

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 5, 2025
Date

Committee on Energy & Environment.

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

HB25-1197 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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, 2027, 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

1 (II) (A) USING THE WORDS "ELECTRICAL ASSISTED BICYCLE",
2 "ELECTRIC BIKE", "E-BIKE", OR OTHER SIMILAR TERMS WITHOUT
3 PROVIDING THE FOLLOWING DISCLOSURE IN CLEARLY LEGIBLE, WRITTEN
4 FORM: "THIS VEHICLE IS NOT AN ELECTRICAL ASSISTED BICYCLE AS
5 DEFINED IN STATE LAW PURSUANT TO SECTION 42-1-102, COLORADO
6 REVISED STATUTES. IT IS INSTEAD A TYPE OF MOTOR VEHICLE AND
7 SUBJECT TO APPLICABLE MOTOR VEHICLE LAWS IF USED ON PUBLIC ROADS
8 OR PUBLIC LANDS. YOUR INSURANCE POLICIES MAY NOT PROVIDE
9 COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS VEHICLE. TO
10 DETERMINE COVERAGE, YOU SHOULD CONTACT YOUR INSURANCE
11 COMPANY OR AGENT."

12 (B) THE DISCLOSURE REQUIRED PURSUANT TO SUBSECTION
13 (12)(b)(II)(A) OF THIS SECTION MUST BE PROVIDED AT THE STORE WHERE
14 THE VEHICLE IS ADVERTISED OR SOLD AND, FOR A VEHICLE ADVERTISED OR
15 SOLD ONLINE, ON THE WEBSITE FOR THE VEHICLE AND IN ANY SOCIAL
16 MEDIA MARKETING FOR THE VEHICLE.

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

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

22 (a) THE MOTOR POWER IN WATTS OF THE ELECTRICAL ASSISTED
23 BICYCLE;

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

25 (c) WHETHER THE ELECTRICAL ASSISTED BICYCLE IS A CLASS 1,
26 CLASS 2, CLASS 3, OR MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE;
27 AND

28 (d) FOR A CLASS 3 ELECTRICAL ASSISTED BICYCLE OR MULTIPLE
29 MODE ELECTRICAL ASSISTED BICYCLE THAT IS CAPABLE OF OPERATING AS
30 A CLASS 3 ELECTRICAL ASSISTED BICYCLE, A STATEMENT THAT IT IS
31 UNLAWFUL FOR AN INDIVIDUAL WHO IS UNDER SIXTEEN YEARS OF AGE TO
32 OPERATE A CLASS 3 ELECTRICAL ASSISTED BICYCLE IN COLORADO.

33 (14) (a) A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE,
34 ASSEMBLE, RECONDITION, SELL, OFFER TO SELL, LEASE, OR RENT A
35 LITHIUM-ION BATTERY OR A SECOND-USE LITHIUM-ION BATTERY AS PART
36 OF OR INTENDED FOR USE IN AN ELECTRICAL ASSISTED BICYCLE UNLESS
37 THE LITHIUM-ION BATTERY OR SECOND-USE LITHIUM-ION BATTERY HAS
38 BEEN CERTIFIED BY AN ACCREDITED TESTING LABORATORY FOR
39 COMPLIANCE WITH A BATTERY STANDARD REFERENCED IN UL 2849 OR EN
40 15194, OR ANOTHER SAFETY STANDARD APPROVED BY THE DIRECTOR OF
41 THE DIVISION OF FIRE PREVENTION AND CONTROL.

42 (b) (I) IF CERTIFICATION HAS BEEN OBTAINED PURSUANT TO
43 SUBSECTION (14)(a) OF THIS SECTION, THE CERTIFICATION OR THE LOGO,

1 WORDMARK, OR NAME OF THE ACCREDITED TESTING LABORATORY THAT
2 PROVIDED THE CERTIFICATION MUST BE DISPLAYED:

3 (A) ON THE PACKAGING OR DOCUMENTATION FOR AN ELECTRICAL
4 ASSISTED BICYCLE OR A LITHIUM-ION BATTERY OR SECOND-USE
5 LITHIUM-ION BATTERY INTENDED FOR USE IN AN ELECTRICAL ASSISTED
6 BICYCLE AT THE TIME OF SALE; OR

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

10 (II) THE CERTIFICATION OR THE LOGO, WORDMARK, OR NAME OF
11 THE ACCREDITED TESTING LABORATORY THAT PROVIDED THE
12 CERTIFICATION NEED NOT BE DISPLAYED FOR AN ELECTRICAL ASSISTED
13 BICYCLE THAT IS BEING SOLD SECONDHAND OR RENTED.

14 **SECTION 2.** In Colorado Revised Statutes, 42-1-102, **amend**
15 (28.5); and **add** (1.5), (47.7), (60.2), and (88.7) as follows:

16 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
17 unless the context otherwise requires:

18 (1.5) "ACCREDITED TESTING LABORATORY" MEANS A TESTING
19 LABORATORY THAT IS RECOGNIZED BY THE FEDERAL OCCUPATIONAL
20 SAFETY AND HEALTH ADMINISTRATION OR AN INDEPENDENT LABORATORY
21 THAT HAS BEEN CERTIFIED BY AN ACCREDITING BODY TO THE STANDARD
22 ISO 17025 OR STANDARD ISO 17065 OF THE INTERNATIONAL
23 ORGANIZATION FOR STANDARDIZATION.

24 (28.5)(a) "Electrical assisted bicycle" means a vehicle having two
25 or three wheels, fully operable pedals, and an electric motor not
26 exceeding seven hundred fifty watts of power. Electrical assisted bicycles
27 are further required to conform to ~~one of three~~ CERTAIN classes as
28 follows:

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

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

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

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

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

1 (II) A VEHICLE THAT IS DESIGNED, MANUFACTURED, OR INTENDED
2 BY THE MANUFACTURER OR SELLER TO BE EASILY CONFIGURED SO AS NOT
3 TO MEET THE REQUIREMENTS OF AN ELECTRICAL ASSISTED BICYCLE,
4 WHETHER BY A MECHANICAL SWITCH OR BUTTON, BY CHANGING A
5 SETTING IN SOFTWARE CONTROLLING THE DRIVE SYSTEM, BY USE OF AN
6 ONLINE APPLICATION, OR THROUGH OTHER MEANS INTENDED BY THE
7 MANUFACTURER OR SELLER.

8 (47.7) "LITHIUM-ION BATTERY" MEANS A RECHARGEABLE
9 BATTERY WITH AN ORGANIC SOLVENT ELECTROLYTE AND POSITIVE AND
10 NEGATIVE ELECTRODES THAT UTILIZE AN INTERCALATION COMPOUND IN
11 WHICH LITHIUM IS STORED.

12 (60.2) "MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE" MEANS
13 AN ELECTRICAL ASSISTED BICYCLE EQUIPPED WITH SWITCHABLE OR
14 PROGRAMMABLE MODES THAT PROVIDE FOR OPERATION AS TWO OR MORE
15 OF A CLASS 1, CLASS 2, OR CLASS 3 ELECTRICAL ASSISTED BICYCLE IN
16 CONFORMANCE WITH THE DEFINITION UNDER THIS SECTION FOR EACH
17 RESPECTIVE CLASS.

18 (88.7) "SECOND-USE LITHIUM-ION BATTERY" MEANS A
19 LITHIUM-ION BATTERY THAT HAS BEEN ASSEMBLED, REFURBISHED,
20 REPAIRED, REPURPOSED, OR RECONDITIONED USING CELLS REMOVED FROM
21 USED BATTERIES.

22 **SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add** (1)(iiii)
23 as follows:

24 **6-1-105. Unfair or deceptive trade practices - definitions.**

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

27 (iiii) VIOLATES SECTION 42-4-221 (12).

28 **SECTION 4. Act subject to petition - effective date -**
29 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
30 the expiration of the ninety-day period after final adjournment of the
31 general assembly; except that, if a referendum petition is filed pursuant
32 to section 1 (3) of article V of the state constitution against this act or an
33 item, section, or part of this act within such period, then the act, item,
34 section, or part will not take effect unless approved by the people at the
35 general election to be held in November 2026 and, in such case, will take
36 effect on the date of the official declaration of the vote thereon by the
37 governor.

38 (2) This act applies to conduct occurring on or after the applicable
39 effective date of this act."

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