

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0092.01 Jery Payne

HOUSE BILL 09-1026

HOUSE SPONSORSHIP

Marostica, Fischer, McFadyen, Rice, Vaad

SENATE SPONSORSHIP

Williams, Spence

House Committees

Transportation & Energy
Appropriations

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE APPLICATION OF VEHICLE LAWS TO LOW-POWER**
102 **VEHICLES THAT OPERATE WITH LESS THAN FOUR WHEELS IN**
103 **CONTACT WITH THE GROUND, AND, IN CONNECTION THEREWITH,**
104 **DEFINING "LOW-POWER SCOOTER" AND "ELECTRIC PERSONAL**
105 **ASSISTIVE MOBILITY DEVICE".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Replaces the current categories of self-propelled vehicles of "motor-driven cycle", "motorscooter", and "motorized bicycle" with "motorcycle" and

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.*

HOUSE
3rd Reading Unamended
March 18, 2009

HOUSE
Amended 2nd Reading
March 17, 2009

"low-power scooter". Applies substantially similar requirements to such vehicles. Defines "low-power scooter" as a vehicle with less than 4 wheels, no manual clutch, and a power capacity not exceeding either 50cc or 4,476 watts. Conforms the definitions of "motorcycle" and "toy vehicle" to categorize the vehicles.

Requires a powersports category of license to sell a low-power scooter. Requires the driver of a low-power scooter to carry insurance, effective July 1, 2010. Prohibits the operation of a low-power scooter at over 40 miles per hour. Imposes the following penalties for exceeding 40 miles per hour:

- ! 1-4 miles per hour over is \$56 and 0 points;
- ! 5-9 miles per hour over is \$85 and 2 points;
- ! More than 9 miles per hour over is \$116 and 4 points.

Clarifies that the drug and alcohol driving offenses apply to all vehicles, including low-power scooters, farm tractors, and off-highway vehicles.

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

2 **SECTION 1.** 10-4-601 (6), Colorado Revised Statutes, is
3 amended to read:

4 **10-4-601. Definitions.** As used in this part 6, unless the context
5 otherwise requires:

6 (6) "Motor vehicle" means ~~any vehicle of a type required to be~~
7 ~~registered and licensed under the laws of this state and that is designed to~~
8 ~~be propelled by an engine or motor; except that "motor vehicle" does not~~
9 ~~include minibikes, snowmobiles, bicycles with motor or engine attached;~~
10 ~~any vehicle designed primarily for use off the road or on rails, or~~
11 ~~motorscooters~~ A "MOTOR VEHICLE" AND A "LOW-POWER SCOOTER", as
12 BOTH TERMS ARE defined in section 42-1-102, C.R.S.; EXCEPT THAT
13 "MOTOR VEHICLE" DOES NOT INCLUDE A TOY VEHICLE, SNOWMOBILE,
14 OFF-HIGHWAY VEHICLE, OR VEHICLE DESIGNED PRIMARILY FOR USE ON
15 RAILS.

16 **SECTION 2.** 10-4-635 (4) (a), Colorado Revised Statutes, is

1 amended to read:

2 **10-4-635. Medical payments coverage - disclosure - definitions.**

3 (4) This section shall not apply to:

4 (a) A person obtaining an automobile liability or motor vehicle
5 policy insuring against loss resulting from the ownership, maintenance,
6 or use of a motorcycle, ~~motorscooter, motorbicycle, motorized bicycle~~
7 LOW-POWER SCOOTER, or toy vehicle, as defined in section 42-1-102,
8 C.R.S., a snowmobile, as defined in section 33-14-101, C.R.S., or any
9 vehicle designed primarily for use off the road or on rails;

10 **SECTION 3.** 12-6-102 (12), Colorado Revised Statutes, is
11 amended to read:

12 **12-6-102. Definitions.** As used in this part 1 and in part 5 of this
13 article, unless the context or section 12-6-502 otherwise requires:

14 (12) "Motor vehicle" means every vehicle intended primarily for
15 use and operation on the public highways which is self-propelled and
16 every vehicle intended primarily for operation on the public highways
17 which is not driven or propelled by its own power but which is designed
18 to be attached to or become a part of or to be drawn by a self-propelled
19 vehicle, not including farm tractors and other machines and tools used in
20 the production, harvesting, and care of farm products. "MOTOR VEHICLE"
21 INCLUDES, WITHOUT LIMITATION, A LOW-POWER SCOOTER, AS DEFINED IN
22 SECTION 42-1-102, C.R.S.

23 **SECTION 4.** 12-6-502, Colorado Revised Statutes, is amended
24 BY THE ADDITION OF A NEW SUBSECTION to read:

25 **12-6-502. Definitions.** As used in this part 5, unless the context
26 otherwise requires:

27 (20) "WHOLESALER" MEANS A PERSON WHO, FOR COMMISSION OR

1 WITH INTENT TO MAKE A PROFIT OR GAIN OF MONEY OR OTHER THING OF
2 VALUE, SELLS, EXCHANGES, OR OFFERS OR ATTEMPTS TO NEGOTIATE A
3 SALE, LEASE, OR EXCHANGE OF AN INTEREST IN A NEW OR NEW AND USED
4 POWERSPORTS VEHICLE SOLELY TO POWERSPORTS VEHICLE DEALERS OR
5 USED POWERSPORTS VEHICLE DEALERS.

6 **SECTION 5.** 12-6-504 (1) (a), (1) (f) (I), and (1) (k), Colorado
7 Revised Statutes, are amended to read:

8 **12-6-504. Board - oath - meetings - powers and duties - rules.**

9 (1) In addition to the duties and powers of the board under section
10 12-6-104, the board may:

11 (a) Promulgate, amend, and repeal rules reasonably necessary to
12 implement this part 5, including, without limitation, the administration,
13 enforcement, issuance, and denial of licenses to WHOLESALERS,
14 powersports vehicle dealers, powersports vehicle salespersons, and used
15 powersports vehicle dealers;

16 (f) (I) Investigate, with the assistance of the executive director, on
17 its own motion or upon a written and signed complaint from any person,
18 a suspected or alleged violation by a WHOLESALER, powersports vehicle
19 dealer, used powersports vehicle dealer, or powersports vehicle
20 salesperson of this part 5 or a rule promulgated by the board;

21 (k) Cause to be conducted written examinations, as prescribed by
22 the board, to test the competency of all first-time applicants for a
23 WHOLESALER'S LICENSE, powersports vehicle dealer's license, used
24 powersports vehicle dealer's license, or powersports vehicle salesperson's
25 license;

26 **SECTION 6.** The introductory portion to 12-6-508 (1), Colorado
27 Revised Statutes, is amended, and the said 12-6-508 (1) is further

1 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

2 **12-6-508. Classes of licenses.** (1) Licenses issued under the
3 ~~provisions of this part 5 shall be of the following classes:~~

4 (f) A WHOLESALER'S LICENSE SHALL PERMIT THE LICENSEE TO
5 ENGAGE IN THE ACTIVITIES OF A WHOLESALER.

6 **SECTION 7.** 12-6-510, Colorado Revised Statutes, is amended
7 to read:

8 **12-6-510. Display, form, custody, and use of licenses.** The
9 board and the executive director shall prescribe the form of the license to
10 be issued by the executive director, and each license shall have imprinted
11 thereon the seal of their offices. The license of each powersports vehicle
12 salesperson shall be mailed to the business address where the salesperson
13 is licensed and shall be kept by the salesperson at such salesperson's place
14 of employment for inspection by employers, consumers, the executive
15 director, or the board. A powersports vehicle dealer OR WHOLESALER
16 shall display conspicuously the person's license in the person's place of
17 business. Each license issued pursuant to this part 5 is separate and
18 distinct. It shall be a violation of this part 5 for a person to exercise any
19 of the privileges granted under a license that such person does not hold,
20 or for a licensee to knowingly allow such an exercise of privileges.

21 **SECTION 8.** 12-6-511 (1), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **12-6-511. Fees - disposition - expenses - expiration of licenses.**
24 (1) The fee established pursuant to subsection (5) of this section shall be
25 collected with each application for each of the following:

26 (f) WHOLESALER'S LICENSE.

27 **SECTION 9.** 12-6-511 (3) and (4) (c), Colorado Revised Statutes,

1 are amended to read:

2 **12-6-511. Fees - disposition - expenses - expiration of licenses.**

3 (3) If an application for a WHOLESALER'S LICENSE, powersports vehicle
4 dealer's, used powersports vehicle dealer's, or powersports salesperson's
5 license is withdrawn by the applicant prior to issuance of the license,
6 one-half of the license fee shall be refunded.

7 (4) (c) Upon the expiration of a license, unless suspended or
8 revoked, it may be renewed upon the payment of the application fees
9 specified in this section and renewal shall be made from year to year as
10 a matter of right; except that, if a WHOLESALER OR powersports vehicle
11 dealer voluntarily surrenders its license or abandons its place of business
12 for a period of more than thirty days, the licensee is required to file a new
13 application to renew its license.

14 **SECTION 10.** 12-6-512 (1) and (2) (a), Colorado Revised
15 Statutes, are amended to read:

16 **12-6-512. Bond of licensee.** (1) A WHOLESALER'S LICENSE,
17 powersports vehicle dealer's license, or used powersports vehicle dealer's
18 license shall not be issued to any applicant unless the applicant procures
19 and files with the board evidence of a savings account, deposit, or
20 certificate of deposit meeting the requirements of section 11-35-101,
21 C.R.S., or a good and sufficient bond with corporate surety thereon duly
22 licensed to do business within the state, approved as to form by the
23 attorney general, and conditioned that the applicant shall not make any
24 fraudulent representation or violate any of the provisions of this part 5 or
25 any rule promulgated by the board under this part 5. A powersports
26 vehicle dealer or used powersports vehicle dealer shall not be required to
27 furnish an additional bond, savings account, deposit, or certificate of

1 deposit under this section if such dealer furnishes a bond, savings
2 account, deposit, or certificate of deposit under section 12-6-111.

3 (2) (a) The purpose of the bond procured by the applicant pursuant
4 to subsection (1) of this section and section 12-6-513 is to provide for the
5 reimbursement for any loss or damage suffered by any retail consumer
6 caused by violation of this part 5 by a WHOLESALER, powersports vehicle
7 dealer, or used powersports vehicle dealer. For a wholesale transaction,
8 the bond is available to each party to the transaction; except that, if a
9 retail consumer is involved, such consumer shall have priority to recover
10 from the bond. The amount of the bond shall be fifty thousand dollars for
11 each WHOLESALER APPLICANT, powersports vehicle dealer applicant, and
12 used powersports vehicle dealer applicant. The aggregate liability of the
13 surety for all transactions shall not exceed the amount of the bond,
14 regardless of the number of claims or claimants.

