

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0466.01 Jery Payne x2157

SENATE BILL 24-079

SENATE SPONSORSHIP

Hinrichsen and Smallwood, Gonzales, Lundeen, Priola

HOUSE SPONSORSHIP

Mabrey and Weinberg,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR A TWO-WHEELED MOTORCYCLE TO**
102 **OVERTAKE ANOTHER MOTOR VEHICLE IN THE SAME 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 authorizes a 2-wheeled motorcycle to overtake or pass another motor vehicle in the same lane if:

- The other motor vehicle is stopped or moving in the same direction of travel as the motorcycle;
- The road has lanes wide enough to pass safely;
- The motorcycle is moving at 20 miles per hour or less; and

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

SENATE
Amended 3rd Reading
February 13, 2024

SENATE
Amended 2nd Reading
February 12, 2024

- Conditions permit prudent operation of the motorcycle while overtaking or passing.

A motorcycle rider overtaking or passing under the bill must not overtake or pass:

- On the right shoulder;
- To the right of a vehicle in the farthest right-hand lane if the highway is not limited access; or
- In a lane of traffic moving in the opposite direction.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Motorcycle "lane filtering" generally refers to the practice of
5 a motorcyclist overtaking another vehicle within the same lane or
6 between lanes when the surrounding vehicles have stopped moving or are
7 moving slowly;

8 (b) Motorcycle "lane splitting" generally refers to the practice of
9 a motorcyclist overtaking another vehicle within the same lane or
10 between lanes, outside of specified slow-moving traffic conditions,
11 though the terms "lane filtering" and "lane splitting" are sometimes used
12 interchangeably;

13 (c) A 2009 "Motorcycle Accidents In Depth Study" by the
14 European Association of Motorcycle Manufacturers that was conducted
15 in five European countries found that 0.45 percent of motorcycle crashes
16 involved lane splitting and that motorcyclists were seven times more
17 likely to be hit while stopped compared to crashing while lane splitting;

18 (d) The state of New South Wales, Australia, conducted a
19 two-year trial of lane filtering from February 2015 through January 2017,
20 which concluded that:

21 (I) Lane splitting "was a relatively low risk riding activity for

1 motorcyclists under the conditions of the trial"; and

2 (II) Attitudes toward lane filtering became more positive during
3 the trial, and most motor vehicle drivers supported lane filtering even
4 though they may not have necessarily believed it improved safety;

5 (e) The lane-splitting trial in Australia resulted in a change in the
6 laws of New South Wales, from prohibiting lane filtering to allowing lane
7 filtering at a speed less than 30 kmph (19 mph);

8 (f) A 2010 Oregon department of transportation literature review
9 on motorcycle lane sharing concluded that lane splitting crashes were rare
10 even in areas where lane splitting was legal and widely practiced;

11 (g) In a June 2012 through August 2013 study from the California
12 Enhanced Motorcycle Collision Data Project, of 5,969 motorcyclist
13 crashes in California, the only state in the country to allow full lane
14 splitting, motorcyclist injuries were far less severe when the
15 collision-involved motorcyclist was lane splitting than when the
16 collision-involved motorcyclist was not lane splitting;

17 (h) Three studies conducted between 2011 and 2015 found that
18 lane-splitting motorcyclists in California were less likely to be involved
19 in a crash than motorcyclists who were not lane splitting. Two of these
20 studies reported that lane-splitting motorcyclists are 43 percent less likely
21 to be involved in a rear-end crash.

22 (i) A year after the California Highway Patrol issued lane splitting
23 safety tips, motorcyclist fatalities were reduced by 30 percent because
24 motorcyclists were less likely to be involved in a rear-end crash;

25 (j) Other benefits of lane filtering include a reduction in traffic
26 congestion, and, accordingly, fuel consumption and emissions from all
27 vehicles, and reduction in overheating in air-cooled motorcycles;

1 (k) In the last five years, Montana, Utah, and Arizona have all
2 legalized lane filtering, and, following a sunset review in 2022, Utah
3 extended the legalization of lane filtering; and

4 (l) Lane filtering is prohibited in Colorado and can result in
5 various citations, including violations of motorcycle lane restrictions and
6 careless driving laws.

7 (2) Therefore, the general assembly determines that the act of lane
8 filtering by a driver of a motorcycle, when done at speeds at or below 15
9 miles per hour and when conditions permit, is in the best interests of
10 motorist safety.

11 **SECTION 2.** In Colorado Revised Statutes, 42-4-1503, **amend**
12 (2) and (3) as follows:

13 **42-4-1503. Operating motorcycles and autocycles on roadways**
14 **laned for traffic - report - repeal. (2) ~~The operator~~ DRIVER of a**
15 motorcycle or autocycle shall not overtake or pass in the same lane
16 occupied by the vehicle being overtaken.

17 (3) (a) A person shall not ~~operate~~ DRIVE a motorcycle or autocycle
18 between lanes of traffic or between adjacent lines or rows of vehicles.

19 (b) (I) NOTWITHSTANDING SUBSECTIONS (2) AND (3)(a) OF THIS
20 SECTION, THE DRIVER OF A TWO-WHEELED MOTORCYCLE MAY OVERTAKE
21 OR PASS ANOTHER MOTOR VEHICLE IN THE SAME LANE AS THE
22 MOTORCYCLE IF:

23 (A) THE OVERTAKEN OR PASSED MOTOR VEHICLE IS STOPPED;

24 (B) THE DRIVER OF THE TWO-WHEELED MOTORCYCLE IS ON A
25 ROAD WITH LANES WIDE ENOUGH TO PASS SAFELY;

26 (C) THE PASSING MOTORCYCLE IS DRIVING AT FIFTEEN MILES PER
27 HOUR OR LESS; AND

1 (D) CONDITIONS PERMIT PRUDENT OPERATION OF THE
2 MOTORCYCLE WHILE OVERTAKING OR PASSING.

3 (II) A PERSON OVERTAKING OR PASSING PURSUANT TO THIS
4 SUBSECTION (3)(b) SHALL NOT OVERTAKE OR PASS:

5 (A) ON THE RIGHT SHOULDER;

6 (B) TO THE RIGHT OF A VEHICLE IN THE FARTHEST RIGHT-HAND
7 LANE IF THE HIGHWAY IS NOT LIMITED ACCESS; OR

8 (C) IN A LANE OF TRAFFIC MOVING IN THE OPPOSITE DIRECTION.

9 (III) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE SEPTEMBER
10 1, 2027.

11 (c) (I) THE DEPARTMENT OF TRANSPORTATION SHALL COLLECT
12 DATA ON THE SAFETY EFFECTS OF SUBSECTION (3)(b) OF THIS SECTION AND
13 ISSUE A REPORT TO THE GENERAL ASSEMBLY BY JANUARY 1, 2027. THE
14 DATA AND REPORT MUST INCLUDE:

15 (A) MOTORCYCLE REAR-END COLLISIONS IN HEAVY TRAFFIC
16 CONDITIONS BEFORE AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
17 (3)(c);

18 (B) THE SEVERITY OF REAR-END COLLISIONS IN HEAVY TRAFFIC
19 CONDITIONS BEFORE AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
20 (3)(c); AND

21 (C) MOTORCYCLE SIDE-SWIPE COLLISIONS WHILE OVERTAKING OR
22 PASSING AT A RATE OF LESS THAN FIFTEEN MILES PER HOUR BEFORE AND
23 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(c).

24 (II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JULY 1, 2028.

25 **SECTION 3. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly; except that, if a referendum petition is filed pursuant
2 to section 1 (3) of article V of the state constitution against this act or an
3 item, section, or part of this act within such period, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2024 and, in such case, will take
6 effect on the date of the official declaration of the vote thereon by the
7 governor.

8 (2) This act applies to acts committed on or after the applicable
9 effective date of this act.