deleting the phrases "is reasonable or safe" and replacing it with the phrase "the maximum lawful speed limit" and deleting the phrases "a reasonable and safe" and replacing it with the phrase "the maximum lawful."

Section 1102(6) of the Model Traffic Code is amended by deleting the phrase "by ordinance, or a county by resolution of the board of county commissioners" and adding the phrase "apartment complex, condominium complex or townhouse complex" after the phrase "in mobile home parks" in the section's first sentence.

Sec. 10.04.240. - Section 1203, Ski areas to install signs.

Section 1203 of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.250. - Section 1204, Stopping, standing or parking prohibited in specified places.

Section 1204(8) of the Model Traffic Code is repealed in its entirety and enacted to provide:

No person shall stop, stand or park any vehicle upon any private property without the consent of the owner, lessee or person in possession of such property.

Sec. 10.04.260. - Section 1209, Owner liability for parking violations.

Section 1209 of the Model Traffic Code is amended by the addition of the following:

In any prosecution charging a violation of any provision of this Part 12 governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute an evidentiary prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the location where, and for the time during which, such violation occurred.

Sec. 10.04.270. - Section 1210, Designated areas on private property for authorized vehicles within unincorporated areas of a county.

Section 1210 of the Model Traffic Code is repealed in its entirety.

Sec. 10.04.280. - Section 1213, Parking in electric motor vehicle charging station.

Section 1213(1)(a) of the Model Traffic Code is amended by deleting the phrase "or the equivalent local ordinance," as used throughout this subsection.

Sec. 10.04.290. - Section 1301, Open alcohol beverage container in motor vehicle prohibited.

Section 1301 of the Model Traffic Code is enacted to provide:

- (1) *Definitions.* As used in this section, the following words and phrases shall mean as set forth below, unless otherwise specified:
 - (a) "Alcohol beverage" means a beverage as defined in C.R.S. 44-3-103(2).
 - (b) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - (c) "Open alcohol beverage container" means a bottle, can, or other receptacle that contains any amount of an alcohol beverage, and:
 - (I) That is open or has a broken seal; or
 - (II) The contents of which are partially removed.
 - (d) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating position, including, but not limited to, the glove compartment.
- (2) (a) Except as otherwise permitted in paragraph (b) of this subsection (2), a person while in the passenger area of a motor vehicle that is on a public roadway or highway of this state or the right-of-way of a public roadway or highway of this state may not knowingly:
 - (I) Drink an alcohol beverage; or
 - (II) Have in their possession an open alcohol beverage container.
 (b) The provisions of this subsection (2) shall not apply to:
 - (I) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;
 - (II) The possession by a passenger, other than the driver or a front seat passenger, of an open alcohol beverage container in the living quarters of a motor home or trailer coach as defined in Appendices, Definitions, (57) (106)(a) ;
 - (III) The possession of an open alcohol beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
 - (IV) The possession of an open alcohol beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

Sec. 10.04.300. - Section 1302, Open marijuana container – motor vehicle prohibited.

Section 1302 of the Model Traffic Code is enacted to provide:

- (1) *Definitions.* As used in this section, the following words and phrases shall mean as set forth below unless otherwise specified.
 - (a) *Marijuana* means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant, which is incapable of germination, or the

- weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.
- (b) *Motor vehicle* shall mean a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - (c) *Motor home* means a vehicle designed to provide temporary living quarters and which is built into an integral part of, or a permanent attachment to, a motor vehicle chassis or van.
 - (d) *Open marijuana container* means a receptacle or marijuana accessory that contains any amount of marijuana and:
 - 1. that is open or has a broken seal;
 - 2. The contents of which is partially removed; and
 - 3. there is evidence that marijuana has been consumed within the motor vehicle.
 - (e) *Passenger area* means the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating position, including but not limited to the glove compartment.
 - (f) *Trailer coach* means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.
- (2) Except as otherwise permitted under this section, a person, while in the passenger area of a motor vehicle that is on a public street or roadway, or the right-of-way of a public street or roadway may not knowingly:
- (a) Use or consume marijuana; or
 - (b) Have in their possession an open marijuana container.
- (3) The provisions of this section shall not apply to:
- (a) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or passengers within a state and locally licensed mobile marijuana hospitality establishment;
 - (b) The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a motor home, or trailer coach;
 - (c) The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
 - (d) The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

Sec. 10.04.310. - Section 1409, Compulsory insurance – penalty – legislative intent.

Section 1409(4) and (9) of the Model Traffic Code are deleted in their entirety.

Sec. 10.04.320- Section 1413, Eluding or attempting to elude a police officer.

Section 1413 the Model Traffic Code is enacted to provide:

Any operator of a motor vehicle who an officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases their speed or extinguishes their lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a traffic offense.

Sec. 10.04.330. - Section 1417, Regulation of traffic across private property.

Section 1417 of the Model Traffic Code is enacted to provide:

- (a) It is unlawful for any person to drive a motor vehicle from a public highway or roadway or any public way of this city over, across or through any private property to avoid traffic control signals or traffic control devices or as a route or shortcut from one public highway or roadway or any public way to another.
- (b) As used in this section, "private property" includes, but is not limited to, any property not designated as a public roadway, highway, street or public way, alley, right-of-way or easement.
- (c) It is an affirmative defense to a charge of violation of this section that the person charged is the owner of the property or the owner of a leasehold, possessory interest or easement in or to the property through or across which the motor vehicle is driven.

Sec. 10.04.340- Section 1418, Drivers license required

Section 1418 of the Model Traffic Code is enacted to provide:

- (1) Except as otherwise provided in C.R.S. 42-4-401 et seq., for commercial drivers, no person shall drive any motor vehicle upon any roadway unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by the State's Department of Revenue.
- (2) No person shall drive any motor vehicle upon a highway if such person's driver's or minor driver's license has been expired for one year or less and such person has not been issued another such license by the State's Department of Revenue or by another state or country subsequent to such expiration.
- (3) No person shall drive any motor vehicle upon a highway unless such person has in their immediate possession a current driver's or minor driver's license or an instruction permit issued by the State's Department of Revenue.
- (4) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a highway for which such person has not been issued the correct type or general class of license or permit.

- (5) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a highway without having such license or permit in such person's immediate possession.
- (6) A charge of a violation of subsection (2) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license.
- (7) A charge of a violation of subsection (5) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid license or permit issued to such person or an officially issued duplicate thereof if the original is lost, stolen or destroyed.
- (8) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 - (a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweighs the desirability of avoiding the injury sought to be prevented by this section or;
 - (b) The person is exempt from the requirements of a valid driver's license as set forth in C.R.S. 4-2-102.
- (9) The issue of justification or exemption is an affirmative defense. As used in this subsection (9), "affirmative defense" means that, unless the town's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence of that issue. If the issue involved in an affirmative defense is raised, then the ability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the traffic infraction.

Sec. 10.04.350. – Appendices – Definitions.

Appendices – Definitions of the Model Traffic Code is amended by deletion of the following definitions.

- (11) Business district
- (80) Residence district

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declare it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Violations of this ordinance shall be punishable in accordance with Section 1.16.010 of the Municipal Code of the Town of Firestone, Colorado, which reads in its entirety as follows:

A. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person, at least ten years of age but not yet eighteen years of age, who violates any of the provisions of the ordinances of the Town, shall be punished by a fine not exceeding, at the time of the commission of the offense, the maximum fine established by the state for municipal ordinance violations.

B. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person eighteen years of age or older at the time of the violation, who violates any of the provisions of the ordinances of the Town, shall be punished by a fine not exceeding, at the time of the commission of the offense, the maximum fine established by the state for municipal ordinance violations or by imprisonment not to exceed 364 days, or both such fine and imprisonment.

C. Any person convicted of a violation of the Model Traffic Code as adopted by the Town shall be punished by a fine not exceeding the maximum amount established by the state for municipal ordinance violations except that any person convicted of the offenses of Model Traffic Code Sec. 1101, speeding more than twenty-four miles over the maximum permissible speed, Model Traffic Code Sec. 1105, speed contest, Model Traffic Code Sec. 1401 reckless driving, Model Traffic Code Sec. 1413, eluding or attempting to elude a peace officer or Model Traffic Code Sec. 1409, compulsory insurance shall be subject to imprisonment not to exceed 364 days or both such fine and imprisonment.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Firestone, Colorado, is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED AND PASSED AND APPROVED on first reading the 25th day of **September**, 2024 and ordered published.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THE _____ DAY OF _____ 2024.

TOWN OF FIRESTONE, COLORADO

Don Conyac Jr, Mayor

ATTEST:

APPROVED AS TO FORM:

Miriam Luna Gonzalez, Town Clerk

William P. Hayashi, Town Attorney

Model Traffic Code for Colorado

Originally adopted in 1952. Subsequently revised in 1962, 1966,
1970, 1973, 1974, 1977, 1995, 2003, 2009, 2010, 2020, and 2024



Colorado Department of Transportation

State of Colorado

How to Read Statutes

Many statutes are straightforward while others can be more complicated. Cross-references, dependent subdivisions, and exceptions to a statute's application can make the meaning difficult to follow. The [Texas Legislative Council Guidance for Reading Statutes](#) has been provided to assist the reader with general document comprehension.

Read the Entire Heading.

The heading establishes how the section fits into the organization of the entire code.

Review the Context of the Statute.

The statute should be thought of as a unit of law that is part of a series of units of law. The reader shall scan the contents to see what sections precede and follow the section they are reading. If there is a short title section the reader shall review it (typically at the beginning of the chapter or subchapter).

Key Verbs	Meaning
Shall	A duty imposed on a person or entity
May	A privilege or discretionary power
Must	A condition or a prerequisite
Is entitled to	A right, as opposed to a discretionary power
Shall not / May not	A prohibition

Focus on Organization and Format.

The reader shall assume everything in the statute has meaning, including punctuation and format; therefore, pay close attention for breaks in the statute text.

Identify Statute Exceptions.

Exceptions are identified by keywords such as "certain," "only," "under," "over," "more than," "less than," "if," and "unless." "And" or "or" connecting a final element to the rest of a series often indicates whether all or only one of the elements of the series are needed to satisfy conditions set by the statute.

Do Not Skip Unfamiliar Words.

Do not rely solely on common meanings for words that are unclear or unfamiliar. Instead use statutory context and definitions to determine the precise meaning. For example, "person" may differ from its everyday meaning.

Thoroughly Read All Cross-Referenced Sections.

Legislative drafters use cross-references to other statutory provisions and avoid text repetition. When a cross-reference covers an entire chapter or subchapter, review its table of contents and definitions section to understand the context.

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Why a Model Traffic Code?

Forward

Because of the significant mobility of today's traffic and the influx of motorists from many areas, every driver has a right to expect the rules governing the movement of vehicles and pedestrians on streets and highways are clearly defined and reasonably uniform throughout the state and the nation.

The General Assembly of the State of Colorado has recognized that conflicts between the state's traffic laws and municipal traffic ordinances lead to inconsistencies in the movement of traffic and has strengthened the requirements for uniformity of traffic regulations in the following terms:

"This article constitutes the uniform traffic code throughout the state and in all political subdivisions and municipalities therein". (Source: 42-4-110(1))

"All local authorities may, in the manner prescribed in article 16 of title 31, or in article 15 of title 30, adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such other additional regulations as are provided for in section 42-4-111; except that, in the case of state highways, any such additional regulations shall have the approval of the department of transportation". (Source: 42-4-110(1)(b))

"No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 42-4-603(2)." (Source: 42-4-110(1)(c))

These provisions leave little doubt that the basic driving rules are expected to be uniform statewide for the protection of Colorado drivers and pedestrians. If state laws and local government traffic codes are to serve their purpose they must complement one another and be given the widest possible publicity as companion documents.

The National Committee on Uniform Traffic Laws and Ordinances points out that it is not the proper purpose of traffic legislation to impose unnecessary or unreasonable restrictions on street or highway traffic, but to ensure, as far as this can be done by law and its enforcement, that traffic shall move smoothly, efficiently and safely; that no legitimate user of the street or highway, whether in a vehicle or on foot, shall be killed, injured or frustrated in such use by the improper behavior of others.

Through the cooperative efforts of both state and local governments, the "Model Traffic Code for Colorado" has been developed to make available a specimen set of motor vehicle and traffic regulations that track state law.

Section 42-4-105, states that all traffic control devices placed or maintained by local authorities shall conform to the most recent edition of the federal "Manual on Uniform Traffic Control Devices" (MUTCD) and the state supplement thereto.

Traffic regulatory areas preempted by state law have not been made part of the Code. Local governments are urged to bring their traffic ordinances into harmony with the current Code.

Local governments that adopt the Code by reference are cautioned not to make any changes or additions which are in conflict with state law. However, the adopting local governments are at liberty to delete any parts, articles, or sections which are deemed to be inapplicable. A specimen ordinance and specimen public notices for adopting the Code by reference will be found in the Appendix.

The following official state documents work in tandem to provide a uniform system of traffic regulation and accepted traffic engineering practices for greater operational efficiency and safety:

- Colorado Revised Statutes (C.R.S.), Title 42, Article 4 - Uniform traffic code for the State of Colorado. Updated periodically to correlate with national model legislation.
- Model Traffic Code for Colorado - Model ordinance embodies provisions of Colorado Law applicable to driving in municipalities and counties in a form that can be adopted by reference.
- Colorado Drivers Manual - Drivers' handbooks authorized by Colorado statute. Issued by the Colorado Department of Revenue (Division of Motor Vehicles). Traffic control text and illustrations developed by the Colorado Department of Transportation.
- Manual on Uniform Traffic Control Devices (MUTCD) - Manual of Federal Highway Administration approved traffic control devices. Updated periodically and adopted by the Transportation Commission as required by Colorado Law.

Part 1

Traffic Regulation - Generally

101. Short title.

102. Legislative declaration.

103. Scope and effect of Code - exceptions to provisions.

(1) This Code constitutes the model traffic code throughout this jurisdiction.

(2) The provisions of this Code relating to the operation of vehicles and the movement of pedestrians refer exclusively to the use of streets and highways except:

(a) Where a different place is specifically referred to in a given section;

(b) For provisions of sections 1401, 1402 and 1413 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

104. Adoption of traffic control manual.

- See *Appendices Part A*.

105. Local traffic control devices.

Local authorities shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Code or local traffic ordinances or to regulate, warn, or guide traffic, subject in the case of state highways to the provisions of sections 42-4-110 and 43-2-135(1)(g). All such traffic control devices shall conform to the state manual and specifications for statewide uniformity as provided in section 42-4-104.

106. Who may restrict right to use highways.

(1) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(2) After enacting any such ordinance signs designating the permissible weights shall be erected and maintained.

(3) Local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution:

(a) Prohibit the operation of trucks or commercial vehicles on designated highways;

(b) Impose limitations as to the weight of trucks or commercial vehicles if the limitations are designated by appropriate signs placed on the highway;

(c) Prohibit the operation of motor or off-highway vehicles upon a roughed-in road when necessary for the protection and safety of the public; or

(d)(I) When snow-packed conditions exist on a highway or for a continuous seasonal period designated by the local authority when snow-packed conditions are, as determined by the local authority, likely to exist on a highway, designate all or a portion of a highway for over-snow use only, which the local jurisdiction may further limit to travel by human-powered or animal-powered means, or both.

(II) As used in this subsection (3)(d), “over-snow use” means travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle that is primarily designed or altered for use over snow and runs without tires on a continuous belt track or on one or more skis while in use over snow.

(III) Nothing in this subsection (3)(d) affects or limits the provisions of section 33-14-110 governing the operation of snowmobiles on any county road, city street, or highway.

(IV) When wheeled winter access is requested along a highway, nothing in this subsection (3)(d) prohibits a local authority from entering into private winter maintenance agreements and such requests shall be considered.

(4) The department of transportation shall likewise have authority as granted in this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highways or portion of any highway affected by such resolution.

(4.5)(a) The department of transportation has authority to close any portion of a state highway to public travel.

(b)(I) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(II) A person who operates a motor vehicle or vehicle combination over thirty-five feet in length on state highway 82 between mile markers 47 and 72 in violation of a closure under paragraph (a) of this subsection (4.5) where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, is subject to an enhanced penalty as set forth in section 1701(4)(a)(I)(F).

(5)(a)(I)(A) The department of transportation may close any portion of a state highway for public use during dangerous driving conditions, during construction or maintenance operations, or when necessary for the protection and safety of the public.

(B) When icy or snow-packed conditions exist on the highway, the department of transportation may restrict travel on or use of any portion of a state highway by any motor vehicle unless the motor vehicle is equipped with the following: Tire chains or an alternate traction device; four-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; all-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are adequate for the conditions; or tires that are imprinted by a manufacturer with a mountain-snowflake, "MS", "M+S", or "M/S" symbol or that are all-weather rated by the manufacturer and that have a tread depth of at least three sixteenths of an inch.

(C) A closure or restriction under this subsection (5) is effective when signs, including temporary or electronic signs, that notify the public of the closure or restriction are erected upon the highway, and the restriction in subsection (5)(a)(I)(B) of this section is effective on interstate 70 between milepost 133 (Dotsero) and milepost 259 (Morrison) from September 1 through May 31 of each year. It is unlawful to proceed when a state highway is closed or to proceed when a restriction is in effect without the equipment required by this subsection (5).

(D) The Colorado state patrol shall cooperate with the department of transportation in the enforcement of a closing or restriction under this subsection (5).

(E) The driver of a commercial vehicle with four or more drive wheels, other than a bus, shall affix tire chains to at least four of the drive wheel tires when the vehicle is required to be equipped with tire chains under this subsection (5). The driver of a bus shall affix tire chains to at least two of the drive wheel tires when the vehicle is required to be equipped with tire chains under this subsection (5).

(F) A person who violates this subsection (5)(a)(I) commits a traffic infraction and is subject to the penalties in section 42-4-1701(4)(a)(I)(F).

(II) Any person who operates a motor vehicle in violation of restrictions imposed by the department of transportation or the state patrol under subparagraph (I) of this paragraph (a), where the result of the violation is an incident that causes the closure of a travel lane in one or both directions, shall be subject to an enhanced penalty as set forth in section 42-4-1701 (4)(a)(I)(F).

(III) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(IV) A person who violates subparagraph (I) of this paragraph (a) while operating a commercial vehicle and the violation causes a closure in a travel lane shall be subject to an enhanced penalty as set forth in section 42-4-1701(4)(a)(I)(F).

(V) If a fine is enhanced under subparagraphs (III) and (IV) of this paragraph (a), the portion of the fine that exceeds the fine imposed under subparagraph (I) for an enhancement under subparagraph (III), or subparagraph (II) for an enhancement under subparagraph (IV), that is allocated to the state by sections 42-1-217 and 43-4-205 shall be transferred to the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund created by section 42-4-1701 (4)(c)(II)(B), to be continuously

appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

(VI) Subparagraphs (III) and (IV) of this paragraph (a) shall not apply to a tow operator who is towing a motor vehicle or traveling to a site from which a motor vehicle shall be towed.

(VII) The Colorado department of transportation shall identify an appropriate place for commercial vehicles to apply chains, if necessary, to comply with subparagraph (I) of this paragraph (a) and provide adequate notice to commercial vehicle operators of such places.

(b) The transportation commission may promulgate rules to implement the provisions of this subsection (5).

(c) As used in this subsection (5):

(I) "Alternate traction device" means a device that is approved by the Colorado department of transportation as capable of providing traction comparable to that of metal chains or tire cables under similar conditions.

(II) "Equipped" means that a motor vehicle uses or carries the appropriate traction equipment for icy or snow-packed conditions.

(III) "Tire chains" means metal chains consisting of two circular metal loops, one on each side of the tire, connected by no fewer than nine evenly spaced chains across the tire tread.

(6)(a) Local authorities may, within their respective jurisdictions, for the purpose of road construction and maintenance, temporarily close to through traffic or to all vehicular traffic any highway or portion thereof for a period not to exceed a specified number of workdays for project completion and shall, in conjunction with any such road closure, establish appropriate detours or provide for an alternative routing of the traffic affected when, in the opinion of concerned local authorities, as evidenced by resolution or ordinance, such temporary closing of the highway or portion thereof and the rerouting of traffic is necessary for traffic safety and for the protection of work crews and road equipment. Such temporary closing of the highway or portion thereof and the routing of traffic along other roads shall not become effective until official traffic control devices are erected giving notice of the restrictions, and, when such devices are in place, no driver shall disobey the instructions or directions thereof.

(b) Local authorities, within their respective jurisdictions, may provide for the temporary closing to vehicular traffic of any portion of a highway during a specified period of the day for the purpose of celebrations, parades, and special local events or civil functions when in the opinion of said authorities such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing.

(c) Local authorities shall enter in to agreements with one another for the establishment, signing and marking of appropriate detours and alternative routes which jointly affect local road systems and which are necessary to carry out the provisions of paragraphs (a) and (b) of this subsection (6). Any temporary closing of the street which is a state highway and any

rerouting of state highway traffic shall have the approval of the department before such closing becomes effective.

(7) A person who violates any provision of this section commits a class B traffic infraction.

107. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

108. Public officers to obey provisions - exceptions for emergency vehicles.

(1) The provisions of this Code applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this Code with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this Code. The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this Code or State law;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the lawful speeds set forth in section 1101 (2) or exceed the maximum lawful speed limits set forth in section 1101 (8) so long as said driver does not endanger life or property;

(d) Disregard regulations governing directions of movement or turning in specified directions.

(3) The exemptions and conditions provided in paragraphs (b) to (d), in their entirety, of subsection (2) of this section for an authorized emergency vehicle shall apply only when such vehicle is making use of audible or visual signals meeting the requirements of section 213, and the exemption granted in paragraph (a) of subsection (2) of this section shall apply only when such vehicle is making use of visual signals meeting the requirements of section 213 unless using such visual signals would cause an obstruction to the normal flow of traffic; except that an authorized emergency vehicle being operated as a police vehicle while in actual pursuit of a suspected violator of any provision of this title need not display or make use of audible or visual signals so long as such pursuit is being made to obtain verification of or evidence of the guilt of the suspected violator. Nothing in this section shall be construed to require an emergency vehicle to make use of audible signals when such vehicle is not moving, whether or not the vehicle is occupied.

(4) The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions

protect the driver from the consequences of such driver's reckless disregard for the safety of others.

109. Low-power scooters, animals, skis, skates, and toy vehicles on highways.

(1) A person riding a low-power scooter upon a roadway where low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code except those provisions of this Code that, by their very nature, can have no application.

(2) A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any low-power scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(6) Persons riding low-power scooters upon a roadway shall not ride more than two abreast.

(6.5) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power scooter unless the person and the passenger are wearing protective helmets in accordance with the provisions of section 1502 (4.5) of this Code.

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, electric scooter, and low-power scooter safety throughout the state, the department of revenue in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle, electric scooter and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to the riders and their bicycles, electrical assisted bicycles, electric scooters, or low-power scooters. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.

(8) Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways.

(9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to

pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose or to any highway or portion of a highway designated for over-snow use only by a local authority pursuant to section 42-4-106(3)(d).

(10) Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except those provisions of this Code which by their very nature can have no application.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electrical assisted bicycle, electric scooter, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice of the prohibition; except that, with respect to controlled access highways, section 1010(3) applies. When the official signs are erected, a person shall not violate any of the instructions contained on the official signs.

(12) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this section.

(13)(a) Except as otherwise provided in paragraph (b) of this subsection (13), any person who violates a provision of this section commits a class B traffic infraction.

(b) Any person who violates subsection (6.5) of this section commits a class A traffic infraction.

109.5. Low-speed electric vehicles.

(1)(a) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour.

(b) Notwithstanding paragraph (a) of this subsection (1), a low-speed electric vehicle may be operated on a state highway that has a speed limit equal to forty miles per hour or cross a roadway with a speed limit equal to forty miles per hour to cross at-grade, if:

(I) Such roadway's lane width is eleven feet or greater;

(II) Such roadway provides two or more lanes in either direction; and

(III) The Colorado department of transportation has determined, in consultation with local government and law enforcement, upon the basis of a traffic investigation, survey, appropriate design standards, or projected volumes, that the operation of a low-speed electric vehicle on the roadway poses no substantial safety risk or hazard to motorists, bicyclists, pedestrians, or other persons.

(2) No person shall operate a low-speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

109.6. Class B low-speed electric vehicles - effective date - rules.

(1) A class B low speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than forty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than forty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than forty-five miles per hour.

(2) No person shall operate a class B low speed electric vehicle on a limited-access highway.

(3) Any person who violates subsection (1) or (2) of this section commits a class B traffic infraction.

(4) For the purposes of this section, “class B low-speed electric vehicle” means a low-speed electric vehicle that is capable of traveling at greater than twenty-five miles per hour but less than forty-five miles per hour.

(5)(a) The department of revenue shall not register or issue a title for a class B low-speed electric vehicle until after the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour.

(b) After the United States department of transportation, through the national highway traffic safety administration, has adopted a federal motor vehicle safety standard for low-speed electric vehicles that authorizes operation at greater than twenty-five miles per hour but less than forty-five miles per hour, the department of revenue shall promulgate rules authorizing the operation of class B low-speed electric vehicles in compliance with this section and shall notify the revisor of statutes in writing. Upon the promulgation of rules authorizing the operation of such vehicles, subsections (1) to (3) of this section shall take effect.

(6) The Colorado department of transportation may regulate the operation of a class B low-speed electric vehicle on a state highway located outside of a municipality. The regulation shall take effect when the Colorado department of transportation places an appropriate sign that provides adequate notice of the regulation.

110. Provisions uniform throughout jurisdiction.

(1) The provisions of this Code shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Local governments shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in section 43-2-135(1)(g). All local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations shall be subject to the following conditions and limitations:

(a) All local governments may enact, adopt, or enforce traffic regulations which cover the same subject matter as the various sections of this Code or state law and such additional regulations as are included in section 111, except as otherwise stated in paragraphs (c) to (e) of this subsection (1).

(b) All local authorities may, in the manner prescribed in article 16 of title 31 or in article 15 of title 30 adopt by reference all or any part of a model traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such additional regulations as are provided for in section 111; except that in the case of state highways, any such additional regulation shall have the approval of the department of transportation.

(c) No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of any of the “rules of the road” or is otherwise in conflict with the provisions of this article. For the purpose of this section, the “rules of the road” shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 603(2).

(d) In no event shall local authorities have the power to enact by ordinance regulations governing the driving of vehicles by persons under the influence of alcohol or of a controlled substance as defined in section 18-18-102(5), or under the influence of any other drug to a degree that renders any such person incapable of safely operating a vehicle, or whose ability to operate a vehicle is impaired by the consumption of alcohol or by the use of a controlled substance as defined in section 18-18-102(5), or any other drug, the registration of vehicles and the licensing of drivers, the duties and obligations of persons involved in traffic accidents, and vehicle equipment requirements in conflict with the provisions of this article; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.

(2) The municipal courts have jurisdiction over violations of traffic regulations enacted or adopted by municipalities. However, the provisions of sections 42-4-1701, 42-4-1705, and 42-4-1707 shall not be applicable to municipalities.

(3) No person convicted of or pleading guilty to a violation of a municipal traffic ordinance shall be charged or tried in a state court for the same or similar offense.

(4)(a) Any local government located within the program area of the AIR program area as defined in section 304 may adopt ordinances or resolutions pertaining to the enforcement of the emissions control inspection requirements set forth in section 310.

(b) An officer coming upon an unattended vehicle in the program area which is in apparent violation of an ordinance or resolution adopted as authorized in paragraph (a) of this subsection (4) may place upon such a vehicle a penalty assessment notice indicating the offense and directing the owner or operator of such vehicle to remit the penalty assessment as set forth in such ordinance to the local jurisdiction in whose name the penalty assessment notice was issued.

(c) The aggregate amount of fines, penalties, or forfeitures collected pursuant to ordinances or resolutions adopted as authorized in paragraph (a) of this subsection (4) shall be retained by the local jurisdiction in whose name such penalty notice was issued.

(5) The general assembly declares that the adjudication of class A and class B traffic infractions through the county court magistrate system was not intended to create a conflict between the provisions of this article and municipal ordinances covering the same subject matter as this article nor was it intended to require or prohibit the decriminalization of municipal ordinances covering the same subject matter as this article. Municipalities may continue to enforce violations of such ordinances through municipal court even though similar state offenses are enforced through the magistrate system established under this article.

(6)(a) The general assembly hereby finds that the use of automated driving systems will help people who may have difficulty driving, including people who are elderly and people with disabilities, gain access to goods and services essential to daily life. This access requires traveling across and in multiple jurisdictions. Therefore, the regulation of automated driving systems is a matter of statewide concern.

(b) A state agency or a political subdivision of the state shall not adopt or enforce a policy, rule, or ordinance that sets standards for an automated driving system that are different from the standards set for a human driver.

110.5. Automated vehicle identification systems - legislative declaration - exceptions to liability - penalty - limits on use of photographs and video - definitions.

(1) The general assembly hereby finds and declares that the enforcement of traffic laws through the use of automated vehicle identification systems under this section is a matter of statewide concern and is an area in which uniform state standards are necessary.

(1.4) Nothing in this section applies to the use of automated vehicle identification systems for the purpose of collecting tolls, fees, or civil penalties in accordance with part 5 of article 4 of title 43 and section 43-4-808.

(1.5) Except as set out in (1.7), nothing in this section applies to a violation detected by an automated vehicle identification system for driving twenty-five miles per hour or more in excess of the reasonable and prudent speed or twenty-five miles per hour or more in excess of the

maximum speed limit of seventy-five miles per hour detected by the use of an automated vehicle identification system.

(1.7)(a)(I) Upon request from the department of transportation, the department of public safety shall utilize an automated vehicle identification system to detect speeding violations under part 11 of this article 4 within a highway maintenance, repair, or construction zone designated pursuant to section 42-4-614(1)(a), if the department of public safety complies with subsections (2) to (6) of this section. An automated vehicle identification system shall not be used under this subsection (1.7) unless maintenance, repair, or construction is occurring at the time the system is being used.

(II) The department of public safety may contract with a vendor to implement this subsection (1.7), including to:

(A) Notify violators;

(B) collect and remit the penalties and surcharges to the state treasury less the vendor's expenses;

(C) reconcile payments against outstanding violations;

(D) implement collection efforts; and

(E) Notify the department of public safety of unpaid violations for possible referral to the judicial system.

(III) If the department of public safety contracts with a vendor, the contract must incorporate the processing elements specified by the department of public safety.

(IV) No notice of violation or civil penalty assessment or a penalty or surcharge for a violation detected by an automated vehicle identification system under this subsection (1.7) shall be forwarded to the department for processing.

(b) The department of transportation shall reimburse the department of public safety for the direct and indirect costs of complying with this subsection (1.7).

(2) A county or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations:

(a)(I) (Deleted by amendment, L. 2002, p. 570, § 1, effective May 24, 2002.

(II) If the state, a county, a city and county, or a municipality detects any alleged violation of a county or municipal traffic regulation or a traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county, or municipality shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States Postal Service

that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:

(A) within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or

(B) within sixty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.

(III) the notice of violation must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate number of the motor vehicle involved in the alleged violation;

(C) the date, time and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and

(F) information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.

(IV) If the state, a county, a city and county, or a municipality does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five days after the issuance date on the notice of violation, the state, county, city and county or municipality shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States Postal Service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty days after the deadline on the notice of violation.

(V) The civil penalty assessment notice must contain:

(A) the name and address of the registered owner of the motor vehicle involved in the alleged violation;

(B) the license plate of the motor vehicle involved in the alleged violation;

(C) the date, time, and location of the alleged violation;

(D) the amount of the civil penalty prescribed for the alleged violation;

(E) the deadline for payment of the prescribed civil penalty;

(F) information on how to pay the prescribed civil penalty.

(VI) if the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.

(VII) if the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.

(VIII) Final orders may be appealed as to matters of law and fact to the county court in the county where the alleged violation or the municipal court in the municipality where the alleged violation occurred, the registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.

(IX) the state, a county, a city and county, or a municipality shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this section unless the registered owner is personally served the notice of violation or the final order of liability.

(b) Notwithstanding any other provision of the statutes to the contrary, the state, a county, a city and county, or a municipality shall not report to the department any conviction or entry of judgment against a defendant for violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.

(c) Repealed by Laws 2021, Ch. 460 (H.B. 21-1314), § 16, eff. January 1, 2022.

(d)(I) The state, a county, a city and county, or a municipality shall not use an automated vehicle identification system to detect a violation of part 11 of this article 4 or a local speed ordinance unless there is posted an appropriate temporary or permanent sign in a conspicuous place not fewer than three hundred feet before the area in which the automated vehicle identification system is to be used notifying the public that an automated vehicle identification system is in use immediately ahead. The requirement of this subsection (2)(d)(I) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of a county, city and county, or municipality, nor by the posting of a permanent sign in an area in which an automated vehicle identification system is to be used, but this subsection (2)(d)(I) shall not be deemed a prohibition against the posting of such permanent signs.

(II) Except as provided in subsection (2)(d)(I) of this section, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this article 4 or a local traffic ordinance shall not be used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. The sign shall:

(A) Be placed in a conspicuous location not fewer than two hundred feet nor more than five hundred feet before the automated vehicle identification system; and

(B) Use lettering that is at least four inches high for upper case letters and two and nine-tenths inches high for lower case letters.

(e)(I) If the state, county, city and county, or municipality implements a new automated vehicle identification system after July 1, 2023, that is not a replacement of an automated vehicle identification system:

(A) the agency responsible for the automated vehicle identification system shall publicly announce the implementation of the system through its website for at least 30 days prior to the use of the system; and

(B) for the first thirty days after the system is install or deployed, only warnings may be issued for violations of a county or municipal traffic regulation or traffic violation under state law detected by the system.

(II) a state, county, city and county, or municipality may conduct an extended public information campaign or warning period for systems installed or deployed either before or after July 1, 2023.

(f) Repealed by SB 23-200.

(g)(I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county or municipality may locate an automated vehicle identification system to detect violations of a county or municipal traffic regulation or a traffic violation under state law. Before a county or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the county or municipality must:

(A) post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor and a permanent sign not fewer than three hundred feet before each camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera;

(B) illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and

(C) coordinate between the local jurisdiction, the department of transportation, and the Colorado state patrol.

(II) As used in this subsection (2)(g) unless the context otherwise requires, “residential neighborhood” means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.

(III) This subsection (2)(g) does not apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal.

(IV) a county or municipality implementing an automated vehicle identification corridor pursuant to subsection (2)(g)(I) of the section shall publish a report on its website disclosing the number of citation and revenue generated by the automated vehicle identification corridor.

(V)(A) notwithstanding the provisions of subsection (2)(g)(I) of this section, the state may locate an automated vehicle identification system on a highway that is a part of the federal interstate highway system and may issue a notice of violation or a civil penalty assessment notice for a traffic violation under state law detected using the automated vehicle identification system.

(B) a county, a city and county, or a municipality shall not locate an automated vehicle identification system or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.

(h) the state, county, a city and county, or a municipality shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an automated vehicle identification system. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

(3) The department has no authority to assess any points against a license under section 42-2-127 upon entry of a conviction or judgment for a violation of a municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department shall not keep any record of such violation in the official records maintained by the department under section 42-2-121.

(4)(a) If the state, a county, a city and county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by the registered owner that the state, county, city and county, or municipality has detected using an automated vehicle identification system, then the state, county, city and county, or municipality may mail the registered owner a warning regarding the violation, but the state, county, city and county, or municipality shall not impose any penalty or surcharge for such first violation.

(b)(I) If the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation under a municipal traffic regulation or under state law by a driver, or a first such violation by the driver if the provisions of paragraph (a) of this subsection (4) do not apply, through the use of an automated vehicle identification system, then, except as may be permitted in subparagraph (II) of this paragraph (b), the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.

(II) If any violation described in subsection (4)(b)(I) of this section occurs within a school zone, as defined in section 42-4-615, the maximum penalty that may be imposed shall be doubled.

(III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

(4.5) If the state, a county, a city and county, or a municipality detects a violation of a county or municipal traffic regulation or under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

(4.7) If a registered owner fails to pay a penalty imposed for a violation of a county or municipal traffic regulation or a traffic violation under state law detected using an automated vehicle identification system, the state, a county, a city and county, or a municipality shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.

(5) If the state, a county, a city and county, or a municipality has established an automated vehicle identification system for the enforcement of county or municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, or municipality for such equipment shall be based upon the value of such equipment and the value of any services provided to the state, county, city and county or municipality and may not be based upon the number of traffic citations issued or the revenue generated by such equipment.

(6)(a) As used in this section, the term "automated vehicle identification system" means a system whereby:

(I) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and

(II) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.

(b) "automated vehicle identification system" includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violation of bus lane or bicycle lane restrictions.

(7) The state, county, city and county, or municipality and any vendor operating an automated vehicle identification system shall, unless otherwise provided in this section:

(a) program the automated vehicle identification system to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;

(b) treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24;

(c) not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the automated motor vehicle identification system except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and

(d) destroy any photographs and video of a violation collected by the automated vehicle identification system within three years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.

(l) Subparagraph (l) of this paragraph (b) shall not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614.

111. Powers of Local Authorities.

(1) Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(a) Regulating or prohibiting the stopping, standing, or parking of vehicles, consistent with the provisions of this article;

(b) Establishing parking meter zones where it is determined upon the basis of an engineering and traffic investigation that the installation and operation of parking meters is necessary to aid in the regulation and control of the parking of vehicles during the hours and on the days specified on parking meter signs;

(c) Regulating traffic by means of police officers or official traffic control devices, consistent with the provisions of this article;

(d) Regulating or prohibiting processions or assemblages on the highways, consistent with the provisions of this article;

(e) Designating particular highways or roadways for use by traffic moving in one direction, consistent with the provisions of this article;

(f) Designating any highway as a through highway or designating any intersection as a stop or yield intersection, consistent with the provisions of this article;

(g) Designating truck routes and restricting the use of highways, consistent with the provisions of this article;

(h) Regulating the operation of bicycles or electrical assisted bicycles and requiring the registration and licensing of same, including the requirement of a registration fee, consistent with the provisions of this article;

(i) Altering or establishing speed limits, consistent with the provisions of this article;

(j) Establishing speed limits for vehicles in public parks, consistent with the provisions of this article;

- (k) Determining and designating streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, consistent with the provisions of this article;
- (l) Regulating or prohibiting the turning of vehicles, consistent with the provisions of this article;
- (m) Designating no-passing zones, consistent with the provisions of this article;
- (n) Prohibiting or regulating the use of controlled-access roadways by nonmotorized traffic or other kinds of traffic, consistent with the provisions of this Code;
- (o) Establishing minimum speed limits, consistent with the provisions of this Code;
- (p) Designating hazardous railroad crossings, consistent with the provisions of this Code;
- (q) Designating and regulating traffic on play streets, consistent with the provisions of this article;
- (r) Prohibiting or restricting pedestrian crossing, consistent with the provisions of this Code;
- (s) Regulating the movement of traffic at school crossings by official traffic control devices or by duly authorized school crossing guards, consistent with the provisions of the Code;
- (t) Regulating persons propelling push carts;
- (u) Regulating persons upon skates, coasters, sleds, or similar devices, consistent with the provisions of this Code;
- (v) Adopting such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
- (w) Adopting such other traffic regulations as are provided for by this article;
- (x) Closing a street or portion thereof temporarily and establishing appropriate detours or an alternative routing for the traffic affected, consistent with the provisions of this article;
- (y) Regulating the local movement of traffic or the use of local streets where such is not provided for in that article;
- (z) Regulating the operation of low-powered scooters, consistent with the provisions of this article; except that local authorities shall be prohibited from establishing any requirements for the registration and licensing of low powered scooters;
- (aa) Regulating the operation of low-speed electric vehicles, including, without limitation, establishing a safety inspection program, on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if such regulation is consistent with this Code;
- (bb) Authorizing and regulating the operation of golf cars on roadways by resolution or ordinance of the governing body, if the authorization or regulation is consistent with this title and does not authorize:

(I) An unlicensed driver of a golf car to carry a passenger who is under twenty-one years of age;

(II) Operation of a golf car by a person under sixteen years of age; or

(III) Operation of a golf car on a state highway; except that the ordinance or resolution may authorize a person to drive a golf car directly across a state highway at an at-grade sidewalk, bike path, or pedestrian path consistent with section 42-4-117(I) and (3);

(cc) Authorizing, prohibiting, or regulating the use of an EPAMD on a roadway, sidewalk, bike path, or pedestrian path consistent with section 117(1) and (3);

(dd) Authorizing or prohibiting the use of an electrical assisted bicycle or electric scooter on a bike or pedestrian path in accordance with section 42-4-1412;

(ee) Enacting the idling standards in conformity with section 42-14-103

(2)(a) An ordinance or regulation enacted under paragraph (a), (b), (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), (aa), or (cc) of subsection (1) of this section may not take effect until official signs or other traffic control devices conforming to standards as required by section 42-4-602, and giving notice of the local traffic regulations are placed upon or at the entrances to the highway or part thereof affected as may be most appropriate.

(b) Regulating the operation of an electric scooter consistent with this title 42.

(c) Subsection (1) of this section does not authorize a local authority to regulate or authorize the use of vehicles and motor vehicles on the state highway system that is subject to section 43-2-135, except in at-grade crossings where the roadway subject to the local authority's jurisdiction crosses the state highway. The local authority may regulate vehicles within such crossings only to the extent necessary to effect the local authority's power to regulate the roadway under the local authority's jurisdiction and only if the regulation or authorization does not interfere with the normal operation of the state highway.

(3)(a) A board of county commissioners may by resolution authorize the use of designated portions of unimproved county roads within the unincorporated portion of the county for motor vehicles participating in timed endurance events and for such purposes shall make such regulations relating to the use of such roads and the operation of vehicles as are consistent with public safety in the conduct of such event and with the cooperation of county law enforcement officials.

(b) Such resolution by a board of county commissioners and regulations based thereon shall designate the specific route which may be used in such event, the time limitations imposed upon such use, any necessary restrictions in the use of such route by persons not participating in such event, special regulations concerning the operation of vehicles while participating in such event in which case any provisions of this article to the contrary shall not apply to such event, and such requirements concerning the sponsorship of any such event as may be reasonably necessary to assure adequate responsibility therefor.

112. Noninterference with the rights of owners of realty.

Subject to the exception provided in section 103(2), nothing in this Code shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Code, or from otherwise regulating such use as may seem best to such owner.

113. Appropriations for administration of article.

(See §42-4-113)

114. Removal of traffic hazards.

(1) Local authorities, within their respective jurisdictions, may by written notice sent by certified mail require the owner of real property abutting on the right-of-way of any highway, sidewalk, or other public way to trim or remove, at the expense of said property owner, any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.

(2) It is the duty of the property owner to remove any dead, overhanging boughs of trees located on the premises of such property owner that endanger life or property on the public right-of-way.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge, or other plant within ten days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the state or local authority for the cost of the work performed.

115. Information on traffic law enforcement - collection - profiling - annual report - repeal. (Repealed)

116. Restrictions for minor drivers - definitions.

(1)(a) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing a passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least six months.

(b) Except as provided in paragraph (c) of this subsection (1), a minor driver shall not operate a motor vehicle containing more than one passenger who is under twenty-one years of age and who is not a member of the driver's immediate family until such driver has held a valid driver's license for at least one year.

(c) Paragraphs (a) and (b) of this subsection (1) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The passenger who is under twenty-one years of age is in the vehicle on account of a medical emergency;

(IV) All passengers who are under twenty-one years of age are members of the driver's immediate family and all such passengers are wearing a seatbelt.

(2)(a) Except as provided in paragraph (b) of this subsection (2), a minor driver shall not operate a motor vehicle between 12 midnight and 5 a.m. until such driver has held a driver's license for at least one year.

(b) This subsection (2) shall not apply if:

(I) The motor vehicle contains the minor's parent or legal guardian or other responsible adult described in section 42-2-108;

(II) The motor vehicle contains an adult twenty-one years of age or older who currently holds a valid driver's license and has held such license for at least one year;

(III) The minor is driving to school or a school-authorized activity when the school does not provide adequate transportation, so long as the driver possesses a signed statement from the school official containing the date the activity will occur;

(IV) The minor is driving on account of employment when necessary, so long as the driver possesses a signed statement from the employer verifying employment;

(V) The minor is driving on account of a medical emergency; or

(VI) The minor is an emancipated minor.

(3) A violation of this section is a traffic infraction, and, upon conviction, the violator may be punished as follows:

(a) By the imposition of not less than eight hours nor more than twenty-four hours of community service for a first offense and not less than sixteen hours nor more than forty hours of community service for a subsequent offense;

(b) By the levying of a fine of not more than fifty dollars for a first offense, a fine of not more than one hundred dollars for a second offense, and a fine of one hundred fifty dollars for a subsequent offense;

(c) By an assessment of two license suspension points pursuant to section 42-2-127(5)(kk)

(4) For the purposes of this section:

(a) "Emancipated minor" means an individual under eighteen years of age whose parents or guardian has surrendered parental responsibilities, custody, and the right to the care and earnings of such person, and are no longer under a duty to support such person.

(b) "Minor driver" means a person who is operating a motor vehicle and who is under eighteen years of age.

(5) No driver in a motor vehicle shall be cited for a violation of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Codes 1 to 4 of Title 42 other than a violation of this section.

117. Personal mobility devices.

(1) A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this Code, except as to those provisions that by their nature have no application.

(2) Unless otherwise prohibited, an EPAMD may be operated on a roadway in conformity with vehicle use.

(3) An EPAMD shall not be operated:

(a) On a limited-access highway;

(b) On a bike or pedestrian path; or

(c) At a speed of greater than twelve and one-half miles per hour.

(4) A person who violates this section commits a class B traffic infraction.²

(7) Repealed.

118. Establishment of wildlife crossing zones - report - repeal.

(1) The department of transportation created in section 43-1-103, in consultation with both the Colorado state patrol created pursuant to section 24-33.5-201, and the division of wildlife created pursuant to section 24-1-124(3)(h), in the department of natural resources, may establish areas within the public highways of the state as wildlife crossing zones.

(2)(a) If the department of transportation establishes an area within a public highway of the state as a wildlife crossing zone, the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2) to the contrary, the department of transportation shall not establish a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(3)(a) The department of transportation may establish an area within the federal highways of the state as a wildlife crossing zone if the department of transportation receives authorization from the federal government.

(b) If the department of transportation establishes an area within the federal highways of the state as a wildlife crossing zone pursuant to paragraph (a) of this subsection (3), the department of transportation may erect signs:

(I) Identifying the zone in accordance with the provisions of section 42-4-616; and

(II) Establishing a lower speed limit for the portion of the highway that lies within the zone.

(4) If the department of transportation erects a new wildlife crossing zone sign pursuant to subsection (2) or (3) of this section, it shall ensure that the sign indicates, in conformity with the state traffic control manual, that increased traffic penalties are in effect within the wildlife crossing zone. For the purposes of this section, it shall be sufficient that the sign states "increased penalties in effect".

(5) In establishing a lower speed limit within a wildlife crossing zone, the department of transportation shall give due consideration to factors including, but not limited to, the following:

(a) The percentage of traffic accidents that occur within the area that involve the presence of wildlife on the public highway;

(b) The relative levels of traffic congestion and mobility in the area; and

(c) The relative numbers of traffic accidents that occur within the area during the daytime and evening hours and involve the presence of wildlife on the public highway.

(6) As used in this section, unless the context otherwise requires, "wildlife" shall have the same meaning as "big game" as set forth in section 33-1-102(2)

(7)(a) On or before March 1, 2012, the department of transportation shall prepare and submit to the transportation and energy committee of the house of representatives and the transportation committee of the senate, or any successor committees, a report concerning the implementation of this section. The report, at a minimum, shall include:

(I) The location and length of each wildlife crossing zone that the department of transportation has established pursuant to this section;

(II) The total number of miles within the public highways of the state that the department of transportation has established as wildlife crossing zones pursuant to this section;

(III) The total number of wildlife crossing zones within the state for which the department of transportation has established a lower speed limit, including identification of each wildlife crossing zone for which the department has established a lower speed limit;

(IV) The effect, if any, that the establishment of each wildlife crossing zone has had in reducing the frequency of traffic accidents within the area of the public highway that has been established as a wildlife crossing zone; and

(V) A recommendation by the department of transportation as to whether the general assembly should:

(A) Discontinue the establishment of wildlife crossing zones;

(B) Continue the establishment of wildlife crossing zones, as limited by the provisions of paragraph (b) of subsection (1) of this section; or

(C) Expand the establishment of wildlife crossing zones beyond the limits described in paragraph (b) of subsection (1) of this section.

(b) This subsection (7) is repealed, effective March 2, 2012.

(8) Notwithstanding any other provision of this section, the department of transportation shall not establish any area of any interstate highway as a wildlife crossing zone.

Part 2

Equipment

201. Obstruction of view or driving mechanism - hazardous situation.

(1) No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.

(3) A person shall not drive a motor vehicle equipped with a video display visible to the driver while the motor vehicle is in motion. The provisions of this subsection (3) does not prohibit the usage of a computer, data terminal, or safety equipment in a motor vehicle so long as the computer, data terminal, or safety equipment is not used to display visual entertainment, including internet browsing, social media, and e-mail, to the driver while the motor vehicle is in motion.

(4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(5) No passenger in a vehicle shall ride in such position as to create a hazard for such passenger or others, or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.

(6) No person shall hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion; nor shall the operator knowingly permit any person to hang on or otherwise attach himself or herself to the outside, top, hood, or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection (6) shall not apply to parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.

(7) The provisions of subsection (6) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state of Colorado or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the public utilities commission of the state of Colorado, when in the performance of their duties persons are required to stand or sit on the exterior of the vehicle and said vehicle is equipped with adequate handrails and safeguards.

(8) Any person who violates any provision of this section commits a class A traffic infraction.

202. Unsafe vehicles - penalty - identification plates.

(1) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this section and sections 204 to 231 and part 3 of this Code, or which is equipped in any manner in violation of said sections and part 3 or for any person to do any act forbidden or fail to perform any act required under said sections and part 3.

(2) The provisions of this section and sections 204 to 231 and part 3 of this Code with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections and part 3.

(3) Nothing in this Code shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this Code.

(4)(a) Upon its approval, the department of revenue shall issue an identification plate for each vehicle, motor vehicle, trailer, or item of special mobile machinery, or similar implement of equipment, used in any type of construction business which shall, when said plate is affixed, exempt any such item of equipment, machinery, trailer, or vehicle from all or part of this section and sections 204 to 231 of this Code.

(b) The department of revenue is authorized to promulgate written rules and regulations governing the application for, issuance of, and supervision, administration, and revocation of such identification plates and exemption authority and to prescribe the terms and conditions under which said plates may be issued for each item as set forth in paragraph (a) of this subsection (4), and the department of revenue, in so doing, shall consider the safety of users of the public streets and highways and the type, nature, and use of such items set forth in paragraph (a) of this subsection (4) for which exemption is sought.

(c) Each exempt item may be moved on the roads, streets, and highways during daylight hours and at such time as vision is not less than five hundred feet. No cargo or supplies shall be hauled upon such exempt item except cargo and supplies used in normal operation of any such item.

(d) The identification plate shall be of a size and type designated and approved by the department. A fee of one dollar shall be charged and collected by the department for the issuance of each such identification plate. All such fees so collected shall be paid to the state treasurer who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(b).

(e) Each such identification plate shall be issued for a calendar year. Application for such identification plates shall be made by the owner, and such plates shall be issued to the owner of each such item described in paragraph (a) of this subsection (4). Whenever the owner transfers, sells, or assigns the owner's interest therein, the exemption of such item shall expire and the owner shall remove the identification plate therefrom and forward the same to the department of revenue.

(f) An owner shall report a lost or damaged identification plate to the department of revenue, and, upon application to and approval by the department of revenue, the department shall issue a replacement plate upon payment to it of a fee of fifty cents.

(g) Notwithstanding the amount specified for any fee in this subsection (4), the executive director of the department of revenue by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402(3), to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the executive director of the department of revenue by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402(4).

(5) Any person who violates any provision of this section commits a class A traffic infraction.

203. Unsafe vehicles - spot inspections.

(1) Uniformed police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle and its equipment to an inspection and such test with reference thereto as may be appropriate. The fact that a vehicle is an older model vehicle shall not alone constitute reasonable cause. In the event such vehicle is found to be in an unsafe condition or the required equipment is not present or is not in proper repair and adjustment, the officer may give a written notice and issue a summons to the driver. Said notice shall require that such vehicle be placed in safe condition and properly equipped or that its equipment be placed in proper repair and adjustment, the particulars of which shall be specified on said notice.

(2) In the event any such vehicle is, in the reasonable judgment of such police officer, in such condition that further operation would be hazardous, the officer may require, in addition to the instructions set forth in subsection (1) of this section, that the vehicle be moved at the operator's expense and not operated under its own power or that it be driven to the nearest garage or other place of safety.

(3) Every owner or driver upon receiving the notice and summons issued pursuant to subsection (1) of this section or mailed pursuant to paragraph (b) of subsection (4) of this section shall comply therewith and shall secure a certification upon such notice by a law enforcement officer that such vehicle is in safe condition and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this Code. Said certification shall be returned to the owner or driver for presentation in court as provided for in subsection (4) of this section.

(4)(a)(I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the owner repairs the unsafe condition or installs or adjusts the required equipment within thirty days after issuance of the notice and summons and presents the certification required in subsection (3) of this section to the court of competent jurisdiction, the owner shall be punished by a fine of five dollars.

(III) If the owner submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the owner has disposed of the vehicle for junk parts or immobilized the vehicle and also submits to the court the registration and license plates for the vehicle, the owner shall be punished by a fine of five dollars. If the owner wishes to relicense the vehicle in the future, the owner must obtain the certification required in subsection (3) of this section.

(b)(I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars, payable within thirty days after conviction.

(II) If the driver submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that the driver was not the owner of the car at the time the summons was issued and that the driver mailed, within five days of issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the driver shall be punished by a fine of five dollars.

(c) Upon a showing of good cause that the required repairs or adjustments cannot be made within thirty days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for installation or adjustment of required equipment as may appear justified.

(d) The owner may, in lieu of appearance, submit to the court of competent jurisdiction, within thirty days after the issuance of the notice and summons, the certification specified in subsection (3) of this section and the fine of five dollars.

204. When lighted lamps are required.

(1) Every vehicle upon a highway within this state, between sunset and sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead, shall display lighted lamps and illuminating devices as required by this Code for different classes of vehicles, subject to exceptions with respect to parked vehicles.

(2) Whenever requirement is declared by this Code as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in subsection (1) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(3) Whenever requirement is declared by this Code as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

205. Head lamps on motor vehicles - penalty.

- (1) Every motor vehicle other than a motorcycle or autocycle, shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle. The head lamps shall comply with the requirements and limitations set forth in sections 202 and 204 to 231 and part 3 of this Code where applicable.
- (2) Every motorcycle or autocycle shall be equipped with at least one and not more than two head lamps that comply with the requirements and limitations of sections 202 and 204 to 231 and part 3 of this Code where applicable.
- (3) Every head lamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches, to be measured as set forth in section 204 (3).
- (4) Any person who violates any provision of this section commits a class B traffic infraction.

206. Tail lamps and reflectors - penalty.

- (1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle which is being drawn at the end of a train of vehicles must be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 204, emits a red light plainly visible from a distance of five hundred feet to the rear; except that, in the case of a train of vehicles, only the tail lamp on the rear-most vehicle need actually be seen from the distance specified, and except as provided in section 204. Furthermore, every such vehicle registered in this state and manufactured or assembled after January 1, 1958, must be equipped with at least two tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required in section 204, comply with the provisions of this section.
- (2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches, to be measured as set forth in section 204 (3).
- (3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
- (4) Every motor vehicle operated on and after January 1, 1958, upon a highway in the state of Colorado must carry on the rear, either as part of a tail lamp or separately, one red reflector meeting the requirements of this section; except that vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in those sections applicable thereto and except as provided in section 204.
- (5) Every new motor vehicle sold on or after January 1, 1958, and operated upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle or autocycle shall carry at least one reflector meeting the requirements of this section, and vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in this part 2.

(6) Every reflector shall be mounted on the vehicle at a height of not less than twenty inches nor more than sixty inches, measured as set forth in section 204 (3) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams and head lamps; except that visibility from a greater distance is required by law of reflectors on certain types of vehicles.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

207. Clearance and identification.

(1) Every vehicle designed or used for the transportation of property or for the transportation of persons shall display lighted lamps at the times mentioned in section 204 when and as required in this section.

(2) Clearance lamps.

(a) Every motor vehicle or motor-drawn vehicle having a width at any part in excess of eighty inches shall be equipped with four clearance lamps located as follows:

(I) Two on the front and one at each side, displaying an amber light visible from a distance of five hundred feet to the front of the vehicle;

(II) Two on the rear and one at each side, displaying a red light visible only to the rear and visible from a distance of five hundred feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp required in section 206.

(b) All clearance lamps required shall be placed on the extreme sides and located on the highest stationary support; except that, when three or more identification lamps are mounted on the rear of a vehicle on the vertical center line and at the extreme height of the vehicle, rear clearance lamps may be mounted at optional height.

(c) Any trailer, when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as provided in this section, may be, but is not required to be, equipped with front clearance lamps if the towing vehicle is of equal or greater width than the towed vehicle.

(d) All clearance lamps required in this section shall be of a type approved by the department of revenue.

(3) Side marker lamps.

(a) Every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds thirty feet in overall length shall be equipped with four side marker lamps located as follows:

(I) One on each side near the front displaying an amber light visible from a distance of five hundred feet to the side of the vehicle on which it is located;

(II) One on each side near the rear displaying a red light visible from a distance of five hundred feet to the side of the vehicle on which it is located; but the rear marker light shall not be so placed as to be visible from the front of the vehicle.

(b) Each side marker lamp required shall be located not less than fifteen inches above the level on which the vehicle stands.

(c) If the clearance lamps required by this section are of such a design as to display lights visible from a distance of five hundred feet at right angles to the sides of the vehicles, they shall be deemed to meet the requirements as to marker lamps in this subsection (3).

(d) All marker lamps required in this section shall be of a type approved by the department of revenue.

(4) Clearance reflectors.

(a) Every motor vehicle having a width at any part in excess of eighty inches shall be equipped with clearance reflectors located as follows:

(I) Two red reflectors on the rear and one at each side, located not more than one inch from the extreme outside edges of the vehicle;

(II) All such reflectors shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(b) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps if any such tail lamps meet the location limits specified for reflectors.

(c) All such clearance reflectors shall be of a type approved by the department of revenue.

(5) Side marker reflectors.

(a) Every motor vehicle or motor-drawn vehicle or combination of vehicles which exceeds thirty feet in overall length shall be equipped with four side marker reflectors located as follows:

(I) One amber reflector on each side near the front;

(II) One red reflector on each side near the rear.

(b) Each side marker reflector shall be located not more than sixty inches nor less than fifteen inches above the level on which the vehicle stands.

(c) All such side marker reflectors shall be of a type approved by the department of revenue.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

(7) Nothing in this section shall be construed to supersede any federal motor vehicle safety standard established pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966", Public Law 89-563, as amended.

208. Stop lamps and turn signals - penalty.

(1) Every motor vehicle or motor-drawn vehicle shall be equipped with a stop light in good working order at all times and shall meet the requirements of section 215 (1).

(2) A person shall not sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1958, unless it is equipped with at least two stop lamps meeting the requirements of section 215 (1); except that a motorcycle or autocycle manufactured or assembled after January 1, 1958, must be equipped with at least one stop lamp meeting the requirements of section 215 (1).

(3) A person shall not sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1958, and a person shall not operate any motor vehicle, trailer, or semitrailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four inches, unless it is equipped with electrical turn signals meeting the requirements of section 215 (2). This subsection (3) does not apply to any motorcycle, autocycle, or low-power scooter.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

209. Lamp or flag on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in section 204, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time, there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear. Any person who violates any provision of this section commits a class A traffic infraction.

210. Lamps on parked vehicles.

(1) Whenever a vehicle is lawfully parked upon a highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable

to the side of the vehicle that is closer to passing traffic. This subsection (2) shall not apply to a low-power scooter.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

(5) This section shall not apply to low-speed electric vehicles.

211. Lamps on farm equipment and other vehicles and equipment.

(1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear of such vehicle.

(2) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in section 204, in addition to the lamps required in subsection (1) of this section, be equipped with two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(3) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with the following lamps:

(a) At least one lamp mounted to indicate as nearly as practicable to the extreme left projection of said combination and displaying a white light visible from a distance of not less than five hundred feet to the front of said combination;

(b) Two lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear of said combination or, as an alternative, at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear thereof and two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear thereof when illuminated by the upper beams of head lamps.

(4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with two single-beam head lamps meeting the requirements of section 216 or 218, respectively, and at least one red lamp visible from a distance of not less than five hundred feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred feet to one hundred feet when directly in front of lawful upper beams of head lamps.

(5)(a) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with lamps as follows:

(I) The farm tractor element of every such combination shall be equipped as required in subsection (4) of this section.

(II) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than five hundred feet to the rear or, as an alternative, two red reflectors visible from all distances within six hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(b) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet to the front and a lamp displaying a red light visible when lighted from a distance of not less than five hundred feet to the rear.

(6) The lamps and reflectors required in this section shall be so positioned as to show from front and rear as nearly as practicable the extreme projection of the vehicle carrying them on the side of the roadway used in passing such vehicle. If a farm tractor or a unit of farm equipment, whether self-propelled or towed, is equipped with two or more lamps or reflectors visible from the front or two or more lamps or reflectors visible from the rear, such lamps or reflectors shall be so positioned that the extreme projections, both to the right and to the left of said vehicle, shall be indicated as nearly as practicable.

(7) Every vehicle, including animal-drawn vehicles and vehicles referred to in section 202 (2), not specifically required by the provisions of this Code to be equipped with lamps or other lighting devices shall at all times specified in section 204 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle and shall also be equipped with two lamps displaying red lights visible from a distance of not less than five hundred feet to the rear of said vehicle or, as an alternative, one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear and two red reflectors visible for distances of one hundred feet to six hundred feet to the rear when illuminated by the upper beams of head lamps.

(8) Any person who violates any provision of this section commits a class B traffic infraction.

212. Spot lamps and auxiliary lamps.

(1) Any motor vehicle may be equipped with not more than two spot lamps, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection (2) may be used with lower head-lamp beams as specified in section 216 (1)(b).

(3) Any motor vehicle may be equipped with not more than two auxiliary passing lamps mounted on the front at a height of not less than twenty inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary passing lamps.

(4) Any motor vehicle may be equipped with not more than two auxiliary driving lamps mounted on the front at a height of not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of section 216 shall apply to any combination of head lamps and auxiliary driving lamps.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

213. Audible and visual signals on emergency vehicles.

(1) Except as otherwise provided in this section or in section 42-4-222 in the case of volunteer fire vehicles and volunteer ambulances, every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Code, be equipped as a minimum with a siren and a horn. Such devices shall be capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet.

(2) Every authorized emergency vehicle, except those used as undercover vehicles by governmental agencies, shall, in addition to any other equipment and distinctive markings required by this Code, be equipped with at least one signal lamp mounted as high as practicable, which shall be capable of displaying a flashing, oscillating, or rotating red light to the front and to the rear having sufficient intensity to be visible at five hundred feet in normal sunlight. In addition to the required red light, flashing, oscillating, or rotating signal lights may be used which emit blue, white, or blue in combination with white.

(3) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with the red lights specified in this section.

(4) Any authorized emergency vehicle, including those authorized by section 222, may be equipped with green flashing lights, mounted at sufficient height and having sufficient intensity to be visible at five hundred feet in all directions in normal daylight. Such lights may only be used at the single designated command post at any emergency location or incident and only when such command post is stationary. The single command post shall be designated by the on-scene incident commander in accordance with local or state government emergency plans. Any other use of a green light by a vehicle shall constitute a violation of this section.

(5) The use of either the audible or the visual signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in section 705.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

214. Visual signals on service vehicles.

(1) Except as otherwise provided in this section, every authorized service vehicle must, in addition to any other equipment required by this Code, be equipped with one or more warning lamps

mounted as high as practicable, which must be capable of displaying in all directions one or more flashing, oscillating, or rotating yellow lights. Only yellow and no other color or combination of colors may be used as a warning lamp on an authorized service vehicle; except that an authorized service vehicle snowplow operated by a state, county, or local government may also be equipped with and use no more than two flashing, oscillating, or rotating blue lights as warning lamps. Lighted directional signs used by police and highway departments to direct traffic need not be visible except to the front and rear. Such lights must have sufficient intensity to be visible at five hundred feet in normal sunlight.

(2) The warning lamps authorized in subsection (1) of this section shall be activated by the operator of an authorized service vehicle only when the vehicle is operating upon the roadway so as to create a hazard to other traffic. The use of such lamps shall not relieve the operator from the duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by this Code. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

(3) Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized in subsection (1) of this section, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such service vehicle and, in the case of highway and traffic maintenance equipment engaged in work upon the highway, shall comply with the instructions of section 712.

(4) On or after January 1, 1978, only authorized service vehicles shall be equipped with the warning lights authorized in subsection (1) of this section.

(5) The department of transportation shall determine by rule which types of vehicles render an essential public service when operating on or along a roadway and warrant designation as authorized service vehicles under specified conditions, including, without limitation, vehicles that sell or apply chains or other equipment to motor vehicles necessary to enable compliance with section 106.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in subsection (1) of this section, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, "echelon formation" mean a formation in which snowplows are arranged diagonally, with each unit stationed behind and to the right, or behind and to the left, of the unit ahead.

215. Signal lamps and devices - additional lighting equipment.

(1) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with a stop lamp or lamps on the rear of the vehicle which, except as provided in section 204, shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be

actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps. Such stop lamp or lamps may also be automatically actuated by a mechanical device when the vehicle is reducing speed or stopping. If two or more stop lamps are installed on any motor vehicle, any device actuating such lamps shall be so designed and installed that all stop lamps are actuated by such device.

(2) Any motor vehicle may be equipped, and when required under this Code shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or to the left. Such lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and, except as provided in section 204, when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated, such lamps shall indicate the intended direction of turning by flashing the light showing to the front and rear on the side toward which the turn is made.

(3) No stop lamp or signal lamp shall project a glaring or dazzling light.

(4) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(5) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof, which shall emit a white or amber light without glare.

(6) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but no such back-up lamp shall be lighted when the motor vehicle is in forward motion.

(7) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped and when the said vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less and at no other time, may display such warning in addition to any other warning signals required by this Code. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and, except as provided in section 204, shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

(8) Any vehicle eighty inches or more in overall width may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted horizontally.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

215.5. Signal lamps and devices - street rod vehicles and custom motor vehicles.

Repealed.

216. Multiple-beam road lights - penalty.

(1) Except as provided in this Code, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination of lamps on motor vehicles, other than motorcycles, autocycles, or low-power scooters, shall be arranged so that the driver may select at will between distributions of light projected to different elevations, and the lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light or composite beam so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(1.5) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for low-speed electric vehicles in lieu of multiple beam, road-lighting equipment specified in this section if the single distribution of light complies with paragraph (b) of subsection (1) of this section.

(2) A new motor vehicle, other than a motorcycle, autocycle, or low-power scooter, that has multiple beam road-lighting equipment, shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be designed and located so that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

217. Use of multiple-beam lights.

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam specified in section 216 (1)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(b) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this title other than the uppermost distribution of light specified in section 216 (1)(a).

(c) A low-speed electric vehicle may use the distribution of light authorized in section 216 (1.5).

(2) Any person who violates any provision of this section commits a class A traffic infraction.

218. Single-beam road-lighting equipment.

(1) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 15, 1936, in lieu of multiple-beam road-lighting equipment specified in section 216 if the single distribution of light complies with the following requirements and limitations:

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

219. Number of lamps permitted.

Whenever a motor vehicle equipped with head lamps as required in this Code is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. Any person who violates any provision of this section commits a class B traffic infraction.

220. Low-power scooters - lighting equipment - department control - use and operation.

(1)(a) A low-power scooter when in use at the times specified in section 204 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except

that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.

(c) A low-power scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(2) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1274, § 44, effective October 1, 2009.)

(3)(a) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) Repealed

(c) This subsection (3) shall not be construed to prohibit the use on any vehicle of simultaneously flashing hazard warning lights as provided by section 215 (7).

(4) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer or for use upon any such vehicle, any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this Code, or parts of any of the foregoing which tend to change the original design or performance thereof, unless of a type which has been approved by the department of revenue.

(5) No person shall have for sale, sell, or offer for sale, for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(6) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted, and aimed in accordance with instructions of the department of revenue.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

221. Bicycle, electric scooter, and personal mobility device equipment.

(1) No other provision of this part 2 and no provision of part 3 of article 4 applies to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, electric scooter, or EPAMD except those provisions in this Article 4 made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.

(7) Every bicycle, electrical assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, or electric scooter within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles, electrical assisted bicycles, or electric scooters at retail shall not sell any bicycle, electrical assisted bicycle, or electric scooter, unless the bicycle, electrical assisted bicycle, or electric scooter, has an identifying number permanently stamped or cast on its frame.

(8.5) A local government may regulate the operation of an electric scooter in a manner that is no more restrictive than the manner in which the local government may regulate the operation of a class 1 electric assisted bicycle.

(9)(a) On or after January 1, 2018, every manufacturer or distributor of new electrical assisted bicycles intended for sale or distribution in this state shall permanently affix to each electrical assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in the Arial font in at least nine-point type.

(b) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.

(10)(a) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission and codified at 16 CFR 1512 or its successor regulation.

(b) A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.

(c) A class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hours, the speed the electrical assisted bicycle is traveling.

(11) A person who violated this section commits a class B traffic infraction.

222. Volunteer firefighters - volunteer ambulance-attendants - special lights and alarm systems.

(1)(a) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns, counties, cities, and fire protection districts and all members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area that the ambulance service would be reasonably expected to serve may have their private automobiles equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red lights visible to the front and rear at five hundred feet in normal sunlight. In addition to the red light, flashing, oscillating, or rotating signal lights may be used that emit white or white in combination with red lights. At least one of such signal lamps or combination of signal lamps shall be mounted on the top of the automobile. Said automobiles may be equipped with audible signal systems such as sirens, whistles, or bells. Said lights, together with any signal systems authorized by this subsection (1), may be used only as authorized by subsection (3) of this section or when a member of a fire department is responding to or attending a fire alarm or other emergency or when a member of an ambulance service is responding to an emergency requiring the member's services. Except as authorized in subsection (3) of this section, neither such lights nor such signals shall be used for any other purpose than those set forth in this subsection (1). If used for any other purpose, such use shall constitute a violation of this subsection (1), and the violator commits a class B traffic infraction.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a member of a volunteer fire department or a volunteer ambulance service may equip his or her private automobile with the equipment described in paragraph (a) of this subsection (1) only after receiving a permit for the equipment from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves.

(2) (Deleted by amendment, L. 96, p. 957, § 3, effective July 1, 1996.)

(3) A fire engine collector or member of a fire department may use the signal system authorized by subsection (1) of this section in a funeral, parade, or for other special purposes if the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

223. Brakes - penalty.

(1) Brake equipment required:

(a) Every motor vehicle, other than a motorcycle or autocycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one part

of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle, auticycle, and low-power scooter, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(c) Every trailer or semitrailer of a gross weight of three thousand pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied. The provisions of this paragraph (c) shall not be applicable to any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1) (a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in subsection (2) of this section.

(d) Every motor vehicle, trailer, or semitrailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:

(I) Any trailer or semitrailer of less than three thousand pounds gross weight, or any horse trailer of a capacity of two horses or less, or any trailer which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding ten thousand pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with loaded trailer attached in the distance specified by subsection (2) of this section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one wheel.

(II) Any truck or truck tractor, manufactured before July 25, 1980, and having three or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels meet the performance requirements of subsection (2) of this section.

(III) Every trailer or semitrailer of three thousand pounds or more gross weight must have brakes on all wheels.

(e) Provisions of this subsection (1) shall not apply to manufactured homes.

(2) Performance ability of brakes:

(a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty miles per hour within a distance of forty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent.

(b) Under the conditions stated in paragraph (a) of this subsection (2), the hand brakes shall be adequate to stop such vehicle within a distance of fifty-five feet, and said hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the conditions stated in paragraph (a) of this subsection (2), the service brakes upon a motor vehicle equipped with two-wheel brakes only, when permitted under this section, shall be adequate to stop the vehicle within a distance of fifty-five feet.

(d) All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this title.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

(2.5) The department of public safety is specifically authorized to adopt rules relating to the use of surge brakes.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

224. Horns or warning devices.

(1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound, except as provided in section 213(1) in the case of authorized emergency vehicles or as provided in section 222. The driver of a motor vehicle, when reasonably necessary to ensure safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices that are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under section 213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. Such device shall not be used for such special purposes unless the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

(3) A bicycle, electrical assisted bicycle, electric scooter, or low-power scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, electric scooter, or a low-power scooter, a siren or whistle.

(4) Snowplows and other snow-removal equipment shall display flashing yellow lights meeting the requirements of section 214 as a warning to drivers when such equipment is in service on the highway.

(5)(a) When any snowplow or other snow removal equipment displaying flashing yellow lights is engaged in snow and ice removal or control, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking, or passing such snowplow.

(b) The driver of a snowplow, while engaged in the removal or control of snow and ice on any highway open to traffic and while displaying the required flashing yellow warning lights as provided by section 214, shall not be charged with any violation of the provisions of this Code relating to parking or standing, turning, backing, or yielding the right-of-way. These exemptions shall not relieve the driver of a snowplow from the duty to drive with due regard for the safety of all persons, nor shall these exemptions protect the driver of a snowplow from the consequences of a reckless or careless disregard for the safety of others.

(6)(a) Any person who violates any provision of this section commits a class B traffic infraction; except that a person commits a class A traffic infraction if the person passes an authorized service vehicle snowplow that is operated by a state, county, or local government, displaying lights as authorized in section 42-4-214, and performing its service function in echelon formation with one or more other such snowplows.

(b) As used in this subsection (6), unless the context otherwise requires, "echelon formation" means a formation in which snowplows are arranged diagonally, with each unit stationed behind and to the right, or behind, and to the left, of the unit ahead.

225. Mufflers - prevention of noise.

(1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

(1.5) Any commercial vehicle, as defined in section 235 (1)(a), subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler.

(2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in §§43-4-205(5.5)(a).

(4) This section shall not apply to electric motor vehicles.

226. Mirrors - exterior placements.

(1) Every motor vehicle shall be equipped with a mirror or mirrors so located and so constructed as to reflect to the driver a free and unobstructed view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component that, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object that obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

227. Windows unobstructed - certain materials prohibited - windshield wiper requirements.

(1)(a)(I) Except as provided in this paragraph (a), no person shall operate any motor vehicle registered in Colorado on which any window, except the windshield, is composed of, covered by, or treated with any material or component which presents an opaque, nontransparent, or metallic or mirrored appearance in such a way that it allows less than twenty-seven percent light transmittance. The windshield shall allow seventy percent light transmittance.

(II) The provisions of this paragraph (a) shall not apply to the windows to the rear of the driver, including the rear window, on any motor vehicle; however, if such windows allow less than twenty-seven percent light transmittance, then the front side windows and the windshield on such vehicles shall allow seventy percent light transmittance.

(III) A law enforcement vehicle may have its windows, except the windshield, treated in such a manner so as to allow less than twenty-seven percent light transmittance only for the purpose of providing a valid law enforcement service. A law enforcement vehicle with such window treatment shall not be used for any traffic law enforcement operations, including operations concerning any offense in this article. For purposes of this subparagraph (III), "law enforcement vehicle" means a vehicle owned or leased by a state or local law

enforcement agency. The treatment of the windshield of a law enforcement vehicle is subject to the limits described in paragraph (b) of this subsection (1).

(b) Notwithstanding any provision of paragraph (a) of this subsection (1), nontransparent material may be applied, installed, or affixed to the topmost portion of the windshield subject to the following:

(I) The bottom edge of the material extends no more than four inches measured from the top of the windshield down;

(II) The material is not red or amber in color, nor does it affect perception of primary colors or otherwise distort vision or contain lettering that distorts or obstructs vision;

(III) The material does not reflect sunlight or headlight glare into the eyes of occupants of oncoming or preceding vehicles to any greater extent than the windshield without the material.

(c) Nothing in this subsection (1) shall be construed to prevent the use of any window which is composed of, covered by, or treated with any material or component in a manner approved by federal statute or regulation if such window was included as a component part of a vehicle at the time of the vehicle manufacture, or the replacement of any such window by such covering which meets such guidelines.

(d) No material shall be used on any window in the motor vehicle that presents a metallic or mirrored appearance.

(e) Nothing in this subsection (1) shall be construed to deny or prevent the use of certificates or other papers which do not obstruct the view of the driver and which may be required by law to be displayed.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(3) (a) Except as provided in paragraph (b) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who installs, covers, or treats a windshield or window so that the windshield or window does not meet the requirements of subsection (1)(a) of this section commits a class A traffic infraction.

(4) This section shall apply to all motor vehicles; except that subsection (2) of this section shall not apply to low-speed electric vehicles.

228. Restrictions on tire equipment.

(1) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(2) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway, and it is unlawful to operate upon the highways of this state any motor vehicle, trailer, or semitrailer equipped with solid rubber tires.

(3) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread on the traction surface of the tire; except that, on single-tired passenger vehicles and on other single-tired vehicles with rated capacities up to and including three-fourths ton, it shall be permissible to use tires containing studs or other protuberances which do not project more than one-sixteenth of an inch beyond the tread of the traction surface of the tire; and except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(4) The department of transportation and local authorities in their respective jurisdictions, in their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this Code.

(5)(a) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with this subsection (5) and any supplemental rules and regulations promulgated by the executive director of the department.

