

PUEBLO TRAFFIC CODE

A compilation of the 1995 edition of the
Model Traffic Code for Colorado Municipalities
and amendments made by the City of Pueblo

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Pueblo Traffic Code

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Sec. 15-1-1. Adoption of Model Traffic Code; deletions.

There is hereby adopted by reference for the purpose of regulating vehicular and pedestrian traffic within the City, including permits, procedures and penalties, that certain code known as the Model Traffic Code for Colorado Municipalities, officially approved, adopted and published as the Revised 1995 Edition by the Colorado Department of Transportation, 4201 East Arkansas Avenue, Denver, Colorado, 80222 (hereinafter referred to in this Chapter as the "Model Traffic Code"), of which three (3) copies are now filed in the office of the City Clerk and may be inspected during regular business hours, the same being hereby referred to, adopted and incorporated herein as fully as if set out at length, pursuant to the authority conferred by the laws of the State and the Charter of the City, save and except those portions of the Model Traffic Code which are hereinafter amended by any other ordinances of the City; and provided, however, that the Foreword thereto, Sections 511 and 602 and Appendixes A through H, inclusive, are not adopted and are expressly deleted. (1957 Code, §26-1; Ord. No. 3723, 7-23-73; Ord. No. 3967, 2-24-75; Ord. No. 4636, 8-13-79; Ord. No. 4673, 10-22-79; Ord. No. 6461, 8-9-99)

Sec. 15-1-2. Applicability of Chapter in Pueblo Memorial Airport.

This Chapter and the Model Traffic Code herein adopted are expressly declared to be applicable to and in full force and effect in and upon that area in the County of Pueblo and State of Colorado in Sections 19, 20, 29 and 30, Township 20 South, Range 63 West, and Sections 13, 24, 25 and 26, Township 20 South, Range 64 West of the 6th Principal Meridian, commonly known as Pueblo Memorial Airport, and shall constitute the rules and regulations covering all means of transportation within such airport other than air transportation. (1957 Code, §26-2; Ord. No. 6461, 8-9-99)

Sec. 15-1-3. Applicability of Chapter in Pueblo Mountain Park.

This Chapter and the Model Traffic Code herein adopted are expressly declared to be applicable to and in full force and effect in and upon that area in the County of Pueblo and State of Colorado in Section 16, Township 23 South, Range 68 West of the 6th Principal Meridian, commonly known as Pueblo Mountain Park, and shall constitute the rules and regulations covering all means of transportation within such park. (1957 Code, §26-3; Ord. No. 6461, 8-9-99)

Sec. 15-1-4. Airport traffic; enforcement of laws; section added.

It shall be the duty of the Chief of Police, with such aid as may be rendered by other members of the Police Department and such other members of the Department of Aviation as he or she shall specially commission by and with the advice and written consent of the Director of the Department of Aviation, to enforce the provisions of the Model Traffic Code and the state vehicle laws applicable to traffic in and upon the Pueblo Memorial Airport, to make arrests for traffic violations thereon, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the Traffic Engineer and officials of the Pueblo Memorial Airport in the administration of the traffic regulations thereon and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed by the Model Traffic Code and the traffic ordinances of the City insofar as the same shall relate to the Pueblo Memorial Airport. (1957 Code, §26-4; Ord. No. 6461, 8-9-99)

Sec. 15-1-5. Park traffic; enforcement of laws.

It shall be the duty of the Chief of Police, with such aid as may be rendered by other members of the Police Department and such other members of the Department of Parks as he or she shall specially commission by and with the advice and written consent of the Director of the Department of Parks, to enforce the provisions of the Model Traffic Code, the traffic ordinances of the City and the state vehicle laws applicable to traffic in and upon Pueblo Mountain Park, to make arrests for traffic violations thereon, to assist in the prosecution of persons charged with such violations, to investigate accidents, to cooperate with the Traffic Engineer and officials of Pueblo Mountain Park in the administration of the traffic regulations thereon and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by the Model Traffic Code and the traffic ordinances of the City insofar as the same shall relate to Pueblo Mountain Park. (1957 Code, §26-5; Ord. No. 6461, 8-9-99)

Sec. 15-1-6. Penalties for violations of this Chapter.

The following penalties shall apply to a violation of any of the provisions of the Model Traffic Code herein adopted and to the provisions of this Chapter:

(1) It is unlawful for any person to violate any of the provisions of the Model Traffic Code or any of the provisions of this Chapter.

(2) Notwithstanding any other provision in this Chapter and the Model Traffic Code, every offense under the Model Traffic Code, as adopted by the City of Pueblo, shall constitute a civil traffic infraction punishable by a civil penalty only, not to exceed One Thousand Dollars (\$1,000), except for the following offenses, which shall constitute municipal offenses subject to a civil penalty of not more than One Thousand Dollars (\$1,000), or imprisonment not to exceed one year, or both:

- (a) Section 1401, Model Traffic Code, Reckless driving;
- (b) Section 1413, Model Traffic Code, Eluding or attempting to elude a police officer;
- (c) Section 107, Model Traffic Code, Obedience to police officers;
- (d) Section 1105, Model Traffic Code, Speed contests;
- (e) Driving twenty or more miles per hour in excess of the reasonable and prudent speed or twenty or more miles per hour in excess of the maximum lawful speed limit of seventy-five miles per hour; and
- (f) Any offense that is a counterpart of a state offense that has not been decriminalized under state law.

(3) No person shall be arrested for any civil traffic infraction. The Municipal Court shall not imprison any person for any civil traffic infraction and shall not issue any warrant for the arrest of any person accused of or found liable for a civil traffic infraction, except that the Court may issue arrest warrants for and imprison any such person for contempt of court. The Court shall have the authority to order persons found liable for civil traffic infractions to pay

the civil penalties, costs, and surcharges for such infractions. No person accused of a civil traffic infraction shall be granted a jury trial. The Municipal Court shall apply the Colorado Rules for Traffic Infractions in every case involving a civil traffic infraction. The Municipal Judge shall act as the referee in all such cases. The Municipal Court shall communicate all outstanding judgments in civil traffic infraction cases, including all defaults, judgments, civil penalties, costs, and surcharges, and failure to pay the same, to the Colorado Department of Revenue, Division of Motor Vehicles. The Municipal Court may also send unpaid defaults, judgments, civil penalties, costs, and surcharges to a collection agency.

(4) Every person found liable for a civil traffic infraction under Sections 1412, 1415 or 221 of the Model Traffic Code shall be punished by a fine of not more than twenty-five dollars (\$25), by removal and detention of the license plate from such person's bicycle for a period not to exceed ninety (90) days, or by impounding such person's bicycle for a period not to exceed ninety (90) days.

(5) The presiding Municipal Judge shall at least annually review the schedule of designated fines of the Traffic Violations Bureau and adopt on or before January 15 of each year a schedule of designated fines for the Municipal Court, provided that failure to so annually adopt such a schedule of designated fines shall not invalidate any such schedule previously adopted.

(6) In addition to the penalties provided herein, any person convicted of a municipal traffic violation or found liable for a civil traffic infraction, or which points may be assessed by the Colorado Department of Revenue, other than violations of the provisions of Section 1412, 1415 or 221 of the Model Traffic Code, shall be assessed a fee, to be known as the school crossing guard surcharge, in the amount of ten dollars (\$10); provided, however, that any person found liable for a parking violation shall, in addition to the penalties provided herein, be assessed a fee, to be known as the school crossing guard surcharge, in the amount of four dollars (\$4). The school crossing guard surcharge shall be imposed at the time the defendant is found liable and may not be suspended or waived by the Court. For purposes of this Subsection, conviction shall include guilty pleas, no contest pleas, findings of guilt and deferred sentences entered on any such traffic violation or parking violation. The school crossing guard surcharge shall be collected by the Municipal Court and paid into the City's general fund. (1957 Code, §26-7; Ord. No. 3967, 2-24-75; Ord. No. 4636, 8-13-79; Ord. No. 5774, 10-13-92; Ord. No. 6461, 8-9-99; Ord. No. 6760, 12-10-01; Ord. No. 7768 §1, 3-24-08; Ord. No. 7937 §29, 12-8-08; Ord. No. 8363, 6-27-11)

Sec. 15-1-7. Parking on private property; burden of proof.

(a) It shall be unlawful for any person to park, leave or cause to be parked or left any automobile or other motor vehicle on the premises of another after having been warned not to do so by word of mouth, sign or otherwise.

(b) On those areas of private property available for public use where designated parking areas or individual spaces have been clearly identified by signs, markings or otherwise, it shall be unlawful and a municipal offense for any person to park any automobile or other motor vehicle other than completely within the area or individual space designated for parking. It shall be an affirmative defense to any such violation that the automobile or other motor vehicle was parked, contrary to the requirements of this Subsection, with the consent of the owner or person in lawful possession of the private property.

(c) The presence of an unattended automobile or other motor vehicle on the premises of one who is not the owner or in control of such vehicle shall create a prima facie presumption that the registered owner of such vehicle did then and there park, leave or cause to be parked or left the vehicle on such premises, and the burden of proof shall be upon the registered owner to show otherwise.

(d) This Section shall not apply to employees of the City in the discharge of their official duties. (1957 Code, §26-10; Ord. No. 6461, 8-9-99; Ord. No. 7074 §1, 11-10-03)

Sec. 15-1-8. Amendments and additions.

(a) The following parts, sections or subsections of Article I of said Model Traffic Code are hereby repealed, added or amended to read as follows:

[Editor's Note: The modifications to the Model Traffic Code set forth in Section 15-1-8(a) of the Pueblo Municipal Code are not set forth herein, but have been directly incorporated into the Model Traffic Code provisions which follow Chapter 1 of Title XV of the Pueblo Municipal Code in this reprinting. Any person wishing to read Section 15-1-8(a) should consult the official Pueblo Municipal Code, as amended.]

(b) Proper designation on any citation, summons or complaint of the Section number of the Model Traffic Code herein adopted shall incorporate by reference any of the above amendments or additions contained in this Section.

(c) Application of Model Traffic Code. The provisions of the Model Traffic Code and this Chapter shall apply to every street, alley, sidewalk area, driveway, park and every other public way or public parking area, either within or outside the corporate limits of the City, the use of which the City has jurisdiction to regulate. The provisions of Sections 1401, 1402, 1206 and 1211 of the adopted Model Traffic Code concerning careless driving, reckless driving, unattended motor vehicle and improper backing shall apply not only to public places and ways but also throughout the City. (1957 Code, §§26-11, 26-13; Ord. No. 3723, 7-23-73; Ord. No. 3882, 6-10-74; Ord. No. 4125, 1-12-76; Ord. No. 4462, 3-27-78; Ord. No. 4517, 8-28-78; Ord. No. 4637, 8-13-79; Ord. No. 4690, 12-21-79; Ord. No. 4711, 2-25-80; Ord. No. 4742, 4-28-80; Ord. No. 4978, 6-26-82; Ord. No. 5113, 12-12-83; Ord. No. 5238, 7-8-85; Ord. No. 5241, 8-12-85; Ord. No. 5329, 6-23-86; Ord. No. 5532, 4-10-89; Ord. No. 5553, 8-14-89; Ord. No. 5771, 9-14-92; Ord. No. 5954, 4-10-95; Ord. No. 6020, 10-23-95; Ord. No. 6084, 4-22-96; Ord. No. 6461, 8-9-99; Ord. No. 6487, 11-8-99; Ord. No. 6989 §1, 5-12-03; Ord. No. 7104 §1, 2-9-04; Ord. No. 7120 §1, 4-12-04; Ord. No. 7206 §2, 9-27-04; Ord. No. 7264, 1-24-05; Ord. No. 7336 §1, 7-11-05; Ord. No. 7902 §1, 10-27-08; Ord. No. 7968 §1, 2-9-09; Ord. No. 8316 §§1, 2, 2-28-11; Ord. No. 8906, 8-10-15; Ord. No. 9049, 10-11-16; Ord. No. 9111, 2-27-17; Ord. No. 9159, 8-28-17)

Editor's Note: Ord. No. 3723, passed and approved 7-23-73, became effective September 1, 1973.

Sec. 15-1-9. Drag racing; speed or acceleration exhibit.

(a) It shall be unlawful for any person to use any street for a drag or acceleration contest under circumstances where said contest presents a hazard to persons or property, or under circumstances where no hazard to the drivers or other condition requires such speed or acceleration. For purposes of this Section, such contest shall mean any circumstances where two (2) or more drivers shall, while approximately side by side, rapidly accelerate from a stopped or

moving position with intent to race.

(b) It shall be unlawful for any person to use any street for a speed or acceleration exhibit to himself, herself or another under circumstances where such exhibit presents a hazard to persons or property, or under circumstances where no hazard to the driver or other condition requires such speed or acceleration. For purposes of this Section, such exhibit shall mean where any driver rapidly accelerates from a stopped or moving position with intent to exhibit to himself, herself or another the speed or acceleration of a vehicle.

(c) In any prosecution for a violation of Subsections (a) or (b) above, the intent to engage in a speed or acceleration contest or to exhibit the speed or acceleration of a vehicle may be shown from the surrounding circumstances, which circumstances may include but shall not be limited to spinning of tires, excessive acceleration of the motor of a vehicle, squealing of tires, pavement markings left by sudden changes in the speed of tires, or rapid and abrupt changes in the speed of a vehicle, or from the admissions of the driver or drivers, or from both such circumstances and admissions.

(d) The subsections set forth above shall not apply to authorized and licensed race courses, or other areas specifically set aside and supervised by the Police Department for racing or exhibits. (1957 Code, §26-12; Ord. No. 6461, 8-9-99)

Sec. 15-1-10. Motorized vehicles in certain areas.

(a) As used in this Section, the term *motorized vehicle* shall mean any self-propelled device capable of transporting persons or property, except that such term shall not include motorized wheelchairs used by persons with mobility handicaps.

(b) Except as otherwise provided in Subsection (c) of this Section, it shall be unlawful for any motorized vehicle to be driven or operated in any City-owned park or recreation area or upon any area designated or posted as part of river trail or bike path system within the City unless the operator has first obtained a permit for operation from the Director.

(c) This Section shall not apply to the operation of a motor vehicle upon any designated street or highway which passes through a City-owned park or recreation area and upon which the operation of motorized vehicles is not expressly prohibited by posted signs or by the provisions of this or any other ordinance of the City. (Ord. No. 4766, 7-14-80; Ord. No. 6461, 8-9-99)

Sec. 15-1-11. Parking meter tokens; sale; distribution.

The City Manager shall acquire tokens appropriate for use in parking meters within the City. Said tokens shall be the property of the City and may be resold for use only in the City parking meters at such prices and upon such terms and conditions as the City Council by resolution shall determine. (1957 Code, §26-14; Ord. No. 6461, 8-9-99)

Sec. 15-1-12. Usage of Medians.

(a) It shall be unlawful for any person to access, use, occupy, congregate, or assemble on or about any median that has been posted with a sign pursuant to this section prohibiting such access, use, or occupancy.

(b) Determination and Signage:

(1) The Traffic Engineer may prohibit pedestrian access to or use or occupancy of any median that is not designed or suitable for pedestrian use, by erecting and posting a sign on such median prohibiting such access, use, or occupancy.

(2) Signage must be reasonably posted to provide notice, but is not required to be visible from every position on the median.

(c) Definitions. For purposes of this section:

(1) "Median that is not designed or suitable for pedestrian use" shall mean any median that is located on any higher speed and higher volume roadway within the City, and that does not possess a flat area of at least four (4) feet in width the length of the median from one median-endpoint to the opposite-median endpoint. The width is measured from face-of-curb to face-of-curb if a raised median, or edge-of-asphalt to edge-of-asphalt if a depressed median.

(2) "Flat" shall mean having a cross slope of eight (8) percent or less, consistently from one median-endpoint to the opposite median-endpoint. Such surfaces must be uniform, and will not include surfaces composed of loose river stones, cobblestones, or other substances that make tripping or injury more likely.

(3) "Higher speed roadway" shall mean a roadway with a speed limit of thirty-five (35) miles per hour or greater.

(4) "Higher volume roadway" shall mean a roadway classified as a Freeway, Expressway, Principal Arterial, or Minor Arterial on the Pueblo Roadway Development Plan.

(5) "Median" shall mean the area between two roadways of a divided street or highway, measured from the edge of the traveled way to the edge of the traveled way, including areas between traffic lanes for control of vehicular movements. Such an area may be physically defined by curbing, landscaping, or other physical obstacle to vehicle use of the area, or by traffic control markings (also known as a painted median).

(d) Affirmative Defenses. It is an affirmative defense to a violation of this section if a person:

(1) Is waiting to cross the roadway at the next pedestrian signal, or in the absence of a pedestrian signal, when traffic has cleared or yielded.

(2) Obtained a permit or license from the City to access the median, including a special use permit for use of the street.

(3) Was authorized by the City or State to access the median for maintenance, repair, or building purposes.

(4) Was a local, state or federal officer engaged in the performance of their official duties.

(e) A violation of this Section is strict liability in nature. No culpability or mens rea of any type or degree shall be required for a violation of this Section.

(f) It shall be unlawful and a Class 2 municipal offense for any person to access, use, occupy, congregate, or assemble on or about any median that has been posted with a sign pursuant to this Section. However, a first offense under this Section will only be liable for a maximum fine of fifty

dollars (\$50.00). Subsequent fines and penalties for violations under this Section will be at the discretion of the Court. (Ord. No. 9001, 2-27-17)

Sec. 15-1-13. School crossing guard program.

The City Manager shall annually recommend to the City Council, as part of the City budget process, any fees that may be assessed under Section 15-1-6(5), and the appropriation of such fees to fund any pedestrian safety program for school crossing guards. (Ord. No. 5774, 10-13-92; Ord. No. 6461, 8-9-99)

Sec. 15-1-14. Reserved.

Sec. 15-1-15. Owner liability for traffic signal camera violations.

(a) As used in this Section:

(1) *Traffic signal camera* shall mean a type of automatic vehicle identification device operated under the general supervision of a police officer, that is placed in a fixed location at a signalized intersection within the City and which is wired and programmed to automatically photograph or digitally record the intersection and vehicles entering said intersection after a steady circular red signal or a steady red arrow signal has been displayed to such vehicles, and to record and accurately depict the vehicle's location within the intersection, the vehicle's license plate, the driver of the vehicle, the date and time of the event depicted and the elapsed time from the display of said signal.

(2) *Owner* shall have the meaning provided in Section 102(49) of Article II of the Model Traffic Code.

(3) *Person* shall mean natural persons, corporations, partnerships, limited partnerships and limited liability companies.

(b) The Chief of Police and the Traffic Engineer are authorized and directed to deploy traffic signal cameras at one (1) or more intersections within the City for the purpose of detecting noncompliance with traffic control devices at such intersections. Traffic signal cameras shall not be used until and unless there is posted an appropriate sign in a conspicuous place not less than a reasonable distance before the area where the traffic signal camera is to be used, notifying the public that an automated vehicle identification device is in use ahead. The intersections at which traffic signal cameras are deployed may be changed from time to time among signalized intersections within the City which have high traffic volume, have above-average accident experience and have experienced injury-producing accidents.

(c) The owner of a vehicle shall be liable for a civil penalty imposed as provided in this Section if such vehicle was used or operated with the permission of the owner, express or implied, in violation of Section 604(1)(c) of the Model Traffic Code, and such violation is evidenced by information obtained from a traffic signal camera; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this Section where the operator of such vehicle has been convicted of the underlying violation of Section 604(1)(c) of the Model Traffic Code.

(d) Proof that a particular vehicle, identified by its license plate tag or tags in a photograph or digitally recorded image produced by a traffic signal camera, is registered to a person, as shown in records of the Colorado Department of Revenue, Motor Vehicle Division, or of the County Clerk

and Recorder, or of the vehicle registration authority for any other state in which a vehicle is found to be registered, shall constitute prima facie evidence that said person is the owner of said vehicle.

(e) Neither payment of the civil penalty assessed pursuant to a civil penalty assessment notice issued under this Section, imposition of liability under this Section by appearance and payment before the Traffic Violations Bureau, nor imposition of liability under this Section determined upon hearing before a Judge or Magistrate of the Municipal Court shall be deemed a conviction as an operator or driver. A record relating to the same shall not be transmitted to the Colorado Department of Revenue as any matter bearing upon the driving record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage or determination of the premium therefor.

(f) The following procedures shall be followed with respect to imposition of civil penalties under this Section:

(1) A civil penalty assessment notice shall be sent by first class mail to each person alleged to be liable as an owner for a violation recorded by a traffic signal camera of Section 604(1)(c) of the Model Traffic Code. The notice shall be addressed to the registered owner of the vehicle, shall state the name and address of the person alleged to be liable as an owner pursuant to this Section, the registration number of the vehicle involved in the violation, the location where the violation occurred, the date and time of such violation and the identification of the traffic signal camera which recorded the violation, and shall be signed by a police officer or reserve police officer who has reviewed the photographic and other information recorded by the traffic signal camera and examined appropriate vehicle registration records and, based thereon, has reasonable grounds for believing that said owner is liable for the civil penalty assessment as provided by this Section. The notice shall state the amount of the penalty assessment and shall advise the alleged owner that the alleged owner must respond to the notice by either appearance before the Traffic Violations Bureau on or before a date stated in the notice to pay the assessment or request an adjudicatory hearing to contest the liability alleged in the notice, or by mailing payment of the penalty assessment amount to the Traffic Violations Bureau on or before said date. The notice shall advise the alleged owner of the provisions of Subsections (c) and (e) of this Section. The notice shall also contain a warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of civil liability and that a default judgment may be entered thereon.

(2) If the person to whom the civil penalty assessment notice has been mailed fails to pay the civil penalty assessment or respond to the notice by timely seeking a hearing, the Clerk of the Municipal Court or Traffic Violations Bureau shall send another notice by certified mail, return receipt requested, to such person, warning him or her that in the event such notice is disregarded for a period of twenty (20) days from date of mailing, default judgment will be entered.

(3) If a hearing is timely requested to contest liability under this Section, adjudication of the liability imposed upon owners by this Section shall be by the Municipal Judge, or one (1) of the Assistant Municipal Judges, sitting as an administrative hearing officer for the Traffic Violations Bureau. In hearings to determine liability under this Section, it shall be the City's burden to prove liability by a preponderance of evidence. The proceedings shall be conducted informally without strict adherence to the rules of evidence, provided that testimony and exhibits received and considered shall have sufficient indicia of authenticity and reliability so

as to constitute competent evidence.

(4) If an owner receives a civil penalty assessment notice pursuant to this Section for any time period during which the vehicle was reported to the Police Department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of Section 604(1)(c) of the Model Traffic Code pursuant to this Section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this Subparagraph (4), it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the Traffic Violations Bureau or Municipal Court.

(5) An owner who is a lessor of a vehicle to which a civil penalty assessment notice was issued pursuant to this Section shall not be found liable, provided that he or she sends to the Traffic Violations Bureau or Municipal Court a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty (30) days after receiving the first civil penalty assessment notice of the date and time of such violation, together with the other information contained in the civil penalty assessment notice. Failure to send such information within such thirty-day time period shall render the owner liable for the penalty prescribed by this Section. Where the lessor complies with the provisions of this Subparagraph (5), the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for the purposes of this Section, shall be subject to liability for the violation of Section 604(1)(c) of the Model Traffic Code pursuant to this Section and shall be sent a civil penalty assessment notice pursuant to Subparagraph (f)(1) of this Section.

(6) In the event a person to whom a civil penalty assessment notice has been sent pursuant to Subparagraph (2) above fails to pay the assessment or otherwise respond, the Clerk of the Municipal Court shall enter default judgment which identifies the vehicle involved in the violation and transmit the same to the Police Department.

(g) Nothing in this Section shall be construed to limit the liability of an operator or driver of a vehicle for any violation of Section 604(1)(c) of the Model Traffic Code.

(h) The civil penalty assessed to owners under this Section shall be an amount of not less than fifty dollars (\$50.00) nor more than seventy-five dollars (\$75.00) for each violation. The presiding Municipal Judge shall adopt and include with the schedule of designated fines adopted under Section 15-1-6 of this Chapter a designated schedule for civil penalty assessments imposed under this Section; provided that, until the first such adoption of a designated schedule for civil penalty assessments imposed under this Section, the scheduled assessment shall be seventy-five (\$75.00) for each violation, and provided further that any failure of the presiding judge thereafter to annually adopt such a schedule of designated civil penalty assessments shall not in any way invalidate the civil penalty established herein or in any such schedule previously adopted. (Ord. No. 6119, 9-23-96; Ord. No. 6461, 8-9-99)

(i) In order to implement this Section, the Purchasing Agent is authorized to solicit and award an annual contract to a vendor of traffic signal camera systems for equipment, installation, maintenance, film development and preliminary processing of penalty assessments; provided, however, that the following requirements shall apply:

(1) No portion of any fine or civil penalty collected through the use of the system may be paid to any manufacturer or vendor of the automated vehicle identification system equipment.

(2) The selection of a vendor shall be by competitive proposal process;

(3) No penalty assessment notice prepared by any vendor shall be mailed or served upon an owner until the notice and information upon which it has been based has been individually reviewed and approved by a City peace officer who signs his or her name upon the notice. (Ord. No. 6119, 9-23-96; Ord. No. 6461, 8-9-99; Ord. No. 7807 §1, 5-27-08; Ord. No. 7949 §1, 12-22-08)

ARTICLE I

**PART 1
TRAFFIC REGULATION - GENERALLY**

101.

102.

103. Scope and effect of Model Traffic Code - exceptions to provisions. (1) This Code constitutes the model traffic code throughout this municipality.

(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 and 1402 and part 16 of this Code which shall apply upon streets and highways and elsewhere throughout the municipality.

104.

105. Local traffic control devices. Municipal 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 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) This municipality, with respect to highways under its 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 municipality, 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.

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.

108. Public officers to obey provisions - exceptions for emergency vehicles. (1) The

provisions of this Code are applicable to the drivers of vehicles upon the highways and 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 granted in paragraphs (b) to (d) of subsection (2) of this section to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and 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 and 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. Motorized bicycles, animals, skis, skates, toy vehicles, and all-terrain recreational vehicles on highways. (1) Every person riding a motorized bicycle upon a roadway where motorized bicycle 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 which, by their very nature, can have no application. Said riders shall also comply with special rules set forth in this section and in section 220 (1)(b) and (1)(c) and, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of motorized bicycles as provided in section 42-4-111, C.R.S. Whenever the word "vehicle" is used in any of the driving rules set forth in this article that are applicable to motorized bicycle riders, such term shall include motorized bicycles.

(2) A person riding a motorized bicycle shall not ride other than upon or astride a permanent

and regular seat attached thereto.

(3) No motorized bicycle 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 motorized bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) Every person operating a motorized bicycle 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 motorized bicycles upon a roadway shall not ride more than two abreast except on lanes or parts of roadways set aside for the exclusive use of bicycles.

(7) For the sake of uniformity and bicycle and motorized bicycle 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 and motorized bicycle riders therein 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 or motorized bicycles. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that are applicable within their respective jurisdictions.

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

(9) No person shall use the highways for traveling on skis, toboggans, coasting sleds, skates, or similar devices. It is unlawful for any person to use any roadway of this state as a sled or ski course for the purpose of coasting on sleds, skis, or similar devices. It is also unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to go upon any roadway except while crossing a highway in a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This subsection (9) does not apply to any public way which is set aside by proper authority as a play street and which is adequately roped off or otherwise marked for such purpose.

(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, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic which 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 the provisions of section 42-4-1010 (3), C.R.S., shall apply. When such official signs are so 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.

110. Provisions uniform throughout municipality. (1) The provisions of this Code shall be applicable and uniform throughout this municipality.

(2) This municipality shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in sections 42-4-110 (1)(e) and 43-2-135 (1)(g), C.R.S.

(3) This municipality 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 42-4-111, C.R.S.

(4) The municipal court shall have jurisdiction over violations of traffic regulations enacted or adopted by City Council.

111. Office of the traffic engineer. (1) The office of the traffic engineer shall be a civil service appointment and an employee of the department of transportation. The traffic engineer shall exercise the powers and duties provided in this Code. At such times as the traffic engineer may be absent from the municipality or incapable of performing his duties, the duties and powers of the traffic engineer shall be vested in the director of the department of transportation, or if the director of transportation is absent from the municipality or incapable of performing his duties, the duties shall be vested in a municipal official as determined and authorized by the city manager.

(2) In the absence of such appointment or at such times as the traffic engineer and director of transportation may both be absent from the municipality or unable to perform his duties, said duties shall be vested in the chief of police or other municipal official as determined and authorized by the city manager.

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. Authority of traffic engineer. (1) The traffic engineer is hereby authorized to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this municipality, and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to exercise such additional powers as are granted by this Code.