15 **SECTION 11.** 12-6-515, Colorado Revised Statutes, is amended
16 to read:

17 **12-6-515. Testing licensees.** All persons applying for a
18 WHOLESALER'S, powersports vehicle dealer's, used powersports vehicle
19 dealer's, or powersports vehicle salesperson's license under this part 5
20 shall be examined for their knowledge of the powersports vehicle laws of
21 the state of Colorado and the rules promulgated pursuant to this part 5.
22 If the applicant is a corporation, the managing officer shall take the
23 examination, and, if the applicant is a partnership, all the general partners
24 shall take such examination. No license shall be issued except upon
25 successful passing of the examination. This section shall not apply to a
26 motor vehicle dealer, used motor vehicle dealer, or motor vehicle
27 salesperson licensed pursuant to part 1 of this article.

1 **SECTION 12.** 12-6-517 (1), (6), (7) (a), and the introductory
2 portion to 12-6-517 (7) (b), Colorado Revised Statutes, are amended to
3 read:

4 **12-6-517. Application - rules.** (1) An application for a
5 WHOLESALER'S LICENSE, powersports vehicle dealer's license, used
6 powersports vehicle dealer's license, or powersports salesperson's license
7 shall be submitted to the board.

8 (6) Persons applying for a WHOLESALER'S, powersports vehicle
9 dealer's, used powersports vehicle dealer's, or a powersports vehicle
10 salesperson's license shall file with the board a written instrument in
11 which the applicant shall appoint the secretary of the board as the agent
12 of the applicant upon whom all process may be served in any action
13 against the applicant arising out of a claim for damages suffered by a
14 violation of this part 5, rules promulgated under this part 5, or any
15 condition of the applicant's bond.

16 (7) (a) A person applying for a WHOLESALER'S LICENSE OR used
17 powersports vehicle dealer's license shall file with the board a
18 certification that the applicant has met the educational requirements for
19 licensure under this subsection (7), unless the applicant is licensed as a
20 motor vehicle dealer or a used motor vehicle dealer. This subsection (7)
21 shall not apply to a person who has held a license, within the last three
22 years, as a motor vehicle dealer, used motor vehicle dealer, wholesaler,
23 wholesale motor vehicle auction dealer, powersports vehicle dealer, or
24 used powersports vehicle dealer under this part 5 or part 1 of this article.

25 (b) An applicant for a WHOLESALER'S LICENSE OR used
26 powersports vehicle dealer's license shall not be licensed unless one of the
27 following persons has completed an eight-hour prelicensing education

1 program:

2 **SECTION 13.** 12-6-518, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **12-6-518. Notice of change of address or status.** (4) UPON A
5 CHANGE OF PLACE OF BUSINESS OR BUSINESS ADDRESS, A WHOLESALER
6 SHALL IMMEDIATELY NOTIFY THE BOARD OF THE CHANGE.

7 **SECTION 14.** The introductory portion to 12-6-520 (3), Colorado
8 Revised Statutes, is amended, and the said 12-6-520 is further amended
9 BY THE ADDITION OF A NEW SUBSECTION, to read:

10 **12-6-520. Licenses - grounds for denial, suspension, or**
11 **revocation.** (3) A WHOLESALER'S LICENSE, powersports vehicle dealer's
12 license, or a used powersports vehicle dealer's license may be denied,
13 suspended, or revoked on the following grounds:

14 (3.5) A WHOLESALER'S LICENSE MAY BE DENIED, SUSPENDED, OR
15 REVOKED FOR THE SELLING, LEASING, OR OFFERING OR ATTEMPTING TO
16 NEGOTIATE THE SALE, LEASE, OR EXCHANGE OF AN INTEREST IN MOTOR
17 VEHICLES TO PERSONS OTHER THAN POWERSPORTS VEHICLE DEALERS,
18 USED POWERSPORTS VEHICLE DEALERS, OR OTHER WHOLESALERS.

19 **SECTION 15.** 12-6-521 (2), Colorado Revised Statutes, is
20 amended to read:

21 **12-6-521. Procedure for denial, suspension, or revocation of**
22 **license - judicial review.** (2) The board shall appoint an administrative
23 law judge pursuant to part 10 of article 30 of title 24, C.R.S., to conduct
24 any hearing concerning the licensing or discipline of a WHOLESALER
25 powersports vehicle dealer, used powersports vehicle dealer, powersports
26 vehicle manufacturer, powersports vehicle manufacturer representative,
27 or powersports vehicle distributor; except that the board may, upon a

1 unanimous vote of the members present when the vote is taken, conduct
2 the hearing in lieu of appointing an administrative law judge.

3 **SECTION 16.** 12-6-522 (1) (a) and (1) (c) (II), Colorado Revised
4 Statutes, are amended to read:

5 **12-6-522. Sales activity following license denial, suspension, or**
6 **revocation - unlawful act - penalty.** (1) (a) It shall be unlawful and a
7 violation of this part 5 for any person whose WHOLESALER'S, powersports
8 vehicle dealer's, used powersports vehicle dealer's, or powersports vehicle
9 salesperson's license has been denied, suspended, or revoked to exercise
10 the privileges of the license that was denied, suspended, or revoked.

11 (c) In any trial for a violation of paragraph (a) of this subsection
12 (1):

13 (II) A duly authenticated invoice, buyer's order, or other
14 customary, written sales or purchase document or instrument proven to
15 be signed by the defendant and indicating the defendant's role in the
16 purchase or sale of a powersports vehicle at a retail OR WHOLESALE
17 powersports vehicle sales location shall constitute prima facie evidence
18 of the defendant's exercise of a privilege of licensure;

19 **SECTION 17.** 12-6-523 (2), Colorado Revised Statutes, is
20 amended to read:

21 **12-6-523. Unlawful acts.** (2) It is unlawful for a person to act as
22 a WHOLESALER, powersports vehicle dealer, used powersports vehicle
23 dealer, powersports vehicle manufacturer, powersports vehicle
24 distributor, powersports vehicle manufacturer representative, or
25 powersports vehicle salesperson unless the person has been duly licensed
26 under the provisions of this part 5.

27 **SECTION 18.** 12-6-529, Colorado Revised Statutes, is amended

1 to read:

2 **12-6-529. Drafts or checks not honored for payment -**
3 **penalties.** (1) If a WHOLESALER, powersports vehicle dealer, or used
4 powersports vehicle dealer issues a draft or check to a WHOLESALER,
5 powersports vehicle dealer, or used powersports vehicle dealer and fails
6 to honor the draft or check, then the license of the licensee shall be
7 subject to suspension pursuant to section 12-6-520. The license
8 suspension shall be effective upon the date of a final decision against the
9 licensee. A licensee whose license has been suspended pursuant to this
10 subsection (1) shall not be eligible for reinstatement of the license and
11 shall not be eligible to apply for another license issued under this part 5
12 unless it is demonstrated to the board that the unpaid draft or check has
13 been paid in full and that any fine imposed on the licensee pursuant to
14 subsection (2) of this section has been paid in full.

15 (2) A WHOLESALER, powersports vehicle dealer, or used
16 powersports vehicle dealer that issues a draft or check to a WHOLESALER,
17 powersports vehicle dealer, or used powersports vehicle dealer and who
18 fails to honor the draft or check, causing loss to a third party, commits a
19 misdemeanor and shall be punished by a fine of two thousand five
20 hundred dollars. Any fine collected for a violation of this subsection (2)
21 shall be awarded to the law enforcement agency that investigated and
22 issued the citation for the violation.

23 **SECTION 19.** 14-10-122 (1.5) (d) (II), Colorado Revised Statutes,
24 is amended to read:

25 **14-10-122. Modification and termination of provisions for**
26 **maintenance, support, and property disposition - automatic lien -**
27 **repeal.** (1.5) (d) **Lien on motor vehicles.** (II) For purposes of this

1 subsection (1.5), "motor vehicle" means any self-propelled vehicle that
2 is designed primarily for travel on the public highways and that is
3 generally and commonly used to transport persons and property over the
4 public highways, trailers, semitrailers, and trailer coaches, without motive
5 power; that has a net equity value based upon the loan value identified for
6 such vehicle in the national automobile dealers' association car guide of
7 not less than five thousand dollars at the time of the filing of the notice of
8 lien and that meets such additional conditions as the state board of human
9 services may establish by rule; and on which vehicle a lien already exists
10 that is filed for public record and noted accordingly on the owner's
11 certificate of title. "Motor vehicle" does not include ~~motorized bicycles,~~
12 ~~as defined in section 42-1-102 (59) (b), C.R.S.~~ LOW-POWER SCOOTERS, AS
13 DEFINED IN SECTION 42-1-102, C.R.S.; vehicles that operate only upon
14 rails or tracks laid in place on the ground or that travel through the air or
15 that derive their motive power from overhead electric lines; farm tractors,
16 farm trailers, and other machines and tools used in the production,
17 harvesting, and care of farm products; and mobile machinery,
18 self-propelled construction equipment, or industrial machinery not
19 designed primarily for highway transportation. "Motor vehicle" does not
20 include a vehicle that has a net equity value based upon the loan value
21 identified for such vehicle in the national automobile dealers' association
22 car guide of less than five thousand dollars at the time of the filing of the
23 notice of lien and does not include a vehicle that is not otherwise
24 encumbered by a lien or mortgage that is filed for public record and noted
25 accordingly on the owner's certificate of title.

26 **SECTION 20.** 25-12-106 (1) (a) and (1) (b), Colorado Revised
27 Statutes, are amended to read:

1 **25-12-106. Noise restrictions - sale of new vehicles.** (1) Except
2 for such vehicles as are designed exclusively for racing purposes, no
3 person shall sell or offer for sale a new motor vehicle or any
4 self-propelled vehicle designed for off-highway use and for which
5 registration as a motor vehicle is not required which produces a maximum
6 noise exceeding the following noise limit, at a distance of fifty feet from
7 the center of the lane of travel or fifty feet or more from a vehicle
8 designed for off-highway use, under test procedures established by the
9 department of revenue:

10 (a) Any motorcycle ~~including a motor-driven cycle~~, manufactured
11 on or after July 1, 1971, and before January 1, 1973 88 db(A);

12 (b) Any motorcycle ~~including a motor-driven cycle~~, manufactured
13 on or after January 1, 1973 86 db(A);

14 **SECTION 21.** The introductory portion to 25-12-107 (1) (a),
15 Colorado Revised Statutes, is amended to read:

16 **25-12-107. Powers of local authorities.** (1) Counties or
17 municipalities may adopt resolutions or ordinances prohibiting the
18 operation of motor vehicles within their respective jurisdictions which
19 produce noise in excess of the sound levels in decibels, measured on the
20 "A" scale on a standard sound level meter having characteristics
21 established by the American National Standards Institute, Publication
22 S1.4 - 1971, and measured at a distance of fifty feet from the center of the
23 lane of travel, or fifty feet or more from a vehicle designed for
24 off-highway use and within the speed limits specified in this section:

25 (a) Any motor vehicle with a manufacturer's gross vehicle weight
26 rating of six thousand pounds or more, any combination of vehicles towed
27 by such motor vehicle, and any motorcycle other than a ~~motor-driven~~

1 ~~cycle~~ LOW-POWER SCOOTER:

2 **SECTION 22.** 42-1-102 (10), (55), (56), (58), (59), (103.5), and
3 (112), Colorado Revised Statutes, are amended, and the said 42-1-102 is
4 further amended BY THE ADDITION OF THE FOLLOWING NEW
5 SUBSECTIONS, to read:

6 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
7 unless the context otherwise requires:

8 (10) "Bicycle" means ~~every~~ A vehicle propelled ~~solely~~ by human
9 power applied to pedals upon which ~~any~~ A person may ride having two
10 tandem wheels or two parallel wheels and one forward wheel, all of
11 which are more than fourteen inches in diameter. "BICYCLE" INCLUDES
12 AN ELECTRICAL ASSISTED BICYCLE OR A VEHICLE POWERED SOLELY BY
13 HUMAN POWER.

14 (28.5) "ELECTRICAL ASSISTED BICYCLE" MEANS A VEHICLE HAVING
15 TWO TANDEM WHEELS OR TWO PARALLEL WHEELS AND ONE FORWARD
16 WHEEL, FULLY OPERABLE PEDALS, AN ELECTRIC MOTOR NOT EXCEEDING
17 SEVEN HUNDRED AND FIFTY WATTS OF POWER, AND A TOP
18 MOTOR-POWERED SPEED OF TWENTY MILES PER HOUR.

19 (28.7) "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" OR
20 "EPAMD" MEANS A SELF-BALANCING, NONTANDEM TWO-WHEELED
21 DEVICE, DESIGNED TO TRANSPORT ONLY ONE PERSON, THAT IS POWERED
22 SOLELY BY AN ELECTRIC PROPULSION SYSTEM PRODUCING AN AVERAGE
23 POWER OUTPUT OF NO MORE THAN SEVEN HUNDRED FIFTY WATTS.

24 (48.5) (a) "LOW-POWER SCOOTER" MEANS A SELF-PROPELLED
25 VEHICLE DESIGNED PRIMARILY FOR USE ON THE ROADWAYS WITH NOT
26 MORE THAN THREE WHEELS IN CONTACT WITH THE GROUND, NO MANUAL
27 CLUTCH, AND EITHER OF THE FOLLOWING:

1 (I) A CYLINDER CAPACITY NOT EXCEEDING FIFTY CUBIC
2 CENTIMETERS IF POWERED BY INTERNAL COMBUSTION; OR

3 (II) A WATTAGE NOT EXCEEDING FOUR THOUSAND FOUR HUNDRED
4 SEVENTY-SIX IF POWERED BY ELECTRICITY.

5 (b) "LOW-POWER SCOOTER" SHALL NOT INCLUDE A TOY VEHICLE,
6 BICYCLE, ELECTRICAL ASSISTED BICYCLE, WHEELCHAIR, OR ANY DEVICE
7 DESIGNED TO ASSIST MOBILITY IMPAIRED PEOPLE USE PEDESTRIAN
8 RIGHTS-OF-WAY.

9 (55) "Motorcycle" means every motor vehicle designed to travel
10 on not more than three wheels in contact with the ground; except ~~any such~~
11 ~~vehicle as may be included within the term~~ THAT THE TERM DOES NOT
12 INCLUDE A farm tractor ~~and except a motorized bicycle as defined in~~
13 ~~paragraph (b) of subsection (59) of this section~~ OR LOW-POWER SCOOTER.

14 (56) ~~"Motor-driven cycle" means every motorcycle, including~~
15 ~~every motorscooter, with a motor which produces not to exceed six~~
16 ~~brake-horsepower and every bicycle with motor attached, but not trail~~
17 ~~bikes, minibikes, go-carts, golf carts, and similar vehicles which are not~~
18 ~~designed for or approved by the department for use on the public roads~~
19 ~~or highways and not motorized bicycles as defined in paragraph (b) of~~
20 ~~subsection (59) of this section.~~

21 (58) "Motor vehicle" means any self-propelled vehicle ~~which~~
22 THAT is designed primarily for travel on the public highways and ~~which~~
23 THAT is generally and commonly used to transport persons and property
24 over the public highways; ~~but~~ EXCEPT THAT the term does not include
25 ~~motorized bicycles as defined in paragraph (b) of subsection (59) of this~~
26 ~~section~~ LOW-POWER SCOOTERS, wheelchairs, ~~as defined by subsection~~
27 ~~(113) of this section,~~ or vehicles moved solely by human power. "Motor

1 vehicle" includes a neighborhood electric vehicle operated pursuant to
2 section 42-4-111 (1) (aa). For the purposes of the offenses described in
3 sections 42-2-128, ~~42-4-1301, and 42-4-1401~~ 42-4-1301, 42-4-1301.1,
4 ~~AND 42-4-1401~~ for farm tractors and off-highway vehicles, as defined in
5 section 33-14.5-101 (3), C.R.S., operated on streets and highways, "motor
6 vehicle" includes a farm tractor or an off-highway vehicle ~~which~~ THAT is
7 not otherwise classified as a motor vehicle. ~~FOR THE PURPOSES OF~~
8 ~~SECTIONS 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206,~~
9 ~~42-2-1301, AND 42-2-1301.1, "MOTOR VEHICLE" INCLUDES A LOW-POWER~~
10 ~~SCOOTER.~~

11 (59) (a) ~~"Motorscooter" and "motorbicycle" mean every motor~~
12 ~~vehicle designed to travel on not more than three wheels in contact with~~
13 ~~the ground, except any such vehicle as may be included within the term~~
14 ~~"farm tractor" as defined in this section and any motorized bicycle as~~
15 ~~defined in paragraph (b) of this subsection (59), which motor vehicle is~~
16 ~~powered by an engine of not to exceed six brake-horsepower.~~

17 (b) ~~"Motorized bicycle" means a vehicle having two or three~~
18 ~~wheels, a cylinder capacity not exceeding 50 cc, and an automatic~~
19 ~~transmission which produces a maximum design speed of not more than~~
20 ~~thirty miles per hour on a flat surface.~~

21 (103.5) (a) "Toy vehicle" means any vehicle ~~whether or not~~
22 ~~home-built by the user, that has wheels with an outside diameter of not~~
23 ~~more than fourteen inches and is not designed approved, or intended for~~
24 ~~use on public roadways or highways OR FOR OFF-ROAD USE.~~

25 (b) "Toy vehicle" includes, but is not limited to, gas-powered or
26 electric-powered vehicles commonly known as mini bikes, "pocket"
27 bikes, kamikaze boards, go-peds, and stand-up scooters.

1 (c) "TOY VEHICLE" DOES NOT INCLUDE OFF-HIGHWAY VEHICLES OR
2 SNOWMOBILES.

3 (112) "Vehicle" means ~~any~~ A device ~~which~~ THAT is capable of
4 moving itself, or of being moved, from place to place upon wheels or
5 endless tracks. "Vehicle" includes, ~~any~~ WITHOUT LIMITATION, A bicycle
6 OR EPAMD, but ~~such term~~ does not include ~~any~~ A wheelchair, ~~as defined~~
7 ~~by subsection (113) of this section, or any~~ off-highway vehicle,
8 snowmobile, ~~any~~ farm tractor, or ~~any~~ implement of husbandry designed
9 primarily or exclusively for use and used in agricultural operations or any
10 device moved ~~by muscular power or moved~~ exclusively over stationary
11 rails or tracks or designed to move primarily through the air.

12 **SECTION 23.** 42-2-103 (2), Colorado Revised Statutes, is
13 amended to read:

14 **42-2-103. Motorcycles - low-power scooters - driver's license**
15 **required.** (2) (a) An operator of a ~~motorized bicycle~~ LOW-POWER
16 SCOOTER shall possess a valid driver's license or minor driver's license.

17 (b) No ~~motorized bicycle~~ LOW-POWER SCOOTER shall be operated
18 on any interstate system as described in section 43-2-101 (2), C.R.S.,
19 except where a bicycle may be operated on such interstate system, on any
20 limited-access road of the state highway system as described in section
21 43-2-101 (1), C.R.S., or on any sidewalk, unless such operation is
22 specifically designated. ~~Motorized bicycles~~ LOW-POWER SCOOTERS may
23 be operated upon roadways, except as provided in this section, and in
24 bicycle lanes included within such roadways.

25 **SECTION 24.** 42-2-106 (1), Colorado Revised Statutes, is
26 amended to read:

27 **42-2-106. Instruction permits and temporary licenses.**

1 (1) (a) (I) A person who is sixteen years of age or older and who, except
2 for the person's lack of instruction in operating a motor vehicle OR
3 motorcycle, ~~or motor-driven cycle~~, would otherwise be qualified to obtain
4 a license under this article may apply for a temporary instruction permit
5 in accordance with sections 42-2-107 and 42-2-108. The department
6 shall issue a permit entitling an applicant, who is sixteen years of age or
7 older but under eighteen years of age, while having the permit in the
8 applicant's immediate possession, to drive a motor vehicle OR motorcycle
9 ~~or motor-driven cycle~~ upon the highways when accompanied by the
10 parent, stepparent, grandparent with power of attorney, or guardian or
11 foster parent, who signed the affidavit of liability pursuant to section
12 42-2-108 (1) (a), who holds a valid Colorado driver's license, and who
13 occupies the front seat in close proximity to the driver or, in the case of
14 a motorcycle, ~~or motor-driven cycle~~, under the immediate proximate
15 supervision of a licensed driver, who holds a valid Colorado driver's
16 license and is twenty-one years of age or older, authorized under this
17 article to drive a motorcycle. ~~or motor-driven cycle~~. In addition, the
18 parent, stepparent, grandparent with power of attorney, or guardian or
19 foster parent, who is authorized pursuant to this section to supervise the
20 minor driver while the minor is driving, may allow the minor, while
21 having the permit in the applicant's immediate possession, to drive with
22 an individual who holds a valid driver's license and is twenty-one years
23 of age or older for additional driving experience, but such additional
24 driving experience shall not count toward the requirement established in
25 section 42-2-104. The permit shall expire three years after issuance. The
26 department shall issue a permit entitling the applicant, who is eighteen
27 years of age or older, while having the permit in the applicant's immediate

1 possession, to drive a motor vehicle OR motorcycle ~~or motor-driven cycle~~
2 upon the highways when accompanied by a driver, who holds a valid
3 Colorado driver's license and is twenty-one years of age or older, who
4 occupies the front seat of the motor vehicle, or if the vehicle is a
5 motorcycle ~~or motor-driven cycle~~, under the immediate proximate
6 supervision of a driver, who is authorized under this article to drive a
7 motorcycle. ~~or motor-driven cycle~~. The permit shall expire three years
8 after issuance.

9 (II) If the parent, stepparent, grandparent with power of attorney,
10 or guardian or foster parent, who signed the affidavit of liability pursuant
11 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's
12 license, the parent, stepparent, grandparent with power of attorney, or
13 guardian or foster parent may appoint an alternate permit supervisor. An
14 alternate permit supervisor shall hold a valid Colorado driver's license and
15 be twenty-one years of age or older or, if the vehicle is a motorcycle, ~~or~~
16 ~~motor-driven cycle~~, is authorized under this article to drive a motorcycle.
17 ~~or motor-driven cycle~~. A minor who is issued a permit under this
18 paragraph (a) may drive a motor vehicle, including a motorcycle, ~~or~~
19 ~~motor-driven cycle~~, under the supervision of the alternate permit
20 supervisor if the minor has the permit in the minor's immediate possession
21 and the alternate permit supervisor occupies the front seat of the motor
22 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
23 proximity to the driver.

24 (III) If the parent, stepparent, grandparent with power of attorney,
25 or guardian or foster parent, who signed the affidavit of liability pursuant
26 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license
27 but holds a valid driver's license from another state and is authorized to

1 drive a motor vehicle OR motorcycle ~~or motor-driven cycle~~ and has proper
2 military identification, then the applicant, while having the permit in the
3 applicant's immediate possession, shall be authorized to drive a motor
4 vehicle, including a motorcycle, ~~or motor-driven cycle~~, under the
5 supervision of the parent, stepparent, grandparent with power of attorney,
6 or guardian or foster parent, who cosigned the application for the minor's
7 instruction permit, if the parent, stepparent, grandparent with power of
8 attorney, or guardian or foster parent occupies the front seat of the motor
9 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
10 proximity to the driver while the minor is driving.

11 (b) (I) A minor who is fifteen years of age or older and has
12 completed a department-approved driver education course within the last
13 six months may apply for a minor's instruction permit, pursuant to
14 sections 42-2-107 and 42-2-108. Upon presentation of a written or
15 printed statement signed by the parent, stepparent, grandparent with
16 power of attorney, or guardian or foster parent and the instructor of the
17 driver education course that the minor has passed an approved driver
18 education course, the department shall issue the permit entitling the
19 applicant, while having the permit in the applicant's immediate
20 possession, to drive a motor vehicle, including a motorcycle, ~~or~~
21 ~~motor-driven cycle~~, under the supervision of the parent, stepparent,
22 grandparent with power of attorney, or guardian or foster parent, who
23 cosigned the application for the minor's instruction permit, if the parent,
24 stepparent, grandparent with power of attorney, or guardian or foster
25 parent holds a valid Colorado driver's license and occupies the front seat
26 of the motor vehicle or, if the vehicle is a motorcycle, ~~or motor-driven~~
27 ~~cycle~~, is authorized under this article to drive a motorcycle ~~or~~

1 ~~motor-driven cycle~~ and is in close proximity to the driver while the minor
2 is driving. In addition, the parent, stepparent, grandparent with power of
3 attorney, or guardian or foster parent, who is authorized pursuant to this
4 section to supervise the minor driver while the minor is driving, may
5 allow the minor, while having the permit in the applicant's immediate
6 possession, to drive with an individual who holds a valid driver's license
7 and is twenty-one years of age or older for additional driving experience,
8 but such additional driving experience shall not count toward the
9 requirement established in section 42-2-104. The permit shall also entitle
10 the applicant to drive a motor vehicle, including a motorcycle, ~~or~~
11 ~~motor-driven cycle~~ that is marked to indicate that it is a motor vehicle
12 used for instruction and that is properly equipped for instruction, upon the
13 highways when accompanied by or under the supervision of an approved
14 driver education instructor who holds a valid Colorado driver's license.
15 Driver education instructors giving instruction in motorcycle safety shall
16 have a valid motorcycle driver's license from Colorado and shall have
17 successfully completed an instruction program in motorcycle safety
18 approved by the department. The permit shall expire three years after
19 issuance.

20 (II) If the parent, stepparent, grandparent with power of attorney,
21 or guardian or foster parent, who signed the affidavit of liability pursuant
22 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's
23 license, the parent, stepparent, grandparent with power of attorney, or
24 guardian or foster parent may appoint an alternate permit supervisor. An
25 alternate permit supervisor shall hold a valid Colorado driver's license and
26 be twenty-one years of age or older or, if the vehicle is a motorcycle, ~~or~~
27 ~~motor-driven cycle~~, is authorized under this article to drive a motorcycle.

1 ~~or motor-driven cycle.~~ A minor who is issued a permit under this
2 paragraph (b) may drive a motor vehicle, including a motorcycle, ~~or~~
3 ~~motor-driven cycle,~~ under the supervision of the alternate permit
4 supervisor if the minor has the permit in the minor's immediate possession
5 and the alternate permit supervisor occupies the front seat of the motor
6 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle,~~ is in close
7 proximity to the driver.

8 (III) If the parent, stepparent, grandparent with power of attorney,
9 or guardian or foster parent, who signed the affidavit of liability pursuant
10 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license
11 but holds a valid driver's license from another state and is authorized to
12 drive a motor vehicle OR motorcycle ~~or motor-driven cycle~~ and has proper
13 military identification, then the applicant, while having the permit in the
14 applicant's immediate possession, shall be authorized to drive a motor
15 vehicle, including a motorcycle, ~~or motor-driven cycle,~~ under the
16 supervision of the parent, stepparent, grandparent with power of attorney,
17 or guardian or foster parent, who cosigned the application for the minor's
18 instruction permit, if the parent, stepparent, grandparent with power of
19 attorney, or guardian or foster parent occupies the front seat of the motor
20 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle,~~ is in close
21 proximity to the driver while the minor is driving.

22 (c) A person sixteen years of age or older who, except for his or
23 her lack of instruction in operating a motorcycle ~~or motor-driven cycle,~~
24 would otherwise be qualified to obtain a driver's license under this article
25 to drive a motorcycle ~~or motor-driven cycle~~ may apply for a temporary
26 instruction permit, pursuant to sections 42-2-107 and 42-2-108. The
27 department shall issue the permit entitling the applicant, while having the

1 permit in the applicant's immediate possession, to drive a motorcycle ~~or~~
2 ~~motor-driven cycle~~ upon the highways while under the immediate
3 supervision of a licensed driver, who holds a valid Colorado driver's
4 license and is twenty-one years of age or older, authorized under this
5 article to drive a motorcycle. ~~or motor-driven cycle.~~ The permit shall
6 expire three years after issuance.

7 (d) (I) A minor fifteen and one-half years of age but less than
8 sixteen years of age who has completed a four-hour prequalification
9 driver awareness program approved by the department may apply for a
10 minor's instruction permit pursuant to sections 42-2-107 and 42-2-108.
11 Upon presenting a written or printed statement signed by the parent,
12 stepparent, grandparent with power of attorney, or guardian or foster
13 parent of the applicant and documentation that the minor completed the
14 driver awareness program, the department shall issue a permit entitling
15 the applicant, while having the permit in the applicant's immediate
16 possession, to drive a motor vehicle, including a motorcycle, ~~or~~
17 ~~motor-driven cycle~~, under the supervision of the parent, stepparent,
18 grandparent with power of attorney, or guardian or foster parent, who
19 cosigned the application for the minor's instruction permit, if the parent,
20 stepparent, grandparent with power of attorney, or guardian or foster
21 parent holds a valid Colorado driver's license and occupies the front seat
22 of the motor vehicle or, if the vehicle is a motorcycle, ~~or motor-driven~~
23 ~~cycle~~, is authorized under this article to drive a motorcycle ~~or~~
24 ~~motor-driven cycle~~ and is in close proximity to the driver while he or she
25 is driving. In addition, the parent, stepparent, grandparent with power of
26 attorney, or guardian or foster parent, who is authorized pursuant to this
27 section to supervise the minor driver while the minor is driving, may

1 allow the minor, while having the permit in the applicant's immediate
2 possession, to drive with an individual who holds a valid driver's license
3 and is twenty-one years of age or older for additional driving experience,
4 but such additional driving experience shall not count toward the
5 requirement established in section 42-2-104. The permit shall expire
6 three years after issuance.

7 (II) If the parent, stepparent, grandparent with power of attorney,
8 or guardian or foster parent, who signed the affidavit of liability pursuant
9 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's
10 license, the parent, stepparent, grandparent with power of attorney, or
11 guardian or foster parent may appoint an alternate permit supervisor. An
12 alternate permit supervisor shall hold a valid Colorado driver's license and
13 be twenty-one years of age or older or, if the vehicle is a motorcycle, ~~or~~
14 ~~motor-driven cycle~~, is authorized under this article to drive a motorcycle.
15 ~~or motor-driven cycle~~. A minor who is issued a permit under this
16 paragraph (d) may drive a motor vehicle, including a motorcycle, ~~or~~
17 ~~motor-driven cycle~~, under the supervision of the alternate permit
18 supervisor if the minor has the permit in the minor's immediate possession
19 and the alternate permit supervisor occupies the front seat of the motor
20 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~ is in close
21 proximity to the driver.

22 (III) If the parent, stepparent, grandparent with power of attorney,
23 or guardian or foster parent, who signed the affidavit of liability pursuant
24 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license
25 but holds a valid driver's license from another state and is authorized to
26 drive a motor vehicle OR motorcycle ~~or motor-driven cycle~~ and has proper
27 military identification, then the applicant, while having the permit in the

1 applicant's immediate possession, shall be authorized to drive a motor
2 vehicle, including a motorcycle, ~~or motor-driven cycle~~, under the
3 supervision of the parent, stepparent, grandparent with power of attorney,
4 or guardian or foster parent, who cosigned the application for the minor's
5 instruction permit, if the parent, stepparent, grandparent with power of
6 attorney, or guardian or foster parent occupies the front seat of the motor
7 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
8 proximity to the driver while the minor is driving.

9 (e) Repealed.

10 (f) Notwithstanding paragraphs (a) to (d) of this subsection (1), a
11 temporary instruction permit to operate a commercial motor vehicle as
12 defined in section 42-2-402 shall expire one year after issuance.

13 **SECTION 25.** 42-2-127 (5) (f), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF THE FOLLOWING NEW
15 SUBPARAGRAPHS to read:

16 **42-2-127. Authority to suspend license - to deny license - type**
17 **of conviction - points.** (5) Point system schedule:

18 Type of conviction	Points
19 (f) Speeding:	
20 (VI) ONE TO FOUR MILES PER HOUR OVER THE MAXIMUM LAWFUL	
21 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER	
22	0
23 (VII) FIVE TO NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL	
24 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER	
25	2
26 (VIII) GREATER THAN NINE MILES PER HOUR OVER THE MAXIMUM	
27 LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER	

1 SCOOTER 4

2 **SECTION 26.** 42-3-105 (1) (d) and (2), Colorado Revised
3 Statutes, are amended to read:

4 **42-3-105. Application for registration - tax.** (1) (d) (I) The
5 department or its authorized agents shall not register a motor vehicle OR
6 LOW-POWER SCOOTER unless the applicant has a complying motor vehicle
7 insurance policy pursuant to part 6 of article 4 of title 10, C.R.S., or a
8 certificate of self-insurance in full force and effect as required by sections
9 10-4-619 and 10-4-624, C.R.S. The requirements of this paragraph (d)
10 apply only to motor vehicles classified as Class C personal property under
11 section 42-3-106 (2) (c), to light trucks that do not exceed sixteen
12 thousand pounds empty weight, and to sports utility vehicles that are
13 classified as Class B personal property under section 42-3-106 (2) (b), OR
14 TO LOW-POWER SCOOTERS. The applicant shall provide the department or
15 its authorized agents with the proof of insurance certificate or insurance
16 identification card provided to the applicant by the applicant's insurer
17 pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in
18 such other media as is authorized by the department. Nothing in this
19 paragraph (d) shall be interpreted to preclude the department from
20 electronically transmitting insurance information to designated agents
21 pursuant to section 42-7-604 for the purpose of ensuring compliance with
22 mandatory insurance requirements.

23 (II) Any person who knowingly provides fraudulent information
24 or documents under subparagraph (I) of this paragraph (d) to obtain
25 registration of a motor vehicle OR LOW-POWER SCOOTER is guilty of a
26 misdemeanor and is subject to the criminal and civil penalties provided
27 under section 42-6-139 (3) and (4).

1 (2) Upon applying for registration, the owner of a motor vehicle
2 OR LOW-POWER SCOOTER shall receive a written notice printed on the
3 application for registration in type that is larger than the other information
4 contained on the application for registration. Such notice shall state that
5 motor vehicle insurance or operator's coverage is compulsory in
6 Colorado, that noncompliance is a misdemeanor traffic offense, that the
7 minimum penalty for such offense is a five-hundred-dollar fine, and that
8 the maximum penalty for such offense is one year's imprisonment and a
9 one-thousand-dollar fine, and that such owner shall be required as a
10 condition of obtaining a registration card to sign an affirmation clause
11 that appears on the registration. The clause shall state, "I swear or affirm
12 in accordance with section 24-12-102, C.R.S., under penalty of perjury
13 that I now have in effect a complying policy of motor vehicle insurance
14 including an operator's policy pursuant to part 6 of article 4 of title 10,
15 C.R.S., or a certificate of self-insurance to cover the vehicle or operator
16 of the vehicle for which this registration is issued, and I understand that
17 such insurance must be renewed so that coverage is continuous.
18 Signature _____, Date _____.

19 **SECTION 27.** 42-3-301 (2) (a) (VIII), Colorado Revised Statutes,
20 is amended to read:

21 **42-3-301. License plate cash fund - license plate fees.**

22 (2) (a) The fees imposed pursuant to subsection (1) of this section shall
23 be set in an amount necessary to recover only the costs of the production
24 and distribution of any license plates, decals, or validating tabs issued
25 pursuant to this article and shall be:

26 (VIII) Twenty-five cents per ~~motorized bicycle~~ LOW-POWER
27 SCOOTER decal issued pursuant to this section;

1 **SECTION 28.** 42-3-304 (4), (5), and (6) (a), Colorado Revised
2 Statutes, are amended to read:

3 **42-3-304. Registration fees - passenger and passenger-mile**
4 **taxes - clean screen fund.** (4) Upon registration, the owner of each
5 motorcycle ~~or motorscooter~~ shall pay a surcharge of four dollars, which
6 shall be credited to the motorcycle operator safety training fund created
7 in section 43-5-504, C.R.S.

8 (5) In lieu of registering each vehicle separately, a dealer in
9 motorcycles ~~motorscooters, or motorbicycles~~ shall pay to the department
10 an annual registration fee of twenty-five dollars for the first license plate
11 issued pursuant to section 42-3-116 (1), a fee of seven dollars and fifty
12 cents for each additional license plate so issued up to and including five
13 such plates, and a fee of ten dollars for each license plate so issued in
14 excess of five.

15 (6) In lieu of registering each vehicle separately:

16 (a) A dealer in motor vehicles, trailers, and semitrailers, except
17 dealers in motorcycles, ~~motorscooters, and motorbicycles,~~ shall pay to the
18 department an annual fee of thirty dollars for the first license plate issued
19 pursuant to section 42-3-116 (1), and a fee of seven dollars and fifty cents
20 for each additional license plate so issued up to and including five, and
21 a fee of ten dollars for each license plate so issued in excess of five; and

22 **SECTION 29.** 42-3-304 (18) (d), Colorado Revised Statutes, is
23 amended to read:

24 **42-3-304. Registration fees - passenger and passenger-mile**
25 **taxes - clean screen fund.** (18) (d) (I) In addition to any other fee
26 imposed by this section, the owner shall pay, at the time of registration of
27 any A motor vehicle in the state OR LOW-POWER SCOOTER, a motorist

1 insurance identification fee. The fee shall be adjusted annually by the
2 department, based upon moneys appropriated by the general assembly for
3 the operation of the motorist insurance identification database program.
4 In no event shall the fee exceed fifty cents. The fee shall be transmitted
5 to the state treasurer, who shall credit it to a special account within the
6 highway users tax fund, to be known as the motorist insurance
7 identification account, which is hereby created. Moneys in the motorist
8 insurance identification account shall be used, subject to appropriation by
9 the general assembly, to cover the costs of administration and
10 enforcement of the motorist insurance identification database program,
11 created in section 42-7-604; except that the state treasurer shall transfer
12 moneys in the account in excess of the amount of moneys appropriated
13 from the account to the highway users tax fund for allocation and
14 expenditure as specified in section 43-4-205 (5.5) (c), C.R.S.

15 (II) This paragraph (d) is repealed, effective July 1, 2006, unless
16 the motorist insurance identification database program created in section
17 42-7-604 is extended by the general assembly beyond such date.

18 **SECTION 30.** 42-3-305 (2) (a), Colorado Revised Statutes, is
19 amended to read:

20 **42-3-305. Registration fees - passenger and passenger-mile**
21 **taxes - fee schedule for years of TABOR surplus revenue -**
22 **applicability.** (2) Fees for the annual registration of passenger-carrying
23 motor vehicles shall be as follows:

24 (a) Motorcycles, ~~motorscooters, and motorbicycles,~~ two dollars
25 and twenty-five cents;

26 **SECTION 31.** 42-3-306 (2) (a), Colorado Revised Statutes, is
27 amended to read:

1 **42-3-306. Registration fees - passenger and passenger-mile**
2 **taxes - fee schedule for years in which TABOR surplus revenue is**
3 **insufficient.** (2) Fees for the annual registration of passenger-carrying
4 motor vehicles shall be as follows:

5 (a) Motorcycles, ~~motorscooters, and motorbicycles,~~ three dollars;

6 **SECTION 32.** 42-3-310 (4), Colorado Revised Statutes, is
7 amended to read:

8 **42-3-310. Additional registration fees - apportionment of fees.**

9 (4) Two dollars and fifty cents of each annual vehicle registration fee
10 imposed by sections 42-3-304 to 42-3-306, exclusive of the annual
11 registration fees prescribed for motorcycles, ~~motorscooters,~~
12 ~~motorbicycles,~~ trailer coaches, mobile machinery and self-propelled
13 construction equipment, and trailers having an empty weight of two
14 thousand pounds or less and exclusive of a registration fee paid for a
15 fractional part of a year, shall not be transmitted to the department but
16 shall be paid over by the authorized agent, as collected, to the county
17 treasurer, who shall credit the same to an account entitled "apportioned
18 vehicle registration fees". On the tenth day of each month, the county
19 treasurer shall apportion the balance in such account existing on the last
20 day of the immediately preceding month between the county and the cities
21 and incorporated towns located within the boundaries of the county on the
22 basis of the record of rural and urban registrations that indicates the place
23 of residence of each vehicle owner.

24 **SECTION 33.** 42-3-311, Colorado Revised Statutes, is amended
25 to read:

26 **42-3-311. Low-power scooter registration - fee.** (1) Every
27 ~~motorized bicycle~~ LOW-POWER SCOOTER sold in this state shall have an

1 identification number stamped on its frame, which number shall be
2 recorded upon registration. ~~Motorized bicycles~~ A LOW-POWER SCOOTER
3 shall be registered with the department, ~~and such registration~~ WHICH
4 REGISTRATION shall be evidenced by a number decal that is securely
5 affixed to the ~~motorized bicycle~~ LOW-POWER SCOOTER frame in a
6 conspicuous place. Registration shall be valid for a period of three years,
7 and the fee for such registration shall be five dollars. Retail sellers of
8 ~~motorized bicycles~~ LOW-POWER SCOOTERS shall retain one dollar from
9 each such fee, and four dollars of each such fee shall be forwarded
10 monthly to the department for deposit in the state treasury to the credit of
11 the highway users tax fund.

12 (2) The general assembly shall make appropriations from the fund
13 for the expenses of the administration of this section, and any fees
14 credited to the fund pursuant to ~~this~~ subsection (1) OF THIS SECTION in
15 excess of the amount of the appropriations shall be allocated and
16 expended as specified in section 43-4-205 (5.5) (f), C.R.S. The
17 department shall promulgate rules authorizing retail sellers of ~~motorized~~
18 ~~bicycles~~ LOW-POWER SCOOTERS to be agents of the department for such
19 registration.

20 **SECTION 34.** 42-4-109 (1), (2), (3), (4), (5), (6), (6.5), and (7),
21 Colorado Revised Statutes, are amended to read:

22 **42-4-109. Low-power scooters, animals, skis, skates, and toy**
23 **vehicles on highways.** (1) ~~Every~~ A person riding a ~~motorized bicycle~~
24 LOW-POWER SCOOTER upon a roadway where ~~motorized bicycle~~
25 LOW-POWER SCOOTER travel is permitted shall be granted all of the rights
26 and shall be subject to all of the duties and penalties applicable to the
27 driver of a vehicle as set forth in this article except those provisions of

1 this article ~~which~~ THAT, by their very nature, can have no application.
2 ~~Said riders shall also comply with special rules set forth in this section~~
3 ~~and in section 42-4-220 (1) (b) and (1) (c) and, when using streets and~~
4 ~~highways within incorporated cities and towns, shall be subject to local~~
5 ~~ordinances regulating the operation of motorized bicycles as provided in~~
6 ~~section 42-4-111. Whenever the word "vehicle" is used in any of the~~
7 ~~driving rules set forth in this article that are applicable to motorized~~
8 ~~bicycle riders, such term shall include motorized bicycles.~~

9 (2) A person riding a ~~motorized bicycle~~ LOW-POWER SCOOTER
10 shall not ride other than upon or astride a permanent and regular seat
11 attached thereto.

12 (3) No ~~motorized bicycle~~ LOW-POWER SCOOTER shall be used to
13 carry more persons at one time than the number for which it is designed
14 and equipped.

15 (4) No person riding upon any ~~motorized bicycle~~ LOW-POWER
16 SCOOTER, coaster, roller skates, sled, or toy vehicle shall attach the same
17 or himself or herself to any vehicle upon a roadway.

18 (5) ~~Every~~ A person operating a ~~motorized bicycle~~ LOW-POWER
19 SCOOTER upon a roadway shall ride as close to the right side of the
20 roadway as practicable, exercising due care when passing a standing
21 vehicle or one proceeding in the same direction.

