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HOUSE BILL 25-1197

BY REPRESENTATIVE(S) Smith and Taggart, Bacon, Boesenecker, Brown, Camacho, Duran, Froelich, Lindsay, McCormick, Paschal, McCluskie; also SENATOR(S) Amabile and Ball, Gonzales J., Hinrichsen, Jodeh.

CONCERNING REQUIREMENTS RELATED TO ELECTRICAL ASSISTED BICYCLES
OFFERED FOR SALE IN THE STATE.

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

SECTION 1. In Colorado Revised Statutes, 42-4-221, **amend** (11); and **add** (9)(c), (10)(d), (12), (13), and (14) as follows:

42-4-221. Bicycle, electric scooter, and personal mobility device equipment - sale of electrical assisted bicycle equipment requirements - deceptive trade practice. (9) (c) ON OR AFTER JANUARY 1, 2027, THE LABEL REQUIRED BY SUBSECTION (9)(a) OF THIS SECTION MUST, FOR A MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE, ALSO IDENTIFY THE HIGHEST CLASS OR EACH OF THE CLASSES IN WHICH THE ELECTRICAL ASSISTED BICYCLE IS CAPABLE OF OPERATION.

(10) (d) A MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE MUST MEET ALL THE REQUIREMENTS IN THIS ARTICLE 4 APPLICABLE TO EACH

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.

RESPECTIVE CLASS OF ELECTRICAL ASSISTED BICYCLE FOR WHICH THE MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE PROVIDES FOR OPERATION.

(11) A person ~~who~~ THAT violates SUBSECTIONS (1) TO (10) OF this section commits a class B traffic infraction.

(12)(a) A PERSON SHALL NOT SELL OR OFFER TO SELL, IN A STORE OR ONLINE, A VEHICLE THAT IS NOT AN ELECTRICAL ASSISTED BICYCLE IF THE VEHICLE IS FALSELY LABELED AS A CLASS 1, CLASS 2, CLASS 3, OR MULTIPLE MODE ELECTRICAL ASSISTED BICYCLE.

(b) A PERSON SHALL NOT ADVERTISE, OFFER FOR SALE, OR SELL, IN A STORE OR ONLINE, A VEHICLE THAT IS NOT AN ELECTRICAL ASSISTED BICYCLE:

(I) BY REPRESENTING THE VEHICLE AS AN ELECTRICAL ASSISTED BICYCLE; OR

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

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

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

(13) A SELLER OF AN ELECTRICAL ASSISTED BICYCLE SHALL

DISCLOSE TO THE PURCHASER:

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

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

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

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

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

(b) (I) IF CERTIFICATION HAS BEEN OBTAINED PURSUANT TO SUBSECTION (14)(a) OF THIS SECTION, THE CERTIFICATION OR THE LOGO, WORDMARK, OR NAME OF THE ACCREDITED TESTING LABORATORY THAT PROVIDED THE CERTIFICATION MUST BE DISPLAYED:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-1-105. Unfair or deceptive trade practices - definitions. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(lll) VIOLATES SECTION 42-4-221 (12).

SECTION 4. 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 2026 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 conduct occurring on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO