

**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

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.*

"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.** 12-6-502 (10), Colorado Revised Statutes, is
11 amended to read:

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

14 (10) "Powersports vehicle" means any of the following:

15 (a) An off-highway vehicle;

16 (b) A personal watercraft; ~~or~~

17 (c) A snowmobile; OR

18 (d) A LOW-POWER SCOOTER, AS DEFINED IN SECTION 42-1-102,
19 C.R.S.

20 **SECTION 4.** 14-10-122 (1.5) (d) (II), Colorado Revised Statutes,
21 is amended to read:

22 **14-10-122. Modification and termination of provisions for**
23 **maintenance, support, and property disposition - automatic lien -**
24 **repeal.** (1.5) (d) **Lien on motor vehicles.** (II) For purposes of this
25 subsection (1.5), "motor vehicle" means any self-propelled vehicle that
26 is designed primarily for travel on the public highways and that is
27 generally and commonly used to transport persons and property over the

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

23 **SECTION 5.** 25-12-106 (1) (a) and (1) (b), Colorado Revised
24 Statutes, are amended to read:

25 **25-12-106. Noise restrictions - sale of new vehicles.** (1) Except
26 for such vehicles as are designed exclusively for racing purposes, no
27 person shall sell or offer for sale a new motor vehicle or any

1 self-propelled vehicle designed for off-highway use and for which
2 registration as a motor vehicle is not required which produces a maximum
3 noise exceeding the following noise limit, at a distance of fifty feet from
4 the center of the lane of travel or fifty feet or more from a vehicle
5 designed for off-highway use, under test procedures established by the
6 department of revenue:

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

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

11 **SECTION 6.** The introductory portion to 25-12-107 (1) (a),
12 Colorado Revised Statutes, is amended to read:

13 **25-12-107. Powers of local authorities.** (1) Counties or
14 municipalities may adopt resolutions or ordinances prohibiting the
15 operation of motor vehicles within their respective jurisdictions which
16 produce noise in excess of the sound levels in decibels, measured on the
17 "A" scale on a standard sound level meter having characteristics
18 established by the American National Standards Institute, Publication
19 S1.4 - 1971, and measured at a distance of fifty feet from the center of the
20 lane of travel, or fifty feet or more from a vehicle designed for
21 off-highway use and within the speed limits specified in this section:

22 (a) Any motor vehicle with a manufacturer's gross vehicle weight
23 rating of six thousand pounds or more, any combination of vehicles towed
24 by such motor vehicle, and any motorcycle other than a ~~motor-driven~~
25 ~~cycle~~ LOW-POWER SCOOTER:

26 **SECTION 7.** 42-1-102 (55), (56), (58), (59), (103.5), and (112),
27 Colorado Revised Statutes, are amended, and the said 42-1-102 is further

1 amended BY THE ADDITION OF THE FOLLOWING NEW
2 SUBSECTIONS, to read:

3 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
4 unless the context otherwise requires:

5 (28.5) "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" OR
6 "EPAMD" MEANS A SELF-BALANCING, NONTANDEM TWO-WHEELED
7 DEVICE, DESIGNED TO TRANSPORT ONLY ONE PERSON, THAT IS POWERED
8 SOLELY BY AN ELECTRIC PROPULSION SYSTEM PRODUCING AN AVERAGE
9 POWER OUTPUT OF NO MORE THAN SEVEN HUNDRED FIFTY WATTS.

10 (48.5) (a) "LOW-POWER SCOOTER" MEANS A SELF-PROPELLED
11 VEHICLE WITH NOT MORE THAN THREE WHEELS IN CONTACT WITH THE
12 GROUND, NO MANUAL CLUTCH, AND EITHER OF THE FOLLOWING:

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

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

17 (b) "LOW-POWER SCOOTER" SHALL NOT INCLUDE A TOY VEHICLE,
18 WHEELCHAIR, OR PERSONAL MOBILITY DEVICE.

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

24 (56) "Motor-driven cycle" means every motorcycle, including
25 every motorscooter, with a motor which produces not to exceed six
26 brake-horsepower and every bicycle with motor attached, but not trail
27 bikes, minibikes, go-carts, golf carts, and similar vehicles which are not

1 designed for or approved by the department for use on the public roads
2 or highways and not motorized bicycles as defined in paragraph (b) of
3 subsection (59) of this section.

4 (58) "Motor vehicle" means any self-propelled vehicle which
5 THAT is designed primarily for travel on the public highways and which
6 THAT is generally and commonly used to transport persons and property
7 over the public highways; but EXCEPT THAT the term does not include
8 motorized bicycles as defined in paragraph (b) of subsection (59) of this
9 section LOW-POWER SCOOTERS, wheelchairs, as defined by subsection
10 (113) of this section, or vehicles moved solely by human power. "Motor
11 vehicle" includes a neighborhood electric vehicle operated pursuant to
12 section 42-4-111 (1) (aa). For the purposes of the offenses described in
13 sections 42-2-128, 42-4-1301, and 42-4-1401 for farm tractors and
14 off-highway vehicles, as defined in section 33-14.5-101 (3), C.R.S.,
15 operated on streets and highways, "motor vehicle" includes a farm tractor
16 or an off-highway vehicle which THAT is not otherwise classified as a
17 motor vehicle.

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

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

1 (103.5) (a) "Toy vehicle" means any vehicle ~~whether or not~~
2 ~~home-built by the user~~, that has wheels ~~with an outside diameter of not~~
3 ~~more than fourteen inches~~ and is not designed ~~approved, or intended~~ for
4 use on public ~~roadways or highways~~ OR FOR OFF-ROAD USE.

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

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

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

19 **SECTION 8.** 42-2-103 (2), Colorado Revised Statutes, is
20 amended to read:

21 **42-2-103. Motorcycles - low-power scooters - driver's license**
22 **required.** (2) (a) An operator of a ~~motorized bicycle~~ LOW-POWER
23 SCOOTER shall possess a valid driver's license or minor driver's license.

24 (b) No ~~motorized bicycle~~ LOW-POWER SCOOTER shall be operated
25 on any interstate system as described in section 43-2-101 (2), C.R.S.,
26 except where a bicycle may be operated on such interstate system, on any
27 limited-access road of the state highway system as described in section

1 43-2-101 (1), C.R.S., or on any sidewalk, unless such operation is
2 specifically designated. ~~Motorized bicycles~~ LOW-POWER SCOOTERS may
3 be operated upon roadways, except as provided in this section, and in
4 bicycle lanes included within such roadways.

5 **SECTION 9.** 42-2-106 (1), Colorado Revised Statutes, is
6 amended to read:

7 **42-2-106. Instruction permits and temporary licenses.**

8 (1) (a) (I) A person who is sixteen years of age or older and who, except
9 for the person's lack of instruction in operating a motor vehicle OR
10 motorcycle, ~~or motor-driven cycle~~, would otherwise be qualified to obtain
11 a license under this article may apply for a temporary instruction permit
12 in accordance with sections 42-2-107 and 42-2-108. The department
13 shall issue a permit entitling an applicant, who is sixteen years of age or
14 older but under eighteen years of age, while having the permit in the
15 applicant's immediate possession, to drive a motor vehicle OR motorcycle
16 ~~or motor-driven cycle~~ upon the highways when accompanied by the
17 parent, stepparent, grandparent with power of attorney, or guardian or
18 foster parent, who signed the affidavit of liability pursuant to section
19 42-2-108 (1) (a), who holds a valid Colorado driver's license, and who
20 occupies the front seat in close proximity to the driver or, in the case of
21 a motorcycle, ~~or motor-driven cycle~~, under the immediate proximate
22 supervision of a licensed driver, who holds a valid Colorado driver's
23 license and is twenty-one years of age or older, authorized under this
24 article to drive a motorcycle. ~~or motor-driven cycle~~. In addition, the
25 parent, stepparent, grandparent with power of attorney, or guardian or
26 foster parent, who is authorized pursuant to this section to supervise the
27 minor driver while the minor is driving, may allow the minor, while

