

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0500.01 Jason Gelender

HOUSE BILL 10-1147

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A BILL FOR AN ACT

101     **CONCERNING SAFER USE OF NONMOTORIZED WHEELED**  
102             **TRANSPORTATION BY MINORS, AND, IN CONNECTION**  
103             **THEREWITH, CODIFYING INTO LAW THE EXISTING BIKE AND**  
104             **PEDESTRIAN POLICY DIRECTIVE OF THE DEPARTMENT OF**  
105             **TRANSPORTATION, REQUIRING THE DEPARTMENTS OF**  
106             **TRANSPORTATION, EDUCATION, AND PUBLIC SAFETY TO**  
107             **COLLABORATE WITH LOCAL GOVERNMENTS, SCHOOL DISTRICTS,**  
108             **AND APPROPRIATE ORGANIZATIONS TO DEVELOP AND MAKE**  
109             **AVAILABLE TO SCHOOLS A COMPREHENSIVE EDUCATIONAL**  
110             **CURRICULUM FOR MINORS REGARDING THE SAFE USE OF PUBLIC**  
111             **STREETS AND PREMISES OPEN TO THE PUBLIC, AND REQUIRING**  
112             **THAT A MINOR WEAR A PROTECTIVE HELMET WHILE USING**

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.*

### 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://www.leg.state.co.us/billsummaries>.)*

**Section 2** of the bill codifies the existing bicycle and pedestrian policy directive of the department of transportation (CDOT) into law and makes legislative declarations.

**Section 3** of the bill:

- ! Requires CDOT and the departments of education and public safety to collaborate, under the auspices of the safe routes to schools program of CDOT, with local governments, school districts, and appropriate organizations to develop and make available to schools a comprehensive educational curriculum regarding the safe use of public streets and premises open to the public by users of nonmotorized wheeled transportation.
- ! Requires an individual 2 years of age or older but under 18 years of age to wear a helmet that meets the applicable federal safety standard for helmets whenever the individual uses nonmotorized wheeled transportation on a public street or premises open to the public.
- ! Defines "nonmotorized wheeled transportation" as any human-powered vehicle or equipment intended for use on public streets and premises open to the public and designed primarily to transport one or more individuals and that rolls on wheels including, but not limited to, a bicycle, scooter, skateboard, or in-line skates. The definition does not include a wagon, a trailer, or any other vehicle or equipment that is primarily designed to be towed or pulled by an individual or by any other vehicle or equipment.
- ! Categorizes a violation of the helmet requirement as an unclassified traffic infraction but specifies that its enforcement shall consist only of the stopping of a violator or an accompanying adult, the informing of the violator or accompanying adult of the violation, and the provision of a card to the violator or accompanying adult that explains the risks of not wearing a helmet and provides information

as to where the violator may obtain a free or low-cost helmet if the violator or the violator's family cannot afford to purchase one.

! Specifies that a violation of the helmet requirement is not admissible as evidence in court as a defense against liability or to reduce damages in a lawsuit arising out of the violator's death or injury and that the parent or legal guardian of a violator shall not be subject to any legal liability due to the violation.

! Exempts from the helmet requirement an individual whose religious beliefs or practices would be violated by the wearing of a helmet.

**Section 1** of the bill makes legislative findings and declarations.

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

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

4 (a) It is in the best interests of all Coloradans to make our streets  
5 safe for all users including motorists, transit users, pedestrians, bicyclists,  
6 and users of other types of nonmotorized wheeled transportation;

7 (b) The safe routes to school program and the bicycle and  
8 pedestrian policy adopted by the Colorado department of transportation  
9 help to make our streets more friendly to pedestrians, bicyclists, and users  
10 of other forms of nonmotorized wheeled transportation and to encourage  
11 more children to walk, bike, or use another form of nonmotorized  
12 wheeled transportation to get to and from school safely; and

13 (c) Children and adolescents will benefit from additional  
14 education regarding the rules of the road, high risk traffic situations, and  
15 the safe use of bicycles and other forms of nonmotorized wheeled  
16 transportation.

17 (2) The general assembly further finds and declares that:

18 (a) In its strategic plan, the Colorado state patrol has made a

1 commitment to lead and to sustain a cooperative effort that will eliminate  
2 most traffic fatalities in Colorado by 2025;

3 (b) Although bicycling is a safe and healthy activity, on average,  
4 eleven bicyclists are killed and five hundred forty bicyclists are  
5 hospitalized annually in Colorado due to injuries sustained in bicycle  
6 crashes;

7 (c) Brain injury is the leading cause of death and serious disability  
8 resulting from the use of nonmotorized wheeled transportation, and in  
9 Colorado approximately one-third of hospital emergency room visits for  
10 bicycle-related accidents are for brain injuries;

11 (d) Of all age groups, children between the ages of five and  
12 fourteen have the highest rate of bicycle-related hospital admissions, and  
13 almost one-third of such hospitalized children have suffered brain  
14 injuries; and

15 (e) Because the economic cost to an individual and to society of  
16 a single severe nonfatal brain injury can exceed two million one hundred  
17 thousand dollars, the state has a legitimate interest in preventing and  
18 mitigating the severity of such injuries.

19 (3) The general assembly further finds and declares that it is  
20 necessary, appropriate, and in the best interest of the state to:

21 (a) Adopt the existing bike and pedestrian policy directive of the  
22 department of transportation as law;

23 (b) Facilitate the promulgation and distribution of a nonmotorized  
24 wheeled vehicle safety education curriculum; and

25 (c) Establish a mandatory protective helmet law for those two  
26 years of age or older but under eighteen years of age who use bicycles,  
27 scooters, in-line skates, skateboards, and other nonmotorized wheeled

1 transportation on Colorado streets and premises open to the public.

2 **SECTION 2.** Part 1 of article 1 of title 43, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **43-1-120. Bicycle and pedestrian policy - codification -**  
6 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND  
7 DECLARES THAT:

8 (a) IT IS IN THE BEST INTEREST OF ALL COLORADANS TO PROMOTE  
9 TRANSPORTATION MODE CHOICE BY ENHANCING SAFETY AND MOBILITY  
10 FOR BICYCLISTS AND PEDESTRIANS ON OR ALONG THE STATE HIGHWAY  
11 SYSTEM;

12 (b) THE DEPARTMENT HAS ADOPTED A BIKE AND PEDESTRIAN  
13 POLICY DIRECTIVE TO FURTHER THIS GOAL; AND

14 (c) IT IS NECESSARY AND APPROPRIATE TO ELEVATE THE STATUS  
15 OF THE BIKE AND PEDESTRIAN POLICY OF THE DEPARTMENT TO THAT OF  
16 LAW BY CODIFYING IT IN SUBSECTION (2) OF THIS SECTION.

17 (2) (a) THE DEPARTMENT AND ITS SUBDIVISIONS SHALL PROVIDE  
18 TRANSPORTATION INFRASTRUCTURE THAT ACCOMMODATES BICYCLE AND  
19 PEDESTRIAN USE OF PUBLIC STREETS IN A MANNER THAT IS SAFE AND  
20 RELIABLE FOR ALL USERS OF PUBLIC STREETS;

21 (b) THE NEEDS OF BICYCLISTS AND PEDESTRIANS SHALL BE  
22 INCLUDED IN THE PLANNING, DESIGN, AND OPERATION OF  
23 TRANSPORTATION FACILITIES AS A MATTER OF ROUTINE; AND

24 (c) ANY DECISION OF THE DEPARTMENT TO NOT ACCOMMODATE  
25 THE NEEDS OF BICYCLISTS AND PEDESTRIANS SHALL BE DOCUMENTED  
26 BASED ON EXEMPTION CRITERIA THAT WERE ESTABLISHED BY THE  
27 COMMISSION BEFORE THE DECISION WAS MADE.



