

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

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.*

partly enclosed seating area, and eliminate the requirements that an autocy-
cle 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 autocy-
cles.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **amend**
3 (7.5) ~~AND (55)~~ as follows:

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

6 (7.5) "Autocycle" means a three-wheeled ~~motor vehicle~~
7 ~~MOTORCYCLE THAT DOES NOT USE HANDLEBARS OR ANY OTHER DEVICE~~
8 ~~THAT IS DIRECTLY CONNECTED TO A SINGLE FRONT WHEEL TO STEER AND~~
9 in which the driver and each passenger ~~rides~~ RIDE in ~~an~~ A FULLY OR
10 PARTLY enclosed seating area that is equipped ~~with:~~ WITH SAFETY BELTS
11 FOR ALL OCCUPANTS THAT ~~CONSTITUTE A SAFETY BELT SYSTEM, AS~~
12 ~~DEFINED IN SECTION 42-4-237 (1)(b).~~ FOR PURPOSES OF THIS SUBSECTION
13 (7.5), "PARTLY ENCLOSED SEATING AREA" MEANS A SEATING AREA THAT
14 IS ENTIRELY OR PARTLY SURROUNDED ON THE SIDES BY THE FRAME OR
15 BODY OF A VEHICLE BUT IS NOT FULLY ENCLOSED.

16 ~~(a) Safety belts for all occupants that comply with section~~
17 ~~42-4-237.~~

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

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

22 (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, 42-4-236, **amend**
6 (1)(a.8) as follows:

7 **42-4-236. Child restraint systems required - definitions -**
8 **exemptions.** (1) As used in this section, unless the context otherwise
9 requires:

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

17 **SECTION 3.** In Colorado Revised Statutes, 42-4-237, **amend**
18 (1)(b) and (2) as follows:

19 **42-4-237. Safety belt systems - mandatory use - exemptions -**
20 **penalty.** (1) As used in this section:

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

25 (2) Unless exempted pursuant to subsection (3) of this section,
26 every driver of and every front seat passenger in a motor vehicle AND
27 EVERY DRIVER OF AND EVERY PASSENGER IN AN AUTOCYCLE equipped

1 with a safety belt system shall wear a fastened safety belt while the motor
2 vehicle is being operated on a street or highway in this state.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.