1 having the permit in the applicant's immediate possession, to drive with
2 an individual who holds a valid driver's license and is twenty-one years
3 of age or older for additional driving experience, but such additional
4 driving experience shall not count toward the requirement established in
5 section 42-2-104. The permit shall expire three years after issuance. The
6 department shall issue a permit entitling the applicant, who is eighteen
7 years of age or older, while having the permit in the applicant's immediate
8 possession, to drive a motor vehicle OR motorcycle ~~or motor-driven cycle~~
9 upon the highways when accompanied by a driver, who holds a valid
10 Colorado driver's license and is twenty-one years of age or older, who
11 occupies the front seat of the motor vehicle, or if the vehicle is a
12 motorcycle ~~or motor-driven cycle~~, under the immediate proximate
13 supervision of a driver, who is authorized under this article to drive a
14 motorcycle. ~~or motor-driven cycle~~. The permit shall expire three years
15 after issuance.

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

1 and the alternate permit supervisor occupies the front seat of the motor
2 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
3 proximity to the driver.

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

18 (b) (I) A minor who is fifteen years of age or older and has
19 completed a department-approved driver education course within the last
20 six months may apply for a minor's instruction permit, pursuant to
21 sections 42-2-107 and 42-2-108. Upon presentation of a written or
22 printed statement signed by the parent, stepparent, grandparent with
23 power of attorney, or guardian or foster parent and the instructor of the
24 driver education course that the minor has passed an approved driver
25 education course, the department shall issue the permit entitling the
26 applicant, while having the permit in the applicant's immediate
27 possession, to drive a motor vehicle, including a motorcycle, ~~or~~

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

27 (II) If the parent, stepparent, grandparent with power of attorney,

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

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

1 proximity to the driver while the minor is driving.

2 (c) A person sixteen years of age or older who, except for his or
3 her lack of instruction in operating a motorcycle ~~or motor-driven cycle~~,
4 would otherwise be qualified to obtain a driver's license under this article
5 to drive a motorcycle ~~or motor-driven cycle~~ may apply for a temporary
6 instruction permit, pursuant to sections 42-2-107 and 42-2-108. The
7 department shall issue the permit entitling the applicant, while having the
8 permit in the applicant's immediate possession, to drive a motorcycle ~~or~~
9 ~~motor-driven cycle~~ upon the highways while under the immediate
10 supervision of a licensed driver, who holds a valid Colorado driver's
11 license and is twenty-one years of age or older, authorized under this
12 article to drive a motorcycle. ~~or motor-driven cycle~~. The permit shall
13 expire three years after issuance.

14 (d) (I) A minor fifteen and one-half years of age but less than
15 sixteen years of age who has completed a four-hour prequalification
16 driver awareness program approved by the department may apply for a
17 minor's instruction permit pursuant to sections 42-2-107 and 42-2-108.
18 Upon presenting a written or printed statement signed by the parent,
19 stepparent, grandparent with power of attorney, or guardian or foster
20 parent of the applicant and documentation that the minor completed the
21 driver awareness program, the department shall issue a permit entitling
22 the applicant, while having the permit in the applicant's immediate
23 possession, to drive a motor vehicle, including a motorcycle, ~~or~~
24 ~~motor-driven cycle~~, under the supervision of the parent, stepparent,
25 grandparent with power of attorney, or guardian or foster parent, who
26 cosigned the application for the minor's instruction permit, if the parent,
27 stepparent, grandparent with power of attorney, or guardian or foster