(b) The executive director of the department shall promulgate such rules as the executive director deems necessary setting forth requirements of safe operating conditions for tires. These rules shall be utilized by law enforcement officers for visual inspection of tires and shall include methods for simple gauge measurement of tire tread depth.

(c) A tire shall be considered unsafe if it has:

(I) Any bump, bulge, or knot affecting the tire structure;

(II) A break which exposes a tire body cord or is repaired with a boot or patch;

(III) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire, or, on those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two-tread grooves at three locations equally spaced around the circumference of the tire; except that this subparagraph (III) shall not apply to tires on a commercial vehicle as such term is defined in section 235 (1)(a); or

(IV) Such other conditions as may be reasonably demonstrated to render it unsafe.

(6) No passenger car tire shall be used on any motor vehicle which is driven or moved on any highway if such tire was designed or manufactured for non-highway use.

(7) No person shall sell any motor vehicle for highway use unless the vehicle is equipped with tires that are in compliance with subsections (5) and (6) of this section and any rules of safe operating condition promulgated by the department.

(8)(a) Any person who violates any provision of subsection (1), (2), (3), (5), or (6) of this section commits a class A traffic infraction.

(b) Any person who violates any provision of subsection (7) of this section commits a class 2 misdemeanor traffic offense.

229. Safety glazing material in motor vehicles.

(1) No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered, unless such vehicle is equipped with safety glazing material of a type approved by the department for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

(2) The term "safety glazing materials" means such glazing materials as will reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The department shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section, and the department shall not, after January 1, 1958, register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and the department shall suspend the registration of any motor vehicle subject to this section which is found to be not so equipped until it is made to conform to the requirements of this section.

(4) No person shall operate a motor vehicle on any highway within this state unless the vehicle is equipped with a front windshield as provided in this section, except as provided in section 232 (1) and except for motor vehicles registered as collectors' items under sections 42-12-301 or 42-12-302.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

230. Emergency lighting equipment - who must carry.

(1) No motor vehicle carrying a truck license and weighing six thousand pounds or more and no passenger bus shall be operated over the highways of this state at any time without carrying in an accessible place inside or on the outside of the vehicle three bidirectional emergency reflective triangles of a type approved by the department, but the use of such equipment is not required in municipalities where there are street lights within not more than one hundred feet.

(2) Whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver of the stopped motor vehicle shall immediately activate the vehicular hazard warning signal flashers and continue the flashing until the driver places the bidirectional emergency reflective triangles as directed in subsection (3) of this section.

(3) Except as provided in subsection (2) of this section, whenever a motor vehicle referred to in subsection (1) of this section is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops, the driver shall, as soon as possible, but in any event within ten minutes, place the bidirectional emergency reflective triangles in the following manner:

(a) One at the traffic side of the stopped vehicle, within ten feet of the front or rear of the vehicle;

(b) One at a distance of approximately one hundred feet from the stopped vehicle in the center of the traffic lane or shoulder occupied by the vehicle and in the direction toward traffic approaching in that lane; and

(c) One at a distance of approximately one hundred feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (a) and (b) of this subsection (3) in the center of the traffic lane or shoulder occupied by the vehicle; or

(d) If the vehicle is stopped within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall place the emergency equipment required by this subsection (3) in the direction of the obstruction to view at a distance of one hundred feet to five hundred feet from the stopped vehicle so as to afford ample warning to other users of the highway; or

(e) If the vehicle is stopped upon the traveled portion or the shoulder of a divided or one-way highway, the driver shall place the emergency equipment required by this subsection (3), one at a distance of two hundred feet and one at a distance of one hundred feet in a direction toward approaching traffic in the center of the lane or shoulder occupied by the vehicle, and one at the traffic side of the vehicle within ten feet of the rear of the vehicle.

(4) No motor vehicle operating as a tow truck, as defined in section 40-10.1-101(21), at the scene of an accident shall move or attempt to move any wrecked vehicle without first complying with those sections of the law concerning emergency lighting.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

231. Parking lights.

When lighted lamps are required by section 204, no vehicle shall be driven upon a highway with the parking lights lighted except when the lights are being used as signal lamps and except when the head lamps are lighted at the same time. Parking lights are those lights permitted by section 215 and any other lights mounted on the front of the vehicle, designed to be displayed primarily when the vehicle is parked. Any person who violates any provision of this section commits a class B traffic infraction.

232. Minimum safety standards for motorcycles, autocycles, and low-power scooters.

(1)(a) Except as provided in subsection (1)(b) of this section, a person shall not drive a motorcycle, autocycle, or low-power scooter on a public highway unless the person and any passenger in or on the motorcycle, autocycle, or low-power scooter is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) does not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

(b) A person driving or riding an autocycle need not wear eye protection if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(2) The department shall adopt standards and specifications for the design of goggles and eyeglasses.

(3) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

233. Alteration of suspension system.

(1) No person shall operate a motor vehicle of a type required to be registered under the laws of this state upon a public highway with either the rear or front suspension system altered or changed from the manufacturer's original design except in accordance with specifications permitting such alteration established by the department. Nothing contained in this section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this section prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear shall not affect the control of the vehicle.

(2) This section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes, and such motor vehicles may be lawfully towed on the highways of this state.

(3) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

234. Slow-moving vehicles - display of emblem.

(1)(a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, electric scooters, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway must display a triangular slow-moving vehicle emblem on the rear.

(b) The department shall set standards for a triangular slow-moving emblem for use on low-speed electric vehicles.

(c) Bicycles, electrical assisted bicycles, electric scooters and other human-powered vehicles may, but need not, display the emblem specified in this subsection (1).

(2) The executive director of the department shall adopt standards and specifications for such emblem, position of the mounting thereof, and requirements for certification of conformance with the standards and specifications adopted by the American society of agricultural engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.

(3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

235. Minimum standards for commercial vehicles - motor carrier safety fund - created - definition - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) A self-propelled or towed vehicle;

(A) Bearing an apportioned plate;

(B) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used in commerce on public highways; or

(C) Having a manufacturer's gross vehicle weight rating or gross combination rating of at least sixteen thousand one pounds and used to transport sixteen or more passengers, including the driver, unless the vehicle is a school bus regulated in accordance with section 42-4-1904, or a vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as the school district does not receive remuneration, other than reimbursement of the school district's costs, for the use of the vehicle;

(II) Any motor vehicle designed or equipped to transport other motor vehicles from place to place by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting, when such motor vehicle is used in commerce on the public highways of this state; and

(III) A motor vehicle that is used on the public highways and transports materials determined by the secretary of transportation to be hazardous under 49 U.S.C. sec. 5103 in such quantities as to require placarding under 49 CFR parts 172 and 173.

(b) Repealed.

(c) "Motor carrier" means every person, lessee, receiver, or trustee appointed by any court whatsoever owning, controlling, operating, or managing any commercial vehicle as defined in paragraph (a) of this subsection (1).

(2)(a) A person shall not operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless the vehicle is in compliance with the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. A person that violates such rules, including intrastate motor carriers, shall be subject to the civil penalties authorized pursuant to 49 CFR 386, subpart G. A person that uses an independent contractor is not liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. A state agency or court collecting civil penalties pursuant to this article 4 shall transmit the civil penalties to the state treasurer, who shall credit the same to the highway users tax fund created in section 43-4-201, for allocation and expenditure as specified in section 43-4-205(5.5)(a).

(b) Notwithstanding paragraph (a) of this subsection (2):

(I) Intrastate motor carriers shall not be subject to any provisions in 49 CFR, part 386, subpart G that relate the amount of a penalty to a violator's ability to pay, and such penalties shall be based upon the nature and gravity of the violation, the degree of culpability, and such other matters as justice and public safety may require;

(II) When determining the assessment of a civil penalty for safety violations, the period of a motor carrier's safety compliance history that a compliance review officer may consider shall not exceed three years; and

(III) The intrastate operation of implements of husbandry shall not be subject to the civil penalties provided in 49 CFR, part 386, subpart G. Nothing in this subsection (2) shall be construed to repeal, preempt, or negate any existing regulatory exemption for agricultural operations, intrastate farm vehicle drivers, intrastate vehicles or combinations of vehicles with a gross vehicle weight rating of not more than twenty-six thousand pounds that do not require a commercial driver's license to operate, or any successor or analogous agricultural exemptions, whether based on federal or state law.

(IV) This section does not apply to a motor vehicle or motor vehicle and trailer combination:

(A) With a gross vehicle weight, gross vehicle weight rating, or gross combination rating of less than twenty-six thousand one pounds;

(B) Not operated in interstate commerce;

(C) Not transporting hazardous materials requiring placarding;

(D) Not transporting either sixteen or more passengers including the driver or eight or more passengers for compensation; and

(E) If the motor vehicle or combination is being used solely for agricultural purposes.

(c) The Colorado state patrol has exclusive enforcement authority to conduct compliance reviews, as defined in 49 CFR 385.3, and to impose civil penalties pursuant to the reviews.

This subsection (2)(c) does not expand or limit the ability of local governments to conduct roadside safety inspections.

(d)(I) Pursuant to section 42-3-120, upon notice from the Colorado state patrol, for a carrier that fails to pay in full a civil penalty imposed pursuant to this subsection (2) within thirty days after notification of the penalty or fails to cooperate with the completion of a compliance review within thirty days after notification of the failure to cooperate, the department shall:

(A) cancel the motor carrier's registration; and

(B) enter both the motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record.

(II) Repealed.

(3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules and regulations adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. The declaration of knowledge shall be in writing on a form provided by the Colorado state patrol. Such form must be signed and returned by a motor carrier according to rules adopted by the chief.

(4)(a)(I) Except as described in subsection (4)(a)(III) of this section, the chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles and, as specified in subsection (4)(a)(II) of this section, vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the chief pursuant to this subsection (4)(a) must be performed by an enforcement official, as defined in section 42-20-103(2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(II) With respect to the operation of all vehicles that would be commercial vehicles but for the fact that they have a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more but not more than sixteen thousand pounds, the chief of the Colorado state patrol may adopt rules that authorize the Colorado state patrol to:

(A) Annually inspect these vehicles;

(B) Enforce with respect to these vehicles all requirements for the securing of loads that apply to commercial vehicles; and

(C) Enforce with respect to these vehicles all requirements relating to the use of coupling devices for commercial vehicles.

(III) Rules establishing insurance requirements for vehicles used by licensed river outfitters are established by the parks and wildlife commission pursuant to section 33-32-103(1)(e).

(b) The Colorado public utilities commission may enforce safety rules of the chief of the Colorado state patrol governing commercial vehicles described in subparagraphs (I) and (II) of paragraph (a) of subsection (1) of this section pursuant to his or her authority to regulate motor carriers, as defined in section 40-10.1-101, including the issuance of civil penalties for violations of such rules as provided in section 40-7-113.

(5) Any person who violates a rule or regulation promulgated by the chief of the Colorado state patrol pursuant to this section or fails to comply with subsection (3) of this section commits a class 2 misdemeanor traffic offense.

(6) The motor carrier safety fund is created in the state treasury. The fund consists of moneys transferred from the public utilities commission motor carrier fund pursuant to section 40-2-110.5(9)(a). Moneys in the fund are subject to appropriation by the general assembly for the direct and indirect costs of the advancement of highway safety relating to commercial carrier operations pursuant to this section. All interest derived from the deposit and investment of moneys in the fund are credited to the fund, and any moneys not appropriated remain in the fund and do not transfer or revert to the general fund or any other fund.

236. Child restraint systems required - definitions - exemptions.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care center" means a facility required to be licensed under the "Foster Care, Residential, Day Treatment, and Agency Licensing Act", part 9 of article 6 of title 26, or the "Child Care Licensing Act", part 3 of article 5 of title 26.5.

(a.3) Deleted.

(a.5) "Child restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 CFR 571.213, as amended.

(a.7) Deleted.

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. "Motor vehicle" does not include motorcycles, low-power scooters, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is

physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

(c) "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2)(a)(I) Unless exempted pursuant to subsection (3) of this section, and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight years of age and who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system according to the manufacturer's instructions:

(II) If the child is less than one year of age and weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If the child is one year of age or older, but less than four years of age, and weighs less than forty pounds, but at least twenty pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child, who is at least eight years of age but less than sixteen years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in section 42-2-105.5(4), the requirements of subsection (2) of this section shall not apply to a child who:

(a) Repealed.

(b) Is less than eight years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(c) Is being transported in a commercial motor vehicle, as defined in section 42-2-402(4)(a), that is operated by a child care center; or

(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237;

(e) (Deleted by amendment, L. 2011, (SB 11-227), ch. 295, p. 1399, § 1, effective June 7, 2011.)

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in section 40-10.1-101, or an operator of a luxury limousine service as defined in section 40-10.1-301.

(4) No Rule.

(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(7) (a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section commits a class B traffic infraction.

(b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).

(8) The fine may be waived if the defendant presents the court with satisfactory evidence or proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

(9) (Deleted by amendment, L. 2010, (SB 10-110), ch 294, p. 1365, § 3, effective August 1, 2020.

(10) and (11) Repealed.

237. Safety belt systems - mandatory use - exemptions - penalty - definitions.

(1) As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle and every driver of and every passenger in an auticycle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

(3) Except as provided in section 42-2-105.5, the requirement of subsection (2) of this section shall not apply to:

- (a) A child required by section 236 to be restrained by a child restraint system;
 - (b) A member of an ambulance team, other than the driver, while involved in patient care;
 - (c) A peace officer as described in section 16-2.5-101, while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (2) of this section and which only provide exceptions necessary to protect the officer;
 - (d) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;
 - (e) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;
 - (f) A rural letter carrier of the United States postal service while performing duties as a rural letter carrier; and
 - (g) A person operating a motor vehicle which does not meet the definition of "commercial vehicle" as that term is defined in section 235 (1)(a) for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.
- (4)(a) Except as otherwise provided in paragraph (b) of this subsection (4), any person who operates a motor vehicle while such person or any passenger is in violation of the requirement of subsection (2) of this section commits a class B traffic infraction. Penalties collected pursuant to this subsection (4) shall be transmitted to the appropriate authority pursuant to the provisions of section 42-1-217(1)(e) and (2).
- (b) A minor driver under eighteen years of age who violates this section shall be punished in accordance with section 42-2-105.5(5)(b).
- (5) No driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of Codes 1 to 4 of this title other than a violation of this section.
- (6) Testimony at a trial for a violation charged pursuant to subsection (4) of this section may include:
- (a) Testimony by a law enforcement officer that the officer observed the person charged operating a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (2) of this section; or
 - (b) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.

(7) Evidence of failure to comply with the requirement of subsection (2) of this section shall be admissible to mitigate damages with respect to any person who was involved in a motor vehicle accident and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. Such mitigation shall be limited to awards for pain and suffering and shall not be used for limiting recovery of economic loss and medical payments.

238. Blue and red lights - illegal use or possession.

(1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in section 42-1-102(6), that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.

(2) It shall be an affirmative defense that the defendant was:

(a) A peace officer as described in section 16-2.5-101; or

(b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or

(c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to section 222 (1)(b); or

(d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or

(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item.

(3) A violation of this section is a class 2 misdemeanor.

239. Misuse of a wireless telephone - definitions - penalty - preemption.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) "Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (3) of this section.

(3) A person shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

(a) To contact a public safety entity; or

(b) During an emergency.

(5)(a) A person who operates a motor vehicle in violation of subsection (2) of this section commits a class A traffic infraction as defined in section 42-4-1701(3). and the court or the department of revenue shall assess a fine of fifty dollars.

(b) A second or subsequent violation of subsection (2) of this section is a class A traffic infraction as defined in section 1701(3), and the court or the department of revenue shall assess a fine of one hundred dollars.

(5.5)(a) Except as provided in subsections (5.5)(b) and (5.5)(c) of this section, a person who operates a motor vehicle in violation of subsection (3) of this section commits a class 2 misdemeanor traffic offense, and the court or the department shall assess a fine of three hundred dollars.

(b) If the person's actions are the proximate cause of bodily injury to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(c) If the person's actions are the proximate cause of death to another, the person commits a class 1 misdemeanor traffic offense and shall be punished as provided in section 42-4-1701(3)(a)(II).

(6)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of subsection (1) of this section, a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by 42-4-1402.

(7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

(8) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission.

(9) The general assembly finds and declares that use of wireless telephones in motor vehicles is a matter of statewide concern.

240. Low-speed electric vehicle equipment requirements.

A low-speed electric vehicle shall conform with applicable federal manufacturing equipment standards. Any person who operates a low-speed electric vehicle in violation of this section commits a class B traffic infraction.

241. Unlawful removal of tow-truck signage - unlawful usage of tow-truck signage.

(1)(a) A person, other than a towing carrier or peace officer as described in section 16-2.5-101, commits the crime of unlawful removal of tow-truck signage if:

(I) A towing carrier has placed a tow-truck warning sign on the driver-side window of a vehicle to be towed or, if window placement is impracticable, in another location on the driver-side of the vehicle; and

(II) The vehicle to be towed is within fifty feet of the towing carrier vehicle; and

(III) The person removes the tow-truck warning sign from the vehicle before the tow is completed.

(b) A person commits the crime of unlawful usage of tow-truck signage if the person places a tow-truck warning sign on a vehicle when the vehicle is not in the process of being towed or when the vehicle is occupied.

(c) A towing carrier may permit an owner of the vehicle to be towed to retrieve any personal items from the vehicle before the vehicle is towed.

(2) A person who violates subsection (1) of this section commits a class A traffic infraction.

(3) For purposes of this section, "tow-truck warning sign" means a sign that is at least eight inches by eight inches, is either yellow or orange, and states the following:

WARNING: This vehicle is in tow. Attempting to operate or operating this vehicle may result in criminal prosecution and may lead to injury or death to you or another person.

242. Automated driving systems - safe harbor.

(1) A person may use an automated driving system to drive a motor vehicle or to control a function of a motor vehicle if the system is capable of complying with every state and federal law that applies to the function that the system is operating.

(2) Any provision in articles 1 to 3 of title 42 and article 4 that by its nature regulates a human driver, including section 42-2-101, does not apply to an automated driving system, except for laws regulating the physical driving of a vehicle.

(3)(a) If an automated driving system is not capable of complying with every state and federal law that applies to the function the system is operating, a person shall not test the system unless approved by the Colorado state patrol and the Colorado department of transportation, in accordance with a process overseen by the Colorado state patrol and the Colorado department of transportation.

(b) A person who violates this subsection (3) commits a class B traffic infraction. Upon determining that there is probable cause to believe that a motor vehicle was used to violate this subsection (3), a peace officer of the state patrol may impound or immobilize the motor vehicle until the person who violated this section has obtained the required approval in accordance with subsection (3)(a) of this section or signed an affidavit, under penalty of perjury, stating the person's intention to cease using the automated driving system in Colorado without the required approval.

(4) The Colorado department of transportation shall report to the transportation legislation review committee by September 1 of each year, concerning the testing of automated driving systems in Colorado. The first report is due by September 1, 2018. Notwithstanding the provisions of section 24-1-136, the reporting requirements contained in this subsection (4) continued indefinitely.

(5) Liability for a crash involving an automated driving system driving a motor vehicle that is not under human control is determined in accordance with applicable state law, federal law, or common law.

Part 3
Emissions Inspection
(Omitted)

Part 4
Diesel Inspection Program
(Omitted)

Part 5

Size - Weight - Load

501. Size and weight violations - penalty.

Except as provided in section 509, it is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 502 to 512 or otherwise in violation of said sections or section 1407, except as permitted in section 510. The maximum size and weight of vehicles specified in said sections shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations, except as express authority may be granted in section 42-4-106.

502. Width of vehicles.

(1) The total outside width of any vehicle or the load thereon shall not exceed eight feet six inches, except as otherwise provided in this section.

(2)(a) A load of loose hay, including loosely bound, round bales, whether horse drawn or by motor, shall not exceed twelve feet in width.

(b) A vehicle and trailer may transport a load of rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width.

(3) It is unlawful for any person to operate a vehicle or a motor vehicle which has attached thereto in any manner any chain, rope, wire, or other equipment which drags, swings, or projects in any manner so as to endanger the person or property of another.

(4) The total outside width of buses and coaches used for the transportation of passengers shall not exceed eight feet six inches.

(5)(a) The total outside width of vehicles as included in this section shall not be construed so as to prohibit the projection beyond such width of clearance lights, rearview mirrors, or other accessories required by federal, state, or city laws or regulations.

(b) The width requirements imposed by subsection (1) of this section shall not include appurtenances on recreational vehicles, including but not limited to motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, and truck campers, all as defined in section 24-32-902, so long as such recreational vehicle, including such appurtenances, does not exceed a total outside width of nine feet six inches.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

503. Projecting loads on passenger vehicles.

Except with regard to the operation of a motorcycle, autocycle, bicycle, electrical assisted bicycle or electric scooter, a person shall not operate a passenger-type vehicle on any highway with any load carried extending beyond the line of the fenders on the left side of the vehicle nor extending

more than six inches beyond the line of the fenders on the right side of the vehicle. A person who violates this section commits a class B traffic infraction.

504. Height and length of vehicles.

(1) No vehicle unladen or with load shall exceed a height of fourteen feet six inches. The department of transportation shall designate highways with overhead highway structures that have less than fourteen feet six inches of vertical clearance. A driver shall not drive a vehicle under a structure if the vehicle's height exceeds the department's designated vertical clearance for the structure.

(2) No single motor vehicle shall exceed a length of forty-five feet extreme overall dimension, inclusive of front and rear bumpers. The length of vehicles used for the mass transportation of passengers wholly within the limits of a town, city, or municipality or within a radius of fifteen miles thereof may extend to sixty feet. The length of school buses may extend to forty feet.

(3) Buses used for the transportation of passengers between towns, cities, and municipalities in the state of Colorado may be sixty feet extreme overall length, inclusive of front and rear bumpers but shall not exceed a height of thirteen feet six inches, if such buses are equipped to conform with the load and weight limitations set forth in section 508; except that buses with a height of fourteen feet six inches which otherwise conform to the requirements of this subsection (3) shall be operated only on highways designated by the department of transportation.

(4) No combination of vehicles coupled together shall consist of more than four units, and no such combination of vehicles shall exceed a total overall length of seventy feet. Said length limitation shall not apply to unladen truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length or to unladen truck tractor-semitrailer-trailer combinations when the semitrailer and the trailer are each twenty-eight feet six inches or less in length. Said length limitations shall also not apply to vehicles operated by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in section 42-4-510, but, in respect to night transportation, every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(4.5) Notwithstanding the provisions of subsection (4) of this section, drivers shall not drive the following combinations of vehicles:

(a) Saddle-mount combinations consisting of more than four units or saddle-mount combinations exceeding ninety-seven feet in overall length;

(b) Laden truck tractor-semitrailer combinations exceeding seventy-five feet in overall length; and

(c) Stinger-steered vehicle combinations for transporting automobiles or boats and whose total overall length exceeds eighty feet; except that the overall length of these combinations excludes:

(i) Safety devices that are not designed or used for carrying cargo;

(II) Automobiles or boats being transported;

(III) Any extension device that may be used for loading beyond the extreme front or rear ends of a vehicle or combination of vehicles; except that the projection of a load, including any extension devices loaded to the front of the vehicle, shall not extend more than four feet beyond the extreme front of the grill of such vehicle and no load or extension device may extend more than six feet to the extreme rear of the vehicle.

(d) Towaway trailer transporter combinations that:

(I) Exceed eighty-two feet in overall length;

(II) Carry property;

(III) Exceed an overall weight of twenty-six thousand pounds;

(IV) Consist of more than a single towing unit and two trailers or semitrailers; or

(V) Do not constitute inventory property of a manufacturer, distributor, or dealer of the trailer or semitrailer.

(5) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the front most point of the grill of such vehicle; but a load may project not more than four feet beyond the front most point of the grill assembly of the vehicle engine compartment of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or to either side.

(6) The length limitations of vehicles and combinations of vehicles provided for in this section as they apply to vehicles being operated and utilized for the transportation of steel, fabricated beams, trusses, utility poles, and pipes shall be determined without regard to the projection of said commodities beyond the extreme front or rear of the vehicle or combination of vehicles; except that the projection of a load to the front shall be governed by the provisions of subsection (5) of this section, and no load shall project to the rear more than ten feet.

(7) Any person who violates any provision of this section commits a class B traffic infraction.

505. Longer vehicle combinations.

(1) Notwithstanding any other provision of this Code to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the department of transportation may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be in each vehicle. The fee for the permit shall be two hundred fifty dollars per year.

(2) The permits shall allow operation, over designated highways, of the following vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles:

(a) An unladen truck tractor, a semitrailer, and two trailers. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed twenty-eight feet six inches in length.

(b) An unladen truck tractor, a semitrailer, and a single trailer. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed forty-eight feet in length. Notwithstanding any other restriction set forth in this section, such combination may have up to eleven axles when used to transport empty trailers.

(c) An unladen truck tractor, a semitrailer, and a single trailer, one trailer of which is not more than forty-eight feet long, the other trailer of which is not more than twenty-eight feet six inches long. A semitrailer used with a converter dolly shall be considered a trailer. The shorter trailer shall be operated as the rear trailer.

(d) A truck and single trailer, having an overall length of not more than eighty-five feet, the truck of which is not more than thirty-five feet long and the trailer of which is not more than forty feet long. For the purposes of this paragraph (d), a semitrailer used with a converter dolly shall be considered a trailer.

(3) The long combinations are limited to interstate highway 25, interstate highway 76, interstate highway 70 west of its intersection with state highway 13 in Garfield county, interstate highway 70 east of its intersection with U.S. 40 and state highway 26, the circumferential highways designated I-225 and I-270, and state highway 133 in Delta county from mile marker 8.9 to mile marker 9.7.

(4) The department of transportation shall promulgate rules and regulations governing the issuance of the permits, including, but not limited to, selection of carriers, driver qualifications, equipment selection, hours of operation, and safety considerations; except that they shall not include hazardous materials subject to regulation by the provisions of Code 20 of this title.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

506. Trailers and towed vehicles.

(1) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and said drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of a structural nature which cannot readily be dismembered and except connections between vehicles in which the combined lengths of the vehicles and the connection does not exceed an overall length of fifty-five feet and the connection is of rigid construction included as part of the structural design of the towed vehicle.

(2) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(3) Whenever one vehicle is towing another, in addition to the drawbar or other connection, except a fifth wheel connection meeting the requirements of the department of transportation, safety chains or cables arranged in such a way that it will be impossible for the vehicle being towed to break loose from the vehicle towing in the event the drawbar or other connection were to be broken, loosened, or otherwise damaged shall be used. This subsection (3) shall apply to all motor vehicles, to all trailers, except semitrailers connected by a proper fifth wheel, and to any dolly used to convert a semitrailer to a full trailer.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

507. Wheel and axle loads.

(1) The gross weight upon any wheel of a vehicle shall not exceed the following:

- (a) When the wheel is equipped with a solid rubber or cushion tire, eight thousand pounds;
- (b) When the wheel is equipped with a pneumatic tire, nine thousand pounds.

(2) The gross weight upon any single axle or tandem axle of a vehicle shall not exceed the following:

- (a) When the wheels attached to said axle are equipped with solid rubber or cushion tires, sixteen thousand pounds;
- (b) Except as provided in paragraph (b.5) of this subsection (2), when the wheels attached to a single axle are equipped with pneumatic tires, twenty thousand pounds;
- (b.5) When the wheels attached to a single axle are equipped with pneumatic tires and the vehicle or vehicle combination is a digger derrick or bucket boom truck operated by an electric utility on a highway that is not on the interstate system as defined in section 43-2-101 (2), twenty-one thousand pounds;
- (c) When the wheels attached to a tandem axle are equipped with pneumatic tires, thirty-six thousand pounds for highways on the interstate system and forty thousand pounds for highways not on the interstate system.

(3)(a) Vehicles equipped with a self-compactor and used solely for the transporting of trash are exempted from the provisions of paragraph (b) of subsection (2) of this section.

(b) (omitted for 1987 passed date?)

(c) A vehicle contracted by or owned and operated by a local authority or special district is exempt from paragraph (c) of subsection (2) of this section of the vehicle:

(I) Is equipped with a vacuum or jet equipment to load or unload solid, semisolid, or liquid waste for water or wastewater treatment or transportation systems or for the removal of storm water; and

(II) Is not operated on the interstate system as defined by section 43-2-101.

(4) For the purposes of this section:

(a) A single axle is defined as all wheels, whose centers may be included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.

(b) A tandem axle is defined as two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle.

(5) The gross weight upon any one wheel of a steel-tired vehicle shall not exceed five hundred pounds per inch of cross-sectional width of tire.

(6) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

508. Gross weight of vehicles and loads - definition.

(1)(a) Except as provided in subsection (1.5) of this section, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge when the gross weight upon any one axle of a vehicle exceeds the limits prescribed in section 507.

(b) Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula $W = 1,000(L + 40)$, where W represents the gross weight in pounds and L represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; except that, in computation of this formula, the gross vehicle weight must not exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section must be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the amount determined by the formula $W = 500[(LN/N-1) + 12N + 36]$, up to a maximum of eighty thousand pounds, where W represents the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L represents the distance in feet between the extreme of any group of two or more consecutive axles, and N represents the number of axles in the group.

(d) For the purposes of this subsection (1), where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation does not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(1.5) The gross weight limits provided in subsection (1) of this section increase, but by no more than two thousand pounds, for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. For the purposes of this subsection (1.5), "alternative fuel" has the same meaning provided in section 24-30-1104(2)(c)(III)(a).

(2) The department upon registering any vehicle under the laws of this state, which vehicle is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may acquire such information and may make such investigation or tests as necessary to enable it to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this article. The department shall not register any such vehicle for a permissible gross weight exceeding the limitations set forth in sections 501 to 512 and 1407 of this Code. Every such vehicle shall meet the following requirements:

(a) It shall be equipped with brakes as required in section 223;

(b) Every motor vehicle to be operated outside of business and residential district shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or be drawn thereby.

(3) If the federal highway administration or the United States congress prescribes or adopts vehicle size or weight limits greater than those now prescribed by the "Federal-Aid Highway Act of 1956", which limits exceed in full or in part the provisions of section 504 or paragraph (b) or (c) of subsection (1) of this Code, the transportation commission, upon determining that Colorado highways have been constructed to standards which will accommodate such additional size or weight and that the adoption of said size and weight limitations will not jeopardize any distribution of federal highway funds to the state, may adopt size and weight limits comparable to those prescribed or adopted by the federal highway administration or the United States congress and may authorize said limits to be used by owners or operators of vehicles while said vehicles are using highways within this state; but no vehicle size or weight limit so adopted by the commission shall be less in any respect than those now provided for in section 504 or paragraph (b) or (c) of subsection (1) of this section.

(4) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense.

509. Vehicles weighed - excess removed.

(1) Any police or peace officer, as described in section 16-2.5-101, having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

(2)(a) Except as provided in paragraph (b) of this subsection (2), whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under sections 501 to 512 and 1407. All material

so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(b) Whenever an officer upon weighing a vehicle and load as provided in subsection (1) of this section determines that the weight is unlawful and the load consists solely of either explosives or hazardous materials as defined in section 102 (32), such officer shall permit the driver of such vehicle to proceed to the driver's destination without requiring the driver to unload the excess portion of such load.

(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a class 2 misdemeanor traffic offense.

510. Permits for excess size and weight and for manufactured homes - rules - definition.

(1)(a) Any local authority with respect to highways under its jurisdiction may, upon application in writing and good cause being shown therefor, issue a single trip, a special, or an annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Code or otherwise not in conformity with the provisions of this Code upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible; except that permits for the movement of any manufactured home shall be issued as provided in subsection (2) of this section.

(b)(I) The application for any permit shall specifically describe the vehicle and load to be operated or moved and the particular highways for which the permit to operate is requested, and whether such permit is for a single trip, a special, or an annual operation, and the time of such movement. All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions adopted in accordance with section 511. Any ordinances or resolutions of local authorities shall not conflict with this section.

(II) An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:

(A) The vehicle has a quad axle grouping and the maximum gross weight of the vehicle does not exceed one hundred ten thousand pounds; or

(B) The vehicle is operated in combination with a trailer or semitrailer, the trailer has two or three axles, and the maximum gross weight of the vehicle does not exceed ninety-seven thousand pounds; and

(C) The owner and operator of the motor vehicle are in compliance with the federal "Motor Carrier Safety Improvement Act of 1999", Pub.L. 106-159, as amended, as applicable to commercial vehicles; and

(D) The vehicle complies with rules promulgated by the department of transportation concerning the distribution of the load upon the vehicle's axles.

(III) A permit issued pursuant to this paragraph (b) shall not authorize the operation or movement of a motor vehicle on the interstate highway in violation of federal law.

(c)(I) A single trip or annual permit shall be issued pursuant to this section for a self-propelled fixed load crane that exceeds legal weight limits if it does not exceed the weight limits authorized by the department of transportation. A boom trailer or boom dolly shall not be permitted unless the boom trailer or boom dolly is attached to the crane in a manner and for the purpose of distributing load to meet the weight requirements established by the department. A self-propelled fixed load crane may be permitted with counterweights when a boom trailer or boom dolly is used if the counterweights do not exceed the manufacturer's rated capacity of the self-propelled fixed load crane and do not cause the vehicle to exceed permitted axle or gross weight limits. A permit issued pursuant to this paragraph (c) shall not authorize movement on interstate highways if not approved by federal law.

(II) For the purposes of this paragraph (c), "self-propelled fixed load crane" means a self-powered mobile crane designed with equipment or parts permanently attached to the body of the crane. A self-propelled fixed load crane includes, without limitation, the crane's shackles and slings.

(d) For the purposes of this section, section 42-4-511, and any rule promulgated under this section or section 42-4-511, a load of fluid milk products carried by a vehicle is deemed to not be a divisible load.

Note: 1.5 & 1.7(2)(a) An authentication of paid ad valorem taxes, after notification of such movement to the county treasurer, may serve as a permit for movement of manufactured homes on public streets or highways under the county's jurisdiction. An authentication of paid ad valorem taxes from the county treasurer of the county from which the manufactured home is to be moved, after notification of such movement has been provided to the county assessor of the county to which the manufactured home is to be moved, pursuant to section 39-5-205, may also serve as a permit for the movement of manufactured homes from one adjoining county to an adjoining county on streets and highways under local jurisdiction. The treasurer shall issue along with the authentication of paid ad valorem taxes a transportable manufactured home permit. The treasurer may establish and collect a fee, which shall not exceed ten dollars, for issuing the authentication of paid ad valorem taxes and the transportable manufactured home permit. Such transportable manufactured home permit shall be printed on an eleven inch by six inch fluorescent orange card and shall contain the following information: The name and address of the owner of the mobile home; the name and address of the mover; the transport number of the mover, a description of the mobile home including the make, year, and identification or serial number; the county authentication number; and an expiration date. The expiration date shall be set by the treasurer, but in no event shall the expiration date be more than thirty days after the date of issue of the permit. Such transportable manufactured home permit shall be valid for a single trip only. The transportable manufactured home permit shall be prominently displayed on the rear of the mobile home during transit of the mobile home. Peace officers and local tax and assessment officials may request, and upon demand shall be shown, all moving permits, tax receipts, or certificates required by this subsection (2). Nothing in this section shall require a permit from a county treasurer for the movement of a new manufactured home. For the purposes of this section,

a new manufactured home is one in transit under invoice or manufacturer's statement of origin which has not been previously occupied for residential purposes.

(b) All applications for permits to move manufactured homes over state highways shall comply with the following special provisions:

(I) Each such application shall be for a single trip, a special permit, an annual permit, or, subject to the requirements of paragraph (a) of subsection (1.5) of this section, an annual fleet permit. The application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all manufactured homes moved within this state by the permit holder during the effective term of the permit. Each application for a single trip permit shall be accompanied by an authentication of paid ad valorem taxes on the used manufactured home.

(II) Holders of permits shall keep and maintain, for not less than three calendar years, records of all manufactured homes moved in whole or in part within this state, which records shall include the plate number of the towing vehicle; the year, make, serial number, and size of the unit moved, together with date of the move; the place of pickup; and the exact address of the final destination and the county of final destination and the name and address of the landowner of the final destination. These records shall be available upon request within this state for inspection by the state of Colorado or any of its ad valorem taxing governmental subdivisions.

(III) Holders of permits shall obtain an authentication of paid ad valorem taxes through the date of the move from the owner of a used manufactured home or from the county treasurer of the county from which the used manufactured home is being moved. Permit holders shall notify the county treasurer of the county from which the manufactured home is being moved of the new exact address of the final destination and the county of final destination of the manufactured home and the name and address of the landowner of the final destination, and, if within the state, the county treasurer shall forward copies of the used manufactured home tax certificate to the county assessor of the destination county. County treasurers may compute ad valorem manufactured home taxes due based upon the next preceding year's assessment prorated through the date of the move and accept payment of such as payment in full.

(IV) No owner of a manufactured home shall move the manufactured home or provide for the movement of the manufactured home without being the holder of a paid ad valorem tax certificate and a transportable manufactured home permit thereon, and no person shall assist such an owner in the movement of such owner's manufactured home, including a manufactured home dealer. Except as otherwise provided in this paragraph (b), a permit holder who moves any manufactured home within this state shall be liable for all unpaid ad valorem taxes thereon through the date of such move if movement is made prior to payment of the ad valorem taxes due on the manufactured home moved.

(V) In the event of an imminent natural or man-made disaster or emergency, including, but not limited to, rising waters, flood, or fire, the owner, owner's representative or agent, occupant, or tenant of a manufactured home or the mobile home park owner or manager,

lienholder, or manufactured home dealer is specifically exempted from the need to obtain a permit pursuant to this section and may move the endangered manufactured home out of the danger area to a temporary or new permanent location and may move such manufactured home back to its original location without a permit or penalty or fee requirement. Upon any such move to a temporary location as a result of a disaster or emergency, the person making the move or such person's agent or representative shall notify the county assessor in the county to which the manufactured home has been moved, within twenty days after such move, of the date and circumstances pertaining to the move and the temporary or permanent new location of the manufactured home. If the manufactured home is moved to a new permanent location from a temporary location as a result of a disaster or emergency, a permit for such move shall be issued but no fee shall be assessed.

(3) Any local authority is authorized to issue or withhold a permit, as provided in this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure.

(4) The original or a copy of every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit; except that, if a peace officer, as described in section 16-2.5-101, or an authorized agent of the authority that granted a permit may determine that the permit can be electronically verified at the time of contact, a copy of the permit need not be carried in the vehicle or combination of vehicles to which it refers. No person shall violate any of the terms or conditions of such permit.

(5) No vehicle having a permit under this section shall be remodeled, rebuilt, altered, or changed except in such a way as to conform to those specifications and limitations established in sections 501 to 507 and 1407.

(6) Any person who has obtained a valid permit for the movement of any oversize vehicle or load may attach to such vehicle or load or to any vehicle accompanying the same not more than three illuminated flashing yellow signals as warning devices.

(7) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to such person's place of business within the state or to the premises of a purchaser or prospective purchaser within the state; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(8) The department of transportation shall have a procedure to allow those persons who are transporting loads from another state into Colorado and who would require a permit under the provisions of this section to make advance arrangements by telephone or other means of communication for the issuance of a permit if the load otherwise complies with the requirements of this section.

(9) No permit shall be necessary for the operation of authorized emergency vehicles, public transportation vehicles operated by municipalities or other political subdivisions of the state, county road maintenance and county road construction equipment temporarily moved upon the highway, implements of husbandry, and farm tractors temporarily moved upon the highway, including transportation of such tractors or implements by a person dealing therein to such person's place of business within the state or to the premises of a purchaser or prospective purchaser within the state; nor shall such vehicles or equipment be subject to the size and weight provisions of this part 5.

(10) Local law enforcement officials shall verify the validity of permits issued under this section whenever feasible. Upon determination by any of such officials or by any personnel of a county assessor's or county treasurer's office indicating that a manufactured home has been moved without a valid permit, the district attorney shall investigate and prosecute any alleged violation as authorized by law.

(11)(a) The department of transportation or the Colorado state patrol may charge permit applicants permit fees as follows:

(I) For overlength, overwidth, and overheight permits on loads or vehicles which do not exceed legal weight limits:

(A) Annual permit, two hundred fifty dollars;

(B) Single trip permit, fifteen dollars;

(II) Not applicable.

(III) For overweight permits for vehicles or loads exceeding legal weight limits up to two hundred thousand pounds:

(A) Annual permit, four hundred dollars;

(B) Single trip permit, fifteen dollars plus five dollars per axle;

(C) Annual fleet permits, one thousand five hundred dollars plus twenty-five dollars per vehicle to be permitted. For purposes of this sub-subparagraph (C), "fleet" means any group of two or more vehicles owned by one person. This sub-subparagraph (C) shall apply only to longer vehicle combinations as defined in section 505.

(IV) Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of two hundred thousand pounds, one hundred twenty-five dollars for a permit for a single trip, including a super-load permit issued under subsection (1.7) of this section; except that a super-load permit fee is four hundred dollars;

(V) The fee for an annual fleet permit issued pursuant to subsection (1.5) or (2) of this section is three thousand dollars for a fleet of from two to ten vehicles plus three hundred dollars for each additional vehicle in the fleet;

(VI) For overweight permits for vehicles that have a quad axle grouping for subdivisible vehicles or loads exceeding legal weight limits issued pursuant to subsection (1)(b)(II)(A) of this section:

(A) Annual permit, five hundred dollars; and

(B) Single trip permit, thirty dollars plus ten dollars per axle.

(VII) For overweight permits for vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II)(B) of this section:

(A) Annual permit, five hundred dollars;

(B) Six-month permit, two hundred fifty dollars; and

(C) Single-trip permit, fifteen dollars plus ten dollars per axle.

(VIII) For annual fleet overweight permits for fleets of vehicles that have a quad axle grouping, fleets of vehicle combinations with a trailer that has two or three axles, and fleets of both vehicles that have a quad axle grouping and vehicle combinations with a trailer that has two or three axles for divisible vehicles or loads exceeding legal weight limits established by subsection (1)(b)(II) of this section, two thousand dollars plus thirty-five dollars per vehicle to be permitted.

(b) Any local authority may impose a fee, in addition to but not to exceed the amounts required in subparagraphs (I) and (III) of paragraph (a) of this subsection (11), as provided by the applicable local ordinance or resolution; and, in the case of a permit under subparagraph (IV) of paragraph (a) of this subsection (11), the amount of the fee shall not exceed the actual cost of the extraordinary action.

(12)(a) Any person holding a permit issued pursuant to this section or any person operating a vehicle pursuant to such permit who violates any provision of this section, any ordinance or resolution of a local authority, or any standards or rules or regulations promulgated pursuant to this section, except the provisions of subsection (2)(b)(IV) of this section, commits a class 2 misdemeanor.

(b) Any person who violates the provisions of subsection (2)(b)(IV) of this section commits a petty offense.

(c) A local authority with regard to a local permit may, after a hearing, revoke, suspend, refuse to renew, or refuse to issue any permit authorized by this section upon a finding that the holder of the permit has violated the provisions of this section, any ordinance or resolution of the local authority, or any standards or rules promulgated pursuant to this section.

(d) A driver or holder of a permit issued pursuant to subsection (1.7) of this section who fails to comply with the terms of the permit or subsection (1.7) of this section commits a class 2 misdemeanor.

511. Permit standards - state and local.

(1)(a) Any permits which may be required by local authorities shall be issued in accordance with ordinances and resolutions adopted by the respective local authorities after a public hearing at which testimony is received from affected motor vehicle owners and operators. Notice of such public hearing shall be published in a newspaper having general circulation within the local authority's jurisdiction. Such notice shall not be less than eight days prior to the date of hearing. The publication shall not be placed in that portion of the newspaper in which legal notices or classified advertisements appear. Such notice shall state the purpose of the hearing, the time and place of the hearing, and that the general public, including motor vehicle owners and operators to be affected, may attend and make oral or written comments regarding the proposed ordinance or resolution. Notice of any subsequent hearing shall be published in the same manner as for the original hearing.

(b) At least thirty days prior to such public hearing, the local authority shall transmit a copy of the proposed ordinance or resolution to the department of transportation for its comments, and said department shall make such comments in writing to the local authority prior to such public hearing.

(c) Any local authority that adopts or has adopted an ordinance or resolution governing permits for the movement of oversize or overweight vehicles or loads shall file a copy of the ordinance or resolution with the department of transportation.

512. Liability for damage to highway.

(1) No person shall drive, operate, or move upon or over any highway or highway structure any vehicle, object, or contrivance in such a manner so as to cause damage to said highway or highway structure. When the damage sustained to said highway or highway structure is the result of the operating, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight authorized by sections 501 to 512 and 1407, it shall be no defense to any action, either civil or criminal, brought against such person that the weight of the vehicle was authorized by special permit issued in accordance with sections 501 to 512 and 1407.

(2) Every person violating the provisions of subsection (1) of this section shall be liable for all damage which said highway or highway structure may sustain as a result thereof. Whenever the driver of such vehicle, object, or contrivance is not the owner thereof but is operating, driving, or moving such vehicle, object, or contrivance with the express or implied consent of the owner thereof, then said owner or driver shall be jointly and severally liable for any such damage. The liability for damage sustained by any such highway or highway structure may be enforced by a civil action by the authorities in control of such highway or highway structure. No satisfaction of such civil liability, however, shall be deemed to be a release or satisfaction of any criminal liability for violation of the provisions of subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

Part 6

Signals - Signs - Markings

601. Local governments to sign highways, where.

This local government shall place and maintain such traffic control devices, conforming to the "Manual of Uniform Traffic Control Devices" and specifications, upon streets and highways as it deems necessary to indicate and to carry out the provisions of this Code or to regulate, warn, or guide traffic.

602. Local traffic control devices.

(1) No local authority shall erect or maintain any stop sign or traffic control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the department of transportation.

(2) Where practical no local authority shall maintain three traffic control signals located on a roadway so as to be within one minute's driving time (to be determined by the speed limit) from any one of the signals to the other without synchronizing the lights to enhance the flow of traffic and thereby reduce air pollution.

603. Obedience to official traffic control devices.

(1) No driver of a vehicle shall disobey the instructions of any official traffic control device including any official hand signal device placed or displayed in accordance with the provisions of this Code unless otherwise directed by a police officer subject to the exceptions in this Code granted the driver of an authorized emergency vehicle.

(2) No provision of this Code for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Code, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this Code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Code unless the contrary is established by competent evidence.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

604. Traffic control signal legend.

(1) If traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the traffic control manual adopted by the department of transportation, only the colors green, yellow, and red shall be used, except for special pedestrian-control signals carrying a word or symbol legend as provided in section 802, and said lights, arrows, and combinations thereof shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication:

(I) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection and to pedestrians lawfully within an adjacent crosswalk at the time such signal is exhibited.

(II) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(III) Unless otherwise directed by a pedestrian-control signal as provided in section 42-4-802, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication:

(I) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(II) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in section 802, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) Steady red indication:

(I) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown; except that:

(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their

respective jurisdictions have by ordinance or resolution prohibited any such right turn and have erected an official sign at each intersection where such right turn is prohibited.

(B) Such vehicular traffic, when proceeding on a one-way street and after coming to a stop, may make a left turn onto a one-way street upon which traffic is moving to the left of the driver. Such turn shall be made only after yielding the right-of-way to pedestrians and other traffic proceeding as directed. No turn shall be made pursuant to this subparagraph (B) if local authorities have by ordinance prohibited any such left turn and erected a sign giving notice of any such prohibition at each intersection where such left turn is prohibited.

(C) To promote uniformity in traffic regulation throughout the state and to protect the public peace, health, and safety, the general assembly declares that no local authority shall have any discretion other than is expressly provided in this subparagraph (I).

(II) Pedestrians facing a steady circular red signal alone shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(III) Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to make the movement indicated by such arrow is shown.

(IV) Pedestrians facing a steady red arrow signal shall not enter the roadway, unless otherwise directed by a pedestrian-control signal as provided in section 802.

(d) Non-intersection signal: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or pavement marking indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(e) Lane-use-control signals: Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and apply to drivers of vehicles as follows:

(I) Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.

(II) Yellow "X" (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red "X" signal is exhibited.

(III) Yellow "X" (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.

(IV) Red "X" (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

605. Flashing signals.

(1) Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic sign or a traffic signal or as a traffic beacon, it shall require obedience by vehicular traffic as follows:

(a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed past such signal and through the intersection or other hazardous location only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad crossings shall be governed by the provisions of sections 706 to 708.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

606. Display of unauthorized signs or devices.

(1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. The provisions of this section shall not be deemed to prohibit the use of motorist services information of a general nature on official highway guide signs if such signs do not indicate the brand, trademark, or name of any private business or commercial enterprise offering the service, nor shall this section be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(2) Every such prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the same or cause it to be removed without notice.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

(4) The provisions of this section shall not be applicable to informational sites authorized under section 43-1-405.

(5) The provisions of this section shall not be applicable to specific information signs authorized under section 43-1-420.

607. Interference with official devices.

(1)(a) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, remove, or interfere with the effective operation of any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof. Except as otherwise provided in subsection (2) of this section, any person who violates any provision of this paragraph (a) commits a class B traffic infraction.

(b) No person shall possess or sell, without lawful authority, an electronic device that is designed to cause a traffic light to change. A person who violates any provision of this paragraph (b) commits a class B traffic infraction.

(2)(a) No person shall use an electronic device, without lawful authority, that causes a traffic light to change. Except as otherwise provided in paragraph (b) of this subsection (2), a person who violates any provision of this paragraph (a) commits a class A traffic infraction.

(b) A person who violates any provision of paragraph (a) of this subsection (2) and thereby proximately causes bodily injury to another person commits a class 1 misdemeanor traffic offense. In addition to any other penalty imposed by law, the court shall impose a fine of one thousand dollars.

608. Signals by hand or signal device.

(1) Any stop or turn signal when required as provided by section 42-4-903, shall be given either by means of the hand and arm as provided by section 42-4-609, or by signal lamps or signal device of the type approved by the department, except as otherwise provided in subsection (2) of this section.

(2) Any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

609. Method of giving hand and arm signals.

(1) All signals required to be given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(a) Left-turn, hand and arm extended horizontally;

(b) Right-turn, hand and arm extended upward;

(c) Stop or decrease speed, hand and arm extended downward.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

610. Unauthorized insignia.

No owner shall display upon any part of the owner's vehicle any official designation, sign, or insignia of any public or quasi-public corporation or municipal, state, or national department or governmental subdivision without authority of such agency or any insignia, badge, sign, emblem, or distinctive mark of any organization or society of which the owner is not a bona fide member or otherwise authorized to display such sign or insignia. Any person who violates any provision of this section commits a class B traffic infraction.

611. Paralegic persons or persons with disabilities - distress flag.

(1) Any paralegic person or person with a disability when in motor vehicle distress is authorized to display by the side of such person's disabled vehicle a white flag of approximately seven and one-half inches in width and thirteen inches in length, with the letter "D" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions, and said reflective material must be submitted to and approved by the department of transportation before the same is used.

(2) Any person who is not a paralegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or by both such fine and imprisonment.

(3) Any person who is not a paralegic person or a person with a disability who uses such flag as a signal or for any other purpose commits a class A traffic infraction.

612. When signals are inoperative or malfunctioning.

(1)(a) When a driver approaches an intersection and faces a traffic control signal that is inoperative, that remains on steady red or steady yellow during several time cycles, or that does not recognize a motorcycle or autocycle that is operated by the driver, the provisions controlling entrance to a through street or highway from a stop sign or highway, as provided under section 703, apply until a police officer assumes control of traffic or until the traffic control signal resumes normal operation.

(b) If a traffic control signal at a place other than an intersection ceases to operate or malfunctions as specified in subsection (1)(a) of this section, drivers may proceed past the signal only with caution, as if the signal were flashing yellow.

(2) Whenever a pedestrian faces a pedestrian-control signal as provided in section 802 which is inoperative or which remains on "Don't Walk" or "Wait" during several time cycles, such pedestrian shall not enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

613. Failure to pay toll established by regional transportation authority.

Any person who fails to pay a required fee, toll, rate, or charge established by a regional transportation authority created pursuant to part 6 of Code 4 of title 43, for the privilege of traveling on or using any property included in a regional transportation system pursuant to part 6 of Code 4 of title 43, commits a class A traffic infraction.

614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations.

(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(b) If maintenance, repair, or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair, or construction zone. A person who commits certain violations listed in section 1701 (4) in a maintenance, repair, or construction zone that is designated pursuant to this section is subject to the increased penalties and surcharges imposed by section 1701 (4)(c).

(2) Local authorities, within their jurisdiction, shall designate a maintenance, repair, or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair, or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for certain traffic violations are in effect in such zone. Local authorities shall erect or place a second sign after such zone indicating that the increased penalties for certain traffic violations are no longer in effect. A maintenance, repair, or construction zone begins at the location of the sign indicating that increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(3) Signs used for designating the beginning and end of a maintenance, construction, or repair zone shall conform to department of transportation requirements. Local authorities may display such signs on any fixed, variable, or movable stand. Local authorities may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

615. School zones - increase in penalties for moving traffic violations.

(1) Any person who commits a moving traffic violation in a school zone is subject to the increased penalties and surcharges imposed by section 1701(4)(d).

(2) For the purposes of this section, “school zone” means an area that is designated as a school zone and has appropriate signs posted indicating that the penalties and surcharges will be doubled. The state or local government having jurisdiction over the placement of traffic signs and

traffic control devices in the school zone area shall designate when the area will be deemed to be a school zone for the purposes of this section. In making such designation, the state or local government shall consider when increased penalties are necessary to protect the safety of school children.

(3) This section does not apply if the penalty and surcharge for a violation has been doubled pursuant to section 614 because such violation also occurred within a highway maintenance, repair, or construction zone.

616. Wildlife crossing zones - increase in penalties for moving traffic violations.

(1) Except as described by subsection (4) of this section, a person who commits a moving traffic violation in a wildlife crossing zone is subject to the increased penalties and surcharges imposed by section 1701 (4)(d.5).

(2) For the purposes of this section, "wildlife crossing zone" means an area on a public highway that:

(a) Begins at a sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to enter a wildlife crossing zone; and

(b) Extends to:

(I) A sign that conforms to the state traffic control manual, was erected by the department of transportation pursuant to section 118, and indicates that a person is about to leave a wildlife crossing zone; or

(II) If no sign exists that complies with subparagraph (I) of this paragraph (b), the distance indicated on the sign indicating the beginning of the wildlife crossing zone; or

(III) If no sign exists that complies with subparagraph (I) or (II) of this paragraph (b), one-half mile beyond the sign indicating the beginning of the wildlife crossing zone.

(3)(a) If the department of transportation erects a sign that indicates that a person is about to enter a wildlife crossing zone pursuant to section 118, the department of transportation shall:

(I) Establish the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section; and

(II) Ensure that the sign indicates the times of day and the periods of the calendar year during which the area will be deemed to be a wildlife crossing zone for the purposes of this section.

(b) In erecting signs as described in paragraph (a) of this subsection (3), the department of transportation, pursuant to section 118, shall not erect signs establishing a lower speed limit for more than one hundred miles of the public highways of the state that have been established as wildlife crossing zones.

(4) This section shall not apply if:

- (a) The person who commits a moving traffic violation in a wildlife crossing zone is already subject to increased penalties and surcharges for said violation pursuant to section 614 or 615;
- (b) The sign indicating that a person is about to enter a wildlife crossing zone does not indicate that increased traffic penalties are in effect in the zone; or
- (c) The person who commits a moving traffic violation in a wildlife crossing zone commits the violation during a time that the area is not deemed by the department of transportation to be a wildlife crossing zone for the purposes of this section.

617. Steep downhill grade zones - increase in penalties and surcharges for speeding violations - definitions.

- (1) The department may designate a steep downhill grade zone in any area of any state highway where the downhill grade is five percent or greater and where the department determines there are safety concerns related to commercial motor vehicles exceeding the posted speed limits.
- (2) The department shall erect, where applicable, signs consistent with subsection (3) of this section notifying drivers of each area of the state highways that the department has designated as a steep downhill grade zone.
- (3) As used in this section, unless the context otherwise requires, "steep downhill grade zone" means an area of a state highway that:
 - (a) begins at a sign that:
 - (I) conforms to the state traffic control manual;
 - (II) was erected by the department pursuant to subsection (2) of this section;
 - (III) indicates that a driver is about to enter a steep downhill grade zone; and
 - (IV) notifies commercial motor vehicle drivers that increased penalties and surcharges are in effect and assessed for speeding in the zone; and
 - (b) extends to:
 - (I) a sign that:
 - (A) conforms to the state traffic control manual;
 - (B) was erected by the department pursuant to subsection (2) of this section and
 - (C) indicates that a driver is at the end of the steep downhill grade zone; or
 - (II) if no signs exist that complies with subsection (3)(b)(I) of this section, a distance:
 - (A) as indicated on the sign described in subsection (3)(a) of this section; or
 - (B) of one-half of a mile beyond the sign described in subsection (3)(a) of this section; and
 - (c) is designated as a steep downhill grade zone by the department of transportation pursuant to subsection (1) of this section.

(4) A driver of a commercial motor vehicle who commits a speeding violation in a steep downhill grade zone is subject to the increased penalties and surcharges imposed under section 42-4-1701(4)(d)(7).

(5) As used in this section:

(a) “commercial motor vehicle” has the same meaning as set forth in 42-4-102(4).

(b) “department” means the department of transportation created in in section 43-1-103.

Part 7

Rights-Of-Way

701. Vehicles approaching or entering an intersection.

- (1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (2) The foregoing rule is modified at through highways and otherwise as stated in sections 702 to 704.
- (3) Any person who violates any provision of this section commits a class A traffic infraction.

702. Vehicle turning left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. Any person who violates any provision of this section commits a class A traffic infraction.

703. Entering through highway - stop or yield intersection.

- (1) The department of transportation and local authorities, within their respective jurisdictions, may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction. In the case of state highways, such regulations shall be subject to the provisions of section 43-2-135(1)(g).
- (2) Every sign erected pursuant to subsection (1) of this section shall be a standard sign adopted by the department of transportation.
- (3) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.
- (4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is

moving across or within the intersection or junction of roadways; except that, if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

704. Vehicle entering roadway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. Any person who violates any provision of this section commits a class A traffic infraction.

705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2)(a) A driver in a motor vehicle shall exhibit due care and caution and proceed as described in subsections (2)(b) and (2)(c) of this section when approaching or passing:

(I) A stationary authorized emergency vehicle, including a port of entry vehicle, that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 213 or 222;

(II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights;

(III) A stationary public utility service vehicle that is operated by a public utility, as defined in section 39-4-101 or 40-1-103, or an authorized contractor of the public utility and that is giving a visual signal by means of flashing, rotating, or oscillating amber lights; or

(IV) A stationary motor vehicle giving a hazard signal by displaying alternately flashing lights or displaying warning lights.

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described on subsection (2)(a) of this section is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary vehicle described in subsection (2)(a) of this section unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate

presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in subsection (2)(c) of this section.

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary vehicle described in subsection (2)(a) of this section is located, or if movement by the driver of the approaching motor vehicle into an adjacent moving lane, as described in subsection (2)(b) of this section, is not possible, the driver of an approaching motor vehicle shall reduce and maintain a safe speed with regard to the location of the stationary vehicle described in subsection (2)(a) of this section; weather conditions; road conditions; and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(II) For the purposes of this subsection (2)(c), the following speeds are presumed to be safe unless the speeds are unsafe for the conditions as provided in section 1101(1) and (3):

(a) If the speed limit is less than forty-five miles per hour, twenty-five miles per hour or less; or

(b) If the speed limit is forty-five miles per or more, twenty miles per hour less than the speed limit.

(2.5)(a) A driver in a vehicle that is approaching or passing a maintenance, repair, or construction vehicle that is moving at less than twenty miles per hour shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2.5).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection (2.5).

(c)(I) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary or slow-moving maintenance, repair, or construction vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.5), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary or slow-moving maintenance, repair, or construction vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic, and shall proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(2.6) A driver in a vehicle that is approaching or passing a motor vehicle where the tires are being equipped with chains on the side of the highway shall exhibit due care and caution and proceed as described in subsection (2) of this section. The driver of a motor vehicle that is being equipped

with chains shall give a hazard signal by displaying alternately flashing lights or displaying warning lights.

(3)(a) Any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) Except as otherwise provided in subsection (3)(b)(II) and (3)(b)(III) of this section, any person who violates subsection (2), (2.5), or (2.6) of this section commits careless driving as described in 42-4-1402.

(II) If the person violates subsection (2) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits a class 1 traffic misdemeanor.

(III) If the person violates subsection (2) of this section and the person's actions are the proximate cause of the death of another person, the person commits a class 6 felony and shall be punished as described in section 18-1.3-401.

706. Obedience to railroad signal.

(1) Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flagperson, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:

(a) Stop not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or

(b) If the driver would not have a reasonable view of approaching trains or on-track equipment when stopped in accordance with subsection (1)(a) of this section:

(I) Stop before proceeding across the railroad grade crossing at the point nearest the crossing where the driver has reasonable view of approaching trains or on-track equipment; and

(II) Not proceed until the railroad grade can be crossed safely.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

707. Certain vehicles must stop at railroad grade crossings.

(1)(a) Except as otherwise provided in this section, the driver of a school bus, as defined in subsection (5)(b) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with rules issued under section 42-20-108, or the driver of a commercial vehicle, as defined in section 42-4-235, that is transporting passengers, before crossing at grade any tracks of a railroad

(I) shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of the railroad;

(II) While stopped, shall listen and look in both directions along the track for any approaching train or on-track equipment or for signals indicating the approach of a train or on-track equipment; and

(III) Shall not proceed until the driver can do so safely.

(b) After stopping as required in this section and upon proceeding when it is safe to do so, the driver of a vehicle described in subsection (1)(a) of this section:

(I) shall cross only if there is no necessity for changing gears while traversing the crossing; and

(II) Shall not manually shift gears while crossing the tracks.

(2) This section shall not apply at street railway grade crossings within a business district.

(3) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the roadway is marked for four or more lanes of traffic.

(4) Subsection (1) of this section does not apply at:

(a) (Deleted by amendment, L. 2006, p. 42, §1, effective July 1, 2006.)

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing at which traffic is controlled by a police officer or human flagperson;

(d) A railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.

(5) For the purposes of this section:

(a) The definition of hazardous materials shall be the definition contained in the rules adopted by the chief of the Colorado state patrol pursuant to section 42-20-108.

(b) "School bus" means only those school buses that are required to bear on the front and rear of such school bus the words "SCHOOL BUS" and display visual signal lights pursuant to section 1903(2)(a).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

708. Moving heavy equipment at railroad grade crossing.

- (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, or roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.
- (2) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.
- (3) Before making a crossing described in subsection (1) of this section, the person operating or moving the vehicle or equipment:
 - (a) Shall first stop the vehicle or equipment not less than fifteen feet nor more than fifty feet from the nearest rail of the railroad;
 - (b) While stopped, shall listen and look in both directions along the track for any approaching train, for on-track equipment or for signals indicating the approach of a train or on-track equipment; and
 - (c) Shall not proceed until the crossing can be made safely.
- (4) Before making a crossing described in subsection (1) of this section, the person moving or operating the vehicle or equipment shall ensure that no warning is being given, whether by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or on-track equipment.
- (5) Subsection (3) of this section does not apply at any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains or on-track equipment are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which sign constitutes legally sufficient notice that the crossing is exempt from the stopping requirement in this section.
- (6) Any person who violates any provision of this section commits a class B traffic infraction.

709. Stop when traffic obstructed.

A driver shall not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, railroad trains, or railroad on-track equipment, notwithstanding the indication of a traffic control signal to proceed. Any person who violates any provision of this section commits a class A traffic infraction.

710. Emerging from or entering alley, driveway, or building.

- (1) The driver of a vehicle emerging from an alley, driveway, building, parking lot, or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway, or entranceway, shall yield the right-of-way to any pedestrian upon or about

to enter such sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of section 704.

(2) The driver of a vehicle entering an alley, driveway, or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway, or entranceway.

(3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

711. Driving on mountain highways.

(1) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near to the right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway.

(2) On narrow mountain highways with turnouts having a grade of six percent or more, ascending vehicles shall have the right-of-way over descending vehicles, except where it is more practicable for the ascending vehicle to return to a turnout.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

712. Driving in highway work area.

(1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a highway within any highway construction or maintenance work area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of section 214.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

713. Yielding right-of-way to transit buses - definitions - penalty.

(1) As used in this section, unless the context otherwise requires:

(a) "Public mass transit operator" has the same meaning as in section 43-1-102(5).

(b) "Transit bus" means a bus operated by a public mass transit operator.

(2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:

(a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and

(b) A yield sign as described in subsection (3) of this section is displayed and illuminated on the back of the transit bus.

(3) The yield sign referred to in paragraph (b) of subsection (2) of this section shall:

(a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and

(b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.

(4) This section does not require a public mass transit operator to install yield signs as described in subsection (3) of this section on transit buses operated by the public mass transit operator.

(5) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

714. Bicyclist or other authorized user in bicycle lane.

(1) The driver of a vehicle shall yield the right-of-way to a bicyclist or other authorized user of a bicycle lane in a bicycle lane.

(2)(a) Except as provided in subsection (2)(b) of this section, any person who violates subsection (1) of this section commits a class A traffic infraction.

(b)(I) If a person violates subsection (1) of this section and the person's actions are the proximate cause of a crash, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(a).

(II) If a person violates subsection (1) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits careless driving and shall be punished as described in section 42-4-1402(2)(b).

715. Yielding right-of-way in roundabouts - definitions.

(1) As used in this section:

(a) "Large Vehicle" means a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than thirty-five feet or a total width of more than ten feet.

(b) "Roundabout" means a circular intersection or junction in which road traffic flows almost continuously in one direction around a central island.

(2)(a) When entering, exiting, or driving in the circulatory lanes in a roundabout, a person driving a vehicle shall:

(I) yield the right-of-way to the driver of a large vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard; and

(II) slow down or yield to the other vehicle as required by subsection (2)(a)(I) of this section.

(b) This subsection (2) does not require a person who is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to the driver of a large vehicle that is approaching, but has not yet entered, the roundabout.

(c) this subsection (2) does not require a person who is driving a vehicle that is entering, exiting, or driving in the circulatory lanes in a roundabout to yield the right-of-way to a large vehicle that is driving behind the person's vehicle and allow the large vehicle to pass the person's vehicle.

(3) If two vehicles that are large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time or so closely as to present an immediate hazard, the driver on the right shall yield the right-of-way to the driver on the left and shall slow down or yield to the driver on the left.

(4) A person who violates this section commits a class A traffic infraction.

Part 8

Pedestrians

801. Pedestrian obedience to traffic control devices and traffic regulations.

- (1) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to the pedestrian, unless otherwise directed by a police officer.
- (2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in sections 604 and 802(5).
- (3) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Code.
- (4) Any person who violates any provision of this section commits a class B traffic infraction.

802. Pedestrians' right-of-way in crosswalks.

- (1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (2) Subsection (1) of this section shall not apply under the conditions stated in section 803.
- (3) A pedestrian shall not suddenly leave a curb or other place of safety and ride a bicycle, electrical assisted bicycle, or electric scooter, or walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.
- (4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:
 - (a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.
 - (b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.
 - (c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

(d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and “Walk” and “Don’t Walk” signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the “Walk” indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 803(4).

(6) Any person who violates any provision of this section commits a class A traffic infraction.

803. Crossing at other than crosswalks.

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(5) Any person who violates any provision of this section commits a class B traffic infraction.

804. Pedestrian to use right half of crosswalk. (Repealed)

805. Pedestrians walking or traveling in a wheelchair on highways.

(1) Pedestrians walking or traveling in a wheelchair along and upon highways where sidewalks are not provided shall walk or travel only on a road shoulder as far as practicable from the edge of the roadway. Where neither a sidewalk nor road shoulder is available, any pedestrian walking or traveling in a wheelchair along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, in the case of a two-way roadway, shall walk or travel only on the left side of the roadway facing traffic that may approach from the opposite direction; except that any person lawfully soliciting a ride may stand on either side of such two-way roadway where there is a view of traffic approaching from both directions.

(2) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. For the purposes of this subsection (2), “roadway” means that portion of the road normally used by moving motor vehicle traffic.

(3) It is unlawful for any person who is under the influence of alcohol or of any controlled substance, as defined in section 12-22-303(7), or of any stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.

(4) This section applying to pedestrians shall also be applicable to riders of animals.

(5) This local government may, by ordinance, regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 110 and 111, but no ordinance regulating such use of streets and highways in a manner differing from this section shall be effective until official signs or devices giving notice thereof have been placed as required by section 111(2).

(6) No person shall solicit a ride on any highway included in the interstate system, as defined in section 43-2-101(2), except at an entrance to or exit from such highway or at places specifically designated by the department of transportation; or, in an emergency affecting a vehicle or its operation, a driver or passenger of a disabled vehicle may solicit a ride on any highway.

(7) Pedestrians shall only be picked up where there is adequate road space for vehicles to pull off and not endanger and impede the flow of traffic.

(8) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This subsection (8) shall not relieve the driver of an authorized emergency vehicle from the duty to use due care as provided in sections 108(4) and 807.

(9) Any person who violates any provision of this section commits a class B traffic infraction.

806. Driving through safety zone prohibited.

No vehicle at any time shall be driven through or within a safety zone. Any person who violates any provision of this section commits a class A traffic infraction.

807. Drivers to exercise due care.

Notwithstanding any of the provisions of this Code, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. Any person who violates any provision of this section commits a class A traffic infraction.

808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

(1) Any pedestrian other than a person in a wheelchair, or any driver of a vehicle who approaches an individual who has an obviously apparent disability shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said individual. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the individual is using a mobility device, is assisted by a service animal as defined in section 24-34-301, is being assisted by another person, or is walking with an obvious physical impairment. Any person who violates any provision of this section commits a class A traffic offense.

Part 9

Turning - Stopping

901. Required position and method of turning.

(1) The driver of a motor vehicle intending to turn shall do so as follows:

(a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(c) Two-way left-turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices in the manner prescribed in the state traffic control manual, a left turn shall not be made from any other lane, and a vehicle shall not be driven in said special lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(2) Local authorities in their respective jurisdictions may cause official traffic control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and, when such devices are so placed, no driver shall turn a vehicle other than as directed and required by such devices. In the case of streets which are a part of the state highway system, the local regulation shall be subject to the approval of the department of transportation as provided in section 43-2-135(1)(g).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

902. Limitations on turning around.

(1) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within such distance as is necessary to avoid interfering with or endangering approaching traffic.

(2) The driver of any vehicle shall not turn such vehicle at an intersection or any other location so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with or endangering other traffic.

(3) Local authorities, within their respective jurisdictions, subject to the provisions of section 43-2-135(1)(g), in the case of streets which are state highways, may erect "U-turn" prohibition or restriction signs at intersections or other locations where such movements are deemed to be hazardous, and, whenever official signs are so erected, no driver of a vehicle shall disobey the instructions thereof.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

903. Turning movements and required signals.

(1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 901, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in sections 608 and 609.

(2) A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning in urban or metropolitan areas and shall be given continuously for at least two hundred feet on all four-lane highways and other highways where the prima facie or posted speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in sections 608 and 609 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in section 608(2) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

Part 10

Driving - Overtaking - Passing

1001. Drive on right side - exceptions.

(1) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; but any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic as indicated by official traffic control devices.

(1) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(2) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subsection (1)(b) of this section. However, this subsection (3) does not prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1002. Passing oncoming vehicles.

(1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) A driver shall not pass a bicyclist moving in the same direction and in the same lane when there is oncoming traffic unless the driver can simultaneously:

(a) Allow oncoming vehicles at least one-half of the main-traveled portion of the roadway in accordance with subsection (1) of this section; and

(b) Allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1003. Overtaking a vehicle on the left.

(1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations, exceptions, and special rules stated in this section and sections 1004 to 1008:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a motor vehicle overtaking a bicyclist proceeding in the same direction shall allow the bicyclist at least a three-foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

(c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of the driver's vehicle until completely passed by the overtaking vehicle.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1004. When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or giving indication of making a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction; or

(c) Upon a one-way street or upon any roadway on which traffic is restricted to one direction of movement where the roadway is free from obstructions and marked for two or more lanes of moving vehicles.

(1.5) The driver of a motor vehicle upon a one-way roadway with two or more marked traffic lanes, when overtaking a bicyclist proceeding in the same direction and riding on the left-hand side of the road, shall allow the bicyclist at least a three-foot separation between the left side of the driver's vehicle, including all mirrors or other projections, and the right side of the bicyclist at all times.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1005. Limitations on overtaking on the left.

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Code and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

(2) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel.

(3) Local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Where such signs or markings are in place to define a no-passing zone and such signs or markings are clearly visible to an ordinarily observant person, no driver shall drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(4) The provisions of this section shall not apply:

(a) Upon a one-way roadway;

(b) Under the conditions described in section 1001(1)(b);

(c) To the driver of a vehicle turning left into or from an alley, private road, or driveway when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway; or

(d) To the driver of a vehicle passing a bicyclist moving the same direction and in the same lane when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(1) Any person who violates any provision of this section commits a class A traffic infraction.

1006. One-way roadways and rotary traffic islands.

(1) Upon a roadway restricted to one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(2) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

(3) Local authorities with respect to highways under their respective jurisdictions may designate any roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices. In the case of streets which are a part of the state highway system, the regulation shall be subject to the approval of the department of transportation pursuant to section 43-2-135(1)(g).

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1007. Driving on roadways laned for traffic.

(1) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent with this section shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to the traffic moving in the direction the vehicle is proceeding and is designated by official traffic control devices to give notice of such allocation. Under no condition shall an attempt be made to pass upon the shoulder or any portion of the roadway remaining to the right of the indicated right-hand traffic lane.

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(2)(a) The department of transportation may designate with signage an area on a roadway not otherwise laned for traffic for use by commercial vehicles, as defined in section 235(1)(a), that are designed to transport sixteen or more passengers, including the driver, and that are operated

by a governmental entity or government-owned business that transports the general public or by a contractor on behalf of such an entity or government-owned business. Use of such an area is limited to vehicles authorized by the department operating under conditions of use established by the department but, subject to the conditions of use, the driver of an authorized vehicle has sole discretion to decide whether or not to drive on such an area based on the driver's assessment of the safety of doing so. The department shall consult with the Colorado state patrol before granting authorization for the use of the area and establishing conditions of use. The department shall impose and each authorized user shall acknowledge the conditions for use by written agreement, and the department need not note the conditions of use in roadway signage. An authorized user does not violate this section or section 1004 when operating in accordance with the conditions of use for an area imposed by the department and acknowledged by the user in a written agreement.

(b) The department of transportation shall work with local governmental agencies in implementing the provisions of this subsection (2).

(3) Any person who violates any provision of this section commits a class A traffic infraction.

1008. Following too closely.

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger; except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1008.5. Crowding or threatening bicyclist.

(1) The driver of a motor vehicle shall not, in a careless and imprudent manner, drive the vehicle unnecessarily close to, toward, or near a bicyclist.

(2) Any person who violates subsection (1) of this section commits careless driving as described in section 1402.

1009. Coasting prohibited.

- (1) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of such vehicle in neutral.
- (2) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged.
- (3) Any person who violates any provision of this section commits a class A traffic infraction.

1010. Driving on divided or controlled-access highways.

(1) Whenever any highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic control devices. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings or by the provisions of section 42-4-902. However, this subsection (1) does not prohibit a left turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in the state traffic control manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

(2)(a) No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(b) Wherever an acceleration lane has been provided in conjunction with a ramp entering a controlled-access highway and the ramp intersection is not designated or signed as a stop or yield intersection as provided in section 703(1), drivers may use the acceleration lane to attain a safe speed for merging with through traffic when conditions permit such acceleration with safety. Traffic so merging shall be subject to the rule governing the changing of lanes as set forth in section 1007(1)(a).

(c) Wherever a deceleration lane has been provided in conjunction with a ramp leaving a controlled-access highway, drivers shall use such lane to slow to a safe speed for making an exit turn after leaving the mainstream of faster-moving traffic.

(3) Local authorities may by ordinance consistent with the provisions of section 43-2-135(1)(g), with respect to any controlled-access highway under their respective jurisdictions, prohibit the use of any such highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. After adopting such prohibitory regulations shall install official traffic control devices in conformity with the standards established by sections 601 and 602 at entrance points or along the highway on which such regulations are applicable. When such devices are so in place, giving notice thereof, no person shall disobey the restrictions made known by such devices.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1011. Use of runaway vehicle ramps.

- (1) No person shall use a runaway vehicle ramp unless such person is in an emergency situation requiring use of the ramp to stop such person's vehicle.
- (2) No person shall stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the ramp.
- (3) Any person who violates any provision of this section commits a class A traffic infraction.

1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes - penalty.

(1) Local authorities, with respect to streets and highways under their respective jurisdictions, may designate exclusive or preferential lanes for vehicles that carry a specified number of persons. The occupancy level of vehicles and the time of day when lane usage is restricted to high occupancy vehicles, if applicable, shall be designated by official traffic control devices.

(2) A motorcycle or autocycle may be operated upon high occupancy vehicle lanes pursuant to section 163 of the "Highway Improvement Act of 1982", pub.l. 97-424, as amended, or upon high occupancy toll lanes, unless prohibited by official traffic control devices.

(2.5)(a)(I) Except as otherwise provided in paragraph (d) of this subsection (2.5), a motor vehicle with a gross vehicle weight of twenty-six thousand pounds or less that is either an inherently low-emission vehicle or a hybrid vehicle may be operated upon high occupancy vehicle lanes without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemption relating to hybrid vehicles shall apply only if such exemption does not affect the receipt of federal funds and does not violate any federal laws or regulations.