(2) By way of example, but not by way of limitation, the traffic engineer or other official

vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this Code, to act as follows:

- (a) Direct the placement of all traffic control devices;
- (b) Designate and mark medians and traffic islands;
- (c) Conduct speed zoning studies and post speed limits as permitted by law;
- (d) Designate minimum speed as provided by law;
- (e) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;
- (f) Designate one-way streets and roadways;
- (g) Designate through streets or roadways and control entrances thereto;
- (h) Designate stop or yield intersections and erect stop or yield signs thereat;
- (i) Establish restrictions, prohibitions, and regulations for the parking, standing, or stopping of vehicles;
- (j) Designate special parking zones for taxicabs, buses, and the like;
- (k) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation;
- (l) Establish tow-away zones;
- (m) Designate upon what streets, if any, angle parking shall be permitted;
- (n) Designate and sign intersections at which drivers shall not make a right or left turn, a U-turn, or any turn at all times or during certain times;
- (o) Designate and sign intersections where multiple turns shall be allowed;
- (p) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic;
- (q) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;
- (r) Establish safety zones at such places where necessary for pedestrian protection;
- (s) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted;
- (t) Establish play streets;
- (u)(l) Establish truck routes and truck loading zones; establish bus stops and taxicab

stands;

(II) Establish special freight loading zones upon designated streets within the City of Pueblo downtown business district, the Union Avenue business district, the Mesa-Junction business district and the Minnequa business district for which special permits may be issued to allow permit holders to park or stand a truck upon said City streets in said districts which are not part of the state highway system, within that lane of travel nearest to the curbline, for a period of time not to exceed fifteen minutes, for the expeditious loading or unloading of merchandise or materials. Such permits shall only authorize temporary parking or standing in such lane of travel where the following requirements are also observed by the person in control of the permitted truck: (i) that the truck may be safely parked or stopped in such manner that there remains at that location one or more additional unobstructed travel lanes for safe vehicle movement; (ii) that the standing or parking is not located adjacent to any fire hydrant, fire lane, driveway, alley or within fifty feet of any intersecting street; (iii) that during the temporary parking or standing, the truck is marked by operating emergency four-way flashing lights; (iv) that the truck is stopped or parked in such manner that vehicles lawfully parked between it and the curb may safely move from their parked location to a lane of travel without unnecessary obstruction or undue delay and (v) that, in any event, upon request from the person in control of any vehicle blocked by the truck, the truck shall be immediately moved to permit egress by the blocked vehicle;

(v) Designate and sign those streets and roadways where pedestrians, bicyclists or other nonmotorized traffic, or persons operating a motor-driven cycle shall be excluded as provided by law;

(w) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited;

(x) Provide for temporary street or alley closures by the erection of official traffic control devices or barricades;

(y) Issue special permits for curb or special freight loading operations, for the movement of vehicles having excess size or weight.

(3) Nothing in this section is intended, nor shall it be construed, to create a legal duty or obligation upon the traffic engineer to act in any particular manner or to exercise any of the powers granted herein.

114. Removal of traffic hazards", is repealed.

**PART 2
EQUIPMENT**

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.

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) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. The provisions of this subsection (3) shall not be interpreted to prohibit the usage of any computer, data terminal, or other similar device in a motor vehicle.

(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 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.

202. Unsafe vehicles - penalty. (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 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) 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 or state law.

Editors note: Section 202 (4) has been moved and is now section 1414.

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 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 traffic offense and, upon conviction thereof, shall be punished by a fine.

(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, he 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 he has disposed of the vehicle for junk parts or immobilized the vehicle and he also submits to the court the registration and license plates for the vehicle, he shall be punished by a fine of five dollars. If the owner wishes to relicense the vehicle in the future, he must obtain the certification required in subsection (3) of this section.

(b)(I) Except as provided in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a traffic offense and, upon conviction thereof, shall be punished by a fine.

(II) If the driver submits to the court of competent jurisdiction within thirty days after the issuance of the summons proof that he was not the owner of the car at the time the summons was issued and that he 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, he 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 municipality, 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 or motor-driven cycle 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 where applicable thereto.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of sections 202 and 204 to 231.

(3) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, 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).

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 shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as required in section 204, shall emit a red light plainly visible from a distance of five hundred feet to the rear; but, 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. Furthermore, every such vehicle registered in this state and manufactured or assembled after January 1, 1958, shall 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 203, shall 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.

(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 or tail lamps, 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 shall 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.

(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 and every motor-driven cycle 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.

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) 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, motor-driven cycle, or truck tractor 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 highway 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 motor-driven cycle.

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.

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 which is closer to passing traffic. This subsection (2) shall not apply to a motor-driven cycle.

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

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, or, as an alternative, section 220 (2) 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.

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 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 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 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.

213. Audible and visual signals on emergency vehicles. (1) Except as otherwise provided in this section or in section 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.

214. Visual signals on service vehicles. (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. Every 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) On or before October 1, 1977, the department of transportation shall determine by rule and regulation 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.

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 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 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 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.

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 motor-driven cycles, 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.

(2) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after July 1, 1955, which 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.

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).

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.

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.

220. Motorized bicycles - motor-driven cycles - lighting equipment - department control - use and operation. (1)(a) Every motorized bicycle when in use at the times specified in section 204 shall be equipped with a lamp on the front, which 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 of revenue, which 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 motorized bicycle 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 motorized bicycle shall not be equipped with nor shall any person use upon a motorized bicycle a siren or whistle.

(c) Every motorized bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(2) The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(a) Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour, and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five miles or more per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.

(b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth in paragraph (a) of this subsection (2) and shall not exceed the limitations set forth in section 216 (1)(a), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 216 (1)(b).

(c) In the event the motor-driven cycle is equipped with a single-beam lamp, said lamp shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(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) No person shall equip, drive or move any vehicle or equipment upon any highway with any lamp or device thereon capable of displaying a red or blue light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which such lights visible from the front are expressly authorized or required by this Code.

(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).

221. Bicycle and electric personal assisted mobility device (EPAMD) 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 of revenue, 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 of the Model Traffic Code 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 subsection.

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

222. Volunteer firemen - volunteer ambulance attendants - special lights and alarm systems.

(1) All members of volunteer fire departments regularly attached to the fire departments organized within incorporated towns and cities and fire protection districts may have their private automobiles identified by red lights installed, two in number, in the front portion of said automobiles so that they can be readily seen by the public. Such lights may have a red glass lens with the word "Fire" across the face, and said word "Fire" shall be cast into the glass; or said automobiles may be equipped with a signal lamp or a combination of signal lamps capable of displaying flashing, oscillating, or rotating red or white lights, or a combination thereof, visible to the front and rear at five hundred feet in normal sunlight. Such signal lamp or combination of signal lamps may 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 when a member of any such department is responding to or attending a fire alarm or other emergency. 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).

(2)(a) All members of a volunteer ambulance service regularly attached to a volunteer ambulance service within an area which the ambulance service would be reasonably expected to serve may have their private automobiles identified by:

(I) Two red lights installed in the front portion of said automobiles so that they can be readily seen by the public, which lights shall have red glass lenses; or

(II) A red light temporarily or permanently mounted on the top of the automobile.

(b) The automobiles may be equipped with audible signal systems such as sirens, whistles, or bells.

(c) The lights, together with any signal systems authorized by this subsection (2), may be used only when a member of an ambulance service is responding to an emergency requiring the member's services.

(d) The lights and signals shall not be used for any other purpose than the one set forth in this subsection (2).

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, motorized bicycle, and bicycle with motor attached, 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.

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. The driver of a motor vehicle, when reasonably necessary to insure 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 which 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 motorized bicycle shall be equipped with nor shall any person use upon a bicycle or motorized bicycle any 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.

(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.

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 which, 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 which 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.

227. Windows unobstructed - certain materials prohibited - windshield wiper requirements. (1)(a) 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. 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.

(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 traffic offense.

(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 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.

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) Local authorities, 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 of revenue.

(b) 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); 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 nonhighway use.

(7) No person shall destroy, alter, or deface any marking on a new or usable tire which indicates whether the tire has been manufactured for highway or nonhighway use.

(8) 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 of revenue.

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 of revenue for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This section shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

(2) The term "safety glazing materials" means such glazing materials as will reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The department of revenue 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 of revenue 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 of revenue 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 such vehicle is equipped with a front windshield of an approved type as provided in this section, except as provided in section 232 (1) and except for motor vehicles registered as collectors' items under section 42-3-138, C.R.S.

230. Emergency lighting equipment - who must carry. (1) No motor vehicle carrying a truck license and weighing six thousand pounds or more and no passenger bus shall be operated over the highways of this state at any time without carrying in an accessible place inside or on the outside of the vehicle three bidirectional emergency reflective triangles of a type approved by the department of revenue, 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 wrecking car 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.

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.

232. Minimum safety standards for motorcycles and motor-driven cycles. (1) No person shall operate any motorcycle or motor-driven cycle on any public highway in this state unless such person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic.

(2) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passengers.

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 of revenue. 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.

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 of revenue shall adopt standards and specifications for such emblem, position of the mounting thereof, and requirements for certification of conformance with the standards and specifications adopted by the American society of agricultural engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.

(3) The use of the emblem required under this section shall be restricted to the use specified in subsection (1) of this section, and its use on any other type of vehicle or stationary object shall be prohibited.

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

235. Minimum standards for commercial vehicles. (1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver.

(b) "Department" means the department of public safety.

(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) 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 and regulations adopted by the department pursuant to subsection (4) of this section.

(3) Any motor carrier operating a commercial vehicle within Colorado must declare knowledge of the rules and regulations adopted by the department pursuant to subsection (3) of this section. Such declaration of knowledge shall be in writing on a form provided by the department. Such form must be signed and returned by a motor carrier according to regulations adopted by the department.

(4) The department shall adopt rules and regulations for the operation of all commercial vehicles. In adopting such rules and regulations, the department 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 and employee safety and health standards.

(5) Any person who violates a rule or regulation promulgated by the department pursuant to this section or fails to comply with subsection (3) of this section commits a 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.

(b) "Child booster seat" means a child passenger restraint system that meets the federal motor vehicle safety standards set forth in Section 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.

(c) "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.

(d) "Child safety belt positioning device" means a device that positions a safety belt around a child in a manner that safely restrains such child in a seating position that conforms to all applicable federal motor vehicle safety standards.

(e) "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.

(f) "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) Unless exempted pursuant to subsection (3) of this section, every child who is under four years of age and weighs under forty pounds, being transported in this City in a privately owned noncommercial passenger vehicle or in a vehicle operated by a child care center, shall be provided with one of the following child restraint systems suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure the system according to the manufacturer's instructions.

(i) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing child restraint system.

(ii) 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 forward-facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least four years of age or weighs forty pounds or more, being transported in this City in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be properly secured by one of the following safety devices approved for a child of such age or weight by the United States Department of Transportation, or in a safety belt, whichever is appropriate for the child:

(i) Except as otherwise provided in subparagraph (i.5) of this paragraph (b), if the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, the child shall be properly restrained in a child booster seat or with a child safety belt positioning device.

(i.5) If the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, and if the child is being transported in a vehicle equipped with only a two-point-lap-belt-only system available for the child, the child shall be properly restrained with a lap belt.

(ii) If the child is six years of age or older or is fifty-five inches tall or more, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body.

(c) It is the responsibility of the driver transporting 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) The requirements of subsection (2) of this section shall not apply to a child who:

(a) Is being transported in a motor vehicle as a result of a medical emergency;

(b) 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

(c) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in section 237.

(4) 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.

(5) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(6) It is unlawful and a municipal offense for any person to violate any provision of this section.

(7) Any fine imposed for a violation of this section may be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase, or rental of an approved child restraint system by the time of the court appearance.

(8) No driver in a motor vehicle shall be cited for a violation of subparagraph (i) of paragraph (b) of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of the Model Traffic Code, as adopted with amendments pursuant to Title XV of the Pueblo Municipal Code, other than a violation of this section or section 237.

(9) With respect to a violation of subparagraph (i) of paragraph (b) of subsection (2) of this section which occurs prior to August 1, 2004, the police officer shall not cite the driver for such violation but shall notify and warn the driver that such violation is a municipal offense.

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, motorscooters, motorbicycles, motorized bicycles, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle 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) 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, level I, as defined in section 18-1-901 (3)(I)(I), 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 operating a motor vehicle which does not meet the definition of "commercial

vehicle" as that term is defined in section 235 (1)(a) for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(4) Any person who operates a motor vehicle while he or any passenger is in violation of the requirement of subsection (2) of this section commits a traffic offense.

(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 this Code or state law 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.

PART 3
EMISSIONS INSPECTION

PART 4
DIESEL EMISSIONS PROGRAM

PART 5
SIZE - WEIGHT - LOAD

501. Size and weight violations - penalty. Except as provided in section 509, it is a traffic offense 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 said sections.

502. Width of vehicles. (1) The total outside width of any vehicle or the load thereon shall not exceed one hundred two 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 used only as a single unit may transport a load of small rectangular hay bales if such vehicle and load do not exceed ten feet six inches in width and thirty feet in length.

(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) 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.

503. Projecting loads on passenger vehicles. No passenger-type vehicle, except a motorcycle or 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 thirteen feet; except that vehicles with a height of fourteen feet six inches shall be operated only on highways designated by the department of transportation.

(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 truck tractor-semitrailer combinations when the semitrailer is fifty-seven feet four inches or less in length or to truck tractor-semitrailer-trailer combinations when the semitrailer and the trailer are 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 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, the following combinations of vehicles shall exceed seventy-five feet in total overall length:

- (a) Saddle-mount combinations consisting of no more than four units;
- (b) Laden truck tractor-semitrailer combinations; and
- (c) Specialized equipment used in combination for transporting automobiles or boats. The overall length of such combination shall be exclusive of:
 - (I) Safety devices; however, such safety devices shall not be 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.

(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.

505. Longer vehicle combinations. (1) Notwithstanding any other provision of this Code to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination.

(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.

(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 shall be 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. The department of transportation shall promulgate rules and regulations to provide carriers with reasonable ingress to and egress from such designated highway segments.

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.

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) When the wheels attached to a single axle are equipped with pneumatic tires, twenty 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) 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.

(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.

508. Gross weight of vehicles and loads. (1) No vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

(a)(I) The gross weight upon any one axle of a vehicle shall not exceed the limits prescribed in section 507.

(II) Subject to the limitations prescribed in section 507, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.

(III) Subject to the limitations prescribed in section 507, the gross weight of a single vehicle having three or more axles shall not exceed fifty-four thousand pounds.

(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 equals $1,000(L + 40)$, W = the gross weight in pounds, L = the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall 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 shall be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge which 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 following specified limits:

(I) Subject to the limitations prescribed in section 507, the gross weight of a vehicle having two axles shall not exceed thirty-six thousand pounds.

(II) Subject to the limitations prescribed in section 507, the gross weight of a single vehicle having three or more axles shall not exceed fifty-four thousand pounds.