22 (6) Persons riding ~~motorized bicycles~~ LOW-POWER SCOOTERS upon
23 a roadway shall not ride more than two abreast. ~~except on lanes or parts~~
24 ~~of roadways set aside for the exclusive use of bicycles.~~

25 (6.5) A person under the age of eighteen years may not operate or
26 carry a passenger who is under eighteen years of age on a ~~motorized~~
27 ~~bicycle on a highway in this state~~ LOW-POWER SCOOTER unless the person

1 and the passenger are wearing protective helmets in accordance with the
2 provisions of section 42-4-1502 (4.5).

3 (7) For the sake of uniformity and bicycle and ~~motorized bicycle~~
4 LOW-POWER SCOOTER safety throughout the state, the department in
5 cooperation with the department of transportation shall prepare and make
6 available to all local jurisdictions for distribution to bicycle and ~~motorized~~
7 ~~bicycle~~ LOW-POWER SCOOTER riders ~~therein~~ a digest of state regulations
8 explaining and illustrating the rules of the road, equipment requirements,
9 and traffic control devices that are applicable to such riders and their
10 bicycles or ~~motorized bicycles~~ LOW-POWER SCOOTERS. Local authorities
11 may supplement this digest with a leaflet describing any additional
12 regulations of a local nature that ~~are applicable~~ APPLY within their
13 respective jurisdictions.

14 **SECTION 35.** The introductory portion to 42-4-111 (1) and
15 42-4-111 (1) (z) and (2), Colorado Revised Statutes, are amended, and the
16 said 42-4-111 (1) is further amended BY THE ADDITION OF THE
17 FOLLOWING NEW PARAGRAPHS, to read:

18 **42-4-111. Powers of local authorities.** (1) ~~The provisions of~~
19 ~~This article shall not be deemed to prevent local authorities, with respect~~
20 ~~to streets and highways under their jurisdiction and within the reasonable~~
21 ~~exercise of the police power, except those streets and highways which~~
22 ~~THAT are parts of the state highway system which THAT are subject to the~~
23 ~~provisions of section 43-2-135, C.R.S., from:~~

24 (z) Regulating the operation of ~~motorized bicycles~~ LOW-POWER
25 SCOOTERS, consistent with the provisions of this article; except that local
26 authorities shall be prohibited from establishing any requirements for the
27 registration and licensing of ~~motorized bicycles~~ LOW-POWER SCOOTERS;

1 (bb) AUTHORIZING, PROHIBITING, OR REGULATING THE USE OF AN
2 EPAMD ON A ROADWAY, SIDEWALK, BIKE PATH, OR PEDESTRIAN PATH
3 CONSISTENT WITH SECTION 42-4-117 (1) AND (3);

4 (cc) AUTHORIZING THE USE OF THE ELECTRICAL MOTOR ON AN
5 ELECTRICAL ASSISTED BICYCLE ON A BIKE OR PEDESTRIAN PATH.

6 (2) No ordinance or regulation enacted under paragraph (a), (b),
7 (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), ~~or~~ (aa),
8 OR (bb) of subsection (1) of this section shall be effective until official
9 signs or other traffic control devices conforming to standards as required
10 by section 42-4-602 and giving notice of such local traffic regulations are
11 placed upon or at the entrances to the highway or part thereof affected as
12 may be most appropriate.

13 **SECTION 36.** Part 1 of article 4 of title 42, Colorado Revised
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
15 read:

16 **42-4-117. Personal mobility devices.** (1) A RIDER OF AN
17 EPAMD SHALL HAVE ALL THE SAME RIGHTS AND DUTIES AS AN OPERATOR
18 OF ANY OTHER VEHICLE UNDER THIS ARTICLE, EXCEPT AS TO THOSE
19 PROVISIONS THAT BY THEIR NATURE HAVE NO APPLICATION.

20 (2) (a) UNLESS AUTHORIZED OR PROHIBITED UNDER SECTION
21 42-4-111 (1) (bb), AN EPAMD:

22 (I) MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH
23 VEHICLE USE;

24 (II) SHALL NOT BE OPERATED ON A SIDEWALK; AND

25 (III) SHALL NOT BE OPERATED ON A HIGHWAY OR ROADWAY THAT
26 HAS A SPEED LIMIT GREATER THAN THIRTY MILES PER HOUR; EXCEPT THAT
27 A EPAMD MAY BE OPERATED ON A CROSSWALK OR ANY PLACE WHERE

1 PEDESTRIANS ARE AUTHORIZED TO CROSS SUCH HIGHWAY OR ROADWAY.

2 (b) SUBPARAGRAPHS (II) TO (III) OF PARAGRAPH (a) OF THIS
3 SUBSECTION (2) SHALL NOT APPLY TO A POLICE OFFICER OR EMPLOYEE OF
4 A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY IN THE
5 PERFORMANCE OF THE OFFICER'S OR EMPLOYEE'S DUTIES.

6 (3) AN EPAMD SHALL NOT BE OPERATED:

7 (a) ON A LIMITED-ACCESS HIGHWAY;

8 (b) ON A BIKE OR PEDESTRIAN PATH; OR

9 (c) AT A SPEED OF GREATER THAN TWELVE AND ONE-HALF MILES
10 PER HOUR.

11 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
12 TRAFFIC INFRACTION.

13 **SECTION 37.** 42-4-205 (1), (2), and (3), Colorado Revised
14 Statutes, are amended to read:

15 **42-4-205. Head lamps on motor vehicles.** (1) Every motor
16 vehicle other than a motorcycle ~~or motor-driven cycle~~ shall be equipped
17 with at least two head lamps with at least one on each side of the front of
18 the motor vehicle, which head lamps shall comply with the requirements
19 and limitations set forth in sections 42-4-202 and 42-4-204 to 42-4-231
20 and part 3 of this article where applicable. ~~thereto.~~

21 (2) Every motorcycle ~~and every motor-driven cycle~~ shall be
22 equipped with at least one and not more than two head lamps ~~which~~ THAT
23 shall comply with the requirements and limitations of sections 42-4-202
24 and 42-4-204 to 42-4-231 and part 3 of this article where applicable.
25 ~~thereto.~~

26 (3) Every head lamp upon every motor vehicle, including every
27 motorcycle, ~~and motor-driven cycle~~ shall be located at a height measured

1 from the center of the head lamp of not more than fifty-four inches nor
2 less than twenty-four inches, to be measured as set forth in section
3 42-4-204 (3).

4 **SECTION 38.** 42-4-206 (5), Colorado Revised Statutes, is
5 amended to read:

6 **42-4-206. Tail lamps and reflectors.** (5) Every new motor
7 vehicle sold and operated on and after January 1, 1958, upon a highway
8 shall carry on the rear, whether as a part of the tail lamps or separately,
9 two red reflectors; except that every motorcycle ~~and every motor-driven~~
10 ~~cycle~~ shall carry at least one reflector meeting the requirements of this
11 section, and vehicles of the type mentioned in section 42-4-207 shall be
12 equipped with reflectors as required in those sections applicable thereto.

13 **SECTION 39.** 42-4-208 (2) and (3), Colorado Revised Statutes,
14 are amended to read:

15 **42-4-208. Stop lamps and turn signals.** (2) No person shall sell
16 or offer for sale or operate on the highways any motor vehicle registered
17 in this state and manufactured or assembled after January 1, 1958, unless
18 it is equipped with at least two stop lamps meeting the requirements of
19 section 42-4-215 (1); except that a motorcycle ~~or motor-driven cycle~~
20 manufactured or assembled after said date shall be equipped with at least
21 one stop lamp meeting the requirements of section 42-4-215 (1).

22 (3) No person shall sell or offer for sale or operate on the
23 highways any motor vehicle, trailer, or semitrailer registered in this state
24 and manufactured or assembled after January 1, 1958, and no person shall
25 operate any motor vehicle, trailer, or semitrailer on the highways when
26 the distance from the center of the top of the steering post to the left
27 outside limit of the body, cab, or load of such motor vehicle exceeds

1 twenty-four inches, unless it is equipped with electrical turn signals
2 meeting the requirements of section 42-4-215 (2). This subsection (3)
3 shall not apply to any motorcycle or ~~motor-driven cycle~~ LOW-POWER
4 SCOOTER.

5 **SECTION 40.** 42-4-210 (2), Colorado Revised Statutes, is
6 amended to read:

7 **42-4-210. Lamps on parked vehicles.** (2) Whenever a vehicle
8 is parked or stopped upon a roadway or shoulder adjacent thereto,
9 whether attended or unattended, during the hours between sunset and
10 sunrise and there is not sufficient light to reveal any person or object
11 within a distance of one thousand feet upon such highway, such vehicle
12 so parked or stopped shall be equipped with one or more operating lamps
13 meeting the following requirements: At least one lamp shall display a
14 white or amber light visible from a distance of five hundred feet to the
15 front of the vehicle, and the same lamp or at least one other lamp shall
16 display a red light visible from a distance of five hundred feet to the rear
17 of the vehicle, and the location of said lamp or lamps shall always be such
18 that at least one lamp or combination of lamps meeting the requirements
19 of this section is installed as near as practicable to the side of the vehicle
20 ~~which~~ THAT is closer to passing traffic. This subsection (2) shall not
21 apply to a ~~motor-driven cycle~~ LOW-POWER SCOOTER.

22 **SECTION 41.** 42-4-211 (4), Colorado Revised Statutes, is
23 amended to read:

24 **42-4-211. Lamps on farm equipment and other vehicles and**
25 **equipment.** (4) Every farm tractor and every self-propelled unit of farm
26 equipment or implement of husbandry equipped with an electric lighting
27 system shall, at all times mentioned in section 42-4-204, be equipped with

1 two single-beam head lamps meeting the requirements of section
2 42-4-216 or 42-4-218, respectively, ~~or, as an alternative, section 42-4-220~~
3 ~~(2)~~ and at least one red lamp visible from a distance of not less than five
4 hundred feet to the rear; but every such self-propelled unit of farm
5 equipment other than a farm tractor shall have two such red lamps or, as
6 an alternative, one such red lamp and two red reflectors visible from all
7 distances within six hundred feet to one hundred feet when directly in
8 front of lawful upper beams of head lamps.

9 **SECTION 42.** The introductory portion to 42-4-216 (1) and
10 42-4-216 (2), Colorado Revised Statutes, are amended to read:

11 **42-4-216. Multiple-beam road lights.** (1) Except as provided
12 in this article, the head lamps or the auxiliary driving lamp or the
13 auxiliary passing lamp or combination thereof on motor vehicles, other
14 than motorcycles or ~~motor-driven cycles~~ LOW-POWER SCOOTERS, shall be
15 so arranged that the driver may select at will between distributions of
16 light projected to different elevations, and such lamps may, in addition,
17 be so arranged that such selection can be made automatically, subject to
18 the following limitations:

19 (2) ~~Every~~ A new motor vehicle, other than a motorcycle or
20 ~~motor-driven cycle, registered in this state after July 1, 1955, which~~
21 LOW-POWER SCOOTER, THAT has multiple-beam road-lighting equipment,
22 shall be equipped with a beam indicator, which shall be lighted whenever
23 the uppermost distribution of light from the head lamps is in use and shall
24 not otherwise be lighted. Said indicator shall be so designed and located
25 that when lighted it will be readily visible without glare to the driver of
26 the vehicle so equipped.

