

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 17-0181.01 Jason Gelender x4330

HOUSE BILL 17-1044

HOUSE SPONSORSHIP

Mitsch Bush,

SENATE SPONSORSHIP

Todd,

House Committees

Transportation & Energy

Senate Committees

Transportation

A BILL FOR AN ACT

101 **CONCERNING AUTOCYCLES, AND, IN CONNECTION THEREWITH,**
102 **CLARIFYING THAT AN AUTOCYCLE IS A TYPE OF MOTORCYCLE**
103 **AND REQUIRING AUTOCYCLE DRIVERS AND PASSENGERS TO USE**
104 **SAFETY BELTS AND, IF APPLICABLE, CHILD SAFETY RESTRAINTS.**

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. The bill amends the definition of autocycle to explicitly exclude motorcycles, clarify that the driver and each passenger in an autocycle ride in either a fully or a

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.

SENATE
Amended 2nd Reading
March 3, 2017

HOUSE
3rd Reading Unamended
February 7, 2017

HOUSE
Amended 2nd Reading
February 6, 2017

partly enclosed seating area, and eliminate the requirements that an autocycle be equipped with air bags and a hardtop enclosure that protects occupants from the elements and can support the weight of the vehicle without harming occupants when the vehicle is resting on the enclosure. The bill also amends the definitions of "motor vehicle" used in the laws governing mandatory safety belt and child restraint system use to clarify that those laws apply to autocycles.

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

SECTION 1. In Colorado Revised Statutes, 42-1-102, **amend** (7.5) ~~AND (55)~~ as follows:

42-1-102. Definitions. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(7.5) "Autocycle" means a three-wheeled ~~motor vehicle~~ ~~MOTORCYCLE THAT DOES NOT USE HANDLEBARS OR ANY OTHER DEVICE THAT IS DIRECTLY CONNECTED TO A SINGLE FRONT WHEEL TO STEER AND~~ in which the driver and each passenger ~~rides~~ RIDE in ~~an~~ A FULLY OR PARTLY enclosed seating area that is equipped ~~with~~. WITH SAFETY BELTS FOR ALL OCCUPANTS THAT ~~CONSTITUTE A SAFETY BELT SYSTEM, AS~~ DEFINED IN SECTION ~~42-4-237 (1)(b).~~ FOR PURPOSES OF THIS SUBSECTION (7.5), "PARTLY ENCLOSED SEATING AREA" MEANS A SEATING AREA THAT IS ENTIRELY OR PARTLY SURROUNDED ON THE SIDES BY THE FRAME OR BODY OF A VEHICLE BUT IS NOT FULLY ENCLOSED.

~~(a) Safety belts for all occupants that comply with section 42-4-237.~~

~~(b) Air bag protection; and~~

~~(c) A hardtop enclosure that protects occupants from the elements and that supports the vehicle's weight without harming the occupants when the vehicle is resting on the enclosure.~~

(55) "Motorcycle" means ~~AN AUTOCYCLE OR~~ a motor vehicle that

1 uses handlebars or any other device connected to the front wheel to steer
2 and that is designed to travel on not more than three wheels in contact
3 with the ground; except that the term does not include a farm tractor,
4 ~~autocycle~~, low-speed electric vehicle, or low-power scooter.

5 **SECTION 2.** In Colorado Revised Statutes, 42-2-103, **amend**
6 **(1)(b), (1)(d), and (1)(e) introductory portion; and add (2.5) as follows:**

7 **42-2-103. Motorcycles - low-power scooters - driver's license**
8 **required.** (1) (b) The department shall require an applicant for a general
9 motorcycle endorsement to demonstrate the applicant's ability to exercise
10 ordinary and reasonable care and control in the operation of a motorcycle
11 THAT IS NOT AN AUTOCYCLE. The department shall also require an
12 applicant for a limited three-wheel motorcycle endorsement to
13 demonstrate the applicant's ability to exercise ordinary and reasonable
14 care and control in the operation of a three-wheel motorcycle THAT IS NOT
15 AN AUTOCYCLE.