(III)(A) 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 $W = 500[(LN/N-1) + 12N + 36]$.

(B) In using the formula in sub-subparagraph (A) of this subparagraph (III), W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in the group under consideration; but in computations of this formula no gross vehicle weight shall exceed eighty thousand pounds, except as may be authorized under section 510.

(IV) For the purposes of this subsection (1), where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation shall 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.

509. Vehicles weighed - excess removed. (1) Any police or peace officer, as defined in section 18-1-901 (3)(I)(IV), 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 42-1-102 (32), C.R.S., such officer shall permit the driver of such vehicle to proceed to the driver's destination without requiring such person to unload the excess portion of such load.

(3) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section commits a traffic offense.

510. Permits for excess size and weight and for manufactured homes. (1)(a) Municipal authorities with respect to highways under their 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 state law or otherwise not in conformity with the provisions of this Code upon any highway under its jurisdiction; except that permits for the movement of any manufactured home shall be issued as provided in subsection (2) of this section.

(b) 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 this municipality shall not conflict with section 42-4-510, C.R.S.

(2) 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 his 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) The department of transportation or the Colorado state patrol and this municipality 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) 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, and no person shall violate any of the terms or conditions of such special 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 or state law.

(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 his 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) This municipality may impose a fee, in addition to but not to exceed the amounts required in section 42-4-510 (11), C.R.S., as provided by ordinance or resolution; and, in the case of a permit under section 42-4-510 (11)(a)(III), C.R.S., the amount of the fee shall not exceed the actual cost of the extraordinary action.

(9)(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 this municipality, or any standards or rules or regulations promulgated pursuant to section 42-4-510, C.R.S., by the Colorado department of transportation except the provisions of section 42-4-510 (2)(b)(IV), C.R.S., commits a traffic offense.

(b) This municipality with regard to a local permit may, after a hearing under section 24-4-105, C.R.S., 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 this municipality, or any standards or rules or regulations promulgated pursuant to this section.

511. Permit standards - local. Not adopted by City.

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.

PART 6
SIGNALS - SIGNS - MARKINGS

601. Municipality to sign highways, where. This municipality shall place and maintain such traffic control devices, conforming to the "Manual of Uniform Traffic Control Devices" and specifications, upon municipal 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. Not adopted by City.

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.

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 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 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) Nonintersection 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.

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.

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.

(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.

607. Interference with official devices. 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.

608. Signals by hand or signal device. (1) Any stop or turn signal when required as provided by section 903 shall be given either by means of the hand and arm as provided by section 608 or by signal lamps or signal device of the type approved by the department of revenue, 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.

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.

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 he is not a bona fide member or otherwise authorized to display such sign or insignia.

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 traffic offense.

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.

613. Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations. (1) If maintenance, repair, or construction activities are occurring or will be occurring within four hours on a state highway or municipal street, the department of transportation or municipal authorities, within their respective jurisdictions, may designate such portion of the highway as a highway maintenance, repair, or construction zone. Any person who commits a speeding violation in a maintenance, repair, or construction zone that is designated pursuant to the provisions of this section is subject to increased penalties and surcharges.

(2) The department of transportation or municipal authorities, within their respective jurisdictions, shall designate by appropriate signs a 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 speeding violations are in effect in such zone. The department of transportation or local authorities shall erect or place a second sign after such zone indicating that the increased penalties for speeding violation 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. The department of transportation or local authority may display such signs on any fixed, variable, or moveable stand. The department of transportation or local authority may place such a sign on a moving vehicle if required for certain activities, including, but not limited to, highway painting work.

**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.

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.

703. Entering through highway - stop or yield intersection. (1) Local authorities 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 his failure to yield right-of-way.

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.

705. Operation on approach of emergency vehicles. 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.

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 shall 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.

707. Certain vehicles must stop at railroad grade crossings. (1) Except as otherwise provided in this section, the driver of any motor vehicle carrying more than six passengers for hire, or of any school bus carrying any schoolchild, or of any vehicle carrying hazardous materials which is required to be placarded in accordance with regulations issued pursuant to section 42-20-108, C.R.S., 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 or residence 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) Any railroad grade crossing protected by crossing gates or an alternately flashing light intended to give warning of the approach of a railroad train as provided in section 706;

(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, the definition of hazardous materials shall be the definition contained in the rules and regulations adopted by the chief of the Colorado state patrol pursuant to section 42-20-108, C.R.S.

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.

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.

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 B 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 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.

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) Local road authorities in cooperation with law enforcement agencies may train and appoint adult civilian personnel for special traffic duty as highway flagpersons within any highway maintenance or construction work area. Whenever such duly authorized flagpersons are wearing the badge, insignia, or uniform of their office, are engaged in the performance of their respective duties, and are displaying any official hand signal device of a type and in the manner prescribed in the adopted state traffic control manual or supplement thereto for signaling traffic in such areas to stop or to proceed, no person shall willfully fail or refuse to obey the visible instructions or signals so displayed by such flagpersons. Any alleged willful failure or refusal of a driver to comply with such instructions or signals, including information as to the identity of the driver and the license plate number of the vehicle alleged to have been so driven in violation, shall be reported by the work area supervisor in charge at the location to the district attorney for appropriate penalizing action in a court of competent jurisdiction.

**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.

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 electric assisted bicycle, walk or run into the path of a moving vehicle which 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 his 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 B 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) For the purpose of this section, the term "intersection" shall not include the area within the prolongation of lateral curb lines or lateral boundary lines where a street or highway joins at an angle with an alley, alleyway, public or private driveway, entrance to a parking lot or exit from a parking lot.

804. Pedestrian to use right half of crosswalk. Pedestrians shall move whenever practicable upon the right half of crosswalks.

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 municipality 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 42-4-110 and 42-4-111, C.R.S., 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 42-4-111 (2), C.R.S.

(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 and 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 104 (4) and 807.

806. Driving through safety zone prohibited. No vehicle at any time shall be driven through or within a safety zone.

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.

808. Drivers and pedestrians, other than persons in wheelchairs, to yield to persons with disabilities. Any pedestrian, other than a person in a wheelchair, or any driver of a vehicle who approaches a person who has an obviously apparent disability of blindness, deafness, or mobility impairment shall immediately come to a full stop and take such precautions before proceeding as are necessary to avoid an accident or injury to said person. A disability shall be deemed to be obviously apparent if, by way of example and without limitation, the person is using a cane or crutches, is assisted by a guide dog, service dog, or hearing dog, is being assisted by another person, is in a wheelchair, or is walking with an obvious physical impairment.

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 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.

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 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.

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.

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.

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 thereof 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 time.

(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.

(d) 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); or

(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) The department of transportation and 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.

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.

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.

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.

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 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; but 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) This municipality 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 its jurisdiction, 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 shall install official traffic control devices in conformity with the standards established by sections 102 and 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.

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 his vehicle.

(2) No person shall stop, stand, or park a vehicle on a runaway vehicle ramp or in the pathway of the ramp.

1012. High occupancy vehicle lanes. (1) The department of transportation and 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, unless prohibited by official traffic control devices.

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 in all parks;
- (b) Twenty-five miles per hour in any business district, as defined in section 42-1-102 (11), C.R.S.;
- (c) Thirty miles per hour in any residence district, as defined in section 42-1-102 (80), C.R.S.;
- (d) Fifteen miles per hour in all alleys;
- (e) Forty-five miles per hour for all vehicles in the business of transporting trash, 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.;
- (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., where authorized by a majority of the members of the transportation commission and such speed has been so designated by official traffic control devices;
- (h) Twenty miles per hour in all school zones and at school crossings when posted;
- (i) 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, this municipality 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) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is on the interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of sixty-five miles per hour.

(b) Notwithstanding any other provisions of this section, no person shall drive a vehicle on a highway which is not on the interstate system, as defined in section 43-2-101 (2), C.R.S., at a speed in excess of a maximum lawful speed limit of fifty-five miles per hour.

(c) The speed limits set forth in paragraphs (a) and (b) of this subsection (8) are maximum lawful speed limits and are not subject to the provisions of subsection (4) of this section.

(d) In every charge of a violation of paragraph (a) or (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 fifty-five miles per hour or sixty-five miles per hour, whichever is applicable.

(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 105, exist.

(10) The minimum requirement for commission of a 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.

1102. Altering of speed limits - when. (1) Whenever municipal 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 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 fifty-five miles per hour for so long as the state maximum speed limit of fifty-five miles per hour is in effect pursuant to section 42-4-1101, C.R.S.

(2) Municipal authorities 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 fifty-five miles per hour and shall become effective when appropriate signs are erected giving notice thereof. For purposes of this subsection (2), 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 as part of a major arterial system of streets or highways.

(3) No alteration of speed limits on state highways within this municipality shall be effective until such alteration has been approved in writing by the department of transportation.

(4) Whenever local authorities 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, local authorities 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 (2) 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.

(5) In its discretion, this municipality may by ordinance, 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.

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 municipal authorities 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, local authorities 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 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.

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 a 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 42-4-1101 to 42-4-1104, C.R.S., 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.

1105. Speed contests. (1) No person shall engage in any motor vehicle speed or acceleration contest or exhibition of speed or acceleration on a highway, and no person shall aid or abet in any

such motor vehicle speed or acceleration contest or exhibition on any highway.

(2) No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a highway, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction upon any highway.

**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.

1202. Parking or abandonment of vehicles. 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.

1203. Parking of heavy and unlicensed vehicles. (1) No person shall park any vehicle carrying or designed to carry a load of one ton or more or any trailer or semitrailer whatsoever on any street in a residential district for a period of time longer than thirty minutes between the hours of 8:00 p.m. and 7:00 a.m.

(2) It shall be unlawful for any person to park or cause to be parked an unlicensed vehicle on any public property, including any portion of a street or highway right-of-way.

(3) An unlicensed vehicle left on public property, including any portion of a street or highway right-of-way, for a period longer than seventy-two hours, shall be removed and sold in accordance with the procedures set forth in sections 1801 and 1802 of this Code.

(4) "Unlicensed vehicle" means a vehicle which does not have displayed thereon license plates of the registration period to which they pertain and includes a vehicle without license plates as well as a vehicle with expired license plates.

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, except that parking of noncommercial motor vehicles and motorcycles shall be permitted on that portion of a street paved or surfaced for parking between the curb lines or the lateral lines of a roadway, and the adjacent property lines, not intended for the use of pedestrians unless official signs prohibit parking or parking thereon would interfere with the free movement of vehicular or pedestrian traffic or constitute a hazard;

(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; provided, however, that this subparagraph (f) shall not prohibit the lawful parking or standing of any truck which has been issued a special freight loading permit authorizing such parking or standing pursuant to section 1214 and 113 (2)(y) of the Model Traffic Code;

(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;

(l) In any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time for which the restrictions are effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such standing or stopping does not interfere with the type of vehicle or use for which the zone is reserved;

(m) Within an alley in such position as to block the driveway entrance to any abutting property.

(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.
 - (c) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.
- (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 his 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.
- (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) On those streets which have been signed or marked by the traffic engineer, or other person so authorized, for angle parking, no person shall stop or park a vehicle other than at the

angle to the curb or edge of the roadway indicated by such signs or markings. Such parking shall be with the front end of the vehicle nearest to and facing the curb or, in the event there is no curb, the enclosed end of the parking space, unless otherwise expressly permitted by posted signs.

(4) On those streets which have been marked by the traffic engineer, or other person so authorized, designating separate and distinct parking spaces indicated by appropriate markings upon the curb and/or the pavement of the street, no person shall park a vehicle in any such designated parking space so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating said space.

(5) No person shall park a vehicle upon a roadway with the right-hand wheels parallel to the right-hand curb or right edge of the right-hand shoulder in such a manner as to leave available less than two feet of clearance between any other vehicle in front of or behind such vehicle when parked.

1206. Unattended motor vehicle. No person driving or in charge of a motor vehicle shall 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, and, when standing upon any grade, said 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.

1207. Opening and closing vehicle doors. (1) 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.

(2) No person shall open the door of a motor vehicle that is located on private property used by the general public for parking purposes unless and until such action can be done safely and without interfering with movement or passage of another vehicle.

1208. Parking privilege for persons with disabilities. (1) As used in this section, "person with a disability" has the meaning provided for such term in section 42-3-121 (1), C.R.S., and "distinguishing license plate or placard" means a license plate or placard issued pursuant to section 42-3-121 (2), C.R.S.

(2) Reserved.

(3)(a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A distinguishing license plate or placard obtained pursuant to section 42-3-121, C.R.S., or as otherwise authorized by subsection (4) of this section 1208 shall be displayed at all times on the vehicle while parked in such space.

(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 C.F.R. Part 1235.

(5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by persons with disabilities unless: (a) such 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 space reserved for use by persons with disabilities, and (b) a distinguishing license plate or placard is displayed upon such vehicle.

(6) Any person who is not a person with a disability who violates the provisions of subsection (5) of this section commits a traffic offense.

(7) Any person who is not a person with a disability and who uses a license plate or placard issued pursuant to section 42-3-121, C.R.S. in order to receive the benefits or privileges available to a person with a disability under this section commits a traffic offense.

(8) Any law enforcement officer or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(9) Any vehicle properly parked in a space so designated as reserved for vehicles of persons with disabilities shall be subject to and shall at all times comply with all other parking regulations, including maximum time limitations, properly posted and applicable to said parking space.

(10) It is unlawful and a municipal offense for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified in 28 C.F.R. Part 36 (Appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

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 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.

1211. Limitations on backing. (1) 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.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

1212. Standing, parking, or storing of major recreational equipment prohibited. (1) It shall be unlawful for any person to stand or park any major recreational equipment on any street or street right-of-way in a residential district anywhere within the City other than for the loading or unloading thereof.

(2) It shall be unlawful for any person to stand, park or store any major recreational equipment anywhere within the City in such a manner as to obstruct or interfere with the view of any intersection or official traffic control device.

(3) Major recreational equipment shall be defined as recreational equipment including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

1213. Standing in freight curb loading zone; permits. (1) No person shall stop, stand or park a vehicle for any purpose or length of time in any place marked as a freight curb loading zone, during the hours designated other than a vehicle regularly licensed as a truck by the State of Colorado, except on procurement of a freight curb loading zone permit as provided below. Such zone shall be occupied only for the expeditious loading and unloading of materials and in no case shall the stop exceed fifteen minutes except upon written permission from the chief of police or his authorized representative.

(2) The chief of police is authorized to issue special permits to permit the backing of a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or material subject to the terms and conditions of such permit. The chief of police is also authorized to issue special freight loading permits in accordance with the provisions and limitations of section 113 (b)(21) of this Code.