27 **SECTION 43.** 42-4-220 (1) and (2), Colorado Revised Statutes,

1 are amended to read:

2 **42-4-220. Low-power scooters - lighting equipment -**
3 **department control - use and operation.** (1) (a) ~~Every motorized~~
4 ~~bicycle~~ A LOW-POWER SCOOTER when in use at the times specified in
5 section 42-4-204 shall be equipped with a lamp on the front ~~which~~ THAT
6 shall emit a white light visible from a distance of at least five hundred
7 feet to the front and with a red reflector on the rear, of a type approved by
8 the department, ~~which~~ THAT shall be visible from all distances from fifty
9 feet to three hundred feet to the rear when directly in front of lawful
10 upper beams of head lamps on a motor vehicle. A lamp emitting a red
11 light visible from a distance of five hundred feet to the rear may be used
12 in addition to the red reflector.

13 (b) No person shall operate a ~~motorized bicycle~~ LOW-POWER
14 SCOOTER unless it is equipped with a bell or other device capable of
15 giving a signal audible for a distance of at least one hundred feet; except
16 that a ~~motorized bicycle~~ LOW-POWER SCOOTER shall not be equipped with
17 nor shall any person use upon a ~~motorized bicycle~~ LOW-POWER SCOOTER
18 a siren or whistle.

19 (c) ~~Every motorized bicycle~~ A LOW-POWER SCOOTER shall be
20 equipped with a brake ~~which~~ THAT will enable the operator to make the
21 braked wheels skid on dry, level, clean pavement.

22 (2) ~~The head lamp or head lamps upon every motor-driven cycle~~
23 ~~may be of the single-beam or multiple-beam type but in either event shall~~
24 ~~comply with the requirements and limitations as follows:~~

25 (a) ~~Every said head lamp or head lamps on a motor-driven cycle~~
26 ~~shall be of sufficient intensity to reveal a person or a vehicle at a distance~~
27 ~~of not less than one hundred feet when the motor-driven cycle is operated~~

1 at any speed less than twenty-five miles per hour, and at a distance of not
2 less than two hundred feet when the motor-driven cycle is operated at a
3 speed of twenty-five miles or more per hour, and at a distance of not less
4 than three hundred feet when the motor-driven cycle is operated at a
5 speed of thirty-five or more miles per hour.

6 (b) ~~In the event the motor-driven cycle is equipped with a~~
7 ~~multiple-beam head lamp or head lamps, the upper beam shall meet the~~
8 ~~minimum requirements set forth in paragraph (a) of this subsection (2)~~
9 ~~and shall not exceed the limitations set forth in section 42-4-216 (1) (a);~~
10 ~~and the lowermost beam shall meet the requirements applicable to a~~
11 ~~lowermost distribution of light as set forth in section 42-4-216 (1) (b).~~

12 (c) ~~In the event the motor-driven cycle is equipped with a~~
13 ~~single-beam lamp, said lamp shall be so aimed that when the vehicle is~~
14 ~~loaded none of the high-intensity portion of light, at a distance of~~
15 ~~twenty-five feet ahead, shall project higher than the level of the center of~~
16 ~~the lamp from which it comes.~~

17 **SECTION 44.** 42-4-221 (1), (2), (3), (4), and (5), Colorado
18 Revised Statutes, are amended to read:

19 **42-4-221. Bicycle and personal mobility device equipment.**

20 (1) No other provision of this part 2 and no provision of part 3 of this
21 article shall apply to ~~bicycles~~ A BICYCLE OR EPAMD or to equipment for
22 use on ~~bicycles~~ A BICYCLE OR EPAMD except those provisions in this
23 article made specifically applicable to ~~bicyclists, bicycles, or their~~
24 ~~equipment~~ SUCH A VEHICLE.

25 (2) Every bicycle OR EPAMD in use at the times described in
26 section 42-4-204 shall be equipped with a lamp on the front emitting a
27 white light visible from a distance of at least five hundred feet to the

1 front.

2 (3) Every bicycle OR EPAMD shall be equipped with a red
3 reflector of a type approved by the department, which shall be visible for
4 six hundred feet to the rear when directly in front of lawful lower beams
5 of head lamps on a motor vehicle.

6 (4) Every bicycle OR EPAMD when in use at the times described
7 in section 42-4-204 shall be equipped with reflective material of
8 sufficient size and reflectivity to be visible from both sides for six
9 hundred feet when directly in front of lawful lower beams of head lamps
10 on a motor vehicle or, in lieu of such reflective material, with a lighted
11 lamp visible from both sides from a distance of at least five hundred feet.

12 (5) A bicycle OR EPAMD or its rider may be equipped with lights
13 or reflectors in addition to those required by subsections (2) to (4) of this
14 section.

15 **SECTION 45.** 42-4-223 (1) (b), Colorado Revised Statutes, is
16 amended to read:

17 **42-4-223. Brakes.** (1) Brake equipment required:

18 (b) Every motorcycle ~~motorized bicycle, and bicycle with motor~~
19 ~~attached~~ AND LOW-POWER SCOOTER, when operated upon a highway, shall
20 be equipped with at least one brake, which may be operated by hand or
21 foot.

22 **SECTION 46.** 42-4-224 (3), Colorado Revised Statutes, is
23 amended to read:

24 **42-4-224. Horns or warning devices.** (3) No bicycle or
25 ~~motorized bicycle~~ LOW-POWER SCOOTER shall be equipped with nor shall
26 any person use upon a ~~bicycle or motorized bicycle~~ any SUCH VEHICLE A
27 siren or whistle.

1 **SECTION 47.** 42-4-232 (1), Colorado Revised Statutes, is
2 amended to read:

3 **42-4-232. Minimum safety standards for motorcycles and**
4 **low-power scooters.** (1) No person shall operate any motorcycle or
5 ~~motor-driven cycle~~ LOW-POWER SCOOTER on any public highway in this
6 state unless such person and any passenger thereon is wearing goggles or
7 eyeglasses with lenses made of safety glass or plastic; EXCEPT THAT THIS
8 SUBSECTION (1) SHALL NOT APPLY TO A PERSON WEARING A HELMET
9 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OF PLASTIC.

10 **SECTION 48.** 42-4-237 (1) (a), Colorado Revised Statutes, is
11 amended to read:

12 **42-4-237. Safety belt systems - mandatory use - exemptions -**
13 **penalty.** (1) As used in this section:

14 (a) "Motor vehicle" means a self-propelled vehicle intended
15 primarily for use and operation on the public highways, including
16 passenger cars, station wagons, vans, taxicabs, ambulances, motor homes,
17 and pickups. The term does not include motorcycles, ~~motorscooters,~~
18 ~~motorbicycles, motorized bicycles~~ LOW-POWER SCOOTERS, passenger
19 buses, school buses, and farm tractors and implements of husbandry
20 designed primarily or exclusively for use in agricultural operations.

21 **SECTION 49.** 42-4-1101 (8), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **42-4-1101. Speed limits.** (8) (g) NOTWITHSTANDING ANY OTHER
24 PROVISION OF THIS SECTION, NO PERSON SHALL DRIVE A LOW-POWER
25 SCOOTER ON A ROADWAY AT A SPEED IN EXCESS OF FORTY MILES PER
26 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE
27 LOW-POWER SCOOTERS TO EXCEED FORTY MILES PER HOUR ON A

1 ROADWAY.

2 **SECTION 50.** 42-4-1301 (1) (a), (1) (b), (1) (c), (1) (f), (1) (g),
3 (2) (a), (2) (a.5) (I), (6) (a) (I), (6) (a) (II), (6) (b), (6) (i) (I), and
4 (6) (i) (II), Colorado Revised Statutes, are amended to read:

5 **42-4-1301. Driving under the influence - driving while**
6 **impaired - driving with excessive alcoholic content - definitions -**
7 **penalties.** (1) (a) It is a misdemeanor for any person who is under the
8 influence of alcohol or one or more drugs, or a combination of both
9 alcohol and one or more drugs, to drive any vehicle in this state A MOTOR
10 VEHICLE OR VEHICLE.

11 (b) It is a misdemeanor for any person who is impaired by alcohol
12 or by one or more drugs, or by a combination of alcohol and one or more
13 drugs, to drive any vehicle in this state A MOTOR VEHICLE OR VEHICLE.

14 (c) It is a misdemeanor for any person who is an habitual user of
15 any controlled substance defined in section 12-22-303 (7), C.R.S., to
16 drive ~~any vehicle~~ A MOTOR VEHICLE, VEHICLE, OR LOW-POWER SCOOTER
17 in this state.

18 (f) "Driving under the influence" means driving a MOTOR vehicle
19 OR VEHICLE when a person has consumed alcohol or one or more drugs,
20 or a combination of alcohol and one or more drugs, ~~which alcohol alone,~~
21 ~~or one or more drugs alone, or alcohol combined with one or more drugs~~
22 THAT affects the person to a degree that the person is substantially
23 incapable, either mentally or physically, or both mentally and physically,
24 to exercise clear judgment, sufficient physical control, or due care in the
25 safe operation of a vehicle.

26 (g) "Driving while ability impaired" means driving a MOTOR
27 vehicle OR VEHICLE when a person has consumed alcohol or one or more

1 drugs, or a combination of both alcohol and one or more drugs, ~~which~~
2 ~~alcohol alone, or one or more drugs alone, or alcohol combined with one~~
3 ~~or more drugs~~, THAT affects the person to the slightest degree so that the
4 person is less able than the person ordinarily would have been, either
5 mentally or physically, or both mentally and physically, to exercise clear
6 judgment, sufficient physical control, or due care in the safe operation of
7 a vehicle.

8

9 (2) (a) It is a misdemeanor for any person to drive any A MOTOR
10 vehicle in this state OR VEHICLE when the person's BAC is 0.08 or more
11 at the time of driving or within two hours after driving. During a trial, if
12 the state's evidence raises the issue, or if a defendant presents some
13 credible evidence, that the defendant consumed alcohol between the time
14 that the defendant stopped driving and the time that testing occurred, such
15 issue shall be an affirmative defense, and the prosecution must establish
16 beyond a reasonable doubt that the minimum 0.08 blood or breath alcohol
17 content required in this paragraph (a) was reached as a result of alcohol
18 consumed by the defendant before the defendant stopped driving.

19 (a.5) (I) It is a class A traffic infraction for any person under
20 twenty-one years of age to drive any A MOTOR vehicle in this state OR
21 VEHICLE when the person's BAC, as shown by analysis of the person's
22 breath, is at least 0.02 but not more than 0.05 at the time of driving or
23 within two hours after driving. The court, upon sentencing a defendant
24 pursuant to this subparagraph (I), may, in addition to any penalty imposed
25 under a class A traffic infraction, order that the defendant perform up to
26 twenty-four hours of useful public service, subject to the conditions and
27 restrictions of section 18-1.3-507, C.R.S., and may further order that the

1 defendant submit to and complete an alcohol evaluation or assessment,
2 an alcohol education program, or an alcohol treatment program at such
3 defendant's own expense.

4 == ==

5 (6) (a) In any prosecution for DUI or DWAI, the defendant's BAC
6 at the time of the commission of the alleged offense or within a
7 reasonable time thereafter gives rise to the following presumptions or
8 inferences:

9 (I) If at such time the defendant's BAC was 0.05 or less, it shall
10 be presumed that the defendant was not under the influence of alcohol
11 and that the defendant's ability to operate a MOTOR vehicle OR VEHICLE
12 was not impaired by the consumption of alcohol.

13 (II) If at such time the defendant's BAC was in excess of 0.05 but
14 less than 0.08, such fact gives rise to the permissible inference that the
15 defendant's ability to operate a MOTOR vehicle OR VEHICLE was impaired
16 by the consumption of alcohol, and such fact may also be considered with
17 other competent evidence in determining whether or not the defendant
18 was under the influence of alcohol.

19 (b) The limitations of this subsection (6) shall not be construed as
20 limiting the introduction, reception, or consideration of any other
21 competent evidence bearing upon the question of whether or not the
22 defendant was under the influence of alcohol or whether or not the
23 defendant's ability to operate a MOTOR vehicle OR VEHICLE was impaired
24 by the consumption of alcohol.

25 (i) (I) Following the lawful contact with a person who has been
26 driving a MOTOR vehicle OR VEHICLE and when a law enforcement officer
27 reasonably suspects that a person was driving a MOTOR vehicle OR

1 VEHICLE while under the influence of or while impaired by alcohol, the
2 law enforcement officer may conduct a preliminary screening test using
3 a device approved by the executive director of the department of public
4 health and environment after first advising the driver that the driver may
5 either refuse or agree to provide a sample of the driver's breath for such
6 preliminary test; except that, if the driver is under twenty-one years of
7 age, the law enforcement officer may, after providing such advisement to
8 the person, conduct such preliminary screening test if the officer
9 reasonably suspects that the person has consumed any alcohol.

10 (II) The results of this preliminary screening test may be used by
11 a law enforcement officer in determining whether probable cause exists
12 to believe such person was driving a MOTOR vehicle OR VEHICLE in
13 violation of this section and whether to administer a test pursuant to
14 section 42-4-1301.1 (2).

15 **SECTION 51.** 42-4-1401 (1), Colorado Revised Statutes, is
16 amended to read:

17 **42-4-1401. Reckless driving - penalty.** (1) ~~Any~~ A person who
18 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER
19 SCOOTER in such a manner as to indicate either a wanton or a willful
20 disregard for the safety of persons or property is guilty of reckless
21 driving. A person convicted of reckless driving of a bicycle or ~~motorized~~
22 ~~bicycle~~ shall not be subject to the provisions of section 42-2-127.

23 **SECTION 52.** 42-4-1402 (1), Colorado Revised Statutes, is
24 amended to read:

25 **42-4-1402. Careless driving - penalty.** (1) ~~Any~~ A person who
26 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER
27 SCOOTER in a careless and imprudent manner, without due regard for the

1 width, grade, curves, corners, traffic, and use of the streets and highways
2 and all other attendant circumstances, is guilty of careless driving. A
3 person convicted of careless driving of a bicycle or ~~motorized bicycle~~
4 [REDACTED] shall not be subject to the provisions of section 42-2-127.

5 **SECTION 53.** 42-4-1409 (1), (2), (3), (5), and (7), Colorado
6 Revised Statutes, are amended to read:

7 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

8 (1) No owner of a motor vehicle OR LOW-POWER SCOOTER required to be
9 registered in this state shall operate the vehicle or permit it to be operated
10 on the public highways of this state when the owner has failed to have a
11 complying policy or certificate of self-insurance in full force and effect
12 as required by law.

13 (2) No person shall operate a motor vehicle OR LOW-POWER
14 SCOOTER on the public highways of this state without a complying policy
15 or certificate of self-insurance in full force and effect as required by law.

16 (3) When an accident occurs, or when requested to do so
17 following any lawful traffic contact or during any traffic investigation by
18 a peace officer, no owner or operator of a motor vehicle OR LOW-POWER
19 SCOOTER shall fail to present to the requesting officer immediate evidence
20 of a complying policy or certificate of self-insurance in full force and
21 effect as required by law.

22 (5) Testimony of the failure of any owner or operator of a motor
23 vehicle OR LOW-POWER SCOOTER to present immediate evidence of a
24 complying policy or certificate of self-insurance in full force and effect
25 as required by law, when requested to do so by a peace officer, shall
26 constitute prima facie evidence, at a trial concerning a violation charged
27 under subsection (1) or (2) of this section, that such owner or operator of

1 a motor vehicle violated subsection (1) or (2) of this section.

2 (7) The owner of a motor vehicle OR LOW-POWER SCOOTER, upon
3 receipt of an affirmation of insurance as described in section 42-3-113 (2)
4 and (3), shall sign and date such affirmation in the space provided.

5 **SECTION 54.** 42-4-1412, Colorado Revised Statutes, is amended
6 **BY THE ADDITION OF A NEW SUBSECTION** to read:

7 **42-4-1412. Operation of bicycles and other human-powered**
8 **vehicles.** (14) **EXCEPT AS AUTHORIZED BY SECTION 42-4-111, THE RIDER**
9 **OF AN ELECTRICAL ASSISTED BICYCLE SHALL NOT USE THE ELECTRICAL**
10 **MOTOR ON A BIKE OR PEDESTRIAN PATH.**

11 **SECTION 55.** The introductory portion to 42-4-1502 (4.5) (a)
12 and 42-4-1502 (4.5) (a) (I), Colorado Revised Statutes, are amended to
13 read:

14 **42-4-1502. Riding on motorcycles - protective helmet.**
15 (4.5) (a) A person ~~under eighteen years of age may~~ SHALL not operate or
16 ~~carry~~ RIDE AS a passenger ~~who is under eighteen years of age~~ on a
17 motorcycle OR LOW-POWER SCOOTER on a ~~highway in this state~~ ROADWAY
18 unless:

19 (I) ~~The EACH person and the passenger are~~ UNDER EIGHTEEN
20 YEARS OF AGE IS wearing A protective ~~helmets~~ HELMET of a type and
21 design manufactured for use by operators of motorcycles;

22 ==

23 **SECTION 56.** 42-4-1701 (4) (a) (I) (L), Colorado Revised
24 Statutes, is amended to read:

25 **42-4-1701. Traffic offenses and infractions classified -**
26 **penalties - penalty and surcharge schedule.** (4) (a) (I) Except as
27 provided in paragraph (c) of subsection (5) of this section, every person

1 who is convicted of, who admits liability for, or against whom a judgment
 2 is entered for a violation of any provision of this title to which the
 3 provisions of paragraph (a) or (b) of subsection (5) of this section apply
 4 shall be fined or penalized, and have a surcharge levied thereon pursuant
 5 to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in
 6 accordance with the penalty and surcharge schedule set forth in
 7 sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or
 8 surcharge is specified in the schedule, the penalty for class A and class B
 9 traffic infractions shall be fifteen dollars, and the surcharge shall be four
 10 dollars. These penalties and surcharges shall apply whether the defendant
 11 acknowledges the defendant's guilt or liability in accordance with the
 12 procedure set forth by paragraph (a) of subsection (5) of this section or is
 13 found guilty by a court of competent jurisdiction or has judgment entered
 14 against the defendant by a county court magistrate. Penalties and
 15 surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
17 (L) Speeding violations:		
18 42-4-1101 (1) or (8) (b) (1 to 4 miles		
19 per hour over the reasonable and		
20 prudent speed or over the maximum		
21 lawful speed limit of 75 miles		
22 per hour)	\$ 30.00	\$ 6.00
23 42-4-1101 (1) or (8) (b) (5 to 9 miles		
24 per hour over the reasonable and		
25 prudent speed or over the maximum		
26 lawful speed limit of 75 miles		
27 per hour)	70.00	10.00

1	42-4-1101 (1) or (8) (b) (10 to 19 miles		
2	per hour over the reasonable and		
3	prudent speed or over the maximum		
4	lawful speed limit of 75 miles		
5	per hour)	135.00	16.00
6	42-4-1101 (1) or (8) (b) (20 to 24 miles		
7	per hour over the reasonable and		
8	prudent speed or over the maximum		
9	lawful speed limit of 75 miles		
10	per hour)	200.00	32.00
11	42-4-1101(8) (g) (1 TO 4 MILES PER		
12	HOUR OVER THE MAXIMUM LAWFUL		
13	SPEED LIMIT OF 40 MILES PER HOUR		
14	DRIVING A LOW-POWER SCOOTER)	50.00	6.00
15	42-4-1101 (8) (g) (5 TO 9 MILES PER		
16	HOUR OVER THE MAXIMUM LAWFUL		
17	SPEED LIMIT OF 40 MILES PER HOUR		
18	DRIVING A LOW-POWER SCOOTER)	75.00	10.00
19	42-4-1101 (8) (g) (GREATER THAN 9		
20	MILES PER HOUR OVER THE MAXIMUM		
21	LAWFUL SPEED LIMIT OF 40 MILES PER		
22	HOUR DRIVING A LOW-POWER SCOOTER)	100.00	16.00
23	42-4-1101 (3)	100.00	10.00
24	42-4-1103	50.00	6.00
25	42-4-1104	30.00	6.00

26 **SECTION 57.** 42-6-102 (10), Colorado Revised Statutes, is
27 amended to read:

1 **42-6-102. Definitions.** As used in this part 1, unless the context
2 otherwise requires:

3 (10) "Motor vehicle" means any self-propelled vehicle that is
4 designed primarily for travel on the public highways and is generally and
5 commonly used to transport persons and property over the public
6 highways, including trailers, semitrailers, and trailer coaches, without
7 motive power. "Motor vehicle" does not include ~~motorized bicycles~~; THE
8 FOLLOWING:

9 (a) A LOW-POWER SCOOTER, as defined in section 42-1-102; ~~(59)~~
10 ~~(b); vehicles~~

11 (b) A VEHICLE that ~~operate~~ OPERATES only upon rails or tracks laid
12 in place on the ground or that ~~travel~~ TRAVELS through the air or that
13 ~~derive their~~ DERIVES ITS motive power from overhead electric lines;

14 (c) ~~farm tractors, farm trailers, and~~ A FARM TRACTOR, FARM
15 TRAILER, AND ANY other machines and tools used in the production,
16 harvesting, and care of farm products; ~~and~~ OR

17 (d) Mobile machinery, self-propelled construction equipment, or
18 industrial machinery not designed primarily for highway transportation.

19 **SECTION 58. Effective date.** Sections 1, 26, 29, and 53 of this
20 act shall take effect July 1, 2010, and the remainder of this act shall take
21 effect July 1, 2009.

22 **SECTION 59. 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.