1 parent holds a valid Colorado driver's license and occupies the front seat
2 of the motor vehicle or, if the vehicle is a motorcycle, ~~or motor-driven~~
3 ~~cycle~~, is authorized under this article to drive a motorcycle ~~or~~
4 ~~motor-driven cycle~~ and is in close proximity to the driver while he or she
5 is driving. In addition, the parent, stepparent, grandparent with power of
6 attorney, or guardian or foster parent, who is authorized pursuant to this
7 section to supervise the minor driver while the minor is driving, may
8 allow the minor, while having the permit in the applicant's immediate
9 possession, to drive with an individual who holds a valid driver's license
10 and is twenty-one years of age or older for additional driving experience,
11 but such additional driving experience shall not count toward the
12 requirement established in section 42-2-104. The permit shall expire
13 three years after issuance.

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

1 proximity to the driver.

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

16 (e) Repealed.

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

20 **SECTION 10.** 42-2-127 (5) (f), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF THE FOLLOWING NEW
22 SUBPARAGRAPHS to read:

23 **42-2-127. Authority to suspend license - to deny license - type**
24 **of conviction - points.** (5) Point system schedule:

25 Type of conviction	Points
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26 (f) Speeding:

27 (VI) ONE TO FOUR MILES PER HOUR OVER THE MAXIMUM LAWFUL

1 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER
2 0
3 (VII) FIVE TO NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL
4 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER
5 2
6 (VIII) GREATER THAN NINE MILES PER HOUR OVER THE MAXIMUM
7 LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER
8 SCOOTER 4

9 **SECTION 11.** 42-3-301 (2) (a) (VIII), Colorado Revised Statutes,
10 is amended to read:

11 **42-3-301. License plate cash fund - license plate fees.**
12 (2) (a) The fees imposed pursuant to subsection (1) of this section shall
13 be set in an amount necessary to recover only the costs of the production
14 and distribution of any license plates, decals, or validating tabs issued
15 pursuant to this article and shall be:

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

18 **SECTION 12.** 42-3-304 (4), (5), and (6) (a), Colorado Revised
19 Statutes, are amended to read:

20 **42-3-304. Registration fees - passenger and passenger-mile**
21 **taxes - clean screen fund.** (4) Upon registration, the owner of each
22 motorcycle ~~or motorscooter~~ shall pay a surcharge of four dollars, which
23 shall be credited to the motorcycle operator safety training fund created
24 in section 43-5-504, C.R.S.

25 (5) In lieu of registering each vehicle separately, a dealer in
26 motorcycles ~~motorscooters, or motorbicycles~~ shall pay to the department
27 an annual registration fee of twenty-five dollars for the first license plate

1 issued pursuant to section 42-3-116 (1), a fee of seven dollars and fifty
2 cents for each additional license plate so issued up to and including five
3 such plates, and a fee of ten dollars for each license plate so issued in
4 excess of five.

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

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

12 **SECTION 13.** 42-3-305 (2) (a), Colorado Revised Statutes, is
13 amended to read:

14 **42-3-305. Registration fees - passenger and passenger-mile**
15 **taxes - fee schedule for years of TABOR surplus revenue -**
16 **applicability.** (2) Fees for the annual registration of passenger-carrying
17 motor vehicles shall be as follows:

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

20 **SECTION 14.** 42-3-306 (2) (a), Colorado Revised Statutes, is
21 amended to read:

22 **42-3-306. Registration fees - passenger and passenger-mile**
23 **taxes - fee schedule for years in which TABOR surplus revenue is**
24 **insufficient.** (2) Fees for the annual registration of passenger-carrying
25 motor vehicles shall be as follows:

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

27 **SECTION 15.** 42-3-310 (4), Colorado Revised Statutes, is

1 amended to read:

2 **42-3-310. Additional registration fees - apportionment of fees.**

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

18 **SECTION 16.** 42-3-311, Colorado Revised Statutes, is amended
19 to read:

