

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB25-1197 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 42-4-221, **amend**
4 (11); and **add** (9)(c), (10)(d), (12), (13), and (14) as follows:

5 **42-4-221. Bicycle, electric scooter, and personal mobility**
6 **device equipment - sale of electrical assisted bicycle equipment**
7 **requirements - deceptive trade practice.** (9)(c) ON OR AFTER JANUARY
8 1, 2026, THE LABEL REQUIRED BY SUBSECTION (9)(a) OF THIS SECTION
9 MUST, FOR A MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE, ALSO
10 IDENTIFY THE HIGHEST CLASS OR EACH OF THE CLASSES IN WHICH THE
11 ELECTRICAL ASSISTED BICYCLE IS CAPABLE OF OPERATION.

12 (10)(d) A MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE MUST
13 MEET ALL THE REQUIREMENTS IN THIS ARTICLE 4 APPLICABLE TO EACH
14 RESPECTIVE CLASS OF ELECTRICAL ASSISTED BICYCLE FOR WHICH THE
15 MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE PROVIDES FOR
16 OPERATION.

17 (11) A person ~~who~~ THAT violates SUBSECTIONS (1) TO (10) OF this
18 section commits a class B traffic infraction.

19 (12)(a) A PERSON SHALL NOT SELL OR OFFER TO SELL, IN A STORE
20 OR ONLINE, A VEHICLE THAT IS NOT AN ELECTRICAL ASSISTED BICYCLE IF
21 THE VEHICLE IS FALSELY LABELED AS A CLASS 1, CLASS 2, CLASS 3, OR
22 MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE.

23 (b) A PERSON SHALL NOT ADVERTISE, OFFER FOR SALE, OR SELL, IN
24 A STORE OR ONLINE, A VEHICLE THAT IS NOT AN ELECTRICAL ASSISTED
25 BICYCLE:

26 (I) BY REPRESENTING THE VEHICLE AS AN ELECTRICAL ASSISTED
27 BICYCLE; OR

28 (II) (A) USING THE WORDS "ELECTRICAL ASSISTED BICYCLE",
29 "ELECTRIC BIKE", "E-BIKE", OR OTHER SIMILAR TERMS WITHOUT
30 PROVIDING THE FOLLOWING DISCLOSURE IN CLEARLY LEGIBLE, WRITTEN
31 FORM: "THIS VEHICLE IS NOT AN ELECTRICAL ASSISTED BICYCLE AS
32 DEFINED IN STATE LAW PURSUANT TO SECTION 42-1-102, COLORADO
33 REVISED STATUTES. IT IS INSTEAD A TYPE OF MOTOR VEHICLE AND
34 SUBJECT TO APPLICABLE MOTOR VEHICLE LAWS IF USED ON PUBLIC ROADS
35 OR PUBLIC LANDS. YOUR INSURANCE POLICIES MAY NOT PROVIDE
36 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS VEHICLE. TO
37 DETERMINE COVERAGE, YOU SHOULD CONTACT YOUR INSURANCE
38 COMPANY OR AGENT."

39 (B) THE DISCLOSURE REQUIRED PURSUANT TO SUBSECTION
40 (12)(b)(II)(A) OF THIS SECTION MUST BE PROVIDED AT THE STORE WHERE

1 THE VEHICLE IS ADVERTISED OR SOLD AND, FOR A VEHICLE ADVERTISED OR
2 SOLD ONLINE, ON THE WEBSITE FOR THE VEHICLE AND IN ANY SOCIAL
3 MEDIA MARKETING FOR THE VEHICLE.

4 (c) A PERSON THAT VIOLATES THIS SUBSECTION (12) COMMITS A
5 DECEPTIVE TRADE PRACTICE UNDER THE "COLORADO CONSUMER
6 PROTECTION ACT", ARTICLE 1 OF TITLE 6.

