REGULAR MEETING AGENDA

City of Black Hawk City Council
211 Church Street, Black Hawk, CO

May 22, 2019

Work Session
1:30 p.m.

Regular Meeting

Immediately following Work Session

RINGING OF THE BELL:

1. CALL TO ORDER:

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

3. AGENDA CHANGES:

4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)

5. INTRODUCTION OF NEW EMPLOYEES: Marc Norman, Firefighter
   Jonathan Zoetewey, Firefighter
   Ryan Jones, Firefighter

6. PUBLIC COMMENT: Please limit comments to 5 minutes

7. APPROVAL OF MINUTES: May 8, 2019

8. PUBLIC HEARINGS:

   None

9. ACTION ITEMS:


   B. Resolution 27-2019, A Resolution Approving the Agreement of Lease Between the City of Black Hawk as Lessor and Ed & Shirley, Inc. as Lessee for Property Located at 200 Gregory Street, Black Hawk, Colorado

   C. Resolution 28-2019, A Resolution Approving the Proposal from CIGNA for 2019-2021 Ancillary Coverage

   D. Resolution 29-2019, A Resolution Approving the Purchase of a Bobcat E85 Compact Excavator From Bobcat of the Rockies in an Amount Not To Exceed $73,090.00

   E. Resolution 30-2019, A Resolution Awarding the Bid and Approving the Construction Manager/General Contractor (CMGC) Contract Between the City of Black Hawk and Taylor Kohrs, LLC in an Amount Not To Exceed $5,650.00 for Preconstruction Services Pertaining to the Hidden Treasure Trailhead Project

   F. Resolution 31-2019, A Resolution Awarding the Bid and Approving the Contract Between the City of Black Hawk and Grapes & Sons Excavating in an Amount Not To Exceed $43,300.00 for Construction of the Maryland Mountain Main Tramway Grading Project

   G. Resolution 32-2019, A Resolution Approving Amendment No. 1 to the Design-Build Contract Executed on February 27, 2019 Between the City of Black Hawk and Harrison Western Construction, Inc., Establishing the Guaranteed Maximum Price (GMP) of $1,526,722.12 for Construction of the Bobtail Street Sculpted and Stained Shotcrete Project

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community

1 of 311
10. CITY MANAGER REPORTS:

11. CITY ATTORNEY:

12. EXECUTIVE SESSION:

13. ADJOURNMENT:
RYAN JONES
FIREFIGHTER

Ryan has been a volunteer firefighter with both Eaton and Windsor Fire and has been working on an ambulance in a 9-1-1 system in Loveland. He has a background in construction and building houses.

He enjoys time volunteering with the Boy Scouts and running scouting camps in Utah. In his spare time, he also enjoys snowboarding, skiing, rock climbing, mountain biking, rafting, and grew up playing baseball and football. He studied microbiology at the University of Utah. He is happy to be new firefighter at the City of Black Hawk and is looking forward to learning a lot in this new position.
Jon is incredibly excited for this opportunity to join the City of Black Hawk Fire Department as a firefighter. He is originally from Canada, but has spent most of his life in Colorado, raised in Denver. He is the youngest of four and the first of his family to go into a career in emergency services. He enjoys filling his days with meaningful work, which led him to this career. He has been in public safety for over six years, working in high-volume systems as both an EMT and volunteer firefighter.

Jon has practiced Martial Arts his entire life and now teaches self-defense and community safety skills to adults with developmental disabilities. He also enjoys woodworking, a craft he learned from his dad, and spending time with his three rescue dogs.
Marc has enjoyed his first two weeks with the City of Black Hawk Fire Department. He was born and raised in Colorado, is married to Katelyn and has two young daughters. Marc has been a volunteer firefighter with Clear Creek Fire Authority. He has worked as an EMT in the hospital setting and after a few years moved to a position as a OB/NICU tech. He is very proud to have delivered his two children, and assisted during many other deliveries.

He recently took up golfing again and is looking forward to the next City golf tournament. He enjoys photography, camping, climbing, family time, shooting, and work.
Gilpin County resident Geoffrey Gordon rang the bell to open the meeting.

1. CALL TO ORDER: The regular meeting of the City Council was called to order on Wednesday, May 8, 2019, at 3:00 p.m. by Mayor Spellman.

2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

   Staff present: Visiting City Attorney Graham, City Manager Cole, Police Chief Lloyd, Finance Director Hillis, City Clerk/Administrative Services Director Greiner, Public Works Director Isbester, Senior Civil Engineer Reed, Community Planning and Development Administrator Linker, and Deputy City Clerk Martin.

   PLEDGE OF ALLEGIANCE: Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: Deputy City Clerk Martin confirmed there were no agenda changes.

4. CONFLICTS OF INTEREST: Visiting City Attorney Graham asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State. No conflicts were noted from City Council.

   Visiting City Attorney Graham asked the audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. The audience had no objections.

5. PUBLIC COMMENT: Deputy City Clerk Martin confirmed no one had signed up to speak.
6. APPROVAL OF MINUTES: April 24, 2019

MOTION TO APPROVE

Alderman Armbright MOVED and was SECONDED by Alderman Torres to approve the Minutes as presented.

MOTION PASSED

There was no discussion, and the motion passed unanimously.

7. PUBLIC HEARINGS:

A. CB9, An Ordinance Amending Section 4-41(a) of the Black Hawk Municipal Code to Correct a Clerical Error Regarding the City’s Sales Tax Rate

Mayor Spellman read the title and opened the public hearing.

Finance Director Hillis noted the discrepancy that was recently discovered. He said a few years ago the City’s sales tax rate changed from 4% to 4.5%, but when the City adopted the standardized sales tax definitions last year, that ordinance included the previous sales tax. This ordinance would fix that clerical error.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB9, an Ordinance amending Section 4-41(a) of the Black Hawk Municipal Code to correct a clerical error regarding the City’s sales tax rate open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Bennett MOVED and was SECONDED by Alderman Johnson to approve CB9, an Ordinance amending Section 4-41(a) of the Black Hawk Municipal Code to correct a clerical error regarding the City’s sales tax rate.

MOTION PASSED

There was no discussion, and the motion PASSED unanimously.

B. CB10, An Ordinance Approving the Second Amendment to the Intergovernmental Agreement for the Provision of Emergency Telephone Service and Establishment of the Gilpin County 911 Authority

Mayor Spellman read the title and opened the public hearing.
Police Chief Lloyd introduced this item. He said this Ordinance amends how checks are signed by the Board; they would now need one Board member to sign in addition to Finance.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on CB10, an Ordinance approving the Second Amendment to the Intergovernmental Agreement for the provision of emergency telephone service and establishment of the Gilpin County 911 Authority open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE
Alderman Johnson MOVED and was SECONDED by Alderman Armbright to approve CB10, an Ordinance approving the Second Amendment to the Intergovernmental Agreement for the provision of emergency telephone service and establishment of the Gilpin County 911 Authority.

MOTION PASSED
There was no discussion, and the motion PASSED unanimously.


Mayor Spellman read the title and opened the public hearing.

Police Chief Lloyd introduced this item and said this approval brings the City up to the State’s 2018 version. The City is currently using the 2010 version. The Model Traffic Code is used in Municipal Court. Visiting City Attorney Graham said this is the first reading of the Ordinance and will come back before Council at their next meeting on May 22 for approval.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on the introduction of an Ordinance repealing and reenacting Sections 8-1 and 8-2 of the Black Hawk Municipal Code and adopting by reference the 2018 Model Traffic Code open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.
MOTION TO APPROVE

Alderman Armbright moved and was seconded by Alderman Moates to approve the passage of the adopting ordinance on its first reading and to schedule its adoption at the next regular meeting of May 22, 2019.

MOTION PASSED

There was no discussion, and the motion passed unanimously.

Mayor Spellman and Council took a moment to congratulate Police Chief Lloyd on his new role.

8. ACTION ITEMS:

A. Resolution 25-2019, A Resolution Approving the Contract with Delta Dental in the Estimated Amount of $107,711 for Group Dental Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner explained that the City had increased staff in 2019, which allowed us to move up to a large group category, so the City received a decrease in the premium by 8.2%. She said now that the City is in a large group category, data can be released to determine if a self-funded plan would be beneficial for the 2020-2021 plan year. She added that if the City is able to self-fund, the goal would be to further decrease premiums and to increase the maximum benefit of coverage.

MOTION TO APPROVE

Alderman Bennett moved and was seconded by Alderman Torres to approve Resolution 25-2019, a Resolution approving the contract with Delta Dental in the estimated amount of $107,711 for Group Dental Insurance.

MOTION PASSED

There was no discussion, and the motion passed unanimously.

B. Resolution 26-2019, A Resolution Approving the Contract with Kaiser Permanente in the Estimated Amount of $1,058,342 for Group Health Insurance

Mayor Spellman read the title.

City Clerk/Administrative Services Director Greiner said the rate increased by 6.7% this year due to our experience. She said that Kaiser usually pools Black Hawk in with other small groups, but this year they gave us a 10% credibility rating, which lowered our rate by .5% over other municipal governments our size.
MOTION TO APPROVE Alderman Torres MOVED and was SECONDED by Alderman Moates to approve Resolution 26-2019, a Resolution approving the contract with Kaiser Permanente in the estimated amount of $1,058,342 for Group Health Insurance.

MOTION PASSED There was no discussion, and the motion PASSED unanimously.

9. CITY MANAGER REPORTS: City Manager Cole had nothing to report.

10. CITY ATTORNEY: Visiting City Attorney Graham had nothing to report.

11. EXECUTIVE SESSION: None

12. ADJOURNMENT: Mayor Spellman declared the Regular Meeting of the City Council closed at 3:10 p.m.

Melissa A. Greiner, CMC
City Clerk

David D. Spellman
Mayor
COUNCIL BILL 11
ORDINANCE 2019-11
AN ORDINANCE
REPEALING AND
REENACTING SECTIONS
8-1 AND 8-2 OF THE
BLACK HAWK
MUNICIPAL CODE AND
ADOPTING BY
REFERENCE THE 2018
MODEL TRAFFIC CODE
CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Amending Section 8-1 and Section 8-2 of Municipal Code, adopting the 2018 Model Traffic Code.

RECOMMENDATION: If City Council chooses to approve Council Bill 11, the recommended motion is as follows: “Approve Council Bill 11, an Ordinance repealing and reenacting Sections 8-1 and 8-2 of the Black Hawk Municipal Code and adopting by reference the 2018 Model Traffic Code.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: Currently the City of Black Hawk utilizes the 2010 Model Traffic Code. The adoption of the 2018 Model Traffic Code bring the City of Black Hawk’s traffic code in line with the current State traffic laws.

AGENDA DATE: May 8, 2019 and May 22, 2019

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: [ X ]Yes [ ]No

STAFF PERSON RESPONSIBLE: Kenneth Lloyd, Police Chief

DOCUMENTS ATTACHED: Published Notice, Ordinance, and 2018 Model Traffic Code

RECORD: [ ]Yes [ X ]No

CITY ATTORNEY REVIEW: [X ]Yes [ ]N/A

SUBMITTED BY: REVIEWED BY: 

Kenneth Lloyd, Police Chief Stephen N. Cole, City Manager
NOTICE OF HEARING

NOTICE is hereby given that the City of Black Hawk City Council shall hold a public hearing on Wednesday, May 8, 2019 at 3:00 p.m., or as soon as possible thereafter for the purpose of considering the adoption by reference of the “Model Traffic Code” 2018 edition, as the traffic ordinance of the City of Black Hawk, Colorado. The public hearing shall be held in the City of Black Hawk Council Chambers located at 211 Church Street, Black Hawk, Colorado, 80422, or at such other time or place in the event these hearings are adjourned.

Copies of the Model Traffic Code are on file at the office of the City Clerk and may be inspected during regular business hours. If enacted as an ordinance of this City the Model Traffic Code will not be published in full, but in accordance with state law, copies will be kept on file.

The “Model Traffic Code” 2018 edition is promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, Colorado 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. 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 nation.

At its next regular meeting following this hearing, the City of Black Hawk City Council will consider passage of the adopting Ordinance.

ALL INTERESTED PARTIES MAY ATTEND

This notice given and published by the order of the City of Black Hawk City Council.

Dated this 22nd day of April, 2019.

CITY OF BLACK HAWK CITY COUNCIL

Melissa A. Greiner, CMC
City Clerk

First notice of hearing April 25, 2019
Second notice of hearing May 2, 2019
STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK  

COUNCIL BILL NUMBER: CB11  
ORDINANCE NUMBER: 2019-11  

TITLE: AN ORDINANCE REPEALING AND REENACTING SECTIONS 8-1 AND 8-2 OF THE BLACK HAWK MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2018 MODEL TRAFFIC CODE  

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:  

Section 1. Section 8-1 of the City of Black Hawk Municipal Code is hereby repealed and reenacted as follows:  

Sec. 8-1. Adoption.  

Pursuant to Title 31, Article 16, Part 2, C.R.S., there is hereby adopted by reference the 2018 edition of the Model Traffic Code for Colorado, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222, as modified in Section 8-2 below. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk and may be inspected during regular business hours, the same being adopted as if set out at length, save and except for the following sections, which are declared to be inapplicable to the City and are therefore expressly deleted or modified.  

Section 2. Section 8-2 of the City of Black Hawk Municipal Code is hereby repealed and reenacted as follows:  

Sec. 8-2. Additions, deletions, and modifications.  

The adopted Model Traffic Code is subject to the following additions, deletions and modifications:  

(1) Section 105 is hereby deleted in its entirety.  

(2) Section 108 is amended by the addition of the following paragraph (5):  

"(5) The provisions of this Section 108 shall be applicable solely and only to the drivers of vehicles that are owned and operated by the City of Black Hawk, the Gilpin County Sheriff, any authorized state or federal agency and any ambulance company licensed to provide emergency ambulance service in either the City of Black Hawk or in Gilpin County or the driver of any vehicle"
authorized by the Black Hawk Chief of Police or designee. No driver of any private vehicle or any vehicle owned or operated by any other municipality or other governmental entity, except as specified herein, shall be entitled to rely on the provisions of this Section 108 while operating a motor vehicle upon a local street or other public way within the City of Black Hawk, it being the duty and obligation of all such drivers to comply with all traffic laws and regulations of the City while operating any vehicle within the boundaries of the City."

(3) [Reserved].

(4) Section 110(4) is modified to read as follows:

"(4) The appropriate local court shall have jurisdiction over violations of traffic regulations enacted or adopted by the Board of Aldermen."

(5) In Subsection 223(1), all references to "Section 235(1)(a)" are modified to read "Section 42-4-235(1)(a), C.R.S."

(6) In Subsection 225(3), the references to "Section 205(5.5)(a)" is modified to read "Section 43-4-205(5.5)(a), C.R.S."

(7) In Subsection 228(5)(c)(III), the reference to "Section 235(1)(a)" is modified to read "Section 42-4-235(1)(a), C.R.S."

(8) In Subsection 229(4), the reference to "Section 219" is modified to read "Section 42-3-219, C.R.S."

(9) In Subsection 236(1)(a), the reference to "Code 6" is modified to read "Article 6."

(10) In Subsection 237(3)(g), the reference to "Section 235(1)(a)" is modified to read "Section 42-4-235(1)(a), C.R.S."

(11) In Subsection 238(1), the reference to "Section 42-1-102(6)" is modified to read "Section 42-1-102(6), C.R.S."

(12) Section 239 is amended as set forth below:

(a) In Subsection (5), all references to "Section 42-4-1701(3)" are modified to reference "Section 42-4-1701(3), C.R.S."

(b) Subsection (6)(b) is modified to read as follows:

"(6)(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 Section 42-4-1402, C.R.S."

(13) In Subsection 504(4), the reference to "Section 42-4-510" is modified to read "Section 42-4-510, C.R.S."

(14) Section 602 is hereby deleted in its entirety.

(15) In Subsection 604(1)(a)(III), the reference to "Section 42-4-802" is modified to read "Section 42-4-802, C.R.S."

(16) In Subsection 608(1), the reference to "Section 42-4-903" is modified to read "Section 42-4-903, C.R.S.," and the reference to "Section 42-4-609" is modified to read "Section 42-4-609, C.R.S."

(17) In Subsection 613, the reference to "Code 4" is modified to read "Article 4."

(18) Subsection 614(1)(a) is modified to read as follows:

"(1)(a) If maintenance, repair, or construction activities are occurring or will occur within four (4) 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 the equivalent to certain State violations listed in Section 42-4-1701(4), C.R.S., 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 42-4-1701(4)(c), C.R.S."

(19) Subsection 614(1)(b) is modified to read as follows:

"(1)(b) If maintenance, repair, or construction activities are occurring or will occur within four (4) hours on a portion of 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 the equivalent to certain State violations listed in Section 42-4-1701(4), C.R.S., 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 42-4-1701(4)(c), C.R.S."

(20) In Subsection 615(1), the reference to "Section 1701(4)(d)" is modified to read "Section 42-4-1701(4)(d), C.R.S."
(21) In Subsection 705(3)(b), the reference to "Section 42-4-1402" is modified to read "Section 42-4-1402, C.R.S."

(22) In Subsection 805(5), the reference to "Section 111" is modified to read "Section 42-4-111, C.R.S." and the reference to "Section 111(2)" is modified to read "Section 42-4-111(2), C.R.S."

(23) In Subsection 1010(1), the reference to "Section 42-4-902" is modified to read "Section 42-4-902, C.R.S."

(24) Section 1010(3) is modified to read as follows:

"(3) Local authorities may by ordinance, consistent with the provisions of Section 43-2-135(1)(g), C.R.S., 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, local authorities, or their designees, shall install official traffic control devices in conformity with the standards established by Section 601 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."

(25) In Subsection 1012(3)(b), the references to "Section 1701(4)(a)(I)(K)" is modified to read "Section 42-4-1701(4)(a)(I)(K), C.R.S."

(26) Subsections (1), (2), and (4) of Section 1101 are deleted in their entirety and the following Section 1101, subsection (1), is substituted totally therefor:

"1101(1). Speed laws applicable. The Board of Aldermen has determined that the following prima facie speed limits should be applicable on the streets and roadways in the City and speed in excess of such limits shall be prima facie evidence that such speed is unlawful and a violation of this Article.

(a) Upon the basis of engineering and traffic investigations and determinations made by the Colorado Department of Transportation on streets which are state highways, and the City concurring therein, it is hereby declared that standard signs now erected give notice of the reasonable and true prima facie speed limit on those portions of said highways within the corporate limits of the City. According the following reasonable and prima facie speed limits shall be:
<table>
<thead>
<tr>
<th>Name of Street (State Highway)</th>
<th>Direction of Travel</th>
<th>Portion Affected (Terminal Limits)</th>
<th>Miles Per Hour Speed Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Hawk Street Eastbound &amp; Westbound</td>
<td>From Junction of Highway 117 to Gregory Street</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Church Street Northbound &amp; Southbound</td>
<td>Entire length of road</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Dory Hill Road Northbound &amp; Southbound</td>
<td>From North limit to Haul Road and beginning of Richman Street</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Miners' Mesa Road Eastbound &amp; Westbound</td>
<td>From Main to Bobtail</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Miners' Mesa Road Eastbound &amp; Westbound</td>
<td>From Bobtail to top of Miners' Mesa</td>
<td>25</td>
<td></td>
</tr>
</tbody>
</table>

(b) Signs shall be displayed on all other streets regarding either 'Speed Limit 15,' or 'all streets 15 M.P.H. unless otherwise posted.' The said 15 M.P.H. signs shall appear on all arterial entrances to the City, including state highway entrances. Colorado Department of Transportation shall establish the speed limits on State Highway 119 (Clear Creek Street) for the entire length of the highway.

(c) Except when a special hazard exists that requires lower speed than hereinabove set forth, the foregoing speed limits are reasonable and prima facie speed limits.

(d) Unless specifically provided to the contrary, all reference to 'City Limit' in Section 1101(1) shall mean the existing City limit. It is in the intention of the Board of Aldermen that the provisions of Section 1101(1) shall apply to the entire area within the City, including recently annexed territory and territory which may be annexed in the future upon the effective date of any annexation.

(27) Subsection 1105(7)(c) is modified to read as follows:

"(c) The failure of the owner of the immobilized motor vehicle to request removal of the immobilization device and pay the fee within fourteen (14) 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 vehicle,' as defined in Section 1802(1)(d) and Section 42-4-2102, C.R.S., and subject to the provisions of part 18 of this Code and part 21 of article 4 of Title 42, C.R.S., 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 Section 42-4-2108(2)(a.5), C.R.S."

(28) Subsection 1105(8) is modified to read as follows:

"(b) No person may remove the immobilization device at 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 of this Code or part 21 of Article 4 of Title 42, C.R.S."

(29) Section 1204 shall be modified by the addition of Subsection 1204(1)(I) to read as follows:

"(I) Within emergency access lanes designated pursuant to powers designated to the City under state law, so as to obstruct designated and marked emergency access lanes anywhere within the municipality of the City of Black Hawk. This prohibition against stopping, standing, or parking a vehicle within said designated emergency access lanes shall be applicable to all property, whether public or private within the City of Black Hawk, and shall prohibit the parking, stopping or standing of any vehicle within said emergency access lanes except emergency vehicles (i.e., police cars, fire department vehicles, ambulances, EMT vehicles, etc.) during the answering of an emergency call."

(30) Section 1208 shall be modified by deleting the existing Section 1208 and substituting in its place the following:

"1208. Parking for persons with mobility handicaps.

(a) Any motor vehicle with distinguishing license plates or an identifying placard obtained by a person with a mobility handicap as prescribed by law, may be parked in a parking space identified as being reserved for use by the handicapped, whether on public property or private property available for public use; or in any public parking area along any public street in one and two-hour limit zones or at parking meters during hours parking is permitted regardless of any time limitation imposed upon parking along such streets.

(b) It shall be unlawful for persons with mobility handicaps to be parked along public streets, or in designated parking spaces on public or private property:

(1) During such times when all stopping, standing, or parking of all vehicles is prohibited;"
(2) When only special vehicles may be parked; or

(3) When parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(c) The owner of private property available for public use may install signs prescribed by the traffic engineer identifying parking spaces designated to specifications of the traffic engineer and reserved for use by the handicapped. Such installations shall be a waiver of any objection the owner may assert concerning enforcement of this Section by officers, or parking control persons, and said persons are hereby authorized and empowered to enforce this Section of the code.

(d) It shall be unlawful for any person who does not have a mobility handicap to exercise the parking privilege defined in this section.

(e) It shall be unlawful for any motor vehicle without distinguishing license plates or any identifying placard obtained by a person with mobility handicap as prescribed by law to be parked in a parking space identified as being reserved for use by the handicapped. Notwithstanding any other provision of the Model Traffic Code, the penalty resulting from conviction of a violation of this Section 1208 or any subpart thereof shall be a fine of not less than fifty dollars ($50.00) nor more than four hundred ninety-nine dollars ($499.00). In enforcing this Section 1208, the municipal court shall not have the authority to suspend all or any part of any fine or violation hereof so as to result in a fine of less than fifty dollars ($50.00), it being the intent of Board of Aldermen of the City of Black Hawk that Section 1208 of this Code be strictly and diligently enforced so as to provide adequate parking of persons with mobility handicaps free from the interference of those not so handicapped."

(31) In Subsection 1210(1), the reference to "Section 42-1-102(64)" is modified to read "Section 42-1-102(64), C.R.S."

(32) In Subsection 1401(1), the reference to "Section 127" is modified to read "Section 42-2-127, C.R.S."

(33) In Section 1402(1), the reference to "Section 127" is modified to read "Section 42-2-127, C.R.S."

(34) In Subsection 1406(5)(b)(II), the reference to "Section 1701(4)(a)(I)(N)" is modified to read "Section 42-4-1701(a)(I)(N), C.R.S."

(35) In Subsection 1408(1), the reference to "Code 1" is modified to read "Article 1" and reference to "Code 20" is modified to "Article 20."
(36) In Subsection 1409(4)(a), all references to "Section 42-4-1701(3)(a)(II)(A)" are modified to read "Section 42-4-1701(3)(a)(II)(A), C.R.S."

(37) In Subsection 1409(6), all references to "Section 42-7-602" are modified to read "Section 42-7-602, C.R.S."

(38) In Section 1412, all references "Section 111" are modified to read "Section 42-4-111, C.R.S.;" the references to "Code 10" is modified to read "Article 10;" and all references to "Section 127" are modified to read "Section 42-4-127, C.R.S."

(39) In Section 1415, the reference to "Section 42-4-1701(3)(a)(II)(A)" is modified to read "Section 42-4-1701(3)(a)(II)(A), C.R.S."

(40) Section 1701 is deleted in its entirety. Any references to Section 1701 shall be deemed to refer to Section 8-5 of this Article.

(41) Section 1706 shall be modified by deleting the existing Section 1706 and substituting in its place the following:


(1) Notwithstanding any other provision of law, a child, as defined in Section 19-1-103 (18), C.R.S., convicted of a misdemeanor traffic offense under this Code, violating the conditions of probation imposed under this Code, or found in contempt of court in connection with a violation or alleged violation under this Code shall 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 shall receive and provide care for such child or if the jail is located within forty miles of such facility. The court imposing penalties under 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 that shall receive and provide care for such child or if the jail is located within forty miles of such facility. The court imposing penalties under 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 19-2-508 (4), C.R.S.

(2)(a) Notwithstanding any other provision of law, a child, as defined in Section 19-1-103 (18), C.R.S., arrested and incarcerated for an alleged misdemeanor traffic offense under this Code, and not released on bond, shall be taken before a county judge who has jurisdiction of such offense within forty-eight (48) hours for fixing of bail and conditions of bond pursuant to Section 19-2-508 (4)(d), C.R.S. Such child shall not be
confined in a jail, lockup, or other place used for the confinement of adult offenders for longer than seventy-two (72) 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 under this subsection (2), Saturdays, Sundays, and court holidays shall be 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), C.R.S."

(42) Section 1709 shall be modified by deleting the existing Section 1709 and substituting in its place the following:

"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, the penalty assessment notice which shall be served upon the defendant by the peace officer shall 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 thereof, the amount of the penalty prescribed for such traffic infraction, the amount of the surcharge thereon pursuant to Section 24-4.2-104 (1), C.R.S., the number of points, if any, prescribed for such traffic infraction pursuant to Section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in a specified county court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; and shall contain a place for the defendant to elect to execute a signed acknowledgment of liability and an agreement to pay the penalty prescribed and surcharge thereon within twenty days, as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty and surcharge thereon not be paid within the time allowed in Section 42-4-1701, C.R.S.

(1.5) A penalty assessment notice issued and served pursuant to subsection (1) of this Section on a minor under the age of eighteen (18) 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 (30) days, but not more than ninety (90) 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.

(43) In Section 1805, all references to "part 1 of Code 6 of this title" is modified to read "part 1 of article 6 of title 42, C.R.S."

(44) In Section 1814, the reference to "Section 42-13-106" is modified to read "Section 42-13-106, C.R.S."
Section 1412, subsection (6), is deleted in its entirety and substituting in its place the following language:

"(6) Persons operating bicycles or electrical assisted bicycles upon roadways shall ride single file, except that riding no more than two abreast is permitted when riding on paths or parts of roadways set aside for the exclusive use of bicycles."

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 22nd day of May, 2019.

_______________________________
David D. Spellman, Mayor

ATTEST:

________________________________
Melissa A. Greiner, CMC, City Clerk
MODEL TRAFFIC CODE FOR COLORADO


Colorado Department of Transportation

State of Colorado

REVISED 2018
TABLE OF CONTENTS

PART 1
TRAFFIC REGULATION - GENERALLY

101. Short title.
102. Legislative declaration.
103. Scope and effect of C – exceptions to provisions.
104. Adoption of traffic control manual.
105. Local traffic control devices.
106. Who may restrict right to use highways.
107. Obedience to police officers.
108. Public officers to obey provisions - exceptions for emergency vehicles.
109. Low-power scooters, animals, skis, skates, and toy vehicles on highways.
109.5. Low-speed electric vehicles.
110. Provisions uniform throughout state.
110.5. Automated vehicle identification systems.
111. Powers of local authorities.
112. Noninterference with the rights of owners of realty.
113. Appropriations for administration of article.
114. Removal of traffic hazards.
115. Information on traffic law enforcement - collection - profiling - annual report - repeal.
   (Repealed)
117. Personal mobility devices.

PART 2
EQUIPMENT

201. Obstruction of view or driving mechanism - hazardous situation.
203. Unsafe vehicles - spot inspections.
204. When lighted lamps are required.
205. Head lamps on motor vehicles.
206. Tail lamps and reflectors.
207. Clearance and identification.
208. Stop lamps and turn signals.
209. Lamp or flag on projecting load.
210. Lamps on parked vehicles.
211. Lamps on farm equipment and other vehicles and equipment.
212. Spot lamps and auxiliary lamps.
213. Audible and visual signals on emergency vehicles.
215. Signal lamps and devices – additional lighting equipment.
216. Multiple-beam road lights.
217. Use of multiple-beam lights.
218. Single-beam road-lighting equipment.
219. Number of lamps permitted.
220. Low-power scooters – lighting equipment - department control - use and operation.
221. Bicycle and personal mobility device equipment.
222. Volunteer firefighters – volunteer ambulance attendants – special lights and alarm systems.
223. Brakes.
224. Horns or warning devices.
225. Mufflers - prevention of noise.
226. Mirrors - exterior placements.
228. Restrictions on tire equipment.
229. Safety glazing material in motor vehicles.
231. Parking lights.
232. Minimum safety standards for motorcycles and low-power scooters.
233. Alteration of suspension system.
234. Slow-moving vehicles - display of emblem.
235. Minimum standards for commercial vehicles
236. Child restraint systems required - definitions - exemptions.
237. Safety belt systems – mandatory use - exemptions - penalty.
238. Blue and red lights - illegal use or possession.
240. Low-speed electric vehicle equipment requirements.

PART 3
EMISSIONS INSPECTION
(Omitted)

PART 4
DIESEL INSPECTION PROGRAM
(Omitted)

PART 5
SIZE - WEIGHT - LOAD

501. Size and weight violations - penalty.
502. Width of vehicles.
503. Projecting loads on passenger vehicles.
504. Height and length of vehicles.
505. Longer vehicle combinations.
506. Trailers and towed vehicles.
507. Wheel and axle loads.
509. Vehicles weighed – excess removed.
510. Permits for excess size and weight and for manufactured homes - rules.
511. Permit standards - state and local.
511.2. Authority for cooperative agreements with regional states on excess size or weight vehicles - regulations.
512. Liability for damage to highway.

PART 6
SIGNS - SIGNS - MARKINGS

601. Department to sign highways, where.
602. Local traffic control devices.
603. Obedience to official traffic control devices.
604. Traffic control signal legend.
605. Flashing signals.
606. Display of unauthorized signs or devices.
607. Interference with official devices.
608. Signals by hand or signal device.
609. Method of giving hand and arm signals.
610. Unauthorized insignia.
611. Paraplegic persons or persons with disabilities - distress flag.
612. When signals are inoperative or malfunctioning.
613. Failure to pay toll established by regional transportation authority.
614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations.
615. School zones - increase in penalties for moving traffic violations.

PART 7
RIGHTS-OF-WAY

701. Vehicles approaching or entering intersection.
702. Vehicle turning left.
703. Entering through highway – stop or yield intersection.
704. Vehicle entering roadway.
705. Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle.
706. Obedience to railroad signal.
707. Certain vehicles must stop at railroad grade crossings.
708. Moving heavy equipment at railroad grade crossing.
709. Stop when traffic obstructed.
710. Emerging from or entering alley, driveway, or building.
711. Driving on mountain highways.
712. Driving in highway work area.
713. Yielding right-of-way to transit buses - definitions - penalty.

PART 8
PEDESTRIANS

801. Pedestrian obedience to traffic control devices and traffic regulations.
802. Pedestrians’ right-of-way in crosswalks.
803. Crossing at other than crosswalks.
804. Pedestrian to use right half of crosswalk. (Repealed)
805. Pedestrians walking or traveling in a wheelchair on highways.
806. Driving through safety zone prohibited.
807. Drivers to exercise due care.
808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

PART 9
TURNING - STOPPING

901. Required position and method of turning.
902. Limitations on turning around.
903. Turning movements and required signals.

PART 10
DRIVING - OVERTAKING - PASSING

1001. Drive on right side - exceptions.
1002. Passing oncoming vehicles.
1003. Overtaking a vehicle on the left.
1004. When overtaking on the right is permitted.
1005. Limitations on overtaking on the left.
1006. One-way roadways and rotary traffic islands.
1007. Driving on roadways laned for traffic.
1008. Following too closely.
1008.5. Crowding or threatening bicyclist.
1009. Coasting prohibited.
1010. Driving on divided or controlled access highways.
1011. Use of runaway vehicle ramps.
1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes.
1013. Passing lane - definitions - penalty.
PART 11
SPEED REGULATIONS

1101. Speed limits.
1102. Altering of speed limits.
1103. Minimum speed regulation.
1104. Speed limits on elevated structures.
1105. Speed contests - speed exhibitions - aiding and facilitating – immobilization of motor vehicle - definitions.

PART 12
PARKING

1201. Starting parked vehicle.
1202. Parking or abandonment of vehicles.
1203. Ski areas to install signs.
1204. Stopping, standing, or parking prohibited in specified places.
1205. Parking at curb or edge of roadway.
1206. Unattended motor vehicle.
1207. Opening and closing vehicle doors.
1208. Parking privileges for persons with disabilities - applicability.
1209. Owner liability for parking violations.
1210. Designated areas on private property for authorized vehicles.
1211. Limitations on backing.
1212. Pay parking access for disabled.

PART 13
ALCOHOL AND DRUG OFFENSES
(Omitted)

PART 14
OTHER OFFENSES

1401. Reckless driving - penalty.
1402. Careless driving - penalty.
1403. Following fire apparatus prohibited.
1404. Crossing fire hose.
1405. Riding in trailers.
1406. Foreign matter on highway prohibited.
1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables.
1407.5. Splash guards - when required.
1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.
1409. Compulsory insurance - penalty - legislative intent.
1410. Proof of financial responsibility required - suspension of license.
1411. Use of earphones while driving.
1413. Eluding or attempting to elude a police officer.
1414. Use of dyed fuel on highways prohibited.
1415. Radar jamming devices prohibited - penalty.

PART 15
MOTORCYCLES

1501. Traffic laws apply to persons operating motorcycles – special permits.
1502. Riding on motorcycles – protective helmet.
1503. Operating motorcycles on roadways laned for traffic.
1504. Clinging to other vehicles.

PART 16
ACCIDENTS AND ACCIDENT REPORTS
(Omitted)

PART 17
PENALTIES AND PROCEDURE

1701. Traffic offenses and infractions classified - penalties – penalty and surcharge schedule - repeal.
1702. Alcohol- or drug-related traffic offenses - collateral attack.
1703. Parties to a crime.
1704. Offenses by persons controlling vehicles.
1705. Person arrested to be taken before the proper court.
1707. Summons and complaint or penalty assessment notice for misdemeanors, petty offenses, and misdemeanor traffic offenses - release - registration.
1708. Traffic infractions - proper court for hearing, burden of proof - appeal - collateral attack.
1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - driver’s license.
1710. Failure to pay penalty for traffic infractions - failure of parent or guardian to sign penalty assessment notice - procedures.
1711. Compliance with promise to appear.
1712. Procedure prescribed not exclusive.
1713. Conviction record inadmissible in civil action.
1714. Traffic violation not to affect credibility of witness.
1715. Convictions, judgments, and charges recorded – public inspection.
1717. Conviction - attendance at driver improvement school - rules.
1718. Electronic transmission of data - standards.
1719. Violations - commercial driver’s license - compliance with federal regulation.

PART 18
VEHICLES ABANDONED ON PUBLIC PROPERTY

1801. Legislative declaration.
1802. Definitions.
1806. Liens upon towed motor vehicles.
1807. Perfection of lien.
1808. Foreclosure of lien.
1809. Proceeds of sale.
1810. Transfer and purge of certificates of title.
1811. Penalty.
1812. Exemptions.
1813. Local regulations.
1814. Violation of motor vehicle registration or inspection laws – separate statutory provision.

PART 19
SCHOOL BUS REQUIREMENTS

1901. School buses - equipped with supplementary brake retarders.
1902. School bus drivers - special training required.
1903. School buses - stops - signs - passing.
1904. Regulations for school buses – regulations on discharge of passengers - penalty - exception.
APPENDICES

1) Definitions

2) PART A. Instructions for adopting the model traffic code by reference

3) PART B. Specimen ordinance for adopting model traffic code by reference

4) PART C. Specimen notice of hearing

5) PART D. Specimen certification – posting of notice

6) PART E. Instructions for amending Model Code previously adopted by reference

7) PART F. Listing of amendments for updating previous editions of the Model Traffic Code adopted by reference

8) PART G. Specimen certification of Model Code

9) 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), C.R.S.)

“All local authorities may, in the manner prescribed in article 16 of title 31, C.R.S., or in article 15 of title 30, C.R.S., 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), C.R.S.)

“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), C.R.S.)

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, C.R.S., 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.
PART 1
TRAFFIC REGULATION - GENERALLY

101. Short title.

102. Legislative declaration.

   (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.

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), C.R.S. All such
    traffic control devices shall conform to the state manual and specifications for statewide
    uniformity as provided in section 42-4-104, C.R.S.

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) This local government, with respect to highways under its jurisdiction, may also, by
            ordinance or resolution, prohibit the operation of trucks or other commercial vehicles on
            designated highways or may impose limitations as to the weight thereof, which prohibitions and
            limitations shall be designated by appropriate signs placed on such highways.
    (4.5) (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).

(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 rerouting 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 into 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.

(8)(a) 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, 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, 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 such riders and their bicycles, electrical assisted bicycles, or low-power scooters.

(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.

(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, C.R.S., 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, 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 thereof; except that, with respect to controlled access highways, section 1010 (3) shall apply. When such official signs are erected, no person shall violate any of the instructions contained thereon.

(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.

   (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.

   (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), C.R.S. 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, C.R.S. or in article 15 of title 30, C.R.S., 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), C.R.S., 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), C.R.S., 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.

(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 direction the owner or operator of such 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 – definition.

(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.

(1.5) Except as set out in (1.7), nothing in this section shall apply to a violation detected by an automated vehicle identification device 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 device.

(1.7) (a) 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.

(2) A local authority may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the municipality or the local authority 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 a local authority detects any alleged violation of a local traffic regulation or traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county or municipality shall serve the penalty assessment notice or summons and complaint for a violation detected using an automated vehicle on the defendant no later than ninety days after the alleged violation occurred. If a penalty assessment notice or summons and complaint for a violation detected using an automated vehicle identification system is personally served, the state, a county, a city and county, or a municipality may only charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
111. Powers of Local Authorities.

(1) Except as otherwise provided in subsection (2) of this section, this article 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 meetings 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(1) 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 the use of the electrical motor on an electrical assisted bicycle on a bike or pedestrian path;
(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) 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, C.R.S., 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.

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)


(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 C.R.S.;

(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) CRS.

(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, CRS 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.

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.


(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) (c) Each item exempted from this code 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.

(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.
   (1) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which 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 shall be equipped with at least one and not more than two head lamps that shall 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.
   (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 and operated on and after January 1, 1958, 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 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 those sections applicable thereto.

(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.

(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) No person shall 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 manufactured or assembled after said date shall be equipped with at least one stop lamp meeting the requirements of section 215 (1).

(3) No person shall 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 no person shall 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 such motor vehicle exceeds twenty-four inches, unless it is equipped with electrical turn signals meeting the requirements of section 215 (2). This subsection (3) shall not apply to any motorcycle 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.


(1) Except as otherwise provided in this section, on or after January 1, 1978, every authorized service vehicle shall, in addition to any other equipment required by this Code, be equipped with one or more warning lamps mounted as high as practicable, which shall 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 shall be used as a warning lamp on an authorized service vehicle; except that an authorized service vehicle snowplow operated by a general purpose 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 shall 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) Any person who violates any provision of this section commits a class B traffic infraction.

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 runningboard 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.


216. Multiple-beam road lights.

(1) Except as provided in this Code, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles, other than motorcycles or low-power scooters, shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such 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 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. Said indicator shall be so designed and located 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 and personal mobility device equipment.

(1) No other provision of this part 2 and no provision of part 3 of this Code shall apply to a bicycle, electrical assisted bicycle, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, or EPAMD except those provisions in this Code 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, 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, 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, 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 or electrical assisted bicycle shall not be equipped with, nor shall any person use upon a bicycle or electrical assisted bicycle, any siren or whistle.

(7) Every bicycle or electrical assisted bicycle shall be equipped with a brake or brakes that will enable its rider to stop the bicycle or electrical assisted bicycle 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 or electrical assisted bicycles at retail shall not sell any bicycle or electrical assisted bicycle unless the bicycle or electrical assisted bicycle has an identifying number permanently stamped or cast on its frame.

(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.

(1) Brake equipment required:
   (a) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such 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 so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
   (b) Every motorcycle 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) No bicycle, electrical assisted bicycle, or low-power scooter shall be equipped with nor shall any person use upon such vehicle 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) Any person who violates any provision of this section commits a class B traffic infraction.

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 section 205 (5.5)(a), C.R.S.

(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 paragraph (a) of subsection (1) of this section is guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars.

(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 windsheilds 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, C.R.S.

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


(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), C.R.S., 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 and low-power scooters.
(1) (a) Except as provided in paragraph (b) of this subsection (1), a person shall not drive a motorcycle or low-power scooter on a public highway unless the person and any passenger thereon 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 a motorcycle need not wear eye protection if the motorcycle 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) [No Rule.]
   (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, 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 shall 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, and other human-powered vehicles shall be permitted but not required to 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.


(1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) A self-propelled or towed vehicle;(A) Bearing and 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) No person shall operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless such vehicle is in compliance with the rules adopted by the chief of the Colorado state patrol pursuant to subsection (4) of this section. Any person who violates such rules, including intrastate motor carriers, shall be subject to the civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such subpart existed on October 1, 2001. Persons who utilize an independent contractor shall not be liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. All civil penalties collected pursuant to this article by a state agency or by a court shall be transmitted to the state treasurer, who shall credit the same to the highway users tax fund created in section 43-4-201, C.R.S., for allocation and expenditure as specified in section 43-4-205 (5.5) (a), C.R.S.

(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 shall have exclusive enforcement authority to conduct safety compliance reviews, as defined in 49 CFR 385.3, as such section existed on October 1,
2001, and to impose civil penalties pursuant to such reviews. Nothing in this paragraph (c) shall
expand or limit the ability of local governments to conduct roadside safety inspections.

(d) (I) Upon notice from the Colorado state patrol, the department shall, pursuant to
section 42-3-120, cancel the registration of a motor carrier who fails to pay in full a civil penalty
imposed pursuant to this subsection (2) within thirty days after notification of the penalty.

(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) 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 such 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, C.R.S. On and after
September 1, 2003, all commercial vehicle safety inspections conducted to determine
compliance with rules promulgated by the chief pursuant to this paragraph (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.

(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, C.R.S., including the issuance of civil penalties for
violations of such rules as provided in section 40-7-113, C.R.S.
(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.

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 “Child Care Licensing Act”, article 6 of title 26, C.R.S.
   (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 that are not autocycles, low-power scooters, motorscooters, motorbicycles, motorized bicycles, 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) C.R.S., 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), C.R.S., 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, C.R.S., or an operator of a luxury limousine service as defined in section 40-10.1-301, C.R.S.

(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) C.R.S.

(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.


(10) and (11) Repealed.

237. Safety belt systems – mandatory use - exemptions - penalty.

(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 or an autocycle 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 autocycle 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 C.R.S., 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, C.R.S., 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 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) C.R.S.

(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, C.R.S.; 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 1 misdemeanor.


(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 C.R.S. 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.


(1)(a) A person, other than a towing carrier or peace officer as described in section 16-2.5-101, C.R.S., 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 3 misdemeanor.

(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.


(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 C.R.S.

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, C.R.S., 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.
   No passenger-type vehicle, except a motorcycle, a bicycle, or an electrical assisted bicycle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Any 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) Saddlemount combinations consisting of more than four units or saddlemount 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)(a) 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, C.R.S., 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), C.R.S., 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) Repealed

(c) A vehicle contracted by or owned and operated by a local authority or special district is exempted 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, C.R.S.

(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.


(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 42-4-507 C.R.S.

(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 42-4-510 C.R.S., 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 25-7-106.8 (1)(a), C.R.S.

(2) [regards department registration of vehicles to transport property or 10 or more persons, may investigate or test—so not entirely applicable—but the rest may be]

(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) [regards the FHA and US Congress on size and weight adopted that exceed limits in section 504, 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, C.R.S., 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
52

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.

(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) A permit issued pursuant to this section 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.

(1.5)(a) The department of transportation may, upon application in writing or electronically made and good cause being shown therefor, issue an annual fleet permit authorizing the applicant to operate or move any two or more vehicles owned by the applicant of a size or weight of vehicle or load exceeding the maximum specified in this article or otherwise not in conformity with the provisions of this article upon any highway.

(b) The application for any annual fleet permit shall specifically describe the vehicles, loads, and estimated number of loads to be operated or moved and the particular highways for which the permit to operate is requested, as defined by rules of the department. Permits issued pursuant to this subsection (1.5) shall not authorize the operation of vehicles that exceed the maximum dimensions allowed for vehicles operating under annual permits issued pursuant to the rules of the department pertaining to transport permits for the movement of extra-legal vehicles or loads.

(c) The department shall provide the option to a company filing for a permit under this subsection (1.5) to file an express consent waiver that enables the company to designate a company representative to be a party of interest for a violation of this section. The appearance of the company representative in a court hearing without the operator when the operator has signed such waiver shall not be deemed the practice of law in violation of article 93 of title 13.

(1.7)(a) The department of transportation may issue super-load permits for:

(I) A combination vehicle with a weight of five hundred thousand pounds or more that occupies two lanes to haul the load; or

(II) An unladen combination vehicle with an expandable dual-lane transport trailer that occupies two lanes.

(b) (I) The department may place restrictions on the use of a permit. A person shall obey the restrictions contained in a permit.

(II)(A) The department may refuse to issue a permit to a person who has been held by an administrative law judge to have disobeyed permit restrictions or to have violated this section or rules promulgated under this section in a hearing held in accordance with article 4 of title 24, C.R.S.

(B) The department shall create a system that tracks the compliance of permit holders and use the system to determine if a permit holder has a pattern of noncompliance. The department shall promulgate rules establishing standards to deny permits to persons who show a pattern of noncompliance, which standards include the length of time a permit is denied based upon the number and type of noncomplying events.

(III) The department of transportation shall include in a super-load permit a speed restriction no to exceed twenty-five miles per hour on the highway and ten miles per hour on structures; except that the department may modify the speed restriction when necessary for safety or to prevent structural damage.

(c) When filing an application, an applicant for a super-load permit shall provide the department of transportation with documentation, acceptable to the department, from a third party establishing the gross weight of the load. The driver shall carry the documentation in the vehicle during the permitted move and produce, upon request, the documentation for any state agency or law enforcement personnel.
(d) The department may refuse to issue a super-load permit under this section for an unladen combination vehicle unless the applicant breaks the load down to the smallest dimensions possible. The department may refuse to issue a super-load permit under this section for an unladen vehicle unless the applicant renders the dual lane trailer into legal loads.

(e) The department, Colorado state patrol, or port of entry shall inspect the load of a super-load permit holder, at the permit holder’s expense, at the nearest point where the shipment enters the state, at a location specified by the department, or at the load’s point of origin to ensure compliance with the permit requirements and safety statutes and rules, including:

(I) Height, width, and length;
(II) Number of axles;
(III) Date of move;
(IV) Correct route;
(V) Documentation of load weight;
(VI) Use of signs and pilot cars; and
(VII) Weight, if the vehicle can be weighed within two hours.

(f) The department shall notify the port of entry of the permit’s issuance and the location and date of the move.

(g) Repealed.

(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, C.R.S., 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, C.R.S., 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) Not applicable.

(9) Not applicable.

(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) Not applicable.

(b) Any local authority may impose a fee, in addition to but not to exceed the following amounts:
(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.

(c) Any local authority may impose a fee for a special permit for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of two hundred thousand pounds, except that a super-load permit fee is four hundred dollars, 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 subparagraph (IV) of paragraph (b) of subsection (2) of this section, commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of subparagraph (IV) of paragraph (b) of subsection (2) of this section commits a class 2 petty offense and, upon conviction thereof, shall be fined two hundred dollars; except that, upon conviction of a second or subsequent such offense, such person commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(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.

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.

511.2.

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 sub-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, C.R.S.

(5) The provisions of this section shall not be applicable to specific information signs authorized under section 43-1-420, C.R.S.

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. Paraplegic persons or persons with disabilities - distress flag.

1) Any paraplegic 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 paraplegic 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.

612. When signals are inoperative or malfunctioning.

(1) Whenever a driver approaches an intersection and faces a traffic control signal which is inoperative or which remains on steady red or steady yellow during several time cycles, the
rules controlling entrance to a through street or highway from a stop street or highway, as provided under section 703, shall apply until a police officer assumes control of traffic or until normal operation is resumed. In the event that any traffic control signal at a place other than an intersection should cease to operate or should malfunction as set forth in this section, drivers may proceed through the inoperative or malfunctioning signal only with caution, as if the signal were one of 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, C.R.S., 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, C.R.S., 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.

PART 7
RIGHTS-OF-WAY

701. Vehicles approaching or entering 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), C.R.S.

(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.

   (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 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 that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 42-4-213 or 42-4-222;

      (II) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; or

   (b) 214-4-5-102
   (1) (c) 311-4-214
(III) A stationary public utility service vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber 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 authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service 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 stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service 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 subsection (2)(c) of this section.

(c) 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 authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in subsection (2)(b) of this section, is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle; 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.

(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) 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) 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 paragraphs (b) and (c) of this subsection (2.6).
(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where chains are being applied to the tires of a motor vehicle, 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 (2.6).

(c) 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 chains are being applied to the tires of a motor vehicle, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2.6), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the motor vehicle where chains are being applied to the tires, 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.

(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 C.R.S. 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 misdemeanor and shall be punished as described in section 18-1.3-501.

(III) If the person violations 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) In the event the driver would not have a reasonable view of approaching trains when stopped pursuant to paragraph (a) of this subsection (1), stop before proceeding across the railroad grade crossing at the point nearest such crossing where the driver has a reasonable view of approaching trains and 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) Except as otherwise provided in this section, the driver of a school bus, as defined in paragraph (b) of subsection (5) of this section, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with regulations issued pursuant to section 42-20-108 CRS, or the driver of a commercial vehicle, as defined in section 42-4-235 CRS, that is transporting passengers, before crossing at grade any tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the driver can do so safely. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver 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 shall 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) Any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend “exempt”, which shall give notice when so posted that such crossing is exempt from the stopping requirement provided for 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 CRS.
   (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 any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or car.

(5) Subsection (3) of this section shall not apply at any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend “exempt”, which shall give notice when so posted that such crossing is exempt from the stopping requirement provided in this section.

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

709. Stop when traffic obstructed.

No driver shall 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, or railroad trains, notwithstanding the indication of any 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, electric 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),
          C.R.S.
      (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.
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) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electrical assisted bicycle, 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), C.R.S., 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), C.R.S., 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, C.R.S., 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.
      (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. 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), C.R.S.
   (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), C.R.S., 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.

(2) 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.
(3) 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.

(4) 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.

(5) 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), C.R.S.

(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), C.R.S., 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.

(1)(a) 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 may be operated upon high occupancy vehicle lanes pursuant to section 163 of Public Law 97-424 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 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) CRS;
      (c) Thirty miles per hour in any residence district, as defined in section 42-1-102 (80) CRS;
      (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), C.R.S., 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), C.R.S., 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.

(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) Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles or electrical assisted bicycles on sidewalks in accordance with the provisions of section 1412 (11) (a) and (11) (b).
   (b) Paragraph (f) of subsection (1) of this section shall not prohibit persons from parking two or more bicycles or electrical assisted bicycles abreast in accordance with the provisions of section 1412 (11) (d).
   (c) Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles or electrical assisted bicycles parked on sidewalks 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 may not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle 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.


(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.
(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.
   (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 paragraph (a) of this subsection (3) 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 this subsection (4) 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 fact of 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 is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of twenty-five dollars. 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) Unless the method of remuneration is reasonably accessible to a person with a disability as defined in section 42-3-204, no person who owns, operates, or manages a parking space that requires remuneration shall tow, boot, or otherwise take adverse action against a person or motor vehicle parking in such space for failure to pay the remuneration if the motor vehicle bears a placard or license plate bearing an identifying figure issued pursuant to section 42-3-204 or a similar law in another state that is valid under 23 CFR 1235.

(2) Notwithstanding any statute, resolution, or ordinance of the state of Colorado or a political subdivision thereof, parking in a space without paying the required remuneration shall not be deemed a violation of such statute, resolution, or ordinance if:

(a) The motor vehicle bears a placard or license plate bearing the identifying figure issued pursuant to section 42-3-204 or a similar law in another state that is valid under 23 CFR 1235; and

(b) The method of remuneration is not reasonably accessible to a person with a disability as defined in section 42-3-204.

(3) A law 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.

(4) For the purposes of this section, "reasonably accessible" means meeting the standards of 28 CFR 36 (appendix A) or substantially similar standards.

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, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of C.R.S. 42-2-127.

(2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the
county jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

1402. Careless driving - penalty.
   (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, 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 or electrical assisted bicycle shall not be subject to the provisions of C.R.S. 42-2-127.
   (2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense, but, if the person’s actions are the proximate cause of bodily injury or death to another, such person commits a class 1 misdemeanor traffic offense.

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 any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(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, C.R.S.

(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) CRS; having an empty weight of ten thousand pounds or less;
(b) Trucks and truck tractors registered pursuant to section 42-3-306 (4) or (5) CRS;
(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 or electrical assisted bicycles.

(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, C.R.S., or any recreation district organized pursuant to the provisions of part 7 of Code 20 of title 30, C.R.S., 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, C.R.S., 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, C.R.S., 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, C.R.S., 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, C.R.S.

(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) C.R.S. 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 C.R.S. 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.


(1) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said 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, shall be subject to local ordinances regulating the operation of bicycles and electrical assisted bicycles as provided in section 111.

(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, C.R.S.

(3) No bicycle or electrical assisted bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle or electrical assisted bicycle shall attach the same or himself or herself 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 or an electrical assisted bicycle upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, subject to the following conditions:

(1) 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 or electrical assisted bicycles 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 or electrical assisted bicycles 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 or electrical assisted bicycle shall keep at least one hand on the handlebars at all times.

(8) (a) A person riding a bicycle or electrical assisted bicycle 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 or electrical assisted bicycle 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 bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist 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 or electrical assisted bicycle shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle or electrical assisted bicycle 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 or electrical assisted bicycle before turning and shall be given while the bicycle or electrical assisted bicycle 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 or electrical assisted bicycle.

(10) (a) A person riding a bicycle or electrical assisted bicycle 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 such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles or electrical assisted bicycles is prohibited by official traffic control devices or local ordinances. A person riding a bicycle or electrical assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, 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 or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle or electrical assisted bicycle 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 or electrical assisted bicycle may be parked on the road abreast of another such bicycle or bicycles 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 or electrical assisted bicycles parked anywhere on a highway shall conform to the provisions of part 12 of this Code 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 C.R.S. 42-2-127 shall not apply.

(b) Any person riding a bicycle or electrical assisted bicycle who violates any provision of this Code other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that C.R.S. 42-2-127 shall 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 or electrical assisted bicycle on the roadways of the state, even if such 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:

(1) 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.

110
(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.

1413. Eluding or attempting to elude a police officer.

Any operator of a motor vehicle who the 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 his or her speed or extinguishes his or her 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 class 2 misdemeanor traffic offense.

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.R.S..

(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) C.R.S..

(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 receipted 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.
1501. Traffic laws apply to persons operating motorcycles - special permits.

(1) Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions of this Code which by their nature can have no application.

(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 from any requirement of this part 15.

1502. Riding on motorcycles – protective helmet.

(1) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent seat if designed for two persons or upon another seat firmly attached to the motorcycle 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 Codes which prevent the person from keeping both hands on the handlebars.

(4) No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(4.5) (a) Except as provided in paragraph (c) of this subsection (4.5), a person shall not operate or ride as a passenger on a motorcycle 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 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 a motorcycle need not wear a helmet if the motorcycle 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 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 shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle 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.

No person riding upon a motorcycle shall attach himself, herself, or the motorcycle to any other vehicle on a roadway. Any person who violates any provision of 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, C.R.S., et. seq., section 42-4-110 (2), C.R.S., and the Colorado Municipal Court Rules (C.M.C.R.).


(3) Counties additionally need to be aware of section 30-15-401 (1)(h), C.R.S., 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, C.R.S., 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, C.R.S., 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, C.R.S., and sections 42-4-1708 to 42-4-1718, C.R.S., 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, C.R.S.”.
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 title 42, Colorado Revised Statutes, and parts 1 to 3 and 5 to 19 of this Code unless such violation is, by articles 1 to 3 of title 42, Colorado Revised Statutes, and parts 1 to 3 and 5 to 19 of this Code or by any other law of this state, declared to be a felony, misdemeanor, petty offense, or misdemeanor traffic offense. Such a traffic infraction shall constitute 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:

<table>
<thead>
<tr>
<th>Class</th>
<th>Minimum Penalty</th>
<th>Maximum Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>$15 penalty</td>
<td>$100 penalty</td>
</tr>
<tr>
<td>B</td>
<td>$15 penalty</td>
<td>$100 penalty</td>
</tr>
</tbody>
</table>

(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 in the text], or the section creating the offense, misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

<table>
<thead>
<tr>
<th>Class</th>
<th>Minimum Sentence</th>
<th>Maximum Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ten days imprisonment, or $300 fine, or both</td>
<td>One year imprisonment, or $1,000 fine, or both</td>
</tr>
<tr>
<td>2</td>
<td>Ten days imprisonment, or $150 fine, or both</td>
<td>Ninety days imprisonment, or $300 fine, or both</td>
</tr>
</tbody>
</table>

(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, C.R.S., 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, C.R.S.

