

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0064.02 Jason Gelender x4330

HOUSE BILL 22-1028

HOUSE SPONSORSHIP

Gray and Hooton, Boesenecker, Exum, Froelich, Sullivan

SENATE SPONSORSHIP

Winter,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATEWIDE REGULATION OF PERSONS APPROACHING**
102 **CONTROLLED INTERSECTIONS WHO ARE NOT OPERATING MOTOR**
103 **VEHICLES.**

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/>.)

Transportation Legislation Review Committee. An existing statute allows a municipality or county to adopt an ordinance or resolution specifying that a person riding a bicycle, electrical assisted bicycle, or electric scooter may make a safety stop, rather than a full stop, under certain circumstances when approaching an intersection that is controlled

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

by a stop sign or a traffic control signal as follows:

- When approaching a stop sign, if it is safe to proceed, the person may, after slowing to a reasonable speed of 15 miles per hour or less, or 10 or 20 miles per hour or less if so specified by municipality or county for a particular intersection and marked with appropriate signage, and yielding the right-of-way to any traffic or pedestrian in or approaching the intersection, continue through the intersection without stopping; and
- When approaching an illuminated red traffic control signal, the person must first stop at the intersection and yield to all other traffic and pedestrians and then, when safe to do so, may proceed straight or make a right turn through the intersection or, subject to specified conditions, make a left turn onto a one-way street only.

The bill amends the statute to make the substantive requirements described above uniform statewide for most persons approaching a controlled intersection who are not operating a motor vehicle. Such persons include pedestrians (approaching a controlled intersection with a stop sign) and operators of low-speed conveyances, as defined in the bill (approaching a controlled intersection with a stop sign or a traffic control signal).

The regulation of persons approaching controlled intersections is declared to be a matter of mixed state and local concern, and the amended statute is thus declared to supersede any conflicting local ordinance or resolution but not to affect the validity of any nonconflicting local ordinance or resolution that regulates the conduct of persons approaching controlled intersections. The bill does not create any right for a pedestrian or the operator of a low-speed conveyance to travel on any portion of a roadway where travel is otherwise prohibited by state law or a local ordinance or resolution.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1412, **amend**

3 (1) as follows:

4 **42-4-1412. Operation of bicycles, electric scooters, and other**

5 **human-powered vehicles.** (1) A person riding a bicycle, electrical

6 assisted bicycle, or electric scooter has all of the rights and duties

7 applicable to the driver of any other vehicle under this article 4, except as

1 to special regulations in this article 4, except as provided in section
2 42-4-1412.5, and except as to those provisions that by their nature can
3 have no application. Bicycle, electrical assisted bicycle, or electric scooter
4 riders shall comply with the rules set forth in this section and section
5 42-4-221, and, when using streets and highways within incorporated cities
6 and towns, are subject to local ordinances regulating the operation of
7 bicycles, electrical assisted bicycles, and electric scooters as provided in
8 section 42-4-111. Notwithstanding any contrary provision in this article
9 4, when a county or municipality has adopted an ordinance or resolution
10 ~~pursuant to~~ THAT REGULATES THE OPERATION OF BICYCLES, ELECTRICAL
11 ASSISTED BICYCLES, AND ELECTRIC SCOOTERS AT CONTROLLED
12 INTERSECTIONS, AS DEFINED IN SECTION 42-4-1412.5 (4)(a), AND THAT
13 DOES NOT CONFLICT WITH section 42-4-1412.5, riders are subject to the
14 local ordinance or resolution.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 42-4-1412.5
16 as follows:

17 **42-4-1412.5. Statewide regulation of certain persons**
18 **approaching intersections who are not operating motor vehicles -**
19 **status of existing local ordinance or resolution - legislative**
20 **declaration - definitions.** (1) ~~A county or municipality may adopt an~~
21 ~~ordinance or resolution implementing this section. If a county or~~
22 ~~municipality adopts an ordinance or resolution pursuant to this section,~~
23 ~~the ordinance or resolution must specify the following:~~ THE GENERAL
24 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

25 (a) THE REGULATION OF PERSONS APPROACHING CONTROLLED
26 INTERSECTIONS IS A MATTER OF MIXED STATE AND LOCAL CONCERN; AND

27 (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF

1 THE STATE TO REDUCE INJURIES, FATALITIES, AND PROPERTY DAMAGE
2 RESULTING FROM COLLISIONS AT CONTROLLED INTERSECTIONS BETWEEN
3 MOTOR VEHICLES AND PERSONS WHO ARE NOT OPERATING MOTOR
4 VEHICLES BY ALLOWING MOST PERSONS APPROACHING CONTROLLED
5 INTERSECTIONS WHO ARE NOT OPERATING MOTOR VEHICLES TO APPROACH
6 CONTROLLED INTERSECTIONS IN THE MANNER SET FORTH IN THIS SECTION.

7 (2) (a) (I) A PEDESTRIAN OR A person ~~riding a bicycle, electrical~~
8 ~~assisted bicycle, or electric scooter~~ OPERATING A LOW-SPEED
9 CONVEYANCE and approaching ~~an intersection of a roadway~~ A
10 CONTROLLED INTERSECTION with a stop sign shall slow down and, if
11 required for safety, stop before entering the intersection. If a stop is not
12 required for safety, the PEDESTRIAN OR person OPERATING A LOW-SPEED
13 CONVEYANCE shall slow to a reasonable speed and yield the right-of-way
14 to any traffic or pedestrian in or approaching the intersection. After the
15 PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE has
16 slowed to a reasonable speed and yielded the right-of-way if required, the
17 PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE may
18 cautiously make a turn or proceed through the intersection without
19 stopping.

20 ~~(b)~~ (II) For purposes of this ~~subsection (1)~~ SUBSECTION (2)(a), a
21 reasonable speed is ~~fifteen~~ TEN miles per hour or less. A municipality, by
22 ordinance, or a county, by resolution, may ~~reduce the maximum~~
23 ~~reasonable speed at any individual intersection to ten miles per hour or~~
24 raise the maximum reasonable speed to twenty miles per hour if the
25 municipality or county also posts signs at the intersection stating that
26 ~~lower or~~ higher speed limitation.

27 (c) (b) A person ~~riding a bicycle, electrical assisted bicycle, or~~

1 ~~electric scooter~~ OPERATING A LOW-SPEED CONVEYANCE and approaching
2 ~~an intersection of a roadway~~ A CONTROLLED INTERSECTION with an
3 illuminated red traffic control signal shall stop before entering the
4 intersection and shall yield to all other traffic and pedestrians. Once the
5 person OPERATING A LOW-SPEED CONVEYANCE has yielded, the person
6 OPERATING A LOW-SPEED CONVEYANCE may cautiously proceed in the
7 same direction through the intersection or make a right-hand turn. When
8 a red traffic control signal is illuminated, a person OPERATING A
9 LOW-SPEED CONVEYANCE shall not proceed through the intersection or
10 turn right if an oncoming vehicle is turning or preparing to turn left in
11 front of the person OPERATING A LOW-SPEED CONVEYANCE.

12 ~~(d)~~ (c) A person ~~riding a bicycle, electrical assisted bicycle, or~~
13 ~~electric scooter~~ OPERATING A LOW-SPEED CONVEYANCE approaching an
14 intersection of a roadway with an illuminated red traffic control signal
15 may make a left-hand turn only if turning onto a one-way street and only
16 after stopping and yielding to other traffic and pedestrians. However, a
17 person OPERATING A LOW-SPEED CONVEYANCE shall not turn left if a AN
18 ONCOMING vehicle is traveling in the same direction as the person and the
19 vehicle is turning or preparing to turn left. ~~If the person is not turning left~~
20 ~~onto a one-way street, the person shall not make a left-hand turn at an~~
21 ~~intersection while a red traffic control signal is illuminated.~~ RIGHT.

22 ~~(2) If a county or municipality adopted a valid ordinance or~~
23 ~~resolution that regulates bicycles or electrical assisted bicycles~~
24 ~~substantially as described in subsection (1) of this section prior to May 3,~~
25 ~~2018, that ordinance or resolution remains valid.~~

26 (2.5) THIS SECTION SUPERSEDES ANY CONFLICTING ORDINANCE
27 THAT A MUNICIPALITY, COUNTY, OR CITY AND COUNTY ADOPTS, BUT

1 nothing in this section affects the validity of ~~an~~ ANY ordinance or
2 resolution ~~that~~ ADOPTED BY a municipality, county, or city and county
3 ~~adopted pursuant to this section if the ordinance or resolution:~~ THAT
4 REGULATES THE CONDUCT OF PERSONS APPROACHING CONTROLLED
5 INTERSECTIONS AND DOES NOT CONFLICT WITH THIS SECTION.

6 (a) ~~Was adopted before May 23, 2019; and~~

7 (b) ~~Applies to electric scooters.~~

8 (3) ~~The adoption of an ordinance or resolution in accordance with~~
9 This section does not diminish or alter the authority of the department of
10 transportation or the state transportation commission, as those entities are
11 defined in section 43-1-102, regarding the department's or commission's
12 authority to regulate motor vehicle traffic on any portion of the state
13 highway system as defined in section 43-2-101 (1).