(II) As used in this subsection (2.5), "inherently low-emission vehicle" or "ILEV" means:

(A) A light-duty vehicle or light-duty truck, regardless of whether such vehicle or truck is part of a motor vehicle fleet, that has been certified by the federal environmental protection agency as conforming to the ILEV guidelines, procedures, and standards as published in the federal register at 58 FR 11888 (March 1, 1993) and 59 FR 50042 (September 30, 1994), as amended from time to time; and

(B) A heavy-duty vehicle powered by an engine that has been certified as set forth in sub-subparagraph (A) of this subparagraph (II).

(III) As used in this subsection (2.5), "hybrid vehicle" means a motor vehicle with a hybrid propulsion system that uses an alternative fuel by operating on both an alternative fuel, including electricity, and a traditional fuel.

(b) No person shall operate a vehicle upon a high occupancy vehicle lane pursuant to this subsection (2.5) unless the vehicle:

(I) Meets all applicable federal emission standards set forth in 40 CFR sec. 88.311-93, as amended from time to time, or, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), is a hybrid vehicle; and

(II) Is identified by means of a circular sticker or decal at least four inches in diameter, made of bright orange reflective material, and affixed either to the windshield, to the front of the side view mirror on the driver's side, or to the front bumper of the vehicle. Said sticker or decal shall be approved by the Colorado department of transportation.

(c) Local authorities, with respect to streets and highways under their respective jurisdictions, shall provide information via official traffic control devices to indicate that ILEVs and, subject to subparagraph (I) of paragraph (a) of this subsection (2.5), hybrid vehicles may be operated upon high occupancy vehicle lanes pursuant to this section. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, they shall be so reprogrammed by September 1, 2003.

(d)(I) In consultation with the regional transportation district, the department of transportation and local authorities, with respect to streets and highways under their respective jurisdictions, shall, in connection with their periodic level-of-service evaluation of high occupancy vehicle lanes, perform a level-of-service evaluation of the use of high occupancy vehicle lanes by ILEVs and hybrid vehicles. If the use of high occupancy vehicle lanes by ILEVs or hybrid vehicles is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the department of transportation or a local authority may restrict or eliminate use of such lanes by ILEVs or hybrid vehicles.

(II) If the United States secretary of transportation makes a formal determination that, by giving effect to paragraph (a) of this subsection (2.5) on a particular highway or lane, the state of Colorado would disqualify itself from receiving federal highway funds the state would otherwise qualify to receive or would be required to refund federal transportation grant funds it has already received, then said paragraph (a) shall not be effective as to such highway or lane.

(3)(a) Any person who uses a high occupancy vehicle lane in violation of restrictions imposed by local authorities commits a class A traffic infraction.

(b) Any person convicted of a third or subsequent offense of paragraph (a) of this subsection (3) committed within a twelve-month period shall be subject to an increased penalty pursuant to section 1701(4)(a)(I)(K).

1013. Passing lane - definitions - penalty.

(1) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is sixty-five miles per hour or more unless such person is passing other motor vehicles that are in a non-passing lane or turning left, or unless the volume of traffic does not permit the motor vehicle to safely merge into a non-passing lane.

(2) For the purposes of this section:

(a) "Non-passing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.

(b) "Passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left-turn lane.

(3) A person who violates this section commits a class A traffic infraction.

Part 11

Speed Regulations

1101. Speed limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.

(2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

- (a) Twenty miles per hour on narrow, winding mountain highways or on blind curves;
- (b) Twenty-five miles per hour in any business district, as defined in section 42-1-102(11);
- (c) Thirty miles per hour in any residence district, as defined in section 42-1-102(80);
- (d) Forty miles per hour on open mountain highways;
- (e) Forty-five miles per hour for all single rear axle vehicles in the business of transporting trash that exceed twenty thousand pounds, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 507(3);
- (f) Fifty-five miles per hour on other open highways which are not on the interstate system, as defined in section 43-2-101(2), and are not surfaced, four-lane freeways or expressways;
- (g) Sixty-five miles per hour on surfaced, four-lane highways which are on the interstate system, as defined in section 43-2-101(2), or are freeways or expressways;
- (h) Any speed not in excess of a speed limit designated by an official traffic control device.

(3) No driver of a vehicle shall fail to decrease the speed of such vehicle from an otherwise lawful speed to a reasonable and prudent speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(4) Except as otherwise provided in paragraph (c) of subsection (8) of this section, any speed in excess of the lawful speeds set forth in subsection (2) of this section shall be prima facie evidence that such speed was not reasonable or prudent under the conditions then existing. As used in this subsection (4), "prima facie evidence" means evidence which is sufficient proof that the speed was not reasonable or prudent under the conditions then existing, and which will remain sufficient proof of such fact, unless contradicted and overcome by evidence bearing upon the question of whether or not the speed was reasonable and prudent under the conditions then existing.

(5) In every charge of violating subsection (1) of this section, the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the alleged reasonable and prudent speed applicable at the specified time and location of the alleged violation.

(6) The provisions of this section shall not be construed to relieve the party alleging negligence under this section in any civil action for damages from the burden of proving that such negligence was the proximate cause of an accident.

(7) Notwithstanding paragraphs (a), (b), and (c) of subsection (2) of this section, any city or town may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction, and such speed limits shall not be subject to the provisions of subsection (4) of this section.

(8)(a) (Deleted by amendment, L. 96, p. 578, § 2, effective May 25, 1996.)

(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway at a speed in excess of a maximum lawful speed limit of seventy-five miles per hour.

(c) The speed limit set forth in paragraph (b) of this subsection (8) is the maximum lawful speed limit and is not subject to the provisions of subsection (4) of this section.

(d) Local authorities within their respective jurisdictions shall not authorize any speed limit which exceeds seventy-five miles per hour on any highway.

(e) The provisions of this subsection (8) are declared to be matters of both local and statewide concern requiring uniform compliance throughout the state.

(f) In every charge of a violation of paragraph (b) of this subsection (8), the complaint, summons and complaint, or penalty assessment notice shall specify the speed at which the defendant is alleged to have driven and also the maximum lawful speed limit of seventy-five miles per hour.

(g) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty miles per hour. Local authorities shall not authorize low-power scooters to exceed forty miles per hour on a roadway.

(9) The conduct of a driver of a vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:

(a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the consequences sought to be prevented by this section; or

(b) With respect to authorized emergency vehicles, the applicable conditions for exemption, as set forth in section 108, exist.

(10) The minimum requirement for commission of a traffic infraction or misdemeanor traffic offense under this section is the performance by a driver of prohibited conduct, which includes a voluntary act or the omission to perform an act which said driver is physically capable of performing.

(11) It shall not be a defense to prosecution for a violation of this section that:

(a) The defendant's conduct was not performed intentionally, knowingly, recklessly, or with criminal negligence; or

(b) The defendant's conduct was performed under a mistaken belief of fact, including, but not limited to, a mistaken belief of the defendant regarding the speed of the defendant's vehicle; or

(c) The defendant's vehicle has a greater operating or fuel-conserving efficiency at speeds greater than the reasonable and prudent speed under the conditions then existing or at speeds greater than the maximum lawful speed limit.

(12)(a) A violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class A traffic infraction.

(b) A violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense; except that such violation within a maintenance, repair, or construction zone, designated pursuant to section 614, is a class 1 misdemeanor traffic offense.

(c) A violation under subsection (3) of this section is a class A traffic infraction.

1102. Altering of speed limits - department to study rural state highways and increase speed limits - definitions - repeal.

(1)(a) Whenever local authorities determine upon the basis of a traffic investigation or survey or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a state highway under its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto; except that no speed limit in excess of seventy-five miles per hour shall be authorized by said local authority.

(b) Repealed.

(2) Whenever county or municipal authorities within their respective jurisdictions determine upon the basis of a traffic investigation or survey, or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, that any speed specified or established as authorized under sections 1101 to 1104 is greater or less than is reasonable or safe under the road and traffic conditions at any intersection or other place or upon any part of a street or highway in its jurisdiction, said local authority shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or upon the approaches thereto. No such local authority shall have the power to alter the basic rules set forth in section 1101(1) or in any event to authorize by resolution or ordinance a speed in excess of seventy-five miles per hour.

(3) Local municipal authorities within their respective jurisdictions shall determine upon the basis of a traffic investigation or survey the proper speed for all arterial streets and shall declare a reasonable and safe speed limit thereon which may be greater or less than the speed specified under section 1101(2)(b) or (2)(c). Such speed limit shall not exceed seventy-five miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this subsection (3), an “arterial street” means any United States or state-numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(4) No alteration of speed limits on state highways within cities, cities and counties, and incorporated towns is effective until it has been approved in writing by the department of transportation. Upon the request of any incorporated city or town, the department of transportation shall conduct any traffic investigation or survey that is deemed to be warranted for determination of a safe and reasonable speed limit on any street or portion thereof that is a state highway. In conducting such a traffic investigation, the department may receive and consider traffic and engineering data provided by the city or county engineer of any requesting local government that will be impacted by a proposed alteration of speed limits. Any speed limit so determined by the department becomes effective when declared by the local authority and made known by official signs conforming to the state traffic control manual.

(5) Whenever the local authorities, within their respective jurisdictions, determine upon the basis of a traffic investigation or survey that a reduced speed limit is warranted in a school or construction area or other place during certain hours or periods of the day when special or temporary hazards exist, the department or the concerned local authority may erect or display official signs of a type prescribed in the state traffic control manual giving notice of the appropriate speed limit for such conditions and stating the time or period the regulation is effective. When such signs are erected or displayed, the lawful speed limit at the particular time and place shall be that which is then indicated upon such signs; except that no such speed limit shall be less than twenty miles per hour on a state highway or other arterial street as defined in subsection (3) of this section nor less than fifteen miles per hour on any other road or street, nor shall any such reduced speed limit be made applicable at times when the special conditions for which it is imposed cease to exist. Such reduced speed limits on streets which are state highways shall be subject to the written approval of the department of transportation before becoming effective.

(6) In its discretion, a municipality, by ordinance, or a county, by resolution of the board of county commissioners, may impose and enforce stop sign regulations and speed limits, not inconsistent with the provisions of sections 1101 to 1104, upon any way which is open to travel by motor vehicles and which is privately maintained in mobile home parks, when appropriate signs giving notice of such enforcement are erected at the entrances to such ways. Unless there is an agreement to the contrary, the jurisdiction ordering the regulations shall be responsible for the erection and maintenance of the signs.

(7) Any powers granted in this section to county or municipal authorities may be exercised by such authorities or by any municipal officer or employee who is designated by ordinance to exercise such powers.

1103. Minimum speed regulation.

- (1) No person shall drive a motor vehicle on any highway at such a slow speed as to impede or block the normal and reasonable forward movement of traffic, except when a reduced speed is necessary for safe operation of such vehicle or in compliance with law.
- (2) Whenever the department of transportation or local authorities within their respective jurisdictions determine, on the basis of an engineering and traffic investigation as described in the state traffic control manual, that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, said department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law.
- (3) Notwithstanding any minimum speed that may be authorized and posted pursuant to this section, if any person drives a motor vehicle on a highway outside an incorporated area or on any controlled-access highway at a speed less than the normal and reasonable speed of traffic under the conditions then and there existing and by so driving at such slower speed impedes or retards the normal and reasonable movement of vehicular traffic following immediately behind, then such driver shall:
 - (a) Where the width of the traveled way permits, drive in the right-hand lane available to traffic or on the extreme right side of the roadway consistent with the provisions of section 1001 (2) until such impeded traffic has passed by; or
 - (b) Pull off the roadway at the first available place where such movement can safely and lawfully be made until such impeded traffic has passed by.
- (4) Wherever special uphill traffic lanes or roadside turnouts are provided and posted, drivers of all vehicles proceeding at less than the normal and reasonable speed of traffic shall use such lanes or turnouts to allow other vehicles to pass or maintain normal traffic flow.
- (5) Any person who violates any provision of this section commits a class A traffic infraction.

1104. Speed limits on elevated structures.

- (1) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.
- (2) The department of transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it finds that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under sections 1101 to 1104, said department shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause or permit suitable standard signs stating such maximum speed to be erected and maintained before each end of such structure in conformity with the state traffic control manual.

(3) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(4) Any person who violates any provision of this section commits a class A traffic infraction.

1105. Speed contests - speed exhibitions - aiding and facilitating - immobilization of motor vehicle - definitions.

(1)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed contest on a highway.

(b) For purposes of this section, “speed contest” means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding reasonable and prudent speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.

(c) A person who violates any provision of this subsection (1) commits a class 1 misdemeanor traffic offense.

(2)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.

(b) For purposes of this section, “speed exhibition” means the operation of a motor vehicle to present a display of speed or power. “Speed exhibition” includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

(c) A person who violates any provision of this subsection (2) commits a class 2 misdemeanor traffic offense.

(3)(a) Except as otherwise provided in subsection (4) of this section, a person shall not, for the purpose of facilitating or aiding or as an incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.

(b) A person who violates any provision of this subsection (3) commits, pursuant to section 1703, the offense that the person aided in or facilitated the commission of. Nothing in this subsection (3) shall be construed to preclude charging a person under section 1703 for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.

(4) The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip.

(5)(a) In addition to a sentence imposed pursuant to this section or pursuant to any other provision of law:

(I) Upon the second conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to fourteen days.

(II) Upon the third or subsequent conviction for an offense specified in subsection (1) or (2) of this section, or any other crime, the underlying factual basis of which has been found by the court to include an act of operating a motor vehicle in violation of subsection (1) or (2) of this section, the court may, in its discretion, order the primary law enforcement agency involved with the case to place an immobilization device on the motor vehicle or motor vehicles so operated for a period of up to thirty days but more than fourteen days.

(b) The period during which a motor vehicle may be fitted with an immobilization device pursuant to paragraph (a) of this subsection (5) shall be in addition to any period during which the motor vehicle was impounded prior to sentencing.

(c) An order issued under this subsection (5) shall state the requirements included in subsections (7) and (8) of this section.

(d) For purposes of this section, “immobilization device” means a device locked into place over a wheel of a motor vehicle that prevents the motor vehicle from being moved. “Immobilization device” includes but is not limited to a device commonly referred to as a “traffic boot” or “boot”.

(6)(a) Except as otherwise provided in subsection (9) of this section, a law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall attempt to locate the motor vehicle within its jurisdiction. The law enforcement agency may, in its discretion, attempt to locate the motor vehicle outside of its jurisdiction.

(b) Nothing in this subsection (6) shall be construed to:

(I) Prohibit a law enforcement agency from seeking the assistance of another law enforcement agency for the purpose of placing an immobilization device on a motor vehicle or removing the device in accordance with this section; or

(II) Require a law enforcement agency to expend excessive time or commit excessive staff to the task of locating a motor vehicle subject to immobilization under this section.

(c) The time spent by a law enforcement agency in locating a motor vehicle in accordance with this subsection (6) shall not alter the immobilization period ordered by the court under subsection (5) of this section.

(d) A law enforcement agency that places an immobilization device on a motor vehicle pursuant to this section shall affix a notice to the immobilized motor vehicle stating the information described in subsections (7) and (8) of this section.

(e) A peace officer who locates or attempts to locate a motor vehicle, or who places or removes, or assists with the placement or removal of, an immobilization device in accordance with the provisions of this section shall be immune from civil liability for damages, except for damages arising from willful and wanton conduct.

(7)(a) The owner of a motor vehicle immobilized under this section shall be assessed a fee of thirty-five dollars for each day the motor vehicle is ordered immobilized and, except as otherwise provided in paragraph (d) of this subsection (7), thirty-five dollars for each day up to fourteen days after the immobilization period that the fee for the immobilization period is not paid. The owner shall pay the fee to the law enforcement agency that places the immobilization device on the motor vehicle.

(b) The owner, within fourteen days after the end of the immobilization period ordered by the court, may obtain removal of the immobilization device by the law enforcement agency that placed it by requesting the removal and paying the fee required under paragraph (a) of this subsection (7).

(c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen days after the end of the immobilization period ordered by the court or within the additional time granted by the court pursuant to paragraph (d) of this subsection (7), whichever is applicable, shall result in the motor vehicle being deemed an “abandoned motor vehicle”, as defined in sections 1802(1)(d) and 2102(1)(d), and subject to the provisions of part 18 or 21 of this Code, whichever is applicable. The law enforcement agency entitled to payment of the fee under this subsection (7) shall be eligible to recover the fee if the abandoned motor vehicle is sold, pursuant to section 1809(2)(b.5) or 2108(2)(a.5).

(d) Upon application of the owner of an immobilized motor vehicle, the court that ordered the immobilization may, in its discretion, grant additional time to pay the immobilization fee required under paragraph (a) of this subsection (7). If additional time is granted, the court shall notify the law enforcement agency that placed the immobilization device.

(8)(a) A person may not remove an immobilization device that is placed on a motor vehicle pursuant to this section during the immobilization period ordered by the court.

(b) No person may remove the immobilization device after the end of the immobilization period except the law enforcement agency that placed the immobilization device and that has been requested by the owner to remove the device and to which the owner has properly paid the fee required by subsection (7) of this section. Nothing in this subsection (8) shall be construed to prevent the removal of an immobilization device in order to comply with the provisions of part 18 or 21 of this Code.

(c) A person who violates any provision of this subsection (8) commits a class 2 misdemeanor traffic offense.

(9)(a) A law enforcement agency that is ordered to place an immobilization device on a motor vehicle pursuant to subsection (5) of this section shall inform the court at sentencing if it is unable to comply with the court's order either because the law enforcement agency is not yet equipped with an immobilization device or because it does not have a sufficient number of immobilization devices. The court, upon being so informed, shall, in lieu of ordering immobilization, order the law enforcement agency to impound the motor vehicle for the same time period that the court initially ordered the motor vehicle to be immobilized.

(b) If a motor vehicle is ordered to be impounded pursuant to paragraph (a) of this subsection (9), the provisions of subsections (6) to (8) of this section shall not apply.

Part 12

Parking

1201. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Any person who violates any provision of this section commits a class A traffic infraction.

1202. Parking or abandonment of vehicles.

(1) No person shall stop, park, or leave standing any vehicle, either attended or unattended, outside of a business or a residential district, upon the paved or improved and main-traveled part of the highway. Nothing contained in this section shall apply to the driver of any vehicle which is disabled while on the paved or improved and main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

1203. Ski areas to install signs

(1) Colorado ski areas shall install traffic control signs as provided in this section on both sides of that segment of every highway which is within one mile of and which leads to the recognized entrances to the ski area parking lots if it is found that:

(a) The ski area has insufficient parking capacity as evidenced by the practice of parking by motor vehicles on such highways; and

(b) Such parking constitutes a hazard to traffic or an obstacle to snow removal or the movement or passage of emergency equipment.

(2) The findings required by subsection (1) of this section shall be made by the department of transportation for the state highway system, by the chairman of the board of county commissioners for county roads, and by the chief executive officer of a municipality for a municipal street system. Such findings shall be based upon a traffic investigation.

(3) Such signs shall conform to any and all specifications of the department of transportation adopted pursuant to section 42-4-601. All such signs shall contain a statement that there is no parking allowed on a highway right-of-way so as to obstruct traffic or highway maintenance and that offending vehicles will be towed away.

1204. Stopping, standing, or parking prohibited in specified places.

(1) Except as otherwise provided in subsection (4) of this section, no person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) On a sidewalk;
- (b) Within an intersection;
- (c) On a crosswalk;
- (d) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (h) On any railroad tracks;
- (i) On any controlled-access highway;
- (j) In the area between roadways of a divided highway, including crossovers;
- (k) At any other place where official signs prohibit stopping.

(2) Except as otherwise provided in subsection (4) of this section, in addition to the restrictions specified in subsection (1) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (a) Within five feet of a public or private driveway;
- (b) Within fifteen feet of a fire hydrant;
- (c) Within twenty feet of a crosswalk at an intersection;
- (d) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- (e) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;
- (f) At any other place where official signs prohibit standing.

(3) In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

- (a) Within fifty feet of the nearest rail of a railroad crossing;

(b) At any other place where official signs prohibit parking.

(4)(a) Subsection (1)(a) of this section does not prohibit a person from parking a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk in accordance with the provisions of section 1412(11)(a) and (11)(b).

(b) Subsection (1)(f) of this section does not prohibit persons from parking two or more bicycles, electrical assisted bicycles, or electric scooters abreast in accordance with the provisions of section 1412(11)(d).

(c) Subsections (2)(a), (2)(c), and (2)(d) of this section do not apply to a bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk in accordance with section 1412(11)(a) and (11)(b).

(5) No person shall move a vehicle not lawfully under such person's control into any such prohibited area or away from a curb such distance as is unlawful.

(6) This local authority, with respect to highways under its jurisdiction, may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where it is determined, upon the basis of a traffic investigation or study, that such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

(7) Any person who violates any provision of this section commits a class B traffic infraction; except that, if a person violates paragraph (b) of subsection (2) of this section and the violation occurs in an unincorporated area of a county, the penalty is fifty dollars.

(8) A political subdivision shall not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle or autocycle within a space served by a single parking meter.

1205. Parking at curb or edge of roadway.

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance permit angle parking on any roadway; except that angle parking shall not be permitted on any state highway unless the department of transportation has

determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1206. Unattended motor vehicle - definitions.

(1) A person driving or in charge of an unlocked motor vehicle shall not permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, and effectively setting the brake thereon. When the vehicle is standing upon any grade, the person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

(2) Any person who violates any provision of this section commits a class B traffic infraction.

(3) The use or operation of a remote starter system and adequate security measures is sufficient to comply with subsection (1) of this section.

(4) As used in this section:

(a) "Adequate security measures" includes, but is not limited to:

(I) Using a vehicle that requires a key to put the vehicle into gear and move the vehicle;

(II) Keeping a keyless start fob out of proximity of the vehicle; or

(III) Employing steering wheel security devices.

(b) "Remote starter system" means a device installed in a motor vehicle that allows the engine of the vehicle to be started by remote or radio control.

(5) Nothing in this section preempts or otherwise impairs the power of local authorities to enforce or enact ordinances or resolutions concerning time limits on the idling of motor vehicles on or before August 10, 2017.

1207. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic; nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Any person who violates any provision of this section commits a class B traffic infraction.

1208. Reserve parking for persons with disabilities - applicability - rules.

(1) Definitions. As used in this section:

(a) "Disability" or "disabled" has the same meaning as set forth in [section 42-3-204](#).

(b) "Holder" means a person with a disability who has lawfully obtained an identifying plate or placard.

- (c) "Identifying figure" has the same meaning as set forth in [section 42-3-204](#).
- (d) "Identifying placard" has the same meaning as set forth in [section 42-3-204](#).
- (e) "Identifying plate" has the same meaning as set forth in [section 42-3-204](#).
- (f) "Professional" has the same meaning as set forth in [section 42-3-204](#).
- (f.5) "Remuneration-exempt identifying placard" has the same meaning as set forth in [section 42-3-204](#).
- (g) "Reserved parking" means a parking space reserved for a person with a disability.

(2) Use of plate or placard.

(a) A person with a disability may use reserved parking on public property or private property if the person displays an identifying plate or placard while using reserved parking.

(b) When an identifying placard is used for reserved parking, the driver of the parked motor vehicle shall ensure that the front of the identifying placard is legible and visible through the windshield when viewed from outside the vehicle. The driver shall hang the placard from the rear-view mirror unless a rear-view mirror is not available or the individual is physically unable to hang the placard from the rear-view mirror. If the tag is not hung from the rear-view mirror, the driver shall display it on the dashboard.

(c) A person with a disability who is a resident of a state other than Colorado may use reserved parking in Colorado if the motor vehicle displays an identifying plate or placard issued by a state other than Colorado, and if:

(I) The identifying plate or placard is currently valid in the state of issuance and meets the requirements of 23 CFR 1235; and

(II) The holder has not been a resident in Colorado for more than ninety days.

(d) A motor vehicle with an identifying plate or a placard may be parked in public parking areas along public streets or in private parking lots regardless of any time limitation imposed upon parking in the area; except that a jurisdiction may specifically limit reserved parking on any public street to no less than four hours. To limit reserved parking, the jurisdiction must clearly post the appropriate time limits in the area. The ability to park notwithstanding parking limitations does not apply to areas in which:

(I) Stopping, standing, or parking of all vehicles is prohibited;

(II) Only special vehicles may be parked; or

(III) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(e)(I) The owner of public or private property may request the installation of official signs or pavement markings identifying reserved parking spaces. The request operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer.

An officer may enforce this section on private property notwithstanding any provision of law to the contrary.

(II)(A) The number and placement of accessible parking spaces should meet or exceed section 1106 of chapter 11 of the 2012 (second printing) version of the international building code, or any succeeding standard, published by the international code council.

(B) The technical standards for accessible parking spaces should meet or exceed section 502, or any successor section, of the "Accessible and Useable Buildings and Facilities" standard, or any succeeding standard, promulgated and amended from time to time by the international code council (commonly cited as ICC/ANSI A117.1).

(C) Access aisles should post "Wheelchair Access Aisle Absolutely No Parking" sign, which blocks neither the access aisle nor accessible routes.

(D) The technical standards for post- or wall-mounted signs indicating accessible parking spaces and van-accessible parking spaces should meet or exceed section 2B.46 concerning parking, standing, and stopping signs and section 2B.47 concerning design of parking, standing, and stopping of the 2009 version of the manual on uniform traffic control devices, or any succeeding standard, published by the United States federal highway administration.

(III) The owner of real property with multiple-family dwellings affixed and with reserved parking shall retain the reserved parking as commonly owned for the tenants, owners, or visitors of the individual units within the dwellings. This subparagraph (III) does not prohibit the sale of all commonly owned property so long as the reserved parking is not severed from the other elements.

(IV) A person shall not impose restrictions on the use of disabled parking unless specifically authorized by a statute of Colorado and a resolution of or ordinance of a political subdivision of Colorado and notice of the restriction is prominently posted by a sign clearly visible at the parking space.

(3) Misuse of reserved parking.

(a) A person without a disability shall not park in a parking space on public or private property that is clearly identified by an official sign or by visible pavement markings as being reserved parking or as being a passenger loading zone unless:

(I) The person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the reserved parking space; and

(II) An identifying plate or placard obtained under or authorized by section 42-3-204, is displayed in or on the vehicle if the license plate or placard is currently valid or has expired less than one month before the day the person used the reserved parking.

(a.5) A person shall not, while parked in a parking space that requires remuneration, display a remuneration-exempt identifying placard that is not issued to the person. A person who possesses a remuneration-exempt identifying placard shall not allow another person to use the placard to park in a parking space that requires remuneration.

(b)(I) A person, after using a reserved parking space that has a time limit, shall not switch motor vehicles or move the motor vehicle to another reserved parking space within one hundred yards of the original parking space within the same eight hours in order to exceed the time limit.

(II)(A) Parking in a time-limited reserved parking space for more than three hours for at least three days a week for at least two weeks creates a rebuttable presumption that the person is violating this paragraph (b).

(B) This subparagraph (II) does not apply to privately owned parking spaces.

(c) A person shall not use reserved parking for a commercial purpose unless:

(I) The purpose relates to transacting business with a business the reserved parking is intended to serve; or

(II) The owner of private property consents to allow the use.

(d)(I) An employee of an entity shall not use an identifying placard issued to the entity unless the employee is transporting persons with disabilities.

(II) For a violation of this paragraph (d), the chief operations officer within Colorado of the entity to whom the placard or plate was issued and the offending employee are each subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(III)(A) It is an affirmative defense to a violation of this paragraph (d) for the chief operations officer within Colorado that the entity enforces an internal policy controlling access to and use of identifying placards issued to the entity.

(B) If the placard used is expired by operation of section 42-3-204(6)(f), it is an affirmative defense to a violation of this paragraph (d) that the person did not know the placard was expired if the person who used the placard was the person to whom it was issued.

(e)(I) A person who violates subsection (3)(a) or (3)(a.5) of this section is subject to the penalties in section 42-4-1701(4)(a)(VIII) and (IX).

(II) A person who violates paragraphs (b) to (d) of this subsection (3) is subject to the penalties in section 42-4-1701(4)(a)(I)(M).

(4) Blocking access.

(a) Regardless of whether a person displays an identifying plate or placard, a person shall not park a vehicle so as to block reasonable access to curb ramps, passenger loading zones, or accessible routes, as identified in 28 CFR part 36 appendix A, that are clearly identified unless the person is actively loading or unloading a person with a disability.

(b) A person who violates this subsection (4) is subject to the penalties in section 42-4-1701(4)(a)(VIII).

(5) Fraud and trafficking. A person is subject to the penalties in section 42-4-1701(4)(a)(X), if the person:

(a) Knowingly and fraudulently obtains, possesses, uses, or transfers an identifying placard issued to a person with a disability;

(b) Knowingly makes, possesses, uses, alters, or transfers what purports to be, but is not, an identifying placard; or

(c) Knowingly creates or uses a device intended to give the impression that it is an identifying placard when viewed from outside the vehicle.

(6) Enforcement of reserved parking.

(a) A peace officer or authorized and uniformed parking enforcement official may check the identification of a person using an identifying plate or placard in order to determine whether the use is authorized.

(b)(I) A peace officer or authorized and uniformed parking enforcement official may confiscate an identifying placard that is being used in violation of this section.

(II) The peace officer or parking enforcement official shall send a confiscated placard to the department unless it is being held as evidence for prosecution of a violation of this section. If the tag is being held as evidence, the peace officer or parking enforcement official shall notify the department of the confiscation and pending charges.

(III) The department shall hold a confiscated placard for thirty days and may dispose of the placard after thirty days. The department shall release the placard to the person with a disability to whom it was issued when the person signs a statement under penalty of perjury that he or she was unaware that the violator used, or intended to use, the placard in violation of this section.

(c) A peace officer and the department may investigate an allegation that a person is violating this section.

(d) A person who observes a violation of this section may submit evidence, including a sworn statement, concerning the violation to any law enforcement agency.

(e)(I) A peace officer may issue a penalty assessment notice for a violation of paragraph (b), (c), or (d) of subsection (3) of this section by sending it by certified mail to the registered owner of the motor vehicle. The peace officer shall include in the penalty assessment notice the offense or infraction, the time and place where it occurred, and a statement that the payment of the penalty assessment and a surcharge is due within twenty days after the issuance of the notice. The department receives payment of the penalty assessment by the due date if the payment is received or postmarked by the twentieth day after the vehicle owner received the penalty assessment notice.

(II) If the penalty assessment and surcharge are not paid within twenty days after the date the vehicle owner receives the assessment notice specified in subparagraph (I) of this paragraph (e), the peace officer who issued the original penalty assessment notice shall file

a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at the time and place specified.

(f)(I) The entering court shall send certification of the entry of judgment for each violation of paragraph (b), (c), or (d) of subsection (3) of this section to the department.

(II) Upon receipt of certification of an entry of judgment for a violation of paragraph (b), (c), or (d) of subsection (3) of this section, the department shall not register the person's vehicle until all fines imposed for the violations have been paid.

(III) Upon receipt of certification or independent verification of an entry of judgment, the department shall revoke an identifying plate or placard as provided in section 42-3-204(7)(d).

(g)(I) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section or section 42-3-204, or for any misuse of an identifying plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder furnishes sufficient evidence that the identifying plate or placard was, at the time of the violation, in the care, custody, or control of another person without the holder's knowledge or consent.

(II) A holder may avoid the liability described in subparagraph (I) of this paragraph (g) if, within a reasonable time after notification of the violation, the holder furnishes to the prosecutorial division of the appropriate jurisdiction the name and address of the person who had the care, custody, or control of the identifying plate or placard at the time of the violation or the holder reports the license plate or placard lost or stolen to both the appropriate local law enforcement agency and the department.

(h) An employer shall not forbid an employee from reporting violations of this section. A person shall not initiate or administer any disciplinary action against an employee because the employee notified the authorities of a possible violation of this section if the employee has a good-faith belief that a violation has occurred.

(i) A landlord shall not retaliate against a tenant because the tenant notified the authorities of a possible violation of this section if the tenant has a good-faith belief that a violation has occurred.

(j) In order to stop a vehicle from blocking access or illegally using reserved parking, a peace officer may order a vehicle that is used to violate subsection (4) of this section to be towed to an impound lot or a vehicle storage location. The peace officer shall verify that the vehicle has not been stolen and report the tow to the department of revenue in accordance with section 42-4-1804.

(k) The local authority issuing a citation under this section, or under any local ordinance defining a substantially equivalent offense, shall transfer one-half of the fine to the state treasurer, who shall credit the fine to the disabled parking education and enforcement fund created in section 42-1-226.

1209. Owner liability for parking violations.

In addition to any other liability provided for in this Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle can furnish sufficient evidence that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. To avoid liability for payment the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody, or control of the motor vehicle. The notice shall inform the operator that the operator's name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

1210. Designated areas on private property for authorized vehicles.

(1) The owner or lessee of any private property available for public use in the unincorporated areas of a county may request in writing that specified areas on such property be designated by the board of county commissioners for use only by authorized vehicles and that said areas, upon acceptance in writing by the board of county commissioners, shall be clearly marked by the owner or lessee with official traffic control devices, as defined in section 42-1-102(64). Such a request shall be a waiver of any objection the owner or lessee may assert concerning enforcement of this section by peace officers of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding. When the owner or lessee gives written notice to the board of county commissioners that said request is withdrawn, and the owner or lessee removes all traffic control devices, the provisions of this section shall no longer be applicable.

(2) It is unlawful for any person to park any vehicle other than an authorized vehicle in any area designated and marked for such use as provided in this section.

(3) Any person who violates the provisions of subsection (2) of this section commits a class A traffic infraction. The disposition of fines and forfeitures shall be paid into the treasury of the county at such times and in such manner as may be prescribed by the board of county commissioners.

1211. Limitations on backing.

(1)(a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(2) Any person who violates any provision of this section commits a class A traffic infraction.

1212. Pay parking access for disabled.

(1) A person who owns, operates, or manages a parking space that requires remuneration shall not tow, boot, or otherwise take adverse action against an individual or motor vehicle parking in the space for failure to pay the remuneration if the motor vehicle bears a remuneration-exempt identifying placard issued pursuant to [section 42-3-204](#).

(2) Notwithstanding any statute, resolution, or ordinance of the state of Colorado, a political subdivision of Colorado, or a governing board of a state institution of higher education, parking in a space without paying the required remuneration is not a violation of the statute, resolution, or ordinance if the conditions specified in subsection (1) of this section are met.

(3) A law or parking enforcement agency shall withdraw any penalty assessment notice or summons and complaint that is deemed not to be a violation under subsection (2) of this section within five business days after being shown proof that the individual cited has a valid remuneration-exempt identifying placard.

1213. Parking in electric motor vehicle charging stations.

(1)(a) For the purposes of this section, “official sign” means a sign identifying a parking space for electric motor vehicle charging that cites this section or the equivalent local ordinance and that clearly displays the penalties for violating this section or the equivalent local ordinance.

(b) The owner of public or private property may install official signs that identify a parking space as a dedicated charging station. The installation operates as a waiver of any objection the owner may assert concerning enforcement of this section by a peace officer. A peace officer may enforce this section on private property.

(2)(a) A person shall not park a motor vehicle within a parking space designated for charging a plug-in electric motor vehicle unless the motor vehicle is a plug-in electric motor vehicle.

(b) Except as provided in subsection (3) of this section, a person shall not park a plug-in electric motor vehicle in a parking space with a dedicated charging connector for the parking space unless the person is parked in the charging station for the purpose of charging the plug-in electric motor vehicle.

(c) A plug-in electric motor vehicle is rebuttably presumed to not be charging if the motor vehicle is:

(I) Parked in a charging station parking space with a dedicated charging connector for the space; and

(II) Not continuously and electrically connected to the charger for longer than thirty minutes.

(3)(a) A person may park a plug-in electric motor vehicle at a charging after the motor vehicle is fully charged in a parking lot:

(I) That serves a lodging business if the person is a client of the lodging business and has parked the plug-in electric motor vehicle in the lot to charge overnight;

(II) That serves an airport if the person is a client of the airport and has parked the plug-in electric motor vehicle in the lot to charge when traveling; or

(III) Between the hours of 11 p.m. and 5 a.m.

(b) The exception in subsection (3)(a) of this section is an affirmative defense to a violation of subsection (2) of this section.

(4) A person who violates this section commits a class B traffic infraction.

Part 13
Alcohol And Drug Offenses
(Omitted)

Part 14

Other Offenses

1401. Reckless driving - penalty.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of the persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, electrical assisted bicycle, or electric scooter is not subject to section 42-4-127.

1402. Careless driving - penalty.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle, electrical assisted bicycle, or electric scooter is not subject to section 42-2-127.

1402.5 Vulnerable road user - prohibition - violations and penalties - definition.

1) Definition. As used in this section, unless the context otherwise requires, “vulnerable road user” means:

- (a) A pedestrian;
- (b) A person engaged in work upon a roadway or upon utility facilities along a roadway;
- (c) A person providing emergency services within a right-of-way;
- (d) A peace officer who is outside a motor vehicle and performing the peace officer's duties in a right-of-way;
- (e) A person riding or leading an animal; or
- (f) A person lawfully using any of the following on a public right-of-way, crosswalk, or shoulder of the roadway:
 - (I) A bicycle, electrical assisted bicycle, tricycle, or other pedal-powered vehicle;
 - (II) A farm tractor or similar vehicle designed primarily for farm use;
 - (III) A skateboard;
 - (IV) Roller skates;
 - (V) In-line skates;
 - (VI) A scooter;
 - (VII) A moped;

- (VIII) A motorcycle;
- (IX) An off-highway vehicle;
- (X) An animal-drawn, wheeled vehicle;
- (XI) Farm equipment;
- (XII) A sled;
- (XIII) An electric personal assistive mobility device;
- (XIV) A wheelchair;
- (XV) A baby stroller;
- (XVI) A nonmotorized pull wagon; or
- (XVII) An autocycle.

(2) Prohibition. A person who drives a motor vehicle in violation of section 1402 and whose actions are the proximate cause of serious bodily injury, as defined in section 1601(4)(b), to a vulnerable road user commits infliction of serious bodily injury to a vulnerable road user.

(3) Violations and penalties. (a) Infliction of serious bodily injury to a vulnerable road user is a class 1 traffic misdemeanor.

(b) In addition to the penalties imposed in subsections (3)(a) and (3)(c) of this section, the court may order the violator to: (I) Attend a driver improvement course in accordance with section 1717; and (II) Perform useful public service for a number of hours, which must not exceed three hundred twenty hours, to be determined by the court in accordance with section 18-1.3-507.

(c) In addition to the penalties imposed in subsections (3)(a) and (3)(b) of this section, a person who is convicted of violating this section is subject to:

- (I) License suspension in accordance with section 42-2-127; and
- (II) An order of restitution under part 6 of article 1.3 of title 18.

1403. Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Any person who violates any provision of this section commits a class A traffic infraction.

1404. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department used at any fire, alarm of fire, or practice runs or laid down on any street, private driveway, or highway without the

consent of the fire department official in command. Any person who violates any provision of this section commits a class B traffic infraction.

1405. Riding in trailers.

No person shall occupy a trailer while it is being moved upon a public highway. Any person who violates any provision of this section commits a class B traffic infraction.

1406. Foreign matter on highway prohibited.

(1)(a) No person shall throw or deposit upon or along any highway any glass bottle, glass, stones, nails, tacks, wire, cans, container of human waste, or other substance likely to injure any person, animal, or vehicle upon or along such highway.

(b) No person shall throw, drop, or otherwise expel a lighted cigarette, cigar, match, or other burning material from a motor vehicle upon any highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(4) No person shall excavate a ditch or other aqueduct, or construct any flume or pipeline or any steam, electric, or other railway, or construct any approach to a public highway without written consent of the authority responsible for the maintenance of that highway.

(5)(a) Except as provided in paragraph (b) of this subsection (5), any person who violates any provision of this section commits a class B traffic infraction.

(b)(I) Any person who violates subsection (1)(b) of this section commits a petty offense and shall be punished as provided in section 18-1.3-501.

(II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway shall be punished by a fine of five hundred dollars in lieu of the penalty and surcharge prescribed in section 1701(4)(a)(I)(N).

(6) As used in this section:

(a) "Container" includes, but is not limited to, a bottle, a can, a box, or a diaper.

(b) "Human waste" means urine or feces produced by a human.

1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.

(1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from blowing, dropping,

sifting, leaking, or otherwise escaping therefrom; except that material may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2) (Deleted by amendment, L. 99, p. 295, §1, effective July 1, 1999.)

(2.4)(a) A vehicle shall not be driven or moved on a highway if the vehicle is transporting trash or recyclables unless at least one of the following conditions is met:

(I) The load is covered by a tarp or other cover in a manner that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(II) The vehicle utilizes other technology that prevents the load from blowing, dropping, shifting, leaking, or otherwise escaping from the vehicle;

(III) The load is required to be secured under and complies with 49 CFR parts 392 and 393; or

(IV) The vehicle is loaded in such a manner or the load itself has physical characteristics such that the contents will not escape from the vehicle. Such a load may include, but is not limited to, heavy scrap metal or hydraulically compressed scrap recyclables.

(b) Paragraph (a) of this subsection (2.4) shall not apply to a motor vehicle in the process of collecting trash or recyclables within a one mile radius of the motor vehicle's last collection point.

(2.5)(a) No vehicle shall be driven or moved on any highway for a distance of more than two miles if the vehicle is transporting aggregate material with a diameter of one inch or less unless:

(I) The load is covered by a tarp or other cover in a manner that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle; or

(II) The vehicle utilizes other technology that prevents the aggregate material from blowing, dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Nothing in this subsection (2.5) shall apply to a vehicle:

(I) Operating entirely within a marked construction zone;

(II) Involved in maintenance of public roads during snow or ice removal operations; or

(III) Involved in emergency operations when requested by a law enforcement agency or an emergency response authority designated in or pursuant to section 29-22-102.

(2.7) For the purposes of this section:

(a) "Aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; except that "aggregate material" does not include hot asphalt, including asphalt patching material, wet concrete, or other materials not susceptible to blowing.

(b) "Recyclables" means material or objects that can be reused, reprocessed, remanufactured, reclaimed, or recycled.

(c) "Trash" means material or objects that have been or are in the process of being discarded or transported.

(3)(a) Except as otherwise provided in paragraph (b) or (c) of this subsection (3), any person who violates any provision of this section commits a class B traffic infraction.

(b) Any person who violates any provision of this section while driving or moving a car or pickup truck without causing bodily injury to another person commits a class A traffic infraction.

(c) Any person who violates any provision of this section while driving or moving a car or pickup truck and thereby proximately causes bodily injury to another person commits a class 2 misdemeanor traffic offense.

1407.5. Splash guards - when required.

(1) As used in this section, unless the context otherwise requires:

(a) "Splash guards" means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.

(b) "Splash guards" must, at a minimum, be wide enough to cover the full tread of the tire or tires being protected, hang perpendicular from the vehicle not more than ten inches above the surface of the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.

(2) Except as otherwise permitted in this section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle or motor vehicle is equipped with splash guards. However, vehicles and motor vehicles with splash guards that violate this section shall be allowed to remain in service for the time necessary to continue to a place where the deficient splash guards will be replaced. Such replacement shall occur at the first reasonable opportunity.

(3) This section does not apply to:

(a) Passenger-carrying motor vehicles registered pursuant to section 42-3-306(2);

(b) Trucks and truck tractors registered pursuant to section 42-3-306(4) or (5), having an empty weight of ten thousand pounds or less;

(c) Trailers equipped with fenders or utility pole trailers;

(d) Vehicles while involved in chip and seal or paving operations or road widening equipment;

(e) Truck tractors or converter dollies when used in combination with other vehicles;

(f) Vehicles drawn by animals; or

(g) Bicycles, electrical assisted bicycles, or electric scooters.

(4) Any person who violates any provision of this section commits a class B traffic infraction.

1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

(1) Any metropolitan recreation district, any park and recreation district organized pursuant to Code 1 of title 32, or any recreation district organized pursuant to the provisions of part 7 of Code 20 of title 30, referred to in this section as a “district”, shall have the authority to designate areas on property owned or controlled by the district in which the operation of motor vehicles shall be prohibited. Areas in which it shall be prohibited to operate motor vehicles shall be clearly posted by a district.

(2) It is unlawful for any person to operate a motor vehicle in an area owned or under the control of a district if the district has declared the operation of motor vehicles to be prohibited in such area, as provided in subsection (1) of this section.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

1409. Compulsory insurance - penalty - legislative intent.

(1) No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3)(a) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(b) As used in this section, “evidence of a complying policy or certificate of self-insurance in full force and effect” includes the presentation of such a policy or certificate upon a cell phone or other electronic device.

(4)(a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a class 1 misdemeanor traffic offense. The minimum fine imposed by section 42-4-1701(3)(a)(II)(A), shall be mandatory, and the defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to section 42-4-1701(3)(a)(II)(A), the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars, and the court shall not suspend such minimum fine. The court or the court collections' investigator may establish a payment schedule for a person convicted of the provisions of subsection (1), (2), or (3) of this section, and the provisions of section 16-11-101.6, shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to section 10-4-619 or 10-4-624, has been obtained.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service, subject to the provisions of section 18-1.3-507.

(5) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) A person charged with violating subsection (1), (2), or (3) of this section shall not be convicted if the person produces in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation. The court clerk's office may dismiss the charge if it verifies that the person had a valid policy in effect at the time of the alleged violation using the uninsured motorist identification database created in section 42-7-602.

(7) Repealed.

(8) (Deleted by amendment, L. 2003, p. 2648, § 7, effective July 1, 2003.)

(8.5) If an operator of a motor vehicle or low-power scooter uses a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in paragraph (b) of subsection (3) of this section:

(a) The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the operator's policy or certificate of self-insurance; and

(b) The law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

(9) It is the intent of the general assembly that the money collected as fines imposed pursuant subsections (4)(a) and (4)(b) of this section are to be used for the supervision of the public highways. The general assembly determines that law enforcement agencies that patrol and maintain the public safety on public highways are supervising the public highways. The general

assembly further determines that an authorized agent is supervising the public highways through his or her enforcement of the requirements for demonstration of proof of motor vehicle insurance pursuant to section 42-3-105(1)(d). Therefore, of the money collected from fines pursuant to subsections (4)(a) and (4)(b) of this section, fifty percent shall be transferred to the law enforcement agency that issued the ticket for a violation of this section. The remaining fifty percent of the money collected from fines for violations subsection (4)(a) or (4)(b) of this section shall be transmitted to the authorized agent for the county in which the violation occurred.

1410.5 Providing false evidence of proof of motor vehicle insurance - penalty.

(1) It is unlawful for any person to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle liability insurance required by state law to a law enforcement officer, judge, magistrate, prosecutor, or employee of a court clerk's office with the intent to mislead that official regarding the status or any motor vehicle liability insurance policy in the course of an official investigation, or for purposes of dismissing any charge under section 1409 or reducing any penalty imposed under section 1409, where such means, manner, type, or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law.

(2) Violation of this section is a class B traffic infraction, punishable by a fine of up to five hundred dollars.

(3) A person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of this section shall be deemed, but only for purposes of section 18-1-408. to have been convicted of a criminal offense.

1411. Use of earphones while driving.

(1)(a) No person shall operate a motor vehicle while wearing earphones.

(b) For purposes of this subsection (1), "earphones" includes any headset, radio, tape player, or other similar device which provides the listener with radio programs, music, or other recorded information through a device attached to the head and which covers all of or a portion of the ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone.

(2) Any person who violates this section commits a class B traffic infraction.

(3) Nothing in this section authorizes the holder of a commercial driver's license issued pursuant to part 4 of article 2 of this title to act in violation of any federal law or regulation relating to driving a commercial vehicle.

1412. Operation of bicycles and other human-powered vehicles.

(1) A person riding a bicycle, or electrical assisted bicycle, or electric scooter has all of the rights and duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4, except as provided in section 1412.5, and except as to those provisions that by their nature can have no application. Said bicycle, electrical assisted bicycle, or electric scooter riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within incorporated cities and towns, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in section 111. Notwithstanding any contrary provision in this article 4, when a county or municipality has adopted an ordinance or resolution that regulates the operation of bicycles, electrical assisted bicycles, and electric scooters at controlled intersections, as defined in section 1412.5(4)(a), and that does not conflict with section 1412.5, riders are subject to the local ordinance or resolution.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the "Colorado Governmental Immunity Act", Code 10 of title 24.

(3) A bicycle, electrical assisted bicycle, or electric scooter shall not be used to carry more persons at one time than the number for which it is designed or equipped.

(4) A person riding upon a bicycle, electrical assisted bicycle, or electric scooter shall not attach the vehicle or the rider to any motor vehicle upon a roadway.

(5)(a) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(b) A bicyclist shall not be expected or required to:

(I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle, electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of the roadway as judged safe by the bicyclist, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)(a) Persons riding bicycles, electrical assisted bicycles, or electric scooter upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding bicycles, electrical assisted bicycles, or electric scooters two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the rider intends to proceed, the bicyclist may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause

official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle, electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle, electrical assisted bicycle, or electric scooter.

(10)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing the pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where the use of bicycles, electrical assisted bicycles, electric scooters is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, including the rights and duties granted and required by section 802.

(d) (Deleted by amendment, L. 2005, p. 1353, § 1, effective July 1, 2005.)

(11)(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk must not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of one or more bicycles or electric scooters near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles, electrical assisted bicycles, or electrical scooters parked anywhere on a highway must conform to the provisions of part 12 of this article 4 regulating the parking of vehicles.

(12)(a) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense; except that 42-2-127, shall not apply.

(b) Any person riding a bicycle, electrical assisted bicycle, or electric scooter who violates any provision of this Code other than this section that is applicable to such a vehicle and for which a penalty is specified, the person is subject to the same specified penalty as any other vehicle; except that 42-2-127, does not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if the accident does not involve a motor vehicle.

(14)(a)(I) A person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.

(II) A local authority may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or a pedestrian path under its jurisdiction.

(b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:

(I) The path is within a street or highway; or

(II) The local authority permits the operation of a class 3 electrical assisted bicycle on a path under its jurisdiction.

(15)(a) A person under sixteen years of age shall not ride a class 3 electrical assisted bicycle upon any street, highway, or bike or pedestrian path; except that a person under sixteen years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

(b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;

(II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and

(III) The protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.

(c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages.

1412.5. Statewide regulation of certain persons approaching intersections who are not operating motor vehicles - status of existing local ordinance or resolution - legislative declaration - definitions.

(1) The general assembly hereby finds and declares that:

(a) The regulation of persons approaching controlled intersections is a matter of mixed state and local concern; and

(b) It is necessary, appropriate, and in the best interest of the state to reduce injuries, fatalities, and property damage resulting from collisions at controlled intersections between motor vehicles and persons who are not operating motor vehicles by allowing most persons approaching controlled intersections who are fifteen years of age or older or who are under fifteen years of age and accompanied by an adult and who are not operating motor vehicles to approach controlled intersections in the manner set forth in this section.

(2)(a)(I) A pedestrian or a person who is fifteen years of age or older or who is under fifteen years of age and accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with a stop sign shall slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the pedestrian or person operating a low-speed conveyance shall slow to a reasonable speed and yield the right-of-way to any traffic or pedestrian in or approaching the intersection. After the pedestrian or person operating a low-speed conveyance has slowed to a reasonable speed and yielded the right-of-way if required, the pedestrian or person operating a low-speed conveyance may cautiously make a turn or proceed through the intersection without stopping.

(II) For purposes of this subsection (2)(a), a reasonable speed is ten miles per hour or less. A municipality, by ordinance, or a county, by resolution, may raise the maximum reasonable speed to twenty miles per hour if the municipality or county also posts signs at the intersection stating that higher speed limitation.

(b) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance and approaching a controlled intersection with an illuminated red traffic control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians. Once the person operating a low-speed conveyance has yielded, the person operating a low-speed conveyance may cautiously proceed in the same direction through the intersection or make a right-hand turn. When a red traffic control signal is illuminated, a person operating a low-speed conveyance shall not proceed through the intersection or turn right if an oncoming vehicle is turning or preparing to turn left in front of the person operating a low-speed conveyance.

(c) A person who is fifteen years of age or older or who is under fifteen years of age and is accompanied by an adult and who is operating a low-speed conveyance approaching an intersection of a roadway with an illuminated red traffic control signal may make a left-hand turn only if turning onto a one-way street and only after stopping and yielding to other traffic

and pedestrians. However, a person operating a low-speed conveyance shall not turn left if an oncoming vehicle is turning or preparing to turn right.

(d) Notwithstanding any other provision of this subsection (2), if a county or municipality has placed a traffic sign or a traffic control signal at a controlled intersection and the traffic sign or traffic control signal provides instructions only to one or more specified types of low-speed conveyances, the operator of a low-speed conveyance to which the traffic sign or traffic control signal is directed shall obey the instructions provided by the sign or traffic control signal.

(e) If a county or municipality adopted a valid ordinance or resolution that regulates bicycles or electrical assisted bicycles substantially as described in subsections (2)(a.5), (2)(b.5), and (2)(c.5) of this section prior to May 3, 2018, that ordinance or resolution remains valid to the extent that it applies to the operation of bicycles or electrical assisted bicycles by persons who are under fifteen years of age and who are not accompanied by an adult.

(2.5) This section supersedes any conflicting ordinance that a municipality, county, or city and county adopts, but nothing in this section affects the validity of any ordinance or resolution adopted by a municipality, county, or city and county that regulates the conduct of persons approaching controlled intersections and does not conflict with this section.

(3) This section does not diminish or alter the authority of the department of transportation or the state transportation commission, as those entities are defined in section 43-1-102, regarding the department's or commission's authority to regulate motor vehicle traffic on any portion of the state highway system as defined in section 43-2-101(1).

(3.5) This section does not create any right for a pedestrian or the operator of a low-speed conveyance to travel on any portion of a roadway where travel is otherwise prohibited by state law or by an ordinance or resolution adopted by a municipality, county, or city and county.

(4) As used in this section:

(a) "Controlled intersection" means an intersection of a roadway that is controlled by either a stop sign or a traffic control signal.

(b) "Low-speed conveyance" means:

(I) A vehicle, as defined in section 42-1-102(112), that is not a motor vehicle, as defined in section 42-1-102(58), a low-power scooter as defined in section 42-1-102(48.5), or a low-speed electric vehicle, as defined in section 42-1-102(48.6);

(II) A toy vehicle, as defined in section 42-1-102(103.5), that is exclusively human-powered;
or

(III) An electric personal assistance mobility device or EPAMD, as defined in section 42-1-102(28.7), or a device that would be an electric personal assistance mobility device or EPAMD but for the fact that it has fewer or more than two wheels or has tandem wheels.

1413. (Removed)

1414. Use of dyed fuel on highways prohibited.

(1) No person shall operate a motor vehicle upon any highway of the state using diesel fuel dyed to show that no taxes have been collected on the fuel.

(2)(a) Any person who violates subsection (1) of this section commits a class B traffic infraction.

(b) Any person who commits a second violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4-1701(4)(a)(I)(N).

(c) Any person who commits a third or subsequent violation of subsection (1) of this section within a twelve-month period shall be subject to an increased penalty pursuant to section 42-4-1701(4)(a)(I)(N).

(3) Any person violating any provision of this section shall be subject to audit by the department regarding payment of motor fuel tax.

1415. Radar jamming devices prohibited - penalty.

(1)(a) No person shall use, possess, or sell a radar jamming device.

(b) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

(2)(a) For purposes of this section, “radar jamming device” means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. “Radar jamming device” includes but is not limited to devices commonly referred to as “jammers” or “scramblers”.

(b) For purposes of this section, “radar jamming device” shall not include equipment that is legal under FCC regulations, such as a citizens’ band radio, ham radio, or any other similar electronic equipment.

(3) Radar jamming devices are subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this section is charged.

(4) A violation of subsection (1) of this section is a class 2 misdemeanor traffic offense, punishable as provided in section 42-4-1701(3)(a)(II)(A).

(5) The provisions of subsection (1) of this section shall not apply to peace officers acting in their official capacity.

1416. Failure to present a valid transit pass or coupon - fare inspector authorization - definitions.

(1) A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.

(2) A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to subsection (4) of this section, a peace officer, or any other employee or agent of a public transportation entity.

(3) A violation of this section is a class B traffic infraction and is punishable by a fine of seventy-five dollars. Notwithstanding any other provision of law, fines for a violation of subsection (1) of this section shall be retained by the clerk of the court in the city and county of Denver upon receipt by the clerk for a violation occurring within that jurisdiction, or transmitted to the state judicial department if the fine is received by the clerk of the court of any other county.

(4)(a) Public transportation entities may appoint or employ, with the power of removal, fare inspectors as necessary to enforce the provisions of this section. The employing public transportation entity shall determine the requirements for employment as a fare inspector.

(b) A fare inspector appointed or employed pursuant to this section is authorized to enforce the provisions of this section while acting within the scope of his or her authority and in the performance of his or her duties. A fare inspector is authorized to issue a citation to a person who commits failure to provide a valid transit pass or coupon in violation of this section. The fare inspector shall issue a citation on behalf of the county in which the person occupying, riding in, or using a public transportation vehicle without paying the applicable fare is located at the time the violation is discovered. The public transportation entity whose fare inspector issued the citation shall timely deliver the citation to the clerk of the county court for the jurisdiction in which the accused person is located at the time the violation is discovered.

(5) As used in this section, unless the context otherwise requires:

(a) "Proof of prior fare payment" means:

(I) A transit pass valid for the day and time of use;

(II) A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or

(III) A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.

(b) "Public transportation entity" means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.

(c) "Public transportation vehicle" means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.

(d) "Transit pass" means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.

Part 15

Motorcycles

1501. Traffic laws apply to persons operating motorcycles - special permits.

(1) Every person operating a motorcycle or autocycle shall be granted all of the rights and is subject to all of the duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4 and except as to those provisions of this article 4 that by their nature are not applicable.

(2) For the purposes of a prearranged, organized special event and upon a showing that safety will be reasonably maintained, the department of transportation may grant a special permit exempting the operation of a motorcycle or autocycle from any requirement of this part 15.

1502. Motorcycles and autocycles - protective helmet.

(1) A person driving a motorcycle or autocycle shall ride only upon the permanent and regular seat attached to the motorcycle or autocycle. The driver of a motorcycle or an autocycle shall not carry any other person and another person shall not ride on a motorcycle or autocycle unless the motorcycle or autocycle is designed to carry more than one person. If a motorcycle or autocycle is designed to carry more than one person, a passenger may ride upon the permanent seat if the permanent seat is designed for two persons or upon another seat firmly attached to the motorcycle or autocycle at the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(3) No person shall operate a motorcycle while carrying packages, bundles, or other articles which prevent the person from keeping both hands on the handlebars.

(4) A driver shall not carry any person, and another person shall not ride, in a position that will interfere with the operation or control of the motorcycle or autocycle or the view of the operator.

(4.5)(a) Except as provided in subsection (4.5)(c) of this section, a person shall not operate or ride as a passenger on a motorcycle, autocycle, or low-power scooter on a roadway unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

(II) The protective helmet conforms to the design and specifications set forth in paragraph (b) of this subsection (4.5); and

(III) The protective helmet is secured properly on the person's head with a chin strap while the motorcycle, autocycle, or low-power scooter is in motion.

(b) A protective helmet required to be worn by this subsection (4.5) shall:

(I) Be designed to reduce injuries to the user resulting from head impacts and to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;

(II) Consist of lining, padding, and chin strap; and

(III) Meet or exceed the standards established in the United States department of transportation federal motor vehicle safety standard no. 218, 49 CFR 571.218, for motorcycle helmets.

(c) A person driving or riding an autocycle need not wear a helmet if the autocycle has:

(I) Three wheels;

(II) A maximum design speed of twenty-five miles per hour or less;

(III) A windshield; and

(IV) Seat belts.

(5) Any person who violates any provision of this section commits a class A traffic infraction.

1503. Operating motorcycles and autocycles on roadways laned for traffic.

(1) All motorcycles are entitled to full use of a traffic lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a traffic lane. This subsection (1) shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle or autocycle shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) A person shall not operate a motorcycle or autocycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

(6) Any person who violates any provision of this section commits a class A traffic infraction.

1504. Clinging to other vehicles.

A person riding upon a motorcycle or autocycle shall not attach himself, herself, or the motorcycle or autocycle to any other vehicle on a roadway. Any person who violates this section commits a class A traffic infraction.

Part 16
Accidents And Accident Reports
(Omitted)

Part 17

Penalties And Procedure

Preface.

(1) Municipalities that have adopted the Code need to be aware of: sections 13-10-101, et. seq., section 42-4-110(2), and the Colorado Municipal Court Rules (C.M.C.R.).

(2) Counties that have adopted the Code need to be aware of: part 5 of Code 6 of title 13, section 16-2-201, sections 30-15-401(1)(h), 30-15-402, 30-15-407, section 42-4-1701, Colorado Rules for Magistrates - Rule 7, and Colorado Rules of Criminal Procedure - Rule 4.1.

(3) Counties additionally need to be aware of section 30-15-401(1)(h), which reads in part, emphasis added:

“To control and regulate the movement and parking of vehicles and motor vehicles on public property; except that misdemeanor traffic offenses and the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest.”.

Pursuant to section 30-15-402, which reads in part, emphasis added:

(1) “Any person who violates any county ordinance adopted pursuant to this part 4 ... in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, and sections 42-4-1708 to 42-4-1718, shall apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.

(2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103”.

1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.

(1) It is a traffic infraction for any person to violate any of the provisions of articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 unless such violation is, by articles 1 to 3 of this title 42 and parts 1 to 3 and 5 to 19 of this article 4 or by any other law of this state, declared to be a felony, misdemeanor, petty offense, civil infraction, or misdemeanor traffic offense. Such a traffic infraction constitutes a civil matter.

(2)(a) For the purposes of this part 17, "judge" shall include any county court magistrate who hears traffic infraction matters, but no person charged with a traffic violation other than a traffic infraction or class 2 misdemeanor traffic offense shall be taken before a county court magistrate.

(b) For the purposes of this part 17, "magistrate" shall include any county court judge who is acting as a county court magistrate in traffic infraction and class 2 misdemeanor traffic offense matters.

(3)(a)(I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	\$15.00 Penalty	\$100.00 Penalty
B	\$15.00 Penalty	\$100.00 Penalty

(II)(A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), subsections (4) and (5) of this section, and sections 42-4-1301.3, 42-4-1301.4 and 42-4-1307, or the section creating the offense, misdemeanor traffic offenses are vided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both

(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense shall be required to pay restitution as required by article 18.5 of title 16, and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II), subject to the conditions and restrictions of section 18-1.3-507.

(b) Any traffic infraction or misdemeanor traffic offense defined by law outside of articles 1 to 4 of this title shall be punishable as provided in the statute defining it or as otherwise provided by law.

(c) The department has no authority to assess any points under section 42-2-127, upon entry of judgment for any class B traffic infractions.

(4)(a)(I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title 42 to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized,

and have a surcharge levied thereon pursuant to sections 24-4.1-119(1)(f) and 24-4.2-104(1)(b)(I), in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(S) of this section; or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be four dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

(A) Drivers' license violations:

Section Violated	Penalty	Surcharge
42-2-101	\$35.00	\$10.00
42-2-101(2), (3), or (5)	\$15.00	\$6.00
42-2-103	\$15.00	\$6.00
42-2-105	\$70.00	\$10.00
42-2-105.5(4)	\$65.00	\$10.00
42-2-106	\$70.00	\$ 10.00
42-2-115	\$35.00	\$10.00
42-2-116(6)(a)	\$30.00	\$6.00
42-2-119	\$15.00	\$6.00
42-2-134	\$35.00	\$10.00
42-2-136	\$35.00	\$10.00
42-2-138	\$100.00	\$15.00
42-2-139	\$35.00	\$10.00
42-2-140	\$35.00	\$10.00
42-2-141	\$35.00	\$10.00
42-2-204	\$70.00	\$10.00
42-2-404	\$100.00	\$15.00

(B) Registration and taxation violations:

Section Violated	Penalty	Surcharge
42-3-103	\$50.00	\$16.00
42-3-113	\$15.00	\$6.00
42-3-202	\$15.00	\$6.00
42-3-116	\$50.00	\$16.00
42-3-121(1)(a)	\$75.00	\$24.00
42-3-121(1)(c)	\$35.00	\$10.00
42-3-121(1)(f), (1)(g), and (1)(h)	\$75.00	\$24.00
42-3-304 to 306	\$50.00	\$16.00
42-3-308	\$50.00	\$16.00

(C) Traffic regulation generally:

Section Violated	Penalty	Surcharge
Sec.[1] 1412	\$15.00	\$6.00
Sec. 109(13)(a)	\$15.00	\$6.00
Sec. 109(13)(b)	\$100.00	\$15.00
Sec. 1211	\$30.00	\$6.00
Sec. 1405	\$15.00	\$6.00

1[1] NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

(D) Equipment violations:

Section Violated	Penalty	Surcharge
Sec. 201	\$35.00	\$10.00
Sec. 202	\$35.00	\$10.00
Sec. 204	\$15.00	\$6.00
Sec. 205	\$15.00	\$6.00
Sec. 206	\$15.00	\$6.00
Sec. 207	\$15.00	\$6.00
Sec. 208	\$15.00	\$6.00
Sec. 209	\$15.00	\$6.00
Sec. 210	\$15.00	\$6.00
Sec. 211	\$15.00	\$6.00
Sec. 212	\$15.00	\$6.00
Sec. 213	\$15.00	\$6.00
Sec. 214	\$15.00	\$6.00
Sec. 215	\$15.00	\$6.00
Sec. 216	\$15.00	\$6.00
Sec. 217	\$15.00	\$6.00
Sec. 218	\$15.00	\$6.00
Sec. 219	\$15.00	\$6.00
Sec. 220	\$15.00	\$6.00
Sec. 221	\$15.00	\$6.00
Sec. 222(1)	\$15.00	\$6.00
Sec. 223	\$15.00	\$6.00
Sec. 224	\$15.00	\$6.00
Sec. 225(1)	\$15.00	\$6.00

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1. NOTE: "Sec." refers to the corresponding section of this Model Traffic Code.

Sec. 226	\$15.00	\$6.00
Sec. 227(1)	\$50.00	\$16.00
Sec. 228(1), (2), (3), (5), or (6)	\$15.00	\$6.00
Sec. 229	\$15.00	\$6.00
Sec. 230	\$15.00	\$6.00
Sec. 231	\$15.00	\$6.00
Sec. 232	\$15.00	\$6.00
Sec. 233	\$75.00	\$24.00
Sec. 234	\$15.00	\$6.00
Sec. 235	\$50.00	\$16.00
Sec. 236	\$65.00	\$16.00
Sec. 237	\$65.00	\$6.00
Sec. 1411	\$15.00	\$6.00
Sec. 1412	\$15.00	\$6.00
Sec. 1901	\$35.00	\$ 10.00

(E) Emissions inspections:

Section Violated	Penalty	Surcharge
Sec. 313(3)(c)	\$100.00	\$15.00
Sec. 313(3)(d)	\$15.00	\$6.00
(E.5) Dispel Inspections:		
Sec. 412	\$50.00	\$16.00

(F) Size, weight, and load violations:

Section Violated	Penalty	Surcharge
Sec. 106(1), (3), (4), (6), or (7)	\$35.00	\$10.00
Sec. 106(5)(a)(I)	\$100.00	\$32.00
Sec. 106(5)(a)(II)	\$500.00	\$156.00
Sec. 106(5)(a)(III)	\$500.00	\$78.00
Sec. 106(5)(a)(IV)	\$1,000.00	\$156.00
Sec. 105(1) to (5)	\$50.00	\$16.00
Sec. 106	\$50.00	\$16.00
Sec. 502	\$75.00	\$24.00
Sec. 503	\$15.00	\$6.00
Sec. 504	\$75.00	\$24.00
Sec. 505	\$75.00	\$24.00
Sec. 506	\$15.00	\$6.00
Sec. 509	\$50.00	\$16.00
Sec. 510(12)(a)	\$35.00	\$10.00
Sec. 512	\$75.00	\$24.00

(G) Signals, signs, and markings violations:

Section Violated	Penalty	Surcharge
Sec. 603	\$100.00	\$10.00
Sec. 604	\$100.00	\$10.00
Sec. 605	\$70.00	\$10.00
Sec. 606	\$15.00	\$6.00
Sec. 607(1)	\$50.00	\$16.00
Sec. 607(2)(a)	\$100.00	\$32.00
Sec. 608(1)	\$70.00	\$6.00
Sec. 608(2)	\$15.00	\$6.00
Sec. 609	\$15.00	\$6.00
Sec. 610	\$15.00	\$6.00
Sec. 611	\$100.00	\$15.00
Sec. 612	\$70.00	\$10.00
Sec. 613	\$35.00	\$10.00

(H) Rights-of-way violations:

Section Violated	Penalty	Surcharge
Sec. 701	\$70.00	\$10.00
Sec. 702	\$70.00	\$10.00
Sec. 703	\$70.00	\$10.00
Sec. 704	\$70.00	\$10.00
Sec. 705	\$70.00	\$16.00
Sec. 706	\$70.00	\$10.00
Sec. 707	\$70.00	\$10.00
Sec. 708	\$35.00	\$10.00
Sec. 709	\$70.00	\$10.00
Sec. 710	\$70.00	\$10.00
Sec. 711	\$100.00	\$10.00
Sec. 712	\$70.00	\$10.00
Sec. 714	\$70.00	\$10.00
Sec. 715	\$70.00	\$11.00

(I) Pedestrian violations:

Section Violated	Penalty	Surcharge
Sec. 801	\$15.00	\$6.00
Sec. 802(1)	\$30.00	\$6.00
Sec. 802(3)	\$15.00	\$6.00
Sec. 802(4)	\$30.00	\$6.00
Sec. 802(5)	\$30.00	\$6.00
Sec. 803	\$15.00	\$6.00

Sec. 805	\$15.00	\$6.00
Sec. 806	\$70.00	\$10.00
Sec. 807	\$70.00	\$10.00
Sec. 808	\$70.00	\$10.00

(J) Turning and stopping violations:

Section Violated	Penalty	Surcharge
Sec. 901	\$70.00	\$10.00
Sec. 902	\$70.00	\$10.00
Sec. 903	\$70.00	\$10.00

(K) Driving, overtaking, and passing violations:

Section Violated	Penalty	Surcharge
Sec. 1001	\$70.00	\$10.00
Sec. 1002	\$100.00	\$10.00
Sec. 1003	\$100.00	\$10.00
Sec. 1004	\$100.00	\$10.00
Sec. 1005	\$100.00	\$10.00
Sec. 1006	\$70.00	\$10.00
Sec. 1007	\$100.00	\$10.00
Sec. 1008	\$100.00	\$10.00
Sec. 1009	\$70.00	\$10.00
Sec. 1010	\$70.00	\$10.00
Sec. 1011	\$200.00	\$32.00
Sec. 1012(3)(a)	\$65.00	(NONE)
Sec. 1012(3)(b)	\$125.00	(NONE)
Sec. 1013	\$100.00	(NONE)

(L) Speeding violations:

Sec. 1101(1) or (8)(b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$30.00	\$6.00

Sec. 1101(1) or (8)(b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$70.00	\$10.00

Sec. 1101(1) or (8)(b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$135.00	\$16.00

Sec. 1101(1) or (8)(b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)

Penalty	Surcharge
\$200.00	\$32.00

Sec. 1101(8)(g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
\$50.00	\$6.00

Sec. 1101(8)(g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
\$75.00	\$10.00

Sec. 1101(8)(g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)

Penalty	Surcharge
\$100.00	\$16.00

Section Violated	Penalty	Surcharge
Sec. 1101(3)	\$100.00	\$10.00
Sec. 1103	\$50.00	\$6.00
Sec. 1104	\$30.00	\$6.00

(M) Parking violations:

Section Violated	Penalty	Surcharge
Sec. 1201	\$30.00	\$6.00
Sec. 1202	\$30.00	\$6.00
Sec. 1204	\$15.00	\$6.00
Sec. 1205	\$15.00	\$6.00
Sec. 1206	\$15.00	\$6.00
Sec. 1207	\$15.00	\$6.00
Sec. 1208	\$150.00	\$32.00
Sec. 1210	\$50.00	\$10.00
Sec. 1213	\$150.00	\$32.00

(N) Other offenses:

Section Violated	Penalty	Surcharge
Sec. 1301(2)(d)	\$100.00	\$16.00
Sec. 1305	\$50.00	\$16.00
Sec. 1305.5(2)	\$50.00	\$7.80
Sec. 1402	\$150.00	\$16.00
Sec. 1403	\$30.00	\$6.00
Sec. 1404	\$15.00	\$6.00
Sec. 1406	\$35.00	\$10.00
Sec. 1407(3)(a)	\$35.00	\$10.00
Sec. 1407(3)(b)	\$100.00	\$30.00
Sec. 1407(3)(c)	\$500.00	\$200.00
Sec. 314(1) and (2)	\$35.00	\$10.00
Sec. 314(6)(a)	\$100.00	\$10.00
Sec. 1408	\$15.00	\$6.00
Sec. 1414(2)(a)	\$500.00	\$156.00
Sec. 1414(2)(b)	\$1,000.00	\$312.00
Sec. 1414(2)(c)	\$5,000.00	\$1,560.00
Sec. 1416(3)	\$75.00	\$4.00
42-20-109(2)	\$250.00	\$66.00

(O) Motorcycle violations:

Section Violated	Penalty	Surcharge
Sec. 1502(1), (2), (3), or (4)	\$30.00	\$6.00
Sec. 1502(4.5)	\$100.00	\$15.00
Sec. 1503	\$30.00	\$6.00
Sec. 1504	\$30.00	\$6.00

(P) Offenses by persons controlling vehicles:

Section Violated	Penalty	Surcharge
Sec. 239(5)(a)	\$50.00	\$6.00
Sec. 239(5)(b)	\$100.00	\$6.00
Sec. 239(5.5)	\$300.00	\$6.00
Sec. 1704	\$15.00	\$6.00

(Q) Certificates of title:

Section Violated	Penalty	Surcharge
42-6-110	\$100.00	\$15.00
42-6-112	\$100.00	\$15.00

(R) Proof of financial responsibility:

Section Violated	Penalty	Surcharge
42-7-422	\$100.00	\$15.00
42-7-506	\$50.00	\$15.00
42-7-507	\$100.00	\$15.00
42-7-510	\$100.00	\$15.00

(S) Uninsured motorist identification database protection:

Section Violated	Penalty	Surcharge
42-7-606	\$100.00	\$15.00

(II)(A) A person convicted of violating section 507 or 508 shall be fined pursuant to this sub-subparagraph (A), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction. A person who violates section 507 or 508 shall be punished by the following fine plus a surcharge of sixteen percent of the fine as follows:

Excess Weight - Pounds	Penalty
1 - 1,000	\$20.00
1,001 - 3,000	\$25.00
3,001 - 5,000	0.03 per pound overweight
5,001 - 7,000	0.05 per pound overweight rounded to the nearest dollar
7,001 - 10,000	0.07 per pound overweight rounded to the nearest dollar
10,001 - 15,000	0.10 per pound overweight rounded to the nearest dollar
15,001 - 19,750	0.15 per pound rounded to the nearest dollar
Over 19,750	0.25 per pound overweight rounded to the nearest dollar

(B) The state, county, city, or city and county issuing a citation that results in the assessment of the penalties in sub-subparagraph (A) of this subparagraph (II) may retain and distribute the following amount of the penalty according to the law of the jurisdiction that assesses the penalty, but the remainder of the penalty shall be transmitted to the state treasurer, who shall credit the moneys to the commercial vehicle enterprise tax fund created in section 42-1-225:

Excess Weight - Pounds	Penalty Retained
1 - 3,000	\$15.00
3,001 - 4,250	\$25.00
4,251 - 4,500	\$50.00
4,501 - 4,750	\$55.00
4,751 - 5,000	\$60.00
5,001 - 5,250	\$65.00
5,251 - 5,500	\$75.00

5,501 - 5,750	\$85.00
5,751 - 6,000	\$95.00
6,001 - 6,250	\$105.00
6,251 - 6,500	\$125.00
6,501 - 6,750	\$145.00
6,751 - 7,000	\$165.00
7,001 - 7,250	\$185.00
7,251 - 7,500	\$215.00
7,501 - 7,750	\$245.00
7,751 - 8,000	\$275.00
8,001 - 8,250	\$305.00
8,251 - 8,500	\$345.00
8,501 - 8,750	\$385.00
8,751 - 9,000	\$425.00
9,001 - 9,250	\$465.00
9,251 - 9,500	\$515.00
9,501 - 9,750	\$565.00
9,751 - 10,000	\$615.00
10,001 - 10,250	\$665.00
Over 10,250	\$30.00 for each 250 pounds additional overweight, plus \$665.00

(III) Any person convicted of violating any of the rules promulgated pursuant to section 510, except section 510(2)(b)(IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Except as provided in sub-subparagraph (D) of this subparagraph (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by the following fine plus a surcharge of sixteen percent of the fine:

Excess Weight Above Maximum

Excess Weight - Pounds	Penalty Retained
1 - 2,500	\$50.00
2,501 - 5,000	\$100.00
5,001 - 7,500	\$200.00
7,501 - 10,000	\$400.00
Over 10,000	\$150.00 for each 1,000 pounds additional overweight, plus \$400.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or

loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(D) The fines for a person who violates the maximum permitted weight on an axle or on gross weight under a permit issued pursuant to section 510(1)(b)(II) shall be doubled.

(IV)(A) Any person convicted of violating section 42-3-114 who has not been convicted of a violation of section 42-3-114 in the twelve months preceding such conviction shall be fined as follows, whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

Number of days beyond renewal period that registration has been expired	Penalty	Surcharge
1-29	\$35.00	\$8.00
30 - 59	\$50.00	\$12.00
60 and over	\$75.00	\$18.00

(B) Any person convicted of violating section 42-3-114 who has been convicted of violating said section within the twelve months preceding such conviction shall be fined pursuant to subparagraph (I) of paragraph (a) of subsection (3) of this section.