16 (d) Except as provided in paragraph (c) of this subsection (1)
17 SUBSECTION (1)(e) OF THIS SECTION, a person with only a limited
18 three-wheel motorcycle endorsement may drive a three-wheel motorcycle
19 THAT IS NOT AN AUTOCYCLE but shall not drive a two-wheel motorcycle
20 on a roadway.

21 (e) The driver of a motorcycle need not obtain a two- or
22 three-wheel motorcycle endorsement if the motorcycle IS AN AUTOCYCLE
23 OR IF THE MOTORCYCLE has:

24 (2.5) AN OPERATOR OF AN AUTOCYCLE SHALL POSSESS A VALID
25 DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE.

26 **SECTION 3.** In Colorado Revised Statutes, 42-3-201, **amend**
27 **(1)(a)(I)(D) and (1)(a)(I)(E); and repeal (1)(a)(I)(F) as follows:**

1 **42-3-201. Number plates furnished - style - periodic reissuance**
2 **- tabs - rules.** (1) (a) (I) The department shall issue to every owner
3 **whose vehicle is registered two number plates; except that the department**
4 **shall issue one number plate for the following:**
5 **(D) A vehicle drawn by a motor vehicle; OR**
6 **(E) An item of special mobile machinery. or**
7 **(F) An autocycle.**

8 **SECTION 4.** In Colorado Revised Statutes, 42-3-202, **amend**
9 **(1)(a) as follows:**

10 **42-3-202. Number plates to be attached.** (1) (a) The owner shall
11 **attach the number plates assigned to a self-propelled vehicle, other than**
12 **a motorcycle, autocycle, MOTORCYCLE or street rod vehicle, to the vehicle**
13 **with one in the front and the other in the rear. The owner shall attach the**
14 **number plate assigned to a motorcycle, autocycle, street rod vehicle,**
15 **trailer, semitrailer, other vehicle drawn by a motor vehicle, or special**
16 **mobile machinery to the rear of the vehicle. The owner shall display**
17 **number plates during the current registration year, except as otherwise**
18 **provided in this article ARTICLE 3.**

19 **SECTION 5.** In Colorado Revised Statutes, 42-3-203, **repeal**
20 **(1)(b) as follows:**

21 **42-3-203. Standardized plates - notice of funding through**
22 **gifts, grants, and donations - rules - repeal.** (1) (b) The department
23 **shall issue a registered autocycle a license plate that:**
24 **(I) Is the same size as a motorcycle license plate; and**
25 **(II) Displays the registration number in numerals or letters of at**
26 **least one-and-one-half inches in height.**

27 **SECTION 6.** In Colorado Revised Statutes, 42-4-236, **amend**

1 (1)(a.8) as follows:

2 **42-4-236. Child restraint systems required - definitions -**
3 **exemptions.** (1) As used in this section, unless the context otherwise
4 requires:

5 (a.8) "Motor vehicle" means a passenger car; a pickup truck; or a
6 van, minivan, or sport utility vehicle with a gross vehicle weight rating of
7 less than ten thousand pounds. "Motor vehicle" does not include
8 motorcycles THAT ARE NOT AUTOCYCLES, low-power scooters,
9 motorscooters, motorbicycles, motorized bicycles, and farm tractors and
10 implements of husbandry designed primarily or exclusively for use in
11 agricultural operations.

12 **SECTION 7.** In Colorado Revised Statutes, 42-4-237, **amend**
13 (1)(b) and (2) as follows:

14 **42-4-237. Safety belt systems - mandatory use - exemptions -**
15 **penalty.** (1) As used in this section:

16 (b) "Safety belt system" means a system utilizing a lap belt, a
17 shoulder belt, or any other belt or combination of belts installed in a
18 motor vehicle OR AN AUTOCYCLE to restrain drivers and passengers,
19 which system conforms to federal motor vehicle safety standards.

20 (2) Unless exempted pursuant to subsection (3) of this section,
21 every driver of and every front seat passenger in a motor vehicle AND
22 EVERY DRIVER OF AND EVERY PASSENGER IN AN AUTOCYCLE equipped
23 with a safety belt system shall wear a fastened safety belt while the motor
24 vehicle is being operated on a street or highway in this state.

25 **SECTION 8. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.