(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 Title 42 C.R.S. 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), C.R.S., in accordance with the penalty and surcharge schedule set forth in subsections (4)(a)(I)(A) to (4)(a)(I)(P) 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:

<table>
<thead>
<tr>
<th>Section Violated</th>
<th>Penalty</th>
<th>Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Drivers' license violations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42-2-101 (1) or (4)</td>
<td>$35.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>42-2-101 (2), (3), or (5)</td>
<td>15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>42-2-103</td>
<td>15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>42-2-105</td>
<td>70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>42-2-105.5 (4)</td>
<td>65.00</td>
<td>10.00</td>
</tr>
<tr>
<td>42-2-106</td>
<td>70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>42-2-116 (6) (a)</td>
<td>30.00</td>
<td>6.00</td>
</tr>
<tr>
<td>42-2-119</td>
<td>15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>42-2-134</td>
<td>35.00</td>
<td>10.00</td>
</tr>
<tr>
<td>42-2-136</td>
<td>35.00</td>
<td>10.00</td>
</tr>
<tr>
<td>42-2-139</td>
<td>35.00</td>
<td>10.00</td>
</tr>
<tr>
<td>42-2-140</td>
<td>35.00</td>
<td>10.00</td>
</tr>
<tr>
<td>42-2-141</td>
<td>35.00</td>
<td>10.00</td>
</tr>
</tbody>
</table>

(B) Registration and taxation violations:
(C) Traffic regulation generally:

<table>
<thead>
<tr>
<th>Section</th>
<th>1412</th>
<th>$ 15.00</th>
<th>$ 6.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 109 (13)(a)</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 109 (13)(b)</td>
<td>100.00</td>
<td>15.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1211</td>
<td>30.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1405</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
</tbody>
</table>

(D) Equipment violations:

<table>
<thead>
<tr>
<th>Section</th>
<th>201</th>
<th>$ 35.00</th>
<th>$ 10.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 202</td>
<td>35.00</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 204</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 205</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 206</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 207</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 208</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 209</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 210</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 211</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 212</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 213</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 214</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 215</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 216</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 217</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 218</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 219</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 220</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 221</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 222 (1)</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 223</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 224</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
</tbody>
</table>

1 NOTE: “Sec.” refers to the corresponding section of this Model Traffic Code.
<table>
<thead>
<tr>
<th>Section</th>
<th>(E) Emissions inspections:</th>
<th>(F) Size, weight, and load violations:</th>
<th>(G) Signals, signs, and markings violations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 225 (1)</td>
<td>15.00 6.00</td>
<td>Sec. 106 (1), (3), (4), (6), or (7)</td>
<td>35.00 10.00</td>
</tr>
<tr>
<td>Sec. 226</td>
<td>15.00 6.00</td>
<td>Sec. 106 (5)(a)(I)</td>
<td>100.00 32.00</td>
</tr>
<tr>
<td>Sec. 227 (1)</td>
<td>50.00 16.00</td>
<td>Sec. 106 (5)(a)(II)</td>
<td>500.00 156.00</td>
</tr>
<tr>
<td>Sec. 227 (2)</td>
<td>15.00 6.00</td>
<td>Sec. 106 (5)(a)(III)</td>
<td>500.00 78.00</td>
</tr>
<tr>
<td>Sec. 228 (1), (2), (3), (5), or (6)</td>
<td>15.00 6.00</td>
<td>Sec. 106 (5)(a)(IV)</td>
<td>1,000.00 156.00</td>
</tr>
<tr>
<td>Sec. 229</td>
<td>15.00 6.00</td>
<td>Sec. 105 (1) to (5)</td>
<td>50.00 16.00</td>
</tr>
<tr>
<td>Sec. 230</td>
<td>15.00 6.00</td>
<td>Sec. 106</td>
<td>50.00 16.00</td>
</tr>
<tr>
<td>Sec. 231</td>
<td>15.00 6.00</td>
<td>Sec. 502</td>
<td>$ 75.00 $ 24.00</td>
</tr>
<tr>
<td>Sec. 232</td>
<td>15.00 6.00</td>
<td>Sec. 503</td>
<td>15.00 6.00</td>
</tr>
<tr>
<td>Sec. 233</td>
<td>75.00 24.00</td>
<td>Sec. 504</td>
<td>75.00 24.00</td>
</tr>
<tr>
<td>Sec. 234</td>
<td>15.00 6.00</td>
<td>Sec. 505</td>
<td>75.00 24.00</td>
</tr>
<tr>
<td>Sec. 235</td>
<td>50.00 16.00</td>
<td>Sec. 506</td>
<td>15.00 6.00</td>
</tr>
<tr>
<td>Sec. 236</td>
<td>65.00 16.00</td>
<td>Sec. 509</td>
<td>50.00 16.00</td>
</tr>
<tr>
<td>Sec. 237</td>
<td>65.00 6.00</td>
<td>Sec. 510 (12)(a)</td>
<td>35.00 10.00</td>
</tr>
<tr>
<td>Sec. 1411</td>
<td>15.00 6.00</td>
<td>Sec. 512</td>
<td>75.00 24.00</td>
</tr>
<tr>
<td>Sec. 1412</td>
<td>15.00 6.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 1901</td>
<td>35.00 10.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 313 (3)(c)</td>
<td>$ 50.00 $ 16.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. 313 (3)(d)</td>
<td>15.00 6.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

119
<table>
<thead>
<tr>
<th>Section</th>
<th>Fine</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>603</td>
<td>$100.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>604</td>
<td>$100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>605</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>606</td>
<td>$15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>607 (1)</td>
<td>$50.00</td>
<td>16.00</td>
</tr>
<tr>
<td>607 (2)(a)</td>
<td>$100.00</td>
<td>32.00</td>
</tr>
<tr>
<td>608 (1)</td>
<td>$70.00</td>
<td>6.00</td>
</tr>
<tr>
<td>608 (2)</td>
<td>$15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>609</td>
<td>$15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>610</td>
<td>$15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>612</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>613</td>
<td>$35.00</td>
<td>10.00</td>
</tr>
</tbody>
</table>

(H) Rights-of-way violations:

<table>
<thead>
<tr>
<th>Section</th>
<th>Fine</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>701</td>
<td>$70.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>702</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>703</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>704</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>705</td>
<td>$70.00</td>
<td>16.00</td>
</tr>
<tr>
<td>706</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>707</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>708</td>
<td>$35.00</td>
<td>10.00</td>
</tr>
<tr>
<td>709</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>710</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>711</td>
<td>$100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>712</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
</tbody>
</table>

(I) Pedestrian violations:

<table>
<thead>
<tr>
<th>Section</th>
<th>Fine</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>801</td>
<td>$15.00</td>
<td>$6.00</td>
</tr>
<tr>
<td>802 (1)</td>
<td>$30.00</td>
<td>6.00</td>
</tr>
<tr>
<td>802 (3)</td>
<td>$15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>802 (4)</td>
<td>$30.00</td>
<td>6.00</td>
</tr>
<tr>
<td>802 (5)</td>
<td>$30.00</td>
<td>6.00</td>
</tr>
<tr>
<td>803</td>
<td>$15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>805</td>
<td>$15.00</td>
<td>6.00</td>
</tr>
<tr>
<td>806</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>807</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>808</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
</tbody>
</table>

(J) Turning and stopping violations:

<table>
<thead>
<tr>
<th>Section</th>
<th>Fine</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>901</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>902</td>
<td>$70.00</td>
<td>10.00</td>
</tr>
</tbody>
</table>
Sec. 903  70.00  10.00

(K) Driving, overtaking, and passing violations:

<table>
<thead>
<tr>
<th>Section</th>
<th>Amount</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1001</td>
<td>$ 70.00</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>Sec. 1002</td>
<td>100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1003</td>
<td>100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1004</td>
<td>100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1005</td>
<td>100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1006</td>
<td>70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1007</td>
<td>100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1008</td>
<td>100.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1009</td>
<td>70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1010</td>
<td>70.00</td>
<td>10.00</td>
</tr>
<tr>
<td>Sec. 1011</td>
<td>200.00</td>
<td>32.00</td>
</tr>
<tr>
<td>Sec. 1012 (3)(a)</td>
<td>65.00</td>
<td>(NONE)</td>
</tr>
<tr>
<td>Sec. 1012 (3)(b)</td>
<td>125.00</td>
<td>(NONE)</td>
</tr>
<tr>
<td>Sec. 1013</td>
<td>100.00</td>
<td>(NONE)</td>
</tr>
</tbody>
</table>

(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)  

<table>
<thead>
<tr>
<th>Amount</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 30.00</td>
<td>$ 6.00</td>
</tr>
</tbody>
</table>

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)  

<table>
<thead>
<tr>
<th>Amount</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>70.00</td>
<td>10.00</td>
</tr>
</tbody>
</table>

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)  

<table>
<thead>
<tr>
<th>Amount</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>135.00</td>
<td>16.00</td>
</tr>
</tbody>
</table>

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)  

<table>
<thead>
<tr>
<th>Amount</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>200.00</td>
<td>32.00</td>
</tr>
<tr>
<td>Section Number</td>
<td>Description</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>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)</td>
<td>50.00</td>
</tr>
<tr>
<td>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)</td>
<td>75.00</td>
</tr>
<tr>
<td>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)</td>
<td>100.00</td>
</tr>
<tr>
<td>Sec. 1101 (3)</td>
<td>100.00</td>
</tr>
<tr>
<td>Sec. 1103</td>
<td>50.00</td>
</tr>
<tr>
<td>Sec. 1104</td>
<td>30.00</td>
</tr>
</tbody>
</table>

(M) Parking violations:

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Description</th>
<th>Fine</th>
<th>Court Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1201</td>
<td>30.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1202</td>
<td>30.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1204</td>
<td>150.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1205</td>
<td>150.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1206</td>
<td>150.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1207</td>
<td>150.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1208 (9), (15), or (16)</td>
<td>150.00</td>
<td>32.00</td>
<td></td>
</tr>
</tbody>
</table>

(N) Other offenses:

<table>
<thead>
<tr>
<th>Section Number</th>
<th>Description</th>
<th>Fine</th>
<th>Court Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1301 (2)(d)</td>
<td>$100.00</td>
<td>$16.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1305</td>
<td>50.00</td>
<td>16.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1305.5 (2)</td>
<td>50.00</td>
<td>7.80</td>
<td></td>
</tr>
<tr>
<td>Sec. 1402</td>
<td>150.00</td>
<td>16.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1403</td>
<td>30.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1404</td>
<td>15.00</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1406</td>
<td>35.00</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1407 (3)(a)</td>
<td>35.00</td>
<td>10.00</td>
<td></td>
</tr>
<tr>
<td>Sec. 1407 (3)(b)</td>
<td>100.00</td>
<td>30.00</td>
<td></td>
</tr>
</tbody>
</table>
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:

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:

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

(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:

<table>
<thead>
<tr>
<th>Excess Weight - Pounds</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 1,000</td>
<td>$20.00</td>
</tr>
<tr>
<td>1,001 - 3,000</td>
<td>25.00</td>
</tr>
<tr>
<td>3,001 - 5,000</td>
<td>$0.03 per pound overweight</td>
</tr>
<tr>
<td>5,001 - 7,000</td>
<td>$0.05 per pound overweight rounded to the nearest dollar</td>
</tr>
<tr>
<td>7,001 - 10,000</td>
<td>$0.07 per pound overweight rounded to the nearest dollar</td>
</tr>
<tr>
<td>10,001 - 15,000</td>
<td>$0.10 per pound overweight rounded to the nearest dollar</td>
</tr>
<tr>
<td>15,001 - 19,750</td>
<td>$0.15 per pound</td>
</tr>
</tbody>
</table>

123
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:

<table>
<thead>
<tr>
<th>Excess Weight - Pounds</th>
<th>Penalty Retained</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 3,000</td>
<td>$ 15.00</td>
</tr>
<tr>
<td>3,001 - 4,250</td>
<td>25.00</td>
</tr>
<tr>
<td>4,251 - 4,500</td>
<td>50.00</td>
</tr>
<tr>
<td>4,501 - 4,750</td>
<td>55.00</td>
</tr>
<tr>
<td>4,751 - 5,000</td>
<td>60.00</td>
</tr>
<tr>
<td>5,001 - 5,250</td>
<td>65.00</td>
</tr>
<tr>
<td>5,251 - 5,500</td>
<td>75.00</td>
</tr>
<tr>
<td>5,501 - 5,750</td>
<td>85.00</td>
</tr>
<tr>
<td>5,751 - 6,000</td>
<td>95.00</td>
</tr>
<tr>
<td>6,001 - 6,250</td>
<td>105.00</td>
</tr>
<tr>
<td>6,251 - 6,500</td>
<td>125.00</td>
</tr>
<tr>
<td>6,501 - 6,750</td>
<td>145.00</td>
</tr>
<tr>
<td>6,751 - 7,000</td>
<td>165.00</td>
</tr>
<tr>
<td>7,001 - 7,250</td>
<td>185.00</td>
</tr>
<tr>
<td>7,251 - 7,500</td>
<td>215.00</td>
</tr>
<tr>
<td>7,501 - 7,750</td>
<td>245.00</td>
</tr>
<tr>
<td>7,751 - 8,000</td>
<td>275.00</td>
</tr>
<tr>
<td>8,001 - 8,250</td>
<td>305.00</td>
</tr>
<tr>
<td>8,251 - 8,500</td>
<td>345.00</td>
</tr>
<tr>
<td>8,501 - 8,750</td>
<td>385.00</td>
</tr>
<tr>
<td>8,751 - 9,000</td>
<td>425.00</td>
</tr>
<tr>
<td>9,001 - 9,250</td>
<td>465.00</td>
</tr>
<tr>
<td>9,251 - 9,500</td>
<td>515.00</td>
</tr>
<tr>
<td>9,501 - 9,750</td>
<td>565.00</td>
</tr>
<tr>
<td>9,751 - 10,000</td>
<td>615.00</td>
</tr>
<tr>
<td>10,001 - 10,250</td>
<td>665.00</td>
</tr>
</tbody>
</table>
| Over 10,250           | 30.00            for each 250 pounds additional overweight, plus $ 665.00

124
(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:

<table>
<thead>
<tr>
<th>Excess Weight Above Maximum Permitted Weight - Pounds</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 2,500</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>2,501 - 5,000</td>
<td>100.00</td>
</tr>
<tr>
<td>5,001 - 7,500</td>
<td>200.00</td>
</tr>
<tr>
<td>7,501 - 10,000</td>
<td>400.00</td>
</tr>
<tr>
<td>Over 10,000</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>for each 1,000 pounds additional overweight, plus $400.00</td>
</tr>
</tbody>
</table>

(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 C.R.S. who has not been convicted of a violation of section 42-3-114 C.R.S. 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:

<table>
<thead>
<tr>
<th>Number of days beyond renewal period that registration has been expired</th>
<th>Penalty</th>
<th>Surcharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 29</td>
<td>$ 35.00</td>
<td>$ 8.00</td>
</tr>
<tr>
<td>30 - 59</td>
<td>50.00</td>
<td>12.00</td>
</tr>
<tr>
<td></td>
<td>125</td>
<td></td>
</tr>
</tbody>
</table>
(B) Any person convicted of violating section 42-3-114 C.R.S. 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) C.R.S. 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), C.R.S. 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 misdemeanor 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), C.R.S., 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 is guilty of a misdemeanor and, upon conviction, shall be punished by the surcharge and a fine of up to twice the penalty imposed in subparagraph (VIII) of this paragraph (a).

(X) (A) A person who violates section 1208 (5) of this section is guilty of a class 1 misdemeanor
and, upon conviction, shall be punished as provided in section 18-1.3-501, C.R.S.

(B) A person who willfully receives remuneration for violating section 1208 (5) is guilty of a class 1 misdemeanor and, upon conviction, shall be punished by twice the civil and criminal penalties that would be imposed under section 18-1.3-501, C.R.S.

(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, C.R.S., 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, C.R.S., 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 fifteen dollars shall be assessed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) of this subsection (4) in addition to the penalties and surcharge stated in said sub-subparagraph (L). Moneys collected pursuant to this paragraph (e) shall be transmitted to the state treasurer who shall deposit such moneys in the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., within fourteen days after the end of each quarter, to be used for the purposes set forth in sections 26-1-301 to 26-1-310, C.R.S.

(II) If the surcharge is collected by a county or municipal court, the surcharge shall be seventeen dollars of which two dollars shall be retained by the county or municipality and the remaining fifteen dollars shall be transmitted to the state treasurer and credited to the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., within fourteen days after the end of each quarter, to be used for the purposes set forth in sections 26-1-301 to 26-1-310, C.R.S.

(III) An additional fifteen dollars shall be assessed for a violation of a traffic regulation under sub-subparagraph (C) of subparagraph (I) of paragraph (a) of this subsection (4) for a violation of section 109 (13) (b), in addition to the penalties stated in said sub-subparagraph (C). An additional fifteen dollars shall be assessed for a motorcycle violation under sub-subparagraph (O) of subparagraph (I) of paragraph (a) of this subsection (4) for a violation of section 1502 (4.5), in
addition to the penalties stated in said sub-subparagraph (O). Moneys collected pursuant to this subparagraph (III) shall be transmitted to the state treasurer, who shall deposit the moneys in the Colorado traumatic brain injury trust fund created pursuant to section 26-1-309, C.R.S., to be used for the purposes set forth in sections 26-1-301 to 26-1-310, C.R.S.

(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 shall be assessed for a violation of section 1301 (2)(d). Moneys collected pursuant to this paragraph (f) shall 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), C.R.S., within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117, C.R.S.

(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), C.R.S., within fourteen days after the end of each quarter, to be used for the purposes set forth in section 27-80-117, C.R.S.

(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 1705 or 1707. 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 42-3-121 (1) (a) 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 24-4.1-119 (1) (f) and 24-4.2-104 (1), C.R.S., 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, C.R.S.

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 requested it be removed;
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) (e); or

    (e) Any motor vehicle left unattended at a regional transportation district parking facility, as defined in section 32-9-119.9 (6), C.R.S., that is deemed to be abandoned pursuant to section 32-9-119.9 (4) (b), C.R.S.

(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), C.R.S., 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.


(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.


(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, 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, C.R.S., 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.


(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), C.R.S. 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), C.R.S 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, C.R.S., 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, C.R.S. 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), C.R.S. 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), C.R.S.

(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 class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.
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), C.R.S., 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, C.R.S., 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, CRS. 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...
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) CRS, 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), C.R.S.

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 section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

(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), C.R.S.
APPENDIX

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, C.R.S.;
(d) The payment of a penalty assessment under section 42-4-1701 C.R.S., 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, C.R.S., 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 curbings, 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 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.

(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, C.R.S.

(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, C.R.S.

(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), C.R.S., 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, C.R.S., 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 title 42, C.R.S.

(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 autocycle 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.


(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, C.R.S., for farm tractors and off-highway vehicles, as defined in section 33-14.5-101 (3), C.R.S., 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), C.R.S.

(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, C.R.S. 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), C.R.S., 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.

(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, C.R.S., 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), C.R.S., 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, C.R.S.

(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.
160

(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, C.R.S.

(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 Colorado Revised Statutes; and on section 43-2-135(1)(g), C.R.S.)

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, C.R.S.

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

162
developed, and the date of publication of the Code. See sections 30-35-403 or 31-16-203, C.R.S.

5. Copies of Code:

Not less 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 Code will be available online, without charge, at the following Colorado Department of Transportation website address:


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.

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.

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 of general circulation in the municipality or county. If there is no such newspaper, 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, C.R.S., 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 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 2018 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, C.R.S., there
is hereby adopted by reference Articles I and II, inclusive, of the 2018 edition of the "Model
Traffic Code" promulgated and published as such by the Colorado Department of
Transportation, Traffic Engineering and Safety Branch, 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 2018 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").
**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.")

**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 fine not exceeding _______ dollars ($_______), or by imprisonment not exceeding ______ (00) days, or by both such fine and imprisonment.

**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. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality or county.

**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" 2018 edition, as the traffic ordinance of the (City, Town, County) of ________________, Colorado.

Copies of the Model Traffic Code are on file at the office 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.

The "Model Traffic Code" 2018 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 2018 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), C.R.S.)

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.
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 are urged 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, C.R.S.

Dated this _____ day of ___________, 20_____.

By________________________________

Mayor or Chairman

ATTEST: (CITY TOWN COUNTY) OF ______________________

________________________________

Clerk

(SEAL)
APPENDIX

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)
Index

PART 1 - TRAFFIC REGULATION - GENERALLY ................................................................. 1

101. Short title .................................................................................................................. 1
102. Legislative declaration .............................................................................................. 1
104. (Blank) ....................................................................................................................... 1
105. Local traffic control devices ..................................................................................... 1
106. Who may restrict right to use highways ................................................................. 1
107. Obedience to police officers. .................................................................................... 2
108. Public officers to obey provisions - exceptions for emergency vehicles .............. 2
109. Low-power scooters, animals, skis, skates, and toy vehicles on highways .......... 3
109.5. Low-speed electric vehicles .................................................................................. 5
109.6. Class B low-speed electric vehicles - effective date - rules ................................. 5
110. Provisions uniform throughout jurisdiction ........................................................... 5
110.5. Automated vehicle identification systems – definition ....................................... 7
111. Powers of Local Authorities ................................................................................... 8
112. Noninterference with the rights of owners of realty ................................................. 10
113. (Blank) ....................................................................................................................... 10
114. Removal of traffic hazards ....................................................................................... 10
115. Information on traffic law enforcement - collection - profiling - annual report - .... 10
   repeal. (Repealed) ........................................................................................................ 10
116. Restrictions for minor drivers - definitions ............................................................ 10
117. Personal mobility devices ......................................................................................... 12

PART 2 - EQUIPMENT ..................................................................................................... 12

201. Obstruction of view or driving mechanism - hazardous situation ....................... 12
203. Unsafe vehicles - spot inspections .......................................................................... 13
204. When lighted lamps are required ............................................................................ 15
205. Head lamps on motor vehicles ................................................................................ 15
206. Tail lamps and reflectors ......................................................................................... 15
207. Clearance and identification. ................................................................................... 16
   (3) Side marker lamps .................................................................................................. 17
   (4) Clearance reflectors ................................................................................................ 17
   (5) Side marker reflectors ............................................................................................ 17
208. Stop lamps and turn signals .................................................................................... 18
209. Lamp or flag on projecting load................................................................. 18
210. Lamps on parked vehicles ........................................................................ 18
211. Lamps on farm equipment and other vehicles and equipment. ............... 19
212. Spot lamps and auxiliary lamps ............................................................... 20
213. Audible and visual signals on emergency vehicles................................... 21
214. Visual signals on service vehicles ............................................................. 21
215. Signal lamps and devices – additional lighting equipment ....................... 22
215.5. Signal lamps and devices – street rod vehicles and custom motor vehicles 23
(Repealed). ........................................................................................................ 23
216. Multiple-beam road lights......................................................................... 23
217. Use of multiple-beam lights ..................................................................... 24
218. Single-beam road-lighting equipment ....................................................... 24
219. Number of lamps permitted ..................................................................... 25
220. Low-power scooters – lighting equipment - department control - use and operation ....... 25
221. Bicycle and personal mobility device equipment ..................................... 26
222. Volunteer firefighters – volunteer ambulance attendants - special lights and alarm systems ................................................................. 27
223. Brakes. ....................................................................................................... 28
224. Horns or warning devices ....................................................................... 29
225. Mufflers - prevention of noise. ................................................................. 30
226. Mirrors - exterior placements .................................................................. 31
227. Windows unobstructed – certain materials prohibited - windshield wiper requirements. 31
228. Restrictions on tire equipment .................................................................. 32
229. Safety glazing material in motor vehicles .................................................. 33
230. Emergency lighting equipment - who must carry ...................................... 34
231. Parking lights ........................................................................................... 35
232. Minimum safety standards for motorcycles and low-power scooters. .......... 35
233. Alteration of suspension system ............................................................... 35
234. Slow-moving vehicles - display of emblem ............................................... 36
235. Minimum standards for commercial vehicles - repeal ............................ 36
236. Child restraint systems required - definitions - exemptions ..................... 39
237. Safety belt systems – mandatory use - exemptions - penalty ..................... 40
238. Blue and red lights - illegal use or possession ......................................... 42
239. Misuse of a wireless telephone – definitions - penalty - preemption .......... 42
240. Low-speed electric vehicle equipment requirements ................................ 44

176
PART 3 - EMISSIONS INSPECTION - (omitted) ................................................................. 45
PART 4 - DIESEL INSPECTION PROGRAM - (omitted) .................................................. 45
PART 5 - SIZE - WEIGHT - LOAD ............................................................................. 45

501. Size and weight violations - penalty. ................................................................. 45
502. Width of vehicles. ............................................................................................. 45
503. Projecting loads on passenger vehicles. ............................................................ 46
504. Height and length of vehicles. ......................................................................... 46
505. Longer vehicle combinations. .......................................................................... 48
506. Trailers and towed vehicles. ............................................................................ 49
507. Wheel and axle loads. ...................................................................................... 49
508. Gross weight of vehicles and loads. ................................................................. 50
509. Vehicles weighed – excess removed. ................................................................. 51
510. Permits for excess size and weight and for manufactured homes - rules. ........ 52
511. Permit standards - state and local .................................................................. 57
511.2. (Blank) ........................................................................................................... 58
512. Liability for damage to highway. ...................................................................... 58

PART 6 - SIGNALS - SIGNS – MARKINGS ................................................................. 58

601. Local governments to sign highways, where. .................................................... 58
602. Local traffic control devices. ............................................................................ 59
603. Obedience to official traffic control devices. ..................................................... 59
604. Traffic control signal legend. .......................................................................... 59
605. Flashing signals. ............................................................................................... 61
606. Display of unauthorized signs or devices. ......................................................... 62
607. Interference with official devices ...................................................................... 62
608. Signals by hand or signal device. ...................................................................... 62
609. Method of giving hand and arm signals. ............................................................ 63
610. Unauthorized insignia. ...................................................................................... 63
611. Paraplegic persons or persons with disabilities - distress flag. ....................... 63
612. When signals are inoperative or malfunctioning. ............................................ 63
613. Failure to pay toll established by regional transportation authority. ............... 64
614. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations .................................................. 64
615. School zones - increase in penalties for moving traffic violations. ............... 65

177
616. Wildlife crossing zones - increase in penalties for moving traffic violations
PART 7. - RIGHTS-OF-WAY

701. Vehicles approaching or entering intersection.
702. Vehicle turning left.
703. Entering through highway - stop or yield intersection.
704. Vehicle entering roadway.
705. Operation of vehicle approached by emergency vehicle - operation of vehicle approaching stationary emergency vehicle.
706. Obedience to railroad signal.
707. Certain vehicles must stop at railroad grade crossings.
708. Moving heavy equipment at railroad grade crossing.
709. Stop when traffic obstructed.
710. Emerging from or entering alley, driveway, or building.
711. Driving on mountain highways.
712. Driving in highway work area.
713. Yielding right-of-way to transit buses - definitions - penalty.

PART 8. - PEDESTRIANS

801. Pedestrian obedience to traffic control devices and traffic regulations.
802. Pedestrians’ right-of-way in crosswalks.
803. Crossing at other than crosswalks.
804. Pedestrian to use right half of crosswalk. (Repealed).
805. Pedestrians walking or traveling in a wheelchair on highways.
806. Driving through safety zone prohibited.
807. Drivers to exercise due care.
808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities.

PART 9. - TURNING – STOPPING

901. Required position and method of turning.
   (a) Right turns.
   (b) Left turns.
902. Limitations on turning around.
903. Turning movements and required signals.

PART 10. - DRIVING - OVERTAKING – PASSING

1001. Drive on right side - exceptions.
1002. Passing oncoming vehicles.
1003. Overtaking a vehicle on the left ................................................................. 78
1004. When overtaking on the right is permitted ........................................... 79
1005. Limitations on overtaking on the left ..................................................... 79
1006. One-way roadways and rotary traffic islands ....................................... 80
1007. Driving on roadways laned for traffic .................................................. 80
1008. Following too closely ............................................................................ 81
1008.5. Crowding or threatening bicyclist .................................................... 82
1009. Coasting prohibited ............................................................................. 82
1010. Driving on divided or controlled-access highways ............................. 82
1011. Use of runaway vehicle ramps ............................................................. 83
1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes .. 83
1013. Passing lane - definitions - penalty ....................................................... 84
PART 11. - SPEED REGULATIONS ................................................................. 85
1101. Speed limits ......................................................................................... 85
1102. Altering of speed limits ....................................................................... 87
1103. Minimum speed regulation ................................................................. 88
1104. Speed limits on elevated structures ................................................... 89
1105. Speed contests - speed exhibitions - aiding and facilitating - immobilization of motor vehicle - definitions ......................................................... 89
PART 12. - PARKING .................................................................................... 92
1201. Starting parked vehicle ....................................................................... 92
1202. Parking or abandonment of vehicles ................................................... 92
1203. Ski areas to install signs ..................................................................... 93
1204. Stopping, standing, or parking prohibited in specified places ........... 93
1205. Parking at curb or edge of roadway .................................................... 94
1206. Unattended motor vehicle - definitions ............................................. 95
1207. Opening and closing vehicle doors ..................................................... 95
1208. Parking privileges for persons with disabilities – applicability - rules ... 95
1209. Owner liability for parking violations ............................................... 100
1210. Designated areas on private property for authorized vehicles ......... 100
1211. Limitations on backing ...................................................................... 100
1212. Pay parking access for disabled ....................................................... 101
PART 13. - ALCOHOL AND DRUG OFFENSES. - (Omitted) ................. 101
PART 14. - OTHER OFFENSES ................................................................... 101
1401. Reckless driving - penalty ................................................................. 101
1402. Careless driving - penalty. ................................................................. 102
1403. Following fire apparatus prohibited ..................................................... 102
1404. Crossing fire hose. ............................................................................ 102
1405. Riding in trailers. ................................................................................ 102
1406. Foreign matter on highway prohibited. .............................................. 102
1407. Spilling loads on highways prohibited - prevention of spilling of aggregate, trash, or recyclables .............................................................. 103
1407.5. Splash guards - when required. ...................................................... 104
1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts ......................................................... 105
1409. Compulsory insurance - penalty - legislative intent. ........................ 105
1410. (Blank) ............................................................................................... 105
1410.5 Providing false evidence of proof of motor vehicle insurance – penalty. ............................................................................................... 107
1411. Use of earphones while driving. ......................................................... 107
1412. Operation of bicycles and other human-powered vehicles. ................. 107
1413. Eluding or attempting to elude a police officer. ................................. 111
1414. Use of dyed fuel on highways prohibited. .......................................... 111
1415. Radar jamming devices prohibited - penalty. ..................................... 111
1416. Failure to present a valid transit pass or coupon - fare inspector authorization – definitions ................................................................................. 112

PART 15. - MOTORCYCLES ........................................................................ 113
1501. Traffic laws apply to persons operating motorcycles - special permits. .......................................................... 113
1502. Riding on motorcycles – protective helmet. ...................................... 113
1503. Operating motorcycles on roadways laned for traffic.......................... 114
1504. Clinging to other vehicles. ................................................................. 114

PART 16. - ACCIDENTS AND ACCIDENT REPORTS - (Omitted) ............. 114

PART 17. - PENALTIES AND PROCEDURE ........................................... 115
Preface ......................................................................................................... 115
(1) Municipalities that have adopted the Code need to be aware of. ............ 115
Pursuant to section 30-15-402, C.R.S .......................................................... 115
1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal ................................................................. 116

PART 18. - VEHICLES ABANDONED ON PUBLIC PROPERTY .................. 132
1801. Legislative declaration ...................................................................... 132
1802. Definitions ......................................................................................... 132
1803. Abandonment of motor vehicles - public property.......................................................... 133
1804. Report of abandoned motor vehicles - owner’s opportunity to request hearing........ 134
1805. Appraisal of abandoned motor vehicles - sale.............................................................. 136
1806. Liens upon towed motor vehicles............................................................................... 137
1807. Perfection of lien......................................................................................................... 138
1808. Foreclosure of lien..................................................................................................... 138
1809. Proceeds of sale........................................................................................................ 138
1810. Transfer and purge of certificates of title................................................................. 139
1811. Penalty....................................................................................................................... 139
1812. Exemptions................................................................................................................ 140
1813. Local regulations....................................................................................................... 140
1814. Violation of motor vehicle registration or inspection laws - separate statutory provision. ......................................................................................................................... 140

PART 19 - SCHOOL BUS REQUIREMENTS ........................................................................... 141
1901. School buses - equipped with supplementary brake retarders................................. 141
1902. School vehicle drivers - special training required...................................................... 141
1903. School buses - stops - signs - passing...................................................................... 141
1904. Regulations for school buses - regulations on discharge of passengers - penalty - exception. .............................................................................................................. 143

APPENDICES ......................................................................................................................... 144
DEFINITIONS.......................................................................................................................... 144
PART A. – INSTRUCTIONS FOR ADOPTING THE MTC BY REFERENCE ................... 162
PART B. – SPECIMEN ORDIANCE FOR ADOPTING THE MTC BY REFERENCE ...... 165
PART C. – SPECIMEN NOTICE OF HEARING ................................................................. 168
PART D. - SPECIMEN CERTIFICATION - POSTING OF ORDINANCE ......................... 169
PART E. – INSTRUCTIONS FOR AMENDING THE MTC PREVIOUSLY ADOPTED ....... 170
PART F – LISTING OF AMENDMENTS FOR UPDATING PREVIOUS EDITION OF MODEL TRAFFIC CODE ADOPTED BY REFERENCE .................................................................. 172
PART G. - SPECIMEN CERTIFICATION OF MODEL TRAFFIC CODE ..................... 173
WHY A MODEL TRAFFIC CODE FOR COLORADO?......................................................... 174
RESOLUTION 27-2019
A RESOLUTION APPROVING THE AGREEMENT OF LEASE BETWEEN THE CITY OF BLACK HAWK AS LESSOR AND ED & SHIRLEY, INC AS LESSEE FOR PROPERTY LOCATED AT 200 GREGORY STREET, BLACK HAWK, COLORADO
CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Lease of 200 Gregory Street Parking Lot.

RECOMMENDATION: Staff recommends the following motion to the Mayor and Board of Aldermen:

MOTION TO APPROVE: Resolution 27-2019, A Resolution approving the agreement of lease between the City of Black Hawk as lessor and Ed & Shirley, Inc., as lessee for Property Located at 200 Gregory Street, Black Hawk, Colorado.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

AGENDA DATE: May 22, 2019

WORKSHOP DATE: N/A

FUNDING SOURCE: N/A

DEPARTMENT DIRECTOR APPROVAL: [X] Yes [ ] No

STAFF PERSON RESPONSIBLE: Lance Hillis, Finance Director

DOCUMENTS ATTACHED: Lease Agreement

RECORD: [ ] Yes [X] No

CITY ATTORNEY REVIEW: [X] Yes [ ] N/A

SUBMITTED BY: reviewed by:

Lance Hillis, Finance Director

Stephen N. Cole, City Manager
STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK  

Resolution No. 27-2019  

TITLE: A RESOLUTION APPROVING THE AGREEMENT OF LEASE BETWEEN THE CITY OF BLACK HAWK AS LESSOR AND ED & SHIRLEY, INC AS LESSEE FOR PROPERTY LOCATED AT 200 GREGORY STREET, BLACK HAWK, COLORADO  

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:  

Section 1. The City Council hereby approves the Agreement of Lease between the City of Black Hawk as Lessor and Ed & Shirley, Inc. as Lessee for Property Located at 200 Gregory Street, Black Hawk, Colorado, and authorizes the Mayor to execute the same on behalf of the City.  

RESOLVED AND PASSED this 22\textsuperscript{nd} day of May, 2019.  

______________________________________  
David D. Spellman, Mayor  

ATTEST:  

_______________________________  
Melissa A. Greiner, City Clerk  

AGREEMENT OF LEASE

THIS LEASE is made and entered into this ____ day of ____________, 2019, by and between the City of Black Hawk ("Lessor") and Ed & Shirley, Inc. ("Lessee").

ARTICLE 1 - DEFINITIONS

The following definitions apply when these terms are used in this Lease:

“Premises” means the paved parking area located at 200 Gregory Street, Black Hawk Colorado 80422, consisting of approximately twenty-five (25) parking spaces.

ARTICLE 2 - LEASED PREMISES

In consideration of the rents, covenants and agreements herein reserved and contained, Lessor demises and leases to Lessee, and Lessee rents from Lessor, the Premises.

ARTICLE 3 - TERM AND RENT

3.1 Term of the Lease. The term of this Lease shall commence on June 1, 2019, and continue on a month-to-month basis.

3.2 Holding Over. If Lessee remains in possession of all or any part of the Premises after the expiration of the term hereof, with or without the express or implied consent of Lessor, such tenancy shall be from month to month only, and not a renewal hereof or an extension for any further term, and in such case, this Lease and such month to month tenancy shall be subject to every other term, covenant and agreement contained herein. A hold over monthly rental payment of the most recent monthly rent plus an adjustment based on the current annual Denver-Aurora-Lakewood Consumer Price Index for All Urban Consumers ("CPI") as of June 1 of each year shall be paid by Lessee to Lessor in advance on the first (1st) day of each calendar month in which the hold over continues.

3.3 Rent. Lessee shall pay rent to Lessor in the amount of Six Thousand, Eight Hundred, Thirty-Four Dollars ($6,834.00) per month. Rent is based on $300 per parking stall for 25 stalls minus the estimated cost of snow removal as set forth in Article 10 of this Lease, and minus the value of the City's anticipated use of the lot as set forth herein. In addition, the City may close the lot for two (2) days a month for City activities. In the absence of emergency circumstances, the City shall provide no less than forty-eight-(48) hours' notice of the City's need to close the lot for City activities.

3.4 Termination. Lessor and Lessee may terminate this Lease upon thirty (30) days written notice, with or without cause.
ARTICLE 4 - USE OF PREMISES AND TENANT IMPROVEMENTS

4.1 The Premises shall be used solely for the purpose of providing parking for Lessee’s customers, employees, contractors and subcontractors. Lessee further covenants and agrees that the use of the Premises shall be at all times in accordance with applicable zoning regulations of the City.

4.2 Suitability. As of the date of Lessee’s execution of this Lease, Lessee has inspected the physical condition of the Premises and has received the same in “as is” condition. LESSOR MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE CONDITION OR STATE OF THE PREMISES OR ITS FITNESS OR AVAILABILITY FOR ANY PARTICULAR USE, AND LESSOR SHALL NOT BE LIABLE TO LESSEE FOR ANY LATENT OR PATENT DEFECT THEREON. Lessee may use said Premises for the uses specified in this Lease, so long as such uses conform with zoning and use restrictions of all authorities affecting the Premises, and Lessee will not do, or permit to be done, any action or thing which is contrary to any legal or insurable requirement or which constitutes a public or private nuisance or waste.

4.3 Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, additions, modifications or improvements, in, to or about the Premises.

4.4 Lessee shall not suffer nor permit any mechanic's liens or public works claims to be filed against the Premises by reason of work, labor, service or materials supplied or claimed to have been supplied to Lessee as a result of an agreement with, or the assent of Lessee. Nothing in this Lease shall be construed as constituting the consent or request of Lessor, expressed or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialman for the performance of any labor or the furnishing of any materials for any specific improvement, alteration, or repair of or to the Premises or any part thereof. Nothing in this Lease shall be construed as giving Lessee any right, power or authority to contract for or permit the rendering of any services or the furnishing of any materials that would give rise to the filing of any mechanic's liens or public works claims against Lessor's interest in the Premises. If any such mechanic's lien or public works claims are filed against the Premises, Lessee shall cause the same to be discharged of record within thirty (30) days after the date Lessee has knowledge of such filing. If Lessee shall fail to discharge such mechanic's lien or public works claims within such period, then, in addition to any other right or remedy of Lessor, Lessor may, but shall not be obligated to, discharge the same either by paying the amount claimed to be due or by procuring the discharge of such lien. However, Lessee shall not be required to pay or discharge any such mechanic's lien or public works claims so long as Lessee shall in good faith proceed to contest the same by appropriate proceedings; provided, however, Lessee shall give notice in writing to Lessor of its intention to contest the validity of such lien and/or claim.

ARTICLE 5 - RIGHT OF ENTRY

Lessor shall at all times have the right to enter upon the Premises to inspect its condition.
ARTICLE 6 - INDEMNIFICATION

Lessee agrees that Lessor shall not be liable for any damage, either to person or persons or property or the loss of property sustained by Lessee or Lessor or by any other person or persons due to the use of the Premises, due to the happening of any accident, or due to any act or neglect of Lessee, or any occupant of the Premises, or the use or misuse of any instrumentality or agency in or connected with the Premises, or occasioned by any nuisance made or suffered thereon. Lessee agrees to save Lessor harmless thereon and therefrom, and to indemnify Lessor on account thereof, subject to the limits of liability insurance contained in Article 7 herein; provided however, the limits of Article 7 shall not apply to the extent of Lessor's liability is not subject to the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq.

ARTICLE 7 - INSURANCE

7.1 Lessee covenants and agrees that from the date hereof Lessee will procure and maintain throughout the term, at its sole cost and expense, general liability insurance in an amount no less than the monetary limitations (presently three hundred fifty thousand dollars ($350,000) per person and nine hundred ninety thousand dollars ($990,000) per occurrence) as set forth on the Colorado Governmental Immunity Act, Colo. Rev. Stat. §24-10-101 et seq., 10 Colo. Rev. Stat.

7.2 All policies or insurance provided for in Section 7.1 shall be issued by solvent and responsible insurance companies licensed to do business in the State of Colorado with a general policy holder's rating of not less than "A" and a financial rating of "AAA", as rated in the most current available "Bests" Insurance Reports, and qualified to write such policies in the State of Colorado. Each such policy shall be issued in the names of Lessor and Lessee, and their designees. Said policies shall be for the mutual and joint benefit and protection of Lessor and Lessee, and such policy of insurance, or a certificate thereof, shall be delivered to each of Lessor and any such other parties in interest prior to the commencement of the term and thereafter within thirty (30) days prior to the expiration of each policy. As often as any such policy shall expire or terminate, renewal or additional policies shall be procured and maintained by Lessee in like manner and to like extent. All such policies of insurance shall contain provisions that (a) the company writing said policy will give to Lessor and such other parties in interest at least thirty (30) days' notice in writing in advance of any cancellations or lapses, or the effective date of any reduction in the amounts of insurance; and (b) the insurer waives the right of subrogation against Lessor and against Lessor's agents and representatives. All such public liability, property damage and other casualty policies shall be written as primary policies which do not contribute to and are not in excess of coverage which Lessor may carry. All such public liability and property damage policies shall contain a provision that Lessor and any such other parties in interest, although named as an insured, shall nevertheless be entitled to recover under said policies for any loss occasioned to it, its servants, agents and employees by reason of the negligence of Lessee. Lessee's failure to provide and keep in force any of the insurance policies required hereunder shall be regarded as a material default hereunder, entitling Lessor to exercise any or all of the remedies provided in this Lease in the event of Lessee's default.
ARTICLE 8 - REMEDIES UPON DEFAULT

8.1 Events of Default Defined. The following shall be “events of default” by Lessee under this Lease and the term “event of default” shall mean, whenever it is used in this Lease, any one or more of the following events:

8.1.1 Failure by Lessee to pay any sums to Lessor when due hereunder, and continuation thereof for a period of ten (10) business days.

8.1.2 Failure by Lessee to observe and perform any covenant, condition or agreement on its part to be observed or performed hereunder, other than as referred to in subsection 8.1.1 of this section, for a period not to exceed thirty (30) days after written notice, specifying such failure and requesting that it be remedied and giving the time within which it will be cured, which time shall be reasonable under the circumstances, given to Lessee by Lessor.

8.2 Remedies on Default. Whenever any event of default shall have happened, Lessor may take any one or more of the following remedial steps:

8.2.1 Lessor may re-enter and take possession of the Premises, with court proceedings, and without terminating this Lease, and sublease the Premises for the account of Lessee, holding Lessee liable for the difference in the rent and other amounts payable by such sublessee in such subleasing and the rents and other amounts payable by Lessee hereunder.

8.2.2 Lessor may take whatever action at law or in equity may appear necessary or desirable to enforce performance and observance of any obligation, agreement or covenant of Lessee under this Lease.

8.2.3 If Lessor takes any of the remedial steps specified above and establishes default through appropriate court proceedings, then Lessor shall be entitled to recover all reasonable costs, including attorney fees. If Lessor fails to prove default in any such action, then Lessee will be entitled to costs and reasonable attorney fees from Lessor.

ARTICLE 9 - SUCCESSORS

Successors. This Lease shall inure to the benefit of and be binding upon Lessor, Lessee and their respective heirs, successors, representatives, administrators, executors and devisees. Lessee shall not assign this Lease or sublet the Premises or any part thereof. Any attempted assignment or subletting shall be deemed void and of no effect.

ARTICLE 10 - SPECIAL COVENANTS OF LESSEE

Lessee agrees that, at all times during the term of this Lease, it shall not place any refuse or rubbish on the Premises with exception for refuse and rubbish generated in the normal course of
business operations, which will be gathered and removed by Lessee in the normal course of daily activity. Lessee is required to keep trash enclosures free of ice and snow. Lessee is expressly responsible for snow removal of the Premises, and shall keep the Premises free of the accumulation of snow. All trash containers will be kept in the trash enclosures with the doors closed. Lessee will ensure the parking lot is free of trash and debris. Any trash placed next to the trash dumpsters will be stored in such a manner to prevent access to animals. Lessee is responsible for any damage to the trash enclosure and for trash service.

The Lessor may establish a temporary parking lot between Crooks and the Carriage House Parking Garage on a subsequent date. Access to the lot would be gained by eliminating three (3) parking stalls controlled by the Lessee. In exchange, the Lessee would be granted parking spots in the temporary parking lot. The new parking area would be accessed through the Crooks Parking lot.

**ARTICLE 11 - SURRENDER OF PREMISES**

Upon the expiration or termination of the Lease term, Lessee shall peaceably and quietly leave and surrender the Premises in the same condition as it exists on the date of the execution of this Agreement.

**ARTICLE 12 - MISCELLANEOUS PROVISIONS**

12.1 Captions; Attachments.

12.1.1 The captions of the articles and sections of this Lease are for convenience only and shall not be deemed to be relevant in resolving any question of interpretation or construction of any section of this Lease.

12.1.2 Exhibits attached hereto, and addenda and schedules initialed by the parties, are deemed by attachment to constitute part of this Lease and are incorporated herein.

12.2 Entire Agreement. This instrument, along with any exhibits and attachments hereto, constitute the entire agreement between Lessor and Lessee relative to the Premises and the provisions of this Agreement and the exhibits and attachments may be altered, amended, waived or revoked only by an instrument in writing signed by both Lessor and Lessee. Lessor and Lessee agree hereby that any and all prior or contemporaneous oral agreements between and among themselves and their agents or representatives relative to the leasing of the Premises are merged in or revoked by this Agreement.

12.3 Severability. If any term or provision (except those having to do with rent) of this Lease shall to any extent be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforceable to the fullest extent permitted by law. In case the exception applies, the Lease shall be null and void after such determination.

12.4 Governing Law. This Lease shall be governed and construed in accordance with the laws of the State of Colorado.
12.5 Notices. All notices, demands and requests required to be given by either party to the other shall be in writing. All notices, demands and requests shall either be hand-delivered or shall be sent by certified or registered mail, return receipt requested, postage prepaid, addressed to the parties at the addresses set forth below, or at such other addresses as the parties may designate in writing delivered pursuant to the provisions hereof. Any notice when given as provided herein shall be deemed to have been delivered on the date personally served or two (2) days subsequent to the date that said notice was deposited with the United States Postal Service.

To Lessor:  
City of Black Hawk  
Attn: Lance Hillis, Finance Director  
P.O. Box 68  
Black Hawk, CO 80422

To Lessee:  
Ed and Shirley’s Inc.  
Attn: Ed Smith  
P.O. Box 513  
Black Hawk, CO 80422

Signature, Attestations and Acknowledgements on following page.
IN WITNESS WHEREOF, the parties to this Lease have set their hands and seals the day and year first written above.

CITY OF BLACK HAWK, COLORADO

____________________
David D. Spellman, Mayor

ATTEST:

____________________
Melissa Greiner, City Clerk

ED & SHIRLEY, INC.
A Colorado Corporation

By: ____________________________
   Edward E. Smith, President

STATE OF COLORADO

Gilpin

) ss.

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 17 day of May, 2019, by Edward E. Smith as president of Ed & Shirley’s, Inc., a Colorado Corporation.

My commission expires: 3/25/23

(S E A L)

MICHELE MARTIN
Notary Public
State of Colorado
Notary ID # 20154012152
My Commission Expires 03-25-2023

Notary Public
RESOLUTION 28-2019
A RESOLUTION APPROVING THE PROPOSAL FROM CIGNA FOR 2019-2021 ANCILLARY COVERAGE
SUBJECT: 2019-2021 Ancillary Coverage (Basic/Voluntary Life, AD&D, Short-Term Disability, and Long-Term Disability)

RECOMMENDATION: Staff recommends to the Mayor and Board of Aldermen:

Motion to Approve Resolution 28-2019, A Resolution Approving the Proposal from CIGNA for 2019-2021 Ancillary Coverage.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

CIGNA has offered to renew the ancillary lines of coverage for the next two years without an increase in premiums. Staff budgeted for a 10% increase at renewal for plan year July 1, 2019 – June 30, 2021.

AGENDA DATE: May 22, 2019

FUNDING SOURCE: Department Specific Group Health Insurance line (xxx-xxxx-xxx-21-00)

WORKSHOP DATE: October 24, 2018

STAFF PERSON RESPONSIBLE: Melissa Greiner
City Clerk/Administrative Services Director

RECORD: [ ]Yes [X]No

CITY ATTORNEY REVIEW: [ ]Yes [X]N/A

SUBMITTED BY: Melissa Greiner, CMC
City Clerk/Administrative Services Director

REVIEWED BY: Stephen N. Cole
City Manager
STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK  

Resolution No. 28-2019  

TITLE: A RESOLUTION APPROVING THE PROPOSAL FROM CIGNA FOR 2019-2021 ANCILLARY COVERAGE  

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:  

Section 1. The City Council hereby approves the proposal from CIGNA for 2019-2021 Ancillary Coverage (Basic/Voluntary Life, AD&D, Short Term Disability, and Long Term Disability) without an increase in premiums. To the extent such proposal extends beyond the current fiscal year, such acceptance is and shall be subject to annual appropriation.  

RESOLVED AND PASSED this 22nd day of May, 2019.  

_______________________________  
David D. Spellman, Mayor  

ATTEST:  

______________________________  
Melissa A. Greiner, CMC, City Clerk
RESOLUTION 29-2019
A RESOLUTION
APPROVING THE
PURCHASE OF A BOBCAT
E85 COMPACT
EXCAVATOR FROM
BOBCAT OF THE
ROCKIES IN AN AMOUNT
NOT TO EXCEED
$73,090.00
SUBJECT: Approve Resolution 29-2019, a Resolution authorizing the purchase of a Bobcat E85 R-Series Compact Excavator from Bobcat of the Rockies.

RECOMMENDATION:
If City Council chooses to approve Resolution 29-2019, the recommended motion is as follows: “Approve Resolution 29-2019 a Resolution approving the purchase of a Bobcat E85 Compact Excavator from Bobcat of the Rockies in an amount not to exceed $73,090.00.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER:
A replacement compact excavator was budgeted for in this year’s capital equipment replacement plan. The 2000 Gehl unit has outlived its useful life and has as of late spent as much time in the repair shop as it has working.

Staff received quotes from three vendors:
- Honnen Equipment Co.-John Deere $119,017.30 - $15,000 trade = $104,017.30
- Wagner Equipment Co.- Caterpillar $115,000.00 - $12,820 trade = $102,180.00
- Bobcat of the Rockies- Bobcat $88,090.00 - $15,000 trade = $73,090.00

All three pieces of equipment were brought up for a demo and all seemed compatible. The Bobcat appears to be the best value. Therefore, staff is recommending the Bobcat.

FUNDING SOURCE: Capital Projects-PW Equipment: 305-3101-431-75-48

WORKSHOP DATE: May 22, 2019

ORIGINATED BY: Michael Schaller/Steve Jackson

STAFF PERSON RESPONSIBLE: Michael Schaller/Steve Jackson

PROJET COMPLETION DATE: October 31, 2019

DOCUMENTS ATTACHED: Vendor Proposal Form

CITY ATTORNEY REVIEW: [ ]Yes [ ]No [ ]N/A INITIALS__________

SUBMITTED BY: Reviewed BY:
Thomas Isbester, Public Works Director

Steven N. Cole, City Manager
STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 29-2019

TITLE: A RESOLUTION APPROVING THE PURCHASE OF A BOBCAT E85 COMPACT EXCAVATOR FROM BOBCAT OF THE ROCKIES IN AN AMOUNT NOT TO EXCEED $73,090.00

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The City Council hereby approves the purchase of a Bobcat E85 Compact Excavator from Bobcat of the Rockies in an amount not to exceed $73,090.00.

RESOLVED AND PASSED this 22\textsuperscript{nd} day of May, 2019.

_______________________________
David D. Spellman, Mayor

ATTEST:

______________________________
Melissa A. Greiner, CMC, City Clerk
<table>
<thead>
<tr>
<th>Description</th>
<th>Part No</th>
<th>Qty</th>
<th>Price Ea.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>E85 T4 R-Series Compact Excavator</td>
<td>M3325</td>
<td>1</td>
<td>$108,506.00</td>
<td>$108,506.00</td>
</tr>
<tr>
<td>HVAC Cab - Auto</td>
<td>M3325-R01-C04</td>
<td>1</td>
<td>$672.00</td>
<td>$672.00</td>
</tr>
<tr>
<td>Cloth Heated Suspension Seat</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydraulic Activated Pin-Grabber Attachment</td>
<td>M3325-R06-C11</td>
<td>1</td>
<td>$5,659.00</td>
<td>$5,659.00</td>
</tr>
<tr>
<td>Quick Coupler</td>
<td>M3325-R08-C04</td>
<td>1</td>
<td>$5,092.00</td>
<td>$5,092.00</td>
</tr>
<tr>
<td>Hydraulic Clamp</td>
<td>M3325-R11-C02</td>
<td>1</td>
<td>$372.00</td>
<td>$372.00</td>
</tr>
<tr>
<td>Travel Motion Alarm</td>
<td>M3325-R14-C04</td>
<td>1</td>
<td>$670.00</td>
<td>$670.00</td>
</tr>
<tr>
<td>Deluxe Cab Display</td>
<td>M3325-R51-C02</td>
<td>1</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Telematics US</td>
<td>M3325-A01-C36</td>
<td>1</td>
<td>$2,406.00</td>
<td>$2,406.00</td>
</tr>
<tr>
<td>Counterweight, Add-on</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engine Block Heater</td>
<td>7328972</td>
<td>1</td>
<td>$87.00</td>
<td>$87.00</td>
</tr>
<tr>
<td>Strobe Kit</td>
<td>7332351</td>
<td>1</td>
<td>$296.00</td>
<td>$296.00</td>
</tr>
<tr>
<td>Attachment Pin Kit (55MM)</td>
<td>7328360</td>
<td>2</td>
<td>$229.00</td>
<td>$458.00</td>
</tr>
<tr>
<td>7&quot; Backup Camera Kit</td>
<td>VWIC700</td>
<td>1</td>
<td>$300.00</td>
<td>$300.00</td>
</tr>
<tr>
<td>18&quot; MX6 PIN-ON TEETH</td>
<td>732215</td>
<td>1</td>
<td>$1,218.00</td>
<td>$1,218.00</td>
</tr>
<tr>
<td>24&quot; MX6 PIN-ON TEETH</td>
<td>7322123</td>
<td>1</td>
<td>$1,393.00</td>
<td>$1,393.00</td>
</tr>
<tr>
<td>36&quot; MX6 PIN-ON TEETH</td>
<td>7322126</td>
<td>1</td>
<td>$1,653.00</td>
<td>$1,653.00</td>
</tr>
<tr>
<td>Description</td>
<td>Part No</td>
<td>Qty</td>
<td>Price Ea.</td>
<td>Total</td>
</tr>
<tr>
<td>Fuel 5 Gallons at $3.75/gallon</td>
<td></td>
<td>4</td>
<td>$14.00</td>
<td>$56.00</td>
</tr>
<tr>
<td>Material Surcharge for shop labor .09% Plus enviro. fee of $10</td>
<td></td>
<td>1</td>
<td>$102.00</td>
<td>$102.00</td>
</tr>
<tr>
<td>2% of 76% of the list price for Field Warranty Escrow</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denver Area Delivery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total of Items Quoted</td>
<td></td>
<td></td>
<td></td>
<td>$130,789.00</td>
</tr>
<tr>
<td>Dealer P.D.I.</td>
<td></td>
<td></td>
<td></td>
<td>$360.00</td>
</tr>
<tr>
<td>Freight Charges</td>
<td></td>
<td></td>
<td></td>
<td>$2,232.00</td>
</tr>
<tr>
<td>Dealer Assembly Charges</td>
<td></td>
<td></td>
<td></td>
<td>$660.00</td>
</tr>
<tr>
<td>Trade-in</td>
<td>2000 Gehl</td>
<td>G6002 RDV, SN AA0145G</td>
<td>$(15,000.00)</td>
<td></td>
</tr>
<tr>
<td>Discount</td>
<td></td>
<td></td>
<td></td>
<td>$(44,416.00)</td>
</tr>
<tr>
<td>MAPO discount of 30% (15% BOTR, 15% factory)</td>
<td></td>
<td></td>
<td></td>
<td>$(1,535.00)</td>
</tr>
<tr>
<td>MAPO discount of 36% (18% BOTR, 18% factory)</td>
<td></td>
<td></td>
<td></td>
<td>$(1,535.00)</td>
</tr>
<tr>
<td>price of machine and factory installed items</td>
<td></td>
<td></td>
<td></td>
<td>$(1,535.00)</td>
</tr>
<tr>
<td>warranty</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>price of attachments when ordered with machine</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quote Total - US dollars</td>
<td></td>
<td></td>
<td></td>
<td>$73,090.00</td>
</tr>
</tbody>
</table>

Notes:
Items not covered by MAPO contract(already included on quote): Parts, Fuel, Material Surcharge and Environmental Fee, Warranty Escrow, Delivery, PDI, Freight, Assembly. These are additional services that Bobcat of the Rockies offers/bills on all new machines. The MAPO discount covers the list price of the machine, warranty, factory installed items, and Attachments.

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes.

Customer Acceptance:  

Purchase Order:  

233 of 311
RESOLUTION 30-2019
A RESOLUTION AWARDING THE BID AND APPROVING THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CMGC) CONTRACT BETWEEN THE CITY OF BLACK HAWK AND TAYLOR KOHRS, LLC. IN AN AMOUNT NOT TO EXCEED $5,650.00 FOR PRECONSTRUCTION SERVICES PERTAINING TO THE HIDDEN TREASURE TRAILHEAD PROJECT
SUBJECT: Approve Resolution 30-2019, a Resolution awarding the construction manager/general contractor (CMGC) contract for the Hidden Treasure Trailhead Project to Taylor Kohrs, LLC.

RECOMMENDATION: If City Council chooses to approve Resolution 30-2019, a Resolution awarding the bid and approving the construction manager/general contractor (CMGC) contract between the City of Black Hawk and Taylor Kohrs, LLC in an amount not to exceed $5,650.00 for preconstruction services pertaining to the Hidden Treasure Trailhead project.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: The City desires to develop a parking lot and trailhead for the Maryland Mountain open space area. Work will include a parking lot, pedestrian bridge over highway 119, restroom facilities and the relocation of a hawk sculpture.

The City has elected to utilize the CMGC method to get a contractor on board early to assist with the final design elements, explore any value engineering and constructability concepts and get long lead items ordered early in an effort to complete this project before the end of the year. The result of the preconstruction services will be a GMP guaranteed maximum price for the work and staff will come back to Council at that point for authorization and amendment to this agreement.

Staff publicly advertised for the request for qualifications (RFQ) and received proposals from 3 qualified contractors. Taylor Kohrs provided the lowest proposed costs and fees. References were checked which resulted in positive feedback. Staff recommends award to Taylor Kohrs LLC.

FUNDING SOURCE: Maryland Mountain Parking and Bridge 203-0000-502-58-16

WORK SHOP DATE: May 22, 2019

ORIGINATED BY: Thomas Isbester

STAFF PERSON RESPONSIBLE: Thomas Isbester

PROJECT COMPLETION DATE: December 31, 2019

DOCUMENTS ATTACHED: CMGC agreement
CITY ATTORNEY REVIEW: [ ]Yes [ ]No [ ]N/A INITIALS__________

SUBMITTED BY: 

Thomas Isbester, Public Works Director

REVIEWED BY:

Stephen N. Cole, City Manager
STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK  

Resolution No. 30-2019  

TITLE: A RESOLUTION AWARDING THE BID AND APPROVING THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CMGC) CONTRACT BETWEEN THE CITY OF BLACK HAWK AND TAYLOR KOHRS, LLC. IN AN AMOUNT NOT TO EXCEED $5,650.00 FOR PRECONSTRUCTION SERVICES PERTAINING TO THE HIDDEN TREASURE TRAILHEAD PROJECT  

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:  

Section 1. The City Council hereby awards the bid and approves the construction manager/general contractor (CMGC) contract between the City of Black Hawk and Taylor Kohrs, LLC in an amount not to exceed $5,650.00 for pre-construction services related to the Hidden Treasure Trailhead project, and authorizes the Mayor to execute the same on behalf of the City.  

RESOLVED AND PASSED this 22\textsuperscript{nd} day of May, 2019.  

_______________________________
David D. Spellman, Mayor  

ATTEST:  

______________________________
Melissa A. Greiner, CMC, City Clerk
CITY OF BLACK HAWK, COLORADO

BLACK HAWK

Contract Documents for

CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CMGC)
HIDDEN TREASURE TRAILHEAD
Black Hawk, CO 80422

May 2019
TABLE OF CONTENTS

ARTICLE 1 - GENERAL PROVISIONS AND SERVICES .................................................... 2

ARTICLE 2 - DEFINITIONS ................................................................................. 2

ARTICLE 3 – DESCRIPTION OF WORK AND SERVICE ............................................. 5

ARTICLE 4 – CONTRACTOR’S CONSTRUCTION SCHEDULE ........................................ 18

ARTICLE 5 - TIME FOR COMPLETION AND LIQUIDATED DAMAGES ....................... 19

ARTICLE 6 - CONTRACT SUM ............................................................................ 20

ARTICLE 7 - CORRECTION OF WORK ................................................................. 22

ARTICLE 8 - TEMPORARY FACILITIES AND SERVICES ......................................... 22

ARTICLE 9 - INDEMNIFICATION AND INSURANCE ............................................... 22

ARTICLE 10 - PERFORMANCE AND LABOR AND MATERIAL PAYMENT BONDS ............ 25

ARTICLE 11 – CLAIMS AND DISPUTES .............................................................. 26

ARTICLE 12 - RESOLUTION OF CLAIMS AND DISPUTES ..................................... 27

ARTICLE 13 - TERMINATION ........................................................................ 28

ARTICLE 14 - SIMULTANEOUS WORK BY OTHERS .............................................. 30

ARTICLE 15 - SUBCONTRACTING .................................................................... 31

ARTICLE 16 - GUARANTY ............................................................................... 31

ARTICLE 17 - SALES TAX .............................................................................. 32

ARTICLE 18 - MISCELLANEOUS PROVISIONS ...................................................... 32

ARTICLE 19 – ATTACHMENTS, SCHEDULES, AND SIGNATURES ....................... 35
CONSTRUCTION MANAGER/GENERAL CONTRACTOR AGREEMENT

THIS AGREEMENT is made and entered into this ___ day of ________________, 2019, by and between the City of Black Hawk, State of Colorado, a body politic and corporate, hereinafter referred to as the "City" or "Owner" and Taylor Kohrs, LLC, hereinafter referred to as the "Contractor".

ARTICLE 1 - GENERAL PROVISIONS AND SERVICES

A. The Contractor shall commence and fully complete design and construction of the Hidden Treasure Trailhead project, which is described in Exhibit A, which is attached hereto and made a part hereof ("Project").

B. The Contractor shall retain Subcontractors at the Contractor’s expense as necessary to complete the Work.

C. The Contractor shall commence the Work required by the Contract Documents within ten (10) calendar days after the date of the notification to proceed and will complete the same on or before December 31, 2019, unless the period for completion is extended otherwise by the Contract Documents. The Contractor agrees to pay as liquidated damages, and not as a penalty, the sum of One Thousand Dollars ($1,000.00) for each consecutive calendar day’s delay in completing this Project after the completion date specified herein, excluding any approved extensions of time.

D. The Contractor agrees to perform all of the preconstruction work described in the Contract Documents and to comply with the terms therein for an amount not to exceed Five Thousand Six Hundred Fifty Dollars ($5,650.00), as shown in Exhibit B.

ARTICLE 2 - DEFINITIONS

A. Wherever used in the Contract Documents, the following terms shall have the meanings indicated which shall be applicable to both the singular and plural thereof:

1. Addenda - Written or graphic instruments issued prior to the execution of the Agreement that modify or interpret the Contract Documents, drawings, and specifications, by additions, deletions, clarifications, or corrections.

2. Bid – The offer or proposal of the Bidder submitted in the prescribed form setting forth the prices for the Work to be performed.

3. Bidder – Any person, firm, or corporation submitting a Bid for the Work.

4. Bonds – Bid, Performance, and Payment Bonds and other instruments of security, furnished by the Contractor and its surety in accordance with the Contract Documents.

5/9/19

240 of 311
5. **Change Order** – A written order to the Contractor authorizing an addition, deletion, or revision in the Work within the general scope of the Contract Documents, or authorizing an adjustment in the Contract Sum and/or Contract Time.

6. **Construction Change Directive** – A written order directed to the Contractor and signed by the Owner directing a change in the Work and stating a proposed basis for adjustment, if any, in the Contract Sum or Contract Time, or both.

7. **Consultant** – A person or entity providing professional services for the Contractor or the Owner to execute a portion of the Work. To the extent required by the relevant jurisdiction, the Consultant shall be lawfully licensed to provide the required professional services. Consultants include architects and engineers, as applicable.

8. **Contractor** – The person, firm, or corporation with whom the City of Black Hawk has executed this Agreement. Also known as the Construction Manager/General Contractor or CMGC. The Contractor shall be lawfully licensed by the City of Black Hawk.

9. **Contract Documents** – The contract ("Agreement"), including advertisement for Bids, information for Bidders, Bid, Bid bond agreement, Bid schedule, labor and material payment bond, performance bond, notice of award, notice to proceed, Change Orders, general conditions, special conditions, general specifications, special specifications, scopes of Work, addenda, drawings, schedules, and any and all other documents or papers included or referred to in the foregoing documents are part of the Contract Documents.

10. **Contract Sum** – The total monies payable to the Contractor under the terms and conditions of the Contract Documents.

11. **Contract Time** – The number of calendar days stated in the Contract Documents for Substantial Completion of the Work.

12. **Date of Award** – Date of award of contract shall mean the date formal notice of such award, approved by the Owner, has been delivered to the intended awardee, or mailed to it at the main business address shown in its proposal by the Owner or its authorized representative.

13. **Day** – Unless herein otherwise expressly defined, Day shall mean calendar day.

14. **Major Equipment or Major Equipment Items** – Installation of major equipment to be furnished and placed under the Agreement awarded to the Contractor and/or installations of major equipment to be furnished by the Owner and received, unloaded, stored, and placed by the Contractor under the Agreement awarded to the Contractor.
15. **Notice of Award** – The written notice of the acceptance of the Bid by the Owner to the successful Bidder.

16. **Notice to Proceed** – Written communication issued by the Owner to the Contractor authorizing it to proceed with the Work and establishing the date of commencement of the Work.

17. **Owner or City** – The City of Black Hawk, Colorado, a home rule municipality. The Public Works Director, Project Manager, or their designee of the Owner is the Owner’s representative.

18. **Project** – Construction of the Project described in **Exhibit A**.

19. **Shop Drawings** – All drawings, diagrams, illustrations, brochures, schedules, and other data which are prepared by the Contractor, a Subcontractor, manufacturer, supplier, or distributor, which illustrate how specific portions of the Work shall be fabricated or installed.

20. **Site** – The lands and other places on, under, in, or through which the Work is to be executed or carried out and any other lands or places provided by the Owner for the purposes of the Agreement together with such other places as may be specifically designed in the Contract Documents as forming part of the Site.

21. **Special Conditions** – Supplemental conditions that apply to specific aspects of the Project or modifications to the general conditions that are to be adhered to in the Project.

22. **Subcontractor** – An individual, firm, or corporation having a direct contract with the Contractor or with any other Subcontractor for the performance of a part of the Work at the Site. All Subcontractors shall be lawfully licensed by the City of Black Hawk.

23. **Submittal** – Any submission to the Owner for review and approval demonstrating how the Contractor proposes to conform to the Contract Documents. Submittals include, but are not limited to Shop Drawings, product data, and samples.

24. **Substantial Completion** – That date as certified by the Owner when the construction of the project or a specified part thereof is sufficiently completed, in accordance with the Contract Documents, so that the Project or specified part can be utilized for the purposes for which it is intended. All major systems shall be operational, all safety features shall be completed, and final inspections by all applicable local and state officials must be received by the Owner prior to achieving Substantial Completion.

25. **Supplier** – Any person, supplier, or organization who supplies materials or equipment for the Work, including that fabricated to a special design, but who
does not perform labor at the Site. A Supplier is not a Subcontractor who purchases an item of equipment from a manufacturer.

26. **Work** – The preconstruction, construction, and related services required to fulfill the Contractor's obligations under the Contract Documents. The Work includes all labor, materials, equipment, and services provided or to be provided by the Contractor. The Work may constitute the whole or a part of the Project.

27. **Written Notice** – Written Notice shall be deemed to have been duly served if delivered in person to the individual, to a member of the firm or entity, or to an officer of the corporation for which it was intended; or if delivered at, or sent by registered or certified mail or by courier service providing proof of delivery to the last business address known to the party giving notice.

**ARTICLE 3 - DESCRIPTION OF WORK AND SERVICES**

**Section 1** Process to Establish Guaranteed Maximum Price

A. The Contractor shall advise the Owner and Consultants on proposed Site use and improvements, selection of materials, building systems, and equipment, as applicable. The Contractor shall provide the Owner and Consultants with recommendations on constructability, availability of materials and labor, schedule, installation and construction, alternative designs or materials, budgeting, life-cycle data, and value engineering.

B. The Contractor shall schedule and conduct meetings with the Owner, Consultants, and any other necessary individuals or entities to discuss and evaluate the ongoing design of the Project. The evaluation shall address possible alternative approaches to design and construction of the Project and include the Contractor's recommendations, if any, with regard to accelerated or fast-track scheduling, procurement, and phasing.

C. The Contractor shall prepare a written report to summarize the Contractor's evaluation of the Project design. The report shall include a proposed Project schedule and a control estimate for the cost of the Work organized by trade categories.

D. The Owner shall review the Contractor's written report and, if acceptable, provide the Contractor and Consultants written consent to proceed to the development of the construction drawings and specifications. The Owner shall also provide written consent to the Contractor to proceed to development of the Contractor's proposal. The Contractor's proposal shall, at a minimum, include the following:

1. A list of design documents and other information upon which the Contractor's proposal is based.
2. The proposed Contract Sum organized by trade categories, including allowances, contingencies, updates to the Contractor's Fee and Cost Proposal, and other items that comprise the proposed Contract Sum. A schedule of values shall be provided by which each application for payment will be evaluated.
3. The proposed Project schedule, including the proposed date that the Contractor shall achieve Substantial Completion.

E. Preparation of the Contractor's proposal will likely be an iterative process. The Contractor shall revise the Contract Sum and Project schedule as necessary prior to agreement between the Owner and Contractor on a final proposal. The Contractor shall strive to eliminate allowances wherever possible and decrease Contractor's contingencies until the Owner and Contractor agree on a final Contractor's proposal.

F. If the Owner and Contractor agree on a proposal, the Owner and Contractor shall execute an amendment setting forth the terms of their Agreement. The final Contract Sum as agreed upon by the Owner and Contractor will become established as the Guaranteed Maximum Price ("GMP") in the GMP Amendment.

1. The GMP guarantees to the Owner the price for which all Work will be completed within the Contract Time.
2. The GMP, unless changed by Change Order or Construction Change Directive, represents the absolute limit of obligation or liability that the Owner may have insofar as the cost for full and final completion of the Work and the total of all payments to the Contractor or its Subcontractors.
3. Should additional amounts over and above the GMP be required to be expended to achieve completion of the Work, liability for and payment of such additional amounts shall be the sole responsibility of the Contractor.
4. Should the final cost of the Work be less than the GMP, the difference shall inure to the benefit of the Owner and no claim for all or any portion of said difference shall be valid against or payable by the Owner.

G. Construction shall not commence prior to execution of the GMP Amendment.

Section 2 Drawings and Specifications

A. The Contractor shall coordinate with the Consultants to provide Project drawings and specifications to the Owner for approval. The Contractor shall furnish all labor, materials, tools, equipment, and transportation necessary for the proper execution of the Work in accordance with the Contract Documents and all incidental Work necessary to complete the Project in an acceptable manner, ready for use, occupancy, or operation by the Owner.

B. In case of conflict between the drawings and specifications, the specifications shall govern, unless directed otherwise by the Owner and Consultants. In case of conflict between the special specifications and the general specifications, the special specifications shall govern. Figure dimensions on drawings will govern over scale dimensions, and detailed drawings shall govern over general drawings. Notwithstanding the above, a document which is more restrictive or requires greater responsibility or increased compliance by the Contractor shall govern.
C. Any discrepancies found between the drawings and specifications and Site conditions or any inconsistencies or ambiguities in the drawings or specifications shall be immediately reported to the Owner and Consultants in writing, who will promptly resolve such inconsistencies or ambiguities in writing. Work done on unreported discrepancies, inconsistencies or ambiguities by the Contractor shall be done at the Contractor's risk.

D. The Contractor may be furnished additional instructions and detail drawings by the Owner and Consultants as necessary to carry out the Work required by the Contract Documents. The additional drawings and instructions thus supplied will become a part of the Contract Documents. The Contractor shall carry out the Work in accordance with the additional detail drawings and instructions.

Section 3  Materials, Services and Facilities

A. The Contractor shall, in a good workmanlike manner, fully execute the Work described in, and reasonably inferable from the Contract Documents. The Contractor shall, at its sole cost, risk, and expense, construct, equip, provide purchase, pay for, and furnish all of the materials, services, and equipment necessary to provide the results intended by the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others. The Work shall be in accordance with such Contract Documents, as well as all local, state, and federal governmental codes, ordinances, and regulations as they apply to performance of the Work.

B. In addition to the requirements for major equipment items previously given, the Contractor shall submit to the Owner a complete listing of the manufacturers of each item of equipment or assembly fabricated off the Site that is proposed to be furnished for the Project, together with sufficient information, including shop assembly and detail drawings, manufacturers' specifications, and performance data, to demonstrate clearly that the materials and equipment to be furnished comply with the provisions and intent of the Contract Documents. If the information shows any deviation from the contract requirements, the Contractor shall notify the Owner of the deviation and state the reason for it in writing. Acceptance of substitute material or equipment that deviates from the specifications shall be determined by the Owner and Consultants.

C. Only first class materials and materials which conform to the requirements of the specifications shall be incorporated in the Work. All materials shall be new unless specified to be otherwise.

D. When requested by the Owner, the Contractor shall furnish a written statement of the origin, composition, and manufacturer of any or all materials (manufactured, produced or grown) that are to be used in the Work. The sources of supply of each material used will be approved by the Owner and Consultants before delivery is started. If, at any time, sources previously approved fail to produce materials acceptable to the Owner and Consultants, the Contractor shall furnish materials from other approved sources.

E. Materials and equipment shall be so stored as to ensure the preservation of their quality and fitness for the Work. Stored materials and equipment to be incorporated in the Work
shall be located so as to facilitate prompt inspection. Material or equipment stored off-site shall be insured by the Contractor. Proof of insurance shall be submitted to Owner prior to request for payment for such material or equipment.

F. Manufactured articles, materials, and equipment shall be applied, installed, connected, erected, used, cleaned, and conditioned as directed by the manufacturer.

G. Materials, supplies, and equipment shall be in accordance with samples submitted by the Contractor and approved by the Owner and Consultants.

H. Materials, supplies or equipment to be incorporated into the Work shall not be purchased by the Contractor or any Subcontractor subject to a chattel mortgage or under a conditional sale contract or other agreement by which an interest is retained by the seller.

I. The Contractor shall retain, for the benefit of the Owner, all materials and supplies that are purchased for the project but are not used as a part of the project. The Owner may take any of the materials and supplies that are used in the project for any City purpose. Any materials and supplies not taken by the Owner shall be removed from the Site by the Contractor.

Section 4 Submittals

A. The Contractor shall submit Shop Drawings, samples, and O&M manuals as may be necessary for the prosecution of the Work, as required by the Contract Documents, on a timely basis so that the Project schedule is not affected. The Owner and Consultants will promptly review all Submittals. All such Submittals will be approved and signed by the Consultants, and will be null and void unless authorized by such signature. Review and approval of any Submittal by the Owner or Consultants will not release the Contractor from responsibility for any deviations from the Contract Documents. The approval of any Submittal that substantially deviates from the requirements of the Contract Documents shall be evidenced by a Change Order.

B. All drawings and details on items of major equipment will be reviewed by the Owner and Consultants only after the complete set of drawings and details covering the entire equipment package to be furnished under a particular major equipment item are submitted. Drawings submitted on a piecemeal basis covering only parts of the equipment package will be held for checking until the entire set of drawings are received.

C. The Contractor shall submit to the Owner and Consultants Shop Drawings showing detail of structural wood trusses, structural steel and concrete reinforcing steel, bending details, piping details, and of other items necessary for the proper installation of materials into the completed Work, as provided by this Agreement.

D. The Contractor shall make any indicated corrections on the Submittals returned and shall resubmit corrected Submittals until final approval is obtained.
E. The Contractor shall have no claims for damages or extension of time on account of any delay in the Work resulting from the review, revision and resubmittal of a Submittal when the review, revision and resubmittal is due to changes to the original Submittal required by the Owner or Consultants.

F. Each Shop Drawing shall be dated and shall be identified with the name of the Project, the division, if any, the contract item number, and the name of the Contractor.

G. When submitted for review by the Owner and Consultants, Submittals shall bear the Contractor’s certification that it has reviewed, checked, and approved the Submittals and that they are in conformance with the requirements of the Contract Documents.

H. Portions of the Work requiring a Submittal shall not begin until the Submittal has been approved by the Owner and Consultants. A copy of each approved sample shall be kept in good order by the Contractor at the Site and shall be available to the Owner and Consultants. The Contractor shall not be relieved of responsibility for errors or omissions in Submittals by the Owner’s approval of the Submittals.

I. By approving and submitting Shop Drawings and samples, the Contractor thereby represents that it has determined and verified all field measurements, field construction criteria, materials, catalog numbers, and similar data, and that it has checked and coordinated each Shop Drawing and sample with the requirements of the Work and of the Contract Documents.

Section 5 Records, Accounts and Audits

A. The Contractor agrees to keep one complete set of records and books of account on a recognized cost accounting basis (satisfactory to the Owner), showing all expenditures, of whatever nature, made pursuant to the provisions of this Contract.

B. The Contractor shall furnish the Owner with such records, information and data as may be reasonable. The Owner shall at all reasonable times be afforded the opportunity to inspect and/or audit the above-specified books and records of the Contractor.

Section 6 Inspection and Testing

A. All materials and equipment used in the construction of the project will be subject to adequate inspection and testing in accordance with generally accepted standards.

B. The Contractor shall give sufficient advance notice of placing orders to permit tests to be completed before materials are incorporated in the Work.

C. The Owner shall bear costs for all inspection and testing services required by the Contract Documents, unless specifically noted in the specifications for special inspection and testing services, such as, by way of example, welding inspections on off-site assemblies. The Contractor shall make arrangements for all tests, inspections, and approvals with an independent testing laboratory or entity acceptable to and contracted by the Owner.
D. Neither observations by the Owner or Consultants, tests, nor approvals by persons other than the Owner will relieve the Contractor from its obligations to perform the Work in accordance with the requirements of the Contract Documents.

E. The Owner and its representatives shall, at all times, have access to the Work and to locations where materials or equipment are being manufactured, stored, or prepared for use under these Contract Documents, and they shall have full facilities for unrestricted inspection of such materials, equipment, and Work including full access to purchasing and engineering information to the extent of uncovering, testing, or removing portions of the finished Work. The Owner shall be furnished with such information as may be required regarding materials used and the process of manufacture for the various items of equipment. Observations by the Owner of equipment or materials during its manufacture will be performed by or for the Owner solely in an effort to detect discrepancies and defects as early as possible, when they can be most readily corrected, and the Work thereby expedited. No acceptance of equipment or materials will be construed to result from such observations by the Owner. Any inspections or tests or waivers thereof will not relieve the Contractor of responsibility for meeting all requirements of these Contract Documents.

F. In addition, authorized representatives and agents of any participating federal or state agency shall be permitted to inspect all Work, materials, payrolls, records of personnel, invoices of materials, and other relevant data and records. The Contractor shall provide proper facilities for such access and observation of the Work and also for any inspection or testing thereof.

G. In case of disputes between the Contractor and the Owner as to materials furnished or manner of performing the Work, the Owner will have authority to reject materials or suspend the Work until the question at issue can be decided by the Owner. The Owner is authorized to revoke, alter, enlarge, relax, or release any requirements of Project drawings and specifications, and to approve or accept any portion of the Work, and to issue instructions contrary to the drawings and specifications.

Section 7 Construction Review

A. The Owner will periodically observe the construction of all Work covered by this Contract. The Owner is authorized to determine the amount or quantities of the several items of Work which are to be paid for under this Agreement; to order field changes within the scope of the Agreement and to render decisions on any questions which may arise relative to the execution of the Work covered by this Agreement. The Owner has the authority to suspend Work. The Contractor shall not suspend any portion of the Work nor resume suspended Work without the written authority of the Owner.

B. Whenever in the drawings, plans, or Contract Documents the terms "as ordered", "as directed", or the adjectives "reasonable", "suitable", "acceptable", "proper" or "satisfactory", or adjectives of like effect or import are used to describe a requirement, direction, review, or judgment as to the Work, it is intended that such requirement,
direction, review or judgment will be solely to evaluate the Work for compliance with the Contract Documents. The use of any such term or adjective shall not be effective to assign to the Owner any duty or authority to supervise or direct the furnishing or performance of the Work or any duty or authority to undertake responsibility for the Project. The Owner will not be responsible for the acts or omissions of the Contractor or any Subcontractor, any Supplier, or of any other person or organization performing or furnishing any of the Work.

C. If any Work has been covered which the Owner has not been specifically requested to observe prior to its being covered, or if the Owner considers it necessary or advisable that covered Work be inspected or tested, the Contractor at the request of the Owner shall uncover, expose, or otherwise make available for observation, inspection, or testing as the Owner may require, that portion of the Work in question, furnishing all necessary labor, materials, tools, and equipment. If it is found that such Work is defective, the Contractor shall bear all the expenses of such uncovering, exposure, observation, inspection, and testing and of satisfactory reconstruction. If, however, such Work is not found to be defective, the Contractor will be allowed an increase in the Contract Sum or an extension of the Contract Time, or both, directly attributable to such uncovering, exposure, observation, inspection, testing, and reconstruction, and an appropriate Change Order will be issued.

Section 8  Surveys, Permits, and Regulations

A. The Owner will furnish all land surveys together with a suitable number of bench marks adjacent to the Work as shown in the Contract Documents. The Contractor shall provide detailed construction staking.

B. At the beginning of the construction or as the Work progresses, a surveyor at the Owner's expense shall install property corners and set bench marks.

C. Any additional surveying or re-surveying shall be done by the Contractor at the Contractor's expense. Bench marks and survey stakes shall be preserved by the Contractor, and in case of their destruction or removal by the Contractor, its employees, or others, they shall be replaced at the Contractor's expense and its sureties shall be liable therefor.

D. The Contractor shall be responsible for elevations used in computing its bid.

E. The Contractor shall secure and pay for all necessary permits, fees, and licenses in connection with the performance of the Work and shall pay all municipal and other governmental fees in connection therewith except those expressly provided by the specifications as being the responsibility of the Owner, and shall furnish at its expense any and all bonds and cash or other deposits required by law or required by any lawful body having the right to make demand therefor.

F. The Contractor shall procure a zero-cost Temporary Use Permit from the City's Community Planning and Development Department for any dumpster, staging area,
parking area, sanitary facilities, or other temporary facilities that will be necessary for the Work.

G. The Contractor shall provide traffic control plans and provide all traffic control necessary for all Work that requires closures of public roadways, lanes, or sidewalks. The Contractor shall procure a zero-cost Street Closure Permit from the City’s Public Works Department for each roadway, lane, or sidewalk closure necessary to complete the Work.

H. The Contractor shall specifically be responsible for registering with the City Clerk pursuant to Article VII of Chapter 6 of the Black Hawk Municipal Code, and shall further be responsible for requiring that all Subcontractors register with the City Clerk pursuant to Article VII of Chapter 6 of the Black Hawk Municipal Code, and pay the necessary registration fee. The Contractor shall similarly require that each Subcontractor provide any required certificate of insurance to the City Clerk pursuant to Section 6-222 of the Black Hawk Municipal Code.

I. The Owner will provide rights-of-way and permanent and temporary easements as shown on the plans for construction purposes. Any additional land actually needed by the Contractor for performance of the Work, proper location of its plant and equipment, or the storage of materials and supplies for the Work, shall be furnished by the Contractor.

Section 9 Protection of Work, Property, and Persons

A. The Contractor shall be responsible for initiating and maintaining all safety precautions and programs in connection with the Work. The Owner will not be responsible for Contractor’s means, methods, techniques, sequences, or procedures of construction, or the safety precautions and programs incident thereto. The Contractor shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury, or loss to all employees on the Work who may be affected thereby, all the Work and all materials or equipment to be incorporated therein, whether in storage on or off the Site, and other property at the Site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures, and utilities not designated for removal, relocation, or replacement in the course of construction.

B. The Contractor shall, at all times, consult with and obtain the approval of the Owner for the storage of material, operation of equipment, placing of temporary structures, or dispositions of any surplus or waste materials upon property of the Owner anywhere outside the limits of construction. The Contractor shall comply with all state, federal, and local laws related to the storage or placement of any supplies, equipment, structures, or any other materials.

C. The Contractor shall comply with all applicable laws, ordinances, rules, regulations, and orders of any public body having jurisdiction. The Contractor shall erect and maintain, as required by the conditions and progress of the Work, all necessary safeguards for safety and protection. The Contractor shall notify owners of adjacent utilities when prosecution of the Work may affect them. The Contractor shall remedy at its expense all damage, injury, or loss to any property or person caused, directly or indirectly, in whole or in part,
by the Contractor, any Subcontractor, or anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except damage or loss attributable to the fault of the Contract Documents or to the acts or omissions of the Owner or anyone for whose acts the Owner may be liable, and not attributable, directly or indirectly, in whole or in part, to the fault or negligence of the Contractor. Notwithstanding the provisions of C.R.S. § 13-20-802.5(2), for purposes of this Agreement, the measure of damages shall never be deemed to be the fair market value of the real property without an alleged construction defect.

D. The Contractor shall observe all rules and regulations of the health department having jurisdiction and shall take precautions to avoid creating unsanitary conditions.

E. In emergencies affecting the safety of persons or the Work or property at the Site or adjacent thereto, the Contractor, without special instruction or authorization from the Owner, shall act to prevent threatened damage, injury, or loss.

F. The Contractor shall at all times conduct Work in such a manner as to cause the least inconvenience and greatest protection to the general public. The Contractor shall furnish and maintain barricades, warning signs, red flags, lights, and temporary passageways as may be necessary to protect the Work and to safeguard the public. The cost of furnishing and maintaining the above facilities shall be incidental to the Agreement and no extra compensation for it will be allowed.

G. Throughout the performance of the Work or in connection with this Agreement, the Contractor shall construct and adequately maintain suitable and safe crossings over trenches and such detours as are necessary to care for public and private traffic. The material excavated from trenches shall be compactly deposited along the sides of the trench or elsewhere in such a manner as shall give as little inconvenience as possible to the traveling public, to adjoining property owners, to other contractors, or to the City.

H. In performing the Work, the Contractor shall take the necessary action, including making arrangements with the owners or operators of existing power, cable, and telephone lines, fiber-optic and telemetry lines, gas, water, sewer, and other utilities or installations that may be encountered, whether privately or publicly owned, to prevent interference with the conditions, operations, and maintenance of the respective utilities in a manner satisfactory to the owners or operators of the respective utilities. Relocation or repair of utilities encountered even though not shown on the plans, shall be the responsibility of the Contractor. The cost of the above measures, including maintaining of guards, watchmen, signals, barricades, and temporary structures, making any necessary repairs and other cooperative or corrective Work shall be borne by the Contractor and shall be included in the prices bids for the related items of Work. The Owner shall not be responsible to the Contractor for the existence of utilities not shown on the plans or drawings and the Contractor remains obligated under this paragraph for all hidden utilities.

I. The Contractor shall be responsible for the preservation of all private or public property along and adjacent to the Work and shall take all necessary precautions to prevent damage or injury thereto. Such preservation and protection shall include but not be
limited to, trees, stone walls, fences, mail boxes, monuments, irrigation ditches, driveways, road access culverts, underground pipelines, and structures. Such preservation and protection shall apply to all underground pipelines and utilities whether public, private, or individually owned that are in or adjacent to the right-of-way. When direct or indirect damage is done to public or private property on account of the act, omission, neglect, or misconduct in the prosecution or non-prosecution of the Work on the part of the Contractor, such property shall be restored by the Contractor at the Contractor’s expense to a condition similar or equivalent to that which existed before such damage or injury was done, and brought up to current codes if applicable. The Contractor shall be responsible for making all arrangements at its own expense for moving and operating equipment at temporary crossings of telephone and transmission lines, railroad tracks, irrigation ditches, and pipelines.

Section 10  Communication with the Owner

The Contractor shall designate a responsible member of its organization at the Site, whose duty shall be designated as the contact person for all communication between the Owner and the Contractor. Said designated representative shall also be responsible to attend such meetings as may be required to ensure coordination and adequate performance of the Work.

Section 11  Scope of Work

The scope of Work is described in the Contract Documents which are appended hereto and incorporated herein by this reference as Exhibit A.

Section 12  Contractor’s Responsibility

A. The Contractor shall be responsible for all the Work under this Agreement until completion and final acceptance by the Owner.

B. The Contractor shall supervise and direct the Work. It shall be solely responsible for the means, methods, techniques, sequences, and procedures of construction.

C. The Contractor shall employ on the Work only such persons who are competent and skilled in their assignments. Any employee who obstructs the progress of the Work through incompetence or other means, or conducts himself or herself improperly shall be discharged or removed from the Work when so requested by the Owner. This section shall not create a duty for the Owner to evaluate or assess the competence or skills of the Contractor’s employees.

D. The Contractor warrants that all materials and equipment furnished and incorporated by it in the Project shall be new, unless otherwise specified, and that all Work under this Agreement shall be of good quality, free from fault and defects, and in conformity with the Contract Documents. All Work not conforming to these standards shall be considered defective. The warranty provided herein shall be in addition to and not in limitation of any other warranty or remedy required by law or by the Contract Documents.
E. The Contractor agrees that if it should fail or neglect to prosecute the Work diligently and properly, or fail to perform any provisions of this Agreement, that the Owner, after three (3) days written notice to said Contractor may, without prejudice to any other remedy, make good such deficiencies and may deduct the cost thereof from the payments then or thereafter due to the Contractor pursuant to this Agreement.

F. Tools furnished with any equipment may be used for erection purposes when approved by the Owner and shall be turned over to the Owner after completion of the erection in a condition acceptable to the Owner. In case of rejection by the Owner, the Contractor shall replace the tool or tools at no extra cost to the Owner.

G. Upon completion and before final acceptance of the Work, the Contractor shall remove from the Site of the Work and property of the Owner, all machinery, equipment, surplus materials, rubbish, barricades, signs, and temporary structures and shall leave the premises in a condition which is satisfactory to the Owner.

H. The Contractor shall keep one record set of the Contract Documents annotated to show all changes made during construction.

I. The Contractor shall be responsible for the acts and omissions of all its employees and all Subcontractors, their agents and employees, and all other persons performing any of the Work under a contract with the Contractor.

J. Upon completion of the Work, the Contractor shall, at its expense, remove from the vicinity of the Work, all plant, buildings, rubbish, unused materials, concrete forms, and other like material, belonging to the Contractor or used under its direction during construction, and in the event of its failure to do so, the same may be removed by the Owner, and the Contractor and its surety or sureties shall be liable for the cost thereof. Also during the construction of the Work, the Site, partially finished structures, and material stockpiles shall be kept in a reasonable state of order and cleanliness.

Section 13 Changes in the Work

A. Changes in the Work may be accomplished after execution of the Agreement, and without invalidating the Agreement, only by Change Order or Construction Change Directive, subject to the limitations stated in this Article and elsewhere in the Contract Documents.

1. A Change Order shall be based upon agreement among the Owner and Contractor; a Construction Change Directive requires agreement by the Owner and may or may not be agreed to by the Contractor.

2. Changes in the Work shall be performed under applicable provisions of the Contract Documents, and the Contractor shall proceed promptly, unless otherwise provided in the Change Order or Construction Change Directive.
3. If unit prices are stated in the Contract Documents or subsequently agreed upon, and if the quantities originally contemplated are so changed in a proposed Change Order or Construction Change Directive that application of such unit prices to the quantities of Work proposed will cause substantial inequity to the Owner or the Contractor, the applicable unit prices shall be equitably adjusted; provided however, that Owner may increase the number of units without change in the unit price, if reasonable.

B. CHANGE ORDERS. The Contract Sum and the Contract Time may be changed only by Change Order. Methods used in determining adjustments to the Contract Sum may include those listed in Subsection C below. A Change Order is a written order to the Contractor, signed by the Contractor and the Owner, stating their agreement upon all of the following:

1. A change in the Work;
2. The amount of the adjustment in the Contract Sum, if any; and
3. The extent of the adjustment in the Contract Time, if any.

C. CONSTRUCTION CHANGE DIRECTIVES. A Construction Change Directive is a written order directed to the Contractor and signed by the Owner, directing a change in the Work and stating a proposed basis for adjustment, if any, in the Contract Sum or Contract Time, or both. The Owner may by Construction Change Directive, without invalidating the Contract, order changes in the Work within the general scope of the Contract consisting of additions, deletions, or other revisions, the Contract Sum and Contract Time being adjusted accordingly.

1. A Construction Change Directive shall be used in the absence of total agreement on the terms of a Change Order.

2. If the Construction Change Directive provides for an adjustment to the Contract Sum, the adjustment shall be based on one of the following methods:
   a. By mutual acceptance of a lump sum properly itemized and supported by sufficient substantiating data to permit evaluation;
   b. By unit prices stated in the Contract Documents or subsequently agreed upon;
   c. By cost to be determined in a manner agreed upon by the parties and a mutually acceptable fixed or percentage fee; or
   d. By the method provided in Subparagraph (C)(5).

3. Upon receipt of a Construction Change Directive, the Contractor shall promptly proceed with the change in the Work involved and advise the Owner of the
Contractor's agreement or disagreement with the method, if any, provided in the Construction Change Directive for determining the proposed adjustment in the Contract Sum or Contract Time.

4. A Construction Change Directive signed by the Contractor indicates the agreement of the Contractor therewith, including adjustment in Contract Sum and Contract Time and the method for determining them. Such agreement shall be effective immediately and shall be recorded as a Change Order.

5. If the Contractor does not respond promptly to the Construction Change Directive or disagrees with the method for adjustment in the Contract Sum, the method and the adjustment shall be determined by the Owner on the basis of reasonable expenditures and savings of those performing the Work attributable to the change, including, in case of an increase in the Contract Sum, a percentage fee for overhead and profit not to exceed five percent (5%) of such Work’s actual cost for Contractor and ten percent (10%) of such Work’s actual cost to be apportioned between any and all Subcontractors and sub-Subcontractors. For Work performed by Contractor’s own forces, Contractor’s mark-up shall be limited to actual cost plus a percentage fee for overhead and profit not to exceed ten percent (10%). In such case, the Contractor shall keep and present, in such form as the Owner may prescribe, an itemized accounting of actual costs together with appropriate supporting data. For the purposes of this subparagraph, actual costs shall be defined as and limited to the following:

a. Costs of labor, including Social Security, old age and unemployment insurance, fringe benefits required by agreement or custom, and workers’ compensation insurance;

b. Costs of materials, supplies, and equipment, including costs of transportation, whether incorporated or consumed;

c. Reasonable rental costs of machinery and equipment, exclusive of hand tools, obtained and used specifically for such Work, whether rented from the Contractor or others; and

d. Costs of premiums for all bonds (if any), permit fees, and sales, use, or similar taxes directly attributable to such Work. Actual cost does not include any item which could be deemed to be a general conditions cost or overhead, such as but not limited to, the cost of Contractor and Subcontractor supervisory personnel assigned to the Work, and field office and related expenses.

6. Pending final determination of actual cost to the Owner, amounts not in dispute may be included in applications for payment. The amount of credit to be allowed by the Contractor to the Owner for a deletion or change which results in a net decrease in the Contract Sum shall be actual net cost as confirmed by the Owner. When both additions and credits covering related Work or substitutions are
involved in a change, the allowance for overhead and profit shall be figured on the basis of the net increase, if any, with respect to that change.

7. If the Owner and Contractor do not agree with the adjustment in Contract Time or the method for determining it, the adjustment or the method shall be determined in accordance with Article 5 hereof.

8. When the adjustments in the Contract Sum and Contract Time are determined as provided herein, such determination shall be effective immediately and shall be recorded by preparation and execution of an appropriate Change Order.

Section 14  Contract Documents

In case of conflict between this Agreement, the general conditions of the contract for construction, and the supplementary conditions, this Agreement will govern.

ARTICLE 4 – CONTRACTOR’S CONSTRUCTION SCHEDULE

Section 1  Preconstruction Conference

A preconstruction conference shall be scheduled at the time the GMP Amendment is executed. The Contractor, at the preconstruction conference, shall prepare and submit, for review and concurrence by the Owner, a Contractor’s construction schedule for the Work, in such form and detail as the Owner may require. The schedule shall not exceed time limits under the Contract Documents, shall be revised as required herein and at appropriate intervals as required by the conditions of the Work and Project, shall be related to the entire Project to the extent required by the Contract Documents, and shall provide for the expeditious and practicable execution of the Work. The schedule shall indicate the proposed starting and completion dates for the various subdivisions of the Work as well as the totality of the Work. The schedule shall be updated every thirty (30) days for submission to the Owner with Contractor’s applications for payment. Each schedule shall contain a comparison of actual progress with the estimated progress for such time stated in the original schedule. If any schedule submitted sets forth a date for Substantial Completion for the Work or any phase of the Work beyond the date(s) of Substantial Completion established in the Agreement (as the same may be extended as provided in the Contract Documents), the Contractor shall submit to the Owner, for its review and approval, a narrative description of the means and methods which Contractor intends to employ to expedite the progress of the Work to ensure timely completion of the various phases of the Work as well as the totality of the Work. To ensure such timely completion, Contractor shall take all necessary action including, without limitation, increasing the number of personnel and labor on the Project and implementing overtime and double shifts. In that event, Contractor shall not be entitled to an adjustment in the Contract Sum or the Contract Time.

Section 2  Schedule of Submittals

The Contractor shall prepare and keep current, for approval by the Owner and Consultants, a schedule of Submittals which is coordinated with the Contractor’s construction schedule and allows the Owner and Consultants reasonable time to review Submittals.
Section 3 Conformance to Schedule

The Contractor shall conform to the most recent schedules.

ARTICLE 5 - TIME FOR COMPLETION AND LIQUIDATED DAMAGES

A. The date of beginning and the time for completion of the Work are essential conditions of the Contract Documents, and the Work embraced shall be commenced on a date specified in the Notice to Proceed.

B. The Contractor shall proceed with the Work at such rate of progress to ensure full completion within the Contract Time. It is expressly understood and agreed, by and between the Contractor and the Owner, that the Contract Time for the completion of the Work described herein is a reasonable time, taking into consideration the average climatic and economic conditions and other factors prevailing in the locality of the Work during the period such Work is to be performed.

C. If the Contractor shall fail to complete the Work within the Contract Time, or extension of time granted by the Owner through a Change Order or Construction Change Directive, then the Contractor shall pay to the Owner the amount of liquidated damages and not as penalty the sum of **One Thousand Dollars** ($1,000.00) for each calendar day that the Contractor shall be in default after the time stipulated in the Contract Documents.

D. The Owner will charge the Contractor, and may deduct from the partial and final payment for the Work, all architectural, engineering, construction management, and other Consultant expenses incurred by the Owner in connection with any Work accomplished after the specified completion date.

E. The Contractor will not be charged with liquidated damages or any excess cost when the delay in completion of the Work is due to the following, and the Contractor has promptly given written notice of such delay to the Owner.

1. To any preference, priority, or allocation order duly issued by the Owner.

2. To unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, unforeseen conditions, acts of God or of the public enemy, acts of the Owner, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and weather conditions that could not be reasonably anticipated; and

3. To any delays of Subcontractors occasioned by any of the causes specified in subparagraphs 1 and 2 of this paragraph E.

F. The Contractor waives any right of recovery or reimbursement or by whatever name, as against the Owner, as a result of any delay or increase on overhead cost incurred by the
Contractor's association with any action or inaction on the part of any other trade contractor or Supplier.

**ARTICLE 6 - CONTRACT SUM**

A. The City Council of the City of Black Hawk has appropriated the money necessary to fund this project. The Owner shall pay the Contractor the Contract Sum in current funds for the performance of the Work, subject to any additions and deletions by written Change Order. Notwithstanding anything to the contrary contained in this Agreement, no Change Order or other form of directive by the Owner requiring additional compensation, which causes the aggregate amount payable under this Agreement to exceed the amount appropriated for the Original Contract Amount, unless the Contractor is given written assurance by the City of Black Hawk that lawful appropriations have been made by the City Council of the City of Black Hawk to cover the cost of the additional Work.

B. The Contractor hereby agrees that estimates of the value of all Work provided to the Owner shall be for Work actually performed upon the Project and that all such Work, including labor and materials, has been paid. The determination of the amount of Work completed on each application for payment by the Contractor shall be subject to approval by the Owner. However, such determination by the Owner shall not be construed as acceptance of the Work.

1. Before the first application for payment, the Contractor shall submit to the Owner a schedule of values to be allocated to the various portions of the Work, which in the aggregate equals the total Contract Sum, divided so as to facilitate payments to Consultants or Subcontractors, supported by such evidence of correctness as the Owner may direct. This schedule shall be used to monitor the progress of the Work and as a basis for making progress payments hereunder. Application for monthly progress payments shall be made in writing in accordance with this Contract and shall be submitted on AIA Document G702 and AIA Document G703 or other format as approved by the Owner. Applications for payment shall be submitted to the Owner on a monthly basis. Approved applications for payment that remain unpaid thirty (30) days after the application date are subject to an interest rate of 3% per year.

2. Pursuant to Colo. Rev. Stat. § 24-91-103, as may be amended, where the Original Contract Amount exceeds one hundred fifty thousand dollars ($150,000.00), the Owner will retain five percent (5%) of the calculated value of completed Work from each progress payment up until the Work is completed satisfactorily and finally accepted by the Owner. If the Owner finds satisfactory progress is being made in any phase of the Work, the Contractor may make written request of the Owner for payment of the withheld percentage. The Owner may agree to payment of the withheld percentage if the Owner finds satisfactory and substantial reasons exist for the payment. The Contractor must provide written approval to the Owner from any surety furnishing bonds for the contract Work in order to receive said payment of the withheld percentage.

5/9/19

20
3. Upon receipt of written notice from the Contractor that the Work is ready for final inspection and acceptance by the Owner and upon receipt of final application for payment, the Owner will promptly make such final field review subject to the final payment requirements contained in Colo. Rev. Stat. § 38-26-107, as amended. If the Owner finds that the Work is acceptable under the Contract Documents, a final certificate of payment will be issued. Neither final payment nor the remaining retention shall become due until the Contractor submits to the Owner an affidavit that all payrolls, bills for materials and equipment, and other indebtedness connected with the Work, have been paid or otherwise satisfied. Likewise, final payment shall not be made until the consent of the surety to final payment has been obtained, and if required by the Owner, such other data establishing payment or satisfaction of all obligations, including releases, final lien waivers, and receipts and warranties, if any, have been provided to the Owner for the use and benefit of the Owner. Should any Subcontractor of the Contractor or Supplier of said Contractor refuse to furnish any warranty and/or release or waiver, the Owner in its sole discretion, may refuse to certify final payment. The Contractor may then furnish sufficient bonds satisfactory to the Owner to indemnify the Owner against any such liens.

4. Before final payment will be made to the Contractor, the Owner is required to comply with State statutes regarding publication of a notice of final settlement specifying the date of such final settlement.

5. Any unpaid supplier of materials, equipment, services, or labor may file a verified statement with the Owner indicating the amount due and owing on or before the date set for final settlement.

6. Before final payment will be made, the Contractor shall provide final electronic files and one hard-copy set of as-built drawings and specifications to the Owner, updated to reflect the final condition of the Project.

6. Notwithstanding anything else to the contrary contained herein, such final payment by the Owner shall not be construed as a waiver of any claims affecting or arising from:

a. Unsettled liens;

b. Faulty or defective Work appearing after Substantial Completion;

c. Failure of the Work to comply with the requirements of the Contract Documents;

d. Terms of any special warranties required by the Contract Documents.

7. The acceptance by the Contractor of final payment shall be and shall operate as a release to the Owner from all claims and all liability to the Contractor for all things done or furnished in connection with this Work and for every act and
neglect of the Owner and others relating to or arising out of the Work other than claims in stated amounts as may be specifically expected by the Contractor with the consent of the Owner. Any payment, however, final or otherwise, will not release the Contractor or its sureties from any obligations under the Contract Documents or the performance bond and labor and material payment bond.

**ARTICLE 7 - CORRECTION OF WORK**

A. During the life of the Contract and for a period of two (2) years after final acceptance, the Contractor shall promptly remove from the premises all Work rejected by the Owner for failure to comply with the Contract Documents, whether incorporated in the construction or not, and the Contractor shall promptly replace and re-execute the Work in accordance with the Contract Documents and without expense to the Owner and shall bear the expense of making good all Work of other trade contractors destroyed or damaged by such removal or replacement. The Owner, however, may at its discretion elect to accept an equitable reduction in Contract Sum or a refund instead of correction of the condemned Work.

B. All removal and replacement Work shall be done at the Contractor’s expense. If the Contractor does not take action to remove such rejected Work within ten (10) days after receipt of written notice, the Owner may remove such Work and store the materials all at the expense of the Contractor.

**ARTICLE 8 - TEMPORARY FACILITIES AND SERVICES**

A. Unless otherwise provided in this Agreement, the Contractor shall furnish and make available, at no cost, all temporary facilities, including all power needed for heating and protection of facilities and Work. It is the expressed intent of the parties that the Contractor shall be responsible for and at its sole cost all heating and protection of facilities and Work.

B. The Contractor shall furnish and maintain sufficient sanitary facilities for its own forces and those of any Subcontractor. The facilities of existing, nearby buildings are not available for construction use.

**ARTICLE 9 - INDEMNIFICATION AND INSURANCE**

Section 1 Indemnification

The Contractor, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City, its officers, employees, agents and their insurers, from and against all liability, claims and demands 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 arises out of or is in any manner connected with this Agreement, to the extent that such injury, loss, or damage is attributable to the act, omission, error, professional error, mistake, negligence, or other fault of the Contractor, the Contractor’s
employees, Subcontractors, or anyone else employed directly or indirectly by the Contractor, Contractor's employees, Consultants, or Subcontractors.

The Contractor, to the fullest extent permitted by law, shall defend, investigate, handle, respond and provide defense for and defend against any such liability, claims or demands at the sole expense of the Contractor, or at the option of the City, Contractor agrees to pay the City or reimburse the City for defense costs incurred by the City in connection with any such liability, claims, or demands. The Contractor, to the fullest extent permitted by law, shall defend and bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not such liability, claims or demands alleged are groundless, false, or fraudulent.

This indemnification provision is intended to comply with C.R.S. § 13-21-111.5(6), as amended, and shall be read as broadly as permitted to satisfy that intent.

Section 2 Insurance

A. The Contractor agrees to obtain and maintain during the life of this Agreement, a policy or policies of insurance against all liability, claims, demands, and other obligations assumed by the Contractor pursuant to Section 1 above. Such insurance shall be in addition to any other insurance requirements imposed by this Contract or by law. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to Section 1 above, by reason of its failure to obtain and maintain during the life of this Agreement insurance in sufficient amounts, durations, or types.

B. The Contractor shall obtain and maintain during the life of this Agreement, and shall cause any Subcontractor to obtain and maintain during the life of this Agreement, the minimum insurance coverages listed below. Such coverages shall be obtained and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by the Contractor pursuant to Section 1 above. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

1. Workers' Compensation Insurance to cover obligations imposed by applicable law for any employee engaged in the performance of the Work under this Agreement, and Employers Liability Insurance with minimum limits of Five Hundred Thousand Dollars ($500,000) each incident, Five Hundred Thousand Dollars ($500,000) disease—policy limit, and Five Hundred Thousand Dollars ($500,000) disease—each employee.

2. General Public Liability Insurance to be written with a limit of liability of not less than One Million Dollars ($1,000,000) for all damages arising out of bodily injury, personal injury (including coverage for employee and contractual acts), including death, at any time resulting therefrom, sustained by any one person and not less than Two Million Dollars ($2,000,000) for all damages arising out of bodily injury, including death, at any time resulting therefrom, sustained by two or more persons in any one accident. This policy shall also include coverage for blanket contractual and independent contractor risks. The limits of General Public Liability Insurance for broad form property damage (including products and
completed operations) shall be not less than One Million Dollars ($1,000,000) for all damages arising out of injury to or destruction of property in any one accident and not less than Two Million Dollars ($2,000,000) for all damages arising out of injury to, or destruction of property, including the City’s property, during the policy period. The General Public Liability Insurance policy shall include coverage for explosion, collapse, and underground hazards. The policy shall contain a severability of interests provision.

3. Protective Liability and Property Damage Insurance covering the liability of the Owner, including any employee, officer, or agent of the Owner with respect to all operations under the Agreement by the Contractor or its Subcontractors shall be obtained and maintained during the life of the Agreement. The limits of the Owner's Protective Liability Policy, to be provided by the Contractor, as described in this Section 2, shall be increased to the same limits as described above for the Contractor's General Public Liability Insurance.

4. Comprehensive Automobile Liability Insurance with minimum combined single limits for bodily injury and property damage of not less than One Million Dollars ($1,000,000) each occurrence and One Million Dollars ($1,000,000) aggregate with respect to each of the Contractor's owned, hired, and non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Contractor providing services to the Owner under this Agreement.

C. To the extent that liability results from the acts or omissions of the Contractor, all Insurance Policies and certificates of insurance issued for this Project shall name as additional insured(s), the Owner, whether private or governmental, the Owner's officers and employees, and any other person(s), company(ies), or entity(ies) deemed necessary by the Owner. The Contractor shall be solely responsible for any deductible losses under any policy required herein.

D. The insurance provided by the Contractor shall be primary to insurance carried by the Owner and all other additional insureds, and the principal defense of any claims resulting from the Contractor’s obligations under the Agreement shall rest with the Contractor’s Insurer.

Section 3  Certificates of Insurance

A. The certificate of insurance provided by the Contractor shall be completed by the Contractor’s insurance agent as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be reviewed and approved by the Owner prior to commencement of the Agreement. No other form of certificate shall be used. The certificate shall identify this Agreement and shall provide that the coverages afforded under the policies shall not be cancelled, terminated, or materially changed until at least 30 days’ prior written notice has been given to the Owner. The completed certificate of insurance shall be sent to:
Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the Owner may immediately terminate this Agreement, or at its discretion the Owner may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Owner shall be repaid by the Contractor to the Owner upon demand, or the Owner may offset the cost of the premiums against any monies due to the Contractor from the Owner.

The Owner reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

The parties hereto understand and agree that the Owner is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the Owner, its officers, or employees.

**ARTICLE 10 – PERFORMANCE AND LABOR AND MATERIAL PAYMENT BONDS**

The Contractor shall within ten (10) days after the receipt of a notice of award of GMP Amendment, furnish the Owner with a performance bond and a payment bond in penal sums equal to the amount of the Contract Sum, conditioned upon the performance by the Contractor of all undertakings, covenants, terms, conditions, and agreements of the Contract Documents, and upon the prompt payment by the Contractor to all persons supplying labor and materials in the prosecution of the Work provided by the Contract Documents. Such bonds shall be executed by the Contractor and a corporate bonding company licensed to transact such business in the state in which the Work is to be performed and named on the current list of "Surety Companies Acceptable on Federal Bonds" as published in the Treasury Department Circular Number 570. The expense of these bonds shall be borne by the Contractor. If at any time a surety on any such bond is declared bankrupt, or loses its right to do business in the state in which the Work is to be performed, or is removed from the list of Surety Companies accepted on Federal Bonds, the Contractor shall within ten (10) days after notice from the Owner to do so, substitute an acceptable bond (or bonds) in such form and sum and signed by such other surety or sureties as may be satisfactory to the Owner. The premiums on such bond shall be paid by the Contractor. No further payments will be deemed due nor shall be made until the new surety or sureties shall have furnished an acceptable bond to the Owner.
ARTICLE 11 - CLAIMS AND DISPUTES

A. Definition. A claim is a demand or assertion by one of the parties seeking, as a matter of right, adjustment of contract terms, payment of money, extension of time, or other relief with respect to the terms of the Agreement. The term “claim” also includes other disputes between the Owner and Contractor arising out of or relating to the Agreement. Claims must be made by Written Notice. The responsibility to substantiate claims shall rest with the party making the claim.

B. Time limits on claims. Claims by either party must be made within 21 days after occurrence of the event giving rise to such claim or within 21 days after the claimant first recognizes, or reasonably should have recognized, the condition giving rise to the claim, whichever is later. An additional claim made after the initial claim has been implemented by Change Order will not be considered unless submitted in a timely manner.

C. Continuing performance. Pending final resolution of a claim, including litigation, unless otherwise directed by Owner in writing, the Contractor shall proceed diligently with performance of the Agreement and the Owner shall continue to make payments in accordance with the Contract Documents.

D. Waiver of claims: Final Payment. The making of Final Payment shall constitute a waiver of claims by the Owner except those arising from:

1. Liens, claims, security interests, or encumbrances arising out of the Agreement and unsettled;

2. Failure of the Work to comply with the requirements of the Contract Documents;

3. Terms of special warranties required by the Contract Documents; or

4. Faulty or defective Work appearing after Substantial Completion.

E. Claims for concealed or unknown conditions. If conditions are encountered at the Site which are (1) subsurface or otherwise concealed physical conditions which differ materially from those indicated in the Contract Documents or (2) unknown physical conditions of an unusual nature, which differ materially from those ordinarily found to exist and generally recognized as inherent in construction activities of the character provided for in the Contract Documents, then notice by the observing party shall be given to the other party promptly before conditions are disturbed and in no event later than seven (7) days after first observance of the conditions. Site conditions which an experienced and prudent contractor could have anticipated by visiting the Site, becoming familiar with the local conditions under which the Work is to be performed, and correlating its observations with the requirements of the Contract Documents shall not be considered as claims for concealed or unknown conditions, nor shall the locations of utilities which differ from locations provided by the utility companies. The Owner will promptly investigate such conditions and, if they differ materially and cause an increase or decrease in the Contractor’s cost of, or the required time for performance of any part of
the Work, will recommend an equitable adjustment in the Contract Sum or Contract Time, or both. If the Owner determines that the conditions at the Site are not materially different from those indicated in the Contract Documents and that no change in the terms of the Contract is justified, the Owner shall so notify the Contractor in writing, stating the reasons. Claims by either party in opposition to such determination must be made within twenty-one (21) days after the Owner has given notice of the decision. If the Contractor disputes the Owner’s determination or recommendation, the Contractor may proceed as provided in the Contract Documents.

F. Claims for additional cost. If the Contractor wishes to make claim for an increase in the Contract Sum, Written Notice as provided herein shall be given before proceeding to execute the Work. Said notice shall itemize all claims and shall contain sufficient detail and substantiating data to permit evaluation of same by the Owner. No such claim shall be valid unless so made. Prior notice is not required for claims relating to an emergency endangering life or property. If the Contractor believes additional cost is involved for reasons including but not limited to (1) a written interpretation from the Owner, (2) an order by the Owner to stop the Work where the Contractor was not at fault, (3) failure of payment by the Owner, (4) termination of the Agreement by the Owner, (5) Owner’s suspension, or (6) other reasonable grounds, claim shall be filed in accordance with the procedure established herein. Any change in the Contract Sum resulting from such claim shall be authorized by Change Order or Construction Change Directive.

G. Claims for additional time. If the Contractor wishes to make claim for an increase in the Contract Time, written notice as provided herein shall be given. The Contractor’s claim shall include an estimate of cost and of probable effect of delay on progress of the Work. In the case of a continuing delay, only one claim is necessary.

H. Injury or damage to person or property. Subject to the parties’ obligations and responsibilities under the Contract Documents in general and Article 11 hereof in particular, if either party to the Agreement suffers injury or damage to person or property because of an act or omission of the other party, of any of the other party’s employees or agents, or of others for whose acts such party is legally liable, Written Notice of such injury or damage, whether or not insured, shall be given to the other party within a reasonable time not exceeding ten (10) days after first observance. The notice shall provide sufficient detail to enable the other party to investigate the matter. If a claim for additional cost or time related to this claim is to be asserted, it shall be filed as provided in Article 3, Section 13.

ARTICLE 12 - RESOLUTION OF CLAIMS AND DISPUTES

A. When either the Contractor or the Owner makes a claim, the other party shall review the claim and take one or more of the following preliminary actions within ten (10) days of receipt of a claim: (1) request additional supporting data from the claimant; (2) submit a schedule to the claimant indicating when the other party expects to take action; (3) reject the claim in whole or in part, stating the reasons for rejection; (4) approve the claim; or (5) suggest a compromise. When a claim is made against the Contractor, the Owner may
also, but is not obligated to, notify the surety, if any, of the nature and amount of the claim.

B. If a claim has been resolved, the Owner will prepare or obtain appropriate documentation.

C. If a claim has not been resolved, the party making the claim shall within ten (10) days after the preliminary response from the other party, take one or more of the following actions: (1) submit additional supporting data requested by the other party; (2) modify the initial claim; or (3) notify the other party that the initial claim stands.