7 (13) A SELLER OF AN ELECTRICAL ASSISTED BICYCLE SHALL
8 DISCLOSE TO THE PURCHASER:

9 (a) THE MOTOR POWER IN WATTS OF THE ELECTRICAL ASSISTED
10 BICYCLE;

11 (b) THE MAXIMUM SPEED OF THE ELECTRICAL ASSISTED BICYCLE;

12 (c) WHETHER THE ELECTRICAL ASSISTED BICYCLE IS A CLASS 1,
13 CLASS 2, CLASS 3, OR MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE;
14 AND

15 (d) FOR A CLASS 3 ELECTRICAL ASSISTED BICYCLE OR MULTIPLE
16 MODE ELECTRICAL ASSISTED BICYCLE THAT IS CAPABLE OF OPERATING AS
17 A CLASS 3 ELECTRICAL ASSISTED BICYCLE, A STATEMENT THAT IT IS
18 UNLAWFUL FOR AN INDIVIDUAL WHO IS UNDER SIXTEEN YEARS OF AGE TO
19 OPERATE A CLASS 3 ELECTRICAL ASSISTED BICYCLE IN COLORADO.

20 (14) (a) A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE,
21 ASSEMBLE, RECONDITION, SELL, OFFER TO SELL, LEASE, OR RENT A
22 LITHIUM-ION BATTERY OR A SECOND-USE LITHIUM-ION BATTERY AS PART
23 OF OR INTENDED FOR USE IN AN ELECTRICAL ASSISTED BICYCLE UNLESS
24 THE LITHIUM-ION BATTERY OR SECOND-USE LITHIUM-ION BATTERY HAS
25 BEEN CERTIFIED BY AN ACCREDITED TESTING LABORATORY FOR
26 COMPLIANCE WITH A BATTERY STANDARD REFERENCED IN UL 2849 OR EN
27 15194, OR ANOTHER SAFETY STANDARD APPROVED BY THE DIRECTOR OF
28 THE DIVISION OF FIRE PREVENTION AND CONTROL.

29 (b) (I) IF CERTIFICATION HAS BEEN OBTAINED PURSUANT TO
30 SUBSECTION (14)(a) OF THIS SECTION, THE CERTIFICATION OR THE LOGO,
31 WORDMARK, OR NAME OF THE ACCREDITED TESTING LABORATORY THAT
32 PROVIDED THE CERTIFICATION MUST BE DISPLAYED:

33 (A) ON THE PACKAGING OR DOCUMENTATION FOR AN ELECTRICAL
34 ASSISTED BICYCLE OR A LITHIUM-ION BATTERY OR SECOND-USE
35 LITHIUM-ION BATTERY INTENDED FOR USE IN AN ELECTRICAL ASSISTED
36 BICYCLE AT THE TIME OF SALE; OR

37 (B) DIRECTLY ON THE ELECTRICAL ASSISTED BICYCLE OR THE
38 LITHIUM-ION BATTERY OR SECOND-USE LITHIUM-ION BATTERY INTENDED
39 FOR USE IN AN ELECTRICAL ASSISTED BICYCLE AT THE TIME OF SALE.

40 (II) THE CERTIFICATION OR THE LOGO, WORDMARK, OR NAME OF
41 THE ACCREDITED TESTING LABORATORY THAT PROVIDED THE
42 CERTIFICATION NEED NOT BE DISPLAYED FOR AN ELECTRICAL ASSISTED
43 BICYCLE THAT IS BEING SOLD SECONDHAND OR RENTED.

44 **SECTION 2.** In Colorado Revised Statutes, 42-1-102, **amend**
45 (28.5); and **add** (1.5), (47.7), (60.2), and (88.7) as follows:

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

3 (1.5) "ACCREDITED TESTING LABORATORY" MEANS A TESTING
4 LABORATORY THAT IS RECOGNIZED BY THE FEDERAL OCCUPATIONAL
5 SAFETY AND HEALTH ADMINISTRATION OR AN INDEPENDENT LABORATORY
6 THAT HAS BEEN CERTIFIED BY AN ACCREDITING BODY TO THE STANDARD
7 ISO 17025 OR STANDARD ISO 17065 OF THE INTERNATIONAL
8 ORGANIZATION FOR STANDARDIZATION.

9 (28.5)(a) "Electrical assisted bicycle" means a vehicle having two
10 or three wheels, fully operable pedals, and an electric motor not
11 exceeding seven hundred fifty watts of power. Electrical assisted bicycles
12 are further required to conform to ~~one of three~~ CERTAIN classes as
13 follows:

14 (a) (I) "Class 1 electrical assisted bicycle" means an electrical
15 assisted bicycle equipped with a motor that provides assistance only when
16 the rider is pedaling and that ceases to provide assistance when the
17 bicycle reaches a speed of twenty miles per hour.

18 (b) (II) "Class 2 electrical assisted bicycle" means an electrical
19 assisted bicycle equipped with a motor that provides assistance regardless
20 of whether the rider is pedaling but ceases to provide assistance when the
21 bicycle reaches a speed of twenty miles per hour.

22 (c) (III) "Class 3 electrical assisted bicycle" means an electrical
23 assisted bicycle equipped with a motor that provides assistance only when
24 the rider is pedaling and that ceases to provide assistance when the
25 bicycle reaches a speed of twenty-eight miles per hour.

26 (b) "ELECTRICAL ASSISTED BICYCLE" DOES NOT INCLUDE:

27 (I) A VEHICLE THAT IS MODIFIED SO THAT IT NO LONGER MEETS
28 THE REQUIREMENTS FOR ANY CLASS OF ELECTRICAL ASSISTED BICYCLE; OR

29 (II) A VEHICLE THAT IS DESIGNED, MANUFACTURED, OR INTENDED
30 BY THE MANUFACTURER OR SELLER TO BE EASILY CONFIGURED SO AS NOT
31 TO MEET THE REQUIREMENTS OF AN ELECTRICAL ASSISTED BICYCLE,
32 WHETHER BY A MECHANICAL SWITCH OR BUTTON, BY CHANGING A
33 SETTING IN SOFTWARE CONTROLLING THE DRIVE SYSTEM, BY USE OF AN
34 ONLINE APPLICATION, OR THROUGH OTHER MEANS INTENDED BY THE
35 MANUFACTURER OR SELLER.

36 (47.7) "LITHIUM-ION BATTERY" MEANS A RECHARGEABLE
37 BATTERY WITH AN ORGANIC SOLVENT ELECTROLYTE AND POSITIVE AND
38 NEGATIVE ELECTRODES THAT UTILIZE AN INTERCALATION COMPOUND IN
39 WHICH LITHIUM IS STORED.

40 (60.2) "MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE" MEANS
41 AN ELECTRICAL ASSISTED BICYCLE EQUIPPED WITH SWITCHABLE OR
42 PROGRAMMABLE MODES THAT PROVIDE FOR OPERATION AS TWO OR MORE
43 OF A CLASS 1, CLASS 2, OR CLASS 3 ELECTRICAL ASSISTED BICYCLE IN
44 CONFORMANCE WITH THE DEFINITION UNDER THIS SECTION FOR EACH
45 RESPECTIVE CLASS.

(88.7) "SECOND-USE LITHIUM-ION BATTERY" MEANS A LITHIUM-ION BATTERY THAT HAS BEEN ASSEMBLED, REFURBISHED, REPAIRED, REPURPOSED, OR RECONDITIONED USING CELLS REMOVED FROM USED BATTERIES.

5 **SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add** (1)(iii)
6 as follows:

7 6-1-105. Unfair or deceptive trade practices - definitions.

8 (1) A person engages in a deceptive trade practice when, in the course of
9 the person's business, vocation, or occupation, the person:

10 (iii) VIOLATES SECTION 42-4-221 (12).

SECTION 4. Act subject to petition - effective date -

12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly; except that, if a referendum petition is filed pursuant
15 to section 1 (3) of article V of the state constitution against this act or an
16 item, section, or part of this act within such period, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2026 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by the
20 governor.

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