14 (3.5) THIS SECTION DOES NOT CREATE ANY RIGHT FOR A
15 PEDESTRIAN OR THE OPERATOR OF A LOW-SPEED CONVEYANCE TO TRAVEL
16 ON ANY PORTION OF A ROADWAY WHERE TRAVEL IS OTHERWISE
17 PROHIBITED BY STATE LAW OR BY AN ORDINANCE OR RESOLUTION
18 ADOPTED BY A MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

19 (4) As used in this section:

20 (a) ~~"Electrical assisted bicycle" means the term as it is defined in~~
21 ~~section 42-1-102 (28.5).~~ "CONTROLLED INTERSECTION" MEANS AN
22 INTERSECTION OF A ROADWAY THAT IS CONTROLLED BY EITHER A STOP
23 SIGN OR A TRAFFIC CONTROL SIGNAL.

24 (b) ~~"Municipality" means a home rule or statutory city, town, or~~
25 ~~city and county.~~ "LOW-SPEED CONVEYANCE" MEANS:

26 (I) A VEHICLE, AS DEFINED IN SECTION 42-1-102 (112), THAT IS
27 NOT A MOTOR VEHICLE, AS DEFINED IN SECTION 42-1-102 (58), A

1 LOW-POWER SCOOTER AS DEFINED IN SECTION 42-1-102 (48.5), OR A
2 LOW-SPEED ELECTRIC VEHICLE, AS DEFINED IN SECTION 42-1-102 (48.6);

3 (II) A TOY VEHICLE, AS DEFINED IN SECTION 42-1-102 (103.5),
4 THAT IS EXCLUSIVELY HUMAN-POWERED; OR

5 (III) AN ELECTRIC PERSONAL ASSISTANCE MOBILITY DEVICE OR
6 EPAMD, AS DEFINED IN SECTION 42-1-102 (28.7), OR A DEVICE THAT
7 WOULD BE AN ELECTRIC PERSONAL ASSISTANCE MOBILITY DEVICE OR
8 EPAMD BUT FOR THE FACT THAT IT HAS FEWER OR MORE THAN TWO
9 WHEELS OR HAS TANDEM WHEELS.

10 **SECTION 3.** In Colorado Revised Statutes, 42-4-2301, **amend**
11 **(1)(g) and (1)(h); and add (1)(i) as follows:**

12 **42-4-2301. Comprehensive education.** (1) The department of
13 transportation, in collaboration with the departments of education and
14 public safety and appropriate nonprofit organizations and advocacy
15 groups, shall notify schools of the availability of and make available to
16 schools existing educational curriculum for individuals under eighteen
17 years of age regarding the safe use of public streets and premises open to
18 the public by users of nonmotorized wheeled transportation and
19 pedestrians. The curriculum shall focus on, at a minimum, instruction
20 regarding:

21 (g) The use of hiking and bicycling trails; **and**

22 (h) Safe pedestrian practices; **AND**

23 (i) **LEGAL REQUIREMENTS AND SAFE PRACTICES FOR APPROACHING**
24 **CONTROLLED INTERSECTIONS AS A PEDESTRIAN OR WHILE OPERATING A**
25 **LOW-SPEED CONVEYANCE, AS DEFINED IN SECTION 42-4-1412.5 (4)(b).**

26 **SECTION 4.** In Colorado Revised Statutes, **add part 25 to article**
27 **4 of title 42 as follows:**

1 PART 25

2 EDUCATION REGARDING APPROACHING
3 CONTROLLED INTERSECTIONS WHILE
4 NOT DRIVING A MOTOR VEHICLE

5 **42-4-2501. Educational materials - updating of driving manual.**

6 (1) THE DEPARTMENT OF TRANSPORTATION, IN COLLABORATION WITH THE
7 DEPARTMENTS OF EDUCATION AND PUBLIC SAFETY AND APPROPRIATE
8 NONPROFIT ORGANIZATIONS AND ADVOCACY GROUPS, SHALL PRODUCE
9 FOR THE GENERAL PUBLIC EDUCATIONAL MATERIALS CONCERNING LEGAL
10 REQUIREMENTS AND SAFE PRACTICES FOR APPROACHING CONTROLLED
11 INTERSECTIONS AS A PEDESTRIAN OR WHILE OPERATING A LOW-SPEED
12 CONVEYANCE, AS DEFINED IN SECTION 42-4-1412.5 (4)(b).

13 (2) THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT SHALL
14 INCLUDE IN UPDATES TO THE "COLORADO DRIVER HANDBOOK" UPDATED
15 INFORMATION REGARDING LEGAL REQUIREMENTS AND SAFE PRACTICES
16 FOR APPROACHING CONTROLLED INTERSECTIONS THAT REFLECTS CHANGES
17 TO PRIOR LAW MADE BY HOUSE BILL 22-1028, ENACTED IN 2022.

18 **SECTION 5. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.