

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0064.01 Jery Payne x2157

HOUSE BILL 16-1205

HOUSE SPONSORSHIP

Klingenschmitt, Lebsock

SENATE SPONSORSHIP

Cooke, Marble

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN EXCEPTION TO THE PROHIBITIONS AGAINST DRIVING
102 A MOTORCYCLE AROUND MOTOR VEHICLES BLOCKING THE
103 LANES OF TRAFFIC MOVING IN THE SAME DIRECTION.

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://www.leg.state.co.us/bills summaries>.)

Currently, the driver of a motorcycle is prohibited from driving between rows of motor vehicles or overtaking on the right. The bill allows motorcycles to drive between rows of motor vehicles or overtake on the right when traffic is moving at less than 5 miles per hour if:

! The motor vehicles that the motorcycle is driving around

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.

are traveling in the same direction as the motorcycle and at no more than 5 miles per hour;

! The motorcycle is driven no faster than 15 miles per hour; and

! The motorcycle does not exceed by more than 10 miles per hour the speed of traffic the motorcycle is passing.

Overtaking on the right is not allowed when a vehicle is using the shoulder.

The Colorado department of transportation may notify the public of these changes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1503, **amend**
3 (1), (2), and (3) as follows:

4 **42-4-1503. Operating motorcycles on roadways laned for**
5 **traffic.** (1) (a) ~~All motorcycles are~~ THE DRIVER OF A MOTORCYCLE IS
6 entitled to full use of a traffic lane. ~~and no motor vehicle~~

7 (b) EXCEPT AS AUTHORIZED BY SUBSECTION (3) OF THIS SECTION,
8 A PERSON shall ~~be driven~~ NOT OPERATE A MOTOR VEHICLE in such a
9 manner as to deprive any motorcycle of the full use of a traffic lane. This
10 subsection (1) ~~shall not apply to~~ DOES NOT PROHIBIT TWO PERSONS FROM
11 DRIVING motorcycles ~~operated~~ two abreast in a single lane.

12 (2) EXCEPT AS AUTHORIZED BY SUBSECTION (3) OF THIS SECTION,
13 the ~~operator~~ DRIVER of a motorcycle shall not overtake or pass in the same
14 lane occupied by the vehicle being overtaken.

15 (3) (a) ~~No~~ A person shall NOT operate a motorcycle between lanes
16 of traffic or between adjacent ~~lines or~~ rows of vehicles; EXCEPT THAT THE
17 DRIVER OF A TWO-WHEELED MOTORCYCLE MAY DRIVE IN THE SAME LANE
18 AS, AND BETWEEN ROWS OF, STOPPED OR MOVING MOTOR VEHICLES IF:

19 (I) THE MOTOR VEHICLES THAT THE MOTORCYCLIST IS DRIVING
20 BETWEEN ARE TRAVELING IN THE SAME DIRECTION AS THE MOTORCYCLE

1 IS TRAVELING AND NO FASTER THAN FIVE MILES PER HOUR;

2 (II) THE MOTORCYCLE IS DRIVEN AT A SPEED OF FIFTEEN MILES PER
3 HOUR OR LESS; AND

4 (III) THE MOTORCYCLE DOES NOT EXCEED BY MORE THAN TEN
5 MILES PER HOUR THE SPEED OF THE MOTOR VEHICLES THE MOTORCYCLE IS
6 OVERTAKING.

7 (b) THIS SUBSECTION (3) DOES NOT AUTHORIZE THE DRIVER OF A
8 MOTORCYCLE TO VIOLATE ANY OTHER PROVISION OF THIS ARTICLE.

9 (c) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY
10 NOTIFY THE PUBLIC, USING EXISTING RESOURCES, THAT LANE-SPLITTING
11 IS LEGAL WHEN AUTHORIZED BY THIS SECTION AND ADVISE DRIVERS TO
12 USE CAUTION.

13 **SECTION 2.** In Colorado Revised Statutes, 42-4-1004, **amend**
14 (1) (b) and (1) (c); and **add** (1) (d) as follows:

15 **42-4-1004. When overtaking on the right is permitted.** (1) The
16 driver of a vehicle may overtake and pass upon the right of another
17 vehicle only under the following conditions:

18 (b) Upon a street or highway with unobstructed pavement not
19 occupied by parked vehicles and marked for two or more lanes of moving
20 vehicles in each direction; ~~or~~

21 (c) Upon a one-way street or upon any roadway on which traffic
22 is restricted to one direction of movement where the roadway is free from
23 obstructions and marked for two or more lanes of moving vehicles; OR

24 (d) (I) WHEN THE DRIVER OF A MOTORCYCLE IS OVERTAKING
25 STOPPED OR SLOW-MOVING MOTOR VEHICLES AND:

26 (A) THE MOTOR VEHICLES THAT THE MOTORCYCLIST IS DRIVING
27 AROUND ARE TRAVELING IN THE SAME DIRECTION AND NO FASTER THAN

1 FIVE MILES PER HOUR;

2 (B) THE MOTORCYCLE IS DRIVEN AT A SPEED OF FIFTEEN MILES PER
3 HOUR OR LESS;

4 (C) THE MOTORCYCLE DOES NOT EXCEED BY MORE THAN TEN
5 MILES PER HOUR THE SPEED OF THE MOTOR VEHICLES THE MOTORCYCLE IS
6 OVERTAKING; AND

7 (D) NO OTHER VEHICLE OR MOTOR VEHICLE IS USING, FOR ANY
8 REASON, THE SHOULDER WITHIN THE VISUAL RANGE OF THE DRIVER OF THE
9 MOTORCYCLE.

10 (II) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY
11 NOTIFY THE PUBLIC, USING EXISTING RESOURCES, THAT OVERTAKING ON
12 THE RIGHT IS LEGAL WHEN AUTHORIZED BY THIS SECTION AND ADVISE
13 DRIVERS TO USE CAUTION.

14 **SECTION 3. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2016 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.