

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 17-0842.01 Duane Gall x4335

HOUSE BILL 17-1151

HOUSE SPONSORSHIP

Hansen and Willett,

SENATE SPONSORSHIP

Kerr and Hill, Gardner

House Committees
Transportation & Energy

Senate Committees
Transportation

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF ELECTRICAL ASSISTED BICYCLES.

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://leg.colorado.gov>.)

Section 1 of the bill defines 3 classes of electrical assisted bicycle, depending on their top speed and whether the electric motor assists in propulsion only while the rider is pedaling or propels the bicycle independently.

Sections 2 and **3** make technical and conforming amendments.

Section 4 requires manufacturers to label electrical assisted bicycles as class 1, class 2, or class 3, as appropriate, and prohibits a person from modifying an electrical assisted bicycle without also

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.

SENATE
Amended 2nd Reading
March 21, 2017

HOUSE
3rd Reading Unamended
February 23, 2017

HOUSE
2nd Reading Unamended
February 22, 2017

relabeling it to accurately reflect its classification. Section 4 also requires all electrical assisted bicycles to comply with federal consumer product safety commission (CPSC) requirements and specified classes of electrical assisted bicycles to be equipped with appropriate braking systems and speedometers.

Section 5:

- ! Gives local governments the authority to allow or prohibit the use of specified classes of electrical assisted bicycles on pedestrian paths and bike paths;
- ! Prohibits a person under the age of 16 from riding a class 3 electrical assisted bicycle except as a passenger;
- ! For class 3 electrical assisted bicycles, requires all riders under 18 to wear a helmet certified by the CPSC or the American Society for Testing Materials; and
- ! Specifies that noncompliance with the helmet law does not constitute negligence or negligence per se in a lawsuit seeking damages.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **amend**
3 (28.5) and (58) as follows:

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

6 (28.5) "Electrical assisted bicycle" means a vehicle having two
7 ~~tandem wheels or two parallel~~ THREE wheels, and one forward wheel,
8 fully operable pedals, AND an electric motor not exceeding seven hundred
9 fifty watts of power. ~~and a top motor-powered speed of twenty miles per~~
10 ~~hour.~~ ELECTRICAL ASSISTED BICYCLES ARE FURTHER REQUIRED TO
11 CONFORM TO ONE OF THREE CLASSES AS FOLLOWS:

12 (a) "CLASS 1 ELECTRICAL ASSISTED BICYCLE" MEANS AN
13 ELECTRICAL ASSISTED BICYCLE EQUIPPED WITH A MOTOR THAT PROVIDES
14 ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND THAT CEASES TO
15 PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF TWENTY
16 MILES PER HOUR.

1 (b) "CLASS 2 ELECTRICAL ASSISTED BICYCLE" MEANS AN
2 ELECTRICAL ASSISTED BICYCLE EQUIPPED WITH A MOTOR THAT PROVIDES
3 ASSISTANCE REGARDLESS OF WHETHER THE RIDER IS PEDALING BUT
4 CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF
5 TWENTY MILES PER HOUR.

6 (c) "CLASS 3 ELECTRICAL ASSISTED BICYCLE" MEANS AN
7 ELECTRICAL ASSISTED BICYCLE EQUIPPED WITH A MOTOR THAT PROVIDES
8 ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND THAT CEASES TO
9 PROVIDE ASSISTANCE WHEN THE BICYCLE REACHES A SPEED OF
10 TWENTY-EIGHT MILES PER HOUR.

11 (58) "Motor vehicle" means any self-propelled vehicle that is
12 designed primarily for travel on the public highways and that is generally
13 and commonly used to transport persons and property over the public
14 highways or a low-speed electric vehicle; except that the term does not
15 include ELECTRICAL ASSISTED BICYCLES, low-power scooters,
16 wheelchairs, or vehicles moved solely by human power. For the purposes
17 of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1,
18 and 42-4-1401 for farm tractors and off-highway vehicles, as defined in
19 section 33-14.5-101 (3), ~~C.R.S.~~, operated on streets and highways, "motor
20 vehicle" includes a farm tractor or an off-highway vehicle that is not
21 otherwise classified as a motor vehicle. For the purposes of sections
22 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and
23 42-4-1301.1, "motor vehicle" includes a low-power scooter.