(3) The chief of police is hereby authorized to issue a freight curb loading permit or special freight loading permit specific to identified vehicles, employed by any person operating a business, the nature of which requires the use of such zones for loading and unloading, delivering and picking up of materials or merchandise. A twenty-five-dollar fee shall be charged for each such permit, which permit shall expire at the end of each calendar year but which may be reissued for the ensuing year.

(4) Application for such permit shall be in writing and contain such information as the chief of police may require.

(5) Permits issued pursuant to this section shall be carried in the vehicle at all times and displayed in the left portion of the windshield when such vehicle is occupying a freight curb loading zone or parking or standing pursuant to a special freight loading permit.

1214. Permits for loading zones. Whenever special permits are issued, as authorized in section 1215, to establish or control the use of loading zones or to allow the backing, parking or standing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of any such permit.

1215. Parking permits for metered and limited time parking zones. (1) It shall be unlawful for any person to park any vehicle in a metered zone without first having deposited the proper coin therein or without displaying a permit to park without the deposit of such coin.

(2) It shall be unlawful for any person to park any vehicle for a period in excess of the permitted parking time allowed in any limited time parking zone without displaying a permit to park without regard to the permitted parking time in said zone.

(3) The chief of police or his authorized representative is hereby authorized to issue a permit to park in a metered parking area without placing a coin in said meter, and to issue a permit to park in a limited time parking zone without regard to the permitted parking time in said zone, upon the payment of such fee and upon such terms and conditions as shall hereinafter be set forth.

(4) Such permit shall be in such form as shall be determined by the chief of police or his authorized representative, and he shall maintain a record of the persons to whom such permit is issued, the amount of the fee paid, the amount of deposit received and the date the permit shall be surrendered and the deposit refunded.

(5) The following persons or classes of persons shall be authorized by the chief of police or his authorized representative to obtain and use parking permits for the purposes herein stated:

(a) Any building contractor licensed as such by the City of Pueblo while in the performance of construction, demolition or remodeling.

(b) Emergency service vehicles while in the performance of emergency service.

(c) Curbside displays or public promotions for special occasions including religious, charitable, civic and festive occurrences or celebration of or promoting some event of religious, national, state or civic significance; provided, however, that no advertising of a commercial nature shall be permitted in any curbside display or public promotion.

(d) Members of the press employed by a radio or television news department, or newspaper of general circulation while in the performance of their duties.

(6) Before such permit shall be issued, the applicant therefor shall pay a deposit of the amount sufficient to replace the permit in the event the same shall be lost or stolen, but in no event shall such deposit be less than ten dollars. Such deposit shall be refunded upon return of the permit to the chief of police within the time stated in the same condition as issued, reasonable wear and tear excepted. Such deposit shall not be required in the event a paper permit, stamped with the effective date or dates, shall be issued.

(7) No permit shall be issued for less than one calendar day. The fees for such permit shall be payable in advance as follows:

(a) For one calendar day or fraction thereof: Three dollars per day.

- (b) For one calendar week or fraction thereof: Five dollars per week.
- (c) For one calendar month or fraction thereof: Ten dollars per month.
- (d) For one (1) calendar year or fraction thereof: Forty dollars per year.

Such fee shall be in lieu of all other parking fee revenues payable by the holder of such permit for one vehicle owned or operated by the holder of such permit and parked in a metered or zoned parking area for the purpose for which such permit is issued; provided, however, that this Code shall at all times be construed as a regulatory measure and not as a rental or revenue-producing measure for use of the public street. It shall be unlawful for any person to use such permit upon any date not expressly authorized at the time of issuance thereof, or in any parking area specifically prohibited in writing at the time of issuance thereof or prohibited by appropriate signs properly posted, in such parking area or without having first paid the required fee therefor.

(8) Elected officials of the City and of the County of Pueblo, the city manager of the City of Pueblo and the county manager of Pueblo County shall be issued parking permits for use only while in the performance of their official duties. There shall be no fee for permits issued as provided by this subsection; however, all other requirements of this section shall apply.

(9) It shall be unlawful for any person to use such permit other than as provided herein or for an automobile, equipment or vehicle other than that used in his business. Upon conviction of any violation of this section, the permit issued hereunder shall be declared void and shall be surrendered to the chief of police or his authorized representative, and all unused fees and deposits paid for the use of such permit shall be forfeited without further notice or action. The applicant shall not thereafter be eligible for a new permit for a period of thirty days after the first conviction, ninety days after the second conviction, and twelve months after the third and all subsequent convictions.

1216. Parking for certain purposes prohibited. No person shall park a vehicle upon a roadway, street or highway for the principal purpose of:

- (1) Displaying such vehicle for sale;
- (2) Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency; or
- (3) Displaying advertising.

**PART 13
PARADES AND FUNERALS**

1301. Permits required for parades and races; conduct.

Subsection 1301-1. Definitions.

For this subsection 1301, the following definitions shall apply, unless the context clearly indicates otherwise:

(1) *Chief of police* shall mean the chief of police of the Pueblo Police Department or his designated representative.

(2) *City manager* shall mean the city manager of the City of Pueblo or his designated representative.

(3) *First Amendment activity* shall mean all expressive and associative activity that is protected by the United States and Colorado Constitutions, including speech, press, assembly, and the right to petition, but not including commercial advertising.

(4) *First Amendment parade* shall mean a parade, the sole or principal object of which is First Amendment activity.

(5) *Non-First Amendment parade* shall mean a parade the sole or principal object of which is not First Amendment activity.

(6) *Organize* shall mean to arrange systematically as an individual or with a committee or group for harmonious or united action.

(7) *Permit holder* shall mean a person issued a parade permit pursuant to the article.

(8) *Parade* shall mean a group of persons moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare from a point of origin to a point of termination or a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the city from a point of origin to a point of termination in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic.

(9) *Parade permit* shall mean the parade permit required by this subsection.

(10) *Parade unit* shall mean any vehicle, animal or object used to transport a person who is participating in a parade.

(11) *Traffic control personnel* shall mean certified peace officers or other persons assigned by the chief of police engaged to provide control of the flow of both non-participant and participant pedestrians and vehicles so as to minimize the traffic congestion and to maintain traffic flow at permitted events.

Subsection 1301 – 2 Permit required.

No person shall organize any parade without having first obtained a parade permit.

Subsection 1301 – 3 Exceptions to application.

This subsection shall not apply to:

- (1) The movement of persons in an orderly, formal manner from a point of origin to a point of termination on a sidewalk, so long as the movement does not impede the normal flow of pedestrian or vehicular traffic; or
- (2) A public assemblage that does not involve the movement of persons in an orderly, formal manner from a point of origin to a point of termination.

Subsection 1301 – 4 Application for permit.

(a) A person seeking issuance of a parade permit shall file an application with the chief of police on forms provided by such officer. This subsection shall not apply to:

(b) First Amendment parade permits.

(1) An application for a First Amendment parade permit shall be filed with the chief of police not less than thirty (30) calendar days nor more than one hundred fifty (150) calendar days before the proposed parade date;

(2) Where the planning and organization of a First Amendment parade, however, begins within thirty (30) calendar days of the proposed parade date, an application for a First Amendment parade permit shall be filed with the chief of police within three (3) calendar days of the date on which planning and organization of the parade begins, but not less than one (1) calendar day before the proposed parade date.

(3) The chief of police, may consider a First Amendment application filed less than thirty (30) calendar days, but not less than one (1) calendar day before the proposed parade date so long as there is adequate time for the Pueblo Police Department to process the application and plan for the parade.

(c) Non-First Amendment parade.

(1) An application for a non-First Amendment parade permit shall be filed with the chief of police not less than forty-five (45) calendar days nor more than one hundred fifty (150) calendar days before the proposed parade date.

(2) The chief of police may consider a non-First Amendment parade application filed less than forty-five (45) calendar days before the proposed parade date, but not less than thirty (30) calendar days, before the proposed parade date so long as there is adequate time for the Pueblo Police Department to process the application and plan for the parade.

(d) The permit holder for a parade actually held during a prior year may receive advance approval of the route, date, and time not more than thirteen (13) months in advance of the scheduled date of the parade. The chief of police may give advance

approval after receiving a written request from a permit holder. The permit holder shall receive the right of first refusal as to the route, date, and time of the parade that may be exercised until ninety (90) calendar days prior to the approved date of the parade.

(e) The application shall include the following:

(1) The name, address, and telephone number of the person seeking to conduct the parade;

(2) Where the parade is to be held for or by an entity, rather than an individual, the name, address, telephone number of the entity and the name, address, and telephone number of the head of the entity;

(3) Where the parade is to be held by or for any person other than the applicant, documentation evidencing authority to make the application;

(4) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(5) The date the parade will be conducted;

(6) The location of the assembly area, the starting point of the parade, the route of the parade, the ending point of the parade, and the location of the disbanding area;

(7) The approximate number of persons who will participate in the parade;

(8) The approximate number of parade units that will be included in the parade and a description of those parade units;

(9) The approximate number of animals and the type of animals that will be included in the parade;

(10) The time when the parade will begin and end;

(11) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used;

(12) The time at which units of the parade will arrive at the assembly area;

(13) The purpose of the parade;

(14) Any other information which the chief of police finds necessary to an evaluation of the request under the standards for issuance set forth in Subsection 1301 – 5.

(f) The application shall be accompanied by a fee of seventy-five dollars (\$75.00). In the event the organizers of an event cannot provide payment with the application, an organizer may submit an affidavit attesting that he or she will provide payment within fifteen (15) business days of the date of the submission of the application. Failure to provide payment will trigger the surety bond requirement in Subsection 1301 – 7 for

future parade events by the organizers and the organizer signing the affidavit shall become personally responsible for payment. The application fee shall be waived by the chief of police upon receipt of a verified statement from the permit holder that the parade's purpose is First Amendment expression and that the payment of the application fee is so financially burdensome that it would constitute an unreasonable restraint on the right of First Amendment expression.

Subsection 1301 – 5. Standards for issuance.

The chief of police shall uniformly treat each application in a just, fair, and nondiscriminatory manner bearing in mind that the time, place, duration, and manner of use of the public street, parks, and other public ways and places for parades shall be subordinated to the public safety, comfort and convenience, the maintenance of order, and avoidance of congestion. The chief of police shall issue a permit when, from a consideration of the application, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic near its route.
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas near there as to prevent normal police protection of the city;
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas near there;
- (4) The concentration of persons, animals and parade units at assembly and disbanding points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas near such assembly or disbanding areas;
- (5) The conduct of such parade will not interfere with the movement of fire fighting equipment en route to a fire;
- (6) The parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route;
- (7) The applicant has fulfilled the requirements of this subsection; and
- (8) The event does not conflict with a previously scheduled event that is scheduled to:
 - a. Occur at the same time and place; or
 - b. Occur at the same time, though at a different location or along a route that crosses over or conflicts with previously scheduled events.

Subsection 1301 – 6. Notice of rejection; appeal.

The chief of police shall act upon the application for a First Amendment parade permit within five (5) calendar days after it has been filed. If an application for a First Amendment parade permit has been filed under subsections 1301 – 4(b)(2) or (3), or under 1301 – 4 (c)(2) for an event which will take place within five (5) days of the submission of the application, the chief of police shall act upon the application as soon as is practicably possible. The chief of police shall act upon the application for a non-First Amendment parade permit within thirty (30) calendar days after it has been filed. If the chief of police does not approve any application for a parade permit, he shall immediately mail, by certified mail/return receipt requested, to the applicant, a notice of his action, stating the reason for his denial of a permit. The applicant shall have the right to appeal a denial of a parade permit to the city manager by filing notice of appeal with the city clerk, within seven (7) calendar days after receipt of the notice provided above. The appeal shall be heard within ten (10) calendar days of the filing of the appeal by the city manager or the manager’s designee. For denials of First Amendment parade permits, the city manager or his designee shall hear the appeal as soon as practicable. The decision of the city manager or his or her designee is final.

The chief of police shall uniformly treat each application in a just, fair, and nondiscriminatory manner bearing in mind that the time, place, duration, and manner of use of the public street, parks, and other public ways and places for parades shall be subordinated to the public safety, comfort and convenience, the maintenance of order, and avoidance of congestion. The chief of police shall issue a permit when, from a consideration of the application, he finds that:

Subsection 1301 – 7 Duties of and costs to be paid by permit holder.

(a) Each permit holder shall comply with all requirements of this subsection, the permit directions and conditions, and with all applicable laws and ordinances.

(b) Each permit holder is responsible for the costs of:

(1) Providing traffic control devices for the parade route;

(2) Providing traffic control personnel, whether on duty or on overtime, for the parade route; and

(3) Cleaning up the parade route.

(c) In reviewing the application for parade permit, the chief of police or his or her designee shall determine the number of traffic control personnel and traffic control devices reasonably necessary to control traffic in the area of the requested parade. The chief or designee will consider the following factors and identify the effect of each factor in assessing the estimated traffic control costs:

(1) The route and the identification of roadways that cross through or feed into the street of the proposed route;

(2) The number of anticipated participants and vehicles in the event;

(3) Identification of other roadways, or public transportation and emergency vehicle

routes that may be affected by the event;

(4) Length of the route and the identification of the number of intersections along the route that will require barricades or traffic control personnel;

(5) Whether intersections must be individually barricaded or whether traffic control personnel can be assigned to move along with the event;

(6) The date and time of the event;

(7) Volume of vehicular and pedestrian traffic typical on and along the route for the time of day, day of the week and time of year for the proposed route.

The cost for each city police department officer shall be set in accordance with the collective bargaining agreement. The cost for traffic control devices will be set in accordance with the prices set in the city's annual contract for traffic control devices. The permittee may choose to contract directly with a traffic control provider.

For First Amendment events, the city shall absorb the cost of the traffic control devices and traffic control personnel costs upon receipt of a verified statement of the permit holder that the parade's purpose is First Amendment expression and that the payment of the cost of the traffic control devices and traffic control personnel costs is so financially burdensome that it would constitute an unreasonable restraint on the right of First Amendment expression.

Traffic control personnel shall be in a number sufficient to adequately safeguard the flow of both participant and non-participant traffic in order to minimize congestion, as determined by the chief of police. Any additional costs for police department personnel deemed necessary to provide security due to the nature of the event will not be assessed to the permit holder.

The permit holder shall obtain approval of the traffic control plan described by the chief of police, including a barricade plan and an estimate of the traffic control costs. The permit holder shall receive from the city an invoice for the required costs within fifteen (15) calendar days after the parade. The payment for these costs shall be due to the city within thirty (30) calendar days after the date of the parade. If the applicant disputes the costs assessed by the police department, the applicant may file an appeal with the office of the city manager within seven (7) business days of receipt of the invoice. The appeal must identify the specific costs in dispute. The city manager or his or her designee will review the assessed costs based on the criteria required to be used by the chief of police and render a final decision regarding the costs to be paid by the permittee within fifteen (15) business days of receiving the appeal. No costs shall be owed during the appeal until the office of the city manager has rendered its decision.

