

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 25-069

BY SENATOR(S) Catlin and Roberts, Amabile, Bridges, Cutter, Daugherty, Exum, Gonzales J., Hinrichsen, Jodeh, Marchman, Michaelson Jenet, Mullica, Snyder, Wallace;
also REPRESENTATIVE(S) Lukens and Velasco, McCluskie, Taggart, Bacon, Clifford, Duran, Froelich, Joseph, Lieder, Lindsay, Mabrey, Smith, Titone, Valdez.

CONCERNING THE USE OF TRACTION DEVICES ON MOTOR VEHICLES ON
HIGHWAYS FOR WINTER CONDITIONS.

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

SECTION 1. In Colorado Revised Statutes, 42-4-106, **amend** (5)(a)(I)(B) as follows:

42-4-106. Who may restrict right to use highways - definitions - rules. (5) (a) (I) (B) When icy or snow-packed conditions exist on the highway, the department of transportation may restrict travel on or use of any portion of a state highway by ~~any~~ A motor vehicle unless the motor vehicle is equipped with the following: Tire chains or an alternate traction device; four-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are ~~adequate for the conditions~~ IMPRINTED BY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

A MANUFACTURER WITH A MOUNTAIN-SNOWFLAKE, "M&S", "M+S", OR "M/S" SYMBOL OR THAT ARE ALL-WEATHER RATED BY THE MANUFACTURER; OR all-wheel drive with tires that have a tread depth of at least three sixteenths of an inch and that are ~~adequate for the conditions; or tires that are~~ imprinted by a manufacturer with a mountain-snowflake, "M&S", "M+S", or "M/S" symbol or that are all-weather rated by the manufacturer. ~~and that have a tread depth of at least three sixteenths of an inch.~~

SECTION 2. In Colorado Revised Statutes, **amend** 43-2-150 as follows:

43-2-150. Roadside chain service - rules - permits - fees - liability - definition. (1) The department may contract with OR ISSUE PERMITS TO one or more entities to provide roadside assistance, BY selling or applying chains or other equipment to commercial vehicles, necessary to enable compliance with section 42-4-106. ~~C.R.S.~~ The department may authorize, by rule, PERMIT, or contract, the entity to receive a reasonable fee for services provided.

(2) (a) THE DEPARTMENT SHALL ISSUE A PERMIT TO A QUALIFIED APPLICANT. THE PERMIT AUTHORIZES ITS HOLDER TO INSTALL OR REMOVE TIRE CHAINS OR ALTERNATE TRACTION DEVICES ON MOTOR VEHICLES FOR A FEE PAID BY THE DRIVER OF THE MOTOR VEHICLE SUBJECT TO THE FOLLOWING:

(I) THE TIRE CHAINS OR ALTERNATE TRACTION DEVICES MUST BE INSTALLED OR REMOVED AT LOCATIONS DESIGNATED IN THE PERMIT;

(II) PERMIT HOLDERS MUST COMPLY WITH THE CONDITIONS IN THE PERMIT; AND

(III) A PERMIT MUST NOT DESIGNATE LOCATIONS WITHIN A MUNICIPALITY WITHOUT THE APPROVAL OF THE MUNICIPALITY UNLESS THE LOCATION IS A DESIGNATED CHAIN STATION OR IS WITHIN AN INTERSTATE HIGHWAY.

(b) THE DEPARTMENT MAY PLACE CONDITIONS ON THE PERMIT CONCERNING THE SAFE AND ORDERLY MOVEMENT OF TRAFFIC.

(c) THE DEPARTMENT SHALL ISSUE SUFFICIENT PERMITS FOR THE

INSTALLATION OR REMOVAL OF TIRE CHAINS OR ALTERNATE TRACTION DEVICES THAT ARE NECESSARY TO ACCOMMODATE THE DEMAND FOR THOSE SERVICES CONSISTENT WITH THE MAXIMUM CONVENIENCE AND SAFETY OF TRAFFIC. IN ISSUING THE PERMITS, THE DEPARTMENT SHALL ENSURE THAT:

(I) THE MAXIMUM PRACTICABLE NUMBER OF DIFFERENT PERSONS RECEIVE PERMITS; AND

(II) NO ONE PERSON, TO THE EXTENT PRACTICABLE, IS THE SOLE PERMIT HOLDER FOR A PARTICULAR LOCATION.

(d) THE DEPARTMENT MAY CHARGE A FEE TO ISSUE A PERMIT TO AN APPLICANT. THE FEE MUST BE SET IN AN AMOUNT TO OFFSET THE DIRECT AND INDIRECT COSTS OF ISSUING PERMITS UNDER THIS SUBSECTION (2). THE STATE TREASURER SHALL CREDIT THE FEES TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201.

(e) IN ISSUING A PERMIT, THE DEPARTMENT ASSUMES NO RESPONSIBILITY FOR THE ACTIONS, INACTIONS, OR COMPETENCE OF THE PERMIT HOLDER IN PERFORMING SERVICES UNDER THE PERMIT. THE DEPARTMENT IS NOT LIABLE FOR DAMAGES RELATING TO ACTS OR OMISSIONS OF THE PERMIT HOLDER.

(f) THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS SECTION. THE RULES MUST INCLUDE:

(I) THE PROCEDURES FOR ISSUING A PERMIT AND THE APPLICANT QUALIFICATIONS TO BE ISSUED A PERMIT;

(II) THE PROCEDURES FOR REVOKING A PERMIT; AND

(III) A REQUIREMENT THAT THE INDIVIDUALS INSTALLING TIRE CHAINS OR ALTERNATE TRACTION DEVICES WEAR REFLECTIVE CLOTHING AND USE APPROPRIATE SIGNS AND TRAFFIC CONTROL DEVICES.

(3) AS USED IN THIS SECTION:

(a) "ALTERNATE TRACTION DEVICE" HAS THE MEANING SET FORTH IN SECTION 42-4-106 (5)(c)(I).

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION.

SECTION 3. In Colorado Revised Statutes, **add** 6-1-208 as follows:

6-1-208. Notification of chain laws. DURING SEPTEMBER 1 THROUGH MAY 31 OF EACH YEAR, A LESSOR SHALL NOTIFY, AT THE TIME OF RENTAL, A LESSEE OF THE REQUIREMENTS OF, DUTIES IN, AND THE PENALTY FOR VIOLATING SECTION 42-4-106 (5) AND WHETHER THE RENTAL MOTOR VEHICLE COMPLIES WITH SECTION 42-4-106 (5). THE NOTIFICATION MUST BE MADE IN A CLEAR AND CONSPICUOUS MANNER ORALLY, UPON THE LESSOR'S ELECTRONIC PLATFORM, OR BY A SIGN WITHIN THE LESSOR'S BUSINESS.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO