

CHAPTER 40

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 24-079

BY SENATOR(S) Hinrichsen and Smallwood, Gonzales, Lundeen, Priola, Zenzinger;
also REPRESENTATIVE(S) Mabrey and Weinberg, Ortiz.

AN ACT

**CONCERNING AUTHORIZATION FOR A TWO-WHEELED MOTORCYCLE TO OVERTAKE ANOTHER
MOTOR VEHICLE IN THE SAME LANE.**

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

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

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

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

(I) Lane splitting "was a relatively low risk riding activity for motorcyclists under the conditions of the trial"; and

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

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

(d) A 2010 Oregon department of transportation literature review on motorcycle

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

lane sharing concluded that lane splitting crashes were rare even in areas where lane splitting was legal and widely practiced;

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

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

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

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

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

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

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

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

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

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

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

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

(B) THE MOTOR VEHICLES IN THE ADJACENT LANES, IF THE LANES ARE FOR THE

SAME DIRECTION OF TRAVEL AS THE LANE OCCUPIED BY THE TWO-WHEELED MOTORCYCLE, ARE STOPPED;

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

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

(E) CONDITIONS PERMIT PRUDENT OPERATION OF THE MOTORCYCLE WHILE OVERTAKING OR PASSING.

(II) WHEN THE MOTOR VEHICLES THAT ARE BEING OVERTAKEN OR PASSED BY THE TWO-WHEELED MOTORCYCLE BEGIN MOVING, THE DRIVER OF THE MOTORCYCLE SHALL CEASE OVERTAKING OR PASSING A MOTOR VEHICLE PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION.

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

(A) ON THE RIGHT SHOULDER;

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

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

(IV) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.

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

(A) MOTORCYCLE REAR-END COLLISIONS BEFORE AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(c);

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

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

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

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general

election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

Approved: April 4, 2024