

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 20-0372.01 Jerry Barry x4341

SENATE BILL 20-061

SENATE SPONSORSHIP

Foote, Bridges, Danielson, Ginal, Gonzales, Hansen, Lee, Priola, Story, Todd, Williams A., Winter

HOUSE SPONSORSHIP

Becker, Arndt, Bird, Buckner, Buentello, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Singer, Sirota, Titone, Valdez A., Woodrow, Young

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT TO YIELD TO A BICYCLE IN A BICYCLE**
102 **LANE.**

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>.)

The bill creates a new traffic offense for failing to yield to a bicycle in a bicycle lane. The offense is a class A traffic offense unless it is the proximate cause of a crash or if it causes bodily injury, then it is careless driving and is punished under the careless driving offense.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
March 2, 2020

HOUSE
Amended 2nd Reading
February 28, 2020

SENATE
3rd Reading Unamended
February 6, 2020

SENATE
Amended 2nd Reading
February 5, 2020

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **add** (10.3)
3 as follows:

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

6 (10.3) "BICYCLE LANE" MEANS A PORTION OF THE ROADWAY THAT
7 HAS BEEN DESIGNATED BY STRIPING, SIGNAGE, OR PAVEMENT MARKINGS
8 FOR THE EXCLUSIVE USE OF BICYCLISTS AND OTHER AUTHORIZED USERS OF
9 BICYCLE LANES. "BICYCLE LANE" INCLUDES AN INTERSECTION IF THE
10 BICYCLE LANE IS MARKED ON OPPOSITE SIDES OF THE INTERSECTION.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-714 as
12 follows:

13 **42-4-714. Bicyclist or other authorized user in bicycle lane.**

14 (1) THE DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO A
15 BICYCLIST OR OTHER AUTHORIZED USER OF A BICYCLE LANE IN A BICYCLE
16 LANE.

17 (2) (a) EXCEPT AS PROVIDED IN SUBSECTION (2)(b) OF THIS
18 SECTION, ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
19 COMMITS A CLASS A TRAFFIC INFRACTION.

20 (b) (I) IF A PERSON VIOLATES SUBSECTION (1) OF THIS SECTION
21 AND THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF A CRASH, THE
22 PERSON COMMITS CARELESS DRIVING AND SHALL BE PUNISHED AS
23 DESCRIBED IN SECTION 42-4-1402 (2)(a).

24 (II) IF A PERSON VIOLATES SUBSECTION (1) OF THIS SECTION AND
25 THE PERSON'S ACTIONS ARE THE PROXIMATE CAUSE OF BODILY INJURY TO
26 ANOTHER PERSON, THE PERSON COMMITS CARELESS DRIVING AND SHALL
27 BE PUNISHED AS DESCRIBED IN SECTION 42-4-1402 (2)(b).

1 **SECTION 3.** In Colorado Revised Statutes, 42-2-127, **amend**
2 (5)(n); and **add** (5)(bb.5) as follows:

3 **42-2-127. Authority to suspend license - to deny license - type**
4 **of conviction - points.** (5) Point system schedule:

Type of conviction	Points
(n) Failure to yield right-of-way, except as provided in paragraphs (y) to (bb) of this subsection (5) SUBSECTIONS (5)(y) TO (5)(bb.5) OF THIS SECTION	3
(bb.5) FAILURE TO YIELD RIGHT-OF-WAY TO A <u>BICYCLIST OR OTHER</u> <u>AUTHORIZED USER</u> IN A BICYCLE LANE THAT IS THE PROXIMATE CAUSE OF A BODILY INJURY	4

12 **SECTION 4.** In Colorado Revised Statutes, 42-4-1701, **amend**
13 (4)(a)(I)(H) as follows:

14 **42-4-1701. Traffic offenses and infractions classified -**
15 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
16 as provided in subsection (5)(c) of this section, every person who is
17 convicted of, who admits liability for, or against whom a judgment is
18 entered for a violation of this title 42 to which subsection (5)(a) or (5)(b)
19 of this section applies shall be fined or penalized and have a surcharge
20 levied in accordance with sections 24-4.1-119 (1)(f) and 24-4.2-104
21 (1)(b)(I), in accordance with the penalty and surcharge schedule set forth
22 in subsections (4)(a)(I)(A) to (4)(a)(I)(P) of this section; or, if no penalty
23 or surcharge is specified in the schedule, the penalty for class A and class
24 B traffic infractions is fifteen dollars, and the surcharge is four dollars.
25 These penalties and surcharges apply whether the defendant
26 acknowledges the defendant's guilt or liability in accordance with the
27 procedure set forth by subsection (5)(a) of this section, is found guilty by

1 a court of competent jurisdiction, or has judgment entered against the
 2 defendant by a county court magistrate. Penalties and surcharges for
 3 violating specific sections are as follows:

4 Section Violated	5 Penalty	6 Surcharge
7 (H) Rights-of-way violations:		
8 42-4-701	\$ 70.00	\$ 10.00
9 42-4-702	70.00	10.00
10 42-4-703	70.00	10.00
11 42-4-704	70.00	10.00
12 42-4-705	70.00	16.00
13 42-4-706	70.00	10.00
14 42-4-707	70.00	10.00
15 42-4-708	35.00	10.00
16 42-4-709	70.00	10.00
17 42-4-710	70.00	10.00
18 42-4-711	100.00	10.00
19 42-4-712	70.00	10.00
20 42-4-714	70.00	10.00

21 **SECTION 5. Effective date - applicability.** This act takes effect
 22 July 1, 2020, and applies to offenses committed on or after said date.

23 **SECTION 6. Safety clause.** The general assembly hereby finds,
 determines, and declares that this act is necessary for the immediate
 preservation of the public peace, health, or safety.