(d) Because of their broad appeal, historic tradition, cultural significance, and other public benefits provided by the State Fair Parade, Fiesta Day Parade and Kid's Day Parade, the city shall cover the costs of traffic control personnel and traffic control devices. Because of its broad appeal, historic tradition, cultural significance, association with a national holiday or a day given statewide recognition, and other public benefits provided by the Veterans Day Parade, the city shall cover the costs of traffic control

personnel and traffic control devices.

(e) If an applicant owes fees not timely paid in connection with a parade previously approved and conducted or is the estimated costs to the city under this section are greater than ten thousand dollars (\$10,000), the applicant shall, prior to approval of the application for a parade permit, file a surety bond in the amount of the estimated costs.

(f) Prior to approval of the application for a parade permit, the applicant shall submit to the chief of police a certificate of insurance and endorsement evidencing commercial general liability coverage, including premises/operations, independent contractors, personal injury, and contractual liability, at a combined single limit of one million dollars (\$1,000,000.00) per occurrence, with the city being named as the additional insured by endorsement. The applicant shall provide at least thirty (30) days' advance notice of cancellation or material alteration of the insurance policy. The city recommends and encourages, but does not require the organizers of First Amendment parades to also obtain insurance for their events.

(g) At least twenty-four (24) hours before the scheduled start of the event, the permit holder for a "non-First Amendment parade" shall make a reasonable effort to notify the businesses and residences located around the assembly area, along the parade route, and around the disbanding area of the scheduled parade. A copy of any flyer or handout used in making the notification shall be provided to the chief of police at least twenty-four (24) hours prior to the beginning of the parade. It is recommended, but not required, that the permit holder for a "First Amendment Parade" provide the same notices.

Subsection 1301 – 8 Revocation of permit.

The chief of police shall have the authority to revoke a parade permit issued pursuant to this subsection when the conditions supporting the findings made by the chief of police pursuant to subsection 1301 – 5 change in such a way, prior to the date on which the parade is to be held, that a parade permit would not otherwise be issued. The chief of police shall have the authority to revoke a parade permit if the permit holder does not comply with subsection 1301 – 7.

Subsection 1301 – 9 Public conduct during parades.

(a) *Interference.* It shall be unlawful for any person to hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(b) *Driving through parades.* It shall be unlawful for any driver of a vehicle to drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade unless directed to do so by a police officer.

(c) *Parking on parade route.* The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route, forming area, disbanding area, or buffer zone of a parade. The chief of police shall post signs to such effect, and it

shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(d) *Prohibited substances.* It shall be unlawful for any person to sell, possess, or use a pressurized container of any substance commonly known as “liquid string,” “silly string,” or “super string,” or any quantity of the small explosive devices commonly known as “snapper,” “throw downs,” “pop pops,” or “popping match sticks,” which are paper-wrapped wads of sand coated with a minute quantity of explosive powder and adhesive, producing a small report upon impact with hard surfaces, in any public place or private property.

(e) *Control of parade; restrictions.* Upon initiation of a parade the chief of police shall take over control of the movement of the parade. All participants shall be required to maintain a forward progress. No participant shall throw or give away candy, gifts, tokens, advertisements, or any other objects from any participant or parade unit while the unit is on the parade route. This provision is not intended to prohibit the distribution of expressive material protected under the First Amendment, including leaflets, provided the distribution is not from a parade unit that is on the parade route. Failure to observe these requirements shall constitute a violation of this subsection and the chief of police is empowered to remove parade unit from the parade immediately.

Subsection 1301 – 10 Criminal penalties.

(a). It shall be unlawful to fail to obtain a permit required under this subsection for any parade. Any such violation committed intentionally, knowingly or recklessly is a Class 1 municipal offense.

(b) The intentional, knowing or reckless commission of any act made unlawful by subsection 1301 – 9 is a Class 2 municipal offense.

1302. Funeral processions. (1) Identification. All vehicles in a funeral procession shall keep their headlights burning from the church, funeral parlor, mortuary, private residence or other place where the services are held, to the place of interment.

(2) Drivers in procession. Each driver in a funeral procession shall follow the vehicle ahead as close as is practicable for prudent and safe driving and vehicle operation.

(3) Escorts. Each funeral procession may be accompanied by a police escort, and such police escort shall be considered an emergency vehicle within the meaning of section 102(3) of article II of this Code. Each escort shall constitute a part of such procession.

(4) Every procession shall proceed at speeds within the applicable speed limits then presently in force, consistent with traffic conditions, and the escort officer may, if in his best judgment, reduce this speed or bring the procession to a complete stop.

(5) Processions in all instances shall yield the right-of-way to other authorized emergency vehicles pursuant to the provisions of section 705 of this Code.

(6) Right-of-way. Each vehicle comprising any funeral procession when identified by lighted

headlights and if immediately behind another properly identified procession vehicle or if immediately behind the police escort and only in those circumstances, may proceed regardless of official traffic control devices, and shall have the right-of-way over any other vehicle, and the operator of any such other vehicle shall yield the right-of-way regardless of directions indicated on official control devices. This provision shall not apply at intersections where traffic and the movement of such procession is controlled by a police officer.

(7) Such procession shall not proceed against traffic on one-way streets or on one-way highways except at the direction of a police officer and such procession shall drive as close to the right-hand edge of the roadway as is practicable, except that where there is more than one lane of traffic in the direction traveled by the procession, such procession may then occupy any one lane of such traffic and other traffic may then pass such procession consistent with section 1004 of this Code.

(8) No driver of a nonfuneral procession vehicle shall drive between the vehicles comprising a funeral procession while said vehicles are in motion and when said procession vehicles are conspicuously identified as required in this Code.

(9) Each funeral parlor or mortuary shall have copies of the above funeral procession road rules of this Code available to all drivers of vehicles comprising their funeral processions.

**PART 14
OTHER OFFENSES**

1401. Reckless driving - penalty. (1) Any person who drives any motor vehicle, bicycle, or motorized bicycle 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 motorized bicycle shall not be subject to the provisions of section 42-2-127, C.R.S.

(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) Any person who drives any motor vehicle, bicycle, electrical assisted bicycle, or motorized bicycle 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 section 42-2-127, C.R.S.

(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.

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.

1405. Riding in trailers. No person shall occupy a trailer while it is being moved upon a public highway.

1406. Foreign matter on highway prohibited. (1) No person shall throw or deposit upon any highway any glass bottle, glass, stones, nails, tacks, wire, cans, or other substance likely to injure any person, animal, or vehicle upon such 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.

1407. Spilling loads on streets or highways. (1) No vehicle shall be driven or moved on any street or highway in the City unless such vehicle is so constructed or loaded or the load thereon securely covered to prevent any of the vehicle's load from dropping, spilling, sifting, leaking or otherwise escaping therefrom, except that sand 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) No person shall operate on any street or highway in the City any vehicle with any load unless such load and covering is thereon securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway and to prevent said load from spilling, dropping, leaking or otherwise escaping therefrom.

(3) It shall be unlawful to spill, leak, drop, deposit, throw or dump any litter from any vehicle being driven or moved on any street or highway in the City. The term "litter" as used herein means all rubbish, waste material, refuse, garbage, trash or other foreign substances, solids or liquid, of every form, size, kind and description.

(4) Whenever any load or litter is spilled, leaked, dropped, deposited, thrown or dumped from any vehicle in violation of subsection (1), (2) or (3) above, the operator of said vehicle is presumed to have caused or permitted the load or litter to be so spilled, leaked, dropped, deposited, thrown or dumped therefrom.

(5) Every person convicted of a violation of subsections (1), (2) or (3) of this section 1407 shall be punished by a minimum fine of not less than twenty-five dollars.

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 42-3-305 (2) CRS;

(b) Trucks and truck tractors registered pursuant to section 42-3-305 (4) or (5) CRS having an empty weight of ten thousand pounds or less;

- (c) Trailers equipped with fenders or utility pole trailers;
 - (d) Vehicles while involved in chip and seal or paving operations or road widening equipment;
 - (e) Truck tractors or converter dollies when used in combination with other vehicles;
 - (f) Vehicles drawn by animals; or
 - (g) Bicycles 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 article 1 of title 32, C.R.S., or any recreation district organized pursuant to the provisions of part 7 of article 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.

1409. Compulsory insurance.

"(1) No owner of a motor vehicle required to be registered in the State of Colorado shall operate the vehicle or permit it to be operated on the highways within the City 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 on the highways within the City without a complying policy or certificate of self-insurance in full force and effect as required by law.

"(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle shall fail to 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.

"(4) Penalties.

"(a) Any person who violates the provisions of subsection (1) (2) or (3) of this section commits a Class 1 Municipal Court offense. The Municipal Court shall impose a fine of not less than one hundred dollars (\$100.00) and the Municipal Court shall not suspend such minimum fine. Nothing herein shall be construed to prevent the court from imposing a jail sentence or fine greater than the minimum mandatory fine.

"(b) Upon a second or subsequent conviction under this section within a period of two (2) years following a prior conviction under this section or under Section 42-4-1409, C.R.S., the defendant shall be punished by a minimum mandatory fine of not less than two hundred

dollars (\$200.00), and the Municipal Court shall not suspend such minimum fine. Nothing herein shall be construed to prevent the court from imposing a jail sentence or a fine greater than the minimum mandatory fine.

"(5) Testimony of the failure of any owner or operator of a motor vehicle 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) No person charged with violating subsection (1), (2) or (3) of this section shall 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.

"(7) The owner of a motor vehicle, upon receipt of an affirmation of insurance as described in Section 42-3-112(2) and (3), C.R.S., shall sign and date such affirmation in the space provided."

1410.

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 which are built into protective headgear.

1412. Operation of bicycles and other human-powered vehicles; license. (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 this municipality, shall be subject to local ordinances regulating the operation of bicycles and electrical assisted bicycles as provided in section 42-4-111, C.R.S.

(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," article 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 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:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)(a) Persons operating bicycles or electrical assisted bicycles on roadways shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Riding no more than two abreast is permitted in the following circumstances:

(I) When riding two abreast will not impede the normal and reasonable movement of traffic; or

(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding two abreast 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 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 his intention to turn or stop in accordance with the provisions of 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 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 of this Code.

(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 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 11 of this Code regulating the parking of vehicles.

(12) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

(13) Upon request, the police department shall complete a report concerning an injury or death incident that involves a bicycle or electrical assisted bicycle on the roadways of the City, even if such accident does not involve a motor vehicle.

(14) Except as authorized by section 111, the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path.

(15) Every bicycle upon a highway within this local government, 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.

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 lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a traffic offense.

1414. Moving construction related equipment. Pursuant to 42-4-202 (4), C.R.S., each exempt vehicle, motor vehicle, trailer, or item of mobile machinery, or self-propelled construction equipment, or similar implement of equipment, used in any type of construction business 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.

1415. Skateboard use, on sidewalks. (1) No person shall ride or use a skateboard, or similar device, on a sidewalk, or in a sidewalk area, within a business district anywhere in this municipality.

(2) When signs are erected giving notice thereof, no person shall ride or use a skateboard or similar device upon a sidewalk.

(3) Whenever any person is riding or using a skateboard or similar device upon a sidewalk, such person shall yield the right-of-way to any pedestrian.

1416. Obstruction of the public way. (1) A person commits the offense of obstruction of a public way if without legal privilege he intentionally, knowingly or recklessly obstructs a street, highway, sidewalk or sidewalk area.

(2) For the purpose of this subsection, "obstruct" means to render impassable or to render passage or use unreasonably inconvenient or hazardous. Any object of sufficient size to pose any degree of danger whatsoever to the travelling public which occupies a street, highway, sidewalk or sidewalk area between the hours of sunset and sunrise is deemed to be hazardous if the object or any barricade surrounding the object does not have adequate illumination or adequate retroreflective material so as to make the object or barricade visible from all directions at night.

1417. Driving under restraint for an outstanding judgment.. It shall be unlawful for any person to drive a motor vehicle or off-highway vehicle upon any highway or street, with knowledge that the person's driver's license or privilege to drive, either as a resident or nonresident of the State of Colorado, is under restraint for an outstanding judgment. Each such instance shall be punishable by a fine of not more than one hundred dollars (\$100.00). A penalty of three (3) points shall be assessed against the person's license for each such infraction. Said penalty shall not be waived or reduced for any reason.

PART 15
MOTORCYCLES

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. (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 articles 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.

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.

1504. Clinging to other vehicles. No person riding upon a motorcycle shall attach himself or herself or the motorcycle to any other vehicle on a roadway.

PART 16
ACCIDENTS AND ACCIDENT REPORTS

(This Section Omitted)

PART 17
PENALTIES AND PROCEDURE

Editor's Note. Pursuant to the limitations provided by sections 13-10-103 and 13-10-113 (5), C.R.S. (1994 Supp.); section 42-4-110 (2), C.R.S. (1994 Supp.) and the Colorado Municipal Court Rules of Procedure (C.M.C.R.) this part 17 does not follow the C.R.S. as closely as the rest of the Code.

1701. Traffic offenses classified - schedule of fines. (1) It is a traffic offense for any person to violate any provision of the Code.

(2) Pursuant to C.M.C.R. 210 (b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the court clerk or violations bureau.

(3) The court in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedules. Such fines will be within the limits set by ordinance.

(4) Fines and costs shall be paid to, received by, and accounted for by the violations clerk or court clerk.

1702.

1703. Parties to a crime. Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

1704. Offenses by persons controlling vehicles. It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

1705. Person arrested to be taken before the proper court. (1) Whenever a person is arrested for any violation of this Code, the arrested person shall be taken without unnecessary delay before a municipal judge who has jurisdiction of such offense as provided by law, in any of the following cases:

(a) When a person arrested demands an appearance without unnecessary delay before a judge;

(b) When the person is arrested and charged with an offense under this Code causing or contributing to an accident resulting in injury or death to any person;

(d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

- (e) Reckless driving;
- (f) Exceeding the speed limit by more than nineteen miles per hour;
- (g) Exhibition of speed or speed contest.

(h) In any other event when the provisions of this part 17 apply and the person arrested refuses to give his written promise to appear in court as provided in section 1707.

(2) Whenever any person is arrested by a police officer for any violation of this Code and is not required to be taken before a municipal judge as provided in subsection (1) of this section, the arrested person shall, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 1707 or be taken without unnecessary delay before a municipal judge who has jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(3) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with a violation of section 42-4-1301 (1)(a) or (2), C.R.S., and who has been given a written notice or summons to appear in court as provided in section 1707 in a state-approved treatment facility for alcoholism even though entry or other record of such arrest and charge has been made. Such placement shall be governed by part 3 of article 1 of title 25, C.R.S., except where in conflict with this section.

1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.

Pursuant to 13-10-113 (5), C.R.S. (1994 Supp.) and notwithstanding any other provision of law, a child, as defined in section 19-1-103 (4), C.R.S., arrested for an alleged violation of a municipal ordinance, convicted of violating a municipal ordinance or probation conditions imposed by a municipal court, or found in contempt of court in connection with a violation or alleged violation of a municipal ordinance shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of human services or a temporary holding facility operated by or under contract with a municipal government which shall receive and provide care for such child. A municipal court imposing penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of a municipal ordinance may confine a child pursuant to section 19-2-204, C.R.S., for up to forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services. In imposing any jail sentence upon a juvenile for violating any municipal ordinance when the municipal court has jurisdiction over the juvenile pursuant to section 19-2-102 (1)(a)(II), C.R.S., a municipal court does not have the authority to order a child under eighteen years of age to a juvenile detention facility operated or contracted by the department of human services.

1707. Summons and complaint or penalty assessment notice for traffic offenses - release - registration. (1) Whenever a person commits a violation of this Code other than a violation for which a penalty assessment notice may be issued in accordance with the provisions of section 1701 and C.M.C.R., and such person is not required by the provisions of section 1705 to be arrested and taken without unnecessary delay before a municipal judge, the peace officer may issue and serve upon the defendant a summons and complaint which 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 code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in a specified court at a specified time and place; shall be signed by the peace officer, either handwritten or by way of printed, stamped or typed last name and badge number of the peace officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint.

(2) If a peace officer issues and serves a summons and complaint to appear in municipal court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

(3)(a) Whenever a penalty assessment notice for a traffic offense is issued pursuant to section 1701, 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 Code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, the amount of the penalty prescribed for such offense, the amount of surcharge thereon pursuant to section 24-4.2-109, C.R.S., the number of points, if any, prescribed for such offense 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 municipal court at a specified time and place in the event such penalty thereon are not paid; shall be signed by the peace officer; and shall contain a place for such defendant to elect to execute a signed acknowledgment of guilt and an agreement to pay the penalty prescribed thereon within twenty days, as well as such other information as may be required by ordinance and C.M.C.R. to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty thereon not be paid within the time allowed by ordinance or court order.

(b) 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 municipal court or the municipal attorney.

(4)(a) The time specified in the summons portion of said summons and complaint must be at least twenty days after the date such summons and complaint is served, unless the defendant shall demand an earlier court appearance date.

(b) The time specified in the summons portion of said penalty assessment notice shall be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier court appearance date.

(5) The place specified in the summons portion of said summons and complaint or of the penalty assessment notice must be a municipal court within the county in which the offense is alleged to have been committed.

(6) If the defendant is otherwise eligible to be issued a summons and complaint or a penalty assessment notice for a violation of this Code punishable as a traffic offense and if the defendant does not possess a valid Colorado driver's license, the defendant, in order to secure release, as provided in this section, must either consent to be taken by the officer to the nearest mailbox and to mail the amount of the penalty thereon to the clerk of the court or must execute a promise to appear in court on the penalty assessment notice or on the summons and complaint. If the defendant does possess a valid Colorado driver's license, the defendant shall not be required to execute a promise to appear on the penalty assessment notice or on the summons and complaint.

1708. Burden of proof - appeals. (1) The burden of proof shall be upon the people, and the court shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt.

(2) Appeals from courts of record shall be in accordance with Rule 37 of the Colorado Rules of Criminal Procedure.

1709. Penalty assessment notice for traffic offenses - violations of provisions by officer - driver's license. (1) Whenever a penalty assessment notice for a traffic offense is issued pursuant to section 1701, 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 offense, the date and approximate location thereof, the amount of the penalty prescribed for such traffic offense, the amount of the surcharge thereon pursuant to section 24-4.2-109, C.R.S., the number of points, if any, prescribed for such traffic offense pursuant to section 42-2-127, 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 set by ordinance or court order.

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the supervisor of the motor vehicle division and such other copies sent as may be required by rule or regulation of the motor vehicle division to govern the internal administration of this article between the motor vehicle division and the Colorado state patrol.

(3) The time specified in the summons portion of said penalty assessment notice must be at least thirty days but not more than ninety days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be a municipal court within the municipality 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.

1710. Failure to pay penalty for traffic offenses - procedures. (1) Unless a person who has been cited for a traffic offense pays the penalty assessment as provided in this article and surcharge thereon pursuant to section 24-4.2-109, C.R.S., such person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(2) If the violator answers that he is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in section 18-1-405, C.R.S. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty and surcharge thereon. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to section 1701. If a penalty assessment notice is prohibited by section 1705 (1), the penalty shall be assessed pursuant to section 1701.

1711. Compliance with promise to appear. A written promise to appear in court may be complied with by an appearance by counsel.

1712. Procedure prescribed not exclusive. The foregoing provisions of this Code shall govern all police officers in making arrests without a warrant or issuing citations for violations of this Code, for offenses or infractions committed in their presence, but the procedure prescribed in this Code shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense or infraction of like grade.

1713. Conviction record inadmissible in civil action. Except as provided in sections 42-2-201 to 42-2-208, C.R.S., no record of the conviction of any person for any violation of this Code shall be admissible as evidence in any court in any civil action.

1714. Traffic violation not to affect credibility of witness. The conviction of a person upon a charge of violating any provision of this Code or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

1715. Convictions, judgments, and charges recorded - public inspection. (1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2)(a) Subject to paragraph (b) of this Subsection (2), within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating this Code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made, the conviction was had or bail was forfeited shall prepare and forward to the motor vehicle division of the department of revenue an abstract of the record of the court covering every case in which the person had a judgment entered against him or her, was so convicted, or forfeited bail, which abstract must be certified by the preparer to be true and correct. For purposes herein "conviction" does not include a deferred sentence.

(b) For the holder of a commercial driver's license as defined in Section 42-2-402, C.R.S., or an offense committed by a person operating a commercial motor vehicle as defined in

Section 42-2-402, C.R.S., within five days after conviction, as such term is defined in Section 42-1-102(19), C.R.S., of a person upon a charge of violating this code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the person was convicted shall prepare and forward to the department an abstract of the record of the court covering every case in which the person was convicted, which abstract shall be certified by the preparer to be true and correct.

(3) Said abstract must be made upon a form furnished by the department of revenue and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture as the case may be.

1716. Notice to appear or pay fine - failure to appear - penalty. (1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

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

1717. Conviction - attendance at driver improvement school. Whenever a person has been convicted of violating any provision of this code or other law regulating the operation of vehicles on highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation, may require the defendant, at his own expense, if any, to attend and satisfactorily complete a course of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Unless otherwise provided by law, such school shall be approved by the court.

1718. Notice on illegally parked vehicle. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice, on the form authorized in section 1719 of this Code, directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

1719. Forms and notices to appear involving unattended vehicles. The municipality shall provide multiple copies of serially numbered forms, approved by the municipal court, for notifying the owners of motor vehicles which are unattended and found to be parked or stopped in violation of any of the restrictions imposed by this Code or any ordinance of the City, to respond or appear in answer to the charge of violating said Code or ordinance.

1720. Failure to comply with notice on parked vehicle. (1) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinance of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle, as provided in section 1718, by appearance and payment at the traffic violations bureau or court having jurisdiction, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of said court or traffic violations bureau shall send another notice by

mail to the registered owner of the vehicle to which the original notice was affixed, warning him that in the event such notice is disregarded for a period of five days from date of mailing a warrant of arrest will be issued and the vehicle to which the original notice was affixed may be immobilized.

(2) No person shall tear, cut, damage, mutilate, destroy or otherwise tamper with a penalty assessment notice issued pursuant to section 1718 if the intent thereby is to avoid the payment of the fine assessed on the face of said notice. Nor shall any person send a penalty assessment notice through the United States mail in such a torn, damaged, deteriorated or mutilated condition if the intent thereby is to avoid payment of or otherwise defraud the City of the fine assessed on the face of said notice.

1721. Presumption in reference to illegal parking. In any prosecution charging a violation of any provision of this Code governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

1722. Authority of police and fire department officials. Persons specially trained by the chief of police or his authorized representative may be designated and empowered by the chief of police to issue and affix to an illegally parked vehicle a penalty assessment notice under section 1718 of this Code.

1723. Violations - commercial driver's licenses - compliance with federal regulation. With respect to a holder of a commercial driver's license as defined in section 42-2-402, C.R.S., or the operator of a commercial motor vehicle as defined in section 42-2-402, C.R.S., a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction, as such term is defined in section 42-1-102(19), C.R.S., for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.

PART 18
TOWING AND STORAGE

1801. Abandoned and impounded vehicles. (1) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the City in such a manner as to interfere with the free movement of vehicular traffic or street or highway maintenance, or the vehicle is an abandoned vehicle as defined within section 15-1-8(a)(25) of the Pueblo Municipal Code, such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.

(2) In the event of abandonment of a vehicle on the property within the City other than a public right-of-way, the owner of such property shall notify the police department, and the police department shall after a period of seventy-two hours cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the municipality.

(3) Immobilization. When a driver, owner or person in charge of a motor vehicle has received a notice or citation to answer to a charge against him for violation of this Model Traffic Code, and such driver, owner or person in charge of such vehicle has failed to appear and answer such charge, members of the police department or employees of the City acting in their official capacity may, and they are hereby authorized to, temporarily immobilize such vehicle by installing on or attaching to such vehicle a device designed to restrict the normal movement of such vehicle, and if such vehicle is so immobilized, the member of the police department or employee of the City so installing or attaching such device shall conspicuously affix to such vehicle a notice in writing, on a form to be provided by the chief of police, advising the driver, owner or other person in charge of such vehicle that said vehicle has been immobilized by the City for violation of the Model Traffic Code, that release of such immobilization may be obtained from the clerk of the municipal court, that unless arrangements are made for the release of the vehicle within three (3) business days the vehicle will be removed by the police department, and that removing the device before a release is obtained is unlawful, and containing such other information as the chief of police shall deem proper. It shall be unlawful for any person to remove such device or to move such vehicle before the same is released by the clerk of the municipal court; and where such vehicle has been properly immobilized in said manner, a fee of twenty-five dollars (\$25.00) shall be charged by the clerk of the municipal court before releasing such vehicle; and the parking restriction, if any, otherwise applicable shall not apply while such vehicle is so immobilized. Any person may secure the release of an immobilized vehicle by either: (a) paying the amount of unpaid fines and court costs owing for which the vehicle was immobilized together with the immobilization fee above indicated, or (b) posting an appearance bond in the amount of one half of the unpaid fines and court costs owing or two hundred and fifty dollars (\$250.00), whichever is greater and agreeing in writing to appear in court on a date certain to answer or respond to all pending notices, citations and traffic charges against such person or involving the vehicle.

1802. Sale of abandoned and impounded vehicles. (1) Definitions. As used in this section:

(a) "Abandoned motor vehicle" means:

(I) Any motor vehicle which is left unattended on private property for a period of seventy-two hours or longer without the consent of the owner or lessee of such property or

the owner's or lessee's legally authorized agent and which is towed pursuant to the provisions of Section 15-1-8(a)(24);

(II) Any motor vehicle left unattended on public property, including any portion of a highway right-of-way, within the limits of the City for a period of seventy-two hours or longer;

(III) Any motor vehicle stored in an impound lot at the request of the police department and not removed from the impound lot within seventy-two hours of the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees;

(IV) Any motor vehicle which is towed pursuant to the provisions of Section 15-1-8(a)(24).

(b) "Appraisal" means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in this state or by a police officer designated by the chief of police who shall have ability to make such estimates and whose name shall have been reported by the chief of police to the executive director of the Colorado department of revenue.

(c) "Impound lot" means a parcel of real property which is owned or leased by an operator at which motor vehicles are stored under appropriate protection.

(d) "Operator" means a person licensed by the Colorado public utilities commission as a towing carrier.

(e) "Private property" means any real property which is not public property.

(f) "Private tow" means any tow of an abandoned motor vehicle other than a public tow.

(g) "Public tow" means any tow of an abandoned motor vehicle requested by a police officer employed by the City. The term does not include tows requested by an owner or driver of a motor vehicle even though the tow was arranged with the assistance of a City police officer. Private tows arranged with the assistance of a City police officer include but are not limited to tows requested by an owner or driver of a motor vehicle which has been involved in an automobile accident.

(2) Any police officer employed by the City who finds a motor vehicle which he has reasonable grounds to believe has been abandoned may cause such motor vehicle to be removed and stored at any public or private impound lot. Any police officer employed by the City who finds a motor vehicle, attended or unattended, standing on any portion of a highway right-of-way in such manner as to constitute an obstruction to traffic, safety hazard or obstruction to highway maintenance, is authorized to cause the motor vehicle to be moved to eliminate any such obstruction or hazard, and neither the officer nor the City shall be liable for any damages to such motor vehicle occasioned by such removal.

(3)(a) Upon public tow of an abandoned motor vehicle, the chief of police or his designee shall ascertain, if possible, whether or not the motor vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle and notify its rightful owner and terminate abandonment proceedings under this section. The City shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle.

(b) As soon as possible, but in no event later than ten (10) working days after having an abandoned motor vehicle towed, the chief of police or his designee shall report the same to the Colorado department of revenue by first class mail, or by internet communication, which report shall be on a form prescribed and supplied by the Colorado department of revenue.

(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, and the address, telephone number, name and signature of the chief of police or his designee.

(II) If applicable, the identity of the operator possessing the abandoned motor vehicle, together with his 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.

(4) Upon receipt of a return report from the Colorado department of revenue as provided by section 42-4-1804(2), C.R.S., the chief of police or his designee shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen and, if so reported, the chief of police shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings. The City shall have the right to recover from the owner its costs to recover and secure the motor vehicle, and such costs shall constitute a lien upon the vehicle prior and superior to all other liens of any nature.

(5) Within ten (10) working days of receipt of the return report from the Colorado department of revenue as provided by section 42-4-1804(2), C.R.S., the chief of police or his designee shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and of any liens, claims or charges against the vehicle imposed pursuant to this section and section 42-4-1806, C.R.S., and shall send a copy of such notice to the operator. The notice shall state that the identified motor vehicle has been reported abandoned to the Colorado department of revenue, the present location of the vehicle and location from which it was towed, and that, unless claimed within thirty calendar days from the date the notice was mailed, the motor vehicle is subject to sale. Such notice shall also inform the owner and lienholders of record of their opportunity to request a hearing concerning the legality of the towing by making a request for such a hearing in writing filed with the municipal court and the chief of police within such thirty days. If a request for hearing has been timely made as provided herein, the municipal court shall conduct the hearing as provided for quasi-judicial hearings in Chapter 7 of Title I of the Pueblo Municipal Code. In the event the municipal court determines on the basis of the evidence that the motor vehicle was not legally towed, all towing charges and storage fees shall be forgiven.

