

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 29, 2009
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB09-1026 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 5, line 27, strike "A NEW SUBSECTION," and
2 substitute "THE FOLLOWING NEW SUBSECTIONS,".

3 Page 6, after line 2, insert the following:

4 "(28.5) "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" OR
5 "EPAMD" MEANS A SELF-BALANCING, NONTANDEM TWO-WHEELED
6 DEVICE, DESIGNED TO TRANSPORT ONLY ONE PERSON, THAT IS POWERED
7 SOLELY BY AN ELECTRIC PROPULSION SYSTEM PRODUCING AN AVERAGE
8 POWER OUTPUT OF NO MORE THAN SEVEN HUNDRED FIFTY WATTS.".

9 Page 8, strike lines 3 through 11 and substitute the following:

10 "(112) "Vehicle" means ~~any~~ A device ~~which~~ THAT is capable of
11 moving itself, or of being moved, from place to place upon wheels or
12 endless tracks. "Vehicle" includes, ~~any~~ WITHOUT LIMITATION, A bicycle
13 OR EPAMD, but ~~such term~~ does not include ~~any~~ A wheelchair, ~~as defined~~
14 ~~by subsection (113) of this section, or any~~ off-highway vehicle,
15 snowmobile, ~~any~~ farm tractor, or ~~any~~ implement of husbandry designed
16 primarily or exclusively for use and used in agricultural operations or any
17 device moved ~~by muscular power or moved~~ exclusively over stationary
18 rails or tracks or designed to move primarily through the air.".

19 Page 21, strike lines 10 and 11 and substitute the following:

1 "a roadway shall not ride more than two abreast. ~~except on lanes or parts~~
2 ~~of roadways set aside for the exclusive use of bicycles."~~

3 Page 22, strike lines 1 through 8 and substitute the following:

4 "SECTION 18. The introductory portion to 42-4-111 (1) and
5 42-4-111 (1)(z) and (2), Colorado Revised Statutes, are amended, and the
6 said 42-4-111 (1) is further amended BY THE ADDITION OF A NEW
7 PARAGRAPH, to read:

8 **42-4-111. Powers of local authorities.** (1) ~~The provisions of~~
9 This article shall not be deemed to prevent local authorities, with respect
10 to streets and highways under their jurisdiction and within the reasonable
11 exercise of the police power, except those streets and highways ~~which~~
12 THAT are parts of the state highway system ~~which~~ THAT are subject to ~~the~~
13 ~~provisions of~~ section 43-2-135, C.R.S., from:";

14 after line 12, insert the following:

15 "(bb) AUTHORIZING, PROHIBITING, OR REGULATING THE USE OF AN
16 EPAMD ON A ROADWAY, SIDEWALK, BIKE PATH, OR PEDESTRIAN PATH
17 CONSISTENT WITH SECTION 42-4-117 (1) AND (3).

18 (2) No ordinance or regulation enacted under paragraph (a), (b),
19 (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), ~~or~~ (aa),
20 OR (bb) of subsection (1) of this section shall be effective until official
21 signs or other traffic control devices conforming to standards as required
22 by section 42-4-602 and giving notice of such local traffic regulations are
23 placed upon or at the entrances to the highway or part thereof affected as
24 may be most appropriate.

25 **SECTION 19.** Part 1 of article 4 of title 42, Colorado Revised
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
27 read:

28 **42-4-117. Personal mobility devices.** (1) A RIDER OF AN
29 EPAMD SHALL HAVE ALL THE SAME RIGHTS AND DUTIES AS AN OPERATOR
30 OF ANY OTHER VEHICLE UNDER THIS ARTICLE, EXCEPT AS TO THOSE
31 PROVISIONS THAT BY THEIR NATURE HAVE NO APPLICATION.

1 (2) (a) UNLESS AUTHORIZED OR PROHIBITED UNDER SECTION
2 42-4-111 (1) (bb), AN EPAMD:

3 (I) MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH
4 VEHICLE USE;

5 (II) SHALL NOT BE OPERATED ON A SIDEWALK; AND

6 (III) SHALL NOT BE OPERATED ON A HIGHWAY OR ROADWAY THAT
7 HAS A SPEED LIMIT GREATER THAN THIRTY MILES PER HOUR; EXCEPT THAT
8 A PERSONAL MOBILITY DEVICE MAY BE OPERATED ON A CROSSWALK OR
9 ANY PLACE WHERE PEDESTRIANS ARE AUTHORIZED TO CROSS SUCH
10 HIGHWAY OR ROADWAY.

11 (b) SUBPARAGRAPHS (II) TO (IV) OF PARAGRAPH (a) OF THIS
12 SUBSECTION (2) SHALL NOT APPLY TO A POLICE OFFICER OR EMPLOYEE OF
13 A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY IN THE
14 PERFORMANCE OF THE OFFICER'S OR EMPLOYEE'S DUTIES.

15 (3) AN EPAMD SHALL NOT BE OPERATED:

16 (a) ON A LIMITED-ACCESS HIGHWAY;

17 (b) ON A BIKE OR PEDESTRIAN PATH; OR

18 (c) AT A SPEED OF GREATER THAN TWELVE AND ONE-HALF MILES
19 PER HOUR.

20 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
21 TRAFFIC INFRACTION."

22 Renumber succeeding sections accordingly.

23 Page 27, after line 16, insert the following:

24 "SECTION 27. 42-4-221 (1), (2), (3), (4), and (5), Colorado
25 Revised Statutes, are amended to read:

26 **42-4-221. Bicycle and personal mobility device equipment.**

27 (1) No other provision of this part 2 and no provision of part 3 of this
28 article shall apply to ~~bicycles~~ A BICYCLE OR EPAMD or to equipment for

1 use on ~~bicycles~~ A BICYCLE OR EPAMD except those provisions in this
2 article made specifically applicable to ~~bicyclists, bicycles, or their~~
3 ~~equipment~~ SUCH A VEHICLE.

4 (2) Every bicycle OR EPAMD in use at the times described in
5 section 42-4-204 shall be equipped with a lamp on the front emitting a
6 white light visible from a distance of at least five hundred feet to the
7 front.

8 (3) Every bicycle OR EPAMD shall be equipped with a red
9 reflector of a type approved by the department, which shall be visible for
10 six hundred feet to the rear when directly in front of lawful lower beams
11 of head lamps on a motor vehicle.

12 (4) Every bicycle OR EPAMD when in use at the times described
13 in section 42-4-204 shall be equipped with reflective material of
14 sufficient size and reflectivity to be visible from both sides for six
15 hundred feet when directly in front of lawful lower beams of head lamps
16 on a motor vehicle or, in lieu of such reflective material, with a lighted
17 lamp visible from both sides from a distance of at least five hundred feet.

18 (5) A bicycle OR EPAMD or its rider may be equipped with lights
19 or reflectors in addition to those required by subsections (2) to (4) of this
20 section."

21 Renumber succeeding sections accordingly.

22 Page 34, after line 24, insert the following:

23 "SECTION 37. The introductory portion to 42-4-1502 (4.5) (a),
24 Colorado Revised Statutes, is amended to read:

25 **42-4-1502. Riding on motorcycles - protective helmet.**
26 (4.5) (a) A person under eighteen years of age may not operate or carry
27 a passenger who is under eighteen years of age on a motorcycle OR
28 LOW-POWER SCOOTER on a highway in this state unless:"

29 Renumber succeeding sections accordingly.

30 Page 37, line 21, strike "34" and substitute "36".

- 1 Page 1, line 104, strike "SCOOTER"." and substitute "SCOOTER" AND
- 2 "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE".

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