(V) Any person convicted of violating section 42-20-204(2) shall be fined twenty-five dollars, whether the violator acknowledges guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction.

(VI)(A) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply, shall, in addition to any other fine or penalty or surcharge, be assessed a surcharge of one dollar, which amount shall be transmitted to the state treasurer for deposit in the family-friendly court program cash fund created in section 13-3-113(6). This surcharge shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate.

(B) Repealed.

(VII) The penalties and surcharges for a second or subsequent violation of section 42-20-109(2), within twelve months shall be doubled.

(VIII) A person who violates section 42-3-204(7)(f)(II), or section 1208(3)(a) or (4) commits a class A traffic infraction and, upon conviction, shall be punished by a surcharge of thirty-two dollars under sections [24-4.1-119\(1\)\(f\)](#) and [24-4.2-104\(1\)\(b\)\(I\)](#), and:

(A) A fine of not less than three hundred fifty dollars but not more than one thousand dollars for the first offense;

(B) A fine of not less than six hundred dollars but not more than one thousand dollars for a second offense; and

(C) A fine of not less than one thousand dollars but not more than five thousand dollars, in addition to not more than ten hours of community service, for a third or subsequent offense.

(IX) A person who violates section 1208(3) by parking a vehicle owned by a commercial carrier commits a class A traffic infraction.

(X)(A) A person who violates section 1208(5) of this section commits a class A traffic infraction.

(B) A person who willfully receives remuneration for violating section 1208(5) commits a class A traffic infraction.

(b)(I) The schedule in subparagraph (I) of paragraph (a) of this subsection (4) shall not apply when the provisions of paragraph (c) of subsection (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in subparagraphs (II) and (III) of paragraph (a) of this subsection (4) shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(c)(I) The penalties and surcharges imposed for speeding violations under subsection (4)(a)(I)(L) of this section shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the penalty for violating section 1101(1) or (8)(b) by twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.

(II)(A) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1)(a); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (II).

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

(C) If a fine is doubled under subparagraph (I) or (II) of this paragraph (c), one-half of the fine allocated to the state by sections 42-1-217 and section 205, shall be transferred to

the state treasurer, who shall deposit it in the highway construction workers' safety account within the highway users tax fund to be continuously appropriated to the department of transportation for work zone safety equipment, signs, and law enforcement.

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

(III) The penalties and surcharges imposed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b).

(IV) The penalties and surcharges imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of this subsection (4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614(1)(b); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (IV).

(d) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a school zone pursuant to section 615.

(d.5)(I) The penalty and surcharge imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a wildlife crossing zone pursuant to section 616.

(II)(A) There is hereby created, within the highway users tax fund, the wildlife crossing zones safety account.

(B) If a penalty and surcharge are doubled pursuant to subparagraph (I) of this paragraph (d.5), one-half of the penalty and surcharge allocated to the state by sections 42-1-217 and section 205, shall be transferred to the state treasurer, who shall deposit the moneys in the wildlife crossing zones safety account within the highway users tax fund to be continuously appropriated to the department of transportation for wildlife crossing zones signs and law enforcement.

(e)(I) An additional twenty dollars shall be assessed for speeding violations pursuant to subsection (4)(a)(I)(L) of this section in addition to the penalties and surcharge stated in subsection (4)(a)(I)(L) of this section. Money collected pursuant to this subsection (4)(e) must be transmitted to the state treasurer, who shall deposit such money in the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(II) If the surcharge is collected by a county, the surcharge shall be twenty-two dollars of which two dollars shall be retained by the county and the remaining twenty dollars must be transmitted to the state treasurer and credited to the Colorado brain injury trust fund created pursuant to section 26-1-309 within fourteen days after the end of each quarter, to be used for the purposes set forth in part 3 of article 1 of title 26.

(III) An additional twenty dollars is assessed for a violation of a traffic regulation pursuant to subsection (4)(a)(I)(C) of this section for a violation of section 42-4-109(13)(b), in addition to the penalties stated in subsection (4)(a)(I)(C) of this section. An additional twenty dollars must be assessed for a motorcycle or autocycle violation pursuant to subsection (4)(a)(I)(O) of this section for a violation of section 42-4-1502(4.5), in addition to the penalties stated in subsection (4)(a)(I)(O) of this section. Money collected pursuant to this subsection (4)(e)(III) must be transmitted to the state treasurer, who shall deposit the money in the Colorado brain injury trust fund created pursuant to section 26-1-309, to be used for the purposes set forth in part 3 of article 1 of title 26.

(d.7)(I) the penalty and surcharge imposed for a violation under subsection (4)(a)(I)(L) of this section is doubled if the violation is committed by a driver of a commercial motor vehicle within an area of a state highway that the department of transportation has designated as a steep downhill grade zone pursuant to section 42-4-617.

(II)(A) there is created, within the highway users tax fund, the mountain highways commercial motor vehicle safety account, referred to within this subsection (4)(d.7) as the “account”.

(B) notwithstanding any provision of law to the contrary, for each fine collected pursuant to section 42-4-617(4) and subsection (4)(d.7)(I) of this section, the state treasurer shall credit one-half of the amount of the fine to the account. All money credited to the account is continuously appropriated to the department of transportation and to the freight mobility and safety branch created within the transportation development division of the department of transportation pursuant to section 43-1-117 to pay costs associated with the provision of educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies of means by which the state may reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the mountains of the state.

(f)(I) In addition to the surcharge specified in sub-subparagraph (N) of subparagraph (I) of paragraph (a) of this subsection (4), the court shall assess a surcharge of five dollars for a violation of section 42-4-1301(2)(d). Moneys collected pursuant to this paragraph (f) must be transmitted to the state treasurer who shall deposit such moneys in the rural alcohol and substance abuse cash fund created in section 27-80-117(3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(II) If the additional surcharge is collected by a county court, the additional surcharge shall be six dollars of which one dollar shall be retained by the county and the remaining five dollars shall be transmitted to the state treasurer and credited to the rural alcohol and substance abuse cash fund created in section 27-80-117 (3), within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117.

(III) This paragraph (f) is repealed, effective September 1, 2025, unless the general assembly extends the repeal of the rural alcohol and substance abuse prevention and treatment program created in section 27-80-117.

(5)(a)(I) At the time that any person is arrested for the commission of any misdemeanors, petty offenses, or misdemeanor traffic offenses set forth in subsection (4) of this section, the arresting officer may, except when the provisions of paragraph (c) of this subsection (5) prohibit it, offer to give a penalty assessment notice to the defendant. At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1707(3) or by section 1709, whichever is applicable. The fine or penalty specified in subsection (4) of this section for the violation charged and the surcharge thereon may be paid at the office of the department of revenue, either in person or by postmarking such payment within twenty days from the date the penalty assessment notice is served upon the defendant; except that the fine or penalty charged and the surcharge thereon shall be paid to the county if it relates to a traffic offense authorized by county ordinance. The department of revenue shall accept late payment of any penalty assessment up to twenty days after such payment becomes due. Except as otherwise provided in subparagraph (II) of this paragraph (a), in the case of an offense other than a traffic infraction, a defendant who otherwise would be eligible to be issued a penalty assessment notice but who does not furnish satisfactory evidence of identity or who the officer has reasonable and probable grounds to believe will disregard the summons portion of such notice may be issued a penalty assessment notice if the defendant consents to be taken by the officer to the nearest mailbox and to mail the amount of the fine or penalty and surcharge thereon to the department. The peace officer shall advise the person arrested or cited of the points to be assessed in accordance with section 42-2-127. Except as otherwise provided in section 1710(1)(b), acceptance of a penalty assessment notice and payment of the prescribed fine or penalty and surcharge thereon to the department shall be deemed a complete satisfaction for the violation, and the defendant shall be given a receipt which so states when such fine or penalty and surcharge thereon is paid in currency or other form of legal tender. Checks tendered by the defendant to and accepted by the department and on which payment is received by the department shall be deemed sufficient receipt.

(II) In the case of an offense other than a traffic infraction that involves a minor under the age of eighteen years, the officer shall proceed in accordance with the provisions of section 1706(2) or 1707(1)(b) or (3)(a.5). In no case may an officer issue a penalty assessment notice to a minor under the age of eighteen years and require or offer that the minor consent to be taken by the officer to the nearest mailbox to mail the amount of the fine or penalty and surcharge thereon to the department.

(b) In the case of an offense other than a traffic infraction, should the defendant refuse to accept service of the penalty assessment notice when such notice is tendered, the peace officer shall proceed in accordance with section 42-4-1705, or 1707 of this Code. Should the defendant charged with an offense other than a traffic infraction accept service of the penalty assessment notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, the notice shall be construed to be a summons and complaint unless payment for such penalty assessment has been accepted by the department of revenue as evidenced by receipt. Should the defendant charged with a traffic infraction accept the notice but fail to post the prescribed penalty and surcharge thereon within twenty days thereafter, and should the department of revenue not accept payment for such penalty and surcharge as evidenced by receipt, the defendant shall be allowed to pay such penalty and surcharge thereon and the

docket fee in the amount set forth in section 1710(4) to the clerk of the court referred to in the summons portion of the penalty assessment notice during the two business days prior to the time for appearance as specified in the notice. If the penalty for a misdemeanor, misdemeanor traffic offense, or a petty offense and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the same manner as is provided by law for prosecutions of the misdemeanors not specified in subsection (4) of this section. If the penalty for a traffic infraction and surcharge thereon is not timely paid, the case shall thereafter be heard in the court of competent jurisdiction prescribed on the penalty assessment notice in the manner provided for in this article for the prosecution of traffic infractions. In either case, the maximum penalty that may be imposed shall not exceed the penalty set forth in the applicable penalty and surcharge schedule in subsection (4) of this section.

(b.5) The provisions of section 1710(1)(b) shall govern any case described in paragraph (b) of this subsection (5) in which a minor under the age of eighteen years submits timely payment for an infraction or offense in a penalty assessment notice but such payment is not accompanied by the penalty assessment notice signed and notarized in the manner required by section 1707(3)(a.5) or 1709(1.5).

(c)(I) The penalty and surcharge schedules of subsection (4) of this section and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting misdemeanors, petty offenses, or misdemeanor traffic offenses not specified in said subsection (4) of this section, nor shall they apply to the violations constituting misdemeanors, petty offenses, misdemeanor traffic offenses, or traffic infractions specified in said subsection (4) of this section when it appears that:

(A) (Deleted by amendment, L. 96, p. 580, § 4, effective May 25, 1996.)

(B) In a violation of section 1101(1) or (8)(b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of seventy-five miles per hour by more than twenty-four miles per hour;

(C) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(D) The defendant has, in the course of the same transaction, violated one of the provisions of this title specified in the penalty and surcharge schedules in subsection (4) of this section and has also violated one or more provisions of this title not so specified, and the peace officer charges such defendant with two or more violations, any one of which is not specified in the penalty and surcharge schedules in subsection (4) of this section.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall be inapplicable; except that the penalty and surcharge provided in the schedule contained in sub-subparagraph (B) of subparagraph (I) of paragraph (a) of subsection (4) of this section for any violation of section 121 shall always apply to such a violation. In all cases where the penalty and surcharge schedule contained in

subparagraph (I) of paragraph (a) of subsection (4) of this section is inapplicable, the provisions of subsection (3) of this section shall apply.

(d) In addition to any other cases governed by this section, the penalty and surcharge schedule contained in subparagraph (I) of paragraph (a) of subsection (4) of this section shall apply in the following cases:

(I) In all cases in which a peace officer was authorized by the provisions of this subsection (5) to offer a penalty assessment notice for the commission of a misdemeanor, petty offense, or misdemeanor traffic offense but such peace officer chose not to offer such penalty assessment notice;

(II) In all cases involving the commission of a misdemeanor, petty offense, or misdemeanor traffic offense in which a penalty assessment notice was offered by a peace officer but such penalty assessment notice was refused by the defendant.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of the state motor vehicle law may place upon the vehicle a penalty assessment notice indicating the offense or infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section and the surcharges thereon pursuant to sections 119(1)(f) and 104 to the Colorado department of revenue within ten days. If the penalty assessment and surcharge thereon is not paid within ten days of the issuance of the notice, the department shall mail a notice to the registered owner of the vehicle, setting forth the offense or infraction and the time and place where it occurred and directing the payment of the penalty assessment and surcharge thereon within twenty days from the issuance of the notice. If the penalty assessment and surcharge thereon is not paid within the twenty days from the date of mailing of such notice, the department shall request the police officer who issued the original penalty assessment notice to file a complaint with a court having jurisdiction and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

(7) Notwithstanding the provisions of paragraph (b) of subsection (5) of this section, receipt of payment by mail by the department or postmarking such payment on or prior to the twentieth day after the receipt of the penalty assessment notice by the defendant shall be deemed to constitute receipt on or before the date the payment was due.

(8) The surcharges described in subsections (4) to (6) of this section are separate and distinct from a surcharge levied pursuant to section 24-33.5-415.6.

1702. Counties - traffic offenses classified - schedule of fines.

(1) Pursuant to sections 30-15-402(1), and 42-4-1701, it is a traffic infraction for any person to violate parts 1 and 2, and 5 to 19 of this Code except as otherwise provided in subsections (2), (3), (4), and (5) of this section.

(2) Violation of sections 238, 239, 607(2)(a), 1402(2), and 1409, of this Code are class 1 traffic misdemeanors

(3) Violations of sections 107, 228(8), 233, 507, 508, 509, 510, 1105, 1401, 1402(1), 1407, 1412, 1413, 1704, 1716(2) and 1903(1)(a) of this Code are class 2 traffic misdemeanors.

(4) In section 1101 of this Code a violation of driving one to twenty-four miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a traffic infraction; a violation of driving twenty-five or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five miles per hour is a class 2 misdemeanor traffic offense.

(5) Violation of subsection (1.5) of section 225 shall, upon conviction, be punished by a fine of five hundred dollars.

(6) The County Commissioners may adopt a fine and surcharge schedule for penalty assessment violations.

1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

1704. Offenses by persons controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

1705. Person arrested to be taken before the proper court

(1) Whenever a person is arrested for any violation of this article 4 punishable as a misdemeanor, the arrested person must be taken without unnecessary delay before a county judge who has jurisdiction of such offense as provided by law, in any of the following cases:

- (a) When a person arrested demands an appearance without unnecessary delay before a judge;
- (b) When the person is arrested and charged with an offense under this article causing or contributing to an accident resulting in injury or death to any person;
- (c) When the person is arrested and charged with DUI, DUI per se, or UDD;
- (d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
- (e) In any other event when the provisions of section 42-4-1701 (5)(b) and (5)(c) apply.

(2) Whenever any person is arrested by a police officer for any violation of this article 4 punishable as a misdemeanor and is not required to be taken before a county judge as provided in

subsection (1) of this section, the arrested person must, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 42-4-1707 or be taken without unnecessary delay before a county judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(2.5) In any case in which the arrested person who is taken before a county judge pursuant to subsection (1) or (2) of this section is a child, as defined in section 19-1-103, of section 42-4-1706(2) applies.

(3) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with DUI, DUI per se, or UDD and who has been given a written notice or summons to appear in court as provided in section 42-4-1707 in a state-approved treatment facility for alcohol use disorders even though entry or other record of such arrest and charge has been made. Placement is governed by article 81 of title 27, except where in conflict with this section.

1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.

(1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, convicted of a misdemeanor traffic offense pursuant to this article 4, violating the conditions of probation imposed pursuant to this article 4, or found in contempt of court in connection with a violation or alleged violation pursuant to this article 4 must not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that receives and provides care for children or if the jail is located within forty miles of such facility. The court imposing penalties pursuant to this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to section 19-2.5-305(4).

(2)(a) Notwithstanding any other provision of law, a child, as defined in section 19-1-103, arrested and incarcerated for an alleged misdemeanor traffic offense pursuant to this article 4, and not released on bond, must be taken before a county judge who has jurisdiction of such offense within forty-eight hours for fixing of bail and conditions of bond pursuant to section 19-2.5-305(4)(e). The child must not be confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two hours, after which the child may be further detained only in a juvenile detention facility operated by or under contract with the department of human services. In calculating time pursuant to this subsection (2), Saturdays, Sundays, and court holidays are included.

(b) In any case in which a child is taken before a county judge pursuant to paragraph (a) of this subsection (2), the child's parent or legal guardian shall immediately be notified by the

court in which the county judge sits. Any person so notified by the court under this paragraph (b) shall comply with the provisions of section 42-4-1716(4).

1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses--release—registration.

(1)(a) Whenever a person commits a violation of this title punishable as a misdemeanor, petty offense, or misdemeanor traffic offense, other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 1701(5)(a), and such person is not required by the provisions of section 42-4-1705, to be arrested and taken without unnecessary delay before a county judge, the peace officer may issue and serve upon the defendant a summons and complaint which must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; direct the defendant to appear in a specified county court at a specified time and place; and be signed by the peace officer. The summons and complaint submitted to the department of revenue and the county court before which appearance is required, either by paper or electronic submission, must contain the name and address of the defendant, the license of the vehicle involved, if any, and the number of the defendant's driver's license, if any.

(b) A summons and complaint issued and served pursuant to paragraph (a) of this subsection (1) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing an advisement to the minor that the minor's parent or legal guardian, if known, shall be notified by the court from which the summons is issued and be required to appear with the minor at the minor's court hearing or hearings.

(2) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

(3)(a) Whenever a penalty assessment notice for a misdemeanor, petty offense, or misdemeanor traffic offense is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the offense, the date and approximate location of the offense, the amount of the penalty prescribed for the offense, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the offense pursuant to section 42-2-

127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(a.5) A penalty assessment notice issued and served pursuant to paragraph (a) of this subsection (3) on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(I) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(II) Preprinted signature lines following the declaration on which the reviewing person described in subparagraph (I) of this paragraph (a.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(III) An advisement to the minor that:

(A) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(B) The parent or legal guardian of the minor is required by law to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(C) Noncompliance with the requirement set forth in sub-subparagraph (B) of this subparagraph (III) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 42-4-1710(1) (b), 42-4-1710(1.5), and 42-4-1716(4).

(b) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor within the department and such other copies sent as may be required by rule of the department to govern the internal administration of this article between the department and the Colorado state patrol.

(4)(a) The time specified in the summons portion of said summons and complaint must be at least twenty days after the date such summons and complaint is served, unless the defendant shall demand an earlier court appearance date.

(b) The time specified in the summons portion of said penalty assessment notice shall be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier court appearance date.

(5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a county court within the county in which the offense is alleged to have been committed.

(6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 punishable as a misdemeanor, petty offense, or misdemeanor traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, must receive information on the penalty assessment notice or summons and complaint that directs the defendant to appear at a specified county court at a specified time and place in the event the penalty and surcharges are not paid, and other information that may be required by law to constitute the penalty assessment to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701. If the defendant does possess a valid Colorado driver's license, the defendant must not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint. The peace officer shall not require any person who is eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this title 42 to produce or divulge such person's social security number.

(7) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

1708. Traffic Infractions - proper court for hearing, burden of proof - appeal - collateral attack.

(1) Every hearing in county court for the adjudication of a traffic infraction, as provided by this article, shall be held before a county court magistrate appointed pursuant to part 5 of article 6 of title 13, or before a county judge acting as a magistrate; except that, whenever a crime and a class A or class B traffic infraction or a crime and both such class A and class B traffic infractions are charged in the same summons and complaint, all charges shall be made returnable before a judge or magistrate having jurisdiction over the crime and the rules of criminal procedure shall apply. Nothing in this part 17 or in part 5 of article 6 of title 13, shall be construed to prevent a court having jurisdiction over a criminal charge relating to traffic law violations from lawfully entering a judgment on a case dealing with a class A or class B traffic infraction.

(2) When a court of competent jurisdiction determines that a person charged with a class 1 or class 2 misdemeanor traffic offense is guilty of a lesser-included offense which is a class A or class B traffic infraction, the court may enter a judgment as to such lesser charge.

(3) The burden of proof shall be upon the people, and the traffic magistrate shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt. The district attorney or the district attorney's deputy may, in the district attorney's discretion, enter traffic infraction cases for the purpose of attempting a negotiated plea or a stipulation to deferred prosecution or deferred judgment and sentence but shall not be required to so enter by any person, court, or law, nor shall the district attorney represent the state at hearings conducted by a magistrate or a county judge acting as a magistrate on class A or class B traffic infraction matters. The magistrate or county judge acting as a magistrate shall be permitted to call and question any witness and shall also act as the fact finder at hearings on traffic infraction matters.

(4) Appeal from final judgment on a traffic infraction matter shall be taken to the district court for the county in which the magistrate or judge acting as magistrate is located.

(5)(a) Except as otherwise provided in paragraph (b) of this subsection (5), no person against whom a judgment has been entered for a traffic infraction as defined in section 42-4-1701(3)(a) shall collaterally attack the validity of that judgment unless such attack is commenced within six months after the date of entry of the judgment.

(b) In recognition of the difficulties attending the litigation of stale claims and the potential for frustrating various statutory provisions directed at repeat offenders, former offenders, and habitual offenders, the only exceptions to the time limitations specified in subsection (5)(a) of this section are:

(I) A case in which the court entering judgment did not have jurisdiction over the subject matter of the alleged infraction;

(II) A case in which the court entering judgment did not have jurisdiction over the person of the violator;

(III) Where the court hearing the collateral attack finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment or certification of the violator to an institution for treatment as a person with a mental health disorder; or

(IV) Where the court hearing the collateral attack finds that the failure to seek relief within the applicable time period was the result of circumstances amounting to justifiable excuse or excusable neglect.

1709. Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license.

(1) Whenever a penalty assessment notice for a traffic infraction is issued pursuant to section 42-4-1701(5)(a), the penalty assessment notice that the peace officer serves upon the defendant must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the statute alleged to have been violated, a brief description of the traffic infraction, the date and approximate location of the offense, the amount of the penalty prescribed for the traffic infraction, the amount of the surcharges pursuant to sections 24-4.1-119(1)(f), 24-4.2-104(1), and 24-33.5-415.6, the number of points, if any, prescribed for the traffic infraction pursuant to section 42-2-127, and the date the penalty assessment notice is served on the defendant; must direct the defendant to appear in a specified county court at a specified time and place in the event the penalty and surcharges are not paid; must be signed by the peace officer; and must contain other information as may be required by law to constitute the penalty assessment notice to be a summons and complaint if the prescribed penalty and surcharges are not paid within the time allowed in section 42-4-1701.

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this section on a minor under the age of eighteen years shall also contain or be accompanied by a document containing:

(a) A preprinted declaration stating that the minor's parent or legal guardian has reviewed the contents of the penalty assessment notice with the minor;

(b) Preprinted signature lines following the declaration on which the reviewing person described in paragraph (a) of this subsection (1.5) shall affix his or her signature and for a notary public to duly acknowledge the reviewing person's signature; and

(c) An advisement to the minor that:

(I) The minor shall, within seventy-two hours after service of the penalty assessment notice, inform his or her parent or legal guardian that the minor has received a penalty assessment notice;

(II) The parent or legal guardian of the minor is required by this Code to review and sign the penalty assessment notice and to have his or her signature duly acknowledged by a notary public; and

(III) Noncompliance with the requirement set forth in subparagraph (II) of this paragraph (c) shall result in the minor and the parent or legal guardian of the minor being required to appear in court pursuant to sections 1710 (1)(b), 1710 (1.5), and 1716 (4).

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the clerk of the court and such other copies sent as may be required by ordinance or the court.

(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be a court within the county in which the traffic infraction is alleged to have been committed.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

(6) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(7)(a) A person is not allowed or permitted to obtain or renew a permanent driver's, minor driver's, or probationary license if such person has, at the time of making application for obtaining or renewing such driver's license:

(VI) Issued a check or order to the department to pay a penalty assessment, a driver's license fee, a license reinstatement fee, or a motor vehicle record fee and such check or order is returned for insufficient funds or a closed account and remains unpaid. For the purposes of this subsection (7), the term "insufficient funds" means having an insufficient balance on account with a bank or other drawee for the payment of a check or order when the check or order is presented for payment within thirty days after issue.

1710. Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice - procedures.

(1)(a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this Code and surcharge thereon pursuant to section 24-4.2-104 (1), the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a minor under the age of eighteen years shall be required to appear at a hearing on the date and time specified in the citation and answer the complaint if the penalty assessment was timely paid but not signed and notarized in the manner required by section 1709(1.5).

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

(2) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in section 18-1-405. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge thereon, a docket fee, and other applicable costs authorized by ordinance or the court. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to this Code.

1711. Compliance with promise to appear.

A defendant may comply with a requirement to appear in court through an appearance by counsel.

1712. Procedure prescribed not exclusive.

The foregoing provisions of this Code shall govern all police officers in making arrests without a warrant or issuing citations for violations of this Code, for offenses or infractions committed in their presence, but the procedure prescribed in this Code shall not otherwise be exclusive of any other method prescribed by law or ordinance for the arrest and prosecution of a person for an offense or infraction of like grade.

1713. Conviction record inadmissible in civil action.

Except as provided in sections 42-2-201 to 42-2-208, no record of the conviction of any person for any violation of this Code shall be admissible as evidence in any court in any civil action.

1714. Traffic violation not to affect credibility of witness.

The conviction of a person upon a charge of violating any provision of this Code or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

1715. Convictions, judgments, and charges recorded - public inspection.

(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2) Within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating any provision of this Code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made or the conviction was had or bail was forfeited shall prepare and immediately forward to the motor vehicle division of the department of revenue an abstract of the record of said court covering every case in which said person had a judgment entered against him or her, was so convicted, or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(3) Said abstract must be made upon a form furnished by the department of revenue and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture as the case may be.

1716. Notice to appear or pay fine - failure to appear - penalty.

(1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

(2) A person commits a traffic offense if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.

(3) Deleted.

(4)(a)(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), a person who is a parent or legal guardian of a minor under the age of eighteen years and who is required to appear in court with the minor pursuant to the provisions of this part 17 including but not limited to section 1706(2)(b) or 1710(1.5), shall appear in court at the location and on the date stated in the penalty assessment notice or in the summons and complaint or as instructed by the court.

(II) The provisions of subparagraph (I) of this paragraph (a) concerning the appearance of a parent or legal guardian shall not apply in a case where the minor under the age of eighteen years or the parent of the minor demonstrates to the court by clear and convincing evidence that the minor is an emancipated minor.

(III) For purposes of this subsection (4), "emancipated minor" means a minor under the age of eighteen years who has no legal guardian and whose parents have entirely surrendered the right to the care, custody, and earnings of the minor, no longer are under any duty to support or maintain the minor, and have made no provision for the support of the minor.

1717. Conviction - attendance at driver improvement school.

(1) Except as otherwise provided in subsection (2) of this section, whenever a person has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Such school shall be approved by the court.

(2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court may require the minor to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with section 1716 (4), of this Code, shall pay the cost of attending the designated driver improvement school. The court shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Such school shall be approved by the court.

1718. Electronic transmission of data—standards.

A municipal court, county court, district court, or any court with jurisdiction over violations of traffic rules and laws shall not dismiss any charges or refuse to enforce any traffic law or rule solely because a penalty assessment notice or summons and complaint issued pursuant to the standards established in this section is in electronic form or contains an electronic signature.

1719. Violations--commercial driver's license--compliance with federal regulation.

As to a holder of a commercial driver's license as defined in section 42-2-402 or the operator of a commercial motor vehicle as defined in section 42-2-402, a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.

Part 18

Vehicles Abandoned On Public Property

1801. Legislative declaration.

This jurisdiction hereby declares that the purpose of this part 18 is to provide procedures for the removal, storage, and disposal of motor vehicles that are abandoned on public property.

1802. Definitions. As used in this part 18, unless the context otherwise requires:

(1) “Abandoned motor vehicle” means:

(a) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, outside the limits of any incorporated town or city for a period of forty-eight hours or longer;

(b) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of any incorporated town or city for a period longer than any limit prescribed by any local ordinance concerning the abandonment of motor vehicles or, if there is no such ordinance, for a period of forty-eight hours or longer;

(c) Any motor vehicle stored in an impound lot at the request of a law enforcement agency and not removed from the impound lot within seventy-two hours after the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

(d) A motor vehicle fitted with an immobilization device that is on public property and deemed to be abandoned pursuant to section 1105(7)(c); or

(e) Any motor vehicle left unattended at a regional transportation district parking facility, as defined in section 32-9-119.9(6), that is deemed to be abandoned pursuant to section 32-9-119.9(4)(b).

(2) “Agency employee” means any employee of the department of transportation or other municipal, county, or city and county agency responsible for highway safety and maintenance.

(3) (Deleted by amendment, L. 2009, (HB09- 1279), ch. 170, p. 763, § 1, effective August 5, 2009.)

(4) “Appraisal” means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by any employee of the Colorado state patrol or of any sheriff’s or police department whose appointment for such purpose has been reported by the head of the appointing agency to the executive director of the department.

(5) “Disabled motor vehicle” means any motor vehicle that is stopped or parked, either attended or unattended, upon a public right-of-way and that is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.

(6) "Impound lot" means a parcel of real property that is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

(7) "Operator" means a person or a firm licensed by the public utilities commission as a towing carrier.

(8) "Public property" means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, as defined in section 31-1-101(6), or other governmental entity of this state.

(9) "Responsible law enforcement agency" means the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency's jurisdiction.

1803. Abandonment of motor vehicles - public property.

(1)(a) No person shall abandon any motor vehicle upon public property. Any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, or agent of the Colorado bureau of investigation who finds a motor vehicle that such officer has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the law enforcement agency employing such officer.

(b) If an operator is used by the responsible law enforcement agency to tow or impound the motor vehicle pursuant to paragraph (a) of this subsection (1), the operator shall be provided with written authorization to possess the motor vehicle on a document that includes, without limitation, the year, make, model, vehicle identification number, and storage location.

(2) Whenever any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado state patrol officer, agent of the Colorado bureau of investigation, or agency employee finds a motor vehicle, vehicle, cargo, or debris, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer or agency employee is authorized to cause the motor vehicle, vehicle, cargo, or debris to be moved to eliminate any such obstruction; and neither the officer, the agency employee, nor anyone acting under the direction of such officer or employee shall be liable for any damage to such motor vehicle, vehicle, cargo, or debris occasioned by such removal. The removal process is intended to clear the obstruction, but such activity should create as little damage as possible to the vehicle, or cargo, or both. No agency employee shall cause any motor vehicle to be moved unless such employee has obtained approval from a local law enforcement agency of a municipality, county, or city and county, the Colorado bureau of investigation, or the Colorado state patrol.

(3) The operator shall be responsible for removing the motor vehicle and the motor vehicle debris from the site pursuant to this section, but shall not be required to remove or clean up any hazardous or commercial cargo the motor vehicle carried. The commercial carrier shall be responsible for removal or clean-up of the hazardous or commercial cargo.

1804. Report of abandoned motor vehicles - owner's opportunity to request hearing.

(1)(a) Upon having an abandoned motor vehicle towed, the responsible law enforcement agency shall ascertain, if possible, whether or not the motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the towing carrier shall have the right to recover from the owner their reasonable costs and fees for recovering and securing the motor vehicle. Nothing in this section shall be construed to authorize fees for services that were not provided or that were provided by another person or entity.

(b) As soon as possible, but in no event later than ten working days after having an abandoned motor vehicle towed, the responsible law enforcement agency shall report the same to the department by first-class or certified mail, by personal delivery, or by internet communication. The report shall be on a form prescribed and supplied by the department.

(c) The report shall contain the following information:

(I) The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, the identity of the responsible law enforcement agency, and the business address, telephone number, and name and signature of a representative from the responsible law enforcement agency;

(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(III) A description of the abandoned motor vehicle, including the make, model, color, and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number.

(2) Upon its receipt of a report made under subsection (1) or (6) of this section, the department shall search its records to ascertain the last-known owner of record for the abandoned motor vehicle and any lienholder as those persons are represented in department records. In the event the vehicle is determined by the department not to be registered in the state of Colorado, the report required by this section shall state that no Colorado title record exists regarding the vehicle. Within ten working days after such receipt, the department shall complete its search and shall transmit such report, together with all relevant information, to the responsible law enforcement agency.

(3) The responsible law enforcement agency, upon its receipt of the report required under subsection (2) of this section, shall determine, from all available information and after reasonable inquiry, whether the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this part 18. The responsible law enforcement agency and the operator shall have the right to recover from the owner their reasonable costs to recover and secure the motor vehicle.

(4)(a) If the responsible law enforcement agency, does not use an operator to store the motor vehicle, the responsible law enforcement agency, within ten working days after the receipt of the report from the department within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim of any lien under section 1806 and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty calendar days after the date the notice was sent as determined from the postmark on the notice, the motor vehicle is subject to sale.

(b) If the responsible law enforcement agency uses an operator to store the motor vehicle, the responsible law enforcement agency within ten working days after the receipt of the report from the department required in subsection (2) of this section, shall notify by first class mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of the report and the claim of any lien under section 1806. The notice shall contain information that the identified motor vehicle has been reported abandoned to the department, the location of the motor vehicle and the location from where it was towed, and that from the postmark on the notice, the motor vehicle is subject to sale.

(c) The responsible law enforcement agency shall include in the notices sent pursuant to either paragraph (a) or (b) of this subsection (4), a statement informing the owner of record of the opportunity to request a hearing concerning the legality of the towing of the abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose.

(d) If an owner or lienholder requests a hearing, the owner or lienholder shall make the request in writing to the responsible law enforcement agency within ten days after the notice was sent, as determined by the postmark. Such hearing, if requested, shall be conducted pursuant to the provisions of section 24-4-105, if the responsible law enforcement agency is the Colorado state patrol. If a local political subdivision is the responsible law enforcement agency, such hearing shall be conducted pursuant to local hearing procedures. If it is determined at the hearing that the motor vehicle was illegally towed upon request from a law enforcement agency, all towing charges and storage fees assessed against the vehicle shall be paid by such law enforcement agency.

(5) The department shall maintain department-approved notice forms satisfying the requirements of subsection (4) of this section and shall make them available for use by local law enforcement agencies.

(6)(a)(I) Except as provided in subparagraph (II) of this paragraph (a), an operator or its agent shall, no less than two days, but no more than ten days after a motor vehicle has been towed, determine who the owner is and if there is a lienholder and send a notice by certified mail, return receipt requested, to the last address of the owner, and any lienholder, as determined from the records of the department or from a national search performed by the department

(II) If the department conducts a national title search in accordance with paragraph (b) of subsection (2) of this section, each day elapsing between the department being notified and the department returning information on the motor vehicle as a result of the search does

not count against the tow operator's ten-day deadline to contact the motor vehicle's owner or any lienholder. This subparagraph (II) does not affect daily storage fees.

(III) The cost of complying with this paragraph (a) is a cost of towing; except that the total of all costs of complying with this section shall not exceed one hundred fifty dollars. To comply with this subsection (6), the notice to the owner and lienholder must be sent within five days after the operator receives the information from the department and must contain the following information:

(A) The fact of possession, including the date possession was taken, the location of storage of the motor vehicle, and the location from which it was towed;

(B) The identity of the operator possessing the abandoned motor vehicle, together with the operator's business address and telephone number and the carrier number assigned by the public utilities commission; and

(C) A description of the motor vehicle, including the make, model, color, and year and the number, issuing state, and expiration date of the license plate, or any other indicia of the motor vehicle's state of origin.

(b) The operator shall not be entitled to recover any daily storage fees from the day the vehicle is towed until the day the owner and lienholder are notified, unless the operator reasonably attempts to notify the owner and lienholder by the date specified in paragraph (a) of this subsection (6). Sending a notice by certified mail, return receipt requested, to the owner and the lienholder as represented in department records shall be deemed a reasonable attempt to notify the owner and the lienholder. Failure to notify the owner and the lienholder due to the receipt of erroneous information from the department or a failure of the law enforcement agency to comply with this section shall not cause the loss of such storage fees accrued from the date the vehicle is towed until the owner and the lienholder receive such notice.

1805. Appraisal of abandoned motor vehicles - sale.

(1)(a) Abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a tow from public property shall be appraised by a law enforcement officer or an independent motor vehicle dealer and sold by the responsible law enforcement agency at a public or private sale held not less than thirty days nor more than sixty days after the date the notice required by section 42-4-1804(4), was mailed.

(b) Subject to section 1804, the operator may continue to charge for daily storage fees until the responsible law enforcement agency complies with this section.

(2) If the appraised value of an abandoned motor vehicle sold pursuant to this section is three hundred fifty dollars or less, the sale shall be made only for the purpose of junking, scrapping, or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a Colorado certificate of title. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804(2), to the person purchasing such motor vehicle. The bill of sale shall state that the purchaser acquires no right to a certificate of title for such vehicle. The responsible

law enforcement agency making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the department and shall deliver a copy of such report of sale to the purchaser of the motor vehicle. Upon receipt of any report of sale with supporting documents on any sale made pursuant to this subsection (2), the department shall purge the records for such vehicle as provided in section 42-4-1810(1)(b), and shall not issue a new certificate of title for such vehicle. Any certificate of title issued in violation of this subsection (2) shall be void.

(3) If the appraised value of an abandoned motor vehicle sold pursuant to this section is more than three hundred fifty dollars, the sale may be made for any intended use by the purchaser. The responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in section 1804 (2), and an application for a Colorado certificate of title signed by a legally authorized representative of the responsible law enforcement agency conducting the sale, to the person purchasing such motor vehicle. The purchaser of the abandoned motor vehicle shall be entitled to a Colorado certificate of title upon application and proof of compliance with the applicable provisions of the "Certificate of Title Act", part 1 of Code 6 of this title, within fourteen days after the sale; except that, if such vehicle is less than five years old, including the current year model, and if the department does not provide the name of an owner of record to the law enforcement agency, the purchaser shall apply for a bonded title and the department shall issue such bonded title upon the applicant meeting the qualifications for such title pursuant to rules promulgated by the department.

(4)(a) Transferring the title of a motor vehicle to an operator to satisfy a debt created pursuant to this part 18 shall not be deemed to be the sale of a motor vehicle.

(b) Nothing in this section requires an operator to be licensed pursuant to Part 1 of article 6 of title 12, for purposes of conducting activities under this part 18.

1806. Liens upon towed motor vehicles.

(1) Whenever an operator who is registered with the department in accordance with subsection (2) of this section recovers, removes, or stores a motor vehicle upon instructions from any duly authorized law enforcement agency or peace officer who has determined that such motor vehicle is an abandoned motor vehicle, such operator shall have a possessory lien, subject to the provisions of section 1804 (6), upon such motor vehicle and its attached accessories or equipment for all fees for recovering, towing, and storage as authorized in section 1809 (2) (a). Such lien shall be a first and prior lien on the motor vehicle, and such lien shall be satisfied before all other charges against such motor vehicle.

(2)(a) No operator shall have a possessory lien upon a motor vehicle described in subsection (1) of this section unless said operator is registered with the department. Such registration shall include the following information:

(I) The location of the operator's tow business;

(II) The hours of operation of the operator's tow business;

(III) The location of the impound lot where vehicles may be claimed by the owner of record;
and

(IV) Any information relating to a violation of any provision contained in this part 18 or of any other state law or rule relating to the operation, theft, or transfer of motor vehicles.

(b) The executive director of the department may cancel the registration of any operator if an administrative law judge finds, after affording the operator due notice and an opportunity to be heard, that the operator has violated any of the provisions set forth in this part 18.

1807. Perfection of lien.

The lien provided for in section 1806 shall be perfected by taking physical possession of the motor vehicle and its attached accessories or equipment and by sending to the department within ten working days after the time possession was taken a notice containing the information required in the report to be made under the provisions of section 1804. In addition, such report shall contain a declaration by the operator that a possessory lien is claimed for all past, present, and future charges, up to the date of redemption, and that the lien is enforceable and may be foreclosed pursuant to the provisions of this part 18.

1808. Foreclosure of lien.

Any motor vehicle and its attached accessories and equipment or personal property within or attached to such vehicle that are not redeemed by the last known owner of record or lienholder after such owner or lienholder has been sent notice of such lien by the operator or responsible law enforcement agency shall be sold in accordance with the provisions of section 1805.

1809. Proceeds of sale.

(1) If the sale of any motor vehicle, personal property, and its attached accessories or equipment under the provisions of section 42-4-1805, produces an amount less than or equal to the sum of all charges of the operator who has perfected his or her lien, then the operator shall have a valid claim against the owner for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Failure to register such vehicle in accordance with this title shall constitute a waiver of such owner's right to be notified pursuant to this part 18 for the purposes of foreclosure of the lien pursuant to section 1808. Such charges shall be assessed in the manner provided for in paragraph (a) of subsection (2) of this section.

(2) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of section 1805 produces an amount greater than the sum of all charges of the operator who has perfected his or her lien:

(a) The entity receiving the proceeds shall first satisfy the operator's reasonable fee arising from the sale of the motor vehicle and the cost and fees of towing and storing the abandoned motor vehicle, subject to a maximum charge specified in rules promulgated by the public utilities commission that govern nonconsensual tows by towing carriers.

(b) Any balance remaining after payment pursuant to paragraph (a) of this subsection (2) shall be paid to the responsible law enforcement agency to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle, and any other costs of the responsible law enforcement agency including administrative costs, taxes, fines, and penalties due.

(b.5) In the case of the sale of an abandoned motor vehicle described in section 42-4-1802(1)(d), any balance remaining after payment pursuant to paragraph (b) of this subsection (2) shall be paid to the law enforcement agency that is owed a fee for the court-ordered placement of an immobilization device on the motor vehicle pursuant to section 1105.

(c) Any balance remaining after payment pursuant to paragraphs (b) and (b.5) of this subsection (2) shall be forwarded to the department, and the department may recover from such balance any taxes, fees, and penalties due and payable to it with respect to such motor vehicle.

(d) Any balance remaining after payment pursuant to paragraph (c) of this subsection (2) shall be paid by the department: First, to any lienholder of record as the lienholder's interest may appear upon the records of the department; second, to any owner of record as the owner's interest may so appear; and then to any person submitting proof of such person's interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty days after the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund for allocation and expenditure as specified in section 43-4-205(5.5)(e).

(3) The provisions of paragraphs (a) and (b) of subsection (2) of this section shall not apply to a responsible law enforcement agency operating under a towing contract.

1810. Transfer and purge of certificates of title.

(1) Whenever any motor vehicle is abandoned and removed and sold in accordance with the procedures set forth in this part 18, the department shall transfer the certificate of title or issue a new certificate of title or shall purge such certificate of title in either of the following cases:

(a) Upon a person's submission to the department of the necessary documents indicating the abandonment, removal, and subsequent sale or transfer of a motor vehicle, the department shall transfer the certificate of title or issue a new certificate of title for such abandoned motor vehicle.

(b) Upon a person's submission of documents indicating the abandonment, removal, and subsequent wrecking or dismantling of a motor vehicle, including all sales of abandoned motor vehicles with an appraised value under three hundred fifty dollars that are conducted pursuant to section 1805(2), the department shall keep the records for one year and then purge the records for such abandoned motor vehicle; except that the department shall not be required to wait before purging the records if the purchaser is a licensed motor vehicle dealer.

1811. Penalty.

Unless otherwise specified in this part 18, any person who knowingly violates any of the provisions of this part 18 commits a petty offense and shall be punished as provided in section 18-1.3-503.

1812. Exemptions.

(1) Nothing in this part 18 shall be construed to include or apply to the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved and main-traveled portion of a highway, subject, when applicable, to the emergency lighting requirements set forth in section 230.

(2) Nothing in this part 18 shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in, coming from, or going to an emergency.

1813. Local regulations.

(1) The state or any county, municipality as defined in section 31-1-101(6), or other governmental entity of the state may execute a contract or contracts for the removal, storage, or disposal of abandoned motor vehicles within the area of its authority to effectuate the provisions of this part 18.

(2) The provisions of this part 18 may be superseded by ordinance or resolution of a municipality, as defined in section 31-1-101, or any county that sets forth procedures for the removal, storage, and disposal of abandoned or illegally parked motor vehicles on public property; except that such ordinance or resolution shall not deprive an operator of a lien attached and perfected under this part 18.

1814. Violation of motor vehicle registration or inspection laws - separate statutory provision.

Owners of motor vehicles impounded by the Colorado state patrol for violation of motor vehicle registration or inspection laws shall receive notice and the opportunity for a hearing pursuant to the provisions of section 42-13-106. If such a motor vehicle is found to be abandoned in accordance with the provisions of said section 42-13-106, the notice and hearing provisions to owners of motor vehicles under other sections of this part 18 shall be deemed to have been met for purposes of proper disposition of the motor vehicle under the terms of this part 18. Nevertheless, the notice and hearing provisions of the other sections of this part 18 as to lienholders are applicable and shall not be deemed to have been met by the provisions of section 42-13-106, or this section.

Part 19

School Bus Requirements

1901. School buses - equipped with supplementary brake retarders.

(1)(a) On and after July 1, 1991, except as provided in paragraph (a) of subsection (2) of this section, passengers of any school bus being used on mountainous terrain by any school district of the state shall not occupy the front row of seats and any seats located next to the emergency doors of such school bus during the period of such use.

(b) For purposes of this section, mountainous terrain shall include, but shall not be limited to, any road or street which the department of transportation has designated as being located on mountainous terrain.

(2)(a) The provisions of paragraph (a) of subsection (1) of this section shall not apply to:

(I) Passengers of any school bus which is equipped with retarders of appropriate capacity for purposes of supplementing any service brake systems of such school bus; or

(II) Any passenger who is adequately restrained in a fixed position pursuant to federal and state standards.

(b) The general assembly encourages school districts to consider installing only electromagnetic retarders or state-of-the-art retarders for purposes of supplementing service brake systems of school buses when such retarders are acquired on or after April 17, 1991. The general assembly also encourages school districts to consider purchasing only those new school buses which are equipped with external public address systems and retarders of appropriate capacity for purposes of supplementing any service brake systems of such school buses.

(3) For purposes of this section and section 1902:

(a) "Mountainous terrain" means that condition where longitudinal and transverse changes in the elevation of the ground with respect to a road or street are abrupt and where benching and sidehill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

(b) Repealed

1902. School vehicle drivers - special training required.

On and after July 1, 1992, the driver of any school vehicle as defined in section 42-1-102(88.5), owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 1901(3)(a), and driving in adverse weather conditions.

1903. School buses - stops - signs - passing.

(1)(a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet

before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren.

(b)(I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.

(II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.

(2)(a) Every school bus as defined in section 42-1-102(88), other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of schoolchildren shall:

(I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and

(II) Display eight visual signal lights meeting the requirements of 49 CFR 571.108 or its successor regulation.

(b)(I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

(II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

(c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.

(3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, shall be equipped with school bus pedestrian safety devices that comply with 49 CFR 571.131 or its successor regulation.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

(5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

(6)(a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.

(7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

1904. Regulations for school buses - regulations on discharge of passengers - penalty - exception.

(1) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this Code to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, a "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway, or highway with four or more lanes, or a highway or road with a median separating

multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

(2) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be cancelled after notice and hearing by the responsible officers of such district.

(3) Any person who violates any provision of this commits a petty offense.

(4) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section 22-51-104(1)(c).

Appendices

Definitions:

As used in this Code, unless the context otherwise requires:

(1) "**Acceleration lane**" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

(2) "**Administrator**" means the property tax administrator.

(3) "**Alley**" means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.

(4) "**Apportioned registration**" means registration of a vehicle pursuant to a reciprocal agreement under which the fees paid for registration of such vehicle are ultimately divided among the several jurisdictions in which the vehicle travels, based upon the number of miles traveled by the vehicle in each jurisdiction or upon some other agreed criterion.

(4.5) "**Appurtenance**" means a piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task, including awnings, support hardware, and extractable equipment. "Appurtenance" does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.

(5) "**Authorized agent**" means the county clerk and recorder in each county in the state of Colorado, the clerk and recorder in the city and county of Broomfield, and the manager of revenue or such other official of the city and county of Denver as may be appointed by the mayor to perform the functions related to the registration of, titling of, or filing of liens on motor vehicles, wheeled trailers, semitrailers, trailer coaches, special mobile machinery, off-highway vehicles, and manufactured homes.

(6) "**Authorized emergency vehicle**" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

(a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or

(b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies

(7) "**Authorized service vehicle**" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and

tow trucks, as determined by the department of transportation under section 42-4-214(5) Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

(7.5) "**Autocycle**" means a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in section 42-4-237(1)(b). For purposes of this subsection (7.5), "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

(7.7) "**Automated driving system**" means hardware and software that are collectively capable, without any intervention or supervision by a human operator, of performing all aspects of the dynamic driving task for a vehicle on a part-time or full-time basis, described as levels 4 and 5 automation in SAE International's standard J3016, as it existed in September 2016.

(8) "**Automobile**" means any motor vehicle.

(8.5) "**BAC**" means either:

(a) A person's blood alcohol content, expressed in grams of alcohol per one hundred milliliters of blood as shown by analysis of the person's blood; or

(b) A person's breath alcohol content, expressed in grams of alcohol per two hundred ten liters of breath as shown by analysis of the person's breath.

(9) "**Base jurisdiction**" means the state, province, or other jurisdiction which receives, apportions, and remits to other jurisdictions moneys paid for registration of a vehicle pursuant to a reciprocal agreement governing registration of vehicles.

(10) "**Bicycle**" means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(10.5) "**Bulk electronic transfer**" means the mass electronic transfer of files, updated files, or portions thereof, in the same form as those files exist within the department.

(11) "**Business district**" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

(12) "**Calendar year**" means the twelve calendar months beginning January 1 and ending December 31 of any year.

(13) "**Camper coach**" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

(14) "**Camper trailer**" means a wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

(15) "**Chauffeur**" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(16) "**Classified personal property**" means any personal property which has been classified for the purpose of imposing thereon a graduated annual specific ownership tax.

(16.5) "**Colorado DRIVES**" is an acronym that stands for "Colorado driver's license, record, identification, and vehicle enterprise solution" and means the driver and vehicle services information technology system that the department uses to provide driver, identification, and vehicle title registration services to Colorado residents.

(17) "**Commercial carrier**" means any owner of a motor vehicle, truck, laden or unladen truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.

(17.5) "**Commercial vehicle**" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This subsection (17.5) shall not apply for purposes of sections 42-4-235 and 42-4-707(1).

(18) "**Controlled-access highway**" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(19) "**Convicted**" or "**conviction**" means:

(a) A plea of guilty or nolo contendere;

(b) A verdict of guilty;

(c) An adjudication of delinquency under title 19;

(d) The payment of a penalty assessment under section 42-4-1701, or this Code, if the summons states clearly the points to be assessed for the offense; and

(e) As to a holder of a commercial driver's license as defined in [section 42-2-402](#), or the operator of a commercial motor vehicle as defined in [section 42-2-402](#);

(I) An unvacated adjudication of guilt or a determination by an authorized administrative hearing that a person has violated or failed to comply with the law;

(II) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(III) The payment of a fine or court cost or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated; or

(IV) A deferred sentence.

(20) "**Court**" means any municipal court, county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.

(21) "**Crosswalk**" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.

(22) "**Dealer**" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under articles 1 to 4 of title 42, and who has an established place of business for such purpose in this state.

(23) "**Deceleration lane**" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.

(23.5) "**Declared gross vehicle weight**" means the combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.

(24) "**Department**" means the Department of Revenue of this state acting directly or through its duly authorized officers and agents.

(24.5) "**Distinctive special license plate**" means a special license plate that is issued to a person because such person has an immutable characteristic or special achievement honor. Such special achievement honor shall not include a common achievement such as graduating from an institution of higher education. Such special achievement shall include honorable service in the armed forces of the United States. "Distinctive special license plate" shall include a license plate that is issued to a person or the person's family to honor such person's service in the armed forces.

(25) "**Divided highway**" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

(26) "**Drive-away transporter**" or "**tow-away transporter**" means every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or transported singly, or by saddle mount, towbar, or full mount methods, or by any lawful combination thereof.

(27) "**Driver**" means every person, including a minor driver under the age of twenty-one years, who drives or is in actual physical control of a vehicle.

(27.3) **"DUI"** means driving under the influence, as defined in [section 42-4-1301\(1\)\(f\)](#), and use of the term shall incorporate by reference the offense described in [section 42-4-1301\(1\)\(a\)](#).

(27.5) **"DUI per se"** means driving with a BAC of 0.08 or more, and use of the term shall incorporate by reference the offense described in [section 42-4-1301\(2\)\(a\)](#).

(27.7) **"DWAI"** means driving while ability impaired, as defined in [section 42-4-1301\(1\)\(g\)](#), and use of the term shall incorporate by reference the offense described in [section 42-4-1301\(1\)\(b\)](#).

(27.8) (a) **"Dynamic driving task"** means all of the following aspects of driving:

(I) Operational aspects, including steering, braking, accelerating, and monitoring the vehicle and the roadway; and

(II) Tactical aspects, including responding to events, determining when to change lanes, turning, using signals, and other related actions.

(b) **"Dynamic driving task"** does not include strategic aspects, including determining destinations or way points, of driving.

(28) **"Effective date of registration period certificate"** means the month in which a fleet owner must register all fleet vehicles.

(28.5) **"Electrical assisted bicycle"** means a vehicle having two or three wheels and fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) **"Class 1 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) **"Class 2 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) **"Class 3 electrical assisted bicycle"** means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

(28.7) **"Electric personal assistive mobility device" or "EPAMD"** means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(28.8)(a) **"Electric Scooter"** means a device:

(I) Weighing less than one hundred pounds;

(II) With handlebars and an electric motor;

(III) That is powered by an electric motor; and

(IV) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) "**Electric Scooter**" does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

(29) "**Empty weight**" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.

(30) "**Essential parts**" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(31) "**Established place of business**" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where such dealer's or manufacturer's books and records are kept and a large share of his or her business transacted.

(31.5) "**Exceptions processing**" means the procedures the department uses to assist persons who are unable for reasons beyond their control to present all the necessary documents required by the department and must rely on alternative documents to establish identity, date of birth, or United States citizenship in lieu of lawful presence in the United States.

(32) "**Explosives and hazardous materials**" means any substance so defined by the code of federal regulations, title 49, chapter 1, parts 173.50 through 173.389.

(33) "**Farm tractor**" means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

(34) "**Flammable liquid**" means any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(35) "**Fleet operator**" means any resident who owns or leases ten or more motor vehicles, trailers, or pole trailers and who receives from the department a registration period certificate in accordance with article 3 of title 42.

(36) "**Fleet vehicle**" means any motor vehicle, trailer, or pole trailer owned or leased by a fleet operator and registered pursuant to section 42-3-125.

(37) "**Foreign vehicle**" means every motor vehicle, trailer, or semitrailer which is brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(38) "**Fullmount**" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

(39) "**Garage**" means any public building or place of business for the storage or repair of automobiles.

(39.5) "**Golf car**" means a self-propelled vehicle not designed primarily for operation on roadways and that has:

- (a) A design speed of less than twenty miles per hour;
- (b) At least three wheels in contact with the ground;
- (c) An empty weight of not more than one thousand three hundred pounds; and
- (d) A carrying capacity of not more than four persons.

(40) "**Graduated annual specific ownership tax**" means an annual tax imposed in lieu of an ad valorem tax upon the personal property required to be classified by the general assembly pursuant to the provisions of section 6 of article X of the state constitution.

(41) "**Gross dollar volume**" means the total contracted cost of work performed or put in place in a given county by the owner or operator of special mobile machinery.

(41.5) "**Group special license plate**" means a special license plate that is not a distinctive plate and is issued to a group of people because such people have a common interest or affinity.

(42) "**High occupancy vehicle lane**" means a lane designated pursuant to the provisions of section 42-4-1012(1), or this Code.

(43) "**Highway**" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or the entire width of every way declared to be a public highway by any law of this state.

(43.3) "**Human operator**" means a natural person in the vehicle with immediate access to controls for steering, braking, and acceleration.

(43.5) "**Immediate family**" means a person who is related by blood, marriage, or adoption.

(44)(a) On and after July 1, 2000, "**Implement of husbandry**" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 5 of article 4 of this title, be considered as component parts of such implements of husbandry.

(b) Effective July 1, 2013, for purposes of this section, "implements of husbandry" includes personal property valued by the county assessor as silvicultural.

(45) "**Intersection**" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways

thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

(45.5) "**Kit vehicle**" means a passenger-type motor vehicle assembled, by other than a licensed manufacturer, from a manufactured kit that includes a prefabricated body and chassis and is accompanied by a manufacturer's statement of origin.

(46) "**Lane**" means the portion of a roadway for the movement of a single line of vehicles.

(47) "**Laned highway**" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(47.3) "**Last-known address**" means:

(a) For notifications regarding motor vehicles, the most recent mailing address provided on a vehicle registration or vehicle registration mailing address change notification provided in accordance with section 42-3-113, or the corrected address as reported by an address correction service licensed by the United States postal service;

(b) For notifications regarding driving privileges, driver's licenses, or identification cards when there is a driver's license or identification card on file with the department, the most recent of either:

(I) The mailing address provided by an applicant for a driver's license or identification card;

(II) The mailing address stated on an address change notification provided to the department pursuant to subsection (47.3)(a) of this section; or

(III) The corrected address as reported by an address correction service licensed by the United States postal service;

(c) For notifications regarding driving privileges or identification cards when there is no driver's license or identification card on file with the department, the most recent address shown on any other record on file with the department pursuant to this article 1 and as may be corrected by an address correction service licensed by the United States postal service.

(47.5) "**Lien**" means a security interest in a motor or off-highway vehicle under article 9 of title 4, and this article.

(48) "**Local authorities**" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

(48.5)(a) "**Low-power scooter**" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

(II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "**Low-power scooter**" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights-of-way.

(48.6) "**Low-speed electric vehicle**" means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground;

(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(49) "**Manufacturer**" means any person, firm, association, corporation, or trust, whether resident or nonresident, who manufactures or assembles new and unused motor vehicles of a type required to be registered under articles 1 to 4 of this title.

(50) "**Manufacturer's suggested retail price**" means the retail price of such motor vehicle suggested by the manufacturer plus the retail price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle prior to the sale to the retail purchaser.

(51) "**Markings**" means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning, or guiding traffic.

(52) "**Metal tires**" means all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(52.5) "**Military vehicle**" means a vehicle of any size or weight that is valued for historical purposes, that was manufactured for use by any nation's armed forces, and that is maintained in a condition that represents its military design and markings.

(53) "**Minor driver's license**" means the license issued to a person who is at least sixteen years of age but who has not yet attained the age of twenty-one years.

(54) (Deleted by amendment, L. 2010, (HB 10-1172), ch. 320, p. 1486, § 1, effective October 1, 2010.)

(55) "**Motorcycle**" means an auticycle or a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three

wheels in contact with the ground, except that the term does not include a farm tractor, low-speed electric vehicle, or low-power scooter.

(56) (Deleted by amendment, L. 2009, (HB 09-1026), ch.281, p. 1260, § 22, effective October 1, 2009).

(57) "**Motor home**" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

(58) "**Motor vehicle**" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401, for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections [42-2-127](#), [42-2-127.7](#), [42-2-128](#), [42-2-138](#), [42-2-206](#), [42-4-1301](#), and [42-4-1301.1](#), "motor vehicle" includes a low-power scooter..

(59) (Deleted by amendment, L. 2009, (HB 09-1026), ch. 281, p. 1260, § 22, effective October 1, 2009.)

(60) "**Mounted equipment**" means any item weighing more than five hundred pounds that is permanently mounted on a vehicle, including mounting by means such as welding or bolting the equipment to a vehicle.

(60.3) "**Multipurpose trailer**" means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose trailer" is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

(60.5) (Deleted by amendment, L. 2009, (SB 09-075), ch. 418, p. 2320, § 4, effective August 5, 2009.)

(61) "**Noncommercial or recreational vehicle**" means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.

(62) "**Nonresident**" means every person who is not a resident of this state.

(63) "**Off-highway vehicle**" shall have the same meaning as set forth in section 33-14.5-101(3).

(64) "**Official traffic control devices**" means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(65) "**Official traffic control signal**" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(66) "**Owner**" means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of articles 1 to 4 of title 42. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.

(67) "**Park**" or "**parking**" means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

(68) "**Pedestrian**" means any person afoot or any person using a wheelchair.

(68.5)(a) "**Persistent drunk driver**" means any person who:

(I) Has been convicted of or had his or her driver's license revoked for two or more alcohol-related driving violations;

(II) Continues to drive after a driver's license or driving privilege restraint has been imposed for one or more alcohol-related driving offenses;

(III) Drives a motor vehicle while the amount of alcohol in such person's blood, as shown by analysis of the person's blood or breath, was 0.15 or more grams of alcohol per one hundred milliliters of blood or 0.15 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving; or

(IV) Refuses to take or complete, or to cooperate in the completing of, a test of his or her blood, breath, saliva, or urine as required by section [18-3-106\(4\)](#) or [18-3-205\(4\)](#), or section [42-4-1301.1\(2\)](#).

(b) Nothing in this subsection (68.5) shall be interpreted to affect the penalties imposed under this title for multiple alcohol- or drug-related driving offenses, including, but not limited to, penalties imposed for violations under sections [42-2-125\(1\)\(g\)](#) and (1)(i) and [42-2-202\(2\)](#).

(69) "**Person**" means a natural person, estate, trust, firm, copartnership, association, corporation, or business entity.

(69.5) "**Plug-in electric motor vehicle**" means:

(a) a motor vehicle that has received an acknowledgement of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in 26 U.S.C. sec. 30D as amended, or successor statute; or

(b) any motor vehicle that can recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

(70) "**Pneumatic tires**" means all tires inflated with compressed air.

(71) "**Pole**," "**pipe trailer**," or "**dolly**" means every vehicle of the trailer type having one or more axles not more than forty-eight inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All the registration provisions of articles 1 to 4 of title 42, shall apply to every pole, pipe trailer, or dolly.

(72) "**Police officer**" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(72.2) "**Power takeoff equipment**" means equipment that is attached to a motor vehicle and is powered by the motor that powers the locomotion of the motor vehicle.

(72.5) "**Primary user**" means an organization that collects bulk data for the purpose of in-house business use.

(72.7) "**Principal office**" means the office in this state designated by a fleet owner as its principal place of business.

(73) "**Private road**" or "**driveway**" means every road or driveway not open to the use of the public for purposes of vehicular travel.

(74) Repealed.

(75) "**Railroad sign or signal**" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(76) "**Reciprocal agreement**" or "**reciprocity**" means an agreement among two or more states, provinces, or other jurisdictions for coordinated, shared, or mutual enforcement or administration of laws relating to the registration, operation, or taxation of vehicles and other personal property in interstate commerce. The term includes without limitation the "international registration plan" and any successor agreement providing for the apportionment, among participating jurisdictions, of vehicle registration fees or taxes.

(77) "**Reconstructed vehicle**" means any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(78) "**Registration period**" or "**registration year**" means any consecutive twelve-month period.

(79) "**Registration period certificate**" means the document issued by the department to a fleet owner, upon application of a fleet owner, which states the month in which registration is required for all motor vehicles owned by the fleet owner.

(80) "**Residence district**" means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(81) "**Resident**" means any person who owns or operates any business in this state or any person who has resided within this state continuously for a period of ninety days or has obtained gainful employment within this state, whichever shall occur first.

(82) "**Right-of-way**" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(83) "**Road**" means any highway.

(84) "**Road tractor**" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(85) "**Roadway**" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

(86) "**Saddlemount combination**" means a combination of vehicles in which a truck or laden or unladen truck tractor tows one or more additional trucks or laden or unladen truck tractors and in which each such towed truck or laden or unladen truck tractor is connected by a saddle to the frame or fifth wheel of the vehicle immediately in front of such truck or laden or unladen truck tractor. For the purposes of this subsection (86), "saddle" means a mechanism which connects the front axle of a towed vehicle to the frame or fifth wheel of a vehicle immediately in front of such towed vehicle and which functions like a fifth wheel kingpin connection. A saddlemount combination may include one fullmount.

(87) "**Safety zone**" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(88) "**School bus**" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.

(88.5)(a) "**School vehicle**" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity.

(b) "**School vehicle**" does not include:

(I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or

(II) A motor vehicle that is owned by or under contract to a child care center, as defined in [section 26-6-102 \(5\)](#), and that is used for the transportation of children who are served by the child care center.

(89) "**Semitrailer**" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

(90) "**Sidewalk**" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

(91) "**Snowplow**" means any vehicle originally designed for highway snow and ice removal or control or subsequently adapted for such purposes which is operated by or for the state of Colorado or any political subdivision thereof.

(92) "**Solid rubber tires**" means every tire made of rubber other than a pneumatic tire.

(93) "**Specially constructed vehicle**" means any vehicle which has not been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

(93.5)(a) "**Special mobile machinery**" means machinery that is pulled, hauled, or driven over a highway and is either:

(I) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or

(II) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways.

(b) "**Special mobile machinery**" includes vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

(94) "**Stand**" or "**standing**" means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

(95) "**State**" means a state, territory, organized or unorganized, or district of the United States.

(96) "**State motor vehicle licensing agency**" means the department of revenue.

(97) "**State traffic control manual**" means the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", including any supplement thereto, as adopted by the transportation commission.

(98) "**Steam and electric trains**" includes:

(a) "**Railroad**", which means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails;

(b) "**Railroad train**", which means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(c) "**Streetcar**", which means a car other than a railroad train for transporting persons or property upon rails principally within a municipality.

(99) "**Stinger-steered**" means a semitrailer combination configuration wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(100) "**Stop**" or "**stopping**" means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(101) "**Stop line**" or "**limit line**" means a line which indicates where drivers shall stop when directed by an official traffic control device or a police officer.

(101.5) "**Street rod vehicle**" means a vehicle manufactured in 1948 or earlier with a body design that has been modified for safe road use.

(102) "**Supervisor**" means the executive director of the department of revenue or head of a group, division, or subordinate department appointed by the executive director in accordance with article 35 of title 24.

(102.5) "**Surge brakes**" means a system whereby the brakes of a trailer are actuated as a result of the forward pressure of the trailer against the tow vehicle during deceleration.

(102.7) "**Temporary special event license plate**" means a special license plate valid for a limited time period that is issued to a person or group of people in connection with a special event. "Temporary special event license plate" does not mean a special plate for the purposes of section 42-3-207.

(103) "**Through highway**" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by law.

(103.5)(a) "**Toy vehicle**" means any vehicle, that has wheels and is not designed for use on public highways or for off-road use.

(b) **"Toy vehicle"** includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) **"Toy vehicle"** does not include off-highway vehicles or snowmobiles.

(104) **"Traffic"** means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any highway for the purposes of travel.

(104.5) **"Traffic Investigation or Survey"** means a documented, data driven, comprehensive analysis using methods consistent with an Engineering Study as defined in the latest edition of the Manual on Uniform Traffic Control Devices.

(105) **"Trailer"** means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers as defined in subsection (60.3) of this section.

(106)(a) **"Trailer coach"** means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

(b) **"Manufactured home"** means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

(107) **"Transporter"** means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(108) **"Truck"** means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

(109) **"Truck tractor - laden"** or **"laden truck tractor"** means any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing a semitrailer or trailer and its cargo load over the public highways.

(109.5) **"Truck tractor - unladen"** or **"unladen truck tractor"** means any motor vehicle not carrying cargo that is generally used to draw a semitrailer or trailer and its cargo load over the public highways.

(109.7) **"UDD"** means underage drinking and driving, and use of the term shall incorporate by reference the offense described in section 42-4-1301(2)(d).

(110) "**Used vehicle**" means every motor vehicle which has been sold, bargained for, exchanged, or given away, or has had the title transferred from the person who first acquired it from the manufacturer or importer, and has been so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.

(111) "**Utility trailer**" means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

(112) "**Vehicle**" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(112.5) "**Vendor**" means an organization that collects bulk data for the purpose of reselling the data.

(113) "**Wheelchair**" means a motorized or nonmotorized wheeled device designed for use by a person with a physical disability.

Appendix Part A. Instructions For Adopting The Model Traffic Code By Reference

(Based on parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30; and on section 43-2-135(1)(g))

1. Adopting Ordinance (see specimen)

(a) Form and Content. The form and content of the adopting ordinance should be patterned as closely as possible after the specimen.

(b) Exceptions. Any and all sections of the Code that are inapplicable to the municipality or county and are thereby to be deleted must be enumerated in the adopting ordinance.

(c) Penalties. Any penalties shall be subject to sections 31-16-204 or 30-35-404.

2. Introduction:

The Board of Trustees, City Council or Board of County Commissioners shall meet and introduce the adopting ordinance.

3. Notice of Hearing: (see specimen)

After introduction of the adopting ordinance the Board of Trustees, City or Town Council, Board of County Commissioners must schedule a public hearing and give notice of such hearing. Notice of the hearing shall be published twice in a newspaper published or having a general circulation in the municipality, once at least eight days preceding the hearing, and once at least fifteen days preceding the hearing. If there is no such newspaper the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

4. Content of Notice:

The notice of public hearing shall state the time and place of the hearing and shall also state that copies of the Code, being considered for adoption, are on file at the office of the City (Town) Clerk or County Clerk and are open to public inspection during regular business hours. The notice shall also contain brief explanation of the purpose of the Code, the subject matter, the name and address of the agency by which it has been developed, and the date of publication of the Code. See sections 30-35-403 or 31-16-203.

5. Copies of Code:

A link to the current CDOT Model Traffic Code must be posted online along with a link to an accessible pdf of the Model Traffic Code adopted by the City (Town) Clerk or County Clerk. Not fewer than three copies of the Code, all certified to be true copies by the City (Town) Clerk or County Clerk, shall be filed in the Clerk's office fifteen days preceding the public hearing. The current CDOT Model Traffic Code, along with an electronic copy adopted by the City (Town) Clerk or County Clerk will be available online, without charge. The current CDOT Model Traffic Code is available here:

<https://www.codot.gov/safety/traffic-safety/assets/documents>

6. Deletions or Additions:

After the hearing, the governing body may amend, adopt or reject the adopting ordinance. If any deletions or additions are made in the Code by the Board of Trustees, City or Town Council, or Board of County Commissioners they must be duly noted in the adopting ordinance and will be available online, without charge on the City (Town) or Country website.

7. Colorado Department of Transportation Approval:

Approval by the Colorado Department of Transportation is required by law for all regulations pertaining to streets which are state highways. This approval will take the form of a written certification signed by the Chief Engineer or designee. Approval should be sought following the public hearing and before the actual publication of the adopting ordinance so that the Department will have time to certify its approval of the regulations and schedules prior to the date the ordinance is calendared to become effective.

8. Requirements for Department Approval:

For purposes of review and approval the Colorado Department of Transportation requires an authenticated copy of the adopting ordinance. A draft copy of the adopting ordinance may be submitted for review by CDOT prior to authentication.

9. Publication or Posting of Ordinance:

After passage by the City or Town Council, or Board of County Commissioners the adopting ordinance shall be published in full in some newspaper published within the corporate limits, or if there be none, then in some newspaper or online news publication of general circulation in the municipality or county. If there is no such newspaper or online news publication, the notice shall be posted in the same manner as provided for the posting of a proposed ordinance.

10. Effective Date:

The ordinance shall neither take effect nor be in force until the expiration of thirty days after it has been published or posted, except when the ordinance contains a special clause declaring that an emergency exists and that the ordinance is necessary for the immediate preservation of the public health and safety. The excepted ordinance shall take effect upon adoption and compliance with requirements for the mayor's approval as provided by section 31-16-104, provided it has been passed by an affirmative vote of two-thirds of the members of the governing body of the City or Town. However, in no case shall regulations pertaining to state highways become effective until approval has been obtained from the Colorado Department of Transportation.

11. Public Record:

After adoption of the Code by reference, the City, Town or County Clerk shall keep on file at least three copies for public inspection while the ordinance is in force, except that one of these copies may be placed in the office of the chief enforcement officer instead of in the office of the Clerk.

Appendix Part B:
Specimen Ordinance For Adopting
The Model Traffic Code By Reference

ORDINANCE NO. _____

TITLE: AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE

(CITY TOWN COUNTY) OF _____ COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL, BOARD OF TRUSTEES, BOARD OF COUNTY COMMISSIONERS OF THE (CITY TOWN COUNTY) OF _____ COLORADO:

Section 1. Adoption.

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, there is hereby adopted by reference the 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City, Town, County. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the (City Town County) of _____ Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2024 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

(The adopting municipality or county should list and cross reference to affected sections any deletions. If none, in the above statement write "none". - Delete from Ordinance)

Section 3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

(The adopting municipality or county should set forth in full any additions to or modifications of the adopted Code. If none, so indicate by inserting the word "None." - Delete from Ordinance))

Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions adopted in this ordinance.

(b) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a surcharge in accordance with 42-4-1701(4)(e)(II).

(For use by Home Rule Towns and Cities- Delete from Ordinance))

(c) In addition to Section 4. Penalties.(b), every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceeding _____ dollars (\$_____), or by imprisonment not exceeding _____ (00) days, or by both such fine and imprisonment.

{For use by Counties}

(c) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a minimum fine in accordance with Section 1701, not exceeding _____ (\$_____), or by both such fine and imprisonment not exceeding _____(00) days.

(d)

Section 5. Application.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality or county, the use of which this municipality or county has jurisdiction and authority to regulate.

Section 6. Validity.

If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The (City Town Council) (Board of County Commissioners) hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal.

Existing or parts of ordinances (identifying ordinance number may be cited) covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 8. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification.

The City, Town, County Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE (CITY COUNCIL - BOARD OF COUNTY COMMISSIONERS) AFTER A PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____, 20____.

Mayor or Chairman

(SEAL) (CITY TOWN COUNTY) OF _____

ATTEST:

(City Town County) Clerk

Appendix Part C: Specimen Notice Of Hearing

NOTICE is hereby given of a public hearing before the (City Town Council Board of County Commissioners) of _____ Colorado, at _____(time) of the _____ day of _____, 20____, at _____(location)for the purpose of considering the adoption by reference of the "Model Traffic Code" 2020 edition, as the traffic ordinance of the (City, Town, County) of _____, Colorado.

Copies of the Model Traffic Code are on file at the office or the website of the (City, Town, County) Clerk and may be inspected during regular business hours. If enacted as an ordinance of this City or County the Model Traffic Code will not be published in full, but in accordance with state law, copies will be kept on file and on the website of the (City, Town, County).

The "Model Traffic Code" 2024 edition is published by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 West Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the (City Town County). The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

At its next regular meeting following this hearing, the (City Town Council) (Board of County Commissioners) will consider passage of the adopting Ordinance.

This notice given and published by the order of the (City Town Council) (Board of County Commissioners).

Dated this _____ day of _____, 20____.

(City Town County) Of _____, Colorado

_____ (City Town County) Clerk

First notice of hearing _____ 20__

Second notice of hearing _____ 20__

Appendix Part D:
Specimen Certification - Posting Of Ordinance

State Of Colorado

County Of _____

Town Of _____

The undersigned Clerk of the Town of _____ Colorado, hereby certifies, upon resolution of the Board of Trustees, that there is no newspaper published within or which has a general circulation within the municipality; that upon the authorization and direction of the Board of Trustees the undersigned has caused to be posted in three (3) public places namely:

1. _____
2. _____
3. _____

An ordinance entitled: "ADOPTING BY REFERENCE THE 2020 EDITION OF THE 'MODEL TRAFFIC CODE FOR COLORADO LOCAL GOVERNMENTS'; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR PENALTIES THEREOF."

The same being Ordinance No. _____

Dated this ____ day of _____ 20__.

The undersigned further attests that each of the copies of said Ordinance remained posted continuously and uninterruptedly for the period required by law.

WITNESS the hand and seal of the undersigned on this _____ day of _____ 20__

Town Clerk

(SEAL)

Appendix Part E: Instructions For Amending Model Traffic Code Previously Adopted By Reference

(Based on parts 1 and 2 of article 16 of title 31, as amended, and section 43-2-135 (1)(g))

1. Amending Ordinance:

Colorado law provides that whenever a Code is amended by the agency which originally promulgated or adopted it, any municipality which has previously adopted the Code by reference may also adopt the amendments by reference through the same procedure as required for the adoption of the original Code; or an ordinance may be enacted in regular manner, setting forth the entire text of the amendments. The instructions which follow apply to the latter method.

2. Form and Content:

The form and content of the amending ordinance should conform to the requirements set forth in part 1 of article 16 of title 31, Colorado Revised Statutes, as amended.

Amendments pertaining to sections of the Code which are inapplicable to the municipality should be deleted in the amending ordinance.

3. Public Hearing:

No hearing is required if an ordinance is enacted setting forth the entire text of the amendments.

4. Publication or Posting:

Publication or posting requirements for the amending ordinance are the same as for any other ordinance adopted by a City or Town. Publication or posting procedures are described in Part D of this Appendix.

5. Colorado Department of Transportation Approval:

Colorado Department of Transportation approval of the amended regulations is required before any regulations pertaining to streets which are state highways become effective. This approval will take the form of a written certification signed by the Chief Engineer or designee.

6. Effective Date:

The amending ordinance will take effect upon adoption and compliance with requirements for the mayor's approval or thirty days after publication as provided by law. The procedure in each case is described in item no. 10 Part A of this Appendix.

7. Public Record:

After passage of the amending ordinance the City or Town Clerk should continue to keep on file at least three copies of the adopted code, for public inspection in the manner shown in item no. 11 in Part A of this Appendix.

Appendix Part F: Listing Of Amendments For Updating Previous Edition Of Model Traffic Code Adopted By Reference

Colorado statutes grant municipalities the option of enacting an ordinance in the regular manner for the purpose of amending a code previously adopted by reference. To accomplish this, however, the entire text of the amendments must be set forth in such an ordinance. Local Governments that desire to follow this procedure instead of adopting the current edition of the Code by reference may obtain a listing and description of all pertinent changes from the Colorado Department of Transportation. The procedure for amending a code directly rather than by reference is set forth in Part E of this Appendix.

