

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-0709.01 Kristen Forrestal x4217

SENATE BILL 14-060

SENATE SPONSORSHIP

Todd and King,

HOUSE SPONSORSHIP

Coram and Williams,

Senate Committees
Transportation

House Committees
Transportation & Energy

HOUSE
3rd Reading Unamended
March 6, 2014

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORIZATION OF THE DEPARTMENT OF**
102 **TRANSPORTATION TO CONDUCT FLAGPERSON TRAINING.**

HOUSE
2nd Reading Unamended
March 5, 2014

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

SENATE
3rd Reading Unamended
January 29, 2014

Current law allows state and local road authorities to train adult personnel as flagpersons to work within their respective jurisdictions. The bill changes this to allow the department of transportation (department) to authorize public and private entities to conduct flagperson training.

Current law requires drivers to obey the directions of flagpersons

SENATE
Amended 2nd Reading
January 28, 2014

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

and makes the failure to do so a class A traffic infraction. The bill relocates these provisions to another section. The bill requires flagpersons to wear high-visibility clothing, use a prescribed device while directing traffic, and abide by Colorado's manuals for traffic control. The bill clarifies that law enforcement personnel are exempt from these requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-712, **amend** (3)
3 as follows:

4 **42-4-712. Driving in highway work area.** (3) ~~State and local~~
5 ~~road authorities, within their respective jurisdictions and in cooperation~~
6 ~~with law enforcement agencies, may train and appoint adult civilian~~
7 ~~personnel for special traffic duty as highway flagpersons within any~~
8 ~~highway maintenance or construction work area. Whenever such duly~~
9 ~~authorized flagpersons are wearing the badge, insignia, or uniform of~~
10 ~~their office, are engaged in the performance of their respective duties, and~~
11 ~~are displaying any official hand signal device of a type and in the manner~~
12 ~~prescribed in the adopted state traffic control manual or supplement~~
13 ~~thereto for signaling traffic in such areas to stop or to proceed, no person~~
14 ~~shall willfully fail or refuse to obey the visible instructions or signals so~~
15 ~~displayed by such flagpersons. Any alleged willful failure or refusal of a~~
16 ~~driver to comply with such instructions or signals, including information~~
17 ~~as to the identity of the driver and the license plate number of the vehicle~~
18 ~~alleged to have been so driven in violation, shall be reported by the work~~
19 ~~area supervisor in charge at the location to the district attorney for~~
20 ~~appropriate penalizing action in a court of competent jurisdiction. Any~~
21 ~~person who violates any provision of this section commits a class A~~
22 ~~traffic infraction.~~

1 **SECTION 2.** In Colorado Revised Statutes, **add** 43-5-308 as
2 follows:

3 **43-5-308. Flagpersons - definition - penalty.** (1) (a) A PERSON
4 SHALL NOT FAIL OR REFUSE TO OBEY THE VISIBLE INSTRUCTIONS, SIGNALS,
5 OR DIRECTION DISPLAYED OR GIVEN BY A FLAGPERSON. A PERSON WHO
6 VIOLATES THIS PARAGRAPH (a) COMMITS A CLASS A TRAFFIC INFRACTION.

7 (b) IF A DRIVER FAILS TO COMPLY WITH THE FLAGPERSON'S
8 INSTRUCTIONS, THE FLAGPERSON OR ANY OTHER PERSON WITH
9 INFORMATION AS TO THE IDENTITY OF THE DRIVER OR THE LICENSE PLATE
10 NUMBER OF THE DRIVER'S VEHICLE MAY, AND IF PRACTICABLE SHALL,
11 PROMPTLY RELAY THE INFORMATION TO THE APPROPRIATE LAW
12 ENFORCEMENT AGENCY.

13 (2) (a) ONLY A TRAINED PERSON MAY PROVIDE TEMPORARY
14 TRAFFIC CONTROL OR DIRECTION WITHIN ANY HIGHWAY, ROAD, OR STREET
15 MAINTENANCE OR CONSTRUCTION WORK AREA AS A FLAGPERSON.

16 (b) THE DEPARTMENT SHALL AUTHORIZE PUBLIC AND PRIVATE
17 ENTITIES TO CONDUCT FLAGPERSON CERTIFICATION TRAINING AND SHALL
18 DEVELOP AND PROVIDE, AT COST, EXAMINATION AND TRAINING
19 MATERIALS THAT AUTHORIZED ENTITIES MUST USE IN CONDUCTING
20 FLAGPERSON CERTIFICATION.

21 (c) WHILE DIRECTING TRAFFIC, A FLAGPERSON SHALL WEAR
22 HIGH-VISIBILITY GARMENTS AND DISPLAY AN OFFICIAL HAND SIGNAL
23 DEVICE PRESCRIBED IN THE STATE TRAFFIC CONTROL MANUAL ADOPTED
24 BY THE DEPARTMENT PURSUANT TO SECTION 42-4-104, C.R.S., OR ITS
25 SUPPLEMENT.

26 (d) A FLAGPERSON SHALL ABIDE BY THE COLORADO MANUAL OF
27 UNIFORM TRAFFIC CONTROL DEVICES AND SHALL NOT USE ANY DEVICE

1 THAT MIGHT DISTRACT THE FLAGPERSON'S VISION, HEARING, OR
2 ATTENTION WHILE DIRECTING TRAFFIC.

3 (3) AS USED IN THIS SECTION, "FLAGPERSON" MEANS A PERSON:

4 (a) EIGHTEEN YEARS OF AGE OR OLDER;

5 (b) TRAINED BY AN ENTITY AUTHORIZED BY THE DEPARTMENT;

6 (c) EMPLOYED BY THE DEPARTMENT, A DEPARTMENT
7 CONTRACTOR, A POLITICAL SUBDIVISION OF THE STATE, OR A CONTRACTOR
8 OF A POLITICAL SUBDIVISION; AND

9 (d) ACTING IN HIS OR HER OFFICIAL CAPACITY WHILE PERFORMING
10 WORK WITHIN A TEMPORARY TRAFFIC CONTROL ZONE.

11 (4) THIS SECTION DOES NOT APPLY TO LAW ENFORCEMENT
12 PERSONNEL WHILE PERFORMING OFFICIAL LAW ENFORCEMENT DUTIES.

13 **SECTION 3. Effective date.** This act takes effect July 1, 2014.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.