1 (I) FOR A BICYCLIST, PROTECTIVE HEADGEAR FOR USE IN  
2 BICYCLING THAT MEETS THE FEDERAL SAFETY STANDARD FOR BICYCLE  
3 HELMETS SET FORTH IN 16 CFR SEC. 1203.1 ET SEQ.

4 (II) FOR A USER OF NONMOTORIZED WHEELED TRANSPORTATION  
5 OTHER THAN A BICYCLE, PROTECTIVE HEADGEAR FOR USE IN USING THE  
6 APPLICABLE FORM OF NONMOTORIZED WHEELED TRANSPORTATION THAT  
7 MEETS AN APPLICABLE SAFETY STANDARD OF THE UNITED STATES  
8 CONSUMER PRODUCT SAFETY COMMISSION.

9 (b) (I) "NONMOTORIZED WHEELED TRANSPORTATION" MEANS ANY  
10 VEHICLE OR EQUIPMENT INTENDED FOR USE ON PUBLIC STREETS AND  
11 PREMISES OPEN TO THE PUBLIC THAT IS DESIGNED TO BE PROPELLED  
12 ENTIRELY OR PARTLY BY HUMAN POWER PRIMARILY FOR THE PURPOSE OF  
13 TRANSPORTING ONE OR MORE INDIVIDUALS AND THAT ROLLS ON WHEELS  
14 INCLUDING, BUT NOT LIMITED TO, A BICYCLE, SCOOTER, SKATEBOARD, OR  
15 IN-LINE SKATES. "NONMOTORIZED WHEELED TRANSPORTATION" DOES NOT  
16 INCLUDE A WAGON, A TRAILER, OR ANY OTHER VEHICLE OR EQUIPMENT  
17 THAT IS PRIMARILY DESIGNED TO BE TOWED OR PULLED BY AN INDIVIDUAL  
18 OR BY ANY OTHER VEHICLE OR EQUIPMENT.

19 (II) THE CLASSIFICATION OF A BICYCLE AS NONMOTORIZED  
20 WHEELED TRANSPORTATION FOR PURPOSES OF THIS PART 23 SHALL NOT BE  
21 DEEMED TO ALTER ANY CLASSIFICATION OF A BICYCLE AS A VEHICLE FOR  
22 PURPOSES OF ANY OTHER LAW OR AGENCY RULE OF THIS STATE.

23 (2) AN INDIVIDUAL TWO YEARS OF AGE OR OLDER BUT UNDER  
24 EIGHTEEN YEARS OF AGE SHALL WEAR A HELMET UPON HIS OR HER HEAD  
25 WITH THE HELMET STRAPS SECURELY FASTENED WHENEVER THE  
26 INDIVIDUAL USES NONMOTORIZED WHEELED TRANSPORTATION ON A  
27 PUBLIC STREET OR PREMISES OPEN TO THE PUBLIC.

1           (3) (a) AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS AN  
2 UNCLASSIFIED TRAFFIC INFRACTION BUT SHALL NOT BE SUBJECT TO ANY  
3 PROSECUTION, PENALTY, OR SURCHARGE. A LAW ENFORCEMENT OR  
4 PUBLIC SAFETY OFFICER MAY ENFORCE THIS SECTION BY STOPPING A  
5 MINOR WHO VIOLATES THIS SECTION, OR AN ACCOMPANYING ADULT,  
6 INFORMING THE MINOR OR THE ACCOMPANYING ADULT OF THE VIOLATION  
7 OF THIS SECTION, AND PROVIDING A SAFETY INFORMATION CARD TO THE  
8 MINOR OR THE ACCOMPANYING ADULT THAT EXPLAINS THE RISKS OF NOT  
9 WEARING A HELMET AND PROVIDES INFORMATION AS TO WHERE THE  
10 MINOR MAY OBTAIN A FREE OR LOW-COST HELMET IF THE MINOR OR HIS OR  
11 HER FAMILY CANNOT AFFORD TO PURCHASE ONE. THE ENFORCEMENT  
12 MECHANISM PROVIDED FOR IN THIS PARAGRAPH (a) IS INTENDED TO  
13 PROVIDE A LEARNING EXPERIENCE FOR THE MINOR OR ACCOMPANYING  
14 ADULT AND A COMMUNITY POLICING OPPORTUNITY FOR THE LAW  
15 ENFORCEMENT OFFICER.

16           (b) THE DEPARTMENTS OF TRANSPORTATION, EDUCATION, AND  
17 PUBLIC SAFETY SHALL COLLABORATE, UNDER THE AUSPICES OF THE SAFE  
18 ROUTES TO SCHOOLS PROGRAM OF THE DEPARTMENT OF TRANSPORTATION,  
19 WITH APPROPRIATE NONPROFIT ORGANIZATIONS AND ADVOCACY GROUPS  
20 TO DESIGN, DEVELOP, AND PRODUCE THE SAFETY INFORMATION CARD TO  
21 BE PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), AND  
22 TO DEVELOP AND IMPLEMENT A SAFETY INFORMATION CARD DISTRIBUTION  
23 PLAN, INCLUDING THE POSTING TO APPROPRIATE INTERNET WEB SITES OF  
24 ELECTRONIC SAFETY CARDS THAT CAN BE MODIFIED TO MATCH LOCAL  
25 NEEDS. THE DIRECT AND INDIRECT COSTS OF PRODUCING AND  
26 DISTRIBUTING SAFETY INFORMATION CARDS SHALL BE PAID FOR WITH  
27 AVAILABLE FEDERAL MONEYS, GRANTS, GIFTS, DONATIONS, SERVICES, AND

1 IN-KIND DONATIONS FROM ANY PUBLIC OR PRIVATE ENTITY ONLY.

2 (4) (a) NEITHER EVIDENCE OF A VIOLATION OF THIS SECTION NOR  
3 OTHER EVIDENCE OF A FAILURE TO WEAR A HELMET SHALL BE ADMISSIBLE  
4 AS EVIDENCE IN COURT AS A DEFENSE AGAINST LIABILITY OR TO REDUCE  
5 THE AMOUNT OF DAMAGES IN AN ACTION FOR DAMAGES BROUGHT BY OR  
6 ON BEHALF OF A USER OF NONMOTORIZED WHEELED TRANSPORTATION OR  
7 THE SURVIVORS OF A DECEASED USER OF NONMOTORIZED WHEELED  
8 TRANSPORTATION OR A PASSENGER OF SUCH A USER, IF THE USER WAS  
9 INJURED OR KILLED AS A RESULT, IN WHOLE OR IN PART, OF THE FAULT OF  
10 ANOTHER.

11 (b) THE PARENT OR LEGAL GUARDIAN OF AN INDIVIDUAL TWO  
12 YEARS OF AGE OR OLDER BUT UNDER EIGHTEEN YEARS OF AGE WHO  
13 VIOLATES THIS SECTION SHALL NOT BE SUBJECT TO ANY LEGAL LIABILITY  
14 OR DESIGNATION OF FAULT DUE TO THE VIOLATION.

15 (5) AN INDIVIDUAL WHOSE RELIGIOUS BELIEFS OR PRACTICES  
16 WOULD BE VIOLATED BY THE WEARING OF A HELMET SHALL BE EXEMPT  
17 FROM THE REQUIREMENTS OF THIS SECTION.

18 **SECTION 4. Specified effective date - applicability.** This act  
19 shall take effect July 1, 2010, and shall apply to the use of nonmotorized  
20 wheeled transportation on public streets or premises open to the public on  
21 or after said date.

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