Second Regular Session Seventy-third General Assembly STATE OF COLORADO

REVISED

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

LLS NO. 22-0064.02 Jason Gelender x4330

HOUSE BILL 22-1028

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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 3rd Reading Unamended

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February 22, 2022

Amended 2nd Reading February 18, 2022

HOUSE

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

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

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:

(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

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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 FIFTEEN YEARS OF AGE OR OLDER OR WHO ARE 6 UNDER FIFTEEN YEARS OF AGE AND ACCOMPANIED BY AN ADULT AND WHO 7 ARE NOT OPERATING MOTOR VEHICLES TO APPROACH CONTROLLED 8 INTERSECTIONS IN THE MANNER SET FORTH IN THIS SECTION.

9 (2) (a) (I) A PEDESTRIAN OR A person riding a bicycle, electrical 10 assisted bicycle, or electric scooter WHO IS FIFTEEN YEARS OF AGE OR 11 OLDER OR WHO IS UNDER FIFTEEN YEARS OF AGE AND ACCOMPANIED BY 12 AN ADULT AND WHO IS OPERATING A LOW-SPEED CONVEYANCE and 13 approaching an intersection of a roadway A CONTROLLED INTERSECTION 14 with a stop sign shall slow down and, if required for safety, stop before 15 entering the intersection. If a stop is not required for safety, the 16 PEDESTRIAN OR person OPERATING A LOW-SPEED CONVEYANCE shall slow 17 to a reasonable speed and yield the right-of-way to any traffic or 18 pedestrian in or approaching the intersection. After the PEDESTRIAN OR 19 person OPERATING A LOW-SPEED CONVEYANCE has slowed to a reasonable 20 speed and yielded the right-of-way if required, the PEDESTRIAN OR person 21 OPERATING A LOW-SPEED CONVEYANCE may cautiously make a turn or 22 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.

3 (c) (b) A person riding a bicycle, electrical assisted bicycle, or 4 electric scooter WHO IS FIFTEEN YEARS OF AGE OR OLDER OR WHO IS 5 UNDER FIFTEEN YEARS OF AGE AND IS ACCOMPANIED BY AN ADULT AND 6 WHO IS OPERATING A LOW-SPEED CONVEYANCE and approaching an 7 intersection of a roadway A CONTROLLED INTERSECTION with an 8 illuminated red traffic control signal shall stop before entering the 9 intersection and shall yield to all other traffic and pedestrians. Once the 10 person OPERATING A LOW-SPEED CONVEYANCE has yielded, the person 11 OPERATING A LOW-SPEED CONVEYANCE may cautiously proceed in the 12 same direction through the intersection or make a right-hand turn. When 13 a red traffic control signal is illuminated, a person OPERATING A 14 LOW-SPEED CONVEYANCE shall not proceed through the intersection or 15 turn right if an oncoming vehicle is turning or preparing to turn left in 16 front of the person OPERATING A LOW-SPEED CONVEYANCE.

17 (d) (c) A person riding a bicycle, electrical assisted bicycle, or 18 electric scooter WHO IS FIFTEEN YEARS OF AGE OR OLDER OR WHO IS 19 UNDER FIFTEEN YEARS OF AGE AND IS ACCOMPANIED BY AN ADULT AND 20 WHO IS OPERATING A LOW-SPEED CONVEYANCE approaching an 21 intersection of a roadway with an illuminated red traffic control signal 22 may make a left-hand turn only if turning onto a one-way street and only 23 after stopping and yielding to other traffic and pedestrians. However, a 24 person OPERATING A LOW-SPEED CONVEYANCE shall not turn left if a AN 25 ONCOMING vehicle is traveling in the same direction as the person and the 26 vehicle is turning or preparing to turn left. If the person is not turning left 27 onto a one-way street, the person shall not make a left-hand turn at an

1	intersection while a red traffic control signal is illuminated. RIGHT.
2	(d) Notwithstanding any other provision of this
3	SUBSECTION (2), IF A COUNTY OR MUNICIPALITY HAS PLACED A TRAFFIC
4	SIGN OR A TRAFFIC CONTROL SIGNAL AT A CONTROLLED INTERSECTION
5	AND THE TRAFFIC SIGN OR TRAFFIC CONTROL SIGNAL PROVIDES
6	INSTRUCTIONS ONLY TO ONE OR MORE SPECIFIED TYPES OF LOW-SPEED
7	CONVEYANCES, THE OPERATOR OF A LOW-SPEED CONVEYANCE TO WHICH
8	THE TRAFFIC SIGN OR TRAFFIC CONTROL SIGNAL IS DIRECTED SHALL OBEY
9	THE INSTRUCTIONS PROVIDED BY THE SIGN OR TRAFFIC CONTROL SIGNAL.
10	(2) (e) If a county or municipality adopted a valid ordinance or
11	resolution that regulates bicycles or electrical assisted bicycles
12	substantially as described in subsection (1) SUBSECTIONS (2)(a.5),
13	(2)(b.5), AND (2)(c.5) of this section prior to May 3, 2018, that ordinance
14	or resolution remains valid TO THE EXTENT THAT IT APPLIES TO THE
15	OPERATION OF BICYCLES OR ELECTRICAL ASSISTED BICYCLES BY PERSONS
16	WHO ARE UNDER FIFTEEN YEARS OF AGE AND WHO ARE NOT ACCOMPANIED
17	<u>BY AN ADULT.</u>
18	(2.5) This section supersedes any conflicting ordinance
19	THAT A MUNICIPALITY, COUNTY, OR CITY AND COUNTY ADOPTS, BUT
20	nothing in this section affects the validity of an ANY ordinance or
21	resolution that ADOPTED BY a municipality, county, or city and county
22	adopted pursuant to this section if the ordinance or resolution: THAT
23	REGULATES THE CONDUCT OF PERSONS APPROACHING CONTROLLED
24	INTERSECTIONS AND DOES NOT CONFLICT WITH THIS SECTION.
25	(a) Was adopted before May 23, 2019; and
26	(b) Applies to electric scooters.

27 (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).

6 (3.5) THIS SECTION DOES NOT CREATE ANY RIGHT FOR A
7 PEDESTRIAN OR THE OPERATOR OF A LOW-SPEED CONVEYANCE TO TRAVEL
8 ON ANY PORTION OF A ROADWAY WHERE TRAVEL IS OTHERWISE
9 PROHIBITED BY STATE LAW OR BY AN ORDINANCE OR RESOLUTION
10 ADOPTED BY A MUNICIPALITY, COUNTY, OR CITY AND COUNTY.

11

(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

1 WHEELS OR HAS TANDEM WHEELS.

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

4 42-4-2301. Comprehensive education. (1) The department of 5 transportation, in collaboration with the departments of education and 6 public safety and appropriate nonprofit organizations and advocacy 7 groups, shall notify schools of the availability of and make available to 8 schools existing educational curriculum for individuals under eighteen 9 years of age regarding the safe use of public streets and premises open to 10 the public by users of nonmotorized wheeled transportation and 11 pedestrians. The curriculum shall focus on, at a minimum, instruction 12 regarding:

- 13 (g) The use of hiking and bicycling trails; and
- 14 (h) Safe pedestrian practices; AND
- 15 (i) LEGAL REQUIREMENTS AND SAFE PRACTICES FOR APPROACHING
- 16 CONTROLLED INTERSECTIONS AS A PEDESTRIAN OR WHILE OPERATING A
- 17 LOW-SPEED CONVEYANCE, AS DEFINED IN SECTION 42-4-1412.5 (4)(b).
- 18 SECTION 4. In Colorado Revised Statutes, add part 25 to article

PART 25

19 4 of title 42 as follows:

20

- 21 EDUCATION REGARDING APPROACHING
- 22 CONTROLLED INTERSECTIONS WHILE
- 23 NOT DRIVING A MOTOR VEHICLE
- 24 **42-4-2501.** Educational materials updating of driving manual.
- 25 (1) THE DEPARTMENT OF TRANSPORTATION, IN COLLABORATION WITH THE
- 26 DEPARTMENTS OF EDUCATION AND PUBLIC SAFETY AND APPROPRIATE
- 27 NONPROFIT ORGANIZATIONS AND ADVOCACY GROUPS, SHALL PRODUCE

1	FOR THE GENERAL PUBLIC EDUCATIONAL MATERIALS CONCERNING LEGAL
2	REQUIREMENTS AND SAFE PRACTICES FOR APPROACHING CONTROLLED
3	INTERSECTIONS AS A PEDESTRIAN OR WHILE OPERATING A LOW-SPEED
4	CONVEYANCE, AS DEFINED IN SECTION 42-4-1412.5 (4)(b).
5	(2) THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT SHALL
6	INCLUDE IN UPDATES TO THE "COLORADO DRIVER HANDBOOK" UPDATED
7	INFORMATION REGARDING LEGAL REQUIREMENTS AND SAFE PRACTICES
8	FOR APPROACHING CONTROLLED INTERSECTIONS THAT REFLECTS CHANGES
9	TO PRIOR LAW MADE BY HOUSE BILL 22-1028, ENACTED IN 2022.
10	SECTION 5. Safety clause. The general assembly hereby finds,
11	determines, and declares that this act is necessary for the immediate
12	preservation of the public peace, health, or safety.