

CHAPTER 72

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 17-1044

BY REPRESENTATIVE(S) Mitsch Bush, Becker J., Becker K., Benavidez, Hamner, Hansen, Melton, Pettersen, Rosenthal, Valdez, Young, Duran; also SENATOR(S) Todd, Gardner, Scott, Zenzinger.

AN ACT

CONCERNING AUTOCYCLES, AND, IN CONNECTION THEREWITH, CLARIFYING THAT AN AUTOCYCLE IS A TYPE OF MOTORCYCLE AND REQUIRING AUTOCYCLE DRIVERS AND PASSENGERS TO USE SAFETY BELTS AND, IF APPLICABLE, CHILD SAFETY RESTRAINTS.

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

SECTION 1. In Colorado Revised Statutes, 42-1-102, **amend** (7.5) and (55) as follows:

42-1-102. Definitions. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(7.5) "Autocycle" means a three-wheeled ~~motor vehicle~~ MOTORCYCLE THAT DOES NOT USE HANDLEBARS OR ANY OTHER DEVICE THAT IS DIRECTLY CONNECTED TO A SINGLE FRONT WHEEL TO STEER AND in which the driver and each passenger ~~rides~~ RIDE in ~~an~~ A FULLY OR PARTLY enclosed seating area that is equipped ~~with~~ WITH SAFETY BELTS FOR ALL OCCUPANTS THAT CONSTITUTE A SAFETY BELT SYSTEM, AS DEFINED IN SECTION 42-4-237 (1)(b). FOR PURPOSES OF THIS SUBSECTION (7.5), "PARTLY ENCLOSED SEATING AREA" MEANS A SEATING AREA THAT IS ENTIRELY OR PARTLY SURROUNDED ON THE SIDES BY THE FRAME OR BODY OF A VEHICLE BUT IS NOT FULLY ENCLOSED.

~~(a) Safety belts for all occupants that comply with section 42-4-237.~~

~~(b) Air bag protection; and~~

~~(c) A hardtop enclosure that protects occupants from the elements and that supports the vehicle's weight without harming the occupants when the vehicle is~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~resting on the enclosure.~~

(55) "Motorcycle" means AN AUTOCYCLE OR a motor vehicle that uses handlebars or any other device connected to the front wheel to steer and that is designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor, ~~autocycle~~, low-speed electric vehicle, or low-power scooter.

SECTION 2. In Colorado Revised Statutes, 42-2-103, **amend** (1)(b), (1)(d), and (1)(e) introductory portion; and **add** (2.5) as follows:

42-2-103. Motorcycles - low-power scooters - driver's license required.

(1) (b) The department shall require an applicant for a general motorcycle endorsement to demonstrate the applicant's ability to exercise ordinary and reasonable care and control in the operation of a motorcycle THAT IS NOT AN AUTOCYCLE. The department shall also require an applicant for a limited three-wheel motorcycle endorsement to demonstrate the applicant's ability to exercise ordinary and reasonable care and control in the operation of a three-wheel motorcycle THAT IS NOT AN AUTOCYCLE.

(d) Except as provided in ~~paragraph (e) of this subsection (1)~~ SUBSECTION (1)(e) OF THIS SECTION, a person with only a limited three-wheel motorcycle endorsement may drive a three-wheel motorcycle THAT IS NOT AN AUTOCYCLE but shall not drive a two-wheel motorcycle on a roadway.

(e) The driver of a motorcycle need not obtain a two- or three-wheel motorcycle endorsement if the motorcycle IS AN AUTOCYCLE OR IF THE MOTORCYCLE has:

(2.5) AN OPERATOR OF AN AUTOCYCLE SHALL POSSESS A VALID DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE.

SECTION 3. In Colorado Revised Statutes, 42-3-201, **amend** (1)(a)(I)(D) and (1)(a)(I)(E); and **repeal** (1)(a)(I)(F) as follows:

42-3-201. Number plates furnished - style - periodic reissuance - tabs - rules.

(1) (a) (I) The department shall issue to every owner whose vehicle is registered two number plates; except that the department shall issue one number plate for the following:

(D) A vehicle drawn by a motor vehicle; OR

(E) An item of special mobile machinery. ~~or~~

(F) ~~An autocycle.~~

SECTION 4. In Colorado Revised Statutes, 42-3-202, **amend** (1)(a) as follows:

42-3-202. Number plates to be attached. (1) (a) The owner shall attach the number plates assigned to a self-propelled vehicle, other than a ~~motorcycle~~, ~~autocycle~~, MOTORCYCLE or street rod vehicle, to the vehicle with one in the front and the other in the rear. The owner shall attach the number plate assigned to a

motorcycle, ~~autocycle~~; street rod vehicle, trailer, semitrailer, other vehicle drawn by a motor vehicle, or special mobile machinery to the rear of the vehicle. The owner shall display number plates during the current registration year, except as otherwise provided in this ~~article~~ ARTICLE 3.

SECTION 5. In Colorado Revised Statutes, 42-3-203, **repeal** (1)(b) as follows:

42-3-203. Standardized plates - notice of funding through gifts, grants, and donations - rules - repeal. (1) ~~(b) The department shall issue a registered autocycle license plate that:~~

~~(f) Is the same size as a motorcycle license plate; and~~

~~(H) Displays the registration number in numerals or letters of at least one-and-one-half inches in height.~~

SECTION 6. In Colorado Revised Statutes, 42-4-236, **amend** (1)(a.8) as follows:

42-4-236. Child restraint systems required - definitions - exemptions. (1) As used in this section, unless the context otherwise requires:

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. "Motor vehicle" does not include motorcycles ~~THAT ARE NOT AUTOCYCLES~~, low-power scooters, motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

SECTION 7. In Colorado Revised Statutes, 42-4-237, **amend** (1)(b) and (2) as follows:

42-4-237. Safety belt systems - mandatory use - exemptions - penalty. (1) As used in this section:

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

(2) Unless exempted pursuant to subsection (3) of this section, every driver of and every front seat passenger in a motor vehicle ~~AND EVERY DRIVER OF AN EVERY PASSENGER IN AN AUTOCYCLE~~ equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this state.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 23, 2017