

CHAPTER 96

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 22-1028

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AN ACT

CONCERNING STATEWIDE REGULATION OF PERSONS APPROACHING CONTROLLED INTERSECTIONS WHO ARE NOT OPERATING MOTOR VEHICLES.

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

SECTION 1. In Colorado Revised Statutes, 42-4-1412, **amend** (1) as follows:

42-4-1412. Operation of bicycles, electric scooters, and other human-powered vehicles. (1) A person riding a bicycle, electrical assisted bicycle, or electric scooter has all of the rights and duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4, except as provided in section 42-4-1412.5, and except as to those provisions that by their nature can have no application. Bicycle, electrical assisted bicycle, or electric scooter riders shall comply with the rules set forth in this section and section 42-4-221, and, when using streets and highways within incorporated cities and towns, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in section 42-4-111. Notwithstanding any contrary provision in this article 4, when a county or municipality has adopted an ordinance or resolution pursuant to THAT REGULATES THE OPERATION OF BICYCLES, ELECTRICAL ASSISTED BICYCLES, AND ELECTRIC SCOOTERS AT CONTROLLED INTERSECTIONS, AS DEFINED IN SECTION 42-4-1412.5 (4)(a), AND THAT DOES NOT CONFLICT WITH section 42-4-1412.5, riders are subject to the local ordinance or resolution.

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

42-4-1412.5. Statewide regulation of certain persons approaching intersections who are not operating motor vehicles - status of existing local

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.

ordinance or resolution - legislative declaration - definitions. (1) ~~A county or municipality may adopt an ordinance or resolution implementing this section. If a county or municipality adopts an ordinance or resolution pursuant to this section, the ordinance or resolution must specify the following:~~ THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

(b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF THE STATE TO REDUCE INJURIES, FATALITIES, AND PROPERTY DAMAGE RESULTING FROM COLLISIONS AT CONTROLLED INTERSECTIONS BETWEEN MOTOR VEHICLES AND PERSONS WHO ARE NOT OPERATING MOTOR VEHICLES BY ALLOWING MOST PERSONS APPROACHING CONTROLLED INTERSECTIONS WHO ARE FIFTEEN YEARS OF AGE OR OLDER OR WHO ARE UNDER FIFTEEN YEARS OF AGE AND ACCOMPANIED BY AN ADULT AND WHO ARE NOT OPERATING MOTOR VEHICLES TO APPROACH CONTROLLED INTERSECTIONS IN THE MANNER SET FORTH IN THIS SECTION.

(2) (a) (I) ~~A PEDESTRIAN OR A person riding a bicycle, electrical assisted bicycle, or electric scooter~~ WHO IS FIFTEEN YEARS OF AGE OR OLDER OR WHO IS UNDER FIFTEEN YEARS OF AGE AND ACCOMPANIED BY AN ADULT AND WHO IS OPERATING A LOW-SPEED CONVEYANCE ~~and approaching an intersection of a roadway~~ A CONTROLLED INTERSECTION with a stop sign shall slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE shall slow to a reasonable speed and yield the right-of-way to any traffic or pedestrian in or approaching the intersection. After the PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE has slowed to a reasonable speed and yielded the right-of-way if required, the PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE may cautiously make a turn or proceed through the intersection without stopping.

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

(c) (b) ~~A person riding a bicycle, electrical assisted bicycle, or electric scooter~~ WHO IS FIFTEEN YEARS OF AGE OR OLDER OR WHO IS UNDER FIFTEEN YEARS OF AGE AND IS ACCOMPANIED BY AN ADULT AND WHO IS OPERATING A LOW-SPEED CONVEYANCE ~~and approaching an intersection of a roadway~~ A CONTROLLED INTERSECTION with an illuminated red traffic control signal shall stop before entering the intersection and shall yield to all other traffic and pedestrians. Once the person OPERATING A LOW-SPEED CONVEYANCE has yielded, the person OPERATING A LOW-SPEED CONVEYANCE may cautiously proceed in the same direction through the intersection or make a right-hand turn. When a red traffic control signal is illuminated, a person OPERATING A LOW-SPEED CONVEYANCE shall not proceed through the intersection or turn right if an oncoming vehicle is turning or preparing to turn left in front of the person OPERATING A LOW-SPEED CONVEYANCE.

~~(d)~~ (c) A person riding a bicycle, electrical assisted bicycle, or electric scooter WHO IS FIFTEEN YEARS OF AGE OR OLDER OR WHO IS UNDER FIFTEEN YEARS OF AGE AND IS ACCOMPANIED BY AN ADULT AND WHO IS OPERATING A LOW-SPEED CONVEYANCE approaching an intersection of a roadway with an illuminated red traffic control signal may make a left-hand turn only if turning onto a one-way street and only after stopping and yielding to other traffic and pedestrians. However, a person OPERATING A LOW-SPEED CONVEYANCE shall not turn left if a AN ONCOMING vehicle is traveling in the same direction as the person and the vehicle is turning or preparing to turn left. ~~If the person is not turning left onto a one-way street, the person shall not make a left-hand turn at an intersection while a red traffic control signal is illuminated.~~ RIGHT.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (2), IF A COUNTY OR MUNICIPALITY HAS PLACED A TRAFFIC SIGN OR A TRAFFIC CONTROL SIGNAL AT A CONTROLLED INTERSECTION AND THE TRAFFIC SIGN OR TRAFFIC CONTROL SIGNAL PROVIDES INSTRUCTIONS ONLY TO ONE OR MORE SPECIFIED TYPES OF LOW-SPEED CONVEYANCES, THE OPERATOR OF A LOW-SPEED CONVEYANCE TO WHICH THE TRAFFIC SIGN OR TRAFFIC CONTROL SIGNAL IS DIRECTED SHALL OBEY THE INSTRUCTIONS PROVIDED BY THE SIGN OR TRAFFIC CONTROL SIGNAL.

~~(2)~~ (e) If a county or municipality adopted a valid ordinance or resolution that regulates bicycles or electrical assisted bicycles substantially as described in ~~subsection (1)~~ SUBSECTIONS (2)(a.5), (2)(b.5), AND (2)(c.5) of this section prior to May 3, 2018, that ordinance or resolution remains valid TO THE EXTENT THAT IT APPLIES TO THE OPERATION OF BICYCLES OR ELECTRICAL ASSISTED BICYCLES BY PERSONS WHO ARE UNDER FIFTEEN YEARS OF AGE AND WHO ARE NOT ACCOMPANIED BY AN ADULT.

(2.5) THIS SECTION SUPERSEDES ANY CONFLICTING ORDINANCE THAT A MUNICIPALITY, COUNTY, OR CITY AND COUNTY ADOPTS, BUT nothing in this section affects the validity of ~~an~~ ANY ordinance or resolution ~~that~~ ADOPTED BY a municipality, county, or city and county ~~adopted pursuant to this section if the ordinance or resolution:~~ THAT REGULATES THE CONDUCT OF PERSONS APPROACHING CONTROLLED INTERSECTIONS AND DOES NOT CONFLICT WITH THIS SECTION.

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

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

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

(3.5) THIS SECTION 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 BY AN ORDINANCE OR RESOLUTION ADOPTED BY A MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

(4) As used in this section:

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

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

(I) A VEHICLE, AS DEFINED IN SECTION 42-1-102 (112), THAT IS NOT A MOTOR VEHICLE, AS DEFINED IN SECTION 42-1-102 (58), A LOW-POWER SCOOTER AS DEFINED IN SECTION 42-1-102 (48.5), OR A LOW-SPEED ELECTRIC VEHICLE, AS DEFINED IN SECTION 42-1-102 (48.6);

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

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

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

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

(g) The use of hiking and bicycling trails; ~~and~~

(h) Safe pedestrian practices; AND

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

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

PART 25
EDUCATION REGARDING APPROACHING
CONTROLLED INTERSECTIONS WHILE
NOT DRIVING A MOTOR VEHICLE

42-4-2501. Educational materials - updating of driving manual. (1) THE

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

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

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

Approved: April 13, 2022