Whenever possible, municipalities should to adopt the latest edition of the Code by reference instead of resorting to an amending ordinance. This procedure has several important advantages:

- (1) It avoids the problem of relating the various revisions and additions in an amending ordinance to the adopted edition of the Code;
- (2) It enables a city or town to have on record the latest references to applicable State statutes and national recommendations as well as informative and current editorial notes relating to the various traffic regulations; and
- (3) It facilitates the task of drafting the municipal ordinance pertaining to the Code.

Appendix Part G:
Specimen Certification Of Model Traffic Code

*(Form to be affixed to inside front or back cover of each Code provided for public inspection.)

State Of Colorado

Certification

County Of _____

City (Town) Of _____

We, the undersigned, do hereby certify that this Model Traffic Code is a true and accurate copy of the Code adopted by reference by the (City Town County) of _____, Colorado under Ordinance No. _____ pursuant to and as provided by parts 1 and 2 of article 16 of title 31 or part 4 of article 15 title 30.

Dated this _____ day of _____, 20____ .

By _____

Mayor or Chairman

Attest: (City Town County) Of _____

Clerk

(SEAL)

Appendix Part H:
Why A Model Traffic Code For Colorado?

1. Uniformity of basic road rules.
2. Uniformity of local traffic regulations.
3. Standardization of traffic regulation and control on streets that are state highways.
4. Compatibility of traffic ordinances with State and national vehicle codes.

All Contributing To
Greater Traffic Safety
And Operational Efficiency
In Moving People And Goods
Through And Within
Our Local Governments!

(See Forward to Code for details)

AGENDA INFORMATION MEMORANDUM

FIRESTONE BOARD OF TRUSTEES



AIM No.: 7.c

Discussion/Action

Meeting Date: November 13, 2024

Initiated By: Nate Haasis

Department: Engineering & Utilities

AGENDA ITEM

Resolution 24-106: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN THE TOWN OF FIRESTONE AND JUB ENGINEERS, INC. FOR CONSTRUCTION ADMINISTRATION SERVICES PERTAINING TO THE WELD COUNTY ROAD 20 AND COAL RIDGE DITCH BRIDGE REPLACEMENT PROJECT

RECOMMENDATION

Staff recommends that the Board approve Resolution 24-106, a resolution approving the professional services agreement between the Town of Firestone and JUB Engineering, Inc. for construction management for the WCR 20 Bridge Replacement Project.

SUMMARY

This resolution is for construction management services for the Weld County Road 20 Bridge Replacement Project. In September 2024, staff issued an RFP for professional services necessary to perform construction management services for the Weld County Road 20 Bridge Replacement Project. Staff received seven proposals and after review, it was determined JUB Engineering (JUB) was the top-ranked consultant.

JUB will consult with, advise the Town, and act as the Town's Representative during construction. The consultant will be on-site to continuously observe the contractor's daily work, evaluate the quality of the executed work, and determine in general if the work is proceeding by the Contract Documents. JUB will also be responsible for all aspects of managing and ensuring compliance with the Colorado Special Highway Committee Off-System Bridge Grant Program during Construction. JUB will also provide full project documentation of the deliverables listed below:

- Construction Phase Correspondence
- Construction Phase Meeting Agendas & Minutes
- Field Inspection Reports
- Review Contractor Pay Applications
- Approve Submittals and Request for Information
- Contractor Punch Lists
- Record Drawings

FINANCIAL CONSIDERATIONS

The agreement includes an amount not to exceed \$200,000.00. Sufficient funds were budgeted in the 2024 and 2025 CIP budget.

HISTORY AND PREVIOUS BOARD ACTION

In October 2022, the Town applied for the CDOT Off-System Bridge Program Grant for the construction phase of the bridge replacement located at Pine Cone Ave (WCR 20) and Coal Ridge Ditch. In February 2023, CDOT'S Special Highway Committee awarded the Town a grant in the amount of \$912,970.00. This grant includes \$730,376.00 in federal funds with a \$182,594.00 local match (80/20 split) to be used for the completion of the

construction phase of the bridge replacement project.

In March 2023, the board approved the Bohannon Hutson, Inc. (BHI) design contract for professional services necessary to design and deliver complete Construction Documents.

In August 2023, the Board approved an IGA (Intergovernmental Agreement) between CDOT and The Town of Firestone to define the project scope, project responsibilities, detailed funding amounts, and payment obligations.

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
 - Maintain Town Infrastructure & Facilities
 - Uphold Fiscal Integrity
 - Maintain a Safe, Clean & Beautiful Town

ATTACHMENTS

1. Reso 24-106 JUB Engineers PSA (WCR 20 and Coal Ridge Ditch Bridge Replacement) (003)
2. S2024-9246 WCR 20 Over Coal Ridge Ditch Bridge Replacement Construction Administration services

RESOLUTION NO. 24-106

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
FIRESTONE, COLORADO, APPROVING AN AGREEMENT BETWEEN
THE TOWN OF FIRESTONE AND JUB ENGINEERS, INC. FOR
CONSTRUCTION ADMINISTRATION SERVICES PERTAINING TO THE
WELD COUNTY ROAD 20 AND COAL RIDGE DITCH BRIDGE
REPLACEMENT PROJECT**

WHEREAS, the Town of Firestone (“Town”) is in need of professional services for administration of the construction contract in connection with the Weld County Road 20 and Coal Ridge Ditch Bridge Replacement Project (the “Project”); and

WHEREAS, the Town published a request for proposals for such services for the Project; and

WHEREAS, the Town has evaluated the proposals submitted in response to the request for proposals, and finds that JUB Engineers, Inc. (“JUB”) is the most qualified for the professional services described in the request for proposals; and

WHEREAS, the Town finds that JUB has the expertise, qualifications, and experience to perform the work and duties required for the Project, and desires to select JUB for the request for proposals and to enter into an agreement with JUB to provide the services as described in the scope of services, attached to the Professional Services Agreement as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FIRESTONE, COLORADO:**

Section 1. The Professional Services Agreement between the Town of Firestone and JUB Engineers, Inc. is approved in substantially the same form as the copy attached hereto and made a part of this Resolution, and the Mayor is authorized to execute the Agreement on behalf of the Town.

Section 2. The Town Manager is authorized to approve, sign, execute and deliver any and all change orders on behalf of the Town as may be necessary for the Town to perform under the Agreement up to and until such time as the total dollar amount of all such change orders results in an increase in the contract price equal to or greater than \$200,000.00, at which time any such change order shall be subject to approval by the Board.

PASSED AND ADOPTED this ____ day of _____, 2024.

Don Conyac Jr., Mayor

ATTEST:

Miriam Luna Gonzalez, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES (the "Agreement") is made and entered into this ____ day of _____, 2024 (the "Effective Date"), by and between the **TOWN OF FIRESTONE**, a Colorado municipal corporation with an address of 9950 Park Avenue, Firestone, Colorado 80504 (the "Town"), and J-U-B Engineers, Inc. an independent Contractor with a principal place of business at 2809 E Harmony Rd Suite 300, Fort Collins, Colorado, 80528 ("Contractor ") (each a "Party" and collectively the "Parties").

WHEREAS, the Town requires professional services and

WHEREAS, Contractor has held itself out to the Town as having the requisite expertise and experience to perform the required professional services.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. SCOPE OF SERVICES

- A. Contractor shall furnish all labor and materials required for the complete and prompt execution and performance of all duties, obligations, and responsibilities which are described or reasonably implied from the Scope of Services set forth in **Exhibit A**, attached hereto and incorporated herein by this reference and known as **WCR 20 Bridge Replacement Improvements Construction Management Services (S2024-9246)**
- B. A change in the Scope of Services shall not be effective unless authorized as a modification to this Agreement. If the Contractor proceeds without such written authorization, Contractor shall be deemed to have waived any claim for additional compensation, including a claim based on the theory of unjust enrichment, quantum merit or implied contract. Except as expressly provided herein, no agent, employee, or representative of the Town is authorized to modify any term of this Agreement, either directly or implied by a course of action.

II. TERM AND TERMINATION

- A. This Agreement shall commence on the Effective Date and shall continue until Contractor completes the Scope of Services to the satisfaction of the Town or until terminated as provided herein.
- B. Either Party may terminate this Agreement upon 30 days advance written notice. The Town shall pay the Contractor for all work previously authorized and completed prior to the date of termination. If, however, Contractor has substantially or materially breached this Agreement, the Town shall have any remedy or right of set-off available at law and equity.

III. COMPENSATION

In consideration for the completion of the Scope of Services by Contractor, the Town shall pay Contractor an amount not to exceed **\$200,000**. This amount shall include all fees, costs and

expenses incurred by Contractor , and no additional amounts shall be paid by the Town for such fees, costs, and expenses. Contractor may submit periodic invoices, which shall be paid by the Town within 30 days of receipt.

IV. PROFESSIONAL RESPONSIBILITY

- A. Contractor hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law. The work performed by Contractor shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community. The work and services to be performed by Contractor hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations, including the preference for Colorado Labor set forth in C.R.S. Article 17 Title 8.
- B. The Town's review, approval or acceptance of, or payment for any services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- C. Because the Town has hired Contractor for its professional expertise, Contractor agrees not to employ Sub-Contractor s to perform any work except as expressly set forth in the Scope of Services.

V. OWNERSHIP

- A. Any materials, items, and work specified in the Scope of Services, and any and all related documentation and materials provided or developed by Contractor shall be exclusively owned by the Town. Contractor expressly acknowledges and agrees that all work performed under the Scope of Services constitutes a "work made for hire." To the extent, if at all, that it does not constitute a "work made for hire," Contractor hereby transfers, sells, and assigns to the Town all of its right, title, and interest in such work. The Town may, with respect to all or any portion of such work, use, publish, display, reproduce, distribute, destroy, alter, retouch, modify, adapt, translate, or change such work without providing notice to or receiving consent from Contractor.
- B. If the Town reuses or makes any modification to Contractor 's designs, documents or work product without the prior written authorization of Contractor , the Town agrees, to the fullest extent permitted by law, to release the Contractor , its officers, directors, employees and sub-Contractor s from all claims and causes of action arising from such uses, and shall to the extent permitted by law indemnify and hold them harmless from all costs and expenses, including the cost of defense, related to claims and causes of action to the extent such costs and expenses arise from the Town's modification or reuse of the documents.
- C. The Town expressly acknowledges and agrees that the documents and data to be provided by Contractor under the Agreement may contain certain design details, features and concepts from the Contractor 's own practice detail library, which collectively may form portions of the design for the Project, but which separately, are, and shall remain, the sole and exclusive property of Contractor . Nothing herein shall be construed as a limitation on the Contractor 's right to re-use such component design details, features and concepts on other projects, in other contexts or for other clients.

VI. INDEPENDENT CONTRACTOR

Contractor is an independent Contractor. Notwithstanding any other provision of this Agreement, all personnel assigned by Contractor to perform work under the terms of this Agreement shall

be, and remain at all times, employees or agents of Contractor for all purposes. Contractor shall make no representation that it is a Town employee for any purposes.

VII. INSURANCE

- A. Contractor agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by Contractor pursuant to this Agreement. At a minimum, the Contractor shall procure and maintain, and shall cause any Sub-Contractor to procure and maintain, the insurance coverages listed below, with forms and insurers acceptable to the Town.
 - 1. Worker's Compensation insurance as required by law.
 - 2. Commercial General Liability insurance with minimum combined single limits of \$1,000,000 each occurrence and \$2,000,000 general aggregate. The policy shall be applicable to all premises and operations and shall include coverage for bodily injury, broad form property damage, personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall contain a severability of interests provision, and shall include the Town and the Town's officers, and employees, Contractor as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.
 - 3. Professional liability insurance with minimum limits of \$1,000,000 each claim and \$2,000,000 general aggregate.
- B. Such insurance shall be in addition to any other insurance requirements imposed by law. The coverages afforded under the policies shall not be canceled, terminated or materially changed without at least 30 days prior written notice to the Town. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. Any insurance carried by the Town, its officers, and its employees Contractor shall be excess and not contributory insurance to that provided by Contractor. Contractor shall be solely responsible for any deductible losses under any policy.
- C. Contractor shall provide to the Town a certificate of insurance as evidence that the required policies are in full force and effect. The certificate shall identify this Agreement.

VIII. INDEMNIFICATION

- A. Contractor agrees to indemnify and hold harmless the Town and its officers, insurers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney fees, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Agreement if such injury, loss, or damage is caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, recklessness of Contractor, any Sub-Contractor of Contractor, or any officer, employee, representative, or agent of Contractor, or which arise out of a worker's compensation claim of any employee of Contractor or of any employee of any Sub-Contractor of Contractor. Contractor's liability under this indemnification provision shall be to the fullest extent of, but shall not exceed, that amount represented by the degree or percentage of negligence or fault attributable to Contractor, any Sub-

-
- Contractor of Contractor, or any officer, employee, representative, or agent of Contractor or of any Sub-Contractor of Contractor.
- B. If Contractor is providing architectural, engineering, surveying or other design services under this Agreement, the extent of Contractor's obligation to indemnify and hold harmless the Town may be determined only after Contractor's liability or fault has been determined by adjudication, alternative dispute resolution or otherwise resolved by mutual Agreement between the Parties, as provided by C.R.S. § 13-50.5-102(8)(c).
 - C. The parties agree that neither shall be liable to the other for indirect, incidental, or consequential damages resulting from this Agreement or related projects.

IX. CHANGE ORDERS

- A. Change Order is a written instrument issued after execution of the Agreement signed by Town and Contractor, stating their Agreement, as applicable, upon all of the following:
 - 1. The scope of the change in the Work;
 - 2. The amount of the adjustment to the Contract Price and
 - 3. The extent of the adjustment to the Contract Times(s).
- B. All changes in the Work authorized by the applicable Change Order shall be performed under the applicable conditions of the Contract Documents. Town and Contractor shall negotiate in good faith and as expeditiously as possible the appropriate adjustment of such changes.

X. MISCELLANEOUS

- A. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Weld County, Colorado.
- B. No Waiver. Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligations of this Agreement.
- C. Integration. This Agreement constitutes the entire Agreement between the Parties, superseding all prior oral or written communications.
- D. Third Parties. There are no intended third-party beneficiaries to this Agreement.
- E. Notice. Any notice under this Agreement shall be in writing and shall be deemed sufficient when personally presented or sent pre-paid, firstclass United States Mail to the Party at the address set forth on the first page of this Agreement.
- F. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.
- G. Modification. This Agreement may only be modified upon written Agreement of the Parties.
- H. Assignment. Neither this Agreement nor any of the rights or obligations of the Parties shall be assigned by either Party without the written consent of the other.
- I. Governmental Immunity. The Town and its officers, and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities or protections provided by the Colorado Governmental Immunity Act,

C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.

- J. Rights and Remedies. The rights and remedies of the Town under this Agreement are in addition to any other rights and remedies provided by law. The expiration of this Agreement shall in no way limit the Town's legal or equitable remedies, or the period in which such remedies may be asserted, for work negligently or defectively performed.
- K. Subject to Annual Appropriation. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.
- L. Representative Authority. Each person signing this Agreement represents and warrants that he or she is duly authorized and has the legal capacity to execute the Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF FIRESTONE, COLORADO

Don Conyac, Mayor

ATTEST:

Miriam Luna Gonzalez, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

J-U-B, Engineers, Inc.

By: _____



EXHIBIT A

J-U-B Engineers, Inc.
SERVICES REQUEST

FOR
WCR 20 Bridge Replacement Improvements
Project #BRO M449-001 CID 25779
Town of Firestone

Scope of Services and Basis of Fee
November 5, 2024

PROJECT UNDERSTANDING

The Service Request items are detailed in Part 1 to perform the Construction Management and Inspection services for the WCR 20 Bridge Replacement Improvements Project. Scope and fee are based upon the scope as defined in the RFP, provided plans and specifications, and our experience of providing these services on many past Local Agency projects. Specific scope items are covered below.

PART 1 – SERVICE REQUEST

- A. **Basic Services** – J-U-B's Basic Services under this Request are limited to the following tasks. CLIENT reserves the right to add subsequent phases or related work to the scope of services upon mutual agreement of scope, additional fees, and schedule. The following abbreviations are used in this scope:

J-U-B – J-U-B Engineers, Inc.

CMI – Construction Management and Inspection

Specific scope items are covered below.

1. Plans and specification review/setup project files
 - a. Scope of Services:
 - i. CMI team members will review plans and specifications, right-of-way contracts, irrigation agreements, and environmental commitments. The team members will compare the plans to CDOT's Form 250, 379 & Material Testing Requirements and develop a documentation needs list based on the project pay items and documentation requirements. We will meet with Ground Engineering to formulate expectations, communication, and responsibilities.
 - b. Deliverables:
 - i. Documentation needs list
2. Pre-Construction Meeting & Coordination
 - a. Scope of Services:
 - i. CMI team members will begin coordinating with Town Staff on establishing roles, responsibilities, and expectations.
 - ii. We will meet with the Town's designer of record to further understand the design intent and risks associated with the project.
 - iii. J-U-B will assist with coordinating with 3rd Party Utilities to expedite their relocation efforts.
 - iv. J-U-B will initiate a meeting with the awarded contractor before the Pre-Construction Meeting. This is the first step towards a collaborative project. The purpose is to informally meet the team members discuss expectations, and project risks and jointly establish project goals.

- v. J-U-B will coordinate and notify by email all interested parties regarding attendance at a pre-construction conference. This will occur before contractor mobilization on the project. The interested parties will include Town staff, the Contractor, Subcontractors, CDOT, and affected agencies. J-U-B will conduct the Pre-Construction Meeting and prepare and distribute meeting minutes to all attendees.
 - b. Deliverables:
 - i. Pre-Construction Meeting Agenda & Minutes
- 3. Coordination/Weekly Meetings
 - a. Scope of Services:
 - i. J-U-B will schedule and conduct a weekly project coordination meeting with Town staff, the Contractor, and CDOT to discuss the project schedule and resolve project-related issues. 20 meetings are anticipated for this project.
 - ii. J-U-B's Construction Manager will actively address concerns that arise from the Contractor, stakeholders, and affected agencies during construction. This includes site visits to resolve field issues that arise and to proactively review Contractor operations.
 - iii. J-U-B's Construction Manager will coordinate with all stakeholders, CDOT, affected agencies, and third-party utilities.
 - b. Deliverables:
 - i. Meeting Agenda & Minutes (20 meetings)
- 4. Negotiate, Prepare, and Process Change Orders
 - a. Scope of Services:
 - i. J-U-B will prepare and justify change orders, provide negotiation meetings for change orders, and keep complete and accurate documentation using CDOT change order forms. J-U-B will obtain Town and CDOT approval before processing all change orders. Our hours are based on two change orders being required.
 - b. Deliverables:
 - i. Change Orders (2 each)
- 5. Review and Approve Contractor Submittals
 - a. Scope of Services:
 - i. J-U-B will review any submittals and shop drawings from the Contractor and verify compliance with specifications. J-U-B will review the Contractor's Critical Path Method (CPM) baseline and monthly updated schedules. This work plan is based upon an 80 working day construction timeline. Therefore, it is anticipated that four schedules will be reviewed. J-U-B will review, respond, and track requests for information (RFI's) submitted by the contractor.
 - b. Deliverables:
 - i. Review of submittals, shop drawings & RFI's
- 6. Material Documentation
 - a. Scope of Services:
 - i. J-U-B will provide current electronic documentation in a format that is agreeable to Town & CDOT and will be submitted at the end of the project. J-U-B will review materials documentation (Buy America, COC's and CTR's) before processing the monthly partial pay estimates to verify that CDOT Local Agency Documentation requirements are being fulfilled. We will review Ground Engineering's testing reports and file them accordingly for CDOT's review.
 - b. Deliverables:
 - i. CDOT Project Documentation
- 7. Project Accounting
 - a. Scope of Services:

- i. J-U-B will document pay quantities perform a quality check of the entries and verify the calculations. J-U-B will prepare monthly partial estimates in a format acceptable to the Town. J-U-B will provide estimates to the Contractor for review and approval. J-U-B will then submit the estimates to the Town for processing (once per month). Five partial estimates are anticipated for this project. Payment will be made in accordance with the contract documents and specifications.
 - ii. J-U-B will monitor and manage our internal effort and submit the invoices for our effort to the Town for processing (once per month). Five invoices are anticipated for this project.
 - b. Deliverables:
 - i. Partial Pay Estimates (5 each)
 - ii. Invoices (5 each)
- 8. CDOT Civil Rights and Administration Documentation
 - a. Scope of Services:
 - i. J-U-B will provide current electronic documentation in a format that is agreeable to the Town and will be submitted at the end of the project. J-U-B will review certified payrolls using the LCP tracker, and work with the contractor on correcting deficiencies and project filing. We will verify that CDOT Local Agency Documentation requirements are being fulfilled to meet DBE, subcontractor, and prompt payment requirements in B2G. Our Inspector will conduct employee interviews as required and review the project Bulletin Board for adherence to CDOT's requirements. J-U-B will prepare the required final forms for closeout per the Local Agency Checklist, coordinate with CDOT's Local Agency representative, and respond to their review comments as necessary for final acceptance.
 - b. Deliverables:
 - ii. Civil Rights Documentation
- 9. Project Closeout
 - a. Scope of Services:
 - i. J-U-B will prepare the required final forms for closeout per the Local Agency Checklist, coordinate with CDOT's Local Agency representative, and respond to their review comments as necessary for final acceptance.
 - ii. J-U-B will prepare the final estimate at the end of the project for the release of retention in a format acceptable to the Town. J-U-B will provide the estimate to the Contractor for review and approval. Following Contractor approval, J-U-B will submit the estimate to the Town for processing and to assist the Town with the Notice of Final Settlement process.
 - b. Deliverables:
 - i. Project Closeout Documentation
 - ii. Final Pay Estimate
- 10. Field Inspection (100 Working Days)
 - i. Scope of Services:
 - i. J-U-B will actively inspect the Contractor's work with regard to the plans and specifications. J-U-B will provide sufficient inspection to confirm that the Contractor is constructing the project per the contract documents and meets CDOT's documentation requirements. J-U-B anticipates the Contractor will be working eight-hour days, five days a week for 20 weeks. The total amount of inspection hours is an estimated amount based on this assumption. The construction inspector will make periodic checks of plan lines and grades. They will measure quantities and review with the Contractor. J-U-B will monitor the Contractor's traffic control and safety efforts. The inspector will review the

Contractor's compliance with the project SWMP and notify them of any non-compliant issues.

ii. Deliverables: None

11. Field Documentation

a. Scope of Services:

i. The construction inspector will complete a daily report to document construction activities and field issues that include daily photos. J-U-B will prepare weekly time count reports and provide a copy to the Contractor for signature. J-U-B will collect and assemble weigh tickets and concrete tickets. All reporting of material inspection and testing will be completed as outlined in the CDOT's Field Materials Manual and the project's forms 250 and 379.

b. Deliverables:

- i. Construction Inspection Daily Reports (form 103) (100 each)
- ii. Form 266 for all bid items completed for each partial pay estimate (5 each)
- iii. Weekly Time County Reports (form 262) (20 each)

12. Final Inspection and Follow-up

a. Scope of Services:

i. J-U-B will coordinate and conduct a final inspection with Town Staff, the Contractor, CDOT, and affected agencies. J-U-B will prepare minutes and a punch list and distribute them to attendees. J-U-B will periodically inspect the Contractor's effort to complete the punch list items to verify their completion. A 10-hour inspection effort is estimated for this part of the task.

b. Deliverables:

- i. Meeting Minutes
- ii. Punch List

13. Additional services

a. Scope of Services:

i. These services shall cover any additional management work items that arise during the construction phase of the project. The services shall be requested in writing from the Town of Firestone that fall within the budget amount shown in the fee and man hour estimate for approximately \$12,231.

PART 2 – SCHEDULE OF SERVICES

- A. The following table summarizes the anticipated schedule for the identified Basic Services predicated upon timely receipt of CLIENT-provided information, typical review periods, and active direction during work. CLIENT acknowledges that J-U-B will not be responsible for impacts to the schedule by events or actions of others over which J-U-B has no control.

A detailed schedule is attached to this scope of work.

Task Name	Anticipated Schedule
Consultant Notice of Award	October 2024
Project Advertisement	November 2024
Contractor's Notice To Proceed	December 2024
Contractor starts Project	December 2024
Substantial Completion	March 2025
Final Project Acceptance	June 2025

PART 3 – BASIS OF FEE

- A. The hours and fees for each task are presented on the attached spreadsheet.

WCR 20 Bridge Replacement Improvements Project #BRO M440-001 CID 25779			Prepared By: J-U-B Engineers, Inc. November 5, 2024 Construction Management and Inspection						
WCR 20 Bridge Replacement Improvements Construction Management and Inspection									
Task Number	Task Description	Construction Manager Todd Gunderman	Field Engineer Alex Bauchat	Construction Inspector Lead Lydia Stegall	Construction Manager Assistant Cheryl Turner	Clerical/Admin Pam Hamilton	Total Labor	Task Total	Total
		\$237.00	\$134.00	\$149.00	\$146.00	\$93.00			
Pre-Construction Activities									
1	Plans and specification review/setup project files	4	4	4	4	2	\$2,850.00	\$2,850.00	
2	Pre-Construction Meeting & Coordination	8	2	2	8		\$3,630.00	\$3,630.00	
Hour Subtotal		12	6	6	12	2		Subtotal	\$6,480.00
Construction Engineering Management									
3	Coordination/Weekly Meetings (20 mtgs)	80			30		\$23,340.00	\$23,340.00	
4	Negotiate, Prepare and Process Change Orders (2ea)	8	4		4		\$3,016.00	\$3,016.00	
5	Review and Approve Contractor Submittals		20				\$2,680.00	\$2,680.00	
Hour Subtotal		88	24	0	34	0		Subtotal	\$29,036.00
Project Administration									
6	Materials Documentation	4	20	12	12		\$7,168.00	\$7,168.00	
7	Project Accounting (5 pay estimates)	5			10	6	\$3,203.00	\$3,203.00	
8	CDOT Civil Rights and Administrative Documentation				80		\$11,680.00	\$11,680.00	
9	Project Closeout	4	4	4	20		\$5,000.00	\$5,000.00	
Hour Subtotal		13	24	16	122	6		Subtotal	\$27,051.00
Field Inspection									
10	Field Inspection (100 working days)			800			\$119,200.00	\$119,200.00	
11	Final Inspection and Follow-up	4		10			\$2,438.00	\$2,438.00	
12	Field Documentation			20	4		\$3,564.00	\$3,564.00	
Hour Subtotal		4	0	830	4	0		Subtotal	\$125,202.00
Additional Services									
13	Additional Services (Town Requested)						\$12,231.00	\$12,231.00	
Hour Subtotal								Subtotal	\$12,231.00
Total Hours		117	54	852	172	8	TOTAL		\$200,000.00

**AGENDA INFORMATION
MEMORANDUM**

FIRESTONE BOARD OF TRUSTEES



AIM No.: 7.d

Discussion/Action

Meeting Date: November 13, 2024

Initiated By: Jessica Clanton

Department: Finance

AGENDA ITEM

Resolution 24-105: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROVING THE TOWN OF FIRESTONE'S WATER METER CHARGE AND WATER RATE PER GALLON USAGE

RECOMMENDATION

Staff recommends approval of Resolution 24-105

SUMMARY

This resolution implements the updated water rate established by the Cost of Service and Rates Analysis conducted by Raftelis Financial Consultants (Raftelis) as well as the Water System Development Fees established by the study completed by TischlerBise. The new water rates and Water System Development Fees will be implemented on January 1, 2025.

FINANCIAL CONSIDERATIONS

**Water Charge Per 1,000
Gallons**

Gallons	Rate
Residential	
I	
0-5,000	\$ 4.44
5,001-10,000	6.65
10,001-20,000	9.98
20,001-30,000	14.96
Above 30,000	22.43

Water Charge Per 1,000 Gallons

Customer Type	Gallons	Rate
Commercial & Industrial	All usage	\$ 7.05
Irrigation Only	All usage	11.75
Mobile Home Parks	All usage	8.48
Multi-Family	All usage	6.92

System Development Fees

Meter SizeTotal

5/8"	\$ 25,004
3/4"	37,506
1"	62,510
1 1/2"	125,020
2"	200,032

HISTORY AND PREVIOUS BOARD ACTION

The current rates were adopted by Resolution No. 23-126 and took effect on January 1, 2024.

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
 - Uphold Fiscal Integrity

ATTACHMENTS

1. Res No 24-105 A RESOLUTION PRESCRIBING WATER RATES FEES TOLLS AND CHARGES AND STORAGE AND INFRASTRUCTOR FEES (002)
2. Water System Development Fee Draft

RESOLUTION NO. 24-105

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, PRESCRIBING THE TOWN OF FIRESTONE'S WATER RATES, FEES, TOLLS AND CHARGES AND STORAGE AND INFRASTRUCTURE INVESTMENT FEES

WHEREAS, upon completion of the determination of the Town of Firestone's ("Town") water capital needs and operational costs and storage and delivery system development costs the Town established water rates, fees, tolls, and charges and storage and investment fees which were set forth in Resolution No. 23- 126; and

WHEREAS, the Town, which operates a municipal water facility and Central Weld County Water District ("CWCWD") are parties to various intergovernmental agreements concerning the provision of water service and facilities to the Town; and

WHEREAS, pursuant to such intergovernmental agreements, CWCWD from time to time increases its charges for water services provided to the Town; and

WHEREAS, effective November 1, 2024, CWCWD amended its charges for water services which resulted in an increase of 8.2% for the water rates and charges imposed upon the Town; and

WHEREAS, the water services charges will be increased an additional 5% based upon the water rate study done by Raftelis in 2023; and

WHEREAS, to ensure that the Town can in a fiscally responsible manner meet its operational and capital needs for its water delivery systems the Town must increase its water rates and charges in an amount equal to that imposed by CWCWD as set forth in Sections 1 and 2 of this resolution; and

WHEREAS, the Water System Development fees in Section 3 are based upon the fees set forth in the TischlerBise Water System Development Fees Study.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. Water rates and charges. The following monthly rates and charges shall be imposed for water received from the Town of Firestone water system:

Meter Size	Residential Base Rate Charge	Non-Residential Base Rate Charge*	Water Included in Rate (Gallons)
5/8"	\$ 39.40	\$ 39.40	-0-
3/4"	60.41	60.41	-0-
1"	99.78	99.78	-0-
1-1/2"	196.92	196.92	-0-
2"	317.71	317.71	-0-
3"	-	593.40	-0-
6"	-	2,346.30	-0-

*Non-Residential accounts include Commercial, Industrial, Irrigation, Mobile Home Parks and Multi-Family

Water Charge Per 1,000 Gallons			
Customer Type	Gallons	Rate	
Commercial & Industrial	All usage	\$	7.05
Irrigation Only	All usage		11.75
Mobile Home Parks	All usage		8.48
Multi-Family	All usage		6.92

Water Charge Per 1,000 Gallons		
Gallons	Rate	
Residential		
0-5,000	\$	4.44
5,001-10,000		6.65
10,001-20,000		9.98
20,001-30,000		14.96
Above 30,000		22.43

Section 2. Connection, Capital Investment and Repair Fees. The following connection and capital investment and repair fees shall be imposed, except that the Town shall not be required to pay such connection fees for irrigation sprinkler systems for any public parks, rights-of-way, open space, or medians, or any facility developed, owned or paid for by the Town.

Meter Size	Total
5/8"	\$ 14,800
3/4"	22,200
1"	37,000
1 1/2"	76,000
2"	122,400

Connection and capital investment and repair fees as well as any other fees for taps requiring a meter larger than 2" shall be determined by the Board of Trustees on an individual basis considering such factors as type of use, contemplated volume demand for water, effect on the entire water system in the

Town, connection and capital investment fees imposed by CWCWD, and all other factors relevant to the application. All taps requiring a meter larger than 2" and all taps applied for where the service requested is outside of the Town limits shall be by contract with the Board of Trustees. Out-of-town taps of 2" or less shall be charged fees at two times the amount of in-Town fees.

Section 3. Water System Development Fees. The following system development fees shall be imposed if the water tap will not be issued by CWCWD, except that the Town shall not be required to pay such fees for any facility developed, owned or paid for by the Town.

Meter Size	Total
5/8"	\$ 25,004
3/4"	37,506
1"	62,510
1 1/2"	125,020
2"	200,032

Water system development fees for taps requiring a meter larger than 2" are included in the Final Water System Development Fee Study.

Section 4. Construction Hydrant Meter Rental Terms. The following fees shall be imposed for hydrant meters supplied by the Town for construction water use. A Hydrant Connection Permit must be obtained from the Town prior to any water being used from any fire hydrant. Such permit shall be valid for a period not to exceed 6 months.

Deposit	\$ 5,890.00 per meter
Administration Fee	25.00 per permit
Meter Rental	4.00 per day
Late Charge	5.00 per day
Water Usage Rate	6.23 per 1,000 gallons

Section 5. Meter Fees. The following fees shall be imposed for Meter assemblies installed by the Town for new service connections; such fees for taps requiring a meter larger than 2" shall be as set by contract with the Board of Trustees:

Meter Tap Size	Administrative Fee	Meter Cost	Total Meter Fee
5/8"	\$ 25.00	\$ 663.77	\$ 688.77
3/4"	25.00	687.13	712.13
1"	25.00	827.69	852.69
1 1/2"-Commercial	25.00	3,026.67	3,051.67
1 1/2"-Irrigation	25.00	3,029.47	3,054.47
2"-Commercial	25.00	3,580.64	3,605.64
2"-Irrigation	25.00	3,604.76	3,629.76
≥3"-Commercial	25.00	TBD by Vendor Pricing	
≥3"-Irrigation	25.00	TBD by Vendor Pricing	

Section 6. Native Water Dedication Agreement Storage and Infrastructure Fees. The following fees shall be established for Native Water Dedication Agreements.

Ditch	Storage Multiplier	Starage Fee, per acre-foot of credit	Infrastructure Fee, per acre- foot of credit	Total Storage and Infrastructure Investment Fee, per acre-foot of credit
Lower Boulder Preferred	1.45	\$ 16,100	\$ 1,400	\$ 17,500
Lower Boulder Common	2.00	22,200.00	1,400.00	23,600
Coal Ridge	1.45	16,100.00	1,400.00	17,500
Godding	1.45	16,100.00	1,400.00	17,500
Rural	1.45	16,100.00	1,400.00	17,500
Last Chance	1.45	16,100.00	1,400.00	17,500

Section 7. This Resolution shall take effect on January 1, 2025 and at such date all other resolutions establishing the Town's water rates, fees, tolls and charges set forth herein shall be repealed in their entirety.

INTRODUCED, READ AND ADOPTED this 11th day of December, 2024.

TOWN OF FIRESTONE, COLORADO

Don Conyac Jr., Mayor

ATTEST:

Miriam Luna Gonzalez, Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney



Water Usage Factors

Account	Average Daily Use
Residential (Single-Family)	333
Multi-Family	697
Commercial	2,702
Industrial	6,015
Irrigation	2,164

Source: Town of Firestone

St. Vrain Treatment Plant

Description	Year	Cost
Original St. Vrain Water Treatment Plant Construction (2.5 MGD)*	Multiple	\$89,386,571
St. Vrain Water Treatment Plant Expansion to 5 MGD	2028	\$16,495,000
Total Cost		\$105,881,571
Total Capacity (Gallons per Day)		5,000,000
Cost per Gallon		\$21.18

*Includes interest costs

Includes:
Original and expanded St. Vrain
Blend pipeline and pump station
Injection well
Reservoir #1
Gould Well Field

Alluvial Well Expansion

Description	Year	Cost
Expansion to Alluvial Well #2	2025	\$7,193,683
Total Capacity (Gallons per Day)		5,000,000
Cost per Gallon		\$1.44

Future NISP Pipeline/Participation

Description	Year	Cost
Pipeline from NISP (1300 acre feet)	2027	\$5,364,500
NISP Participation	Ongoing	\$16,011,000
Total Cost		\$21,375,500
Total Capacity (Gallons per Day)		1,160,566
Cost per Gallon		\$18.42

Raw Water

Description	Year	Cost
Lower Boulder/Coal Ridge Ditch (40 cfs)	2024	\$6,744,100
Total Capacity (Gallons per Day)		25,833,600
Cost per Gallon		\$0.26

Reservoir #2 and 3

Description	Year	Cost
Firestone Reservoir #2 (900 acre feet)	2027	\$12,209,375
Total Capacity (Gallons per Day)		803,469
Cost per Gallon		\$15.20

Description	Year	Cost
Reservoir #3 Buy-In (7,264 acre feet)	2020	\$20,000,000
Total Capacity (Gallons per Day)		6,484,890
Cost per Gallon		\$3.08

Storage

Description	Year	Cost
Elevated Storage Tank	2028	\$8,146,600
Tank 2 Distribution Pipeline	2028	\$15,123,000
Total Cost		\$23,269,600
Total Capacity (Gallons)		1,500,000
Cost per Gallon		\$15.51

Draft Water System Development Fee

Fee Component	Cost per Gallon
St. Vrain Treatment Plant	\$21.18
Future Storage Tank and Pipeline	\$15.51
Well Field # 2 Expansion	\$1.44
Reservoir #2 Expansion	\$15.20
Reservoir #3 Buy-In	\$3.08
NISP Pipeline and Participation	\$18.42
Coal Ridge Ditch Supply Pipeline	\$0.26
Total	\$75.09

Equivalent Dwelling Unit (Single Family Unit) Demand Factor	
Average Gallons per Day	333

Meter Size and Type		Capacity Ratio ¹	Proposed Fees
0.625	Displacement	1.00	\$25,004
0.750	Displacement	1.50	\$37,506
1.000	Displacement	2.50	\$62,510
1.500	Displacement	5.00	\$125,020
2.000	Displacement	8.00	\$200,032
3.000	Singlejet	16.00	\$400,065
3.000	Compound	16.00	\$400,065
3.000	Turbine	17.50	\$437,571
4.000	Singlejet	25.00	\$625,101
4.000	Compound	25.00	\$625,101
4.000	Turbine	31.50	\$787,628
6.000	Singlejet	50.00	\$1,250,203
6.000	Compound	50.00	\$1,250,203
6.000	Turbine	65.00	\$1,625,264
8.000	Compound	80.00	\$2,000,325
8.000	Turbine	140.00	\$3,500,568
10.000	Turbine	210.00	\$5,250,852
12.000	Turbine	265.00	\$6,626,075

1. AWWA Manual of Water Supply Practices M-1, 7th Edition

AGENDA INFORMATION MEMORANDUM

FIRESTONE BOARD OF TRUSTEES



AIM No.: 7.e

Discussion/Action

Meeting Date: November 13, 2024

Initiated By: Jessica Clanton

Department: Finance

AGENDA ITEM

PUBLIC HEARING: Resolution 24-107: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ADOPTING A BUDGET FOR THE FISCAL YEAR OF 2025 AND APPROPRIATING SUMS FOR AND DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025 IN ACCORDANCE WITH THE STATUTES OF THE STATE OF COLORADO

RECOMMENDATION

Staff recommends approval of Resolution 24-107, adopting the budget for fiscal year 2025.

SUMMARY

Staff presented the 2025 Preliminary Budget to the Board of Trustees at the Work Session on September 18th, and at the regular meetings on September 25th, October 9th and October 23rd. No changes have been made since the October 23rd meeting.

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

Public notice was published in the Longmont Times-Call on October 25th, 2024, stating that the Proposed 2025 Budget would be available for review at the Town Clerk's Office, that public comment and review would take place at the November 13th, 2024, Board meeting, and, pending Board approval, that it would be adopted at that same Board meeting.

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
 - Uphold Fiscal Integrity
 - Encourage Community Governance with Civic Partnerships
 - Design and Promote Livable Neighborhoods & Homes
 - Maintain a Safe, Clean & Beautiful Town
 - Organizational Objectives
 - Maintain Town Infrastructure & Facilities

ATTACHMENTS

1. RESO_Adopting Fiscal year 2025 Budget, Appropriating Sums
2. 2025 Proposed Budget

RESOLUTION NO. 24-107

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ADOPTING A BUDGET FOR THE FISCAL YEAR OF 2025 AND APPROPRIATING SUMS FOR AND DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2025 AND ENDING DECEMBER 31, 2025 IN ACCORDANCE WITH THE STATUTES OF THE STATE OF COLORADO.

WHEREAS, the Board of Trustees of the Town of Firestone has directed the Town Manager to prepare and submit a proposed budget to the Board of Trustees; and

WHEREAS, the Town Manager has submitted a final proposed budget to the Board of Trustees on November 13, 2024 for its consideration; and

WHEREAS, upon due and proper notice, published or posted in accordance with the law, the proposed budget was open for inspection by the public and the public was given the opportunity to file or register any objections to the proposed budget at the Public Hearing held on November 13, 2024; and

WHEREAS, in accordance with Article X, Section 20 of the Colorado Constitution, approved by the voters on November 3, 1992, an “Amendment One Emergency Reserve” is included in the budget in a total amount estimated to equal three percent (3%) of the Town’s fiscal year spending excluding bonded debt service; and

WHEREAS, whatever increases may have been made in expenditures, like increases were added to the revenues, so that the budget remains in balance as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. That the budget as submitted and attached hereto and made a part of this Resolution, is, hereby approved and adopted as the budget of the Town of Firestone for the fiscal year beginning on the first day of January 2025 and ending on the last day of December 2025.

Section 2. That the Town Clerk shall in accordance with C.R.S. 29-1-113 cause a certified copy of the budget to be filed in the States Division of Local Government in the Department of Local Affairs.

INTRODUCED, READ AND ADOPTED this 13th day of November, 2024.

TOWN OF FIRESTONE, COLORADO

Don Conyac Jr., Mayor

ATTEST:

Missy Carranco, Deputy Town Clerk

APPROVED AS TO FORM:

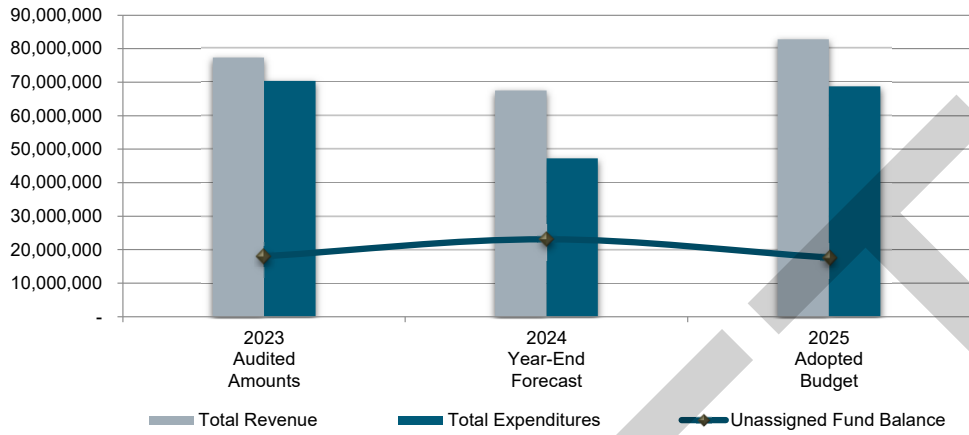
William P. Hayashi, Town Attorney

Town-Wide Summary

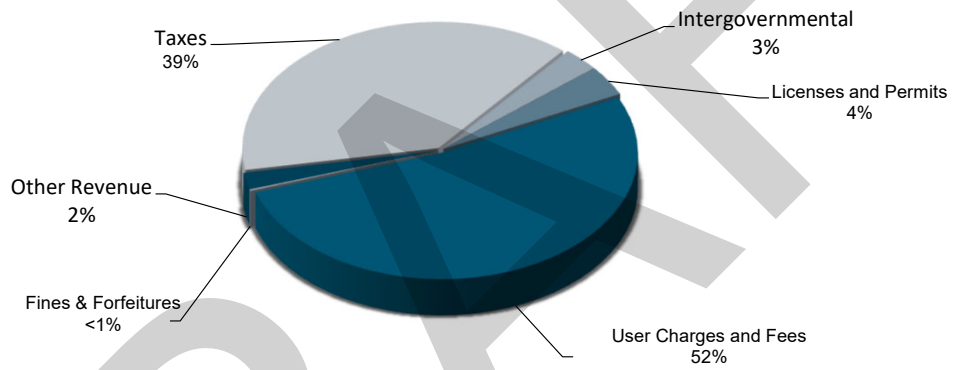
	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Taxes	\$ 29,312,139	\$ 34,423,394	\$ 34,916,110	\$ 32,092,704
Intergovernmental	3,963,644	2,256,670	2,809,328	2,512,296
Licenses and Permits	1,944,505	2,200,029	1,886,110	3,160,916
User Charges and Fees	38,303,243	37,392,270	25,087,343	43,144,570
Fines and Forfeitures	221,835	183,393	175,827	162,024
Other Revenue	3,634,735	920,584	2,636,556	1,750,983
Total Revenue	77,380,101	77,376,340	67,511,274	82,823,493
Expenditures:				
Personnel	14,764,757	16,750,552	14,295,820	18,856,772
Purchased Services	17,181,332	23,157,092	21,311,346	21,354,749
Supplies/Non-Capital Equipment	4,517,529	3,025,639	2,575,761	3,450,897
Capital Outlay	33,691,223	15,120,270	8,934,780	24,959,243
Other Expenditures	171,367	103,402	118,438	125,128
Total Expenditures	70,326,208	58,156,955	47,236,145	68,746,789
Excess/(Deficiency) of Revenues Over Expenditures	7,053,893	19,219,385	20,275,129	14,076,704
Other Financing Sources/(Uses):				
Transfers In	4,270,366	6,081,355	5,410,238	7,094,774
Transfers Out	(4,270,366)	(6,081,355)	(5,410,238)	(7,094,774)
Debt Payments	(25,097,247)	(5,204,123)	(5,204,123)	(5,258,468)
Total Other Financing Sources/(Uses)	(25,097,247)	(5,204,123)	(5,204,123)	(5,258,468)
Net Change In Fund Balance:	(18,043,354)	14,015,262	15,071,006	8,818,236
Cumulative Fund Balance				
Beginning Fund Balance	69,002,823	52,204,320	50,959,468	66,030,474
Ending Fund Balance	50,959,469	66,219,582	66,030,474	74,848,710
Less Restrictions, Commitments & Assignments:				
Fund Balance Non-Spendable	190,605	100,000	100,000	100,000
Fund Balance Restrictions	13,705,724	20,634,001	20,259,125	26,215,141
Fund Balance Commitments	14,308,922	15,568,242	17,262,420	17,753,784
Fund Balance Assignments	4,724,970	5,783,063	5,256,078	13,143,479
Unassigned Fund Balance	\$ 18,029,247	\$ 24,134,276	\$ 23,152,851	\$ 17,636,306

* Amounts include budget amendments made to the 2023 adopted budget

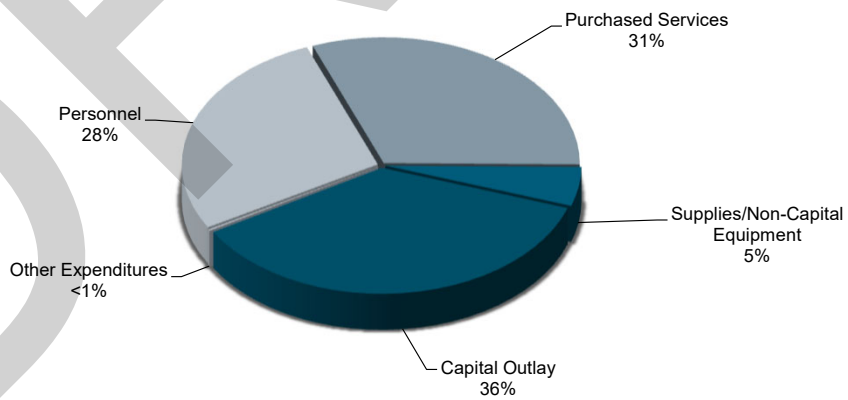
Revenue, Expenditures & Unassigned Fund Balance



Operating Revenue Budget By Category



Operating Expenditure Budget By Category



Town-Wide Revenue Detail

	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Taxes				
Property Tax	\$ 14,008,964	\$ 17,763,498	\$ 17,368,454	\$ 12,322,979
Specific Ownership Tax	95,831	115,000	95,000	97,850
Sales Tax	13,424,234	13,784,609	15,244,360	16,311,465
Use Tax	1,643,502	2,620,000	2,064,500	3,212,300
Lodging Tax	139,608	140,287	143,796	148,110
Total Taxes	29,312,139	34,423,394	34,916,110	32,092,704
Intergovernmental				
Highway User Tax Fund	562,084	546,444	590,741	549,761
Road and Bridge Tax	137,092	150,000	162,061	166,923
Lottery Proceeds	120,974	120,000	124,603	128,341
Severance Tax	630,302	325,000	363,494	325,000
Cigarette Tax	35,655	20,487	16,644	17,143
Motor Vehicle Registration	59,068	65,000	65,000	67,600
School District	86,092	94,663	91,657	103,502
Little Thompson Water District	49,864	40,000	50,000	52,500
Local Grants	17,220	-	-	-
County Grants	22,841	375,000	400,000	25,000
State Grants	14,177	225,500	25,500	788,159
Federal Grants	1,927,556	4,000	629,052	5,000
Intergovernmental - Other	300,719	290,576	290,576	283,367
Total Intergovernmental	3,963,644	2,256,670	2,809,328	2,512,296
Licenses & Permits				
Public Improvement Permits	420,599	300,000	300,000	300,000
Building Permits	1,326,441	1,667,000	1,328,800	2,650,500
ROW Permits	16,932	20,000	35,000	30,000
Business License	20,432	17,500	20,000	20,500
Liquor License Fees	4,169	4,500	4,200	4,500
Stormwater Permits	26,180	25,000	25,000	25,000
Animal Licenses	1,595	2,029	1,860	1,916
Contractor Licenses	127,507	164,000	121,250	127,500
Other Permits	650	-	50,000	1,000
Total Licenses & Permits	1,944,505	2,200,029	1,886,110	3,160,916

Town-Wide Revenue Detail

	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
User Charges and Fees				
Development Review Fees	193,188	290,780	192,700	278,860
Impact Fees - Roadways	609,658	1,124,122	564,878	2,332,509
Impact Fees - Local Parks	81,275	-	194,667	-
Impact Fees - Regional Parks	532,778	1,123,760	1,032,414	2,980,662
Impact Fees - Drainage	191,929	290,374	161,918	794,341
Impact Fees - Municipal Facility	505,794	384,340	538,336	377,994
Impact Fees - Raw Water Irrigation	276,782	418,780	258,488	145,562
Franchise Fees	718,982	667,720	680,414	700,826
Fuel Tax Reimbursement	10,159	12,000	12,646	13,025
Bag Fee	74,081	20,000	50,000	45,000
Street Lighting Fees	220,172	230,098	225,018	228,845
Oil and Gas Royalties/Leases	58,641	95,000	48,000	52,000
Food and Flick	4,550	6,500	6,781	6,500
Holiday Festival	4,475	3,000	2,563	2,500
4th at Firestone	4,550	7,500	13,313	13,000
Art & Music Show	-	-	500	500
Town Clean Up Day	740	600	980	600
Other Events	2,225	1,250	1,575	1,250
Halloween Safe Night	2,850	3,000	3,344	3,000
Resource Fair	-	-	800	800
PD Program Sponsorships	16,078	15,000	15,000	15,000
Athletic Field Rentals	-	-	-	7,500
Park Shelter Rentals	-	-	-	7,500
Cash in Lieu - Open Space	-	-	-	727,971
Cash in Lieu - Community Parks	366,167	889,534	545,756	805,388
Cash in Lieu - Neighborhood	1,447,387	7,792,316	3,765,716	4,686,038
Developer Chargebacks	37,573	25,000	36,000	25,000
Salary Reimbursement	2,708	-	12,000	10,500
Administrative Fees	2,075	-	-	-
Hydrant Rentals	41,990	30,000	57,500	30,000
Charges for Services	6,534,147	7,921,630	7,882,415	8,880,631
Reconnection/Service Fees	45,828	40,000	40,000	40,000
Tap Fees	240,800	1,480,000	1,480,000	1,073,600
System Development Fees	962,400	1,488,000	1,488,000	6,812,510
Cash in Lieu - Water Rights	161,700	80,250	-	-
Native Water Credit Fee	12,585,000	9,600,000	5,609,000	10,950,000
Meters and Yoke Fees	26,928	123,716	66,621	215,158
Water Leases	164,635	28,000	100,000	80,000
Storage and Infrastructure Fees	12,165,000	3,200,000	-	800,000
Native Water Dedication Fee	10,000	-	-	-
Total User Charges and Fees	38,303,243	37,392,270	25,087,343	43,144,570
Fines and Forfeitures				
Court Fines	131,320	143,093	118,373	121,924
Community Justice Surcharge	850	500	1,300	800
Restitution	778	-	-	-
OJW Revenue	150	300	300	300
Forfeitures	80,423	30,000	46,854	30,000
Other Police/Court Charges	8,315	9,500	9,000	9,000
Total Fines and Forfeitures	221,835	183,393	175,827	162,024
Other Revenue				
Interest Earnings	3,101,454	781,984	2,409,056	1,524,383
Service Fee	65,169	73,600	117,500	116,600
Contributions	1,000	-	-	-
Other Revenue	107,878	55,000	100,000	100,000
Claims Reimbursement	359,234	10,000	10,000	10,000
Total Other Revenue	3,634,735	920,584	2,636,556	1,750,983
Total Revenues	\$ 77,380,101	\$ 77,376,340	\$ 67,511,274	\$ 82,823,493

Town-Wide Expenditure Detail

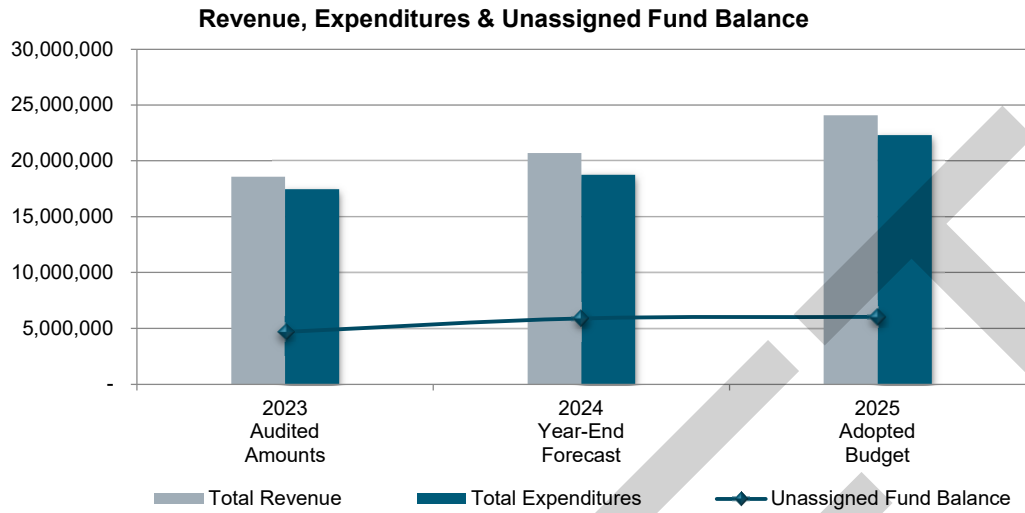
	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 10,972,252	\$ 12,072,082	\$ 9,857,278	\$ 13,357,596
Overtime	147,317	146,572	228,583	228,066
Stipend	3,090	3,300	3,686	3,600
Medicare	157,299	174,917	172,167	204,200
Unemployment Insurance	16,053	36,106	22,226	39,943
Workers Compensation	13	-	26	79
Retirement Contributions	1,477,416	1,729,228	1,597,644	1,959,709
Medical Benefits	1,534,130	2,050,578	1,954,215	2,411,716
Life/Disability Benefits	68,303	89,563	82,051	101,711
Training/Registration	174,195	149,050	134,165	208,982
Dues/Fees	69,491	90,995	84,148	104,579
Employee Wellness	4,588	10,600	9,007	10,600
Mileage/Travel	35,008	65,551	37,805	82,611
Employee Recognition	13,392	20,975	16,359	16,875
Uniforms/Town Apparel	87,230	91,435	84,710	106,305
Tuition Reimbursement	4,320	19,000	10,550	19,000
Sympathy and Celebrations	660	600	1,200	1,200
Total Personnel	14,764,757	16,750,552	14,295,820	18,856,772
Purchased Services				
Professional Services	1,324,590	1,635,110	1,321,072	1,351,936
Legal Services	819,816	902,600	805,756	1,134,200
Lobbyists	28,750	30,000	30,000	36,000
Consulting Services	69,959	164,496	98,000	131,496
Technical Services	946,840	1,586,039	1,360,631	2,050,490
Developer Chargebacks	37,588	25,000	36,000	25,000
Building Review and Inspection	131,824	210,000	75,000	100,000
Communication Services	117,634	125,543	129,195	169,735
General Services	10,668,470	13,651,088	13,142,016	10,580,898
Employment Screenings	28,575	37,818	35,188	45,438
Insurance Premiums	387,539	510,000	600,070	723,800
Utility Services	748,975	431,568	424,077	435,834
Property Maintenance	191,588	217,830	215,000	230,010
Water Treatment and Tap Fees	1,679,184	3,630,000	3,039,341	4,339,912
Total Purchased Services	17,181,332	23,157,092	21,311,346	21,354,749

Town-Wide Expenditure Detail

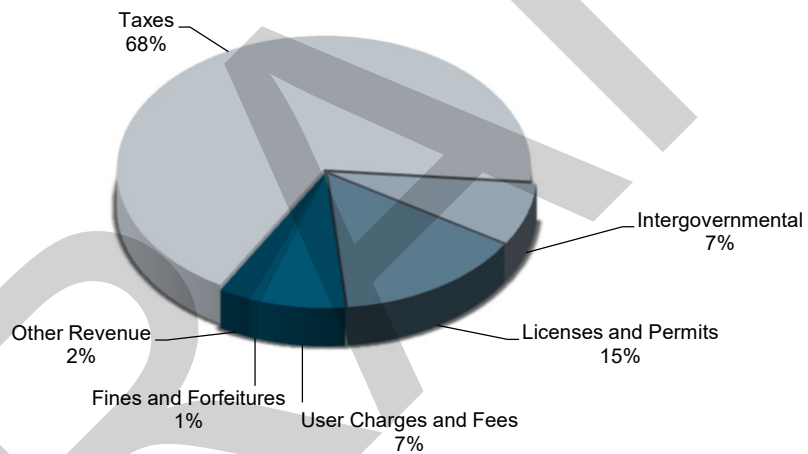
	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Supplies/Non-Capital Equipment				
Office Supplies	28,376	36,140	21,925	32,490
Technology Equipment	27,039	45,862	44,264	68,715
Operating Supplies	227,362	318,770	284,712	405,062
Operating Supplies - Chemicals	46,536	90,000	20,000	90,000
Leases/Rentals	785,549	767,140	685,196	973,040
Repairs and Maintenance	2,670,814	955,000	930,000	1,073,434
Marketing and Promotional Materials	16,879	22,500	19,454	26,200
Non-Capital Equipment	493,410	537,877	344,205	524,056
Fuel	221,564	252,350	226,005	257,900
Total Supplies/Non-Capital Equipment	4,517,529	3,025,639	2,575,761	3,450,897
Capital Outlay				
Property/Rights	2,378,956	-	1,000,000	-
Capital Equipment	197,064	560,011	1,303,598	446,550
Capital Improvement Projects	31,115,202	14,560,259	6,631,182	24,512,693
Total Capital Outlay	33,691,223	15,120,270	8,934,780	24,959,243
Other Expenditures				
Food and Related Services	37,028	41,355	39,918	47,865
Conservation Program	15,736	25,000	25,000	39,000
Sponsorships	1,000	5,647	7,020	6,663
Grants and Donations	16,850	15,900	16,000	20,100
Claims Expenditures	97,709	-	20,000	-
Other	3,043	15,500	10,500	11,500
Total Other Expenditures	171,367	103,402	118,438	125,128
Total Expenditures	\$ 70,326,208	\$ 58,156,955	\$ 47,236,145	\$ 68,746,789

General Fund Summary

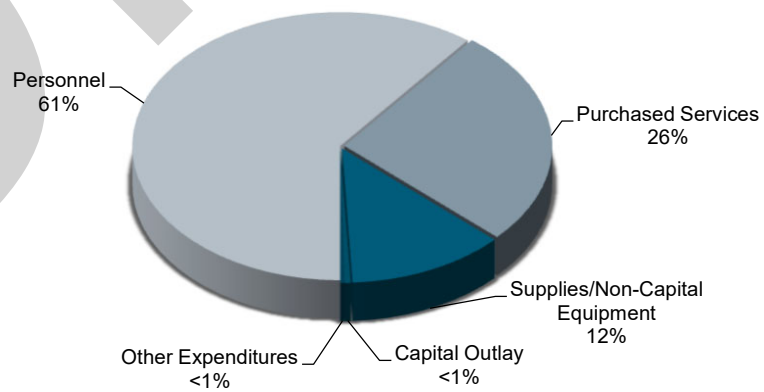
	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Taxes	\$ 11,538,017	\$ 12,973,960	\$ 13,193,399	\$ 14,568,068
Intergovernmental	1,872,296	1,746,670	1,859,673	1,601,079
Licenses and Permits	1,918,325	2,175,029	1,861,110	3,135,916
User Charges and Fees	1,353,046	1,377,448	1,301,634	1,412,206
Fines and Forfeitures	221,835	183,393	175,827	162,024
Other Revenue	995,308	307,599	682,354	533,687
Total Revenue	17,898,826	18,764,099	19,073,997	21,412,980
Expenditures:				
Personnel	10,739,639	11,968,478	10,373,280	13,491,995
Purchased Services	4,382,598	5,729,763	5,403,018	5,880,432
Supplies/Non-Capital Equipment	2,025,123	2,232,214	2,026,789	2,741,452
Capital Outlay	166,773	135,000	878,587	107,800
Other Expenditures	149,937	63,557	82,983	71,758
Total Expenditures	17,464,070	20,129,012	18,764,657	22,293,437
Excess/(Deficiency) of Revenues Over Expenditures	434,756	(1,364,913)	309,340	(880,457)
Other Financing Sources/(Uses):				
Transfers In	672,333	3,108,428	1,625,186	2,664,593
Transfers Out	(922,889)	(173,504)	(187,629)	(197,011)
Total Other Financing Sources/(Uses)	(250,556)	2,934,924	1,437,557	2,467,582
Net Change In Fund Balance:	184,200	1,570,011	1,746,897	1,587,125
Cumulative Fund Balance				
Beginning Fund Balance	11,746,917	11,931,117	11,931,117	13,678,014
Ending Fund Balance	11,931,117	13,501,128	13,678,014	15,265,139
Less Restrictions, Commitments & Assignments:				
Nonspendable	190,605	100,000	100,000	100,000
Restricted for:				
Bag Fee	74,081	82,449	112,449	140,449
Emergencies	566,996	599,820	536,582	665,569
Forfeitures	134,224	-	-	-
Open Space (Occupation Tax)	849,521	751,074	896,804	943,576
Mills from Metro Districts	707,733	902,150	873,515	1,051,210
Assigned for:				
Working Reserve	4,724,970	4,998,503	4,471,518	5,546,409
Fleet Reserve	-	784,560	784,560	784,560
Unassigned Fund Balance	\$ 4,682,987	\$ 5,282,571	\$ 5,902,586	\$ 6,033,366



Operating Revenue Budget By Category



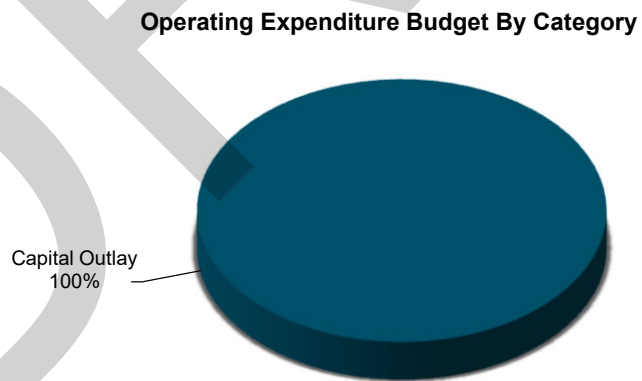
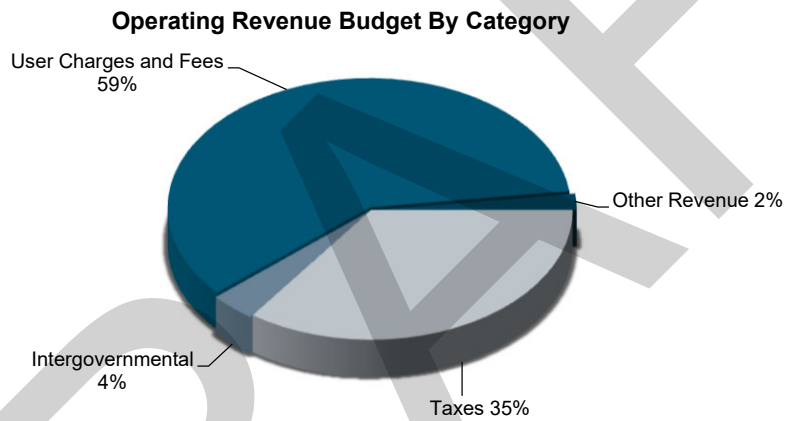
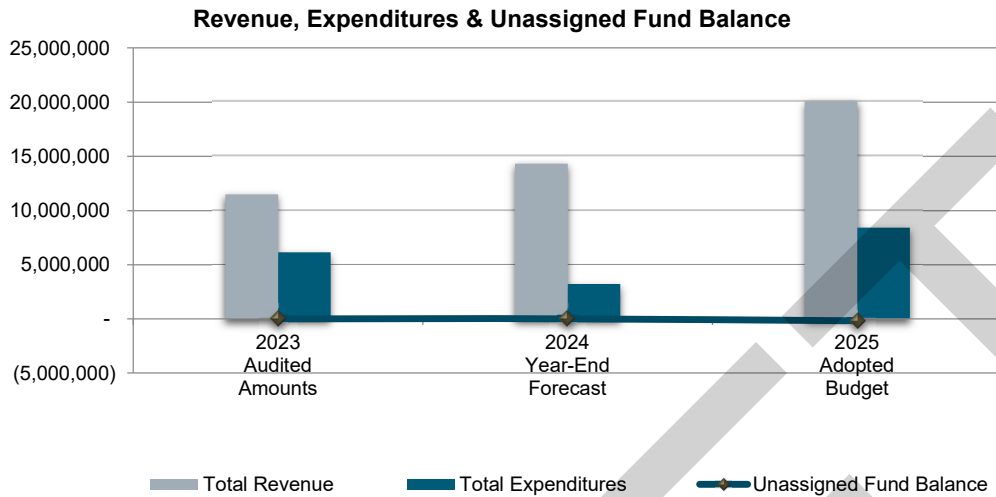
Operating Expenditure Budget By Category



Capital Projects Fund Summary

	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Taxes	\$ 5,471,982	\$ 5,785,987	\$ 6,339,297	\$ 7,015,681
Intergovernmental	1,920,510	350,000	775,052	730,376
User Charges and Fees	3,543,060	11,314,072	6,641,767	11,910,562
Other Revenue	554,302	187,387	579,249	405,120
Total Revenue	11,489,854	17,637,446	14,335,365	20,061,739
Expenditures:				
Supplies/Non-Capital Equipment	1,968,145	-	-	-
Capital Outlay	4,163,989	6,137,867	3,220,028	8,419,209
Total Expenditures	6,132,134	6,137,867	3,220,028	8,419,209
Excess/(Deficiency) of Revenues Over Expenditures	5,357,720	11,499,579	11,115,337	11,642,530
Other Financing Sources/(Uses):				
Transfers In	1,198,484	398,504	1,210,629	704,743
Transfers Out	(2,842,567)	(5,010,935)	(3,845,295)	(4,910,031)
Total Other Financing Sources/(Uses)	(1,644,083)	(4,612,431)	(2,634,666)	(4,205,288)
Net Change In Fund Balance:	3,713,636	6,887,148	8,480,671	7,437,242
Cumulative Fund Balance				
Beginning Fund Balance	9,834,204	14,796,261	13,547,840	22,028,511
Ending Fund Balance	13,547,840	21,683,409	22,028,511	29,465,753
Less Restrictions, Commitments & Assignments:				
Restricted Fund Balance				
Parks and Streets (Sales Tax)	1,724,820	388,592	3,426,074	302,524
Facility Improvements (Sales Tax)	3,539,399	3,730,583	5,237,657	7,122,593
Cash In Lieu	1,906,254	10,731,870	6,217,726	12,437,122
Open Space (Occupation Tax)	-	-	14,178	19,004
Mills from Metro Districts	221,801	-	127,510	12,765
Committed for:				
Impact Fees - Transportation	2,124,057	2,054,497	2,688,935	4,093,995
Impact Fees - Municipal Facilities	1,363,768	884,891	819,193	114,849
Impact Fees - Parks	2,667,742	3,892,976	3,497,239	5,562,901
Unassigned Fund Balance	\$ -	\$ -	\$ -	\$ (200,000)

* Amounts include budget amendments made to the 2024 adopted budget



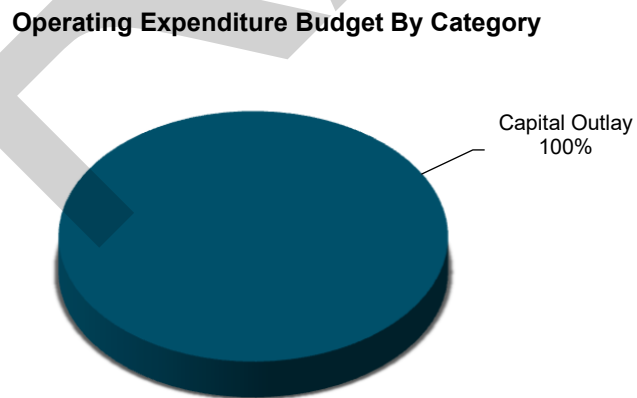
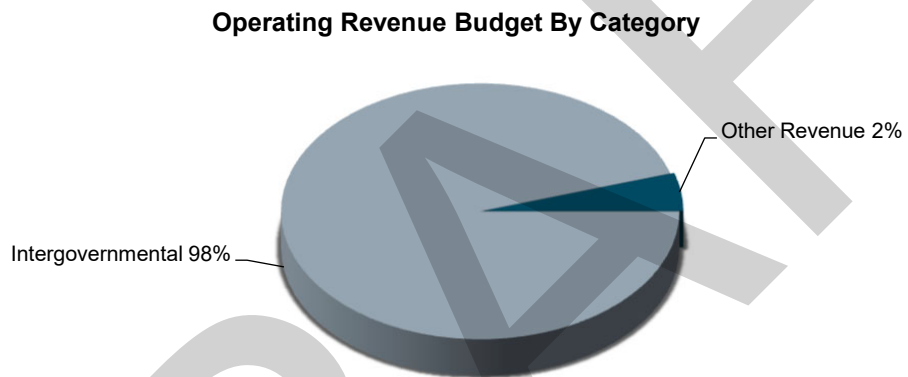
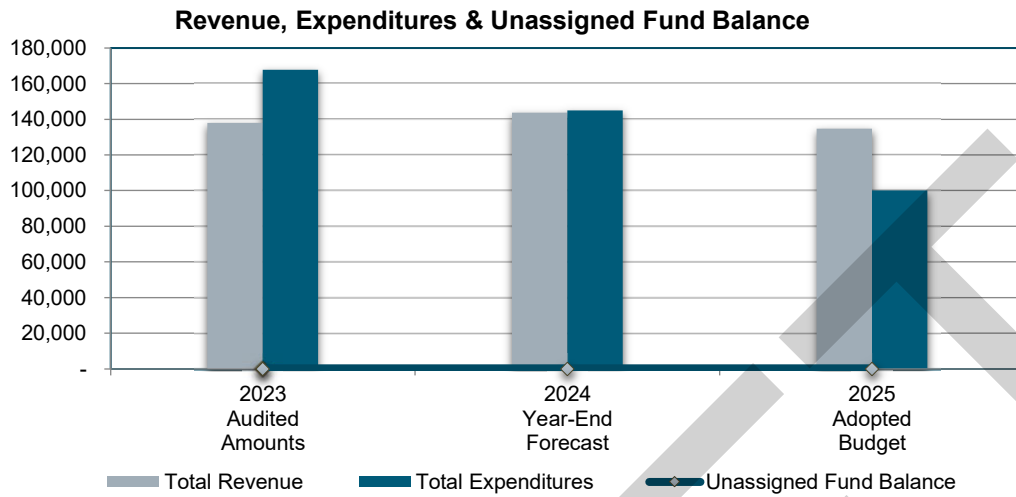
Debt Service Fund Summary

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Other Revenue	\$ 52,613	\$ 14,566	\$ 52,606	\$ 42,389
Total Revenue	52,613	14,566	52,606	42,389
Expenditures:				
Total Expenditures	-	-	-	-
Excess/(Deficiency) of Revenues Over Expenditures	52,613	14,566	52,606	42,389
Other Financing Sources/(Uses):				
Transfers In	2,299,550	2,349,423	2,349,423	2,345,438
Debt Payments	(2,339,753)	(2,349,423)	(2,348,923)	(2,400,018)
Total Other Financing Sources/(Uses)	(40,203)	-	500	(54,580)
Net Change In Fund Balance:	12,410	14,566	53,106	(12,191)
Cumulative Fund Balance				
Beginning Fund Balance	1,018,705	1,031,115	1,031,115	1,084,221
Ending Fund Balance	1,031,115	1,045,681	1,084,221	1,072,030
Less Restrictions, Commitments & Assignments:				
Committed Fund Balance				
Debt Service	1,031,115	1,045,681	1,084,221	1,072,030
Unassigned Fund Balance	\$ -	\$ -	\$ -	\$ -

Conservation Trust Fund Summary

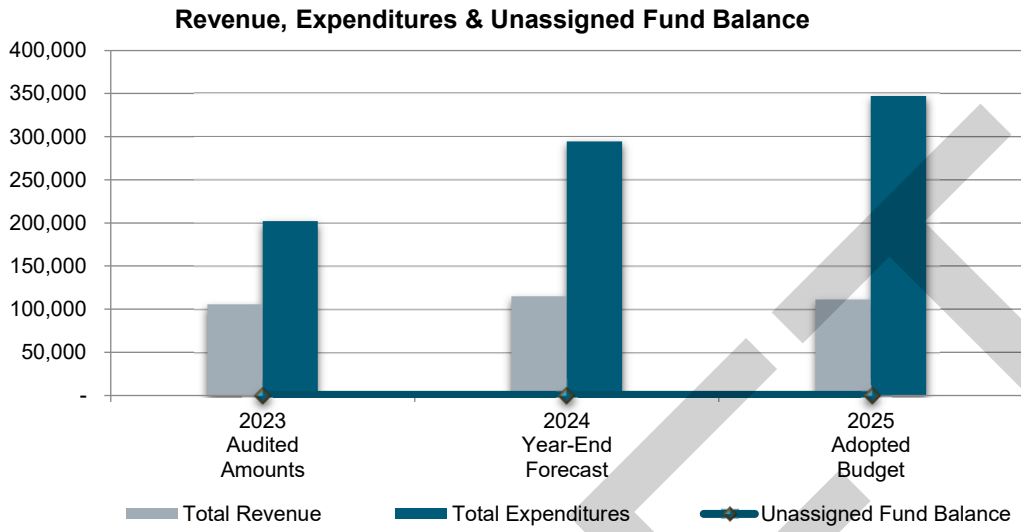
	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Revenue				
Intergovernmental	\$ 120,974	\$ 120,000	\$ 124,603	\$ 128,341
Other Revenue	17,060	2,773	19,135	6,453
Total Revenue	138,034	122,773	143,738	134,794
Expenditures				
Capital Outlay	167,666	145,000	145,000	100,000
Total Expenditures	167,666	145,000	145,000	100,000
Excess/(Deficiency) of Revenues Over Expenditures	(29,631)	(22,227)	(1,262)	34,794
Net Change In Fund Balance:	(29,631)	(22,227)	(1,262)	34,794
Cumulative Fund Balance				
Beginning Fund Balance	160,776	131,145	131,145	129,883
Ending Fund Balance	131,145	108,918	129,883	164,677
Less Restrictions, Commitments & Assignments:				
Restricted Fund Balance				
Parks and Open Space	131,145	108,918	129,883	164,677
Unassigned Fund Balance	\$ -	\$ -	\$ -	\$ -

* Amounts include budget amendments made to the 2024 adopted budget



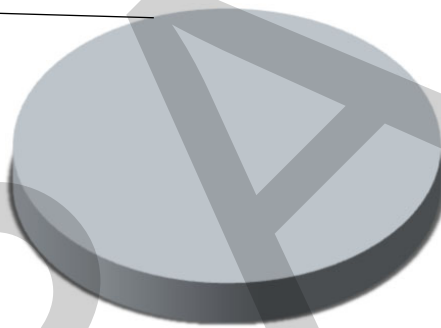
FURA - Southern Fund Summary

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Revenue				
Taxes	\$ 105,721	\$ 120,416	\$ 115,000	\$ 111,093
Total Revenue	105,721	120,416	115,000	111,093
Expenditures:				
Personnel	129,700	223,290	215,568	270,190
Purchased Services	72,453	82,437	79,000	76,875
Total Expenditures	202,153	305,727	294,568	347,065
Excess/(Deficiency) of Revenues Over Expenditures	(96,432)	(185,311)	(179,568)	(235,972)
Other Financing Sources/(Uses):				
Transfers In	100,000	225,000	225,000	250,000
Transfers Out	-	(25,000)	(25,000)	-
Total Other Financing Sources/(Uses)	100,000	200,000	200,000	250,000
Net Change In Fund Balance:	3,568	14,689	20,432	14,028
Cumulative Fund Balance				
Beginning Fund Balance	-	-	3,568	24,000
Ending Fund Balance	3,568	14,689	24,000	38,028
Less Restrictions, Commitments, & Assignments:				
Committed Fund Balance				
FURA Improvements	3,568	14,689	24,000	38,028
Unassigned Fund Balance	\$ -	\$ -	\$ -	\$ -



Operating Revenue Budget By Category

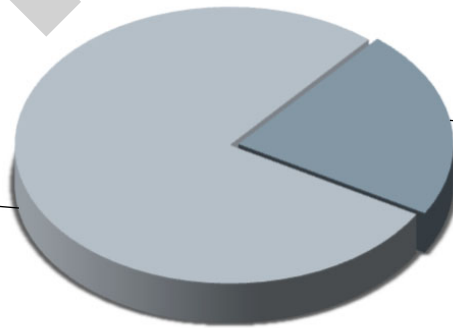
Taxes
100%



Operating Expenditure Budget By Category

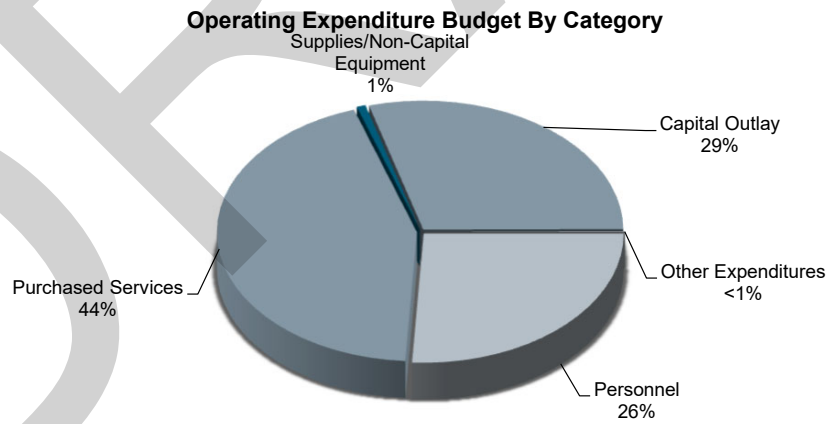
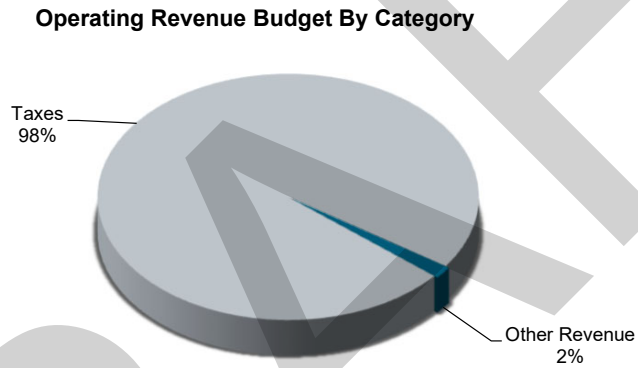
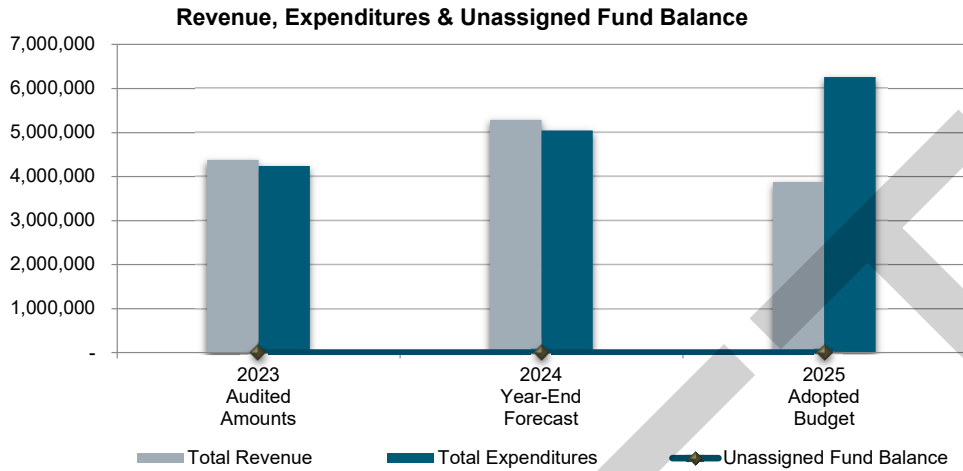
Personnel
78%

Purchased Services
22%



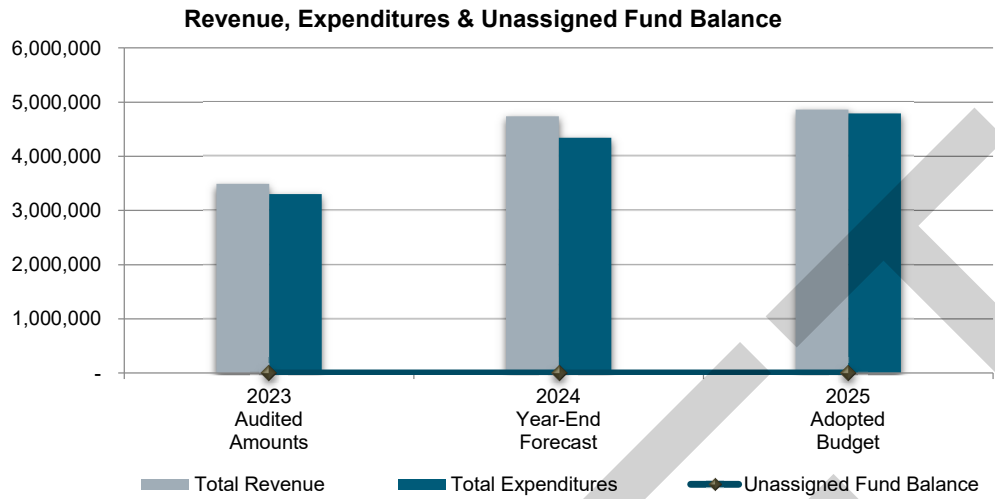
FURA- Northern Fund Summary

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Taxes	\$ 4,231,079	\$ 5,383,125	\$ 5,200,000	\$ 3,819,731
Other Revenue	147,777	43,664	86,167	61,987
Total Revenue	4,378,856	5,426,789	5,286,167	3,881,718
Expenditures:				
Personnel	1,156,030	1,386,155	1,175,355	1,622,733
Purchased Services	2,995,618	3,797,400	3,713,450	2,752,853
Supplies/Non-Capital Equipment	50,615	45,000	35,500	45,000
Capital Outlay	37,159	1,250,000	120,000	1,835,000
Other Expenditures	1,363	4,000	3,700	4,100
Total Expenditures	4,240,785	6,482,555	5,048,005	6,259,686
Excess/(Deficiency) of Revenues Over Expenditures	138,071	(1,055,766)	238,162	(2,377,968)
Other Financing Sources/(Uses):				
Transfers In	-	-	-	1,130,000
Total Other Financing Sources/(Uses)	-	-	-	1,130,000
Net Change In Fund Balance:	138,071	(1,055,766)	238,162	(1,247,968)
Cumulative Fund Balance				
Beginning Fund Balance	1,043,750	1,181,821	1,181,821	1,419,983
Ending Fund Balance	1,181,821	126,055	1,419,983	172,015
Less Restrictions, Commitments & Assignments:				
Committed Fund Balance				
FURA Improvements	1,181,821	126,055	1,419,983	172,015
Unassigned Fund Balance	\$ -	\$ -	\$ -	\$ -

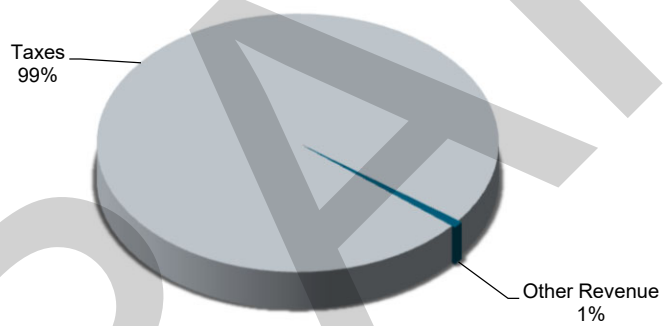


FURA - Central Fund Summary

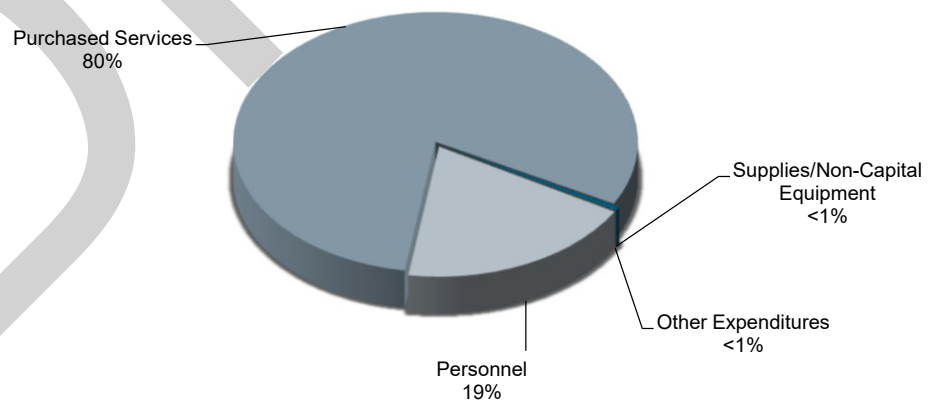
	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Taxes	\$ 3,375,095	\$ 4,668,414	\$ 4,668,414	\$ 4,819,109
Other Revenue	119,440	25,120	72,108	41,199
Total Revenue	3,494,535	4,693,534	4,740,522	4,860,308
Expenditures:				
Personnel	664,456	851,657	684,453	914,990
Purchased Services	2,638,887	3,680,214	3,642,214	3,852,311
Supplies/Non-Capital Equipment	292	21,300	17,200	21,300
Other Expenditures	-	550	510	600
Total Expenditures	3,303,636	4,553,721	4,344,377	4,789,201
Excess/(Deficiency) of Revenues Over Expenditures	190,899	139,813	396,145	71,107
Net Change In Fund Balance:	190,899	139,813	396,145	71,107
Cumulative Fund Balance				
Beginning Fund Balance	506,524	697,423	697,423	1,093,568
Ending Fund Balance	697,423	837,236	1,093,568	1,164,675
Less Restrictions, Commitments & Assignments:				
Committed Fund Balance				
FURA Improvements	697,423	837,236	1,093,568	1,164,675
Unassigned Fund Balance	\$ -	\$ -	\$ -	\$ -



Operating Revenue Budget By Category

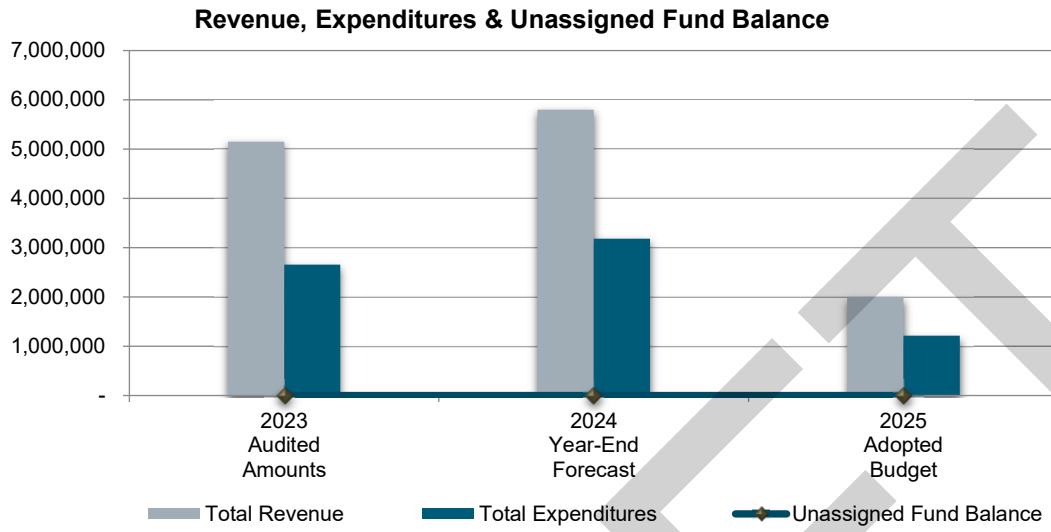


Operating Expenditure Budget By Category



FURA - Big Horn Fund Summary

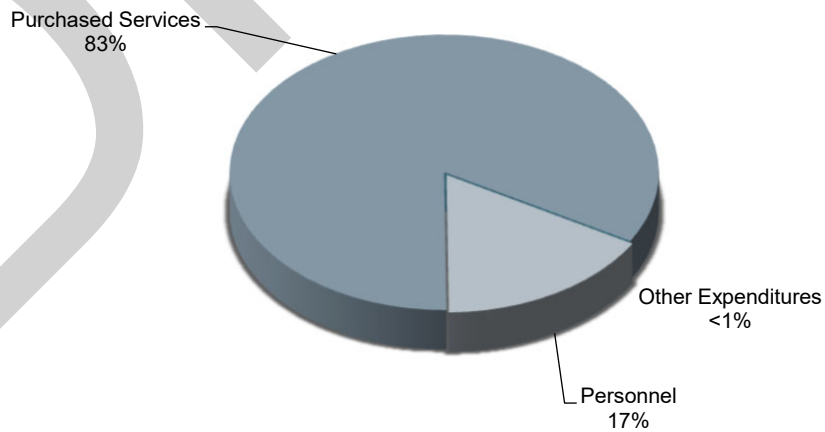
	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Revenue				
Taxes	\$ 4,590,245	\$ 5,491,492	\$ 5,400,000	\$ 1,759,022
Other Revenue	554,260	25,120	397,628	242,023
Total Revenue	5,144,505	5,516,612	5,797,628	2,001,045
Expenditures:				
Personnel	150,856	189,506	170,226	200,171
Purchased Services	2,501,330	3,429,218	3,008,500	1,013,032
Other Expenditures	-	100	50	100
Total Expenditures	2,652,187	3,618,824	3,178,776	1,213,303
Excess/(Deficiency) of Revenues Over Expenditures	2,492,318	1,897,788	2,618,852	787,742
Other Financing Sources/(Uses):				
Transfers Out	(375,595)	(425,000)	(1,223,000)	(1,887,732)
Total Other Financing Sources/(Uses)	(375,595)	(425,000)	(1,223,000)	(1,887,732)
Net Change In Fund Balance:	2,116,723	1,472,788	1,395,852	(1,099,990)
Cumulative Fund Balance				
Beginning Fund Balance	3,122,707	5,239,430	5,239,430	6,635,282
Ending Fund Balance	5,239,430	6,712,218	6,635,282	5,535,292
Less Restrictions, Commitments & Assignments:				
Committed Fund Balance				
FURA Improvements	5,239,430	6,712,218	6,635,282	5,535,292
Unassigned Fund Balance	\$ -	\$ -	\$ -	\$ -



Operating Revenue Budget By Category



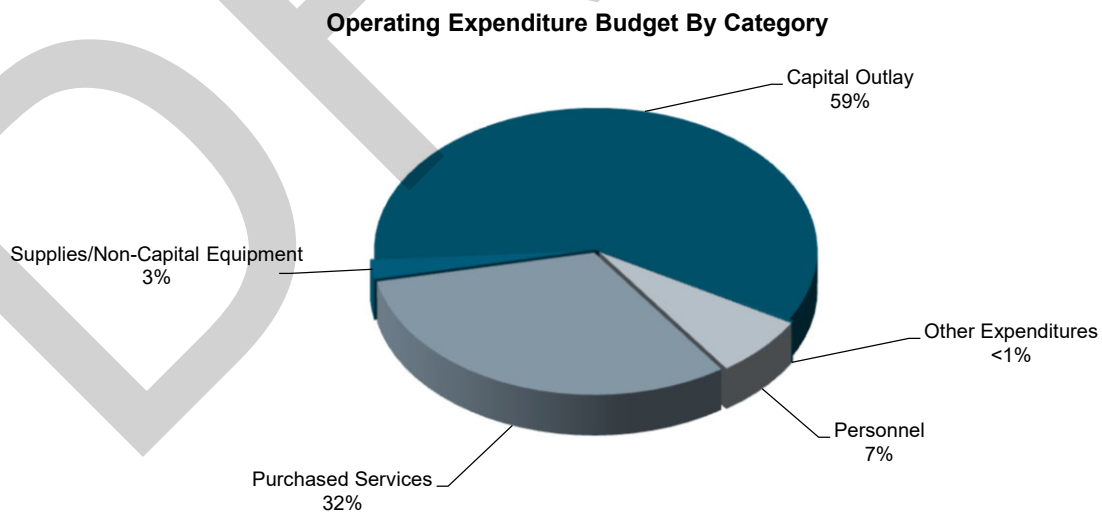
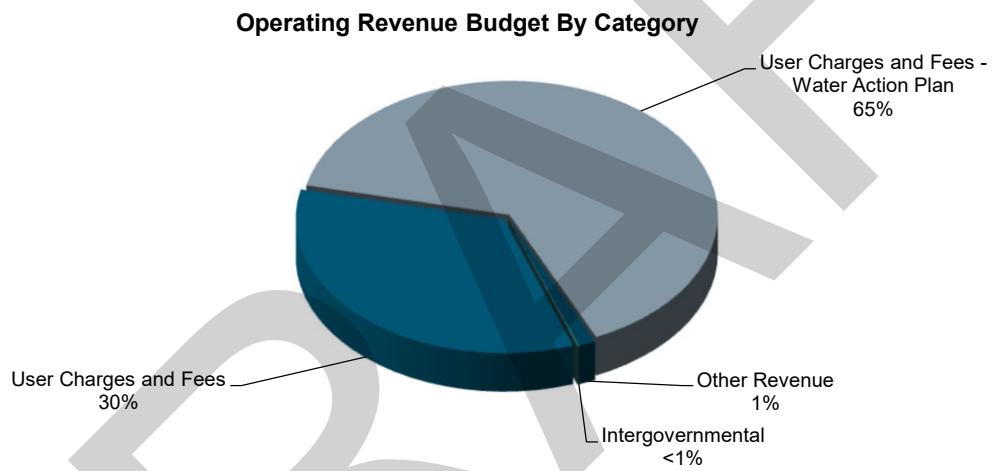
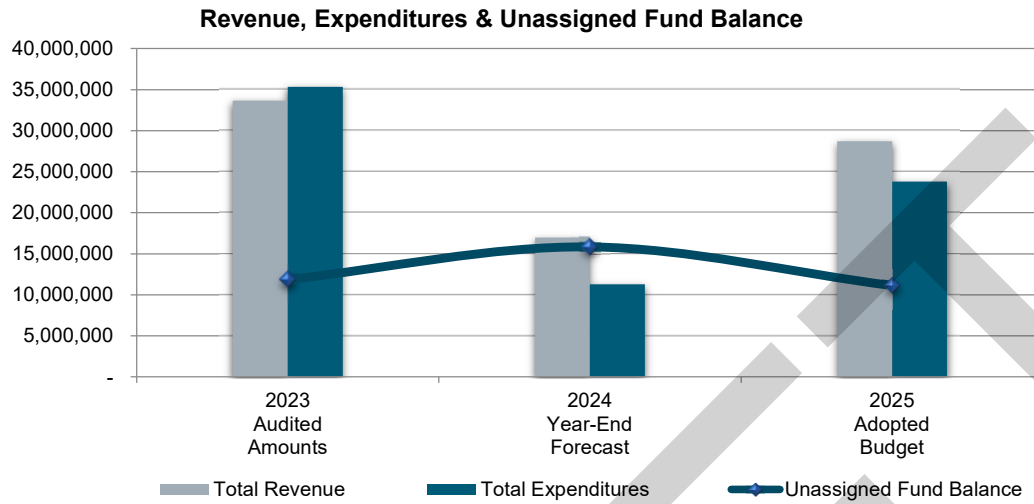
Operating Expenditure Budget By Category



Water Fund Summary

	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Intergovernmental	\$ 49,864	\$ 40,000	\$ 50,000	\$ 52,500
User Charges and Fees	6,635,402	9,339,135	9,179,896	9,738,435
User Charges and Fees - Water Action Plan	25,884,100	14,368,250	7,097,000	18,562,510
Other Revenue	1,109,176	285,696	669,474	364,982
Total Revenue	33,678,542	24,033,081	16,996,370	28,718,427
Expenditures:				
Personnel	1,302,339	1,500,081	1,196,330	1,653,553
Purchased Services	4,511,068	6,231,890	5,296,439	7,485,259
Supplies/Non-Capital Equipment	423,401	597,835	420,047	537,472
Capital Outlay	29,073,476	7,022,315	4,356,077	14,073,734
Other Expenditures	18,448	31,460	28,960	44,860
Total Expenditures	35,328,732	15,383,581	11,297,853	23,794,878
Excess/(Deficiency) of Revenues Over Expenditures	(1,650,190)	8,649,500	5,698,517	4,923,549
Other Financing Sources/(Uses):				
Transfers In/(Out)	(129,315)	(446,916)	(129,314)	(100,000)
Debt Payments	(22,757,494)	(2,854,700)	(2,855,200)	(2,858,450)
Total Other Financing Sources/(Uses)	(22,886,809)	(3,301,616)	(2,984,514)	(2,958,450)
Net Change In Fund Balance:	(24,536,999)	5,347,884	2,714,003	1,965,099
Cumulative Fund Balance				
Beginning Fund Balance	39,577,984	15,040,985	15,040,985	17,754,988
Ending Fund Balance	15,040,985	20,388,869	17,754,988	19,720,087
Less Restrictions, Commitments & Assignments:				
Reserved for:				
Capital Projects	1,379,820	-	-	-
Impact Fees - Raw Water Irrigation	1,781,298	2,348,052	1,927,286	1,801,848
Assigned for:				
System Development Fees	-	-	-	6,812,510
Unassigned Fund Balance	\$ 11,879,867	\$ 18,040,817	\$ 15,827,702	\$ 11,105,729

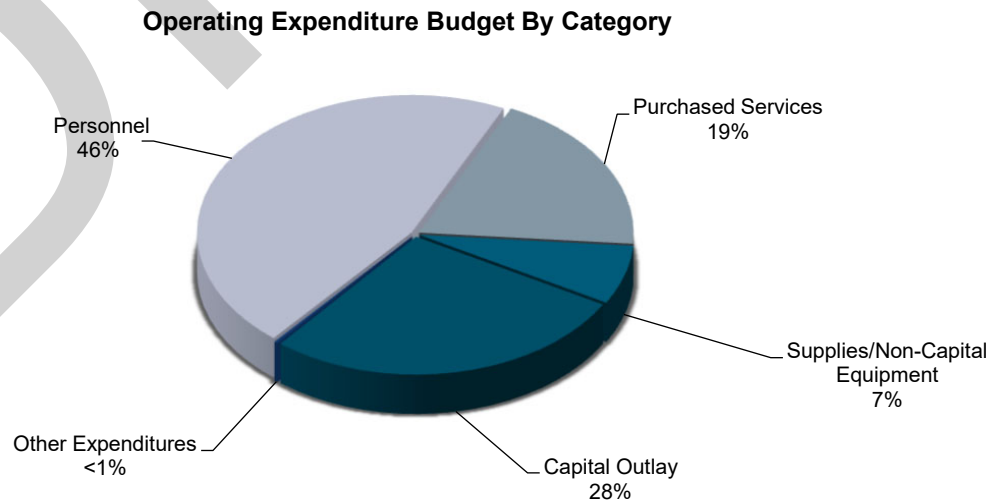
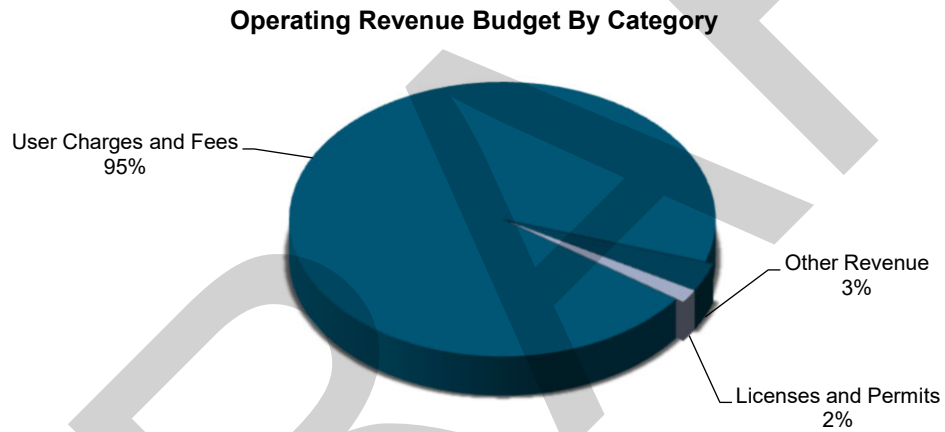
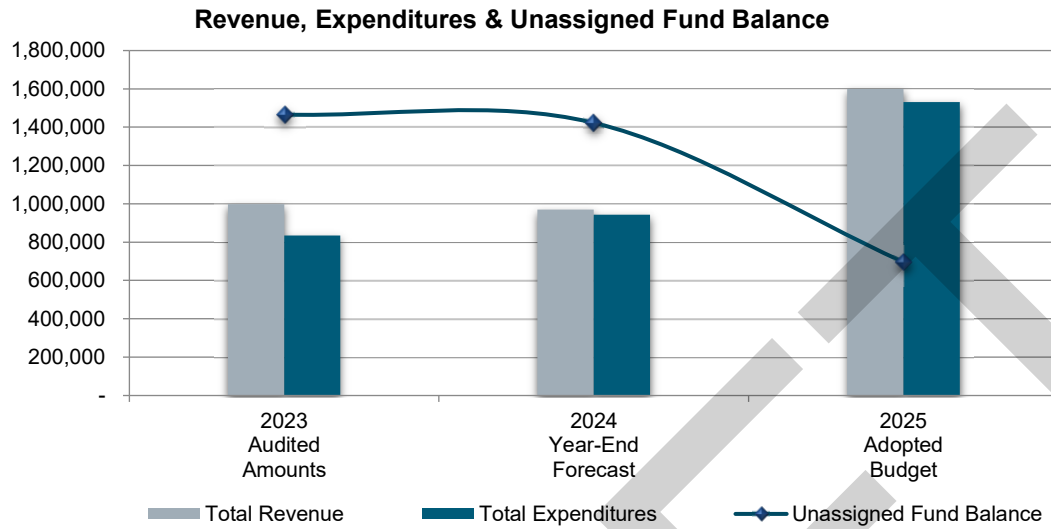
* Amounts include budget amendments made to the 2024 adopted budget



Stormwater Fund Summary

	2023 Audited Amounts	2024 Adopted Budget *	2024 Year-End Forecast	2025 Adopted Budget
Revenue:				
Licenses and Permits	\$ 26,180	\$ 25,000	\$ 25,000	\$ 25,000
User Charges and Fees	887,635	993,365	867,046	1,520,857
Other Revenue	84,800	28,659	77,835	53,143
Total Revenue	998,615	1,047,024	969,881	1,599,000
Expenditures:				
Personnel	621,736	631,385	480,608	703,140
Purchased Services	79,378	206,170	168,725	293,987
Supplies/Non-Capital Equipment	49,953	129,290	76,225	105,673
Capital Outlay	82,160	430,088	215,088	423,500
Other Expenditures	1,619	3,735	2,235	3,710
Total Expenditures	834,846	1,400,668	942,881	1,530,010
Excess/(Deficiency) of Revenues Over Expenditures	163,769	(353,644)	27,000	68,990
Net Change In Fund Balance:	163,769	(353,644)	27,000	68,990
Cumulative Fund Balance				
Beginning Fund Balance	1,991,256	2,155,025	2,155,025	2,182,025
Ending Fund Balance	2,155,025	1,801,381	2,182,025	2,251,015
Less Restrictions, Commitments & Assignments:				
Reserved for:				
Impact Fees - Drainage	688,633	990,493	759,463	1,553,804
Unassigned Fund Balance	\$ 1,466,393	\$ 810,888	\$ 1,422,563	\$ 697,211

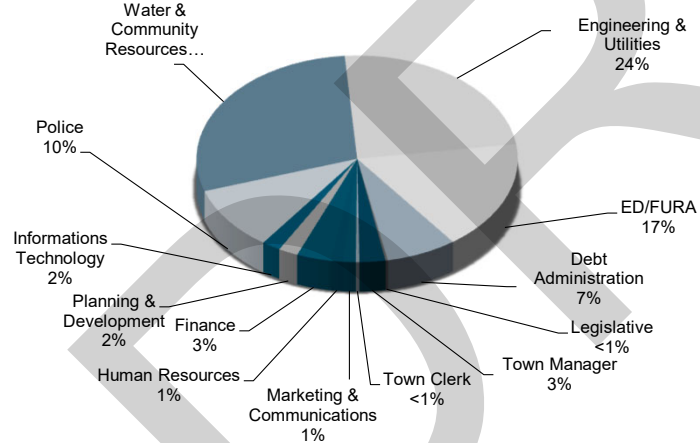
* Amounts include budget amendments made to the 2024 adopted budget



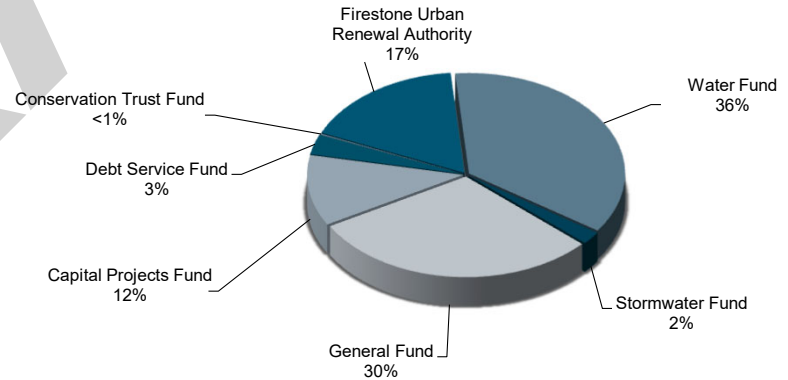
Department Funding Matrix

	General Fund	Capital Projects Fund	Debt Service Fund	Conservation Trust Fund	Firestone Urban Renewal Authority	Water Fund	Stormwater Fund	Total
Departments:								
Legislative	\$ 171,720	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 171,720
Town Manager	1,924,117	-	-	-	-	-	-	1,924,117
Town Clerk	265,488	-	-	-	-	-	-	265,488
Marketing & Communications	916,099	-	-	-	-	-	-	916,099
Human Resources	676,862	-	-	-	-	202,642	43,395	922,899
Finance	2,069,938	-	-	-	-	434,371	58,465	2,562,774
Information Technology	1,168,669	-	-	-	-	182,977	105,792	1,457,438
Planning & Development	1,391,512	-	-	-	-	-	-	1,391,512
Police	7,397,384	-	-	-	-	-	-	7,397,384
Water & Community Resources	2,926,756	1,634,351	-	100,000	-	16,675,929	-	21,337,036
Engineering & Utilities	3,316,134	6,784,858	-	-	-	6,298,959	1,322,358	17,722,309
ED/FURA	69,608	-	-	-	12,609,255	-	-	12,678,863
Debt Administration	-	-	2,400,018	-	-	2,858,450	-	5,258,468
Total Expenditures	\$ 22,294,287	\$ 8,419,209	\$ 2,400,018	\$ 100,000	\$ 12,609,255	\$ 26,653,328	\$ 1,530,010	\$ 74,006,107

City-Wide Expenditures By Department



City-Wide Expenditures By Fund



Legislative

Don Conyac, Jr., Mayor

Department Description

The Legislative Branch includes three divisions: Board of Trustees, Town Attorney, and Boards and Commissions.

The Board of Trustees is comprised of the Mayor and six Trustees. The Board of Trustees serves as the legislative and governing body of the Town of Firestone and is responsible for establishing Town policies and goals.

The Town Attorney serves as legal counsel for the Town and represents the Town in litigation in state and federal courts and before local administrative agencies. The Town Attorney advises the Board, Town Manager and Administrative Staff on legal matters, drafts ordinances, resolutions, and contracts for the Town. The Town Attorney is also responsible for the prosecution of all cases in Municipal Court.

The Town of Firestone has 8 boards and commissions, which provide various opportunities for citizens to become involved in the Town. The boards are created by the Municipal Code, by Ordinance, or by Resolution and include the following: Board of Adjustments, Parks, Trails, Recreation and Open Space Commission, Liquor Licensing Authority, Planning & Zoning Commission, Finance Committee, and Firestone Urban Renewal Authority.

2024 Achievements

- Implemented updated Impact fees
- Live streaming of all Regular Board of Trustees meetings, Work Sessions, and Commission meetings
- Completed the Water Rate Study and Implemented updated Water Rate fees
- Engaged outside professional consultants for resident engagement, planning, feasibility, and market conditions for Central Park

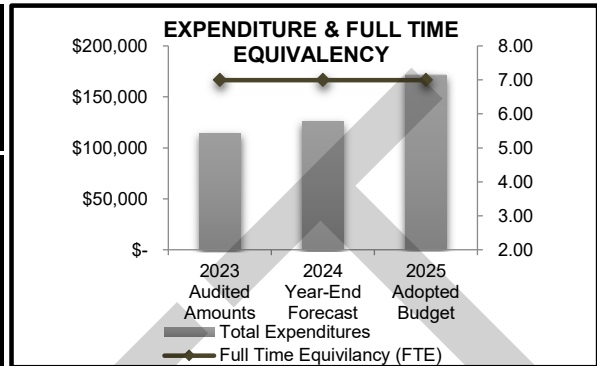
Goals & Objectives

- Maintain Town infrastructure and facilities
- Be a fiscally responsible Town government
- Establish a strong and competitive business environment
- Encourage community governance with civic partnerships
- Maintain a safe, clean, and beautiful Town
- Design and promote livable neighborhoods and homes

Legislative

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 171,720	7.00
Total	\$ 171,720	7.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Trustees	\$ 170,150	7.00
Planning Commission	1,570	-
Total	\$ 171,720	7.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Staff - Full Time Equivalency (FTE)	7.00	7.00	7.00	7.00
Expenditures:				
Personnel	\$ 50,409	\$ 54,851	\$ 48,027	\$ 60,610
Purchased Services	34,257	32,988	48,708	72,540
Supplies/Non-Capital Equipment	135	1,700	200	950
Other Expenditures	29,728	29,220	29,300	37,620
Total Expenditures	\$ 114,529	\$ 118,759	\$ 126,235	\$ 171,720

Expenditure Detail

Legislative Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 25,800	\$ 25,800	\$ 22,750	\$ 25,800
Medicare	343	373	392	373
Workers Compensation	13	-	26	79
Retirement Contributions	3,491	3,808	3,997	3,813
Training/Registration	4,453	7,000	6,300	12,755
Dues/Fees	-	1,150	1,962	1,270
Mileage/Travel	15,892	16,020	12,000	15,820
Uniforms/Town Apparel	418	700	600	700
Total Personnel	50,409	54,851	48,027	60,610
Purchased Services				
Lobbyists	28,750	30,000	30,000	36,000
Consulting Services	4,875	2,500	1,500	-
Technical Services	-	-	1,705	-
Utility Services	632	488	503	540
Communication Services	-	-	15,000	36,000
Total Purchased Services	34,257	32,988	48,708	72,540
Supplies/Non-Capital Equipment				
Office Supplies	83	1,200	-	700
Operating Supplies	53	500	200	250
Total Supplies/Non-Capital Equipment	135	1,700	200	950
Other Expenditures				
Food and Related Services	12,878	13,320	13,300	17,520
Grants and Donations	16,850	15,900	16,000	20,100
Total Other Expenditures	29,728	29,220	29,300	37,620
Total Expenditures	\$ 114,529	\$ 118,759	\$ 126,235	\$ 171,720

Expenditure Detail

Trustees Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 25,800	\$ 25,800	\$ 22,750	\$ 25,800
Medicare	343	373	392	373
Workers Compensation	13	-	26	79
Retirement Contributions	3,491	3,808	3,997	3,813
Training/Registration	4,453	5,800	5,800	11,435
Dues/Fees	-	1,150	1,962	1,270
Mileage/Travel	15,892	16,020	12,000	15,820
Uniforms/Town Apparel	418	700	600	700
Total Personnel	50,409	53,651	47,527	59,290
Purchased Services				
Lobbyists	28,750	30,000	30,000	36,000
Consulting Services	4,875	2,500	1,500	-
Technical Services	-	-	1,705	-
Utility Services	632	488	503	540
Communication Services	-	-	15,000	36,000
Total Purchased Services	34,257	32,988	48,708	72,540
Supplies/Non-Capital Equipment				
Office Supplies	83	1,200	-	700
Total Supplies/Non-Capital Equipment	83	1,200	-	700
Other Expenditures				
Food and Related Services	12,878	13,320	13,300	17,520
Grants and Donations	16,850	15,900	16,000	20,100
Total Other Expenditures	29,728	29,220	29,300	37,620
Total Expenditures	\$ 114,476	\$ 117,059	\$ 125,535	\$ 170,150

Planning Commission Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Training/Registration	\$ -	\$ 1,200	\$ 500	\$ 1,320
Total Personnel	-	1,200	500	1,320
Supplies/Non-Capital Equipment				
Operating Supplies	53	500	200	250
Total Supplies/Non-Capital Equipment	53	500	200	250
Total Expenditures	\$ 53	\$ 1,700	\$ 700	\$ 1,570

Town Manager

A.J. Krieger, Town Manager

Department Description

The Town Manager's Office oversees daily activities, directs the operations of all town departments, and implements policy decisions made by the Board of Trustees, as well as enforcing Town Ordinances. Included in the Town manager's department are Administration and Facilities. The Administration division manages Capital Improvement Projects (CIPs) for all Town-owned facilities and handles Risk Management, including maintaining property data for insurance purposes, reporting claims in a timely and accurate manner and coordinating with our insurance company (CIRSA) for all claims as they progress. The Facilities Division provides general maintenance for the day-to-day activities necessary for Town facilities to perform as they are intended, including preventive maintenance and janitorial services.

2024 Achievements

Administration

- Engaged the community in decisions regarding the future of Central Park (Strategic Goal #4 and #5)
- Formalized space evaluation for future expansion of Police Department facility (Strategic Goal #1 and #2)
- Continued implementation of Laserfiche, improving records management program (Strategic Goal #1)
- Executed two broadband provider Master License Agreements to increase broadband access (Strategic Goal #3)
- Continued improvement of internal programs and processes through the Internal Resources Team
- Implemented updated impact fees (Strategic Goal #2)

Facility Division

- Performed preventive maintenance to reduce unscheduled shutdowns and repairs (Strategic Goals #1 and #2)
- Partnered with maintenance contractors to make services more efficient and cost-effective (Strategic Goals #1 and #2)
- Launched a Safety Committee and began safety assessments (Strategic Goal #1)
- Added wayfinding signage to Town Hall and Police & Courts Buildings to improve visitor experience (Strategic Goal #1)

Goals & Objectives

Administration

- Conduct a second National Community Survey to build upon resident opinions gathered in 2023 (Strategic Goal #1)
- Establish mission, vision, and values for the Town
- Continue implementing Laserfiche and add public access to additional documents (Strategic Goal #1)
- Implement a digital handbook platform to improve employee access to policies and procedures
- Seek and secure grant funding for Town programs and projects (Strategic Goal #2)

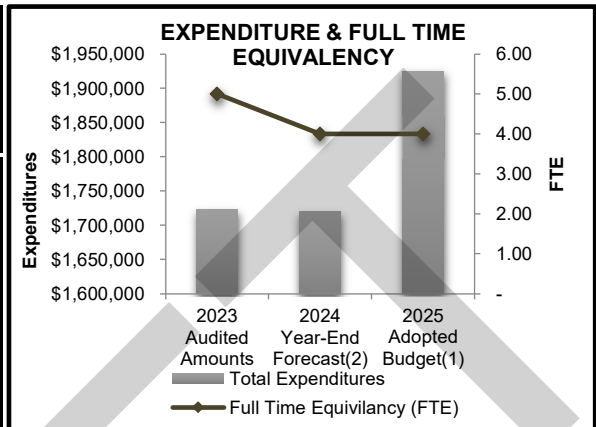
Facility Division

- Continue preventive maintenance to reduce unscheduled shutdowns and repairs (Strategic Goals #1 and #2)
- Provide services that maintain safe and functional facilities (Strategic Goal #1)
- Begin Certified Facility Manager certification training (Strategic Goal #1)
- Implement facility maintenance request management platform (Strategic Goals #1 and #2)

Town Manager

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 1,924,117	4.00
Total	\$ 1,924,117	4.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 1,288,113	3.00
Facilities	636,004	1.00
Total	\$ 1,924,117	4.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget ⁽¹⁾	2024 Year-End Forecast ⁽²⁾	2025 Adopted Budget ⁽¹⁾
Staff - Full Time Equivalency (FTE)	5.00	5.00	4.00	4.00
Expenditures:				
Personnel	\$ 625,782	\$ 661,287	\$ 541,000	\$ 599,599
Purchased Services	927,465	1,148,976	1,101,101	1,225,888
Supplies/Non-Capital Equipment	65,815	47,050	51,933	94,480
Other Expenditures	104,174	5,110	26,150	4,150
Total Expenditures	\$ 1,723,237	\$ 1,862,423	\$ 1,720,184	\$ 1,924,117

⁽¹⁾ Number of Positions Budgeted

⁽²⁾ Number of Positions Filled

Expenditure Detail

Town Manager Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 458,824	\$ 483,816	\$ 374,711	\$ 424,285
Stipend	480	495	495	495
Medicare	12,873	7,023	12,945	11,575
Unemployment Insurance	628	1,452	786	1,272
Retirement Contributions	70,388	71,411	69,593	67,024
Medical Benefits	61,510	79,279	65,413	67,321
Life/Disability Benefits	2,484	3,576	2,817	3,182
Training/Registration	2,713	3,700	3,700	7,700
Dues/Fees	8,760	6,885	6,885	8,545
Mileage/Travel	6,398	3,150	3,150	7,150
Uniforms/Town Apparel	724	500	505	1,050
Total Personnel	625,782	661,287	541,000	599,599
Purchased Services				
Professional Services	2,340	-	-	-
Legal Services	139,532	180,000	180,000	179,400
Consulting Services	30,140	66,000	15,000	42,000
Technical Services	61,097	93,350	72,500	119,320
Communication Services	416	-	-	-
General Services	44,523	51,700	50,000	63,900
Insurance Premiums	336,348	375,000	455,000	476,500
Utility Services	121,481	165,096	113,601	114,758
Property Maintenance	191,588	217,830	215,000	230,010
Total Purchased Services	927,465	1,148,976	1,101,101	1,225,888
Supplies/Non-Capital Equipment				
Office Supplies	1,973	1,200	1,200	700
Technology Equipment	-	-	90	-
Operating Supplies	42,049	36,520	36,500	37,480
Non-Capital Equipment	21,300	8,130	13,143	55,300
Fuel	493	1,200	1,000	1,000
Total Supplies/Non-Capital Equipment	65,815	47,050	51,933	94,480
Other Expenditures				
Food and Related Services	6,465	5,110	6,150	4,150
Claims Expenditures	97,709	-	20,000	-
Total Other Expenditures	104,174	5,110	26,150	4,150
Total Expenditures	\$ 1,723,237	\$ 1,862,423	\$ 1,720,184	\$ 1,924,117

Expenditure Detail

Administration Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 374,875	\$ 389,118	\$ 289,721	\$ 324,847
Stipend	480	495	495	495
Medicare	11,734	5,650	11,614	10,133
Unemployment Insurance	511	1,168	606	974
Retirement Contributions	58,612	57,434	55,802	52,327
Medical Benefits	55,207	70,781	56,918	58,151
Life/Disability Benefits	1,899	2,867	2,048	2,417
Training/Registration	2,257	2,200	2,200	6,200
Dues/Fees	8,685	6,485	6,485	8,045
Mileage/Travel	6,398	3,000	3,000	7,000
Uniforms/Town Apparel	114	150	150	300
Total Personnel	520,774	539,348	429,039	470,889
Purchased Services				
Legal Services	139,532	180,000	180,000	179,400
Consulting Services	30,140	66,000	15,000	42,000
Technical Services	61,097	74,850	72,500	114,320
Insurance Premiums	336,348	375,000	455,000	476,500
Utility Services	486	468	480	504
Total Purchased Services	567,603	696,318	722,980	812,724
Supplies/Non-Capital Equipment				
Office Supplies	694	500	500	500
Total Supplies/Non-Capital Equipment	694	500	500	500
Other Expenditures				
Food and Related Services	6,465	4,960	6,000	4,000
Claims Expenditures	97,709	-	20,000	-
Total Other Expenditures	104,174	4,960	26,000	4,000
Total Expenditures	\$ 1,193,245	\$ 1,241,126	\$ 1,178,519	\$ 1,288,113

Expenditure Detail

Facilities Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 83,949	\$ 94,698	\$ 84,990	\$ 99,438
Medicare	1,139	1,373	1,331	1,442
Unemployment Insurance	117	284	180	298
Retirement Contributions	11,776	13,977	13,791	14,697
Medical Benefits	6,302	8,498	8,495	9,170
Life/Disability Benefits	585	709	769	765
Training/Registration	456	1,500	1,500	1,500
Dues/Fees	75	400	400	500
Mileage/Travel	-	150	150	150
Uniforms/Town Apparel	610	350	355	750
Total Personnel	105,008	121,939	111,961	128,710
Purchased Services				
Professional Services	2,340	-	-	-
Technical Services	-	18,500	-	5,000
Communication Services	416	-	-	-
General Services	44,522	51,700	50,000	63,900
Utility Services	120,996	164,628	113,121	114,254
Property Maintenance	191,588	217,830	215,000	230,010
Total Purchased Services	359,861	452,658	378,121	413,164
Supplies/Non-Capital Equipment				
Office Supplies	1,279	700	700	200
Operating Supplies	42,049	36,520	36,500	37,480
Non-Capital Equipment	21,300	8,130	13,143	55,300
Fuel	493	1,200	1,000	1,000
Total Supplies/Non-Capital Equipment	65,121	46,550	51,433	93,980
Other Expenditures				
Food and Related Services	-	150	150	150
Total Other Expenditures	-	150	150	150
Total Expenditures	\$ 529,991	\$ 621,297	\$ 541,665	\$ 636,004

Town Clerk

Miriam Luna Gonzalez, Town Clerk

Department Description

The Town Clerk serves as the official record custodian of the Town of Firestone and preserves the legislative history of the Town by keeping accurate and accessible records of the Board of Trustees. The Town Clerk's Office administers elections, responds to records requests in compliance with the Colorado Open Records Act, and ensures the timely posting of meeting notices pursuant to the Colorado Open Meetings Act. The Town Clerk's Office provides notary services to the citizens of Firestone and members of the community. The Town Clerk's Office is responsible for issuing liquor licenses, updates to the Municipal Code, town-wide records management, and provides support to the Board of Trustees, Liquor Licensing Authority (LLA), the Firestone Urban Renewal Authority, and various other Boards.

2024 Achievements

- Responded to open records requests and provided legal notices within the timeframes required by the Colorado Revised Statutes
- Preserved and improved electronic access to legislative actions and organizational records
- Conducted the 2024 Municipal Elections and created a more robust process
- Attended CMCA conferece to work towards certification
- Created Standard Operating Procedures for the office

Goals & Objectives

- Comply with legislative, municipal, and statutory requirements
- Enhance and promote Town Clerk services, encouraging civic engagement (Strategic Goal #4)
- Improve the accessibility of records and enhance transparency by providing records and information to the public in a timely manner (Strategic Goal #4)
- Provide efficient and timely liquor licensing and review of applications (Strategic Goal #2)
- Improve standardization of records management within departments and transition into Lasterfiche

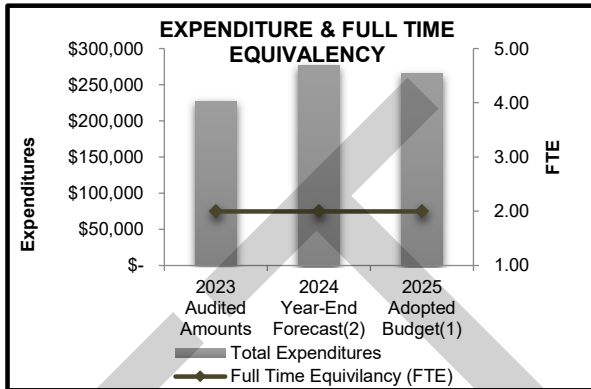
Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
Action agendas posted and available to the public within 24 hours	#4	100%	100%	100%	100%
Number of Board of Trustees meetings staffed	#4	33	42	36	40
Number of legislative items processed (Ordinances/Resolutions)	#4	130	149	150	155
Public record requests fulfilled within 3 days	#4	95%	97%	99%	95%

Town Clerk

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 265,488	2.00
Total	\$ 265,488	2.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 265,488	2.00
Total	\$ 265,488	2.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)	2.00	2.00	2.00	2.00
Expenditures:				
Personnel	\$ 177,184	\$ 179,878	\$ 192,351	\$ 225,253
Purchased Services	48,559	61,251	59,536	39,095
Supplies/Non-Capital Equipment	921	24,400	24,819	600
Other Expenditures	729	480	320	540
Total Expenditures	\$ 227,393	\$ 266,009	\$ 277,026	\$ 265,488

(1) Number of Positions Budgeted

(2) Number of Positions Filled

Expenditure Detail

Town Clerk Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 131,987	\$ 137,821	\$ 130,996	\$ 147,772
Medicare	1,803	1,998	1,988	2,143
Unemployment Insurance	188	413	327	443
Retirement Contributions	17,987	20,342	21,150	21,841
Medical Benefits	15,653	13,272	31,942	34,722
Life/Disability Benefits	926	1,072	1,125	1,202
Training/Registration	6,918	2,600	2,800	6,850
Dues/Fees	659	560	483	620
Sympathy and Celebrations	660	600	1,200	1,200
Mileage/Travel	221	1,100	240	8,140
Uniforms/Town Apparel	183	100	100	320
Total Personnel	177,184	179,878	192,351	225,253
Purchased Services				
Professional Services	29,654	36,815	36,800	1,315
Consulting Services	4,526	15,000	15,000	10,000
Technical Services	1,315	1,200	-	15,960
Communication Services	3,799	360	360	240
General Services	8,157	6,900	6,400	10,596
Utility Services	1,108	976	976	984
Total Purchased Services	48,559	61,251	59,536	39,095
Supplies/Non-Capital Equipment				
Office Supplies	921	400	500	600
Leases/Rentals	-	24,000	24,319	-
Total Supplies/Non-Capital Equipment	921	24,400	24,819	600
Other Expenditures				
Food and Related Services	729	480	320	540
Total Other Expenditures	729	480	320	540
Total Expenditures	\$ 227,393	\$ 266,009	\$ 277,026	\$ 265,488

Marketing and Communications

Katie Hansen, Director of Marketing and Communications

Department Description

The Marketing & Communications Department oversees special events and is responsible for internal, external, and digital communications, public relations, community engagement, and marketing initiatives for the Town of Firestone.

The Town of Firestone is responsible for communicating and engaging with residents and the general public. The Town of Firestone must communicate in a timely, cohesive, and proactive manner to keep the public well-informed. Implementing streamlined channels and accessible information emphasizes Firestone's commitment to open, transparent communication and community engagement.

Firestone's programs and events focus on building relationships in our community. Special events provide community and business partnership opportunities by bringing residents and visitors together. In addition to attending and participating in special events, there are many ways to get involved and give back to your community with volunteer opportunities.

2024 Achievements

- Coordinated all communication efforts for the Town, including press releases, web content, social media posts, and media inquiries
- Awarded two high school seniors from Firestone the Town of Firestone George E. Heath Community Scholarship
- Planned and executed special events for the community, this included: the 4th at Firestone, the Schools-OUT / Picnic in the Park, Halloween Safe Night, the Firestone Art & Music Show, and the Holiday Festival
- Introduced a two new events: Recycling Event and the Carbon Valley Resource Fair
- Supported the Town Clerk's office with on-boarding of a new Town Clerk & Deputy Town Clerk, in addition to supporting the April Municipal Election.
- Supported Human Resources with recruitment materials, benefit materials and planning employee celebrations
- Supported Public Works Department with the planning and executing Firestone Clean-Up Day, developed communication efforts about all projects and initiatives.
- Supported the Police Department with the planning and execution of events and programming
- Coordinated all communication efforts for the Police Department, including community engagement opportunities, public safety outreach and emergency notifications.

Goals & Objectives

- Continue to optimize the Town's website for users and improve accessibility options to be more inclusive (Strategic Goal #4)
- Evaluate and update Town wide special events (Strategic Goal #4)
- Coordinate communication calendars with all departments
- Coordinate communication efforts with external publications (Strategic Goal #4)
- Coordinate pro-active communication efforts with external publications (Strategic Goal #4)
- Utilize all communication channels to engage with the community

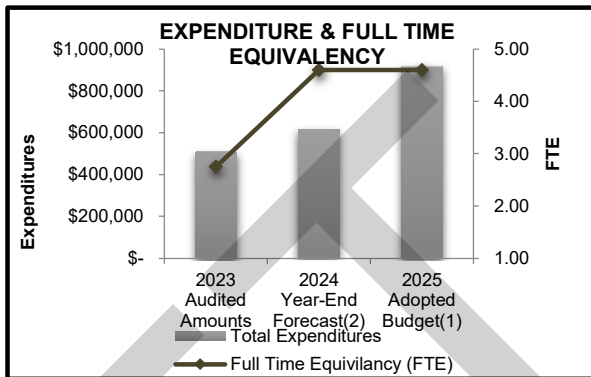
Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
# of Community Events	#4	14	17	15	15
# of News Releases	#4	200	250	275	275
# of Facebook Followers (Town of Firestone)	#4	5,800	6,300	6,700	7,200
# of Facebook Followers (Firestone Police Department)	#4	5,800	6,300	7,500	8,000
# of Instagram Followers	#4	--	1,000	1,500	1,750
# of NotifyMe Subscribers	#4	2,500	3,000	3,500	3,800

Marketing and Communications

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 916,099	4.60
Total	\$ 916,099	4.60

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 368,643	2.00
Events and Programming	547,456	2.60
Total	\$ 916,099	4.60



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Epuivalency (FTE)*	2.75	3.50	4.60	4.60
Expenditures:				
Personnel	\$ 322,470	\$ 397,819	\$ 390,708	\$ 587,752
Purchased Services	163,831	204,639	168,582	223,585
Supplies/Non-Capital Epuipment	21,619	32,275	55,519	104,462
Other Expenditures	12	-	163	300
Total Expenditures	\$ 507,931	\$ 634,733	\$ 614,972	\$ 916,099

(1) Number of Positions Budgeted

(2) Number of Positions Filled

Expenditure Detail

Marketing and Communications Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 236,476	\$ 281,045	\$ 262,683	\$ 425,908
Overtime	1,406	450	4,172	2,000
Medicare	3,113	4,075	3,953	6,175
Unemployment Insurance	332	843	489	1,279
Retirement Contributions	33,515	41,482	42,888	62,949
Medical Benefits	34,793	45,374	56,159	68,259
Life/Disability Benefits	1,610	2,050	1,887	2,972
Training/Registration	1,969	1,000	-	2,000
Dues/Fees	9,128	9,400	9,977	6,810
Mileage/Travel	-	150	200	300
Employee Recognition	-	11,800	8,000	8,500
Uniforms/Town Apparel	128	150	300	600
Total Personnel	322,470	397,819	390,708	587,752
Purchased Services				
Professional Services	-	8,500	8,000	11,500
Technical Services	4,079	5,100	5,100	40,810
Communication Services	12,783	11,725	10,966	13,891
General Services	145,209	177,850	142,816	155,416
Utility Services	1,760	1,464	1,700	1,968
Total Purchased Services	163,831	204,639	168,582	223,585
Supplies/Non-Capital Equipment				
Office Supplies	597	350	350	550
Operating Supplies	17,101	23,175	45,367	86,782
Maintenance Supplies	1,263	2,500	6,454	6,200
Non-Capital Equipment	2,501	6,050	3,248	10,730
Fuel	158	200	100	200
Total Supplies/Non-Capital Equipment	21,619	32,275	55,519	104,462
Other Expenditures				
Food and Related Services	12	-	163	300
Total Other Expenditures	12	-	163	300
Total Expenditures	\$ 507,931	\$ 634,733	\$ 614,972	\$ 916,099

Expenditure Detail

Administration Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 105,963	\$ 124,954	\$ 119,442	\$ 235,410
Medicare	1,332	1,812	1,746	3,413
Unemployment Insurance	145	375	219	707
Retirement Contributions	14,886	18,443	19,275	34,793
Medical Benefits	15,146	21,119	21,532	30,687
Life/Disability Benefits	548	838	758	1,699
Training/Registration	1,884	500	-	1,500
Dues/Fees	8,886	9,100	9,100	6,700
Mileage/Travel	-	-	-	100
Uniforms/Town Apparel	-	-	-	300
Total Personnel	148,790	177,141	172,072	315,309
Purchased Services				
Professional Services	-	3,500	3,000	3,500
Technical Services	4,079	5,100	5,100	39,900
Communication Services	5,173	4,000	4,000	6,000
Utility Services	561	488	723	984
Total Purchased Services	9,814	13,088	12,823	50,384
Supplies/Non-Capital Equipment				
Office Supplies	259	150	150	350
Operating Supplies	-	300	300	-
Marketing and Promotional Materials	1,263	2,500	2,500	2,500
Total Supplies/Non-Capital Equipment	1,522	2,950	2,950	2,850
Other Expenditures				
Food and Related Services	-	-	-	100
Total Other Expenditures	-	-	-	100
Total Expenditures	\$ 160,126	\$ 193,179	\$ 187,845	\$ 368,643

Expenditure Detail

Events and Programming Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 130,513	\$ 156,091	\$ 143,241	\$ 190,498
Overtime	1,406	450	4,172	2,000
Medicare	1,781	2,263	2,207	2,762
Unemployment Insurance	186	468	270	572
Retirement Contributions	18,629	23,039	23,613	28,156
Medical Benefits	19,647	24,255	34,627	37,572
Life/Disability Benefits	1,062	1,212	1,129	1,273
Training/Registration	85	500	-	500
Dues/Fees	242	300	877	110
Mileage/Travel	-	150	200	200
Employee Recognition	-	11,800	8,000	8,500
Uniforms/Town Apparel	128	150	300	300
Total Personnel	173,679	220,678	218,636	272,443
Purchased Services				
Professional Services	-	5,000	5,000	8,000
Technical Services	-	-	-	910
Communication Services	7,610	7,725	6,966	7,891
General Services	145,209	177,850	142,816	155,416
Utility Services	1,199	976	977	984
Total Purchased Services	154,018	191,551	155,759	173,201
Supplies/Non-Capital Equipment				
Office Supplies	338	200	200	200
Operating Supplies	17,101	22,875	45,067	86,782
Marketing and Promotional Materials	-	-	3,954	3,700
Non-Capital Equipment	2,501	6,050	3,248	10,730
Fuel	158	200	100	200
Total Supplies/Non-Capital Equipment	20,097	29,325	52,569	101,612
Other Expenditures				
Food and Related Services	12	-	163	200
Total Other Expenditures	12	-	163	200
Total Expenditures	\$ 347,805	\$ 441,554	\$ 427,127	\$ 547,456

Human Resources

Jan Sloat, Director of Human Resources

Department Description

The Human Resources Department anticipates and meets the ever-changing needs of the Town's workforce through department partnerships and collaboration. The Department recruits, engages, and retains a high-performing and diverse workforce that fosters a healthy, safe, and productive work environment.

2024 Achievements

- Recruited (17) positions including (2) Board approved and (15) vacancies
- Reorganized the HR department to include a Sr HR Business Partner and a Human Resources Analyst
- Implemented new HRIS-eliminating (4) platforms for personnel and payroll
- Completed revisions to onboarding and offboarding processes
- Established a workforce planning baseline for future employment growth
- Revised Town of Firestone Employee Handbook Policies
- Collaborated with HR Consultant RE: Annual Market analysis, Bi-Annual EPEWA Analysis, and Insurance Brokers on Benefit trends and recruitment tools for 2024-2025
- Training & Development: HR staff continued to develop skills with Annual Training Pass with Employers Council
- Educational Reimbursement was limited this year due to budget cuts
- Hosted Annual Employee Recognition Luncheon
- Supported Town-wide health initiatives with a Wellness program and assistance from our Cigna Wellness dollars

Goals & Objectives

- Attract, engage, retain, and reward the Town's most valuable asset - Value and recognize employees who strive to make us a better Firestone (Strategic Goal #2)
- Provide a safe working environment for employees and volunteers through comprehensive safety training and thorough management of worker compensation incidents (Strategic Goal #2)
- Promote Honesty, Integrity and Trust - Conduct business in a manner that promotes fairness, respect, honesty and trust (Strategic Goal #2)
- Encourage Communication - Solicit input from employees and strive for transparency and inclusiveness (Strategic Goal #2)
- Employee Development - Encourage and support professional growth of our employees (Strategic Goal #2)
- Commitment - Provide a total compensation and benefits package that is competitive and fair in the market (Strategic Goal #2)

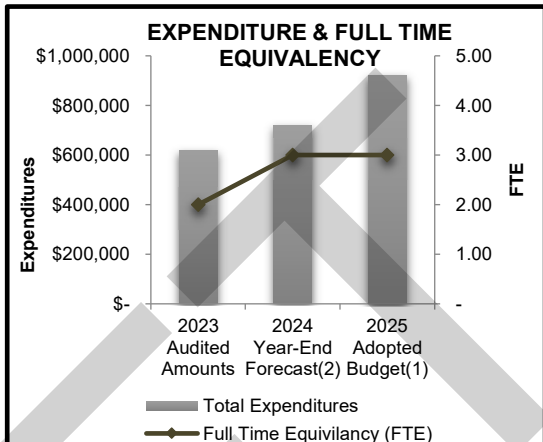
Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
# of Applications	#2	975	695	525	625
# of Net-New Employees	#2	25	7	2	4
# of Orientations	#2	50	27	15	14
#of Recognition Awards	#2	13	6	4	6

Human Resources

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 676,862	2.10
Water Fund	202,642	0.75
Stormwater Fund	43,395	0.15
Total	\$ 922,899	3.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 922,899	3.00
Total	\$ 922,899	3.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)	2.00	3.00	3.00	3.00
Expenditures:				
Personnel	\$ 466,366	\$ 506,548	\$ 437,149	\$ 534,217
Purchased Services	147,605	265,627	272,240	382,182
Supplies/Non-Capital Equipment	1,380	4,900	5,230	4,500
Other Expenditures	1,951	2,500	2,500	2,000
Total Expenditures	\$ 617,303	\$ 779,575	\$ 717,119	\$ 922,899

(1) Number of Positions Budgeted

(2) Number of Positions Filled

Expenditure Detail

Human Resources Department - All Funds

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 331,535	\$ 351,581	\$ 293,512	\$ 369,598
Overtime	330	1,100	1,651	1,000
Stipend	400	300	619	600
Medicare	4,337	5,102	4,820	5,359
Unemployment Insurance	567	1,054	649	1,108
Retirement Contributions	46,448	51,893	51,974	54,626
Medical Benefits	32,769	42,388	42,380	46,100
Life/Disability Benefits	1,892	2,616	2,270	2,869
Training/Registration	17,360	1,200	2,009	4,418
Dues/Fees	8,428	8,885	8,885	8,885
Employee Wellness	4,588	10,600	9,007	10,600
Mileage/Travel	-	1,279	464	1,304
Employee Recognition	13,392	9,175	8,359	8,375
Uniforms/Town Apparel	-	375	-	375
Tuition Reimbursement	4,320	19,000	10,550	19,000
Total Personnel	466,366	506,548	437,149	534,217
Purchased Services				
Professional Services	8	15,000	15,000	15,000
Consulting Services	6,625	28,500	28,500	28,500
Technical Services	48,752	43,750	43,750	40,800
Communication Services	10,535	5,108	4,519	4,844
General Services	1,553	451	213	300
Employment Screenings	28,575	37,818	35,188	45,438
Insurance Premiums	51,191	135,000	145,070	247,300
Utility Services	365	-	-	-
Total Purchased Services	147,605	265,627	272,240	382,182
Supplies/Non-Capital Equipment				
Office Supplies	1,380	1,800	1,550	1,200
Leases/Rentals	-	3,000	3,675	3,200
Fuel	-	100	5	100
Total Supplies/Non-Capital Equipment	1,380	4,900	5,230	4,500
Other Expenditures				
Food and Related Services	1,951	2,500	2,500	2,000
Total Other Expenditures	1,951	2,500	2,500	2,000
Total Expenditures	\$ 617,303	\$ 779,575	\$ 717,119	\$ 922,899

Expenditure Detail

Human Resources Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 230,416	\$ 246,106	\$ 222,583	\$ 258,719
Overtime	238	825	1,073	800
Stipend	303	210	420	420
Medicare	3,036	3,572	3,374	3,751
Unemployment Insurance	441	738	455	776
Retirement Contributions	32,514	36,325	36,382	38,238
Medical Benefits	23,081	29,673	29,666	32,270
Life/Disability Benefits	1,324	1,794	1,590	1,965
Training/Registration	12,532	900	1,649	3,409
Dues/Fees	6,443	6,665	6,665	6,665
Employee Wellness	3,531	7,950	6,377	7,950
Mileage/Travel	-	963	150	978
Employee Recognition	10,683	6,881	6,065	6,282
Uniforms/Town Apparel	-	300	-	300
Tuition Reimbursement	4,320	15,000	7,250	15,000
Total Personnel	328,862	357,902	323,699	377,523
Purchased Services				
Professional Services	6	11,250	11,250	11,250
Consulting Services	3,750	21,375	21,375	21,375
Technical Services	39,545	32,815	32,815	30,600
Communication Services	7,574	3,832	3,243	3,634
General Services	1,181	338	100	225
Employment Screenings	21,272	28,110	25,480	41,905
Insurance Premiums	19,265	101,250	108,750	185,475
Utility Services	365	-	-	-
Total Purchased Services	92,958	198,970	203,013	294,464
Supplies/Non-Capital Equipment				
Office Supplies	1,064	1,350	1,100	900
Leases/Rentals	-	2,400	3,055	2,400
Fuel	-	75	-	75
Total Supplies/Non-Capital Equipment	1,064	3,825	4,155	3,375
Other Expenditures				
Food and Related Services	1,452	1,875	1,875	1,500
Total Other Expenditures	1,452	1,875	1,875	1,500
Total Expenditures	\$ 424,337	\$ 562,572	\$ 532,742	\$ 676,862

Expenditure Detail

Human Resources Department - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 84,265	\$ 87,896	\$ 59,111	\$ 92,399
Overtime	85	220	492	160
Stipend	81	75	150	150
Medicare	1,084	1,275	1,205	1,340
Unemployment Insurance	104	263	162	277
Retirement Contributions	11,612	12,973	12,993	13,656
Medical Benefits	8,045	10,597	10,595	11,526
Life/Disability Benefits	473	684	567	752
Training/Registration	4,828	240	300	909
Dues/Fees	1,985	1,775	1,775	1,775
Employee Wellness	1,057	2,120	2,100	2,120
Mileage/Travel	-	252	250	261
Employee Recognition	2,709	1,835	1,835	1,675
Uniforms/Town Apparel	-	60	-	60
Tuition Reimbursement	-	4,000	3,000	4,000
Total Personnel	116,328	124,265	94,535	131,060
Purchased Services				
Professional Services	2	3,000	3,000	3,000
Consulting Services	2,875	5,700	5,700	5,700
Technical Services	9,208	8,750	8,750	8,160
Communication Services	2,961	1,021	1,021	968
General Services	372	90	90	60
Employment Screenings	7,296	7,766	7,766	2,934
Insurance Premiums	31,927	27,000	29,370	49,460
Total Purchased Services	54,640	53,327	55,697	70,282
Supplies/Non-Capital Equipment				
Office Supplies	316	360	360	240
Leases/Rentals	-	480	500	640
Fuel	-	20	-	20
Total Supplies/Non-Capital Equipment	316	860	860	900
Other Expenditures				
Food and Related Services	499	500	500	400
Total Other Expenditures	499	500	500	400
Total Expenditures	\$ 171,783	\$ 178,952	\$ 151,592	\$ 202,642

Expenditure Detail

Human Resources Department - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 16,853	\$ 17,579	\$ 11,818	\$ 18,480
Overtime	7	55	86	40
Stipend	16	15	49	30
Medicare	217	255	241	268
Unemployment Insurance	23	53	32	55
Retirement Contributions	2,322	2,595	2,599	2,732
Medical Benefits	1,643	2,118	2,119	2,304
Life/Disability Benefits	95	138	113	152
Training/Registration	-	60	60	100
Dues/Fees	-	445	445	445
Employee Wellness	-	530	530	530
Mileage/Travel	-	64	64	65
Employee Recognition	-	459	459	418
Uniforms/Town Apparel	-	15	-	15
Tuition Reimbursement	-	-	300	-
Total Personnel	21,176	24,381	18,915	25,634
Purchased Services				
Professional Services	-	750	750	750
Consulting Services	-	1,425	1,425	1,425
Technical Services	-	2,185	2,185	2,040
Communication Services	-	255	255	242
General Services	-	23	23	15
Employment Screenings	7	1,942	1,942	599
Insurance Premiums	-	6,750	6,950	12,365
Total Purchased Services	7	13,330	13,530	17,436
Supplies/Non-Capital Equipment				
Office Supplies	-	90	90	60
Leases/Rentals	-	120	120	160
Fuel	-	5	5	5
Total Supplies/Non-Capital Equipment	-	215	215	225
Other Expenditures				
Food and Related Services	-	125	125	100
Total Other Expenditures	-	125	125	100
Total Expenditures	\$ 21,183	\$ 38,051	\$ 32,785	\$ 43,395

Finance

Jessica Clanton, Director of Finance

Department Description

The Finance Department is responsible for the administration and recording of all financial activities of the Town, including revenue collection, cash management, accounts payable, accounts receivable, capital assets, payroll, utility billing, as well as, general accounting and reporting. Finance oversees the development and maintenance of internal controls, the procurement function of the Town and is responsible for the production of the Annual Operating and Capital Improvement Budget, and Comprehensive Annual Financial Report. The Finance Department also includes the Municipal Court Division. The Municipal Court Division is responsible for the entire court process for the Town.

2024 Achievements

- Received the Certificate of Achievement for Excellence in Financial Reporting from the GFOA
- Received the Town's first Distinguished Budget Presentation Award from the GFOA
- Reviewed and updated the Debt Policy, Investment Policy, and Working Reserve Policy as well as improved processes within those areas.
- Reviewed procedures during municipal court and made changes to the process once the defendant received the judges orders. Changing this process makes the court day more efficient and effective.
- Reviewed procedures during municipal court and made changes to the time restitution cases are heard during the court day. Changing the time of the restitution cases made the court day more effective and efficient.

Goals & Objectives

- Monitor budget forecast for accuracy
- Continue to receive GFOA Distinguished Budget Award
- Continue to receive GFOA Certificate of Achievement for Excellence in Financial Reporting for ACFR
- Provide quarterly financial report in accordance with policy
- Strive for enhancements to policies and procedures that will improve internal controls and employee workloads

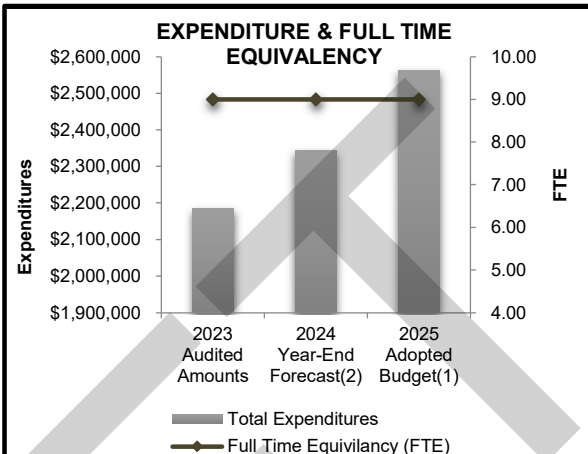
Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
# of Checks Processed for Accounts Payable	#2	3,100	2,832	2,620	2,750
Consecutive Years GFOA Budget Award	#2	N/A	N/A	1	2
Consecutive Years GFOA ACFR Award	#2	16	17	18	19
# of Utility Bills Processed per Month	#2	5,925	6,041	6,346	6,530
# of Court cases processed	#4	951	707	701	760

Finance

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 2,069,938	5.49
Water Fund	434,371	3.05
Stormwater Fund	58,465	0.46
Total	\$ 2,562,774	9.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 2,011,666	4.70
Municipal Court	\$ 270,185	2.00
Water Utility	250,954	2.05
Stormwater Utility	29,969	0.25
Total	\$ 2,562,774	9.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)	9.00	9.00	9.00	9.00
Expenditures:				
Personnel	\$ 854,026	\$ 897,029	\$ 807,515	\$ 952,529
Purchased Services	1,327,212	1,558,125	1,534,100	1,607,895
Supplies/Non-Capital Equipment	2,860	1,650	1,660	1,800
Other Expenditures	163	550	400	550
Total Expenditures	\$ 2,184,261	\$ 2,457,354	\$ 2,343,675	\$ 2,562,774

(1) Number of Positions Budgeted

(2) Number of Positions Filled

Expenditure Detail

Finance Department - All Funds

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 673,781	\$ 686,115	\$ 585,850	\$ 716,332
Overtime	606	522	437	570
Stipend	705	720	720	720
Medicare	8,997	9,961	9,484	10,387
Unemployment Insurance	968	2,059	1,282	2,149
Retirement Contributions	95,345	101,271	102,812	105,876
Medical Benefits	65,711	85,260	95,715	103,693
Life/Disability Benefits	4,355	5,319	5,298	5,767
Training/Registration	1,574	1,970	2,062	2,344
Dues/Fees	1,496	1,440	1,414	1,129
Mileage/Travel	336	2,232	2,281	3,402
Uniforms/Town Apparel	152	160	160	160
Total Personnel	854,026	897,029	807,515	952,529
Purchased Services				
Professional Services	35,665	38,100	38,100	34,445
Legal Services	28,597	46,400	33,000	53,600
Communication Services	30,735	46,600	39,200	44,560
General Services	1,232,215	1,427,025	1,423,800	1,475,290
Total Purchased Services	1,327,212	1,558,125	1,534,100	1,607,895
Supplies/Non-Capital Equipment				
Office Supplies	2,860	1,650	1,660	1,800
Total Supplies/Non-Capital Equipment	2,860	1,650	1,660	1,800
Other Expenditures				
Food and Related Services	163	550	400	550
Total Other Expenditures	163	550	400	550
Total Expenditures	\$ 2,184,261	\$ 2,457,354	\$ 2,343,675	\$ 2,562,774

Expenditure Detail

Finance Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 416,534	\$ 423,498	\$ 378,889	\$ 443,206
Overtime	157	264	106	272
Stipend	600	582	582	582
Medicare	5,572	6,150	5,844	6,426
Unemployment Insurance	596	1,271	783	1,330
Retirement Contributions	59,333	62,508	64,138	65,506
Medical Benefits	35,520	41,018	48,659	52,622
Life/Disability Benefits	2,677	3,271	3,219	3,538
Training/Registration	977	-	92	1,075
Dues/Fees	1,071	1,139	1,139	906
Mileage/Travel	336	116	173	2,518
Uniforms/Town Apparel	-	160	160	160
Total Personnel	523,373	539,977	503,784	578,141
Purchased Services				
Professional Services	29,829	29,860	29,860	25,244
Legal Services	28,597	46,400	33,000	53,600
Communication Services	5,554	7,000	6,000	7,000
General Services	1,178,216	1,362,750	1,362,925	1,403,903
Total Purchased Services	1,242,195	1,446,010	1,431,785	1,489,747
Supplies/Non-Capital Equipment				
Office Supplies	2,481	1,400	1,400	1,600
Total Supplies/Non-Capital Equipment	2,481	1,400	1,400	1,600
Other Expenditures				
Food and Related Services	163	450	300	450
Total Other Expenditures	163	450	300	450
Total Expenditures	\$ 1,768,211	\$ 1,987,837	\$ 1,937,269	\$ 2,069,938

Expenditure Detail

Administration Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 276,181	\$ 276,297	\$ 245,004	\$ 284,953
Overtime	71	186	65	191
Stipend	325	282	282	282
Medicare	3,659	4,011	3,732	4,131
Unemployment Insurance	393	830	504	855
Retirement Contributions	38,993	40,781	39,860	42,116
Medical Benefits	27,209	32,333	38,680	41,873
Life/Disability Benefits	1,677	2,141	1,995	2,295
Training/Registration	525	-	40	675
Dues/Fees	971	1,039	1,039	806
Mileage/Travel	318	116	115	2,384
Uniforms/Town Apparel	-	160	160	160
Total Personnel	350,322	358,176	331,476	380,721
Purchased Services				
Professional Services	26,969	27,220	27,220	22,604
Communication Services	5,554	7,000	6,000	7,000
General Services	1,168,713	1,346,025	1,346,025	1,387,778
Total Purchased Services	1,201,236	1,380,245	1,379,245	1,417,382
Supplies/Non-Capital Equipment				
Office Supplies	2,248	1,200	1,200	1,400
Total Supplies/Non-Capital Equipment	2,248	1,200	1,200	1,400
Other Expenditures				
Food and Related Services	150	250	250	250
Total Other Expenditures	150	250	250	250
Total Expenditures	\$ 1,553,956	\$ 1,739,871	\$ 1,712,171	\$ 1,799,753

Expenditure Detail

Municipal Court Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 140,353	\$ 147,201	\$ 133,885	\$ 158,253
Overtime	86	78	41	81
Stipend	275	300	300	300
Medicare	1,913	2,139	2,112	2,295
Unemployment Insurance	203	441	279	475
Retirement Contributions	20,340	21,727	24,278	23,390
Medical Benefits	8,311	8,685	9,979	10,749
Life/Disability Benefits	1,000	1,130	1,224	1,243
Training/Registration	452	-	52	400
Dues/Fees	100	100	100	100
Mileage/Travel	19	-	58	134
Total Personnel	173,051	181,801	172,308	197,420
Purchased Services				
Professional Services	2,860	2,640	2,640	2,640
Legal Services	28,597	46,400	33,000	53,600
General Services	9,503	16,725	16,900	16,125
Total Purchased Services	40,959	65,765	52,540	72,365
Supplies/Non-Capital Equipment				
Office Supplies	232	200	200	200
Total Supplies/Non-Capital Equipment	232	200	200	200
Other Expenditures				
Food and Related Services	13	200	50	200
Total Other Expenditures	13	200	50	200
Total Expenditures	\$ 214,255	\$ 247,966	\$ 225,098	\$ 270,185

Expenditure Detail

Finance Department - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 223,608	\$ 228,166	\$ 180,202	\$ 237,452
Overtime	403	238	289	241
Stipend	91	120	120	120
Medicare	2,979	3,311	3,168	3,444
Unemployment Insurance	325	685	434	712
Retirement Contributions	31,303	33,678	33,632	35,096
Medical Benefits	26,011	38,517	40,871	44,359
Life/Disability Benefits	1,452	1,777	1,806	1,934
Training/Registration	554	1,752	1,752	1,125
Dues/Fees	425	301	275	223
Mileage/Travel	-	1,858	1,850	817
Uniforms/Town Apparel	137	-	-	-
Total Personnel	287,288	310,403	264,399	325,523
Purchased Services				
Professional Services	5,836	8,240	8,240	9,201
Communication Services	22,663	35,640	30,000	33,960
General Services	48,599	57,675	55,075	65,387
Total Purchased Services	77,098	101,555	93,315	108,548
Supplies/Non-Capital Equipment				
Office Supplies	342	200	200	200
Total Supplies/Non-Capital Equipment	342	200	200	200
Other Expenditures				
Food and Related Services	-	100	100	100
Total Other Expenditures	-	100	100	100
Total Expenditures	\$ 364,729	\$ 412,258	\$ 358,014	\$ 434,371

Expenditure Detail

Administration Division - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 112,896	\$ 115,336	\$ 80,545	\$ 119,066
Overtime	20	74	74	76
Stipend	91	120	120	120
Medicare	1,453	1,675	1,541	1,727
Unemployment Insurance	165	347	208	357
Retirement Contributions	15,692	17,024	16,649	17,598
Medical Benefits	14,384	17,593	17,723	19,249
Life/Disability Benefits	665	899	818	971
Training/Registration	158	96	96	225
Dues/Fees	425	301	275	223
Mileage/Travel	-	58	50	817
Total Personnel	145,949	153,523	118,099	160,429
Purchased Services				
Professional Services	5,836	8,240	8,240	9,201
General Services	-	75	75	13,787
Total Purchased Services	5,836	8,315	8,315	22,988
Total Expenditures	\$ 151,785	\$ 161,838	\$ 126,414	\$ 183,417

Expenditure Detail

Utility Division - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 110,712	\$ 112,830	\$ 99,657	\$ 118,386
Overtime	384	164	215	165
Medicare	1,527	1,636	1,627	1,717
Unemployment Insurance	159	338	226	355
Retirement Contributions	15,611	16,654	16,983	17,498
Medical Benefits	11,627	20,924	23,148	25,110
Life/Disability Benefits	787	878	988	963
Training/Registration	396	1,656	1,656	900
Mileage/Travel	-	1,800	1,800	-
Uniforms/Town Apparel	137	-	-	-
Total Personnel	141,339	156,880	146,300	165,094
Purchased Services				
Communication Services	22,663	35,640	30,000	33,960
General Services	48,599	57,600	55,000	51,600
Total Purchased Services	71,262	93,240	85,000	85,560
Supplies/Non-Capital Equipment				
Office Supplies	342	200	200	200
Total Supplies/Non-Capital Equipment	342	200	200	200
Other Expenditures				
Food and Related Services	-	100	100	100
Total Other Expenditures	-	100	100	100
Total Expenditures	\$ 212,943	\$ 250,420	\$ 231,600	\$ 250,954

Expenditure Detail

Finance Department - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 33,639	\$ 34,451	\$ 26,759	\$ 35,674
Overtime	46	20	42	57
Stipend	14	18	18	18
Medicare	445	500	472	517
Unemployment Insurance	47	103	65	107
Retirement Contributions	4,709	5,085	5,042	5,274
Medical Benefits	4,180	5,725	6,185	6,712
Life/Disability Benefits	226	271	273	295
Training/Registration	44	218	218	144
Mileage/Travel	-	258	258	67
Uniforms/Town Apparel	15	-	-	-
Total Personnel	43,366	46,649	39,332	48,865
Purchased Services				
Communication Services	2,518	3,960	3,200	3,600
General Services	5,400	6,600	5,800	6,000
Total Purchased Services	7,918	10,560	9,000	9,600
Supplies/Non-Capital Equipment				
Office Supplies	37	50	60	-
Total Supplies/Non-Capital Equipment	37	50	60	-
Total Expenditures	\$ 51,321	\$ 57,259	\$ 48,392	\$ 58,465

Expenditure Detail

Administration Division - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 19,964	\$ 20,425	\$ 16,964	\$ 21,009
Overtime	4	-	27	37
Stipend	14	18	18	18
Medicare	263	296	330	305
Unemployment Insurance	27	61	37	63
Retirement Contributions	2,843	3,015	3,565	3,106
Medical Benefits	2,885	3,398	4,203	3,718
Life/Disability Benefits	133	160	182	173
Training/Registration	-	19	19	-
Mileage/Travel	-	58	58	67
Total Personnel	26,133	27,450	25,403	28,496
Total Expenditures	\$ 26,133	\$ 27,450	\$ 25,403	\$ 28,496

Expenditure Detail

Utility Division - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 13,675	\$ 14,026	\$ 9,795	\$ 14,665
Overtime	42	20	15	20
Medicare	183	204	142	212
Unemployment Insurance	20	42	28	44
Retirement Contributions	1,866	2,070	1,477	2,168
Medical Benefits	1,295	2,327	1,982	2,994
Life/Disability Benefits	93	111	91	122
Training/Registration	44	199	199	144
Mileage/Travel	-	200	200	-
Uniforms/Town Apparel	15	-	-	-
Total Personnel	17,233	19,199	13,929	20,369
Purchased Services				
Communication Services	2,518	3,960	3,200	3,600
General Services	5,400	6,600	5,800	6,000
Total Purchased Services	7,918	10,560	9,000	9,600
Supplies/Non-Capital Equipment				
Office Supplies	37	50	60	-
Total Supplies/Non-Capital Equipment	37	50	60	-
Total Expenditures	\$ 25,187	\$ 29,809	\$ 22,989	\$ 29,969

Information Technology

Department Description

The Information Technology Department (IT) is responsible for the management of infrastructure, maintaining and supporting hardware, software, networks, and data to ensure reliable operations while ensuring that all IT activities comply with legal and regulatory requirements, including data privacy laws.

The IT department constantly implements security layers to protect sensitive data and systems from cyber threats through security protocols, training, and monitoring and is the technical support to all Town employees, providing helpdesk services, resolving technical issues, and ensuring the smooth operation of IT systems

2024 Achievements

- Transitioned the Town off Hyperflex Servers due to age of the Hyperflex Server
- Update All 30 servers to most current with minimal downtime and user interruption
- Increased the functionality of the Virtual Desktop Infrastructure at a reduced cost
- Increased Town's data storage capacity allowing for future data growth throughout all departments.
- Brought online SIEM Server (System Information and Event Management) to provide 24/7 real-time threat detection and data monitoring for all Server Infrastructure.
- Live Streaming of all Board and Commission meetings in the Municipal Board and CourtRoom

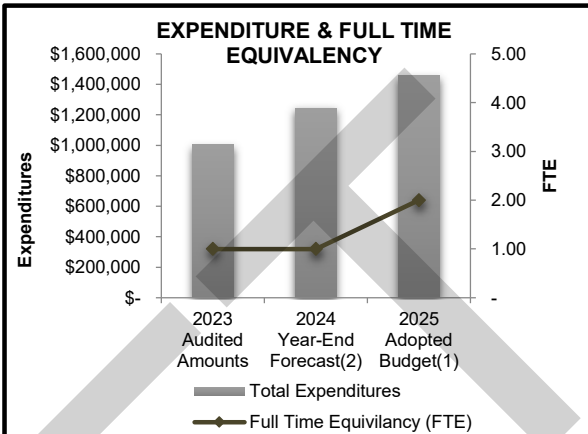
Goals & Objectives

- Continue enhancing the internal & online security awareness and presence (Goal #1)
- Perform a system-wide IT Security Risk Assessment using a 3rd party security platform (Goal #1)
- Increase the efficiency of the GIS platform for Town Wide operations (Goal #1)
- Upgrade PD vehicle connectivity to the Town's server environment (Goal #1)

Information Technology

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 1,168,669	1.70
Water Fund	182,977	0.20
Stormwater Fund	105,792	0.10
Total	\$ 1,457,438	2.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 1,457,438	2.00
Total	\$ 1,457,438	2.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)	1.00	1.00	1.00	2.00
Expenditures:				
Personnel	\$ 120,294	\$ 130,312	\$ 117,604	\$ 230,063
Purchased Services	750,166	956,411	961,987	998,770
Supplies/Non-Capital Equipment	35,009	13,930	29,152	72,055
Capital Outlay	98,255	135,000	135,000	156,550
Total Expenditures	\$ 1,003,724	\$ 1,235,653	\$ 1,243,743	\$ 1,457,438

⁽¹⁾ Number of Positions Budgeted

⁽²⁾ Number of Positions Filled

Expenditure Detail

Information Technology Department - All Funds

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 89,475	\$ 94,157	\$ 81,788	\$ 161,879
Medicare	1,175	1,366	1,284	2,347
Unemployment Insurance	125	282	171	487
Retirement Contributions	12,673	13,897	13,712	23,926
Medical Benefits	16,299	19,878	19,870	36,882
Life/Disability Benefits	548	732	660	1,317
Training/Registration	-	-	119	3,000
Uniforms/Town Apparel	-	-	-	225
Total Personnel	120,294	130,312	117,604	230,063
Purchased Services				
Professional Services	286,333	323,940	323,940	321,240
Technical Services	408,389	591,189	591,189	629,230
Communication Services	53,331	39,400	44,800	46,200
Utility Services	2,112	1,882	2,058	2,100
Total Purchased Services	750,166	956,411	961,987	998,770
Supplies/Non-Capital Equipment				
Office Supplies	-	840	-	840
Technology Equipment	13,380	3,950	20,160	36,175
Leases/Rentals	(779)	2,740	2,592	2,740
Non-Capital Equipment	22,408	6,400	6,400	32,300
Total Supplies/Non-Capital Equipment	35,009	13,930	29,152	72,055
Capital Outlay				
Capital Equipment	98,255	135,000	135,000	156,550
Total Capital Outlay	98,255	135,000	135,000	156,550
Total Expenditures	\$ 1,003,724	\$ 1,235,653	\$ 1,243,743	\$ 1,457,438

Expenditure Detail

Information Technology Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	76,597	82,387	73,943	131,526
Medicare	1,035	1,195	1,123	1,907
Unemployment Insurance	110	247	150	395
Retirement Contributions	11,159	12,160	11,998	19,440
Medical Benefits	14,158	17,393	17,386	29,967
Life/Disability Benefits	478	640	578	1,069
Training/Registration	-	-	119	3,000
Uniforms/Town Apparel	-	-	-	225
Total Personnel	103,537	114,022	105,297	187,529
Purchased Services				
Professional Services	286,333	323,940	323,940	240,930
Technical Services	408,389	591,189	591,189	519,500
Communication Services	53,331	39,400	44,800	46,200
Utility Services	2,112	1,882	2,058	2,100
Total Purchased Services	750,166	956,411	961,987	808,730
Supplies/Non-Capital Equipment				
Office Supplies	-	840	-	630
Technology Equipment	13,380	3,950	20,160	31,225
Leases/Rentals	(779)	2,740	2,592	2,055
Non-Capital Equipment	22,408	6,400	6,400	30,700
Fuel	69	-	-	-
Total Supplies/Non-Capital Equipment	35,078	13,930	29,152	64,610
Capital Outlay				
Capital Equipment	98,255	135,000	135,000	107,800
Total Capital Outlay	98,255	135,000	135,000	107,800
Total Expenditures	\$ 987,036	\$ 1,219,363	\$ 1,231,436	\$ 1,168,669

Expenditure Detail

Information Technology Department - Water Fund

	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Personnel				
Regular Wages	12,878	11,770	7,845	20,235
Medicare	140	171	161	293
Unemployment Insurance	15	35	21	61
Retirement Contributions	1,513	1,737	1,714	2,991
Medical Benefits	2,141	2,485	2,484	4,611
Life/Disability Benefits	70	92	82	165
Total Personnel	16,757	16,290	12,307	28,356
Purchased Services				
Professional Services	-	-	-	48,186
Technical Services	-	-	-	65,838
Total Purchased Services	-	-	-	114,024
Supplies/Non-Capital Equipment				
Office Supplies	-	-	-	126
Technology Equipment	-	-	-	3,850
Leases/Rentals	-	-	-	411
Non-Capital Equipment	-	-	-	960
Total Supplies/Non-Capital Equipment	-	-	-	5,347
Capital Outlay				
Capital Equipment	-	-	-	35,250
Total Capital Outlay	-	-	-	35,250
Total Expenditures	\$ 16,757	\$ 16,290	\$ 12,307	\$ 182,977

Expenditure Detail

Information Technology Department - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Personnel				
Regular Wages	-	-	-	10,118
Medicare	-	-	-	147
Unemployment Insurance	-	-	-	31
Retirement Contributions	-	-	-	1,495
Medical Benefits	-	-	-	2,304
Life/Disability Benefits	-	-	-	83
Total Personnel	-	-	-	14,178
Purchased Services				
Professional Services	-	-	-	32,124
Technical Services	-	-	-	43,892
Total Purchased Services	-	-	-	76,016
Supplies/Non-Capital Equipment				
Office Supplies	-	-	-	84
Technology Equipment	-	-	-	1,100
Leases/Rentals	-	-	-	274
Non-Capital Equipment	-	-	-	640
Total Supplies/Non-Capital Equipment	-	-	-	2,098
Capital Outlay				
Capital Equipment	-	-	-	13,500
Total Capital Outlay	-	-	-	13,500
Total Expenditures	\$ -	\$ -	\$ -	\$ 105,792

Planning & Development

Todd Bjerkaas, Director of Planning & Development

Department Description

The Planning and Development Department is responsible for processing all development-related and building-related applications including annexations, zoning, subdivisions, site plans, building permits, plan review, inspections, and licenses pursuant to the Firestone Development Code, International Building Code, and the Firestone Municipal Code. The department collaborates with other Town departments and outside agencies to ensure the highest levels of development in design, entitlement, implementation, construction, and building safety.

2024 Achievements

- Drafting the Town's first Title 32 Metropolitan District Model Service Plan
- Processing over 2,700 residential lots, over 500 multi-family units, and 8 commercial FDPs through the entitlement process
- The Building Division collectively achieved 11 ICC certifications in Residential, Building, Plumbing, Mechanical and Accessibility and over 250 combined hours of training to expand and improve inspection and permit knowledge and skills.
- On track to issue more than 200 new residential permits for single family detached and paired homes
- Permitted the remaining 102 units of the 300-unit Firestone Junction apartments and allocated professional staff to its high and continual inspections requirements and demands.

Goals & Objectives

- Provide the highest levels of customer service for residents, business owners, developers, and contractors (Strategic Goal #3 & #4)
- Be at the forefront of development and building trends and processes by implementing continuing education, training, and certification
- Work cooperatively with the Economic Development Division to promote the continuum of attraction, entitlement, development and retention of businesses within Firestone (Strategic Goal #3)
- Conduct public outreach and input for the re-start of the Town Comprehensive Master Plan (Strategic Goals 4 & 6)

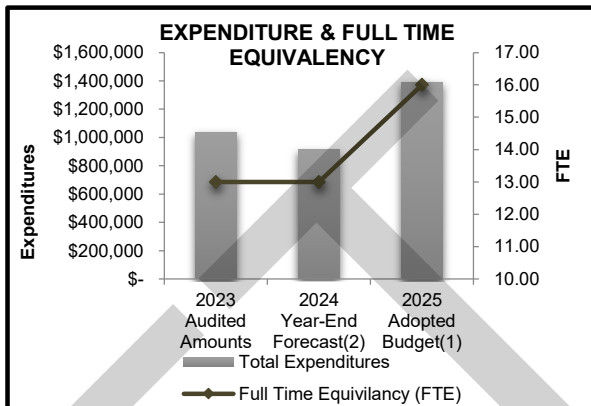
Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024	Forecast	2025	Forecast
# of Permits Issued	#5	1,144	2,982		2,000		2,100
Total Fees Collected	#2	\$ 5,155,453	\$ 6,673,548	\$	7,000,000	\$	7,500,000
Permit Valuations	#5	\$ 97,952,248	\$ 122,015,991	\$	140,000,000	\$	150,000,000

Planning and Development

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 1,391,512	16.00
Total	\$ 1,391,512	16.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Planning	\$ 619,237	5.00
Building	772,275	11.00
Total	\$ 1,391,512	16.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)*	13.00	14.00	13.00	16.00
Expenditures:				
Personnel	\$ 639,133	\$ 774,773	\$ 646,040	\$ 870,344
Purchased Services	372,364	485,220	256,448	491,708
Supplies/Non-Capital Equipment	21,402	23,510	9,415	24,990
Other Expenditures	2,126	3,820	1,700	4,470
Total Expenditures	\$ 1,035,026	\$ 1,287,323	\$ 913,603	\$ 1,391,512

(1) Number of Positions Budgeted

(2) Number of Positions Filled

Expenditure Detail

Planning and Development Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 473,803	\$ 533,958	\$ 448,782	\$ 600,602
Overtime	2,728	9,300	2,256	3,269
Stipend	280	300	320	300
Medicare	6,297	7,747	6,870	8,710
Unemployment Insurance	664	1,603	929	1,804
Retirement Contributions	67,930	78,812	73,749	88,771
Medical Benefits	64,782	98,440	90,004	115,551
Life/Disability Benefits	2,897	4,153	3,680	4,872
Training/Registration	9,509	15,720	8,800	21,010
Dues/Fees	2,899	8,640	5,050	10,930
Mileage/Travel	2,438	8,650	2,050	5,575
Uniforms/Town Apparel	4,907	7,450	3,550	8,950
Total Personnel	639,133	774,773	646,040	870,344
Purchased Services				
Professional Services	-	7,000	-	7,000
Legal Services	18,191	17,500	25,000	22,500
Consulting Services	5,800	9,996	5,000	9,996
Technical Services	108,184	157,680	58,376	268,700
Developer Chargebacks	37,588	25,000	36,000	25,000
Building Review and Inspection	131,824	210,000	75,000	100,000
Communication Services	708	1,500	350	1,200
General Services	61,772	49,992	49,447	49,992
Utility Services	8,297	6,552	7,275	7,320
Total Purchased Services	372,364	485,220	256,448	491,708
Supplies/Non-Capital Equipment				
Office Supplies	6,514	7,950	1,165	7,850
Technology Equipment	3,994	360	-	360
Operating Supplies	5,232	8,080	1,500	8,080
Non-Capital Equipment	1,519	-	250	1,500
Fuel	4,143	7,120	6,500	7,200
Total Supplies/Non-Capital Equipment	21,402	23,510	9,415	24,990
Other Expenditures				
Food and Related Services	2,126	3,820	1,700	4,470
Total Other Expenditures	2,126	3,820	1,700	4,470
Total Expenditures	\$ 1,035,026	\$ 1,287,323	\$ 913,603	\$ 1,391,512

Expenditure Detail

Planning Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 220,462	\$ 218,001	\$ 177,561	\$ 246,091
Stipend	280	300	320	300
Medicare	2,945	3,576	2,696	3,569
Unemployment Insurance	336	740	374	739
Retirement Contributions	31,553	36,349	29,511	36,372
Medical Benefits	27,236	48,325	32,518	41,894
Life/Disability Benefits	1,125	1,916	1,284	1,987
Training/Registration	2,438	5,660	1,300	8,180
Dues/Fees	1,538	3,340	2,550	4,280
Mileage/Travel	2,261	5,150	1,300	2,075
Uniforms/Town Apparel	396	800	550	1,050
Total Personnel	290,569	324,157	249,964	346,537
Purchased Services				
Legal Services	16,785	15,000	25,000	20,000
Technical Services	92,032	111,480	12,176	222,500
Developer Chargebacks	37,588	25,000	36,000	25,000
Communication Services	702	-	150	1,000
Utility Services	524	468	-	-
Total Purchased Services	147,630	151,948	73,326	268,500
Supplies/Non-Capital Equipment				
Office Supplies	2,945	1,600	300	1,500
Fuel	1,239	400	-	-
Total Supplies/Non-Capital Equipment	4,184	2,000	300	1,500
Other Expenditures				
Food and Related Services	971	2,700	1,000	2,700
Total Other Expenditures	971	2,700	1,000	2,700
Total Expenditures	\$ 443,355	\$ 480,805	\$ 324,590	\$ 619,237

Expenditure Detail

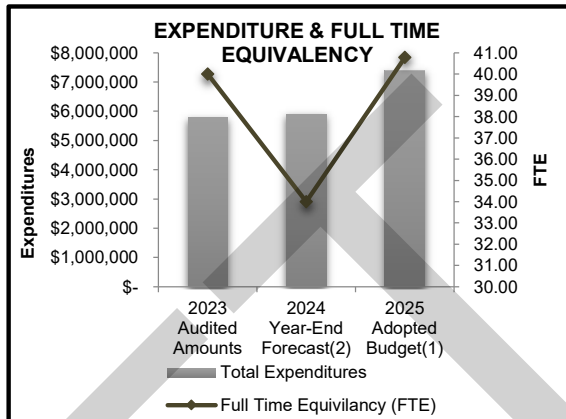
Building Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 253,341	\$ 315,957	\$ 271,221	\$ 354,511
Overtime	2,728	9,300	2,256	3,269
Medicare	3,353	4,171	4,174	5,141
Unemployment Insurance	328	863	555	1,065
Retirement Contributions	36,378	42,463	44,238	52,399
Medical Benefits	37,546	50,115	57,486	73,657
Life/Disability Benefits	1,772	2,237	2,396	2,885
Training/Registration	7,070	10,060	7,500	12,830
Dues/Fees	1,361	5,300	2,500	6,650
Mileage/Travel	177	3,500	750	3,500
Uniforms/Town Apparel	4,511	6,650	3,000	7,900
Total Personnel	348,564	450,616	396,076	523,807
Purchased Services				
Professional Services	-	7,000	-	7,000
Legal Services	1,406	2,500	-	2,500
Consulting Services	5,800	9,996	5,000	9,996
Technical Services	16,152	46,200	46,200	46,200
Building Review and Inspection	131,824	210,000	75,000	100,000
Communication Services	6	1,500	200	200
General Services	61,772	49,992	49,447	49,992
Utility Services	7,773	6,084	7,275	7,320
Total Purchased Services	224,734	333,272	183,122	223,208
Supplies/Non-Capital Equipment				
Office Supplies	3,569	6,350	865	6,350
Technology Equipment	3,994	360	-	360
Operating Supplies	5,232	8,080	1,500	8,080
Non-Capital Equipment	1,519	-	250	1,500
Fuel	2,904	6,720	6,500	7,200
Total Supplies/Non-Capital Equipment	17,218	21,510	9,115	23,490
Other Expenditures				
Food and Related Services	1,155	1,120	700	1,770
Total Other Expenditures	1,155	1,120	700	1,770
Total Expenditures	\$ 591,671	\$ 806,518	\$ 589,013	\$ 772,275

Police Department

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 7,396,534	40.78
Total	\$ 7,396,534	40.78

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 1,905,520	10.78
Patrol	4,849,431	26.00
CSO/NSO	281,828	2.00
Investigations	359,755	2.00
Total	\$ 7,396,534	40.78



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget(1)	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)*	40.00	40.79	34.00	40.78
Expenditures:				
Personnel	\$ 5,205,040	\$ 5,680,980	\$ 5,028,688	\$ 6,542,980
Purchased Services	381,570	608,704	642,594	590,470
Supplies/Non-Capital Equipment	193,370	223,094	233,886	254,301
Other Expenditures	4,040	5,167	9,040	8,783
Total Expenditures	\$ 5,784,020	\$ 6,517,945	\$ 5,914,208	\$ 7,396,534

(1) Number of Positions Budgeted

(2) Number of Positions Filled

Expenditure Detail

Police Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 3,898,022	\$ 4,170,498	\$ 3,523,282	\$ 4,685,652
Overtime	73,628	37,700	134,719	110,000
Stipend	275	300	300	300
Medicare	53,140	60,299	55,741	66,363
Unemployment Insurance	6,000	12,479	8,397	13,737
Retirement Contributions	466,318	562,955	497,696	656,596
Medical Benefits	553,558	715,233	683,188	835,148
Life/Disability Benefits	23,504	29,116	27,376	33,054
Training/Registration	79,030	32,775	44,760	65,170
Dues/Fees	4,012	4,475	7,229	7,410
Mileage/Travel	326	17,750	8,600	15,750
Uniforms/Town Apparel	47,229	37,400	37,400	53,800
Total Personnel	5,205,040	5,680,980	5,028,688	6,542,980
Purchased Services				
Professional Services	11,633	5,155	18,792	9,468
Legal Services	37	-	-	-
Technical Services	85,777	323,810	346,699	173,795
Communication Services	-	1,400	500	2,900
General Services	247,800	240,651	241,956	369,483
Utility Services	36,323	37,688	34,647	34,824
Total Purchased Services	381,570	608,704	642,594	590,470
Supplies/Non-Capital Equipment				
Office Supplies	6,976	6,800	4,200	6,800
Technology Equipment	-	13,902	13,902	4,530
Operating Supplies	37,489	38,495	42,720	39,445
Leases/Rentals	4,600	4,900	3,200	5,000
Non-Capital Equipment	60,743	80,997	92,864	120,526
Fuel	83,561	78,000	77,000	78,000
Total Supplies/Non-Capital Equipment	193,370	223,094	233,886	254,301
Other Expenditures				
Food and Related Services	4,040	3,520	6,020	6,120
Sponsorships	-	1,647	3,020	2,663
Total Other Expenditures	4,040	5,167	9,040	8,783
Total Expenditures	\$ 5,784,020	\$ 6,517,945	\$ 5,914,208	\$ 7,396,534

Expenditure Detail

Administration Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 1,236,720	\$ 1,253,399	\$ 1,161,473	\$ 1,365,435
Overtime	9,790	3,000	11,201	5,000
Stipend	275	300	300	300
Medicare	16,963	19,226	18,091	18,547
Unemployment Insurance	1,919	3,977	2,561	3,838
Retirement Contributions	160,110	183,222	174,041	184,600
Medical Benefits	173,193	219,504	207,512	205,887
Life/Disability Benefits	8,040	8,616	8,312	8,940
Training/Registration	34,398	5,000	12,735	7,495
Dues/Fees	3,707	3,345	5,238	5,560
Mileage/Travel	49	6,000	3,000	6,000
Uniforms/Town Apparel	8,644	3,125	3,125	3,500
Total Personnel	1,653,806	1,708,714	1,607,589	1,815,102
Purchased Services				
Professional Services	4,135	340	13,677	340
Technical Services	38,806	7,900	10,299	13,000
Communication Services	-	1,000	500	2,500
General Services	197,501	42,865	42,865	45,194
Utility Services	5,410	9,570	4,386	4,416
Total Purchased Services	245,853	61,675	71,727	65,450
Supplies/Non-Capital Equipment				
Office Supplies	6,226	1,750	1,750	1,750
Technology Equipment	-	10,227	10,227	855
Operating Supplies	7,934	8,250	15,025	9,200
Leases/Rentals	-	400	-	-
Non-Capital Equipment	6,028	-	669	500
Fuel	5,291	5,000	5,000	5,000
Total Supplies/Non-Capital Equipment	25,480	25,627	32,671	17,305
Other Expenditures				
Food and Related Services	3,487	2,400	4,900	5,000
Sponsorships	-	1,647	3,020	2,663
Total Other Expenditures	3,487	4,047	7,920	7,663
Total Expenditures	\$ 1,928,626	\$ 1,800,063	\$ 1,719,907	\$ 1,905,520

Expenditure Detail

Patrol Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 2,448,494	\$ 2,628,816	\$ 2,110,551	\$ 2,999,166
Overtime	62,075	31,500	120,800	100,000
Medicare	33,203	37,940	33,682	43,160
Unemployment Insurance	3,732	7,852	5,276	8,935
Retirement Contributions	279,425	350,653	284,578	425,619
Medical Benefits	338,082	442,664	397,854	545,022
Life/Disability Benefits	14,099	18,936	16,780	21,687
Training/Registration	42,786	25,000	30,000	52,400
Dues/Fees	150	565	1,381	1,260
Mileage/Travel	277	10,000	5,000	8,000
Uniforms/Town Apparel	37,945	33,025	33,025	48,550
Total Personnel	3,260,270	3,586,951	3,038,927	4,253,799
Purchased Services				
Professional Services	4,799	1,315	1,315	5,628
Technical Services	15,032	51,460	51,950	97,645
General Services	47,396	155,123	157,308	246,409
Utility Services	27,191	24,754	26,859	26,904
Total Purchased Services	94,418	232,652	237,432	376,586
Supplies/Non-Capital Equipment				
Office Supplies	541	4,350	2,000	4,350
Technology Equipment	-	3,125	3,125	3,125
Operating Supplies	18,995	24,045	24,495	24,045
Leases/Rentals	4,600	4,500	3,200	5,000
Non-Capital Equipment	53,998	79,350	89,628	117,526
Fuel	69,858	64,000	64,000	64,000
Total Supplies/Non-Capital Equipment	147,992	179,370	186,448	218,046
Other Expenditures				
Food and Related Services	537	1,000	1,000	1,000
Total Other Expenditures	537	1,000	1,000	1,000
Total Expenditures	\$ 3,503,217	\$ 3,999,973	\$ 3,463,807	\$ 4,849,431

Expenditure Detail

Neighborhood/Community Services Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 8,647	\$ 81,199	\$ 77,690	\$ 97,367
Overtime	33	1,000	1,635	2,000
Medicare	197	131	1,113	1,412
Unemployment Insurance	24	28	146	292
Retirement Contributions	2,094	1,331	11,834	14,391
Medical Benefits	1,629	2,535	26,958	28,849
Life/Disability Benefits	68	72	664	783
Training/Registration	242	1,275	1,275	2,275
Dues/Fees	90	450	450	380
Mileage/Travel	-	750	300	750
Uniforms/Town Apparel	536	500	500	700
Total Personnel	13,561	89,271	122,565	149,199
Purchased Services				
Professional Services	-	-	300	-
Legal Services	37	-	-	-
Technical Services	20,382	252,400	272,400	50,000
Communication Services	-	400	-	400
General Services	2,620	40,583	40,583	75,600
Utility Services	2,544	2,388	1,937	2,004
Total Purchased Services	25,583	295,771	315,220	128,004
Supplies/Non-Capital Equipment				
Office Supplies	154	350	100	350
Technology Equipment	-	275	275	275
Operating Supplies	306	500	200	500
Non-Capital Equipment	717	-	920	500
Fuel	1,132	3,000	2,000	3,000
Total Supplies/Non-Capital Equipment	2,309	4,125	3,495	4,625
Total Expenditures	\$ 41,453	\$ 389,167	\$ 441,280	\$ 281,828

Police

David Angelo, Chief of Police

Department Description

The Firestone Police Department is a full service municipal law enforcement agency consisting of four primary divisions: Administration, Patrol, Community/Neighborhood Services and Investigations.

The different areas that make up our department are, patrol services, investigations, SRO program (School Resource Officer), and our civilian staff. Our team is trained and specialized in different areas to create a well-rounded unit, encompassing all the needs and levels of service for our community and ensuring that we are compliant with all state legislative requirements. We pride ourselves in everyone's commitment to training, learning, and operating with integrity. Neighborhood Services entails enforcement of the municipal code on private property primarily associated to nuisances in conjunction with the Firestone Urban Renewal Authority to address blight remediation of residential and commercial properties.

2024 Achievements

- Expanded employee wellness options
- Implemented a new property & evidence software (Evidence on Q)
- Implemented all phases of Axon camera system, which includes body worn cameras, tasers, in-car cameras, drones, video management software, and interview/interrogation rooms
- Trained four (4) new field evidence technicians in the appropriate techniques of documentation, collection, and tagging of crime scene evidence
- Recruited, hired, and trained a Digital Evidence Technician
- Promoted an internal candidate to the rank of Commander
- Implemented inaugural Citizens Police Academy
- Established a co-responder program with North Range Behavioral Health
- Implemented an active real time crime analysis function

Goals & Objectives

- Continue to recruit and hire quality applicants for open police officer positions (Strategic Goal #4)
- Continue to professionally develop and train our personnel in the latest technologies and best practices (Strategic Goal #4)
- Continue outreach to the community to further strengthen police/community relationships (Strategic Goal #4)
- Promote strategies which support partnerships and problem solving techniques to address crime, fear of crime, and quality of life issues (Strategic Goal #4)
- Leverage technology to be data driven on deployment of department resources (Strategic Goal #4)

Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
Calls for Service	#4	9,594	10,796	9,625	10,500
Incident Reports Processed	#4	1,210	1,283	1,350	1,450
# of Arrests	#4	381	394	492	500
# of Traffic Accidents Reported	#4	249	247	252	260
Municipal Summons Issued	#4	946	978	750	1,000

Expenditure Detail

Investigations Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 204,161	\$ 207,084	\$ 173,568	\$ 223,684
Overtime	1,730	2,200	1,083	3,000
Medicare	2,776	3,002	2,855	3,244
Unemployment Insurance	325	622	414	672
Retirement Contributions	24,689	27,749	27,243	31,986
Medical Benefits	40,654	50,530	50,864	55,390
Life/Disability Benefits	1,296	1,492	1,620	1,644
Training/Registration	1,604	1,500	750	3,000
Dues/Fees	65	115	160	210
Mileage/Travel	-	1,000	300	1,000
Uniforms/Town Apparel	103	750	750	1,050
Total Personnel	277,404	296,044	259,607	324,880
Purchased Services				
Professional Services	2,699	3,500	3,500	3,500
Technical Services	11,556	12,050	12,050	13,150
General Services	283	2,080	1,200	2,280
Utility Services	1,178	976	1,465	1,500
Total Purchased Services	15,716	18,606	18,215	20,430
Supplies/Non-Capital Equipment				
Office Supplies	56	350	350	350
Technology Equipment	-	275	275	275
Operating Supplies	10,253	5,700	3,000	5,700
Non-Capital Equipment	-	1,647	1,647	2,000
Fuel	7,279	6,000	6,000	6,000
Total Supplies/Non-Capital Equipment	17,589	13,972	11,272	14,325
Other Expenditures				
Food and Related Services	16	120	120	120
Total Other Expenditures	16	120	120	120
Total Expenditures	\$ 310,724	\$ 328,742	\$ 289,214	\$ 359,755

Water and Community Resources

Julie Pasillas, Director of Water and Community Resources

Department Description

The Water and Community Resources Department oversees the management of the Town's water resources and recreation facilities, as well as maintenance of parks, trails, trees, and open spaces. The Water and Community Resources Department is responsible for the capital improvements, maintenance, and repair of the Town's park and trails.

The Water and Community Resources Department operates within the General Fund and Water Fund, and handles projects within the Capital Projects and Conservation Trust Funds. The Water and Community Resources Department is organized into multiple divisions, which provide the means to allocate costs to appropriate service areas. Divisions within Water and Community Resources include Parks, Irrigation, Water Resources, Recreation and Forestry.

2024 Achievements

- Continued Soil and turf nutrients program
- Continued installation of remaining master valves at all Town irrigated properties
- Completed Safety and Equipment training for staff
- Continued implementation of the 2020-2050 Water Action Plan
- Completion of construction of the St. Vrain Water Treatment Plant, FAST Alluvial Well Field
- Firestone Reservoir #1 has remained filled with free river water
- FAST Alluvial Well Field, St. Vrain WTP Transmission Pipeline and St. Vrain Water Treatment Plant Injection Well in use
- Continued development of the Town's Water Portfolio
- Filing of 3 new water court cases
- Hiring of a Town Forester
- Hiring of a Recreation Field Coordinator

Goals & Objectives

- Continue native seed conversion at additional locations
- Continue Firestone Trail improvements
- Replace aged playground equipment at Prairie Ridge Park
- Establish and implement a tree replacement program
- Hart Park Ballfield renovation
- Administration of the recreations facilities programming
- Continue safety training and skill training for all staff
- Continue GIS efforts within all divisions of Water and Community Resources
- Continued development of the Town's Water Portfolio

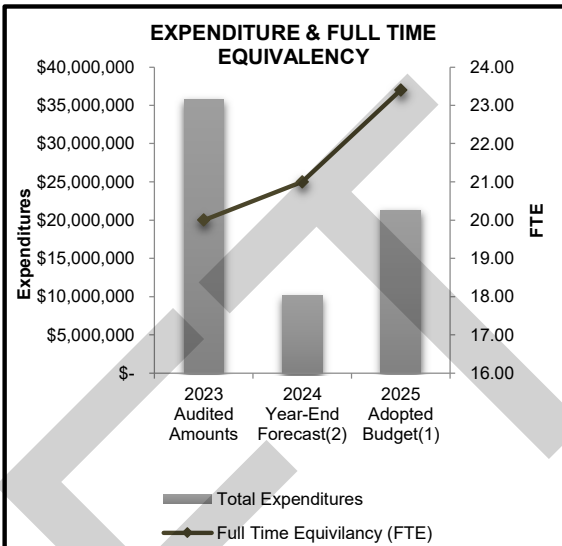
Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
Parks (# of park acres maintained)	#5	396.70	396.70	396.70	396.70
Trails (# of miles of trails maintained)	#5	25.83	26.30	28.65	28.65

Water & Community Resources

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 2,926,756	22.00
Capital Projects Fund	1,634,351	-
Conservation Trust Fund	100,000	-
Water Fund	16,675,929	1.40
Total	\$ 21,337,036	23.40

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 177,954	1.90
Park Operations	1,924,966	14.70
Irrigation	597,032	4.00
Recreation	226,804	1.40
Water Resources	16,675,929	1.40
Capital Improvement Projects	1,734,351	-
Total	\$ 21,337,036	23.40



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget ⁽¹⁾ *	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)*	20.00	20.50	21.00	23.40
Expenditures:				
Personnel	\$ 1,769,812	\$ 2,193,168	\$ 1,611,156	\$ 2,230,141
Purchased Services	3,670,348	5,558,985	4,664,612	7,096,376
Supplies/Non-Capital Equipment	391,103	584,400	508,262	693,184
Capital Outlay	29,936,279	5,673,425	3,349,754	11,271,585
Other Expenditures	20,796	35,950	34,950	45,750
Total Expenditures	\$ 35,788,339	\$ 14,045,928	\$ 10,168,734	\$ 21,337,036

⁽¹⁾ Number of Positions Budgeted

⁽²⁾ Number of Positions Filled

* Amounts include budget amendments made to the 2024 adopted budget

Expenditure Detail

Water & Community Resources Department - All Funds

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 1,311,840	\$ 1,563,002	\$ 1,097,999	\$ 1,574,368
Overtime	11,793	18,000	11,767	22,500
Medicare	17,693	22,664	21,128	26,790
Unemployment Insurance	1,868	4,684	2,596	4,983
Retirement Contributions	186,113	230,700	188,757	247,615
Medical Benefits	190,430	272,651	221,374	270,508
Life/Disability Benefits	8,719	11,817	9,835	12,092
Training/Registration	21,257	34,250	27,000	33,000
Dues/Fees	4,931	10,500	9,000	15,310
Mileage/Travel	18	900	700	5,450
Uniforms/Town Apparel	15,151	24,000	21,000	17,525
Total Personnel	1,769,812	2,193,168	1,611,156	2,230,141
Purchased Services				
Professional Services	606,033	712,350	417,940	887,368
Legal Services	576,587	475,000	542,526	695,000
Consulting Services	17,993	42,500	33,000	41,000
Technical Services	62,057	26,500	16,012	410,425
Communication Services	1,709	11,700	6,000	12,150
General Services	686,437	620,000	567,000	661,500
Utility Services	40,349	40,935	42,793	49,021
Water Treatments and Tap Fees	1,679,184	3,630,000	3,039,341	4,339,912
Total Purchased Services	3,670,348	5,558,985	4,664,612	7,096,376
Supplies/Non-Capital Equipment				
Office Supplies	3,901	7,000	5,250	4,500
Technology Equipment	1,301	150	12	150
Operating Supplies	51,688	75,000	62,500	96,700
Leases/Rentals	5,006	20,000	18,500	43,000
Repairs/Maintenance	275,284	370,000	330,000	413,434
Non-Capital Equipment	14,711	56,500	50,500	73,900
Fuel	39,212	55,750	41,500	61,500
Total Supplies/Non-Capital Equipment	391,103	584,400	508,262	693,184
Capital Outlay				
Property/Rights	2,378,956	-	1,000,000	-
Capital Equipment	-	-	196,587	100,000
Capital Improvement Projects	27,557,323	5,673,425	2,153,167	11,171,585
Total Capital Outlay	29,936,279	5,673,425	3,349,754	11,271,585
Other Expenditures				
Food and Related Services	3,157	3,950	3,950	3,750
Conservation Program	15,736	25,000	25,000	39,000
Other	1,903	7,000	6,000	3,000
Total Other Expenditures	20,796	35,950	34,950	45,750
Total Expenditures	\$ 35,788,339	\$ 14,045,928	\$ 10,168,734	\$ 21,337,036

Expenditure Detail

Water & Community Resources Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 1,168,978	\$ 1,365,905	\$ 937,186	\$ 1,370,845
Overtime	8,935	15,000	10,221	19,500
Medicare	15,824	19,807	14,804	21,128
Unemployment Insurance	1,672	4,093	2,215	4,372
Retirement Contributions	166,174	201,608	155,908	215,378
Medical Benefits	171,105	244,275	193,239	239,740
Life/Disability Benefits	7,902	10,613	8,520	10,439
Training/Registration	19,139	32,000	24,000	30,750
Dues/Fees	2,739	8,500	7,000	13,310
Mileage/Travel	18	750	600	5,300
Uniforms/Town Apparel	15,151	23,500	20,500	16,925
Total Personnel	1,577,636	1,926,051	1,374,193	1,947,687
Purchased Services				
Professional Services	-	5,000	2,500	33,000
Legal Services	74	-	-	-
Consulting Services	813	17,500	8,000	16,000
Technical Services	12,054	26,500	16,000	25,364
Communication Services	1,037	3,700	2,500	4,150
General Services	119,092	134,000	122,000	153,500
Utility Services	40,349	40,935	42,793	49,021
Total Purchased Services	173,419	227,635	193,793	281,035
Supplies/Non-Capital Equipment				
Office Supplies	3,523	6,000	4,250	4,000
Technology Equipment	1,294	-	-	-
Operating Supplies	51,688	75,000	62,500	96,700
Leases/Rentals	5,006	20,000	18,500	43,000
Repairs/Maintenance	275,273	370,000	330,000	413,434
Non-Capital Equipment	14,711	56,500	50,500	73,900
Fuel	39,212	55,000	41,000	61,000
Total Supplies/Non-Capital Equipment	390,705	582,500	506,750	692,034
Capital Outlay				
Capital Equipment	-	-	196,587	-
Total Capital Outlay	-	-	196,587	-
Other Expenditures				
Food and Related Services	2,864	3,700	3,700	3,500
Other	1,700	6,000	5,000	2,500
Total Other Expenditures	4,565	9,700	8,700	6,000
Total Expenditures	\$ 2,146,325	\$ 2,745,886	\$ 2,280,023	\$ 2,926,756

Expenditure Detail

Administration Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 194,051	\$ 202,723	\$ 76,886	\$ 34,284
Overtime	549	1,000	674	1,000
Medicare	2,557	2,939	1,233	1,749
Unemployment Insurance	277	608	370	362
Retirement Contributions	26,644	29,922	12,163	17,834
Medical Benefits	22,694	30,960	10,965	23,004
Life/Disability Benefits	1,197	1,574	553	981
Training/Registration	3,938	4,000	3,000	2,250
Dues/Fees	1,036	1,500	1,500	1,000
Mileage/Travel	-	250	200	250
Uniforms/Town Apparel	1,404	1,500	1,500	300
Total Personnel	254,347	276,976	109,044	83,014
Purchased Services				
Technical Services	3,149	4,000	3,500	4,500
Communication Services	1,037	2,700	2,000	1,250
General Services	89,666	75,000	62,000	65,000
Utility Services	2,959	2,825	2,886	2,940
Total Purchased Services	96,811	84,525	70,386	73,690
Supplies/Non-Capital Equipment				
Office Supplies	2,785	4,000	3,000	2,000
Operating Supplies	7,228	15,000	12,500	11,000
Non-Capital Equipment	4,044	6,500	500	6,500
Fuel	2,700	5,000	1,000	1,000
Total Supplies/Non-Capital Equipment	16,757	30,500	17,000	20,500
Other Expenditures				
Food and Related Services	548	1,000	1,000	250
Other	752	2,000	2,000	500
Total Other Expenditures	1,301	3,000	3,000	750
Total Expenditures	\$ 369,216	\$ 395,001	\$ 199,430	\$ 177,954

Expenditure Detail

Parks Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 724,041	\$ 895,533	\$ 623,509	\$ 955,872
Overtime	5,542	10,000	6,964	12,000
Medicare	9,915	12,987	9,978	13,859
Unemployment Insurance	1,038	2,683	1,358	2,868
Retirement Contributions	104,166	132,181	103,556	141,277
Medical Benefits	106,066	161,458	126,738	145,614
Life/Disability Benefits	4,896	6,959	5,767	6,538
Training/Registration	6,644	22,000	15,000	21,000
Dues/Fees	903	2,000	2,000	6,500
Mileage/Travel	18	250	250	4,000
Uniforms/Town Apparel	10,647	17,000	15,000	12,250
Total Personnel	973,876	1,263,051	910,120	1,321,778
Purchased Services				
Professional Services	-	-	-	28,000
Legal Services	74	-	-	-
Consulting Services	813	7,500	3,000	7,500
Technical Services	2,529	13,500	10,000	3,600
Communication Services	-	1,000	500	1,500
General Services	29,309	50,000	50,000	68,000
Utility Services	31,401	33,134	34,439	39,804
Total Purchased Services	64,125	105,134	97,939	148,404
Supplies/Non-Capital Equipment				
Office Supplies	449	1,000	1,000	1,000
Operating Supplies	30,204	30,000	25,000	47,200
Leases/Rentals	5,006	15,000	15,000	33,000
Repairs and Maintenance	222,093	270,000	250,000	303,434
Non-Capital Equipment	10,667	50,000	50,000	22,400
Fuel	26,820	35,000	30,000	45,000
Total Supplies/Non-Capital Equipment	295,239	401,000	371,000	452,034
Capital Outlay				
Capital Equipment	-	-	196,587	-
Total Capital Outlay	-	-	196,587	-
Other Expenditures				
Food and Related Services	1,659	1,500	1,500	1,750
Other	430	2,000	2,000	1,000
Total Other Expenditures	2,089	3,500	3,500	2,750
Total Expenditures	\$ 1,335,329	\$ 1,772,685	\$ 1,579,146	\$ 1,924,966

Expenditure Detail

Irrigation Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 250,886	\$ 267,649	\$ 236,791	\$ 278,373
Overtime	2,845	4,000	2,583	5,000
Medicare	3,352	3,881	3,593	4,036
Unemployment Insurance	357	802	487	835
Retirement Contributions	35,363	39,505	40,189	41,145
Medical Benefits	42,344	51,857	55,536	63,034
Life/Disability Benefits	1,808	2,080	2,200	2,262
Training/Registration	8,557	6,000	6,000	6,000
Dues/Fees	800	5,000	3,500	4,310
Mileage/Travel	-	250	150	250
Uniforms/Town Apparel	3,100	5,000	4,000	3,500
Total Personnel	349,413	386,024	355,029	408,745
Purchased Services				
Professional Services	-	5,000	2,500	5,000
Consulting Services	-	10,000	5,000	8,500
Technical Services	6,376	9,000	2,500	9,264
General Services	118	9,000	10,000	10,500
Utility Services	5,989	4,976	5,468	5,773
Total Purchased Services	12,483	37,976	25,468	39,037
Supplies/Non-Capital Equipment				
Office Supplies	289	1,000	250	500
Technology Equipment	1,294	-	-	-
Operating Supplies	14,255	30,000	25,000	24,500
Leases/Rentals	-	5,000	3,500	5,000
Repairs and Maintenance	53,179	100,000	80,000	100,000
Non-Capital Equipment	-	-	-	5,000
Fuel	9,692	15,000	10,000	13,000
Total Supplies/Non-Capital Equipment	78,710	151,000	118,750	148,000
Other Expenditures				
Food and Related Services	657	1,200	1,200	750
Other	518	2,000	1,000	500
Total Other Expenditures	1,175	3,200	2,200	1,250
Total Expenditures	\$ 441,780	\$ 578,200	\$ 501,447	\$ 597,032

Expenditure Detail

Recreation Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ -	\$ -	\$ -	\$ 102,316
Overtime	-	-	-	1,500
Medicare	-	-	-	1,484
Unemployment Insurance	-	-	-	307
Retirement Contributions	-	-	-	15,122
Medical Benefits	-	-	-	8,088
Life/Disability Benefits	-	-	-	658
Training/Registration	-	-	-	1,500
Dues/Fees	-	-	-	1,500
Mileage/Travel	-	-	-	800
Uniforms/Town Apparel	-	-	-	875
Total Personnel	-	-	-	134,150
Purchased Services				
Technical Services	-	-	-	8,000
Communication Services	-	-	-	1,400
General Services	-	-	-	10,000
Utility Services	-	-	-	504
Total Purchased Services	-	-	-	19,904
Supplies/Non-Capital Equipment				
Office Supplies	-	-	-	500
Operating Supplies	-	-	-	14,000
Leases/Rentals	-	-	-	5,000
Repairs and Maintenance	-	-	-	10,000
Non-Capital Equipment	-	-	-	40,000
Fuel	-	-	-	2,000
Total Supplies/Non-Capital Equipment	-	-	-	71,500
Other Expenditures				
Food and Related Services	-	-	-	750
Other	-	-	-	500
Total Other Expenditures	-	-	-	1,250
Total Expenditures	\$ -	\$ -	\$ -	\$ 226,804

Expenditure Detail

Water & Community Resources Department - Capital Projects Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Capital Outlay				
Capital Improvement Projects	\$ 1,908,949	\$ 583,244	\$ 365,814	\$ 1,634,351
Total Capital Outlay	1,908,949	583,244	365,814	1,634,351
Total Expenditures	\$ 1,908,949	\$ 583,244	\$ 365,814	\$ 1,634,351

Water & Community Resources Department - Conservation Trust Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Capital Outlay				
Capital Equipment	\$ -	\$ -	\$ -	\$ 100,000
Capital Improvement Projects	167,666	145,000	145,000	-
Total Capital Outlay	167,666	145,000	145,000	100,000
Total Expenditures	\$ 167,666	\$ 145,000	\$ 145,000	\$ 100,000

Expenditure Detail

Water & Community Resources Department - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 142,862	\$ 197,097	\$ 160,813	\$ 203,523
Overtime	2,858	3,000	1,546	3,000
Medicare	1,869	2,857	6,324	5,662
Unemployment Insurance	196	591	381	611
Retirement Contributions	19,939	29,092	32,849	32,237
Medical Benefits	19,325	28,376	28,135	30,768
Life/Disability Benefits	818	1,204	1,315	1,653
Training/Registration	2,118	2,250	3,000	2,250
Dues/Fees	2,192	2,000	2,000	2,000
Mileage/Travel	-	150	100	150
Uniforms/Town Apparel	-	500	500	600
Total Personnel	192,176	267,117	236,963	282,454
Purchased Services				
Professional Services	606,033	707,350	415,440	854,368
Legal Services	576,513	475,000	542,526	695,000
Consulting Services	17,180	25,000	25,000	25,000
Technical Services	50,003	-	12	385,061
Communication Services	672	8,000	3,500	8,000
General Services	567,344	486,000	445,000	508,000
Water Treatments and Tap Fees	1,679,184	3,630,000	3,039,341	4,339,912
Total Purchased Services	3,496,929	5,331,350	4,470,819	6,815,341
Supplies/Non-Capital Equipment				
Office Supplies	378	1,000	1,000	500
Technology Equipment	8	150	12	150
Repairs and Maintenance	11	-	-	-
Fuel	-	750	500	500
Total Supplies/Non-Capital Equipment	398	1,900	1,512	1,150
Capital Outlay				
Water Rights	2,378,956	-	1,000,000	-
Capital Improvement Projects	25,480,708	4,945,181	1,642,353	9,537,234
Total Capital Outlay	27,859,664	4,945,181	2,642,353	9,537,234
Other Expenditures				
Food and Related Services	293	250	250	250
Conservation Program	15,736	25,000	25,000	39,000
Other	202	1,000	1,000	500
Total Other Expenditures	16,232	26,250	26,250	39,750
Total Expenditures	\$ 31,565,399	\$ 10,571,798	\$ 7,377,897	\$ 16,675,929

Engineering & Utilities

Matt Wiederspahn, P.E., Director of Engineering & Utilities

Department Description

The Department of Engineering and Utilities is responsible for the design, review, and construction oversight of infrastructure within the Town and the operation and maintenance of utilities used, owned, and enjoyed by the public.

The Utilities Division includes Water Operations, Stormwater Operations, Fleet, and Street Maintenance.

The Engineering Division is responsible for the design review of infrastructure for new developments, Capital Improvement Program (CIP) project management, construction oversight of infrastructure within the Town Right-of-Way, GIS data and mapping management, and Municipal Separate Storm Sewer System (MS4) permit oversight and management.

2024 Achievements

- Completed capital improvement construction projects managed in-house: Historic Firestone Waterline and Road Replacement Phases 3, Neighbor's Point Traffic Study, and St. Vrain River Pedestrian Bridge Feasibility Study.
- Continued or started several design projects including Potable Water Master Plan, WCR 20 Bridge Replacement, WCR 26 Bridge Replacement, and Firestone Blvd & I-25 Interchange Improvements
- Performed inspections of numerous development projects such as Denmore, Barefoot Lakes, Firestone City Center North
- Continued refining the Right-of-Way permit review and issuance process for quicker approvals and permit issuance
- Completed the 2024 Pavement Maintenance Project
- Performed numerous crack seal repairs as part of 2024 crack seal program

Goals & Objectives

- Complete the Potable Water Master Plan (Strategic Goals #1 & #6)
- Refine and streamline the construction inspection process in-house (Strategic Goal #1)
- Complete various 2024 capital improvement projects (Strategic Goals #1 & #6)
- Continue to reduce the usage of consultants for day-to-day engineering and GIS-related tasks (Strategic Goal #2)
- Issue public improvement permits for the construction of development related infrastructure (Strategic Goals #1, #2 & #6)
- Complete the Historic Firestone Waterline and Road Replacement Phase 4 Project (Strategic Goal #1)
- Continue stabilization of gravel roads to reduce maintenance frequency. (Strategic Goal #1)
- Complete the 2025 pavement maintenance project. (Strategic Goal #1)
- Continue the Town's crack seal program. (Strategic Goal #1)
- Continue cleanout and maintenance of drainage ways, ponds, culverts, and inlets (Strategic Goal #1 & #5)

Activity Measures

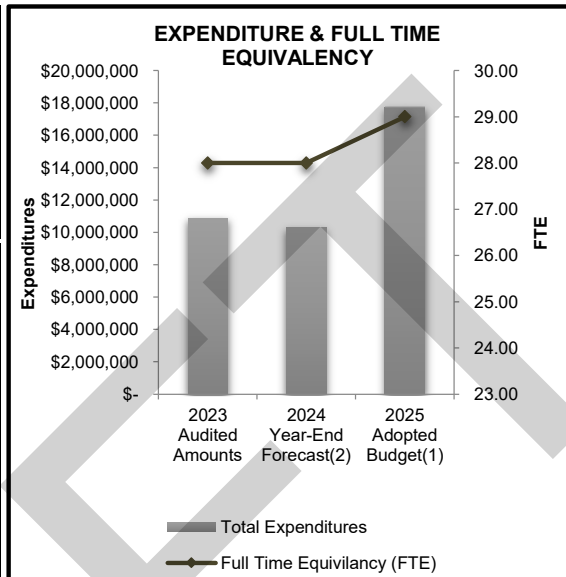
Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
Number of Right of Way Permits Issued	#1 & #2	70	83	120	100
Value of Issued Public Completed Capital Projects	#1, #2 & #6	\$80,000	\$420,000	\$300,000	\$300,000
Water Distribution System*	#1	66.8	103.47	103.47	125
Storm Drainage System*	#1 & #5	21.40	23.15	23.15	25
Roadway Network*	#1	112.5	112.5	112.5	130

* # of miles

Engineering & Utilities

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 3,316,134	16.20
Capital Projects Fund	6,784,858	-
Water Fund	6,298,959	8.18
Stormwater Fund	1,322,358	4.62
Total	\$ 17,722,309	29.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 2,560,663	8.00
GIS	137,136	1.00
Fleet	1,433,967	2.00
Streets	1,390,426	8.00
Capital Improvement Projects	6,784,858	-
Water Operations	4,643,553	7.00
Stormwater Operations	771,706	3.00
Total	\$ 17,722,309	29.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget ⁽¹⁾ *	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)*	28.00	28.00	28.00	29.00
Expenditures:				
Personnel	\$ 2,393,786	\$ 2,562,068	\$ 2,188,656	\$ 2,967,156
Purchased Services	1,147,008	1,278,371	1,150,689	922,615
Supplies/Non-Capital Equipment	3,722,877	1,990,850	1,594,575	2,121,775
Capital Outlay	3,619,529	8,061,845	5,330,026	11,696,108
Other Expenditures	5,495	14,655	8,655	14,655
Total Expenditures	\$ 10,888,696	\$ 13,907,789	\$ 10,272,601	\$ 17,722,309

⁽¹⁾ Number of Positions Budgeted

⁽²⁾ Number of Positions Filled

* Amounts include budget amendments made to the 2024 adopted budget

Expenditure Detail

Engineering & Utilities Department - All Funds

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 1,721,047	\$ 1,738,418	\$ 1,403,289	\$ 2,021,793
Overtime	50,665	79,500	69,456	81,000
Stipend	420	390	432	390
Medicare	23,475	26,506	24,902	29,314
Unemployment Insurance	2,508	5,483	3,136	6,065
Retirement Contributions	248,557	269,746	260,841	298,819
Medical Benefits	283,309	354,805	348,263	432,621
Life/Disability Benefits	11,861	14,185	14,212	16,419
Training/Registration	24,290	38,415	32,415	40,215
Dues/Fees	5,519	12,500	8,900	11,000
Mileage/Travel	3,797	1,720	1,970	7,120
Uniforms/Town Apparel	18,338	20,400	20,840	22,400
Total Personnel	2,393,786	2,562,068	2,188,656	2,967,156
Purchased Services				
Professional Services	352,924	487,000	462,500	63,600
Legal Services	278	3,700	330	3,700
Technical Services	150,289	317,660	202,000	321,500
Communication Services	3,618	7,500	7,500	7,500
General Services	104,320	287,000	258,520	302,500
Utility Services	535,580	175,511	219,839	223,815
Total Purchased Services	1,147,008	1,278,371	1,150,689	922,615
Supplies/Non-Capital Equipment				
Office Supplies	2,712	6,650	5,850	6,650
Technology Equipment	8,362	27,500	10,100	27,500
Operating Supplies	120,287	227,000	115,925	226,325
Leases/Rentals	731,830	655,000	585,000	861,600
Repairs/Maintenance	2,395,530	585,000	600,000	660,000
Non-Capital Equipment	370,228	379,800	177,800	229,800
Fuel	93,928	109,900	99,900	109,900
Total Supplies/Non-Capital Equipment	3,722,877	1,990,850	1,594,575	2,121,775
Capital Outlay				
Capital Improvement Projects	3,520,719	7,636,834	4,358,015	11,506,108
Total Capital Outlay	3,619,529	8,061,845	5,330,026	11,696,108
Other Expenditures				
Food and Related Services	4,355	6,155	4,155	6,155
Other	1,141	8,500	4,500	8,500
Total Other Expenditures	5,495	14,655	8,655	14,655
Total Expenditures	\$ 10,888,696	\$ 13,907,789	\$ 10,272,601	\$ 17,722,309

Expenditure Detail

Engineering & Utilities Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 821,333	\$ 833,261	\$ 785,533	\$ 998,451
Overtime	29,570	46,350	37,108	47,850
Stipend	270	180	208	180
Medicare	11,429	12,085	12,484	14,476
Unemployment Insurance	1,219	2,501	1,567	2,994
Retirement Contributions	121,240	122,989	131,134	147,571
Medical Benefits	135,762	163,154	173,266	210,544
Life/Disability Benefits	5,551	6,457	7,269	8,097
Training/Registration	8,120	16,300	13,300	16,300
Dues/Fees	3,134	5,150	5,050	5,150
Mileage/Travel	665	1,000	650	3,400
Uniforms/Town Apparel	8,509	10,280	10,600	11,520
Total Personnel	1,146,802	1,219,707	1,178,169	1,466,533
Purchased Services				
Professional Services	3,099	35,400	20,400	30,000
Legal Services	37	620	250	620
Technical Services	24,605	47,660	40,000	46,000
General Services	70,566	167,000	163,500	173,500
Utility Services	94,848	99,753	103,736	104,496
Total Purchased Services	193,154	350,433	327,886	354,616
Supplies/Non-Capital Equipment				
Office Supplies	1,640	3,600	2,800	3,600
Technology Equipment	3,514	4,200	4,200	4,200
Operating Supplies	91,414	155,350	75,350	155,350
Leases/Rentals	731,830	620,000	565,000	826,600
Repairs/Maintenance	363,707	395,000	375,000	410,000
Non-Capital Equipment	26,256	24,500	24,500	24,500
Fuel	64,113	64,300	54,300	64,300
Total Supplies/Non-Capital Equipment	1,282,473	1,266,950	1,101,150	1,488,550
Capital Outlay				
Capital Equipment	68,518	-	547,000	-
Total Capital Outlay	68,518	-	547,000	-
Other Expenditures				
Food and Related Services	1,754	2,435	1,935	2,435
Other	405	4,000	2,500	4,000
Total Other Expenditures	2,159	6,435	4,435	6,435
Total Expenditures	\$ 2,693,107	\$ 2,843,525	\$ 3,158,640	\$ 3,316,134

Expenditure Detail

Administration Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 154,610	\$ 116,202	\$ 176,697	\$ 271,225
Overtime	1	350	261	350
Stipend	135	75	103	75
Medicare	2,044	1,686	2,597	3,933
Unemployment Insurance	217	348	210	813
Retirement Contributions	22,005	17,151	27,326	40,087
Medical Benefits	24,056	18,866	34,497	49,740
Life/Disability Benefits	922	905	1,337	2,207
Training/Registration	344	1,000	1,000	1,000
Dues/Fees	1,052	1,200	1,200	1,200
Mileage/Travel	-	500	250	500
Uniforms/Town Apparel	853	280	600	1,400
Total Personnel	206,239	158,563	246,078	372,530
Purchased Services				
Professional Services	3,058	30,000	15,000	25,000
Legal Services	-	500	250	500
Technical Services	-	10,000	5,000	10,000
General Services	-	10,000	5,000	10,000
Utility Services	2,464	1,952	1,953	1,968
Total Purchased Services	5,522	52,452	27,203	47,468
Supplies/Non-Capital Equipment				
Office Supplies	153	700	350	700
Technology Equipment	378	1,000	1,000	1,000
Operating Supplies	-	350	350	350
Non-Capital Equipment	-	500	500	500
Fuel	1,714	1,300	1,300	1,300
Total Supplies/Non-Capital Equipment	2,245	3,850	3,500	3,850
Other Expenditures				
Food and Related Services	148	315	315	315
Total Other Expenditures	148	315	315	315
Total Expenditures	\$ 214,153	\$ 215,180	\$ 277,096	\$ 424,163

Expenditure Detail

GIS Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 33,094	\$ 35,170	\$ 31,178	\$ 36,928
Stipend	135	105	105	105
Medicare	429	511	520	535
Unemployment Insurance	47	106	64	111
Retirement Contributions	4,722	5,191	5,517	5,458
Medical Benefits	6,999	8,696	8,715	9,426
Life/Disability Benefits	226	274	671	301
Training/Registration	1,805	300	300	300
Dues/Fees	514	150	150	150
Mileage/Travel	665	-	150	2,300
Uniforms/Town Apparel	133	-	-	120
Total Personnel	48,769	50,503	47,370	55,734
Purchased Services				
Professional Services	41	5,400	5,400	5,000
Legal Services	-	120	-	120
Technical Services	-	6,000	3,000	4,000
General Services	108	-	-	-
Utility Services	480	480	480	504
Total Purchased Services	628	12,000	8,880	9,624
Supplies/Non-Capital Equipment				
Office Supplies	138	900	450	900
Technology Equipment	2,991	1,200	1,200	1,200
Total Supplies/Non-Capital Equipment	3,128	2,100	1,650	2,100
Other Expenditures				
Food and Related Services	9	120	120	120
Total Other Expenditures	9	120	120	120
Total Expenditures	\$ 52,534	\$ 64,723	\$ 58,020	\$ 67,578

Expenditure Detail

Fleet Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 164,053	\$ 170,069	\$ 156,290	\$ 174,087
Overtime	4,077	6,000	9,021	7,500
Medicare	2,142	2,466	2,339	2,524
Unemployment Insurance	224	511	311	522
Retirement Contributions	23,781	25,102	25,910	25,730
Medical Benefits	31,961	39,412	38,575	42,730
Life/Disability Benefits	1,138	1,299	1,411	1,390
Training/Registration	1,672	3,000	2,000	3,000
Dues/Fees	596	600	500	600
Mileage/Travel	-	250	-	300
Uniforms/Town Apparel	1,619	2,000	2,000	2,000
Total Personnel	231,265	250,709	238,357	260,383
Purchased Services				
Technical Services	15,712	16,000	16,000	16,000
General Services	96	2,000	3,500	3,500
Utility Services	1,122	976	977	984
Total Purchased Services	16,930	18,976	20,477	20,484
Supplies/Non-Capital Equipment				
Office Supplies	335	1,000	1,000	1,000
Technology Equipment	145	2,000	2,000	2,000
Operating Supplies	20,508	25,000	25,000	25,000
Leases/Rentals	736,495	600,000	550,000	806,600
Repairs and Maintenance	268,025	285,000	285,000	300,000
Non-Capital Equipment	17,602	14,000	14,000	14,000
Fuel	2,382	3,000	3,000	3,000
Total Supplies/Non-Capital Equipment	1,045,492	930,000	880,000	1,151,600
Capital Outlay				
Capital Equipment	-	-	102,000	-
Total Capital Outlay	-	-	102,000	-
Other Expenditures				
Food and Related Services	438	500	500	500
Other	202	1,000	1,000	1,000
Total Other Expenditures	640	1,500	1,500	1,500
Total Expenditures	\$ 1,294,327	\$ 1,201,185	\$ 1,242,334	\$ 1,433,967

Expenditure Detail

Streets Division - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 469,575	\$ 511,820	\$ 421,368	\$ 516,211
Overtime	25,492	40,000	27,826	40,000
Medicare	6,813	7,422	7,028	7,484
Unemployment Insurance	731	1,536	982	1,548
Retirement Contributions	70,733	75,545	72,381	76,296
Medical Benefits	72,746	96,180	91,479	108,648
Life/Disability Benefits	3,264	3,979	3,850	4,199
Training/Registration	4,299	12,000	10,000	12,000
Dues/Fees	972	3,200	3,200	3,200
Mileage/Travel	-	250	250	300
Uniforms/Town Apparel	5,904	8,000	8,000	8,000
Total Personnel	660,530	759,932	646,364	777,886
Purchased Services				
Legal Services	37	-	-	-
Technical Services	8,893	15,660	16,000	16,000
General Services	70,362	155,000	155,000	160,000
Utility Services	90,783	96,345	100,326	101,040
Total Purchased Services	170,075	267,005	271,326	277,040
Supplies/Non-Capital Equipment				
Office Supplies	1,015	1,000	1,000	1,000
Operating Supplies	24,370	40,000	30,000	40,000
Operating Supplies - Chemicals	46,536	90,000	20,000	90,000
Leases/Rentals	(4,665)	20,000	15,000	20,000
Repairs and Maintenance	95,682	110,000	90,000	110,000
Non-Capital Equipment	8,654	10,000	10,000	10,000
Fuel	60,017	60,000	50,000	60,000
Total Supplies/Non-Capital Equipment	231,608	331,000	216,000	331,000
Capital Outlay				
Capital Equipment	68,518	-	445,000	-
Total Capital Outlay	68,518	-	445,000	-
Other Expenditures				
Food and Related Services	1,159	1,500	1,000	1,500
Other	202	3,000	1,500	3,000
Total Other Expenditures	1,362	4,500	2,500	4,500
Total Expenditures	\$ 1,132,092	\$ 1,362,437	\$ 1,581,190	\$ 1,390,426

Expenditure Detail

Engineering & Utilities Department - Capital Projects Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Supplies/Non-Capital Equipment				
Repairs and Maintenance	\$ 1,968,145	-	-	-
Total Supplies/Non-Capital Equipment	1,968,145	-	-	-
Capital Outlay				
Capital Improvement Projects	\$ 2,255,039	\$ 5,554,623	\$ 2,854,214	\$ 6,784,858
Total Capital Outlay	2,255,039	5,554,623	2,854,214	6,784,858
Total Expenditures	\$ 4,223,184	\$ 5,554,623	\$ 2,854,214	\$ 6,784,858

Expenditure Detail

Engineering & Utilities Department - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 499,862	\$ 546,050	\$ 353,000	\$ 604,988
Overtime	14,030	18,075	19,993	18,075
Stipend	75	105	105	105
Medicare	6,747	7,920	7,302	8,772
Unemployment Insurance	722	1,637	868	1,815
Retirement Contributions	70,690	80,597	76,276	89,416
Medical Benefits	80,615	99,508	103,151	132,872
Life/Disability Benefits	3,400	4,244	4,101	4,917
Training/Registration	6,148	14,300	14,300	14,300
Dues/Fees	357	2,150	1,150	2,150
Mileage/Travel	222	360	760	1,410
Uniforms/Town Apparel	6,925	7,060	7,120	7,340
Total Personnel	689,791	782,006	588,126	886,160
Purchased Services				
Professional Services	349,812	443,800	438,800	26,800
Legal Services	-	40	40	40
Technical Services	83,146	187,000	101,000	186,000
Communication Services	3,618	4,000	4,000	4,000
General Services	9,097	40,000	20,010	45,000
Utility Services	436,727	70,818	112,758	115,224
Total Purchased Services	882,401	745,658	676,608	377,064
Supplies/Non-Capital Equipment				
Office Supplies	843	1,750	1,750	1,750
Technology Equipment	1,326	22,600	5,200	22,600
Operating Supplies	15,335	50,075	30,075	50,075
Leases/Rentals	-	5,000	5,000	5,000
Repairs/Maintenance	45,937	140,000	200,000	225,000
Non-Capital Equipment	341,349	350,150	150,150	200,150
Fuel	17,554	25,300	25,300	25,300
Total Supplies/Non-Capital Equipment	422,344	594,875	417,475	529,875
Capital Outlay				
Capital Equipment	18,059	351,011	351,011	95,000
Capital Improvement Projects	1,195,753	1,726,123	1,362,713	4,406,250
Total Capital Outlay	1,213,811	2,077,134	1,713,724	4,501,250
Other Expenditures				
Food and Related Services	1,306	2,110	1,110	2,110
Other	411	2,500	1,000	2,500
Total Other Expenditures	1,718	4,610	2,110	4,610
Total Expenditures	\$ 3,210,063	\$ 4,204,283	\$ 3,398,043	\$ 6,298,959

Expenditure Detail

Administration Division - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 85,096	\$ 78,821	\$ 56,710	\$ 124,740
Overtime	5	75	75	75
Stipend	30	45	45	45
Medicare	1,127	1,144	1,027	1,808
Unemployment Insurance	110	236	143	375
Retirement Contributions	11,632	11,634	10,946	18,436
Medical Benefits	13,493	13,710	13,735	22,477
Life/Disability Benefits	524	613	523	1,016
Training/Registration	70	200	200	200
Dues/Fees	50	100	100	100
Mileage/Travel	-	110	110	110
Uniforms/Town Apparel	194	60	120	300
Total Personnel	112,331	106,748	83,734	169,682
Purchased Services				
Professional Services	-	10,000	5,000	25,000
Total Purchased Services	-	10,000	5,000	25,000
Supplies/Non-Capital Equipment				
Office Supplies	9	150	150	150
Technology Equipment	81	200	200	200
Operating Supplies	-	75	75	75
Non-Capital Equipment	-	150	150	150
Fuel	350	300	300	300
Total Supplies/Non-Capital Equipment	440	875	875	875
Capital Outlay				
Capital Improvement Projects	1,162,371	1,400,983	1,075,983	1,425,000
Total Capital Outlay	1,162,371	1,400,983	1,075,983	1,425,000
Other Expenditures				
Food and Related Services	32	70	70	70
Total Other Expenditures	32	70	70	70
Total Expenditures	\$ 1,275,174	\$ 1,518,676	\$ 1,165,662	\$ 1,620,627

Expenditure Detail

GIS Division - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 19,241	\$ 20,097	\$ 14,763	\$ 21,102
Stipend	45	60	60	60
Medicare	245	292	273	306
Unemployment Insurance	27	60	36	63
Retirement Contributions	2,687	2,966	2,901	3,119
Medical Benefits	3,980	4,969	4,959	5,387
Life/Disability Benefits	128	157	154	172
Training/Registration	602	100	100	100
Dues/Fees	20	50	50	50
Mileage/Travel	222	-	400	1,000
Uniforms/Town Apparel	44	-	-	40
Total Personnel	27,241	28,751	23,696	31,399
Purchased Services				
Professional Services	14	1,800	1,800	1,800
Legal Services	-	40	40	40
Technical Services	-	2,000	1,000	1,000
General Services	16	-	10	-
Total Purchased Services	30	3,840	2,850	2,840
Supplies/Non-Capital Equipment				
Office Supplies	9	100	100	100
Technology Equipment	1,000	400	-	400
Total Supplies/Non-Capital Equipment	1,009	500	100	500
Other Expenditures				
Food and Related Services	3	40	40	40
Total Other Expenditures	3	40	40	40
Total Expenditures	\$ 28,283	\$ 33,131	\$ 26,686	\$ 34,779

Expenditure Detail

Water Operations Division - Water Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 395,525	\$ 447,132	\$ 281,527	\$ 459,146
Overtime	14,025	18,000	19,918	18,000
Medicare	5,374	6,484	6,002	6,658
Unemployment Insurance	585	1,341	689	1,377
Retirement Contributions	56,371	65,997	62,429	67,861
Medical Benefits	63,142	80,829	84,457	105,008
Life/Disability Benefits	2,748	3,474	3,424	3,729
Training/Registration	5,476	14,000	14,000	14,000
Dues/Fees	287	2,000	1,000	2,000
Mileage/Travel	-	250	250	300
Uniforms/Town Apparel	6,686	7,000	7,000	7,000
Total Personnel	550,219	646,507	480,696	685,079
Purchased Services				
Professional Services	349,798	432,000	432,000	-
Technical Services	83,146	185,000	100,000	185,000
Communication Services	3,618	4,000	4,000	4,000
General Services	9,081	40,000	20,000	45,000
Utility Services	436,727	70,818	112,758	115,224
Total Purchased Services	882,371	731,818	668,758	349,224
Supplies/Non-Capital Equipment				
Office Supplies	825	1,500	1,500	1,500
Technology Equipment	245	22,000	5,000	22,000
Operating Supplies	15,335	50,000	30,000	50,000
Leases/Rentals	-	5,000	5,000	5,000
Repairs and Maintenance	45,937	140,000	200,000	225,000
Non-Capital Equipment	341,349	350,000	150,000	200,000
Fuel	17,204	25,000	25,000	25,000
Total Supplies/Non-Capital Equipment	420,895	593,500	416,500	528,500
Capital Outlay				
Capital Equipment	18,059	351,011	351,011	95,000
Capital Improvement Projects	33,382	325,140	286,730	2,981,250
Total Capital Outlay	51,440	676,151	637,741	3,076,250
Other Expenditures				
Food and Related Services	1,272	2,000	1,000	2,000
Other	411	2,500	1,000	2,500
Total Other Expenditures	1,683	4,500	2,000	4,500
Total Expenditures	\$ 1,906,608	\$ 2,652,476	\$ 2,205,695	\$ 4,643,553

Expenditure Detail

Engineering & Utilities Department - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 399,853	\$ 359,107	\$ 264,756	\$ 418,354
Overtime	7,065	15,075	12,355	15,075
Stipend	75	105	119	105
Medicare	5,299	6,501	5,116	6,066
Unemployment Insurance	567	1,345	701	1,256
Retirement Contributions	56,627	66,160	53,431	61,832
Medical Benefits	66,933	92,143	71,846	89,205
Life/Disability Benefits	2,909	3,484	2,842	3,405
Training/Registration	10,023	7,815	4,815	9,615
Dues/Fees	2,028	5,200	2,700	3,700
Mileage/Travel	2,910	360	560	2,310
Uniforms/Town Apparel	2,904	3,060	3,120	3,540
Total Personnel	557,194	560,355	422,361	614,463
Purchased Services				
Professional Services	14	7,800	3,300	6,800
Legal Services	241	3,040	40	3,040
Technical Services	42,538	83,000	61,000	89,500
Communication Services	-	3,500	3,500	3,500
General Services	24,657	80,000	75,010	84,000
Utility Services	4,004	4,940	3,345	4,095
Total Purchased Services	71,454	182,280	146,195	190,935
Supplies/Non-Capital Equipment				
Office Supplies	229	1,300	1,300	1,300
Technology Equipment	3,523	700	700	700
Operating Supplies	13,539	21,575	10,500	20,900
Leases/Rentals	-	30,000	15,000	30,000
Repairs/Maintenance	17,741	50,000	25,000	25,000
Non-Capital Equipment	2,623	5,150	3,150	5,150
Fuel	12,260	20,300	20,300	20,300
Total Supplies/Non-Capital Equipment	49,915	129,025	75,950	103,350
Capital Outlay				
Capital Equipment	12,233	74,000	74,000	95,000
Capital Improvement Projects	69,927	356,088	141,088	315,000
Total Capital Outlay	82,160	430,088	215,088	410,000
Other Expenditures				
Food and Related Services	1,294	1,610	1,110	1,610
Other	325	2,000	1,000	2,000
Total Other Expenditures	1,619	3,610	2,110	3,610
Total Expenditures	\$ 762,341	\$ 1,305,358	\$ 861,704	\$ 1,322,358

Expenditure Detail

Administration Division - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 160,137	\$ 119,932	\$ 90,260	\$ 167,691
Overtime	4	75	75	75
Stipend	30	45	59	45
Medicare	2,038	3,032	1,593	2,431
Unemployment Insurance	222	627	219	504
Retirement Contributions	22,318	30,858	16,932	24,784
Medical Benefits	24,277	40,045	20,961	30,382
Life/Disability Benefits	1,020	1,626	855	1,366
Training/Registration	2,088	1,715	1,715	3,515
Dues/Fees	648	2,150	2,150	2,150
Mileage/Travel	2,031	110	110	1,010
Uniforms/Town Apparel	238	60	120	500
Total Personnel	215,052	200,275	135,049	234,453
Purchased Services				
Professional Services	-	6,000	1,500	5,000
Legal Services	241	3,000	-	3,000
Technical Services	-	2,500	-	2,500
General Services	1,000	5,000	-	4,000
Total Purchased Services	1,241	16,500	1,500	14,500
Supplies/Non-Capital Equipment				
Office Supplies	37	200	200	200
Technology Equipment	2,281	300	300	300
Operating Supplies	-	1,575	500	900
Non-Capital Equipment	-	150	150	150
Fuel	350	300	300	300
Total Supplies/Non-Capital Equipment	2,668	2,525	1,450	1,850
Capital Outlay				
Capital Improvement Projects	69,927	306,088	91,088	265,000
Total Capital Outlay	69,927	306,088	91,088	265,000
Other Expenditures				
Food and Related Services	32	70	70	70
Total Other Expenditures	32	70	70	70
Total Expenditures	\$ 288,920	\$ 525,458	\$ 229,157	\$ 515,873

Expenditure Detail

GIS Division - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 19,241	\$ 20,097	\$ 14,763	\$ 21,102
Stipend	45	60	60	60
Medicare	245	292	273	306
Unemployment Insurance	27	60	36	63
Retirement Contributions	2,686	2,966	2,901	3,119
Medical Benefits	3,979	4,969	4,959	5,387
Life/Disability Benefits	128	157	154	172
Training/Registration	602	100	100	100
Dues/Fees	20	50	50	50
Mileage/Travel	222	-	200	1,000
Uniforms/Town Apparel	-	-	-	40
Total Personnel	27,196	28,751	23,496	31,399
Purchased Services				
Professional Services	14	1,800	1,800	1,800
Legal Services	-	40	40	40
Technical Services	-	2,000	1,000	1,000
General Services	16	-	10	-
Total Purchased Services	30	3,840	2,850	2,840
Supplies/Non-Capital Equipment				
Office Supplies	9	100	100	100
Technology Equipment	1,000	400	400	400
Total Supplies/Non-Capital Equipment	1,009	500	500	500
Other Expenditures				
Food and Related Services	3	40	40	40
Total Other Expenditures	3	40	40	40
Total Expenditures	\$ 28,238	\$ 33,131	\$ 26,886	\$ 34,779

Expenditure Detail

Stormwater Operations Division - Stormwater Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 220,474	\$ 219,078	\$ 159,733	\$ 229,561
Overtime	7,061	15,000	12,280	15,000
Medicare	3,016	3,177	3,250	3,329
Unemployment Insurance	318	658	446	689
Retirement Contributions	31,623	32,336	33,598	33,929
Medical Benefits	38,676	47,129	45,926	53,436
Life/Disability Benefits	1,761	1,701	1,833	1,867
Training/Registration	7,333	6,000	3,000	6,000
Dues/Fees	1,360	3,000	500	1,500
Mileage/Travel	657	250	250	300
Uniforms/Town Apparel	2,666	3,000	3,000	3,000
Total Personnel	314,945	331,329	263,816	348,611
Purchased Services				
Technical Services	42,538	78,500	60,000	86,000
Communication Services	-	3,500	3,500	3,500
General Services	23,641	75,000	75,000	80,000
Utility Services	4,004	4,940	3,345	4,095
Total Purchased Services	70,183	161,940	141,845	173,595
Supplies/Non-Capital Equipment				
Office Supplies	183	1,000	1,000	1,000
Technology Equipment	242	-	-	-
Operating Supplies	13,539	20,000	10,000	20,000
Leases/Rentals	-	30,000	15,000	30,000
Repairs and Maintenance	17,741	50,000	25,000	25,000
Non-Capital Equipment	2,623	5,000	3,000	5,000
Fuel	11,910	20,000	20,000	20,000
Total Supplies/Non-Capital Equipment	46,239	126,000	74,000	101,000
Capital Outlay				
Capital Equipment	12,233	74,000	74,000	95,000
Capital Improvement Projects	-	50,000	50,000	50,000
Total Capital Outlay	12,233	124,000	124,000	145,000
Other Expenditures				
Food and Related Services	1,260	1,500	1,000	1,500
Other	325	2,000	1,000	2,000
Total Other Expenditures	1,584	3,500	2,000	3,500
Total Expenditures	\$ 445,184	\$ 746,769	\$ 605,661	\$ 771,706

Economic Development and Firestone Urban Renewal Authority

Paula Mehle, Director of Economic Development and Firestone Urban Renewal Authority

Department Description

Economic Development and the Firestone Urban Renewal Authority activities include implementation and coordination of programs that support business attraction, retention and expansion, and includes a variety of marketing and networking efforts, data and resource referrals as well as various forms of business incentives and assistance for businesses of all sizes as well as residential development attraction.