D. If a claim has not been resolved after consideration of the foregoing, either party may file for non-binding mediation to be held in the place where the Project is located, unless another location is mutually agreed upon. If the parties fail to resolve their dispute through mediation, final dispute resolution shall be by litigation in a court of competent jurisdiction.

E. The dispute clause does not preclude the considerations of questions of fact or law in connection with decisions provided for in Paragraph A above. Nothing in this Agreement, however, shall be construed as making final a decision of an administrative official, representative, or City Council on a question of fact or law.

F. As between the parties of this Agreement, as to all acts or failure to act by either party of this Agreement, any applicable statute of limitation shall commence to run from the date of the agreed party's discovery of such act or failure to act.

G. The Contractor shall give Written Notice to the Owner within ten (10) days of any dispute/claim arising under this Contract upon which the Contractor seeks compensation or change from the Contract Documents; otherwise, the Contractor's dispute/claim shall be deemed waived. Said ten (10) days Written Notice shall not be deemed to run from the date of discovery in this instance but from the date the dispute/claim has arisen.

ARTICLE 13 - TERMINATION

A. This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party; provided that no such termination may be effected unless the other party is given (1) not less than ten (10) days Written Notice of intent to terminate; and (2) an opportunity for consultation with the terminating party prior to termination.

B. This Agreement may be suspended or terminated in whole or in part, in writing, by the Owner for its convenience; provided that no such termination may be effected unless the Contractor is given (1) not less than ten (10) days Written Notice of intent to suspend or terminate; and (2) an opportunity for consultation with the Owner prior to suspension or termination.
C. Suspension for Convenience: The Owner, for its own convenience, may suspend the Agreement in whole or in part at any time by Written Notice to the Contractor. Such notice shall state the extent and the effective date of such suspension, and on the effective date thereof the Contractor shall promptly suspend such Work to the extent specified, and during the period of such suspension shall properly care for and protect all Work, materials, housing, and equipment on hand for construction under the Agreement. The Contractor also shall promptly supply the Owner with copies of all outstanding orders for materials, equipment, and services, and shall take such action relative to such orders as may be directed by the Owner. If the performance of the Work is thus suspended, the Contractor shall be entitled to be reimbursed for all additional expense incurred by reason of such suspension as agreed upon by the Contractor and the Owner.

D. Termination for Convenience:

1. The Owner may for its own convenience terminate Work under the Agreement in whole or in part at any time by Written Notice to the Contractor. Such notice shall state the extent and effective date of such termination and on the effective date thereof, the Contractor will, and as to the extent directed, stop Work under the Agreement and the placement of further orders of subcontracts under the Agreement, terminate Work under order and subcontracts under the Agreement, and take any necessary action to protect property in the Contractor's possession in which the Owner has or may acquire an interest.

2. In the event of such termination, the Owner shall pay to the Contractor: (1) its direct costs (excluding overhead) for all Work done in conformity with the Agreement to the effective date of such termination and (2) other costs pertaining to the Work which the Contractor may incur as a result of such termination, all as approved by the Owner plus ten percent (10%) of such costs (excluding costs under (2) above) for overhead and profit, provided, however, that in no event shall the total amount to be paid under this Article 13, Section D.(2) plus payments previously made, exceed the lesser of (a) the total aggregate Contract Sum specified in the Agreement; or (b) that proportion of the aggregate total Contract Sum specified in the date of termination that bears to the entire Work to be performed hereunder. Any payment under this Article 13, Section D.(2) shall be made upon the expiration of the period within which liens may be filed under the laws of the state of Colorado, subject, however, to withholding by the Owner for the reasons and in the manner provided in those provisions pertaining to withholding of payments for liens.

E. Termination for Default:

1. The Owner shall have the right to terminate the employment of the Contractor after giving ten (10) days Written Notice of the termination to the Contractor in the event of any default by the Contractor. In the event of such termination, the Owner may take possession of the Work and of all materials, tools, and equipment thereon and may finish the Work by whatever method and means it may select. It shall be considered a default by the Contractor whenever the Contractor:
a. Disregards or violates important provisions of the Contract Documents or the Owner's instructions, or fails to prosecute the Work according to the Agreement schedule of completion, including extensions thereof;

b. Fails to provide a qualified representative, competent workmen or Subcontractors, or proper materials, or fails to make prompt payment therefor; and

c. Fails to submit a completion schedule within fourteen (14) days after award of contract.

2. Upon termination of the Agreement by the Owner for default by the Contractor, no further payments shall be due to the Contractor until the work is completed. If the unpaid balance of the contract amount shall exceed the cost of completing the Work including all overhead costs, the excess shall be paid to the Contractor. If the cost of completing the Work shall exceed the unpaid balance, the Contractor shall pay the difference to the Owner. The amount of the cost incurred by the Owner in implementing the Work, and the damage incurred through the Contractor's default, shall be approved by the Owner.

3. The provisions of this Article 13, Section D.(2) shall not apply in the event of default of the Contractor; provided, however, that the provisions of Article 13, Section D.(2) shall apply in the event of substantial failure by the Owner to fulfill its obligations under this Agreement.

ARTICLE 14 - SIMULTANEOUS WORK BY OTHERS

A. The Owner reserves the right to let other contracts in connection with this project. The Contractor shall afford other trade contractors reasonable opportunity for the introduction and storage of their materials and the execution of their work, and shall properly connect and coordinate its Work with theirs.

B. If the proper execution or results of any part of the Contractor's Work depends upon the work of any other trade contractor, the Contractor shall inspect and promptly report to the Owner any defects in such work that render it unsuitable for such proper execution and results. Failure of the Contractor to so inspect and report defects shall constitute an acceptance of the other trade contractors' work as fit and proper for the addition of its work thereto, except as to defects which may develop in the other trade contractors' work after the execution of its Work.

C. The Contractor shall coordinate its operations with those of other trade contractors. Cooperation will be required in the arrangement for the storage of materials and in the detailed execution of the Work.

D. The Contractor, including its Subcontractors, shall keep informed of the progress and the detail work of other trade contractors and shall notify the Owner immediately of lack of
progress, defective workmanship, or lack of coordination on the part of other trade contractors. Failure of the Contractor to keep informed of the Work progressing on the Site and failure to give notice of lack of progress, defective workmanship, or lack of coordination by others shall be construed as acceptance by it of the work and the status of work as being satisfactory for proper execution of its own Work.

E. All materials and labor shall be furnished at such times as shall be for the best interest of all trade contractors concerned, to the end that the combined work of all may be properly and fully completed on time per this Contractor Agreement.

F. Nothing herein shall be construed in any way as giving the Contractor a claim as against the Owner resulting in any revised schedule based upon delay caused by any other trade contractor or supplier.

ARTICLE 15 - SUBCONTRACTING

A. The Contractor may utilize the services of specialty Subcontractors on those parts of the work which, under normal contracting practices, are performed by specialty Subcontractors.

B. Before execution of the Agreement, the Contractor shall submit the names of all Subcontractors, including contact persons, phone numbers, and addresses to the Owner. The Contractor shall also promptly notify all parties of any changes in Subcontractors or Subcontractor contact information.

C. The Contractor shall be fully responsible to the Owner for the acts and omissions of its Subcontractors, and of persons either directly or indirectly employed by them, as the Contractor is responsible for the acts and omissions of persons directly employed by it.

D. The Contractor shall cause appropriate provisions to be inserted in all subcontracts relative to the Work to bind Subcontractors to the Contractor by the terms of the Contract Documents insofar as applicable to the Work of Subcontractors and to give the Contractor the same power as regards terminating any subcontract that the Owner may exercise over the Contractor under any provision of the Contract Documents.

E. Nothing contained in this Agreement will create any contractual relation between any Subcontractor and the Owner.

ARTICLE 16 - GUARANTY

A. The Contractor shall guarantee all materials and equipment furnished and Work performed for a period of two (2) years from the date of final acceptance of the Agreement by the Owner that the Work is free from all defects due to faulty materials or workmanship and that the Contractor shall promptly make such corrections as may be necessary by reason of such defects including the repairs of any damage to other parts of the system resulting from such defects. The Owner will give notice of observed defects with reasonable promptness. In the event that the Contractor should fail to make such

31

5/9/19

269 of 311
repairs, adjustments, or other Work that may be made necessary by such defects, the Owner may do so and charge the Contractor the cost thereby incurred. The performance bond shall remain in full force and effect through the guarantee period.

B. Whenever in the specifications a guarantee or maintenance bond is required to be furnished for any item of equipment, material, or portion of the Work, such guarantee shall be submitted to the Owner and a written approval will be issued to the Contractor before any such equipment, material, or construction is ordered and incorporated in Work by the Contractor.

**ARTICLE 17 - SALES TAX**

The Owner has received an exemption granted by the Colorado State Department of Revenue that provides for tax-free purchases or materials. The Owner will provide this exemption certificate to the Contractor, and the Contractor shall ensure that all Subcontractors and Suppliers engaged for the Work receive the same certificate. The Owner reserves the right to require such additional information and/or documentation as may be necessary to ensure that no sales taxes are paid by the Contractor or any Subcontractor or Supplier and charged to the Owner. If sales tax is paid to any Subcontractor or Supplier for any reason, the Contractor is responsible for applying to the Sales Tax Division of the Colorado Department of Revenue for a refund.

**ARTICLE 18 - MISCELLANEOUS PROVISIONS**

A. This Agreement is made and entered into subject and conformable to the laws of the State of Colorado and the Charter of the City of Black Hawk. To the extent any provision hereof is inconsistent with said laws and Charter, said laws and Charter shall control.

B. The Contractor shall comply with all federal and state laws and local ordinances and regulations which affect those engaged or employed in the Work or which affect the conduct of the Work, and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same, and shall at all times observe and comply with all such existing laws, ordinances, regulations, and decrees, and shall protect and indemnify the Owner against any claim or liabilities arising solely from or based solely on the violations of such law, ordinance, regulation, order, or decree, whether by itself, its sub-consultants, agents, or employees.

C. The Contractor shall take affirmative action to not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, or handicap, if otherwise qualified.

D. In the event any provision of this Agreement is held invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties.

E. One or more waivers by either party of any provision, term, condition or covenant shall not be construed by the other party as a waiver or a subsequent breach of the same by the other party.
F. The Owner and the Contractor each binds itself and its partners, successors, executors, administrators, and assigns to this Agreement. Neither the Owner nor the Contractor will assign, sublet, or transfer its interest in this Agreement without the written consent of the other.

G. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the Owner and the Contractor.

H. Illegal Aliens

1. Certification. By entering into this Agreement, Contractor hereby certifies that, at the time of this certification, it does not knowingly employ or contract with an illegal alien who will perform Work under the Agreement and that Contractor will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment in order to confirm the employment eligibility of all employees who are newly hired for employment to perform Work under the Agreement.

2. Prohibited Acts. Contractor shall not:

   a. Knowingly employ or contract with an illegal alien to perform Work under this Agreement; or

   b. Enter into a contract with a Subcontractor that fails to certify to Contractor that the Subcontractor shall not knowingly employ or contract with an illegal alien to perform Work under this Agreement.

3. Verification

   a. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform Work under this Agreement through participation in either the E-Verify Program or the Department Program.

   b. Contractor shall not use the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

   c. If Contractor obtains actual knowledge that a Subcontractor performing Work under this Agreement knowingly employs or contracts with an illegal alien who is performing Work under the Agreement, Contractor shall:

      i. Notify the Subcontractor and the City within three (3) days that Contractor has actual knowledge that the Subcontractor is
employing or contracting with an illegal alien who is performing Work under the Agreement; and

ii. Terminate the subcontract with the Subcontractor if within three (3) days of receiving the notice required pursuant to subparagraph (i) hereof, the Subcontractor does not stop employing or contracting with the illegal alien who is performing Work under the Agreement; except that Contractor shall not terminate the contract with the Subcontractor if during such three (3) days the Subcontractor provides information to establish that the Subcontractor has not knowingly employed or contracted with an illegal alien who is performing Work under the Agreement.

4. Duty to comply with investigations. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Agreement.

5. If Contractor does not currently employ any employees, Contractor shall sign the No Employee Affidavit attached hereto.

6. If Contractor wishes to verify the lawful presence of newly hired employees who perform Work under the Agreement via the Department Program, Contractor shall sign the Department Program Affidavit attached hereto.

1. Keep Jobs in Colorado Act. Pursuant to the Keep Jobs in Colorado Act, C.R.S. 8-17-101 et seq. (the “Act”) and the rules adopted by the Division of Labor of the Colorado Department of Labor and Employment implementing the Act (the “Rules”), the Contractor shall employ Colorado labor to perform at least eighty percent (80%) of the Work and shall obtain and maintain the records required by the Act and the Rules. For purposes of this Section, “Colorado labor” means any person who is a resident of the state of Colorado at the time of this Project, without discrimination as to race, color, creed, sex, sexual orientation, marital status, national origin, ancestry, age, or religion except when sex or age is a bona fide qualification. A resident of the state is a person who can provide a valid Colorado driver’s license, a valid Colorado state-issued photo identification, or documentation that he or she has resided in Colorado for the last thirty (30) days. Contractor represents that it is familiar with the requirements of the Act and the Rules and will fully comply with same. This Section shall not apply to any project for which appropriation or expenditure of moneys may be reasonably expected not to exceed Five Hundred Thousand Dollars ($500,000) in the aggregate for any fiscal year.
ARTICLE 19 - ATTACHMENTS, SCHEDULES, AND SIGNATURES

It is further mutually agreed that this Agreement and the Contract Documents constitute the entire Agreement between the Owner and the Contractor and supersede all prior or oral understandings. This Agreement may only be amended, supplemented, modified, or cancelled by a duly executed written amendment.

IN WITNESS WHEREOF the parties hereto each herewith subscribe the same.

CITY OF BLACK HAWK, COLORADO

By: 
David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

CONTRACTOR

By:  
Name: Scott M Kohrs

Title: President

STATE OF COLORADO )
) ss.
COUNTY OF Adams 

The foregoing instrument was acknowledged before me this 15th day of May 2019 by Scott M Kohrs, as President of Taylor Kohrs LLC.

My commission expires: June 9, 2020

Witness my hand and official seal.

DENE DeWerff
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20004017802
MY COMMISSION EXPIRES 06/09/2020

35
PROSPECTIVE CONTRACTOR'S CERTIFICATE REGARDING EMPLOYING OR CONTRACTING WITH AN ILLEGAL ALIEN

FROM: Taylor Kohrs LLC
(Prospective Contractor)

TO: City of Black Hawk
   P.O. Box 68
   Black Hawk, Colorado 80422

Project Name Hidden Treasure Trailhead

Bid Number N/A
Project No.

As a prospective Contractor for the above-identified bid, I (we) do hereby certify that, as of the date of this certification, I (we) do not knowingly employ or contract with an illegal alien who will perform Work under the Agreement and that I (we) will confirm the employment eligibility of all employees who are newly hired for employment to perform Work under the Agreement through participation in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment.

Executed this 15th day of May, 2019.

Prospective Contractor Taylor Kohrs LLC

By: [Signature]

Title: President
NO EMPLOYEE AFFIDAVIT

1. Check and complete one:

☐ I, ________________, am a sole proprietor doing business as __________________. I do not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the City, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

OR

☒ I, Scott M Kohrs, am an owner/member/shareholder of Taylor Kohrs LLC, a Limited Liability Company [specify type of entity-i.e., corporation, limited liability company], that does not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the City, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

2. Check one.

☒ I, Scott M Kohrs, am a United States citizen or legal permanent resident.

The City must verify this statement by reviewing one of the following items:
   o A valid Colorado Driver’s license or a Colorado identification card
   o A United States military card or a military dependent’s identification card
   o A United States Coast Guard Merchant Mariner card
   o A Native American tribal document or
   o In the case of a resident of another state, the driver’s license or state-issued identification card from the state of residence, if that state requires the applicant to prove lawful presence prior to the issuance of the identification card
   o Any other documents or combination of documents listed in the City’s “Acceptable Documents for Lawful Presence Verification” chart that prove both the contractor’s citizenship/lawful presence and identity.

OR

☐ I am otherwise lawfully present in the United States pursuant to federal law.

Contractor must verify this statement through the federal systematic alien verification of entitlement program, the “SAVE” program, and provide such verification to the City.

__________________________  May 15, 2019
Signature                                           Date
DEPARTMENT PROGRAM AFFIDAVIT

(To be completed if Contractor participates in the Department of Labor Lawful Presence Verification Program)

1. **Taylor Kohrs LLC**, as a public contractor under contract with the City of Black Hawk (the "City"), hereby affirm that:

   1. I have examined or will examine the legal work status of all employees who are newly hired for employment to perform Work under this public contract for services ("Agreement") with the City within twenty (20) days after such hiring date;

   2. I have retained or will retain file copies of all documents required by 8 U.S.C. § 1324a, which verify the employment eligibility and identity of newly hired employees who perform Work under this Agreement; and

   3. I have not and will not alter or falsify the identification documents for my newly hired employees who perform Work under this Agreement.


Contractor Signature: Scott M Kohrs

Date: May 15, 2019

STATE OF COLORADO

COUNTY OF Adams

The foregoing instrument was subscribed, sworn to and acknowledged before me this 15th day of May, 2015, by Scott M Kohrs as President of Taylor Kohrs LLC.

My commission expires: June 9, 2020

[Notary Public Stamp]

Notary Public
ACCEPTABLE DOCUMENTS FOR
LAWFUL PRESENCE VERIFICATION

Documents that Serve to Prove Citizenship/Lawful Presence and Identification:

- Colorado Driver’s License or Identification Card
- Out of State driver’s license from: AL, AZ, AR, CA, CT, DE, DC, FL, GA, ID, IN, IA, KS, KY, LA, ME, MN, MS, MO, MT, NV, NH, NJ, NY, ND, OH, OK, PA, RI, SC, SD, VA, WV, WY
- A United States Military Card of a Military Dependent’s Identification Card
- A United States Coast Guard or Merchant Mariner Card
- A Native American Tribal Document
- Certificate of Naturalization with Photograph
- Certificate of U.S. Citizenship with Photograph
- U.S. Passport (less than 5 years old)
- Northern Mariana Identification Card with Photograph

OR

Documents that Only Serve to Prove Citizenship/Lawful Presence:

- U.S. Birth Certificate
- Certification of Report of Birth from Department of State
- Report of Birth Abroad of a U.S. Citizen
- U.S. Citizen Identification Card
- Final Adoption Decree
- Evidence of U.S. Civil Service Employment before June 1, 1976
- Statement Provided by U.S. Consular Officer Certifying Citizenship
- Religious Records Recorded in the 50 states, D.C., or a U.S. Territory Showing Birth Date or Child’s Age and Location of Birth in U.S.
- Early School Records
- Census Records
- Other Documents that Establish a U.S. Place of Birth or in Some Way Indicates U.S. Citizenship

AND

Documents that Serve to Prove Identification:

- A Driver’s License or Identification Card Regardless of the State of Issuance
- School Identification Card with Photograph
- Identification Card Issued by Federal, State or Local Government
- A Driver’s License Issued by a Canadian Government Authority
Contractor shall provide all labor, equipment and materials to perform the following:

Preconstruction Services

Construction Cost Estimating and Value Analysis

Scheduling, Phasing, and Logistics Planning

Constructability Reviews

Subcontractor Procurement and Scope Validation

Meetings, Conference Calls, and Travel
**CERTIFICATE OF LIABILITY INSURANCE**

**DATE (MM/DD/YYYY):** 5/17/2019

**INSURED**
Taylor Kohrs, LLC  
12160 Pennsylvania St  
Thornton, CO 80241

**CONTACT:** Client Manager  
**PHONE:** 800 873-8500  
**E-MAIL ADDRESS:** den.contractors@usi.com

**PRODUCER**
USI Colorado, LLC Construction  
P.O. Box 7050  
Englewood, CO 80155  
800 873-8500

**INSURER(S) AFFORADING COVERAGE**
- **INSURER A:** Continental Casualty Company  
  NAIC #: 20443
- **INSURER B:** Continental Insurance Company  
  NAIC #: 35289
- **INSURER C:** Pinnacol Assurance Company  
  NAIC #: 41190

**INSURERS AFFORADING COVERAGE**
- **INSURER D:**  
- **INSURER E:**  
- **INSURER F:**

### COVERAGES

<table>
<thead>
<tr>
<th>INSURER</th>
<th>Type of Insurance</th>
<th>Policy Number</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>6014495066</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>DAMAGE TO RENTED PREMISES (EA occurrence)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>MED EXP (Any one person)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PERSONAL &amp; ADV INJURY</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>GENERAL AGGREGATE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PRODUCTS - COMP/OP AGG</td>
</tr>
<tr>
<td>B</td>
<td>AUTOMOBILE LIABILITY</td>
<td>BUA6014495049</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>COMBINED SINGLE LIMIT (EA accident)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BODILY INJURY (Per person)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BODILY INJURY (Per accident)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>PROPERTY DAMAGE (Per accident)</td>
</tr>
<tr>
<td>B</td>
<td>UMBRELLA LIABILITY</td>
<td>UMB6014495052</td>
<td>$10,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>EACH OCCURRENCE</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

RE: Hidden Treasure Trailhead.

### CERTIFICATE HOLDER
City of Blackhawk  
P.O. Box 88  
Black Hawk, CO 80422

### CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**
RESOLUTION 31-2019
A RESOLUTION
AWARDING THE BID AND
APPROVING THE
CONTRACT BETWEEN
THE CITY OF BLACK
HAWK AND GRAPES &
SONS EXCAVATING IN AN
AMOUNT NOT TO
EXCEED $43,300.00 FOR
CONSTRUCTION OF THE
MARYLAND MOUNTAIN
MAIN TRAMWAY
GRADING PROJECT
SUBJECT:
Approve Resolution 31-2019, a Resolution awarding the contract for construction of the Maryland Mountain Main Tramway Grading Project to Grapes & Sons Excavating.

RECOMMENDATION:
If City Council chooses to approve Resolution 31-2019, a Resolution awarding the contract between the City of Black Hawk and Grapes & Sons Excavating, the recommended motion is as follows: “Approve Resolution 31-2019, a Resolution awarding the bid and approving the contract between the City of Black Hawk and Grapes & Sons Excavating in an amount not to exceed $43,300.00 for construction of the Maryland Mountain Main Tramway Grading Project.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER:
Under a previous contract, Grapes & Sons Excavating has completed removing trees and installing a culvert on the Maryland Mountain Main Tramway between Castle Rock and the future Hidden Treasure pedestrian bridge. The next phase of the Maryland Mountain project is to bring this 1.5-mile section of the Main Tramway to final grade. Grapes & Sons Excavating would grade the trail with an outward slope to prevent standing water, fill in low spots, stabilize the outer edge of the trail where necessary, and add rocks to potential washout areas to mitigate erosion.

FUNDING SOURCE: Maryland Mountain Improvements: 203-0000-502-58-17

WORKSHOP DATE: May 22, 2019

ORIGINATED BY: Tom Isbester / Matt Reed

STAFF PERSON RESPONSIBLE: Tom Isbester / Matt Reed

PROJECT COMPLETION DATE: September 30, 2019

DOCUMENTS ATTACHED: Trade Contractor Agreement

CITY ATTORNEY REVIEW: [ ]Yes [ X ]No [ ]N/A INITIALS__________

SUBMITTED BY: Reviewed By:

Thomas Isbester, Public Works Director
Stephen N. Cole, City Manager
STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK  

Resolution No. 31-2019  

TITLE: A RESOLUTION AWARDING THE BID AND APPROVING THE CONTRACT BETWEEN THE CITY OF BLACK HAWK AND GRAPES & SONS EXCAVATING IN AN AMOUNT NOT TO EXCEED $43,300.00 FOR CONSTRUCTION OF THE MARYLAND MOUNTAIN MAIN TRAMWAY GRADING PROJECT  

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:  

Section 1. The City Council hereby awards the bid and approves the contract between the City of Black Hawk and Grapes & Sons Excavating in an amount not to exceed $43,300.00 for construction of the Maryland Mountain Main Tramway Grading Project, and authorizes the Mayor to execute the same on behalf of the City.  

RESOLVED AND PASSED this 22nd day of May, 2019.  

________________________________________  
David D. Spellman, Mayor  

ATTEST:  

________________________________________  
Melissa A. Greiner, CMC, City Clerk
TRADE CONTRACTOR AGREEMENT

THIS AGREEMENT is made this _____ day of ________________, 2019, by and between the CITY OF BLACK HAWK, State of Colorado, a Colorado municipal corporation (hereinafter referred to as the “City”) and Grapes & Sons Excavating, LLC (hereinafter referred to as “Contractor”).

In consideration of the mutual covenants, agreements, conditions and undertakings hereinafter specified, the City and Contractor agree as follows:

Section 1. Scope of Work. Contractor shall perform trail work along the Main Tramway of Maryaland Mountain in accordance with Exhibit A, which is attached hereto and incorporated by this reference, including furnishing all supervision, labor, equipment, and materials therefor (the “Project”).

Section 2. Contract Documents. The Contract Documents, which comprise the entire agreement and contract between the City and Contractor, consist of this Agreement and Exhibit A and any modifications, change orders or other such revisions properly authorized after the execution of this Agreement.

Section 3. Agreement Price. The City shall pay Contractor for the performance of work and completion of the Project not to exceed the amounts set forth in Exhibit B.

Section 4. Times and Methods of Payment.

A. Payment shall be made for services rendered upon completion and final acceptance of the project and shall be due and owing within thirty (30) days of Contractor’s submittal of his invoice. Contractor shall submit invoices prior to the twenty-fourth (24th) day of each month for payment the following month. Payment of any invoice that is received after the twenty-fourth (24th) day of each month may be delayed up to a period of sixty (60) days. If the City objects to any invoices submitted by Contractor, the City will so advise Contractor in writing giving the reason within fourteen (14) days of receipt of such invoice.

B. If the City fails to make payments due Contractor within sixty (60) days after receipt and acceptance of Contractor’s bill, Contractor may, after giving seven (7) days written notice to the City, suspend services under this Agreement until Contractor’s outstanding bills have been paid in full.

Section 5. Not Used.

Section 6. Not Used.
Section 7. **Final Acceptance.** Final acceptance of the Project shall follow inspection and approval of Contractor's performance by the City, along with inspection by appropriate governmental officials pursuant to local, state and federal requirements, if necessary. The City shall have the right and authority to determine the acceptability of Contractor's performance for conformity with this Agreement, which determination shall be conclusive and binding upon Contractor. Final acceptance by the City is subject to the provisions of this Contract, and in no manner affects or releases any warranties or guarantees with Contractor or manufacturers of Project equipment.

The Project, when presented to the City for final acceptance, shall be delivered free from any and all claims or encumbrances, whether then in existence or later established by law, statute, ordinance, or otherwise. No claim or encumbrance against the Project or the Project site shall be outstanding or otherwise unsettled at the time of final acceptance. The right to assert any claim or encumbrance against the Project, after final acceptance by the City and final payment to Contractor, is hereby waived by Contractor on behalf of itself and any subcontractor, laborer, material man, equipment supplier, manufacturer or other person.

Section 8. **Commencement and Completion of Performance.** The services called for shall commence on or before September 2, 2019 and end by September 30, 2019. Contractor shall commence any work requested by the City within ten (10) days of notification by the City. In the event Contractor fails to commence work within this time period, the City may take over the work and prosecute the same to completion. The date of beginning and the time for completion of the work are essential conditions of this Agreement. Contractor shall proceed with the work at such rate of progress to ensure full completion within the contract time. It is expressly understood and agreed by and between the City and Contractor that the contract time for the completion of the work described herein is a reasonable time, taking into consideration the average climatic and economic conditions and other factors prevailing in the locality of the work during the period such work is to be performed. If Contractor shall fail to complete the work within the contract time, or extension of time granted by the City, then Contractor shall pay to the City the amount of liquidated damages and not as penalty the sum of **Five Hundred and 00/100 Dollars ($500.00)** for each calendar day that Contractor shall be in default after September 30, 2019. The City will charge Contractor, and may deduct from the partial and final payment for the work, all architectural, engineering and construction management expenses incurred by the City in connection with any work accomplished after the specified completion date.

Contractor will not be charged with liquidated damages or any excess cost when the delay in completion of the work is due to the following, and Contractor has promptly given written notice of such delay to the City:

2
A. to any preference, priority or allocation order duly issued by the City; and

B. to unforeseeable causes beyond the control and without the fault or negligence of Contractor including, but not restricted to, unforeseen conditions, acts of God or of the public enemy, acts of the City, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and abnormal and unforeseeable weather.

Section 9. Termination.

A. This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided, that no such termination may be effected unless the other party is given:

i. not less than ten (10) calendar days written notice of intent to terminate, and

ii. an opportunity for consultation with the terminating party prior to termination.

B. This Agreement may be terminated in whole or in part in writing by the City for its convenience.

C. Upon receipt of a termination action pursuant to paragraphs a. and b. above, Contractor shall promptly discontinue all services affected (unless the notice directs otherwise) and the City may take over the work and prosecute the same to completion by agreement with another party or otherwise.

Section 10. Taxes, Licenses, Permits and Regulations. In all operations connected with the Project, Contractor shall pay all fees, charges and taxes imposed by law and shall obtain all licenses and permits necessary for completion of the Project, paying all fees therefor unless otherwise specified by the City. The City shall assist Contractor to determine which licenses and permits are required for completion of the Project.