(6) Public tow abandoned motor vehicles including motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the City. The sale shall be held not less than thirty nor more than ninety days after the mailing of notice provided in paragraph (5) of this section, except that if such motor vehicle is a registered collector's item as defined in section 42-12-101(2), C.R.S., the sale shall not be held for at least ninety (90) days after the mailing of the notice.

(a) If the appraised value of the vehicle is three hundred fifty dollars (\$350.00) or less, the sale shall be made by private sale upon at least two sealed bids and only for the purpose of junking, scrapping or dismantling such vehicle, and the purchaser thereof shall not be entitled to a Colorado certificate of title. A bill of sale and report shall be provided to the purchaser in accordance with the requirements of section 42-4-1805(2), C.R.S.

(b) If the appraised value of the vehicle is more than three hundred fifty dollars (\$350.00), the vehicle shall be sold by public sale or by private sale upon at least two sealed bids. For every public sale, a notice of the sale shall be published once in a newspaper of general circulation within the City and shall describe the vehicle to be sold and state where and when the sale will take place. A public sale shall be held not less than ten days from the date of publication of the notice. The sale may be made for any intended use by the purchaser thereof. A bill of sale, report and application for title shall be provided to the purchaser in accordance with the requirements of section 42-4-1805(2), C.R.S.

(c) If the sale of the motor vehicle is a private sale, the amount of the highest sealed bid must be greater than the amount of charges incurred by the operator as authorized in paragraph (7)(b)(I) of this Section. If the amount of the highest sealed bid is less than the amount of such charges, the operator may retain the vehicle as the purchaser in full satisfaction of such charges.

(7) Proceeds of sale.

(a) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this Section produces an amount less than or equal to the sum of all charges of any operator who has perfected a lien as provided by law, 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. Said charges shall be assessed in the manner and amount provided for in paragraph 7(b)(I) of this section. No such claim shall exist where the operator elects to retain the vehicle in satisfaction of such charges pursuant to paragraph 6(c) of this section.

(b) If the sale of any motor vehicle and its attached accessories or equipment under the provisions of this section produces an amount greater than the sum of all charges of any operator who has perfected his lien:

(I) The proceeds shall first satisfy the operator's commercially reasonable charges which shall not exceed the rates established by the Colorado Public Utilities Commission for public tow and storage of abandoned vehicles.

(II) Any balance then remaining shall be paid to the City to satisfy the cost of mailing notices, making an appraisal, advertising and selling the motor vehicle, and any other costs of the City, including administrative costs, taxes, fines and penalties due.

(III) Any balance then remaining shall be forwarded to the Colorado department of revenue for distribution pursuant to section 42-4-1809(2), C.R.S.

(8) This Section does not apply to private tows, and does not alter or amend an operator's obligations under sections 42-4-1801, et seq., and specifically section 42-4-1804(6).

(9) There shall be no right of redemption from any sale made pursuant to the terms of this section, and after a vehicle has been sold pursuant to such terms, neither the City nor any officer,

agent or employee thereof shall be liable for a failure to deliver such vehicle to anyone other than the purchaser or purchasers at such sale.

(10) The operator shall release the motor vehicle to the purchaser upon payment of the purchase price by the purchaser.

PART 19
SCHOOL BUSES

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 the effective date of this section. 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) "School bus" means any bus used to transport students to and from school or a school-sponsored activity, whether said activity occurs within or without the territorial limits of any district and whether or not occurring during school hours.

1902. School bus drivers - special training required. On and after July 1, 1992, the driver of any school bus, as defined in section 1901 (3)(b), 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 vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus which has stopped, shall stop his vehicle before reaching such school bus if there are in operation on said school bus visual signal lights as specified in subsection (2) of this section, and said driver shall

not proceed until the visual signal lights are no longer being actuated; but, in the case of small passenger-type vehicles operated as school buses having a seating capacity of not more than fifteen, no such visual signal lights need be displayed or actuated.

(b)(I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify his 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, other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of schoolchildren shall bear upon the front and rear thereof plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, shall display four visual signal lights, which shall be two alternating flashing red lights visible to the drivers of vehicles approaching from the front of said bus and two alternating flashing red lights visible to the drivers of vehicles approaching from the rear of said bus, and may also display four additional visual signal lights, which shall be yellow signal lights mounted near each of the four red lights and at the same level but closer to the vertical center line of the bus and which shall be alternately flashing with two visible to the front and two visible to the rear. These visual signal lights shall be mounted as high as practicable, shall be as widely spaced laterally as practicable, and shall be located on the same level. These lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(b)(I) When a school bus is equipped only with red visual signal lights, they shall be actuated by the driver of said school bus whenever such vehicle is stopped for the purpose of receiving or discharging schoolchildren and at no other time; but such lights need not be actuated when any said 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 busses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

(c) When a school bus is equipped with alternating flashing yellow lights in addition to the red lights and when the use of a signal light system is required, the yellow lights shall be actuated at least two hundred feet prior to the point at which such 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. On and after January 1, 1976, all school buses required to be equipped shall be equipped with such visual signal light systems as provided in this section.

(3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, may be equipped, and, on and after January 1, 1976, shall be equipped, with a stop signal arm mounted outside the bus on the

left, alongside the driver and below the window. Such stop signal arm shall be a flat octagon with the word "STOP" printed on both sides in such a manner as to be easily visible to persons approaching from either direction. The stop signal arm shall contain two alternately flashing red lamps which are connected to the alternating flashing signal light system described in subsection (2) of this section, and the stop signal arm shall be extended only when the red visual signal lights are in operation.

(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 off the roadway as possible before discharging or loading passengers and, when possible, 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 which has stopped shall allow time for any vehicles which 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 school bus's 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 traffic offense.

(b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a 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 canceled 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 traffic offense and, upon conviction thereof, shall be punished by a fine or by imprisonment in the county jail 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.

PART 20
PARKING METER REGULATIONS

2001. Parking meter zones. Whenever parking meter zones have been established on streets or in parking areas regulated by this municipality, as authorized in section 113, the parking of vehicles at places, streets or parts of streets so designated shall be controlled by parking meters between the hours and on the days declared in schedules adopted by the traffic engineer and specified on authorized parking meter signs or legends.

2002. Parking meters. Parking meters installed in parking meter zones established as provided in this Code shall be so designed, constructed, installed and set as to meet the following conditions:

(1) Said meters shall be capable of being operated either automatically or mechanically, upon the deposit therein of one or more coins of the United States currency or authorized tokens, for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for an appropriate fractional period of time.

(2) Upon the expiration of the time period registered by the deposit of one or more coins or authorized tokens as provided herein, said meters will indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.

(3) Each parking meter shall bear thereon an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins or tokens therein shall apply, the value of the coins or tokens to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

2003. Parking meter spaces. (1) Parking meter spaces shall be of appropriate length and width as determined by an engineering and traffic investigation and may be designated by appropriate markings upon the curb and/or pavement of the street.

(2) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

(3) Except where prohibited by other provisions of this Code, a vehicle which is of a size too large to be parked within a single parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins or tokens shall have been deposited in the parking meter for each space so occupied as is required in this Code for the parking of other vehicles in such space.

2004. Deposit of coins or tokens and time limits. (1) No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency or authorized tokens of the appropriate denomination as provided in this Code shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency or authorized tokens,

and no person shall deposit any lawful coin or authorized token that is bent, cut, torn, battered or otherwise misshapen.

(3) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space is expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin(s) or token(s) in such meter.

(4) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amount of the coins or tokens deposited in such meter.

(5) A vehicle may be parked in a parking meter space without operation of the meter on Sundays, on holidays as defined in this Code, and during those hours of the day when the requirement to deposit coins or tokens does not apply as determined from the parking meter sign or legend.

(6) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

2005. Tampering with meter. (1) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

(2) No person, firm or corporation shall place any sack or covering over, upon or around any parking meter head, remove any parking meter head, or otherwise indicate or show that the said meter is inoperative or inapplicable without proper authority to do so.

ARTICLE II DEFINITIONS

101. Meaning of words. Whenever any words and phrases used in this Code are not defined but are defined in section 42-1-102, C.R.S., they shall have the meaning as ascribed to them in state law.

102. 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) "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.

(3) "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 such privately owned vehicles

as are designated by the state motor vehicle licensing agency, necessary to the preservation of life and property, to be equipped and to operate as emergency vehicles in the manner prescribed by state law.

(4) "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), C.R.S. Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.

(5) "Automobile" means any motor vehicle.

(6) "Bicycle" means every vehicle propelled solely by human power applied to pedals upon which any 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.

(7) "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.

(8) "Calendar year" means the twelve calendar months beginning January 1 and ending December 31 of any year.

(9) "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.

(10) "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.

(11) "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.

(12) "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.

(13) "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.

(14) "Convicted" and "conviction" include conviction in any court of record or any

municipal court or acceptance of a penalty assessment notice and payment of the prescribed penalty in accordance with the provisions of part 17 of this Code.

(15) "Court" means any municipal court, county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.

(16) "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.

(17) "Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.

(18) "Divided highway" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.

(19) "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.

(20) "Driver" means every person, including a minor driver under the age of eighteen years and a provisional driver under the age of twenty-one years, who drives or is in actual physical control of a vehicle.

(21) "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.

(22) "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.

(23) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.

(24) "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.

(25) "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.

(26) "Fullmount" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

(27) "Garage" means any public building or place of business for the storage or repair of

automobiles.

(28) "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.

(29) "High occupancy vehicle lane" means a lane designated pursuant to the provisions of section 42-4-1012, C.R.S., or this Code.

(30) "Implement of husbandry" means every vehicle which is designed 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, and other heavy movable farm equipment primarily used on farms and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 4 of article 4 of title 42, C.R.S., be considered as component parts of such implements of husbandry.

(31) "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.

(32) "Lane" means the portion of a roadway for the movement of a single line of vehicles.

(33) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(34) "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.

(35) "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.

(36) "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.

(37) "Mobile machinery" or "self-propelled construction equipment" means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo but which have been redesigned or modified by the mounting thereon of special equipment or

machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

(38) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "farm tractor" and except a motorized bicycle as defined in paragraph (b) of subsection (42) of this section.

(39) "Motor-driven cycle" means every motorcycle, including every motorscooter, with a motor which produces not to exceed six-brake horsepower and every bicycle with motor attached, but not trail bikes, minibike, go-carts, golf carts, and similar vehicles which are not designed for or approved by the department for use on the public roads or highways and not motorized bicycles as defined in paragraph (b) of subsection (42) of this section.

(40) "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.

(41) "Motor vehicle" means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways, but the term does not include motorized bicycles as defined in paragraph (b) of subsection (42) of this section, wheelchairs as defined by subsection (89) of this section, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, and 42-4-1401, C.R.S., for farm tractors operated on streets and highways, "motor vehicle" includes a farm tractor which is not otherwise classified as a motor vehicle.

(42)(a) "Motorscooter" and "motorbicycle" mean every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "farm tractor" as defined in this section and any motorized bicycle as defined in paragraph (b) of this subsection (42), which motor vehicle is powered by an engine of not to exceed six-brake horsepower.

(b) "Motorized bicycle" means a vehicle having two or three wheels, a cylinder capacity not exceeding 50 C.C., and an automatic transmission which produces a maximum design speed of not more than thirty miles per hour on a flat surface.

(43) "Mounted equipment" means any item of tangible personal property weighing more than five hundred pounds which is rigidly mounted on or attached to a vehicle subsequent to its manufacture and which, when so mounted on or attached to a vehicle, becomes an integral part thereof essential to the operation of such vehicle in carrying out and accomplishing the purpose for which such vehicle is being used.

(44) "Noncommercial or recreational vehicle" means a truck operated singly or in combination with a trailer or utility trailer when the truck does not exceed six thousand five hundred pounds or a motor home, which truck or motor home is used exclusively for pleasure, enjoyment, other recreational purposes, or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise in any business or commercial enterprise.

- (45) "Nonresident" means every person who is not a resident of this state.
- (46) "Off-highway vehicle" shall have the same meaning as set forth in section 33-14.5-101 (3), C.R.S.
- (47) "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.
- (48) "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- (49) "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., or this Code. 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.
- (50) "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.
- (51) "Pedestrian" means any person afoot.
- (52) "Person" means every natural person, firm, copartnership, association, or corporation.
- (53) "Pneumatic tires" means all tires inflated with compressed air.
- (54) "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.
- (55) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (56) "Private road" or "driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.
- (57) "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.
- (58) "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.

(59) "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.

(60) "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.

(61) "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.

(62) "Road" means any highway.

(63) "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.

(64) "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.

(65) "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.

(66) "School bus" means every motor vehicle which is owned by a public or governmental agency and operated for the transportation of children to or from school or which is privately owned and operated for compensation, but it does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of children to or from school.

(67) "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.

(68) "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.

(69) "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.

(70) "Solid rubber tires" means every tire made of rubber other than a pneumatic tire.

(71) "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.

(72) "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.

(73) "State" means a state, territory, organized or unorganized, or district of the United States.

(74) "State motor vehicle licensing agency" means the motor vehicle division of the department of revenue.

(75) "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.

(76) "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.

(77) "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.

(78) "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.

(79) "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.

(80) "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.

(81) "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.

(82) "Trailer" means any wheeled vehicle, without motive power and having an empty weight of more than two thousand pounds, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

(83)(a) "Trailer coach" means any wheeled vehicle having an overall width not exceeding eight feet and an overall length, excluding towing gear and bumpers, of not less than twenty-six feet and not more than forty feet, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and which 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.

(84) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of title 42, C.R.S., from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(85) "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.

(86a) "Truck tractor - laden" or "laden truck tractor" means any motor vehicle carrying cargo or designed to carry cargo that is generally and commonly designed and used to draw a semitrailer or trailer and its cargo load over the public highways.

(b) "Truck tractor - unladen" or "unladen truck tractor" means any motor vehicle not carrying cargo that is generally and commonly designed and used to draw a semitrailer or trailer and its cargo load over the public highways.

(87) "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.

(88) "Vehicle" means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes any bicycle, but such term does not include any wheelchair as defined by subsection (89) of this section, or any off-highway vehicle, snowmobile, any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(89) "Wheelchair" means a motorized or nonmotorized wheeled device designed for use by

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