2024 Achievements

- Promoted the Central Park development plan, retail and residential development opportunities at national conventions
- Promoted approved developments, available properties, and provided updates on development process on professional social and print media outlets in an effort to tell Firestone's story about quality of service and development opportunities
- Met with developers and business development staff of area contractors; marketing development process, promoting development projects, and available properties
- Provided business resources to Firestone businesses to primarily licensed Firestone businesses through email, webpages, social media messaging, and with in-person business visits as well as coordinating with the Carbon Valley Chamber of Commerce
- Maintained and updated webpages for economic development, Firestone Urban Renewal Authority and business licensing
- Implemented "Road Show" visits at commercial broker offices to build awareness of Firestone retail opportunities and greater connection to staff as a resource
- Developed additional marketing and data pieces to promote commercial development successes and show the strength of Firestone market

Goals & Objectives

- Provide services that maintain safe and functional facilities

Economic Development & Urban Renewal

- Attract new businesses as well as residential and commercial development projects to Firestone (Strategic Goal #3)
- Expand recognition of Firestone in the commercial and residential development market (Strategic Goal #3)
- Promote development opportunities, both commercial and residential, through in person and through virtual events and meetings (Strategic Goal #3, 4)
- Apply for alternative funding sources for renovation and redevelopment efforts for residential and commercial properties (Strategic Goal #2,3,5,6)
- Develop connections with programs and businesses to support renovation, redevelopment, and neighborhood service projects (Strategic Goal #3, 4, 5, 6)
- Develop and support existing business resources, increase awareness of programs (Strategic Goal #3, 4)

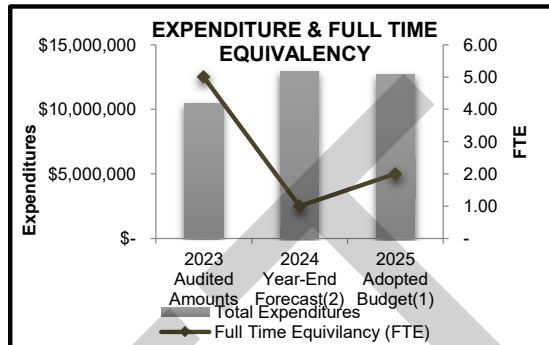
Activity Measures

Category/Measure	Strategic Goal	2022	2023	2024 Forecast	2025 Forecast
# of Business Retention Visits	#3	13	20	20	20
New Businesses (SOS Registered)	#3	279	250	200	250

Economic Development

2025 BUDGET SUMMARY BY FUND		
Fund(s)	Budget	FTE
General Fund	\$ 69,608	0.30
FURAs	12,609,255	1.70
Total	\$ 12,678,863	2.00

2025 BUDGET SUMMARY BY DIVISION		
Division/Program(s)	Budget	FTE
Administration	\$ 12,678,863	2.00
Total	\$ 12,678,863	2.00



EXPENDITURE SUMMARY				
	2023 Audited Amounts	2024 Adopted Budget ⁽¹⁾	2024 Year-End Forecast(2)	2025 Adopted Budget(1)
Staff - Full Time Equivalency (FTE)*	5.00	3.00	1.00	2.00
Expenditures:				
Personnel	\$ 2,140,453	\$ 2,711,839	\$ 2,286,926	\$ 3,056,128
Purchased Services	8,210,946	10,997,795	10,450,749	7,703,625
Supplies/Non-Capital Equipment	60,966	77,880	61,110	77,800
Capital Outlay	37,159	1,250,000	120,000	1,835,000
Other Expenditures	2,153	5,950	5,260	6,310
Total Expenditures	\$ 10,451,679	\$ 15,043,464	\$ 12,924,045	\$ 12,678,863

⁽¹⁾ Number of Positions Budgeted

⁽²⁾ Number of Positions Filled

Expenditure Detail

Economic Development Department - All Funds

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 1,619,664	\$ 2,005,871	\$ 1,631,636	\$ 2,203,607
Overtime	6,161	-	4,125	7,727
Stipend	530	795	800	795
Medicare	24,053	27,803	28,660	34,664
Unemployment Insurance	2,205	5,754	3,464	6,616
Retirement Contributions	228,652	282,911	270,475	327,853
Medical Benefits	215,317	323,998	299,907	400,911
Life/Disability Benefits	9,508	14,927	12,891	17,965
Training/Registration	5,122	10,420	4,200	10,520
Dues/Fees	23,659	26,560	24,363	32,670
Mileage/Travel	5,581	12,600	6,150	12,600
Uniforms/Town Apparel	-	200	255	200
Total Personnel	2,140,453	2,711,839	2,286,926	3,056,128
Purchased Services				
Professional Services	-	1,250	-	1,000
Legal Services	56,595	180,000	24,900	180,000
Technical Services	16,900	25,800	23,300	29,950
Communication Services	-	250	-	250
General Services	8,136,484	10,789,519	10,401,864	7,491,921
Utility Services	968	976	685	504
Total Purchased Services	8,210,946	10,997,795	10,450,749	7,703,625
Supplies/Non-Capital Equipment				
Office Supplies	458	300	200	300
Leases/Rentals	44,893	57,500	47,910	57,500
Marketing and Promotional Materials	15,616	20,000	13,000	20,000
Fuel	-	80	-	-
Total Supplies/Non-Capital Equipment	60,966	77,880	61,110	77,800
Capital Outlay				
Capital Improvement Projects	37,159	1,250,000	120,000	1,835,000
Total Capital Outlay	37,159	1,250,000	120,000	1,835,000
Other Expenditures				
Food and Related Services	1,153	1,950	1,260	2,310
Sponsorships	1,000	4,000	4,000	4,000
Total Other Expenditures	2,153	5,950	5,260	6,310
Total Expenditures	\$ 10,451,679	\$ 15,043,464	\$ 12,924,045	\$ 12,678,863

Expenditure Detail

Economic Development Department - General Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 21,949	\$ 35,366	\$ 23,060	\$ 25,487
Medicare	290	683	362	370
Unemployment Insurance	29	141	51	77
Retirement Contributions	3,019	6,952	3,758	3,767
Medical Benefits	1,187	4,320	1,569	2,834
Life/Disability Benefits	116	369	169	209
Training/Registration	3,929	3,400	3,900	3,500
Dues/Fees	6,356	6,800	6,400	8,600
Mileage/Travel	2,536	3,000	1,800	3,000
Uniforms/Town Apparel	-	200	255	200
Total Personnel	39,410	61,231	41,324	48,044
Purchased Services				
Professional Services	-	1,000	-	1,000
Technical Services	1,690	6,300	6,900	6,800
Communication Services	-	250	-	250
Utility Services	968	976	685	504
Total Purchased Services	2,658	8,526	7,585	8,554
Supplies/Non-Capital Equipment				
Office Supplies	458	300	200	300
Leases/Rentals	4,489	5,500	4,710	5,500
Marketing and Promotional Materials	5,112	5,700	3,500	5,700
Fuel	-	80	-	-
Total Supplies/Non-Capital Equipment	10,059	11,580	8,410	11,500
Other Expenditures				
Food and Related Services	691	900	600	1,110
Sponsorships	100	400	400	400
Total Other Expenditures	791	1,300	1,000	1,510
Total Expenditures	\$ 52,918	\$ 82,637	\$ 58,319	\$ 69,608

Expenditure Detail

URA/Economic Development Department - FURA Funds

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 1,597,715	\$ 1,970,505	\$ 1,608,576	\$ 2,178,120
Overtime	6,161	-	4,125	7,727
Stipend	530	795	800	795
Medicare	23,763	27,120	28,298	34,294
Unemployment Insurance	2,176	5,613	3,413	6,539
Retirement Contributions	225,634	275,959	266,717	324,086
Medical Benefits	214,131	319,678	298,338	398,077
Life/Disability Benefits	9,393	14,558	12,722	17,756
Training/Registration	1,193	7,020	300	7,020
Dues/Fees	17,303	19,760	17,963	24,070
Mileage/Travel	3,045	9,600	4,350	9,600
Total Personnel	2,101,043	2,650,608	2,245,602	3,008,084
Purchased Services				
Professional Services	-	250	-	-
Legal Services	56,595	180,000	24,900	180,000
Technical Services	15,210	19,500	16,400	23,150
General Services	8,136,484	10,789,519	10,401,864	7,491,921
Total Purchased Services	8,208,288	10,989,269	10,443,164	7,695,071
Supplies/Non-Capital Equipment				
Leases/Rentals	40,403	52,000	43,200	52,000
Marketing and Promotional Materials	10,504	14,300	9,500	14,300
Total Supplies/Non-Capital Equipment	50,907	66,300	52,700	66,300
Capital Outlay				
Capital Improvement Projects	37,159	1,250,000	120,000	1,835,000
Total Capital Outlay	37,159	1,250,000	120,000	1,835,000
Other Expenditures				
Food and Related Services	463	1,050	660	1,200
Sponsorships	900	3,600	3,600	3,600
Total Other Expenditures	1,363	4,650	4,260	4,800
Total Expenditures	\$ 10,398,760	\$ 14,960,827	\$ 12,865,726	\$ 12,609,255

Expenditure Detail

Southern FURA Division - FURA Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 94,582	\$ 187,607	\$ 153,242	\$ 196,932.00
Overtime	298	-	71	100
Stipend	8	-	75	75
Medicare	1,144	1,079	2,337	2,856
Unemployment Insurance	115	224	327	591
Retirement Contributions	12,182	10,986	25,047	29,107
Medical Benefits	20,760	22,815	33,272	38,920
Life/Disability Benefits	611	579	1,197	1,609
Total Personnel	129,700	223,290	215,568	270,190
Purchased Services				
General Services	72,453	82,437	79,000	76,875
Total Purchased Services	72,453	82,437	79,000	76,875
Total Expenditures	\$ 202,153	\$ 305,727	\$ 294,568	\$ 347,065

Expenditure Detail

Northern FURA Division - FURA Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 870,255	\$ 1,024,114	\$ 834,117	\$ 1,162,557
Overtime	3,646	-	2,859	4,903
Stipend	246	405	375	375
Medicare	13,257	14,033	13,978	17,722
Unemployment Insurance	1,230	2,903	1,765	3,489
Retirement Contributions	127,062	142,793	137,729	172,518
Medical Benefits	114,908	163,981	159,493	217,304
Life/Disability Benefits	5,143	7,526	6,739	9,465
Training/Registration	723	6,400	300	6,400
Dues/Fees	16,515	17,000	15,000	21,000
Mileage/Travel	3,045	7,000	3,000	7,000
Total Personnel	1,156,030	1,386,155	1,175,355	1,622,733
Purchased Services				
Professional Services	-	150	-	-
Legal Services	52,094	90,000	8,200	90,000
Technical Services	10,140	13,000	11,000	15,350
General Services	2,933,385	3,694,250	3,694,250	2,647,503
Total Purchased Services	2,995,618	3,797,400	3,713,450	2,752,853
Supplies/Non-Capital Equipment				
Leases/Rentals	40,403	35,000	29,000	35,000
Marketing and Promotional Materials	10,212	10,000	6,500	10,000
Total Supplies/Non-Capital Equipment	50,615	45,000	35,500	45,000
Capital Outlay				
Capital Improvement Projects	37,159	1,250,000	120,000	1,835,000
Total Capital Outlay	37,159	1,250,000	120,000	1,835,000
Other Expenditures				
Food and Related Services	463	700	400	800
Sponsorships	900	3,300	3,300	3,300
Total Other Expenditures	1,363	4,000	3,700	4,100
Total Expenditures	\$ 4,240,785	\$ 6,482,555	\$ 5,048,005	\$ 6,259,686

Expenditure Detail

Central FURA Division - FURA Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 512,746	\$ 605,570	\$ 494,700	\$ 668,107
Overtime	2,217	-	1,195	2,724
Stipend	170	285	225	225
Medicare	6,959	10,221	8,777	10,557
Unemployment Insurance	674	2,116	1,052	2,006
Retirement Contributions	70,070	103,997	82,176	99,438
Medical Benefits	67,589	119,168	88,513	121,373
Life/Disability Benefits	3,081	5,490	3,915	5,450
Training/Registration	425	310	-	310
Dues/Fees	525	2,500	2,700	2,800
Mileage/Travel	-	2,000	1,200	2,000
Total Personnel	664,456	851,657	684,453	914,990
Purchased Services				
Professional Services	-	100	-	-
Legal Services	2,251	45,000	8,200	45,000
Technical Services	5,070	6,500	5,400	7,800
General Services	2,631,567	3,628,614	3,628,614	3,799,511
Total Purchased Services	2,638,887	3,680,214	3,642,214	3,852,311
Supplies/Non-Capital Equipment				
Leases/Rentals	-	17,000	14,200	17,000
Marketing and Promotional Materials	292	4,300	3,000	4,300
Total Supplies/Non-Capital Equipment	292	21,300	17,200	21,300
Other Expenditures				
Food and Related Services	-	250	210	300
Sponsorships	-	300	300	300
Total Other Expenditures	-	550	510	600
Total Expenditures	\$ 3,303,636	\$ 4,553,721	\$ 4,344,377	\$ 4,789,201

Expenditure Detail

Bighorn FURA Division - FURA Fund

	2023 Audited Amounts	2024 Adopted Budget	2024 Year-End Forecast	2025 Adopted Budget
Personnel				
Regular Wages	\$ 120,131	\$ 153,214	\$ 126,517	\$ 150,524
Stipend	106	105	125	120
Medicare	2,403	1,787	3,206	3,159
Unemployment Insurance	156	370	269	453
Retirement Contributions	16,320	18,183	21,765	23,023
Medical Benefits	10,874	13,714	17,060	20,480
Life/Disability Benefits	559	963	871	1,232
Training/Registration	45	310	-	310
Dues/Fees	263	260	263	270
Mileage/Travel	-	600	150	600
Total Personnel	150,856	189,506	170,226	200,171
Purchased Services				
Legal Services	2,251	45,000	8,500	45,000
General Services	2,499,079	3,384,218	3,000,000	968,032
Total Purchased Services	2,501,329	3,429,218	3,008,500	1,013,032
Other Expenditures				
Food and Related Services	-	100	50	100
Total Other Expenditures	-	100	50	100
Total Expenditures	\$ 2,652,186	\$ 3,618,824	\$ 3,178,776	\$ 1,213,303

CAPITAL IMPROVEMENT PROGRAM SUMMARY
Capital Projects Fund

	*									
Capital Expenditures	2024 Adopted Budget	2024 Year-End Forecasts	2024 Estimated Carry Over	2025 Adopted Budget	2026 Estimate	2027 Estimate	2028 Estimate	2029 Estimate	5-Year Total	Funding Source
Pavement Maintenance	\$ 1,500,000	\$ 850,000	\$ 650,000	\$ 750,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,400,000	1% Sales Tax
Dust Control	100,000	80,000	20,000	130,000	130,000	130,000	130,000	130,000	670,000	1% Sales Tax
Street and Crosswalk Striping	30,000	30,000	-	75,000	100,000	150,000	150,000	150,000	625,000	1% Sales Tax
Street Signs Program	30,000	30,000	-	35,000	40,000	45,000	50,000	55,000	225,000	1% Sales Tax
Traffic Signal Upgrade	190,000	190,000	-	215,000	230,000	255,000	280,000	280,000	1,260,000	1% Sales Tax
Historic Firestone Street Replacement	1,325,000	100,000	325,000	925,000	1,375,000	1,400,000	1,425,000	1,425,000	6,875,000	1% Sales Tax
Frontier St Paving (McClure to Grant)	-	-	-	-	100,000	1,250,000	-	-	1,350,000	1% Sales Tax
Harney Park	-	-	-	-	550,000	400,000	-	-	950,000	1% Sales Tax
Mountain Shadows Park	11,579	-	-	115,000	400,000	-	-	-	515,000	Park Impact Fees
Prairie Ridge Park - Playground Equipment Replacement	-	-	-	400,000	-	-	-	-	400,000	1% Sales Tax
Dog Parks	-	-	-	-	100,000	-	-	-	100,000	1% Sales Tax
Public Works Administration Offices Building	15,000	8,000	-	-	-	-	-	-	-	.6% Sales Tax
Board of Trustees Interface	30,000	6,555	23,445	32,000	-	-	-	-	55,445	.6% Sales Tax
Weld County Rd 26 Last Chance Ditch Crossing	288,929	223,929	65,000	1,110,000	825,000	-	-	-	2,000,000	Grant/1% Sales Tax
Weld County Rd 20 Coal Ridge Ditch Crossing	1,236,108	998,000	238,108	1,000,000	-	-	-	-	1,238,108	Grant/BFURA
Neighbors Point Traffic Calming	346,801	102,500	244,301	600,699	-	-	-	-	845,000	Metro District Mills/Transportation Impact Fees
Colorado Blvd and Pine Cone Ave (Frederick Match)	258,000	-	258,000	-	-	-	-	-	258,000	Transportation Impact Fees
ADA Ramps	200,000	200,000	-	-	-	-	-	-	-	CDBG Grant/1% Sales Tax/SFURA
Park Irrigation Tap Increase	-	-	-	88,500	70,800	35,400	-	-	194,700	1% Sales Tax
Police and Municipal Reconfigure and Expansion	107,866	3,460	104,406	-	18,000	186,630	-	-	309,036	.6% Sales Tax
Project NOLA - High Definition Crime Cameras	71,000	-	71,000	-	-	-	-	-	71,000	1% Sales Tax
Patterson Park	-	-	-	-	80,000	-	-	-	80,000	1% Sales Tax
Godding Hollow	-	-	-	-	-	60,000	-	-	60,000	1% Sales Tax
Sagebrush Park	-	-	-	-	350,000	-	-	-	350,000	1% Sales Tax
Settlers Park	-	-	-	-	700,000	-	-	-	700,000	1% Sales Tax
StoneRidge Park	-	-	-	-	450,000	-	-	-	450,000	1% Sales Tax
Central Park Feasibility Study	347,799	347,799	-	-	-	-	-	-	-	Park Impact Fees
Pedestrian Bridge Feasibility Study	49,785	49,785	-	-	-	-	-	-	-	Park Impact Fees
Denmore Reimbursement	-	-	-	143,750	-	1,500,000	2,100,000	-	3,743,750	Transportation Impact Fees
Native Conversion at Jacob H. Firestone/Gateway Park	-	-	-	-	100,000	-	-	-	100,000	1% Sales Tax
Firestone Tree Replacement	-	-	-	-	105,000	110,250	115,763	121,551	452,564	1% Sales Tax
Mountain Shadows Trail project	-	-	-	-	125,000	-	-	-	125,000	1% Sales Tax
Firestone Sports Complex Improvements	-	-	-	800,000	-	-	-	-	800,000	Park Impact Fees
Total Capital Expenditures	\$ 6,137,867	\$ 3,220,028	\$ 1,999,260	\$ 6,419,949	\$ 7,348,800	\$ 7,022,280	\$ 5,750,763	\$ 3,661,551	\$ 32,202,603	

* Amounts include budget amendments made to the 2024 adopted budget

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Pavement Maintenance

Project Dates: **Begin:** Ongoing **Finish:** Ongoing

Comprehensive Project Cost: \$7,400,000.00 (5 Year Total)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The 2025 Pavement Maintenance Program will include Crack repair, removal, and replacement of concrete around water valves and manholes, Edge mill and overlay, and chip seal of identified streets throughout the Town.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	1,400,000	1,500,000	1,500,000	1,500,000	1,500,000	7,400,000
American Rescue Plan Act						-
						-
Total Revenue	\$ 1,400,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,400,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	1,400,000	1,500,000	1,500,000	1,500,000	1,500,000	7,400,000
Materials	.					
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,400,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 7,400,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Dust Control
Project Dates: **Begin:** Ongoing **Finish:** Ongoing
Comprehensive Project Cost: \$670,000.00 (5 Year Total)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

In the areas where unpaved roadways are located, the use of magnesium (mag) chloride has become essential in maintaining the gravel roads' integrity and stability within the Town of Firestone. With the application of mag chloride, the binding agents reduce the maintenance required for 4-6 months on unpaved roadways by increasing moisture content and forming a solid base that is needed for routine maintenance operations. Due to the quality of the applied material, the presence of dust is significantly reduced for the citizens who reside in these areas. Roads that receive this treatment are as follows. CR 18, CR 15, CR 26, CR 15, CR 17, CR 11, CR 3 1/2, CR 24 3/4, AND 9 3/4.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	150,000	130,000	130,000	130,000	130,000	670,000
Total Revenue	\$ 150,000	\$ 130,000	\$ 130,000	\$ 130,000	\$ 130,000	\$ 670,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	30,000	30,000	30,000	30,000	30,000	150,000
Materials	120,000	100,000	100,000	100,000	100,000	520,000
Equipment						
Other -						
Other -						
Total Expenditures	\$ 150,000	\$ 130,000	\$ 130,000	\$ 130,000	\$ 130,000	\$ 670,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Street and Crosswalk Striping

Project Dates: **Begin:** Ongoing **Finish:** Ongoing

Comprehensive Project Cost: \$625,000.00 (5 Year Total)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Roadway markings, including pedestrian markings, are subject to MUTCD and the Town has the responsibility to ensure that these markings are present, correct, and in good order. The existing pavement markings have become worn from age and use. The projected increase in cost is due to rising material cost and quotes received to date.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	75,000	100,000	150,000	150,000	150,000	\$ 625,000
Total Revenue	\$ 75,000	\$ 100,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 625,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	75,000	100,000	150,000	150,000	150,000	625,000
Materials						-
Equipment						
Other -						
Other -						
Total Expenditures	\$ 75,000	\$ 100,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 625,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Street Sign Program

Project Dates: Begin: Ongoing Finish: Ongoing

Comprehensive Project Cost: \$225,000.00 (5 Year Total)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Signage is subject to MUTCD regulations, and the Town has the responsibility to ensure that these signs are present, correct, and in good working order. In order to be in compliance with MUTCD, signage must be inventoried and replaced within the longevity specifications of the signage. Currently, the Town has an abundance of signs that no longer meet the standards for retro-reflectivity and have become a concern for liability and are requiring replacement. The projected increase in cost is due to rising material cost and quotes received to date.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	35,000	40,000	45,000	50,000	55,000	225,000
Total Revenue	\$ 35,000	\$ 40,000	\$ 45,000	\$ 50,000	\$ 55,000	\$ 225,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction						
Materials	35,000	40,000	45,000	50,000	55,000	225,000
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ 35,000	\$ 40,000	\$ 45,000	\$ 50,000	\$ 55,000	\$ 225,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Traffic Signal Upgrade

Project Dates: **Begin:** Ongoing **Finish:** Ongoing

Comprehensive Project Cost: \$1,260,000.00 (5 Year Total)

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

New specifications for traffic signals were included in the new Design Standards and Construction Specifications for Public Improvements that were adopted in 2020. These new specifications will ensure signals are constructed using the most current industry-standard equipment and standards. However, existing signals need to be upgraded to these new specifications. Priority will be given to replacing all signal controller units with current controllers, followed by other safety and operational upgrades. We will still need to replace all the traffic control cabinets along with the remaining signal control cameras, illuminated street signs for the signaled intersections, and yellow turn arrows.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	215,000	230,000	255,000	280,000	280,000	1,260,000
Total Revenue	\$ 215,000	\$ 230,000	\$ 255,000	\$ 280,000	\$ 280,000	\$ 1,260,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	75,000	85,000	90,000	95,000	95,000	440,000
Materials						
Equipment	140,000	145,000	165,000	185,000	185,000	820,000
Other -						
Other -						
Total Expenditures	\$ 215,000	\$ 230,000	\$ 255,000	\$ 280,000	\$ 280,000	\$ 1,260,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Historic Firestone Street Replacement

Project Dates: **Begin:** Ongoing **Finish:** Ongoing

Comprehensive Project Cost: \$6,875,000.00 (5 Year Total)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The 2014 Pavement Condition Report found that the majority of roads in the Historic Firestone area were in marginal to poor condition and need replacement. This project will provide funding to do full street replacements at the same time that the Historic Firestone Waterline Replacements are occurring.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	1,250,000	1,375,000	1,400,000	1,425,000	1,425,000	6,875,000
Total Revenue	\$ 1,250,000	\$ 1,375,000	\$ 1,400,000	\$ 1,425,000	\$ 1,425,000	\$ 6,875,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	1,250,000	1,375,000	1,400,000	1,425,000	1,425,000	6,875,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,250,000	\$ 1,375,000	\$ 1,400,000	\$ 1,425,000	\$ 1,425,000	\$ 6,875,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Frontier Street Paving (McClure to Grant)

Project Dates: **Begin:** 2026 **Finish:** 2027

Comprehensive Project Cost: \$1,350,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The property on both sides of Frontier Street, McClure Street to Grant Street, are not anticipated to be developed at this time. The surrounding community, Frederick, is approving several new residential subdivisions on both sides of Frontier Street further South of this location and requiring their developers to pave Frontier Street accordingly. We anticipate new traffic will use this portion of Frontier Street for daily commuting resulting in more time maintaining this roadway.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		100,000	1,250,000			1,350,000
Total Revenue	\$ -	\$ 100,000	\$ 1,250,000	\$ -	\$ -	\$ 1,350,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design		100,000				100,000
Construction			1,250,000			1,250,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ -	\$ 100,000	\$ 1,250,000	\$ -	\$ -	\$ 1,350,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Harney Park - Fitness/Obstacle Course and Replacement of Playground Equipment

Project Dates: **Begin:** 2026 **Finish:** 2027

Comprehensive Project Cost: \$950,000.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

Harney Park is one of the most used parks in the Town and an addition of a Fitness/Obstacle course will add an element to our Trail and Park system that we currently do not have. The Fitness/Obstacle course will be for children ages 13 and under and installed along the trail at Harney Park. In addition, the playground equipment will need to be replaced in the next four to five years, anticipated replacement in 2027.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		550,000	400,000	-	-	950,000
Total Revenue	\$ -	\$ 550,000	\$ 400,000	\$ -	\$ -	\$ 950,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction		550,000	400,000			950,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ -	\$ 550,000	\$ 400,000	\$ -	\$ -	\$ 950,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Mountain Shadows Park

Project Dates: **Begin:** 2025 **Finish:** 2026

Comprehensive Project Cost: \$515,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

To help with the daily and weekly maintenance we are requesting to asphalt the current dirt bike park in Mnt. Shadow Park. With the popularity of the bike track it requires daily maintenance replacing dirt along with using water to mold each turn, jump etc. With asphalt the maintenance will pretty much go to rareley, compared to maintenance on a daily basis if we leave it dirt.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	115,000	400,000				515,000
						-
						-
						-
						-
Total Revenue	\$ 115,000	\$ 400,000	\$ -	\$ -	\$ -	\$ 515,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						-
Design						-
Construction						-
Materials	115,000	400,000				515,000
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ 115,000	\$ 400,000	\$ -	\$ -	\$ -	\$ 515,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Prairie Ridge Playground Equipment Replacement

Project Dates: **Begin:** 2025 **Finish:** 2025

Comprehensive Project Cost: \$400,000.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

Playground equipment needs to be replaced at Prairie Ridge Park due to the equipment being old and outdated. Along with the playground equipment being replaced installation of poured in place rubber surface will be added to the park to help with the lack of handicap accessibility.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	400,000	-				400,000
Total Revenue	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ 400,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	400,000					400,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ 400,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Board of Trustees Interface

Project Dates: **Begin:** 2023 **Finish:** 2025

Comprehensive Project Cost: \$170,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The Town started streaming Board of Trustees meetings in 2023 and improvement to the sound quality needs to be completed. Installation of ceiling-mounted microphones in the Municipal Court & Board Room will improve the sound quality for streaming of Board Meetings.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
.6% Sales Tax	55,445					55,445
Total Revenue	\$ 55,445	\$ -	\$ -	\$ -	\$ -	\$ 55,445

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction						
Materials						
Equipment	55,445					55,445
Other -						
Other -						
Total Expenditures	\$ 55,445	\$ -	\$ -	\$ -	\$ -	\$ 55,445

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Dog Park

Project Dates: Begin: 2026 Finish: 2026

Comprehensive Project Cost: \$100,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

With the relocation of one dog park and the closing of another dog park in the Town the need for a dog park on the North side of Firestone is warranted.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		100,000				\$ 100,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ 100,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction		100,000				100,000
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ 100,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Weld County Rd 26 Last Chance Ditch Crossing

Project Dates: **Begin:** 2023 **Finish:** 2025

Comprehensive Project Cost: \$1,175,000.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

In the 2020 CDOT Bridge Inspection Report it found that the bridge at WCR 26, crossing the Last Chance Ditch, was rated as Poor condition. Due to this rating a high priority recommendation is that the deck needs to be replaced. However, after meeting with CDOT Bridge engineers they believe a deck replacement may only extend the life of the bridge by 5-10 years and then a major bridge structure will need to be completed. Therefore an entire bridge replacement or culvert is recommended at this time.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		562,075				562,075
CDOT Grant	1,175,000	262,925				1,437,925
						-
Total Revenue	\$ 1,175,000	\$ 825,000	\$ -	\$ -	\$ -	\$ 2,000,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	1,175,000	825,000				2,000,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,175,000	\$ 825,000	\$ -	\$ -	\$ -	\$ 2,000,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Weld Count Rd 20 Coal Ridge Ditch Crossing

Project Dates: Begin: 2022 Finish: 2025

Comprehensive Project Cost: \$1,238,108.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

In the 2020 CDOT Bridge Inspection Report it found that the bridge at WCR 20, crossing the Coal Ridge Ditch, was rated as Poor condition. Due to this rating a high priority recommendation is that the deck needs to be replaced. However, after meeting with CDOT Bridge engineers they believe a deck replacement may only extend the life of the bridge by 5-10 years and then a major bridge structure will need to be completed. Therefore an entire bridge replacement or culvert is recommended at this time.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Property Tax Increment - Big Horn	507,732					507,732
CDOT Grant	730,376					730,376
						-
Total Revenue	\$ 1,238,108	\$ -	\$ -	\$ -	\$ -	\$ 1,238,108

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	1,238,108					1,238,108
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,238,108	\$ -	\$ -	\$ -	\$ -	\$ 1,238,108

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Neighbors Point Traffic Calming
Project Dates: **Begin:** 2024 **Finish:** 2025
Comprehensive Project Cost: \$845,000.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

As part of the Neighbors Point Metro District's revised service plan, the district must provide the Town with \$250,000 for traffic calming in the neighborhood. This project would determine what traffic calming projects should be completed, design the improvements, and then construct them. The improvements made will be two HAWK Signals per the recommendation of the 2023 Neighbors Point Traffic Study. The school district is providing the Town \$200,000 to assist with this project.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Metro District Mills	119,301					119,301
Transportation Impact Fees	525,699					525,699
School District	200,000					200,000
Total Revenue	\$ 845,000	\$ -	\$ -	\$ -	\$ -	\$ 845,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	845,000					845,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 845,000	\$ -	\$ -	\$ -	\$ -	\$ 845,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Colorado Blvd and Pine Cone Ave (Frederick Match)

Project Dates: **Begin:** 2024 **Finish:** 2025

Comprehensive Project Cost: \$258,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Town of Firestone and Town of Frederick awarded DRCOG TIP Grant through a joint application for intersection improvements at Colorado Blvd and Pine Cone Ave. Town of Firestone has committed to provide half of 20% local match. Project will construct intersection improvements: Lane widening, turn lanes, striping, etc.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Transportation Impact Fees	258,000					\$ 258,000
						-
						-
						-
						-
Total Revenue	\$ 258,000	\$ -	\$ -	\$ -	\$ -	\$ 258,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction	258,000					258,000
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ 258,000	\$ -	\$ -	\$ -	\$ -	\$ 258,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Parks Irrigation Tap Increase
Project Dates: **Begin:** 2025 **Finish:** 2025
Comprehensive Project Cost: \$194,700.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The water taps at several parks throughout the Town need to be changed to larger meter taps. When the parks were built, the taps that were installed were too small to allow for adequate watering. Upsizing the tap at the main line will improve efficiency in irrigation scheduling.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax	88,500	70,800	35,400			\$ 194,700
						-
						-
						-
Total Revenue	\$ 88,500	\$ 70,800	\$ 35,400	\$ -	\$ -	\$ 194,700

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction	88,500	70,800	35,400			194,700
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ 88,500	\$ 70,800	\$ 35,400	\$ -	\$ -	\$ 194,700

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Police and Municipal Building Reconfigure and Expansion
Project Dates: **Begin:** 2024 **Finish:** TBD
Comprehensive Project Cost: \$309,036.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

2024 - Phase 1

- Remove and infill Door 132 from the training room kitchen to the conference room
- Infill wall in training room kitchen
- Remove the wall between 138 (Storage) and 139 (existing office) to make a functional office space
- Remove the wall between 177 (Storage) and 175 (former canine room) for functional storage space

2026-2027 - Phase 2

- Soft Interview 140 becomes Records office
- Juvenile Holding I G4 also becomes Soft Interview
- New Command Office 122 created in the Support Services area 123
- Court Clerk expands into Conference 118, becomes Records Staff office, door relocated
- Adm'n. Assistant cubicle added to Adm'n. 131 B

TBD - 2039 - Phase 3

- Building an addition on the south side and reconfiguration
- 5,000 SF addition \$4,992,000.00
- 10,000 SF Addition \$8,640,000.00
- 60% escalation for a 2023 star (5% Per Year)

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
.6% Sales Tax	104,406	18,000	186,630	-	-	\$ 309,036
						-
						-
						-
						-
Total Revenue	\$ 104,406	\$ 18,000	\$ 186,630	\$ -	\$ -	\$ 309,036

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design	104,406	18,000				122,406
Construction			162,230			162,230
Materials						-
Equipment						-
Other - Contingency			24,400			24,400
Other -						-
Total Expenditures	\$ 104,406	\$ 18,000	\$ 186,630	\$ -	\$ -	\$ 309,036

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Project Nola - Cameras and licenses

Project Dates: **Begin:** 2024 **Finish:** 2027

Comprehensive Project Cost: \$71,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

2025 Phase 2

Project Nola - Cameras - Poll and conduit 5 @ 8k = \$40,000

Project Nola - Cameras - Cradle Point and enclosure 5@ \$2k = \$10,000

Project Nola - Cameras - Construction \$12,000

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
General Fund	71,000					\$ 71,000
						-
						-
						-
						-
Total Revenue	\$ 71,000	\$ -	\$ -	\$ -	\$ -	\$ 71,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction	10,000					10,000
Materials	10,000					10,000
Equipment	45,000					45,000
Other - Contingency	6,000					6,000
Other -						-
Total Expenditures	\$ 71,000	\$ -	\$ -	\$ -	\$ -	\$ 71,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Patterson Park Basketball Court

Project Dates: **Begin:** 2026 **Finish:** 2026

Comprehensive Project Cost: \$80,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

The Town of Firestone will construct a basketball court at Patterson Park for use by the community. This basketball court will help with the maintenance costs of the irrigated turf currently in Patterson Park.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		80,000				\$ 80,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ 80,000	\$ -	\$ -	\$ -	\$ 80,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction		35,000				35,000
Materials		35,000				35,000
Equipment		10,000				10,000
Other -						-
Other -						-
Total Expenditures	\$ -	\$ 80,000	\$ -	\$ -	\$ -	\$ 80,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Godding Hollow Trail Improvements

Project Dates: **Begin:** 2027 **Finish:** 2027

Comprehensive Project Cost: \$60,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

The Town of Firestone will add Godding Hollow Trail by the Firestone Junction development. Once this trail is added the Town can update the current trail amenities.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax			60,000			\$ 60,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ -	\$ 60,000	\$ -	\$ -	\$ 60,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction			60,000			60,000
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ -	\$ 60,000	\$ -	\$ -	\$ 60,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Sagebrush Park Playground equipment

Project Dates: **Begin:** 2026 **Finish:** 2026

Comprehensive Project Cost: \$350,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

Per the POST Master Plan, Sagebrush Park is in need of new playground equipment. Current playground equipment is really starting to weather, and we have had to make a few major repairs in the last couple of years. With all the repairs, it is just in need of total replacement at this point. On an annual CIRSA playground audit it was recommended that the playground be replaced in the very near future. Playground equipment is the original equipment installed when park was constructed.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		350,000				\$ 350,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ 350,000	\$ -	\$ -	\$ -	\$ 350,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design		10,000				10,000
Construction		330,000				330,000
Materials		10,000				10,000
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ 350,000	\$ -	\$ -	\$ -	\$ 350,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Settlers Park Plumbed Restroom

Project Dates: **Begin:** 2026 **Finish:** 2026

Comprehensive Project Cost: \$700,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

Settlers Park is used so much for Town and different sporting events that a plumbed restroom facility is needed. This project will include the purchase of a water and sewer tap as well as getting electricity to the facility. In addition the water and sewer lines will need to be extended and installed.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		700,000				\$ 700,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ 700,000	\$ -	\$ -	\$ -	\$ 700,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design		15,000				15,000
Construction		685,000				685,000
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ 700,000	\$ -	\$ -	\$ -	\$ 700,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Stone Ridge Park new Playground equipment

Project Dates: **Begin:** 2026 **Finish:** 2026

Comprehensive Project Cost: \$450,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

Stone Ridge Park is in need of new playground equipment. Current playground equipment is really starting to weather and we have had to make a few major repairs in the last couple of years. Playground equipment is the original equipment installed when park was constructed.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		450,000				\$ 450,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ 450,000	\$ -	\$ -	\$ -	\$ 450,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design		10,000				10,000
Construction		430,000				430,000
Materials		10,000				10,000
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ 450,000	\$ -	\$ -	\$ -	\$ 450,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Denmore Reimbursement
Project Dates: **Begin:** 2025 **Finish:** 2028
Comprehensive Project Cost: \$3,743,750.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

As part of the Denmore Filing 1 development, the developer was required to construct half of the 4-lane arterial section of Firestone Boulevard along the frontage of the development. The developer agreed to construct the full 4-lane arterial section from Oak Meadows Boulevard to Frontier Street, including a signal at Firestone Blvd and Frontier St contingent on getting reimbursed from the Town for the portions they were not responsible for. As part of the Subdivision Agreement for Denmore Filing 1, the payment of this reimbursement was phased according to how many building permits are issued in the development. This reimbursement will be funded from the Transportation Impact Fees collected from Denmore and other developments.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Transportation Impact Fees	143,750		1,500,000	2,100,000		\$ 3,743,750
						-
						-
						-
						-
Total Revenue	\$ 143,750	\$ -	\$ 1,500,000	\$ 2,100,000	\$ -	\$ 3,743,750

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction						-
Materials						-
Equipment						-
Other - Reimbursement	143,750	-	1,500,000	2,100,000		3,743,750
Other -						-
Total Expenditures	\$ 143,750	\$ -	\$ 1,500,000	\$ 2,100,000	\$ -	\$ 3,743,750

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Firestone Sports Complex Improvements

Project Dates: Begin: 2025 Finish: 2025

Comprehensive Project Cost: \$800,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The restroom at the Firestone Sports Complex is overdue for a renovation. This project will allow the Town to update the current facility so it is useable for the users at the Sports Complex.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Conservation Trust Funds	800,000					800,000
Total Revenue	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction						
Materials	800,000					800,000
Equipment						
Other -						
Other -						
Total Expenditures	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Native Conversion at Jacob H. Firestone/Gateway Park

Project Dates: **Begin:** 2025 **Finish:** 2025

Comprehensive Project Cost: \$552564 (ongoing)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Conversion of 1/2 acre section of sod on the southeast side of Jacob H. Firestone/Gateway Park to a native seed mix. Currently, we are watering an area in the park that is unused. The numerous cottonwood trees along the trail in the park have grown numerous tree roots on the park's surface, making it very difficult to maintain. Converting this area will save water and maintenance and repair costs for mowers trying to maintain this area.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		100,000				\$ 100,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ 100,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction						-
Materials	-					-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Firestone Tree Replacement
Project Dates: **Begin:** 2026 **Finish:** Ongoing
Comprehensive Project Cost: \$452,564.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

A tree planting project is necessary because many trees have been cut down without replanting enough, leading to an imbalance in our urban canopy. We will also reduce the population of our Ash tree due to the emerald ash borer. By planting more trees, we can restore biodiversity, clean the air, and combat climate change by absorbing carbon dioxide. It will also make the area more beautiful, save energy costs in the long run by reducing water runoff, and extend the life of the pavement. It will also engage the community in environmental stewardship. This investment shows responsibility in correcting past mistakes, complies with environmental standards, and can attract additional funding. Overall, it's about creating a healthier environment for future generations.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		105,000	110,250	115,763	121,551	\$ 452,564
						-
						-
						-
						-
Total Revenue	\$ -	\$ 105,000	\$ 110,250	\$ 115,763	\$ 121,551	\$ 452,564

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction						-
Materials		105,000	110,250	115,763	121,551	452,564
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ 105,000	\$ 110,250	\$ 115,763	\$ 121,551	\$ 452,564

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Mountain Shadows Trail project

Project Dates: **Begin:** 2026 **Finish:** 2026

Comprehensive Project Cost: \$125,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

The trail that goes through Mountain Shadows Park was never completed. The trail runs through the park's west side, and the concrete ends in the back northwest corner. Continuing this trail to the east to meet up with the sidewalk that enters the park would be an additional asset to the park and the residents of Mountain Shadows.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
1% Sales Tax		125,000				\$ 125,000
						-
						-
						-
						-
Total Revenue	\$ -	\$ 125,000	\$ -	\$ -	\$ -	\$ 125,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction		125,000				125,000
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ -	\$ 125,000	\$ -	\$ -	\$ -	\$ 125,000

CAPITAL IMPROVEMENT PROGRAM SUMMARY
Conservation Trust Fund

* 2024 Adopted Budget												
Capital Expenditures	2024 Adopted Budget	2024 Year-End Forecasts	2024 Estimated Carry Over	2025 Adopted Budget	2026 Estimate	2027 Estimate	2028 Estimate	2029 Estimate	5-Year Total	Funding Source		
Settlers Park Improvements	\$ 25,000	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	CTF		
Firestone Trail Improvements	20,000	20,000	-	-	-	-	-	-	-	CTF		
Sports Complex Improvements	100,000	100,000	-	-	-	-	-	-	-	CTF		
Total Capital Expenditures	\$ 145,000	\$ 145,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-		

* Amounts include budget amendments made to the 2024 adopted budget

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Firestone Sports Complex Improvements

Project Dates: Begin: 2023 Finish: 2025

Comprehensive Project Cost: \$800,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The Firestone Sports Complex is in need of improvements due to the high usage of this facility and the lack of amenities the following improvements have been established. Shade structures will be added to all bleachers due to the lack of trees and for the safety of visitors from foul balls when games are in process. In addition, concrete and landscaping will be added between fields to help visitors get to and from the different ball fields. The Firestone Sports Complex sees numerous visitors and the current restroom is not suitable for use, therefore the Town has used other resources to take care of this need. What is being done currently is working but Improvements will need to be made, with improvements starting in 2024.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Conservation Trust Funds	800,000					800,000
Total Revenue	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction						
Materials	800,000					800,000
Equipment						
Other -						
Other -						
Total Expenditures	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000

CAPITAL IMPROVEMENT PROGRAM SUMMARY
Firestone Urban Renewal Authority

Capital Expenditures	2024 Adopted Budget	2024 Year-End Forecasts	2024 Estimated Carry Over	2025 Adopted Budget	2026 Estimate	2027 Estimate	2028 Estimate	2029 Estimate	5-Year Total	Funding Source
I 25 and Firestone Blvd Interchange	\$ 1,250,000	\$ 120,000	\$ 1,130,000	\$ 705,000	\$ -	\$ -	\$ -	\$ -	\$ 1,835,000	Property Tax Increment
Total Capital Expenditures	\$ 1,250,000	\$ 120,000	\$ 1,130,000	\$ 705,000	\$ -	\$ -	\$ -	\$ -	\$ 1,835,000	

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: I-25 and Firestone Blvd Interchange Project

Project Dates: Begin: 2024 Finish: 2025

Comprehensive Project Cost: \$1,955,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Project is to design/construction roadway widening of Firestone Blvd between E. I-25 Frontage Road and NB I-25 on-ramp and additional roadway improvements (turn lane storage capacity NB/SB) to improve LOS. Total project budget includes: Design and Construction costs.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
FURA	1,835,000					1,835,000
Total Revenue	\$ 1,835,000	\$ -	\$ -	\$ -	\$ -	\$ 1,835,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	1,835,000					1,835,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,835,000	\$ -	\$ -	\$ -	\$ -	\$ 1,835,000

CAPITAL IMPROVEMENT PROGRAM SUMMARY
Water Fund

	*									
Capital Expenditures	2024 Adopted Budget	2024 Year-End Forecasts	2024 Estimated Carry Over	2025 Adopted Budget	2026 Estimate	2027 Estimate	2028 Estimate	2029 Estimate	5-Year Total	Funding Source
Water Rights	\$ -	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	WF
Mountain Shadows Park Conversion	385,697	340,353	-	-	-	-	-	-	-	WF
NISP Participation	975,000	975,000	-	1,300,000	3,759,000	3,759,000	3,759,000	3,759,000	16,336,000	WF
Historic Firestone Water Line Replacements	1,175,000	1,000,000	175,000	1,125,000	1,225,000	1,250,000	1,275,000	1,275,000	6,325,000	WF
St. Vrain WTP Blend Pipeline and Pump Station (WAP)	20,000	-	20,000	504,750	411,750	5,598,500	5,598,500	-	12,133,500	WF
SCADA Upgrade	72,206	16,730	55,476	144,524	100,000	100,000	100,000	100,000	600,000	WF
Firestone Reservoir No. 2 (WAP)	50,000	50,000	-	4,085,500	3,588,000	3,588,000	-	-	11,261,500	WF
Non-Potable Irrigation System Infrastructure	-	-	-	-	329,500	1,926,500	1,926,500	-	4,182,500	Impact Fees
Water Master Plan	225,000	75,000	125,000	-	-	-	-	-	125,000	WF
Historic Firestone Water Line Design	983	983	-	-	-	-	-	-	-	WF
Alluvial Well Field No. 2 (WAP)	409,116	-	409,116	-	4,714,000	7,429,000	-	-	12,552,116	WF/ Water Ent Bond
Water Tank 2	-	-	-	375,000	375,000	4,500,000	4,500,000	-	9,750,000	WF
Coal Ridge Ditch Lateral Supply Pipeline (WAP)	2,148,548	164,500	1,984,048	-	5,016,000	1,672,000	-	-	8,672,048	WF/ Water Ent Bond
Pipeline Transfer from NISP (WAP)	152,000	-	152,000	-	1,000,000	422,000	422,000	422,000	2,418,000	WF
Tank 2 Distribution Pipeline	-	-	-	687,500	1,500,000	5,797,000	5,797,000	5,797,000	19,578,500	WF/ Water Ent Bond
CWCWD Flow Control/Meter Vaults	252,934	270,000	-	1,718,750	1,718,750	-	-	-	3,437,500	WF
ST Vrain Water Treatment Plant Expansion to 5 MGD (WAP)	634,500	-	634,500	-	634,500	5,075,500	5,075,500	5,075,500	16,495,500	WF/ Water Ent Bond
Godding Ditch Diversion (WAP)	102,820	-	102,820	6,000	632,600	-	-	-	741,420	WF
Managed Groundwater Recharge Infrastructure (WAP)	-	112,500	-	271,000	506,250	-	-	-	777,250	Impact Fees
FAST Recharge Trench Pipeline (WAP)	67,500	-	67,500	-	789,750	-	-	-	857,250	WF
Total Capital Expenditures	\$ 6,671,304	\$ 4,005,066	\$ 3,725,460	\$ 10,218,024	\$ 26,300,100	\$ 41,117,500	\$ 28,453,500	\$ 16,428,500	\$ 126,243,084	

* Amounts include budget amendments made to the 2024 adopted budget
WAP - Water Action Plan

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: NISP Participation

Project Dates: **Begin:** Ongoing **Finish:** Ongoing

Comprehensive Project Cost: \$16,336,000.00 (5 Year Total)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The Town of Firestone has an annual participation expense for the 1300 ac-ft. of water from the Northern Integrated Supply Project.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	1,300,000	3,759,000	3,759,000	3,759,000	3,759,000	16,336,000
Total Revenue	\$ 1,300,000	\$ 3,759,000	\$ 3,759,000	\$ 3,759,000	\$ 3,759,000	\$ 16,336,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design	1,300,000	3,759,000	3,759,000	3,759,000	3,759,000	16,336,000
Construction						
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,300,000	\$ 3,759,000	\$ 3,759,000	\$ 3,759,000	\$ 3,759,000	\$ 16,336,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Historic Firestone Water Line Replacements

Project Dates: **Begin:** Ongoing **Finish:** Ongoing

Comprehensive Project Cost: \$6,325,000.00 (5 Year Total)

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

Numerous water lines in Historic Firestone are undersized, shallow, and in need of replacement. This project will replace those water lines and be done in conjunction with the Historic Firestone Street Replacement project.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	1,300,000	1,225,000	1,250,000	1,275,000	1,275,000	6,325,000
Total Revenue	\$ 1,300,000	\$ 1,225,000	\$ 1,250,000	\$ 1,275,000	\$ 1,275,000	\$ 6,325,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	1,300,000	1,225,000	1,250,000	1,275,000	1,275,000	6,325,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,300,000	\$ 1,225,000	\$ 1,250,000	\$ 1,275,000	\$ 1,275,000	\$ 6,325,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: St Vrain Water Treatment Plant Blend Pipeline Pump Station

Project Dates: **Begin:** 2020 **Finish:** 2028

Comprehensive Project Cost: \$12,113,500.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

It will be necessary for the Town to install its own pump station at the St Vrain WTP to pump treated water from the plant into our distribution system. The Phase 1 system will be designed to accommodate the ultimate pump configuration but will only construct the system needed to deliver into the Zone 2 and Zone 3 locations.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
2020 Water Enterprise Bond	524,750	411,750	5,598,500	5,598,500	-	12,133,500
Total Revenue	\$ 524,750	\$ 411,750	\$ 5,598,500	\$ 5,598,500	\$ -	\$ 12,133,500

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	524,750	411,750	5,598,500	5,598,500		12,133,500
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 524,750	\$ 411,750	\$ 5,598,500	\$ 5,598,500	\$ -	\$ 12,133,500

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name:SCADA Upgrade

Project Dates:Begin:OngoingFinish:Ongoing

Comprehensive Project Cost:\$600,000(5 Year Total)

Future Operational Impact:

☒ Yes

☐ No

Description/Justification:
Firestone's recently upgraded and expanded SCADA system is anticipated to require further expansion and additional programing. The expansion of the system is not expected to be substantial in 2024 but as Public Works becomes more familiar with the system and as the Town's augmentation reporting requirements to the State are better understood, there will need to be significant enhancements to the system programing to track and extract operations and reporting data more efficiently.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	200,000	100,000	100,000	100,000	100,000	\$ 600,000
						-
						-
						-
Total Revenue	\$ 200,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 600,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction	200,000	100,000	100,000	100,000	100,000	600,000
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ 200,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 600,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: _____ Firestone Reservoir No. 2 _____

Project Dates: **Begin:** _____ 2022 _____ **Finish:** _____ 2026 _____

Comprehensive Project Cost: _____ \$11,976,940.00 _____

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

With the purchase of Firestone Reservoir No. 1, the Town was able to secure an option to purchase an adjacent reservoir. This reservoir could yield about 1,090 AF of additional raw storage for the Town.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Raw Water Impact Fees	4,085,500	3,588,000	3,588,000	-	-	11,261,500
Total Revenue	\$ 4,085,500	\$ 3,588,000	\$ 3,588,000	\$ -	\$ -	\$ 11,261,500

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction						
Materials						
Equipment						
Other - Reservoir and water rights	4,085,500	3,588,000	3,588,000			11,261,500
Other -						
Total Expenditures	\$ 4,085,500	\$ 3,588,000	\$ 3,588,000	\$ -	\$ -	\$ 11,261,500

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Non-Potable Irrigation System Infrastructure

Project Dates: **Begin:** 2026 **Finish:** 2028

Comprehensive Project Cost: \$4,182,500.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

One of the primary reasons for purchasing Firestone Reservoir No. 1 was to allow the Town to develop a non-potable irrigation system so that the Town's parks and potentially some HOA open spaces can be converted from treated water irrigation to non-potable water. The Reservoir No. 1 infrastructure will be completed in 2022, including the irrigation pump station. In 2026 staff would like to complete the design of the first phase of non-potable water irrigation infrastructure so that construction can be completed in 2027.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Raw Water Impact Fees	-	329,500	1,926,500	1,926,500	-	4,182,500
Total Revenue	\$ -	\$ 329,500	\$ 1,926,500	\$ 1,926,500	\$ -	\$ 4,182,500

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design		329,500				329,500
Construction			1,926,500	1,926,500		3,853,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ -	\$ 329,500	\$ 1,926,500	\$ 1,926,500	\$ -	\$ 4,182,500

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Water Master Plan

Project Dates: **Begin:** 2023 **Finish:** 2025

Comprehensive Project Cost: \$225,000.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

The Town's current Water Master Plan was completed in 2010. Master plans should be updated every 5 years to reflect current conditions and future needs. In addition, an Asset Management Plan will be included to assess current water inventory and develop a long-term financial plan for funding replacements, upgrades and expansion of the Town's water infrastructure.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	125,000					125,000
Total Revenue	\$ 125,000	\$ -	\$ -	\$ -	\$ -	\$ 125,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies	125,000					125,000
Design						
Construction						
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 125,000	\$ -	\$ -	\$ -	\$ -	\$ 125,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Alluvial Well Field No. 2

Project Dates: **Begin:** 2021 **Finish:** 2027

Comprehensive Project Cost: \$12,552,116.00

Future Operational Impact:

☒	Yes
☐	No

Description/Justification:

The St. Vrain Water Treatment Plant will receive water from alluvial well sources. The alluvial well field being developed on the FAST (formerly Gould) Property will not provide enough water to fully utilize the entire water treatment plant capacity. Multiple alluvial well sites are anticipated to be developed per the Firestone 2020-2050 Water Action Plan. In 2021 staff will begin exploration and assessment of Alluvial Well Field No. 2.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
2020 Water Enterprise Bond	409,116	4,714,000	7,429,000	-	-	12,552,116
Total Revenue	\$ 409,116	\$ 4,714,000	\$ 7,429,000	\$ -	\$ -	\$ 12,552,116

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	409,116	4,714,000	7,429,000			12,552,116
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 409,116	\$ 4,714,000	\$ 7,429,000	\$ -	\$ -	\$ 12,552,116

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Water Tank 2

Project Dates: **Begin:** 2025 **Finish:** 2028

Comprehensive Project Cost: \$9,750,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

As demand grows in the Town's water distribution system it will be necessary to add additional potable water storage to the distribution system. This storage provide a volume of water to fight extended building fires, to help meet peak hour demands, and to provide emergency storage in the event there is an interruption in treated water delivery to the distribution system.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	375,000	375,000	4,500,000	4,500,000	-	9,750,000
Total Revenue	\$ 375,000	\$ 375,000	\$ 4,500,000	\$ 4,500,000	\$ -	\$ 9,750,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction	375,000	375,000	4,500,000	4,500,000		9,750,000
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 375,000	\$ 375,000	\$ 4,500,000	\$ 4,500,000	\$ -	\$ 9,750,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Coal Ridge Ditch Lateral Supply Pipeline
Project Dates: **Begin:** 2022 **Finish:** 2027
Comprehensive Project Cost: \$8,672,048.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Firestone will acquire water rights in the New Coal Ridge Ditch System by dedication from existing landowners and by purchase. The Coal Ridge Ditch is also capable of conveying Lower Boulder Ditch system water rights that the Town currently owns and future rights the Town will acquire in the future. To best capitalize on this ditch the Town has determined that design and construction of a new lateral off the northern most point of the ditch to convey water to the Reservoir 1 and Reservoir 2 site will be necessary.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	1,984,048					1,984,048
Water Enterprise Bond	-	5,016,000	1,672,000	-	-	6,688,000
Total Revenue	\$ 1,984,048	\$ 5,016,000	\$ 1,672,000	\$ -	\$ -	\$ 8,672,048

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	1,984,048	5,016,000	1,672,000			8,672,048
Materials						
Equipment						
Other - Easements						-
Other -						
Total Expenditures	\$ 1,984,048	\$ 5,016,000	\$ 1,672,000	\$ -	\$ -	\$ 8,672,048

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Pipeline Transfer from NISP

Project Dates: **Begin:** 2023 **Finish:** 2029

Comprehensive Project Cost: \$2,418,000.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The NISP Project should be completed and ready to deliver water between 2028 and 2030. The NISP project includes a pipeline to deliver water to the Southern Participants. This pipeline will terminate near the intersection of Colorado Blvd and SH 66. Firestone will then be able to construct a pipeline to convey the Town's water from there to the St Vrain Water Treatment Plant.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	152,000	1,000,000	422,000	422,000	422,000	2,418,000
Total Revenue	\$ 152,000	\$ 1,000,000	\$ 422,000	\$ 422,000	\$ 422,000	\$ 2,418,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design	152,000					152,000
Construction		685,000	422,000	422,000	422,000	1,951,000
Materials						
Equipment						
Other - Easements		315,000				315,000
Other -						
Total Expenditures	\$ 152,000	\$ 1,000,000	\$ 422,000	\$ 422,000	\$ 422,000	\$ 2,418,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Tank 2 Distribution Pipeline

Project Dates: Begin: 2025 Finish: 2029

Comprehensive Project Cost: \$19,578,500.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Firestone will build a new elevated water tank next to the existing tank in 2026, with design starting in 2024. This tank will principally serve to store treated water from the St Vrain Water Treatment Plant. The Tank 2 Distribution Pipeline will connect the new tank to the Town's existing distribution system and will also serve as the spine for the extended distribution to serve the eastern portions of the Town's growth planning area.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Enterprise Bond	687,500	1,500,000	5,797,000	5,797,000	5,797,000	19,578,500
Total Revenue	\$ 687,500	\$ 1,500,000	\$ 5,797,000	\$ 5,797,000	\$ 5,797,000	\$ 19,578,500

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design		1,500,000				1,500,000
Construction			5,797,000	5,797,000	5,797,000	17,391,000
Materials						
Equipment						
Other - Easements	687,500					687,500
Other -						
Total Expenditures	\$ 687,500	\$ 1,500,000	\$ 5,797,000	\$ 5,797,000	\$ 5,797,000	\$ 19,578,500

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: CWCWD Master Meter Flow Control Vaults

Project Dates: Begin: 2023 Finish: 2025

Comprehensive Project Cost: \$3,690,434.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Starting in 2023 the Town will have two water treatment plants providing service to the distribution system. To ensure that the volume of water being taken from each of the water treatment plants is balanced, with the service taps paid to each of these facilities, it will be necessary to install flow control and meter systems downstream of Central Weld County Water District (CWCWD) master meters. This will allow for daily flow control restriction to ensure that the Town is not drawing more water from CWCWD system then was purchased.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Enterprise Bond	1,718,750	1,718,750				3,437,500
Total Revenue	\$ 1,718,750	\$ 1,718,750	\$ -	\$ -	\$ -	\$ 3,437,500

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	1,718,750	1,718,750				3,437,500
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 1,718,750	\$ 1,718,750	\$ -	\$ -	\$ -	\$ 3,437,500

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name:

St Vrain Water Treatment Plant Expansion to 5 MGD

Project Dates:

Begin:2024Finish:2029

Comprehensive Project Cost:

\$16,495,000.00

Future Operational Impact:

☒Yes

☐No

Description/Justification:
The SVWTP initial phase has a capacity of 1.5 MGD and was designed with the intent to expand to a total capacity of 5 MGD. Based on growth projections and the time to design, permit, and construct the expansion the project will need to start in 2024 to be operational by 2029 when the demand is expected to exceed the current 1.5 MGD capacity. The water treatment plant will be the primary supply to meet all new demands in Firestone starting in 2024.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	634,500	634,500	5,075,500	5,075,500	5,075,500	16,495,500
Total Revenue	\$ 634,500	\$ 634,500	\$ 5,075,500	\$ 5,075,500	\$ 5,075,500	\$ 16,495,500

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design	634,500	634,500				1,269,000
Construction			5,075,500	5,075,500	5,075,500	15,226,500
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 634,500	\$ 634,500	\$ 5,075,500	\$ 5,075,500	\$ 5,075,500	\$ 16,495,500

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Godding Ditch Diversion

Project Dates: **Begin:** 2025 **Finish:** 2026

Comprehensive Project Cost: \$741,420.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Firestone has acquired shares in the Godding Ditch and will acquire more shares in the future. There is currently not an adequate diversion at the end of the that system to allow the Town to efficiently convey this water to Reservoir 1. The planned diversion will allow the Town to have an adequately sized and metered diversion to accurately measure water being taken out of the ditch for conveyance to Reservoir 1.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	108,820	632,600	-	-	-	741,420
Total Revenue	\$ 108,820	\$ 632,600	\$ -	\$ -	\$ -	\$ 741,420

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	108,820	632,600				741,420
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ 108,820	\$ 632,600	\$ -	\$ -	\$ -	\$ 741,420

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Managed Groundwater Recharge

Project Dates: **Begin:** 2023 **Finish:** 2026

Comprehensive Project Cost: \$1,297,400.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

As Firestone acquires water rights in the Tier 2 irrigation ditch systems, it will be necessary to design and build infrastructure to convey the water to the Town's existing infrastructure and to design and build the infrastructure needed to make return flows from those systems.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	271,000	506,250	-	-	-	777,250
Total Revenue	\$ 271,000	\$ 506,250	\$ -	\$ -	\$ -	\$ 777,250

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						-
Construction	271,000	506,250				777,250
Materials						
Equipment						
Land						-
Other -						
Total Expenditures	\$ 271,000	\$ 506,250	\$ -	\$ -	\$ -	\$ 777,250

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: FAST Recharge Trench Pipeline

Project Dates: **Begin:** 2025 **Finish:** 2026

Comprehensive Project Cost: \$857,250.00

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

The FAST managed alluvial recharge trench is currently filled by a surface ditch lateral. This system is difficult to regulate and maintain flows and there is no metering system so volumes delivered must be estimated. When the Reservoir 1 Return Flow Pipeline was constructed, a tee was installed to allow for a future pipeline to be constructed to the FAST Recharge Trench. The planned pipeline will include flow control and metering that will make filling the recharge trench much more efficient, much easier to regulate, and much more precisely measured for reporting to the State.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Water Fund	67,500	789,750				\$ 857,250
						-
						-
						-
Total Revenue	\$ 67,500	\$ 789,750	\$ -	\$ -	\$ -	\$ 857,250

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design						-
Construction	67,500	789,750				857,250
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ 67,500	\$ 789,750	\$ -	\$ -	\$ -	\$ 857,250

CAPITAL IMPROVEMENT PROGRAM SUMMARY
Stormwater Fund

*											
Capital Expenditures	2024 Adopted Budget	2024 Year-End Forecasts	2024 Estimated Carry Over	2025 Adopted Budget	2026 Estimate	2027 Estimate	2028 Estimate	2029 Estimate	5-Year Total	Funding Source	
Godding-Tri Town Basin Outfall Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ 500,000	\$ 9,000,000	\$ 10,000,000	Drainage Impact Fees	
Drainage Master Plan	91,088	91,088	-	-	-	-	-	-	-	Drainage Impact Fees	
Storm Water Fee Study	60,000	-	60,000	-	-	-	-	-	60,000	SWF	
Storm Water Ditch Maintenance	50,000	50,000	-	50,000	50,000	50,000	50,000	50,000	250,000	SWF	
Colorado Blvd Drainage Crossing Improvement	155,000	-	155,000	-	-	-	-	-	155,000	SWF	
Frontier Street Drainage Improvements	-	-	-	50,000	-	-	-	-	50,000	SWF	
Total Capital Expenditures	\$ 356,088	\$ 141,088	\$ 215,000	\$ 100,000	\$ 50,000	\$ 550,000	\$ 550,000	\$ 9,050,000	\$ 10,515,000		

* Amounts include budget amendments made to the 2024 adopted budget

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Storm Water Fee Study

Project Dates: **Begin:** 2025 **Finish:** 2025

Comprehensive Project Cost: \$60,000.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

The Stormwater Utility Fees were last updated in 2015 and since that time the Town has seen increased growth, has come into compliance with increased State regulations, and completed drainage projects. In addition, a Drainage Master Plan will be completed in 2021-2022 and a new Municipal Separate Storm Sewer Systems (MS4) Permit for the State is expected in 2021-2022 with additional regulations that the Town must meet. With these changes comes the need to update the utility fees to meet the Town's current stormwater needs.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Stormwater Fund	60,000					60,000
Total Revenue	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ 60,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						-
Design						
Construction						
Materials						
Equipment						
Other -						
Other -						
Total Expenditures	\$ -	\$ -	\$ -	\$ -	\$ -	-

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Stormwater Ditch Maintenance
Project Dates: **Begin:** Ongoing **Finish:** Ongoing
Comprehensive Project Cost: \$250,000.00 (5 year total)

Future Operational Impact: ☒ Yes
☐ No

Description/Justification:

Staff is requesting these funds to have the ability to be able to contract the larger ditch maintenance projects. Theses project would not be cost effective for staff to take on the man hours, rental of specialized equipment and hauling of different materials would surpass the costs that a contractor could do the same job for.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
Stormwater Fund	50,000	50,000	50,000	50,000	50,000	250,000
Total Revenue	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						
Design						
Construction						
Materials						
Equipment						
Other - Contract work	50,000	50,000	50,000	50,000	50,000	250,000
Other -						
Total Expenditures	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Colorado Blvd Drainage Crossing Improvement

Project Dates: **Begin:** 2025 **Finish:** 2025

Comprehensive Project Cost: \$155,000.00

Future Operational Impact: ☐ Yes
☒ No

Description/Justification:

As part of the Frederick and Dacono Outfall System Plan, improvements to the drainage crossing of Colorado Boulevard south of Pine Cone Avenue were identified. The existing crossing is undersized leading to the flooding and eventual closure of Colorado Boulevard during large storm events. While Colorado Boulevard in this location is in the Town of Frederick, the drainage basin leading to this crossing is within Firestone and any closure of Colorado Boulevard severely impacts Firestone residents. This project would be managed and constructed by the Town of Frederick with Firestone reimbursing them our proportional share of the costs but not exceeding 50% of the estimate cost.

Source of Funding:	2023	2024	2025	2026	2027	5 - Year Total
Stormwater Fund	155,000					155,000
Total Revenue	\$ 155,000	\$ -	\$ -	\$ -	\$ -	\$ 155,000

Expenditures:	2023	2024	2025	2026	2027	5 - Year Total
Plans/Studies						
Design						
Construction	155,000					155,000
Materials						
Equipment						
Other -						
Other -						-
Total Expenditures	\$ 155,000	\$ -	\$ -	\$ -	\$ -	\$ 155,000

5-YEAR CAPITAL IMPROVEMENT PROGRAM

Project Name: Frontier Street Drainage Improvements

Project Dates: **Begin:** 2025 **Finish:** 2025

Comprehensive Project Cost: \$50,000.00

Future Operational Impact: ☐ Yes
☐ No

Description/Justification:

The drainage along the west side of Frontier Street generally from Sable Avenue to Frontier Street is inadequate in places. It has historically led to roadside flooding and long-term maintenance issues. This project would identify and design potential drainage improvements along this segment of Frontier Street to help alleviate these issues.

Source of Funding:	2025	2026	2027	2028	2029	5 - Year Total
???	50,000					\$ 50,000
						-
						-
						-
						-
Total Revenue	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000

Expenditures:	2025	2026	2027	2028	2029	5 - Year Total
Plans/Studies						\$ -
Design	50,000					50,000
Construction						-
Materials						-
Equipment						-
Other -						-
Other -						-
Total Expenditures	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000

AGENDA INFORMATION MEMORANDUM

FIRESTONE BOARD OF TRUSTEES



AIM No.: 7.f

Discussion/Action

Meeting Date: November 13, 2024

Initiated By: Jessica Clanton

Department: Finance

AGENDA ITEM

Resolution 24-108: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW FOR THE 2025 FISCAL YEAR.

RECOMMENDATION

Staff recommends approval of resolution 24-108

SUMMARY

Staff presented the 2025 Preliminary Budget to the Board of Trustees at the Work Session on September 18th, and at the regular meetings on September 25th, October 9th and October 23rd. No changes have been made since the October 23rd meeting.

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

Public notice was published in the Longmont Times-Call on October 25th, 2024, stating that the Proposed 2025 Budget would be available for review at the Town Clerk's Office. In addition, it stated that public comment and review would take place at the November 13th, 2024, Board meeting and, pending Board approval, that it would be adopted at that same Board meeting.

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
 - Maintain Town Infrastructure & Facilities
 - Uphold Fiscal Integrity
 - Encourage Community Governance with Civic Partnerships
 - Maintain a Safe, Clean & Beautiful Town
 - Design and Promote Livable Neighborhoods & Homes
 - Organizational Objectives

ATTACHMENTS

1. Reso 2025 Budget Fund Allocation

RESOLUTION NO. 24-108

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW FOR THE 2025 FISCAL YEAR.

WHEREAS, the Board of Trustees of the Town of Firestone adopted the 2025 budget in accordance with the Local Government Budget Law, on November 13, 2024; and

WHEREAS, the Board of Trustees has made provision therein for revenues in an amount equal to total proposed expenditures as set forth in the budget; and

WHEREAS, it is required by law but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operation of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. That the following sums are hereby appropriated from the revenues of each fund, for the purposes stated:

General Fund	\$ 22,490,448
Capital Projects Fund	\$ 13,329,240
Debt Service Fund	\$ 2,400,018
Conservation Trust Fund	\$ 100,000
Firestone Urban Renewal Authority – Southern	\$ 347,065
Firestone Urban Renewal Authority – Northern	\$ 6,259,686
Firestone Urban Renewal Authority – Central	\$ 4,789,201
Firestone Urban Renewal Authority – Big Horn	\$ 3,101,035
Water Fund	\$ 26,753,328
Stormwater Fund	\$ 1,530,010
Total Appropriations & Transfers	<u>\$ 81,100,031</u>

INTRODUCED, READ AND ADOPTED this 13th day of November, 2024.

TOWN OF FIRESTONE, COLORADO

By:

Don Conyac Jr., Mayor

ATTEST:

Missy Carranco, Deputy Town Clerk

APPROVED AS TO FORM:

William P. Hayashi, Town Attorney

**AGENDA INFORMATION
MEMORANDUM**

FIRESTONE BOARD OF TRUSTEES



AIM No.: 10.a

Executive Session

Meeting Date: November 13, 2024

Initiated By:

Department: Town Clerk

AGENDA ITEM

An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) for a personnel matter regarding the Town Manager's annual evaluation.

RECOMMENDATION

SUMMARY

FINANCIAL CONSIDERATIONS

HISTORY AND PREVIOUS BOARD ACTION

BOARD STRATEGIC PLAN IMPACT

- ✓ This agenda item furthers the Board of Trustees' strategic goal:
N/A

ATTACHMENTS

None