The City is exempt from Colorado state sales and use taxes on materials to be permanently incorporated in the work. Accordingly, taxes for which the City is exempt shall not be included in the Agreement Price. The City shall, upon request, furnish Contractor with a copy of its Certificate of Tax Exemption. Contractor and subcontractors shall apply to the Colorado Department of Revenue, Sales Tax Division, for an exemption certificate and purchase the materials tax free. Pursuant to C.R.S. §39-26-708, Contractor and subcontractors shall be liable to the State of Colorado for exempt taxes paid due to failure to apply for exemption certificates or
for failure to use said certificates. Contractor shall comply with all laws, ordinances, codes, rules and regulations of all governmental authorities, whether local, state or federal, relating to the performance of work on the Project and, particularly, in complying with those laws concerning the environment, workers' compensation, safety and health, state labor and materials, and equal employment opportunity.

Section 11. Indemnification.

The Contractor, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City, its officers, employees, agents and their insurers, from and against all liability, claims and demands 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 arises out of or is in any manner connected with this Contract, to the extent that such injury, loss or damage is attributable to the act, omission, error, professional error, mistake, negligence or other fault of the Contractor, the Contractor's employees, subcontractors or anyone else employed directly or indirectly by the Contractor, Contractor's employees or subcontractor.

The Contractor, to the fullest extent permitted by law, shall defend, investigate, handle, respond and provide defense for and defend against any such liability, claims or demands at the sole expense of the Contractor, or at the option of the City, Contractor agrees to pay the City or reimburse the City for defense costs incurred by the City in connection with any such liability, claims, or demands. The Contractor, to the fullest extent permitted by law, shall defend and bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not such liability, claims or demands alleged are groundless, false or fraudulent.

This indemnification provision is intended to comply with C.R.S. § 13-21-111.5(6), as amended, and shall be read as broadly as permitted to satisfy that intent.

Section 12. Insurance.

A. The Contractor agrees to obtain and maintain during the life of this Contract, a policy or policies of insurance against all liability, claims, demands and other obligations assumed by the Contractor pursuant to Section 11 above. Such insurance shall be in addition to any other insurance requirements imposed by this Contract or by law. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to Section 11 above, by reason of its failure to obtain and maintain during the life of this Contract insurance in sufficient amounts, durations, or types.
B. Contractor shall obtain and maintain during the life of this Contract, and shall cause any subcontractor to obtain and maintain during the life of this Contract, the minimum insurance coverages listed below. Such coverages shall be obtained and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained to cover all liability, claims, demands and other obligations assumed by the Contractor pursuant to Section 11 above. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

1. Worker’s Compensation Insurance to cover obligations imposed by applicable law for any employee engaged in the performance of the work under this Contract, and Employers Liability Insurance with minimum limits of five hundred thousand dollars ($500,000) each incident, five hundred thousand dollars ($500,000) disease—policy limit, and five hundred thousand dollars ($500,000) disease—each employee.

2. General Public Liability Insurance to be written with a limit of liability of not less than one million dollars ($1,000,000) for all damages arising out of bodily injury, personal injury (including coverage for employee and contractual acts), including death, at any time resulting therefrom, sustained by any one person and not less than two million dollars ($2,000,000) for all damages arising out of bodily injury, including death, at any time resulting therefrom, sustained by two or more persons in any one accident. This policy shall also include coverage for blanket contractual and independent contractor risks. The limits of General Public Liability Insurance for broad form property damage (including products and completed operations) shall be not less than one million dollars ($1,000,000) for all damages arising out of injury to or destruction of property in any one (1) accident and not less than two million dollars ($2,000,000) for all damages arising out of injury to, or destruction of property, including the City’s property, during the policy period. The General Public Liability Insurance policy shall include coverage for explosion, collapse and underground hazards. The policy shall contain a severability of interests provision.

3. Protective Liability and Property Damage Insurance covering the liability of the Owner, including any employee, officer or agent of the Owner with respect to all operations under the Contract by the Contractor or his sub-contractors shall be obtained and maintained during the life of this Contract.
4. Comprehensive Automobile Liability Insurance with minimum combined single limits for bodily injury and property damage of not less than one million dollars ($1,000,000) each occurrence and one million dollars ($1,000,000) aggregate with respect to each of the Contractor's owned, hired, and non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Contractor providing services to the Owner under this contract.

C. To the extent that liability results from the acts or omissions of the Contractor, all Insurance Policies and Certificates of Insurance issued for this project shall name as additional insured(s), the Owner, whether private or governmental, the Owner's officers and employees, and any other person(s), company(ies), or entity(ies) deemed necessary by the Owner. The Contractor shall be solely responsible for any deductible losses under any policy required herein.

D. The insurance provided by the Contractor shall be primary to insurance carried by the Owner and all other additional insureds, and the principal defense of any claims resulting from the Contractor's obligations under the Contract shall rest with the Contractor's Insurer.

Section 13. Warranties and Guarantees. Contractor hereby represents, warrants and guarantees to the City all workmanship, equipment and materials on or made a part of the Project and its structures for a period of two (2) years from and after the date of final acceptance of the work by the City as provided by this Agreement.

Section 14. Subcontractors. All contracts between Contractor and subcontractors shall conform explicitly to all applicable provisions of this Agreement. Contractor shall require any subcontractors to provide the City with a certificate of insurance which provides insurance coverage as provided by Section 12 of this Agreement. The certificate of insurance shall name the City as an additional insured and provide that the policy shall not be terminated without ten (10) days written notice to the City. In all events, Contractor shall be responsible and held liable for any bonding, insurance, warranties, indemnities, progress payments and completion of performance of or to such subcontractors. Upon receipt of progress and final payments from the City, Contractor shall disburse the same immediately to subcontractors without any requirement of the City to supervise the same. The City may, but shall not be obligated to, require Contractor to furnish lien waivers for the work performed or materials furnished by subcontractors or material men prior to payment of progress payments or final payment. No contractual relationship shall exist between the City and any subcontractor because of the subletting of any part of the Project work.
Section 15. Changes in Contract Price. The contract price may be changed only by a change order. The value of any work covered by a change order or of any claim for increase or decrease in the contract price will be determined by one or more of the following methods in the order of precedence listed below:

A. Unit prices previously approved, which are attached hereto and incorporated by this reference.

B. An agreed lump sum.

C. The actual cost of labor, direct overhead, materials, supplies, equipment and other services necessary to complete the work. In addition there will be added an amount to be agreed upon but not to exceed fifteen percent (15%) of the actual cost of the work to cover the cost of general overhead and profit.

Section 16. Work Rules.

A. Contractor shall perform all work hereunder in keeping with the rules and regulations that the City may promulgate at any time for the safe, orderly, and efficient conduct of all operations.

B. The City shall have the right to require of Contractor the immediate removal from the Project of any employee of Contractor or of his subcontractors who, in the discretion of the City, is not qualified to perform the work assigned to him, is guilty of improper conduct, or is not working in harmony with the other trades.

C. Nothing contained in this Agreement shall constitute Contractor as being an employee of the City, nor shall any employment relationship between the City and Contractor be created by the terms hereof.

D. Contractor is responsible for the safety of any of its materials, tools, possessions, and rented items stored on the job site and for protection of the Project and shall hold the City and its authorized representatives harmless from any damage or loss incurred thereto.

E. Contractor shall promptly pay in full for any and all damage caused to the Project site by Contractor or by any subcontractor or other person or entity of any nature furnishing materials, equipment, machinery, supplies, labor, skilled services, or instruments for whose actions Contractor is responsible hereunder.
F. No material, equipment, tools, supplies, or instruments other than those belonging to or leased by Contractor will be removed from the Project site by Contractor without the prior written approval of the City.

G. Contractor agrees to report immediately to the City, in writing, any and all property damage and/or personal injury that occurs on the Project site during the course of Contractor’s performance.

Section 17. Illegal Aliens

A. Certification. By entering into this Agreement, Contractor hereby certifies that, at the time of this certification, it does not knowingly employ or contract with an illegal alien who will perform work under the Agreement and that Contractor will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement.

B. Prohibited Acts. Contractor shall not:

1. Knowingly employ or contract with an illegal alien to perform work under this Agreement; or

2. Enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

C. Verification.

1. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the E-Verify Program or the Department Program.

2. Contractor shall not use the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

3. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien who is performing work under the Agreement, Contractor shall:
a. Notify the subcontractor and the City within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien who is performing work under the Agreement; and

b. Terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to subparagraph (a) hereof, the subcontractor does not stop employing or contracting with the illegal alien who is performing work under the Agreement; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien who is performing work under the Agreement.

D. Duty to Comply with Investigations. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Contractor is complying with the terms of this Agreement.

E. If Contractor does not currently employ any employees, Contractor shall sign the No Employee Affidavit attached hereto.

F. If Contractor wishes to verify the lawful presence of newly hired employees who perform work under the Agreement via the Department Program, Contractor shall sign the Department Program Affidavit attached hereto.

Section 18. Assignment. Contractor shall not, at any time, assign any interest in this Agreement or the other Contract Documents to any person or entity without the prior written consent of the City. The terms of this Agreement shall inure to and be binding upon the successors and assigns of the parties hereto.

Section 19. Amendment. This Agreement may be amended from time to time by agreement between the parties hereto. No amendment, modification, or alteration of this Agreement shall be binding upon the parties hereto unless the same is in writing and approved by the duly authorized representatives of each party hereto.

Section 20. Severability. If any term, section, or other provision of this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such term, section or other provision shall not affect any of the remaining provisions of this Agreement.

Section 21. Waiver. No waiver by either party of any right, term or condition of this Agreement shall be deemed or construed as a waiver of any other right, term or condition, nor
shall a waiver of any breach hereof be deemed to constitute a waiver of any subsequent breach, whether of the same or of a different provision of this Agreement.

Section 22. **Remedies.** None of the remedies provided to either party under this Agreement shall be required to be exhausted or exercised as a prerequisite to resort to any further relief to which such party may then be entitled. Every obligation assumed by, or imposed upon, either party hereto shall be enforceable by any appropriate action, petition or proceeding at law or in equity. In addition to any other remedies provided by law, this Agreement shall be specifically enforceable by either party. This Agreement shall be construed in accordance with the laws of the State of Colorado, and particularly those relating to governmental contracts.

Section 23. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which shall constitute one and the same document.

Section 24. **Entirety.** This Agreement constitutes the entire agreement between the parties concerning the subject matter herein, and all prior negotiations, representations, contracts, understandings, or agreements pertaining to such matters are merged into, and are superseded by this Agreement.
IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF BLACK HAWK, COLORADO

By:
David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

GRAPES & SONS EXCAVATING, LLC

By:

Name: Robert Grapes
Title: Member

STATE OF COLORADO )
COUNTY OF Calpín ) ss.

The foregoing instrument was acknowledged before me this 20 day of May, 2019, by Robert Grapes, as 

of Grapes & Sons Excavating.

My commission expires: 10-24-2020

Witness my hand and official seal.

Notary Public

[Notary Public Seal]

11
PROSPECTIVE CONTRACTOR'S CERTIFICATE REGARDING EMPLOYING OR CONTRACTING WITH AN ILLEGAL ALIEN

FROM: Grapes & Sons Excavating, LLC  
(Prospective Contractor)

TO: City of Black Hawk  
P.O. Box 68  
Black Hawk, Colorado 80422

Project Name Maryland Mountain Main Tramway Grading Project

Bid Number N/A  
Project No. 16007-2

As a prospective Contractor for the above-identified bid, I (we) do hereby certify that, as of the date of this certification, I (we) do not knowingly employ or contract with an illegal alien who will perform work under the Agreement and that I (we) will confirm the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement through participation in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment.

Executed this 20 day of May, 2019.

Prospective Contractor Grapes & Sons Excavating

By: [Signature]

Title: MEMBER
NO EMPLOYEE AFFIDAVIT

(To be completed if Contractor has zero employees)

1. Check and complete one:

☐ I, ____________________________, am a sole proprietor doing business as _____________________________. I do not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the City, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

OR

☐ I, ____________________________, am an owner/member/shareholder of ____________________________, a ____________________________ [specify type of entity—i.e., corporation, limited liability company], that does not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the City, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

2. Check one.

☐ I, ____________________________, am a United States citizen or legal permanent resident.

The City must verify this statement by reviewing one of the following items:

- A valid Colorado Driver’s license or a Colorado identification card
- A United States military card or a military dependent’s identification card
- A United States Coast Guard Merchant Mariner card
- A Native American tribal document or
- In the case of a resident of another state, the driver’s license or state-issued identification card from the state of residence, if that state requires the applicant to prove lawful presence prior to the issuance of the identification card
- Any other documents or combination of documents listed in the City’s “Acceptable Documents for Lawful Presence Verification” chart that prove both the contractor’s citizenship/lawful presence and identity.

OR

☐ I am otherwise lawfully present in the United States pursuant to federal law.

Contractor must verify this statement through the federal systematic alien verification of entitlement program, the “SAVE” program, and provide such verification to the City.

_________________________________  __________________________________
Signature                                      Date
DEPARTMENT PROGRAM AFFIDAVIT

(To be completed if Contractor participates in the Department of Labor Lawful Presence Verification Program)

I, ________________________, as a public contractor under contract with the City of Black Hawk (the “City”), hereby affirm that:

1. I have examined or will examine the legal work status of all employees who are newly hired for employment to perform work under this public contract for services (“Contract”) with the City within twenty (20) days after such hiring date;

2. I have retained or will retain file copies of all documents required by 8 U.S.C. § 1324a, which verify the employment eligibility and identity of newly hired employees who perform work under this Contract; and

3. I have not and will not alter or falsify the identification documents for my newly hired employees who perform work under this Contract.

[Signature]
Contractor Signature

[Date]

5-20-2019

STATE OF COLORADO

COUNTY OF ___________________________

The foregoing instrument was subscribed, sworn to and acknowledged before me this 20
day of __________________, 2019, by __________________ as
Owner of ________________________.

My commission expires: 10-24-2020

[Seal]

Notary Public

Kyla Crawford
Notary Public
State of Colorado
Notary ID # 20164040646
My Commission Expires 10-24-2020

14
ACCEPTABLE DOCUMENTS FOR
LAWFUL PRESENCE VERIFICATION

Documents that Serve to Prove Citizenship/Lawful Presence and Identification:

- Colorado Driver’s License or Identification Card
- Out of State drivers license from: AL, AZ, AR, CA, CT, DE, DC, FL, GA, ID, IN, IA, KS, KY, LA, ME, MN, MS, MO, MT, NV, NH, NJ, NY, ND, OH, OK, PA, RI, SC, SD, VA, WV, WY
- A United States Military Card of a Military Dependent’s Identification Card
- A United States Coast Guard or Merchant Mariner Card
- A Native American Tribal Document
- Certificate of Naturalization with Photograph
- Certificate of U.S. Citizenship with Photograph
- U.S. Passport (less than 5 years old)
- Northern Mariana Identification Card with Photograph

OR

Documents that Only Serve to Prove Citizenship/Lawful Presence:

- U.S. Birth Certificate
- Certification of Report of Birth from Department of State
- Report of Birth Abroad of a U.S. Citizen
- U.S. Citizen Identification Card
- Final Adoption Decree
- Evidence of U.S. Civil Service Employment before June 1, 1976
- Statement Provided by U.S. Consular Officer Certifying Citizenship
- Religious Records Recorded in the 50 states, D.C., or a U.S. Territory Showing Birth Date or Child’s Age and Location of Birth in U.S.
- Early School Records
- Census Records
- Other Documents that Establish a U.S. Place of Birth or in Some Way Indicates U.S. Citizenship

AND

Documents that Serve to Prove Identification:

- A Driver’s License or Identification Card Regardless of the State of Issuance
- School Identification Card with Photograph
- Identification Card Issued by Federal, State or Local Government
- A Driver’s License Issued by a Canadian Government Authority
ADD/ALT PLAN FOR TRAMWAY SINGLETRACK LOOP
Proposal

Robert Grapes, Owner  
P.O. Box 571  
Black Hawk Colorado 80422  
Phone: (303)582-1131  
e-mail: bhgrapes@gmail.com

<table>
<thead>
<tr>
<th>Proposal submitted to:</th>
<th>Phone: 303-582-1324</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Black Hawk</td>
<td>Direct: 303-582-2288</td>
</tr>
<tr>
<td>C/O Matt Reed</td>
<td>Cell:</td>
</tr>
<tr>
<td>Address:</td>
<td>Job Location:</td>
</tr>
<tr>
<td>P.O. Box 68</td>
<td>Maryland Mountain</td>
</tr>
<tr>
<td>Black Hawk, CO. 80422</td>
<td>County of Gilpin</td>
</tr>
<tr>
<td></td>
<td>State of Colorado</td>
</tr>
</tbody>
</table>

WE PROPOSE hereby to furnish material and labor complete in accordance with specifications below, for the sum of:

Payment to be made as follows: Payment is due upon completion and/or upon receipt of Invoice

WE ACCEPT: Visa, Master Card, American Express

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

Holly Grapes, Manager

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

<table>
<thead>
<tr>
<th>Description</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading trail with a 2% to 4% outward slope, bring up low spots so it will all pitch out, grade out and hand rake, spread wood chips thinly over trail area as far as wood chips will reach, take dirt from areas discussed during on site visit, to address low areas where water runs across trail we will sort out rocks from on site and place them so the water drains through the rock and place dirt on top of the rock drains</td>
<td>38,500.00</td>
</tr>
<tr>
<td>Place 4 ft. chain link fence for rock fall protection on down hill side of trail above the last house on Chase St. as discussed during the on site meeting</td>
<td>4,800.00</td>
</tr>
</tbody>
</table>

Total                                                                                                                                            $       | 43,300.00 |
Proposal

**Standard Exceptions**
In the event any or all items listed below occurs and have not been addressed in the body of the contract the following shall take precedence:

**Grapes & Sons Excavating, LLC will accept no responsibility for the following and Owner will hold Grapes & Sons Excavating, LLC harmless as regards:**

Owner is responsible to verify and flag property lines.
Owner is responsible to cut and remove trees in excavated areas.
Owner is responsible to have a Port A Potty on site before work begins as to County Codes.
Owner is responsible to get all required Permits and post them on site.
Owner is responsible to do all their own reseeding and vegetation of disturbed areas.
Owner is responsible for all surveying and staking of project, home foundation, driveway, etc.
Owner is responsible to pay for all compaction testing and testing fees.
Owner is responsible to provide water for compaction if required.
Owner is responsible for permit for D-Watering if required.
Owner is responsible due to weather changes to make sure before any interior and exterior slabs are poured. That the ground does not show frost in soils or ground is frozen.

Extra over the bid only if required with a written change order.
1) Any drilling and blasting on site, owner is to set up with blasting company.
2) Any use of the Hydraulic Rock Hammer on site is $250.00 per hour plus move in costs.
3) Materials and labor that is not listed in the above proposal.
4) Any changes to the plans we received by Owner, Engineer or Architect.
5) Any other materials, dirt or rock, the labor and trucking to bring in on site and to place.
6) Any hauling off excess soils from site or rock will be by the hourly rate of loader and truck.
7) Frost clause, if encountered.
8) D-Watering, if encountered.
9) If unsuitable soils are encountered, determined by Engineer, County, or Owner, suitable soils brought into property will be material and all labor in placement of soil.
10) Payment and Performance Bonds.
11) Crossing of utilities if encountered.
12) Any additional Insurance Premium coverage above our Company present Insurance Coverage.

* A service charge of 1.75% (21% per year) will be charged on all accounts past 30 days. Owner shall pay all attorney fees and costs incurred in connection with collection of any amounts due hereunder.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You authorize to do the work as specified. Payment will be made as outlined above.

________________________________________________________________________

Signature

Date of Acceptance:
# CERTIFICATE OF LIABILITY INSURANCE

**DATE (MM/DD/YYYY)**
10/15/2018

**PRODUCER**
FEDERATED MUTUAL INSURANCE COMPANY
HOME OFFICE: P.O. BOX 328
OWATONNA, MN 55060

**INSURED**
GRAPES & SONS EXCAVATING
PO BOX 571
BLACK HAWK, CO 80422-0571

**CERTIFICATE NUMBER:** 13

**REVISION NUMBER:** 0

**COVERAGES**

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>EXPIRY</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>N N</td>
<td>9817058</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>CLAIMS-MADE</td>
<td>N</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>OCCUR</td>
<td>N</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>AUTO LOAN LIMIT APPLIES PER POLICY</td>
<td>N N</td>
<td>9817058</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>AUTOMOBILE LIABILITY</td>
<td>N N</td>
<td>9817058</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>ANY AUTO</td>
<td>N N</td>
<td>9817058</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>OWNED AUTOS ONLY</td>
<td>N N</td>
<td>9817058</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>SCHEDULED AUTOS</td>
<td>N N</td>
<td>9817058</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>NON-OWNED AUTOS ONLY</td>
<td>N N</td>
<td>9817058</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>UMBRELLA LIABILITY</td>
<td>N N</td>
<td>9817060</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>EXCESS LIABILITY</td>
<td>N N</td>
<td>9817061</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td>A</td>
<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
<td>N N</td>
<td>9817061</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>ANY PROPRIETOR PARTNER EXECUTIVE OFFICER</td>
<td>N N</td>
<td>9817061</td>
<td>10/11/2018 10/11/2019</td>
</tr>
<tr>
<td></td>
<td>AND EMPLOYEES LIABILITY (Manditory in NJ)</td>
<td>N N</td>
<td>9817061</td>
<td>10/11/2018 10/11/2019</td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**AUTHORIZED REPRESENTATIVE**
Michael C. Kerr

© 1988-2015 ACORD CORPORATION. All rights reserved.

ACORD 25 (2016/03) The ACORD name and logo are registered marks of ACORD

305 of 311
RESOLUTION 32-2019
A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE DESIGN-BUILD CONTRACT EXECUTED ON FEBRUARY 27, 2019 BETWEEN THE CITY OF BLACK HAWK AND HARRISON WESTERN CONSTRUCTION, INC., ESTABLISHING THE GUARANTEED MAXIMUM PRICE (GMP) OF $1,526,722.12 FOR CONSTRUCTION OF THE BOBTAIL STREET SCULPTED AND STAINED SHOTCRETE PROJECT
CITY OF BLACK HAWK
REQUEST FOR COUNCIL ACTION

SUBJECT: Approve Resolution 32-2019, a Resolution approving Amendment No. 1 to the Design-Build contract for the Bobtail Street Sculpted and Stained Shotcrete project. Amendment No. 1 would establish the Guaranteed Maximum Price (GMP) for construction of this project.

RECOMMENDATION:
If City Council chooses to approve Resolution 32-2019, the recommended motion is as follows: “Approve Resolution 32-2019, a Resolution approving Amendment No. 1 to the Design-Build contract executed on February 27, 2019, between the City of Black Hawk and Harrison Western Construction, Inc. establishing the Guaranteed Maximum Price (GMP) of $1,526,722.12 for construction of the Bobtail Street Sculpted and Stained Shotcrete project.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER:
City Council approved a Design-Build contract with Harrison Western Construction, Inc. to complete design services for the Bobtail Street Sculpted and Stained Shotcrete project on February 27, 2019. While this Design-Build contract authorized Harrison Western Construction, Inc. to proceed with design and other preconstruction services, Council was made aware that an Amendment to accept the GMP for construction would be forthcoming.

The GMP is hereby established at $1,526,722.12, which includes construction costs for the Bobtail Street Sculpted and Stained Shotcrete project as well as preconstruction costs that were previously approved by Council.

Construction plans are complete, and Harrison Western Construction, Inc. is ready to begin construction shortly after this GMP Amendment is approved.

FUNDING SOURCE: Sculpt & Stain Shotcrete: 305-3101-431-75-61

WORKSHOP DATE: May 22, 2019

ORIGINATED BY: Tom Isbester / Matt Reed

STAFF PERSON RESPONSIBLE: Tom Isbester / Matt Reed

PROJECT COMPLETION DATE: August 30, 2019

DOCUMENTS ATTACHED: GMP Amendment and Exhibit F, which is the GMP spreadsheet. All other Exhibits are available by request.

CITY ATTORNEY REVIEW: [ ]Yes [ X ]No [ ]N/A INITIALS__________

SUBMITTED BY: REVIEWED BY:
Thomas Isbester, Public Works Director Stephen N. Cole, City Manager
TITLE: A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE DESIGN-BUILD CONTRACT EXECUTED ON FEBRUARY 27, 2019 BETWEEN THE CITY OF BLACK HAWK AND HARRISON WESTERN CONSTRUCTION, INC., ESTABLISHING THE GUARANTEED MAXIMUM PRICE (GMP) OF $1,526,722.12 FOR CONSTRUCTION OF THE BOBTAIL STREET SCULPTED AND STAINED SHOTCRETE PROJECT

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The City Council hereby approves Amendment No. 1 to the design-build contract executed on February 27, 2019 between the City of Black Hawk and Harrison Western Construction, Inc., establishing the Guaranteed Maximum Price (GMP) of $1,526,722.12 for construction of the Bobtail Street Sculpted and Stained Shotcrete project, and authorizes the Mayor to execute the same on behalf of the City.

RESOLVED AND PASSED this 22nd day of May, 2019.

_______________________________
David D. Spellman, Mayor

ATTEST:

______________________________
Melissa A. Greiner, CMC, City Clerk
AMENDMENT NO. 1
ACCEPTANCE OF GMP

Bobtail Street Sculpted and Stained Shotcrete
May 22, 2019

This Amendment to the Agreement between the parties signing below shall establish the jointly agreed scope of the Work, Schedule, and Guaranteed Maximum Price, in accordance with the terms of the Design-Builder Agreement dated February 27, 2019. Terms capitalized in this document are specifically defined in the Agreement and in the Contract Documents incorporated therein.

A.1. GUARANTEED MAXIMUM PRICE

The Guaranteed Maximum Price (GMP) for the Work, including the Construction Cost and the Design-Builder’s Construction Fee, is **One Million Five Hundred Twenty-Six Thousand Seven Hundred Twenty-Two and 12/100 Dollars ($1,526,722.12)**, which is the maximum amount payable for the performance of the Work in accordance with the Contract Documents, including this Amendment and its incorporated Exhibits as follows:

- Exhibit "C" – 100% Construction Documents
- Exhibit "D" – Specifications
- Exhibit "E" – Geotechnical Report
- Exhibit "F" – Guaranteed Maximum Price Summary

The GMP includes $1,501,722.12 per Exhibit “F” plus a $25,000 contingency for additional structural Shotcrete that may be required to fill undulations in the existing wall. This contingency would be billed out at $355 per cubic yard of additional Shotcrete, up to a maximum of $25,000.

A.2. CONTRACT TIME

The date of Substantial Completion established by this Amendment is **August 30, 2019**.
A.3. AUTHORIZATION TO PROCEED

Based on the representations made herein, the Design-Builder is hereby authorized to:

1) Conclude negotiations with bidders, and notify Owner of the intent to award subcontracts in accordance with the Agreement;
2) Commence construction in accordance with the Agreement, pending procurement of required insurance and bonds.

IN WITNESS WHEREOF the parties hereto each herewith subscribe the same.

CITY OF BLACK HAWK, COLORADO

By: ________________________________

David D. Spellman, Mayor

ATTEST:

Melissa A. Greiner, City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann, City Attorney

HARRISON WESTERN CONSTRUCTION, INC.

By: ________________________________

Name: Tom Szynkiewicz

Title: Vice President

STATE OF COLORADO

COUNTY OF Jefferson

) ss.

The foregoing instrument was acknowledged before me this 17 day of May, 2019 by Tom Szynkiewicz, as Vice President of Harrison Western Construction.

My commission expires: 6-28-2022

Witness my hand and official seal.

CYNTHIA A. NIENHAUS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19964016015
MY COMMISSION EXPIRES JUNE 28, 2022
## Direct Cost Totals

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Percent of Direct Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor:</td>
<td>$238,937.42</td>
<td>20.95%</td>
</tr>
<tr>
<td>Equipment Owned:</td>
<td>$57,270.66</td>
<td>5.02%</td>
</tr>
<tr>
<td>Equipment Rented:</td>
<td>$97,391.60</td>
<td>8.54%</td>
</tr>
<tr>
<td>Materials Owned:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Materials Purchased:</td>
<td>$115,046.05</td>
<td>10.09%</td>
</tr>
<tr>
<td>Subcontracted:</td>
<td>$588,274.30</td>
<td>51.58%</td>
</tr>
<tr>
<td>Trucking Owned:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Trucking Hired:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td>$43,996.00</td>
<td>3.81%</td>
</tr>
<tr>
<td>Plug:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Direct Cost:</td>
<td>$1,140,416.04</td>
<td></td>
</tr>
</tbody>
</table>

## Indirect Cost Totals

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Percent of Indirect Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor:</td>
<td>$31,094.48</td>
<td>51.01%</td>
</tr>
<tr>
<td>Equipment Owned:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Equipment Rented:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Materials Owned:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Materials Purchased:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Subcontracted:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Trucking Owned:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Trucking Hired:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td>$29,867.18</td>
<td>48.99%</td>
</tr>
<tr>
<td>Plug:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Indirect Cost:</td>
<td>$60,961.66</td>
<td></td>
</tr>
</tbody>
</table>

## Pay Item Summary

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Percent of Bid Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Direct Cost:</td>
<td>$1,140,416.04</td>
<td>75.94%</td>
</tr>
<tr>
<td>Total DC Adds/Cuts:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total Indirect Cost:</td>
<td>$60,961.66</td>
<td>4.06%</td>
</tr>
<tr>
<td>Total Bond:</td>
<td>$0.00</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total Overall Cost:</td>
<td>$1,201,377.70</td>
<td>80.00%</td>
</tr>
<tr>
<td>Total Overhead:</td>
<td>$120,137.77</td>
<td>8.00%</td>
</tr>
<tr>
<td>Total Profit:</td>
<td>$180,206.65</td>
<td>12.00%</td>
</tr>
<tr>
<td>Total Margin:</td>
<td>$300,344.42</td>
<td>20.00%</td>
</tr>
<tr>
<td>Total Bid Price:</td>
<td>$1,501,722.12</td>
<td></td>
</tr>
</tbody>
</table>