24 **SECTION 2.** In Colorado Revised Statutes, 42-3-103, **amend**
25 (1)(b) introductory portion and (1)(b)(I) as follows:

26 **42-3-103. Registration required - exemptions.** (1) (b) This
27 subsection (1) ~~shall~~ DOES not apply to the following:

1 (I) A bicycle, ~~electric~~ ELECTRICAL assisted bicycle, or other
2 human-powered vehicle;

3 **SECTION 3.** In Colorado Revised Statutes, 42-4-111, **amend** (1)
4 introductory portion and (1)(dd) as follows:

5 **42-4-111. Powers of local authorities.** (1) Except as otherwise
6 provided in subsection (2) of this section, this ~~article~~ ARTICLE 4 does not
7 prevent local authorities, with respect to streets and highways under their
8 jurisdiction and within the reasonable exercise of the police power, from:

9 (dd) Authorizing OR PROHIBITING the use of ~~the electrical motor~~
10 ~~on~~ an electrical assisted bicycle on a bike or pedestrian path IN
11 ACCORDANCE WITH SECTION 42-4-1412;

12 **SECTION 4.** In Colorado Revised Statutes, 42-4-221, **amend** (9);
13 and **add** (10) and (11) as follows:

14 **42-4-221. Bicycle and personal mobility device equipment.**
15 (9) (a) ~~Any person who violates any provision of this section commits a~~
16 ~~class B traffic infraction~~ ON OR AFTER JANUARY 1, 2018, EVERY
17 MANUFACTURER OR DISTRIBUTOR OF NEW ELECTRICAL ASSISTED BICYCLES
18 INTENDED FOR SALE OR DISTRIBUTION IN THIS STATE SHALL PERMANENTLY
19 AFFIX TO EACH ELECTRICAL ASSISTED BICYCLE, IN A PROMINENT
20 LOCATION, A LABEL THAT CONTAINS THE CLASSIFICATION NUMBER, TOP
21 ASSISTED SPEED, AND MOTOR WATTAGE OF THE ELECTRICAL ASSISTED
22 BICYCLE. THE LABEL MUST BE PRINTED IN THE ARIAL FONT IN AT LEAST
23 NINE-POINT TYPE.

24 (b) A PERSON SHALL NOT KNOWINGLY MODIFY AN ELECTRICAL
25 ASSISTED BICYCLE SO AS TO CHANGE THE SPEED CAPABILITY OR MOTOR
26 ENGAGEMENT OF THE ELECTRICAL ASSISTED BICYCLE WITHOUT ALSO
27 APPROPRIATELY REPLACING, OR CAUSING TO BE REPLACED, THE LABEL

1 INDICATING THE CLASSIFICATION REQUIRED BY SUBSECTION (9)(a) OF THIS
2 SECTION.

3 (10) (a) AN ELECTRICAL ASSISTED BICYCLE MUST COMPLY WITH
4 THE EQUIPMENT AND MANUFACTURING REQUIREMENTS FOR BICYCLES
5 ADOPTED BY THE UNITED STATES CONSUMER PRODUCT SAFETY
6 COMMISSION AND CODIFIED AT 16 CFR 1512 OR ITS SUCCESSOR
7 REGULATION.

8 (b) A CLASS 2 ELECTRICAL ASSISTED BICYCLE MUST OPERATE IN A
9 MANNER SO THAT THE ELECTRIC MOTOR IS DISENGAGED OR CEASES TO
10 FUNCTION WHEN THE BRAKES ARE APPLIED. CLASS 1 AND CLASS 3
11 ELECTRICAL ASSISTED BICYCLES MUST BE EQUIPPED WITH A MECHANISM
12 OR CIRCUIT THAT CANNOT BE BYPASSED AND THAT CAUSES THE ELECTRIC
13 MOTOR TO DISENGAGE OR CEASE TO FUNCTION WHEN THE RIDER STOPS
14 PEDALING.

15 (c) A CLASS 3 ELECTRICAL ASSISTED BICYCLE MUST BE EQUIPPED
16 WITH A SPEEDOMETER THAT DISPLAYS, IN MILES PER HOUR, THE SPEED THE
17 ELECTRICAL ASSISTED BICYCLE IS TRAVELING.

18 (11) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
19 TRAFFIC INFRACTION.

20 **SECTION 5.** In Colorado Revised Statutes, 42-4-1412, **amend**
21 (14); and **add** (15) as follows:

22 **42-4-1412. Operation of bicycles and other human-powered**
23 **vehicles.** (14) (a) (I) ~~Except as authorized by section 42-4-111, the rider~~
24 ~~of an electrical assisted bicycle shall not use the electrical motor on a bike~~
25 ~~or pedestrian path~~ A PERSON MAY RIDE A CLASS 1 OR CLASS 2 ELECTRICAL
26 ASSISTED BICYCLE ON A BIKE OR PEDESTRIAN PATH WHERE BICYCLES ARE
27 AUTHORIZED TO TRAVEL.

1 (II) A LOCAL AUTHORITY MAY PROHIBIT THE OPERATION OF A
2 CLASS 1 OR CLASS 2 ELECTRICAL ASSISTED BICYCLE ON A BIKE OR
3 PEDESTRIAN PATH UNDER ITS JURISDICTION.

4 (b) A PERSON SHALL NOT RIDE A CLASS 3 ELECTRICAL ASSISTED
5 BICYCLE ON A BIKE OR PEDESTRIAN PATH UNLESS:

6 (I) THE PATH IS WITHIN A STREET OR HIGHWAY; OR

7 (II) THE LOCAL AUTHORITY PERMITS THE OPERATION OF A CLASS
8 3 ELECTRICAL ASSISTED BICYCLE ON A PATH UNDER ITS JURISDICTION.

9 (15)(a) A PERSON UNDER SIXTEEN YEARS OF AGE SHALL NOT RIDE
10 A CLASS 3 ELECTRICAL ASSISTED BICYCLE UPON ANY STREET, HIGHWAY,
11 OR BIKE OR PEDESTRIAN PATH; EXCEPT THAT A PERSON UNDER SIXTEEN
12 YEARS OF AGE MAY RIDE AS A PASSENGER ON A CLASS 3 ELECTRICAL
13 ASSISTED BICYCLE THAT IS DESIGNED TO ACCOMMODATE PASSENGERS.

14 (b) A PERSON SHALL NOT OPERATE OR RIDE AS A PASSENGER ON A
15 CLASS 3 ELECTRICAL ASSISTED BICYCLE UNLESS:

16 (I) EACH PERSON UNDER EIGHTEEN YEARS OF AGE IS WEARING A
17 PROTECTIVE HELMET OF A TYPE AND DESIGN MANUFACTURED FOR USE BY
18 OPERATORS OF BICYCLES;

19 (II) THE PROTECTIVE HELMET CONFORMS TO THE DESIGN AND
20 SPECIFICATIONS SET FORTH BY THE UNITED STATES CONSUMER PRODUCT
21 SAFETY COMMISSION OR THE AMERICAN SOCIETY FOR TESTING AND
22 MATERIALS; AND

23 (III) THE PROTECTIVE HELMET IS SECURED PROPERLY ON THE
24 PERSON'S HEAD WITH A CHIN STRAP WHILE THE CLASS 3 ELECTRICAL
25 ASSISTED BICYCLE IS IN MOTION.

26 (c) A VIOLATION OF SUBSECTION (15)(b) OF THIS SECTION DOES
27 NOT CONSTITUTE NEGLIGENCE OR NEGLIGENCE PER SE IN THE CONTEXT OF

1 ANY CIVIL PERSONAL INJURY CLAIM OR LAWSUIT SEEKING DAMAGES.

2 **SECTION 6. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2018 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.