20 **42-3-311. Low-power scooter registration - fee.** (1) Every
21 ~~motorized bicycle~~ LOW-POWER SCOOTER sold in this state shall have an
22 identification number stamped on its frame, which number shall be
23 recorded upon registration. ~~Motorized bicycles~~ A LOW-POWER SCOOTER
24 shall be registered with the department, ~~and such registration~~ WHICH
25 REGISTRATION shall be evidenced by a number decal that is securely
26 affixed to the ~~motorized bicycle~~ LOW-POWER SCOOTER frame in a
27 conspicuous place. Registration shall be valid for a period of three years,

1 and the fee for such registration shall be five dollars. Retail sellers of
2 ~~motorized bicycles~~ LOW-POWER SCOOTERS shall retain one dollar from
3 each such fee, and four dollars of each such fee shall be forwarded
4 monthly to the department for deposit in the state treasury to the credit of
5 the highway users tax fund.

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

14 **SECTION 17.** 42-4-109 (1), (2), (3), (4), (5), (6), (6.5), and (7),
15 Colorado Revised Statutes, are amended to read:

16 **42-4-109. Low-power scooters, animals, skis, skates, and toy**
17 **vehicles on highways.** (1) ~~Every~~ A person riding a ~~motorized bicycle~~
18 LOW-POWER SCOOTER upon a roadway where ~~motorized bicycle~~
19 LOW-POWER SCOOTER travel is permitted shall be granted all of the rights
20 and shall be subject to all of the duties and penalties applicable to the
21 driver of a vehicle as set forth in this article except those provisions of
22 this article ~~which~~ THAT, by their very nature, can have no application.
23 ~~Said riders shall also comply with special rules set forth in this section~~
24 ~~and in section 42-4-220 (1) (b) and (1) (c) and, when using streets and~~
25 ~~highways within incorporated cities and towns, shall be subject to local~~
26 ~~ordinances regulating the operation of motorized bicycles as provided in~~
27 ~~section 42-4-111. Whenever the word "vehicle" is used in any of the~~

1 ~~driving rules set forth in this article that are applicable to motorized~~
2 ~~bicycle riders, such term shall include motorized bicycles.~~

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

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

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

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

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

19 (6.5) A person under the age of eighteen years may not operate or
20 carry a passenger who is under eighteen years of age on a ~~motorized~~
21 ~~bicycle on a highway in this state~~ LOW-POWER SCOOTER unless the person
22 and the passenger are wearing protective helmets in accordance with the
23 provisions of section 42-4-1502 (4.5).

24 (7) For the sake of uniformity and bicycle and ~~motorized bicycle~~
25 LOW-POWER SCOOTER safety throughout the state, the department in
26 cooperation with the department of transportation shall prepare and make
27 available to all local jurisdictions for distribution to bicycle and ~~motorized~~

1 ~~bicycle~~ LOW-POWER SCOOTER riders ~~therein~~ a digest of state regulations
2 explaining and illustrating the rules of the road, equipment requirements,
3 and traffic control devices that are applicable to such riders and their
4 bicycles or ~~motorized bicycles~~ LOW-POWER SCOOTERS. Local authorities
5 may supplement this digest with a leaflet describing any additional
6 regulations of a local nature that ~~are applicable~~ APPLY within their
7 respective jurisdictions.

8 **SECTION 18.** The introductory portion to 42-4-111 (1) and
9 42-4-111 (1)(z) and (2), Colorado Revised Statutes, are amended, and the
10 said 42-4-111 (1) is further amended BY THE ADDITION OF A NEW
11 PARAGRAPH, to read:

12 **42-4-111. Powers of local authorities.** (1) ~~The provisions of~~
13 This article shall not be deemed to prevent local authorities, with respect
14 to streets and highways under their jurisdiction and within the reasonable
15 exercise of the police power, except those streets and highways ~~which~~
16 THAT are parts of the state highway system ~~which~~ THAT are subject to ~~the~~
17 ~~provisions of~~ section 43-2-135, C.R.S., from:

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

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

25 (2) No ordinance or regulation enacted under paragraph (a), (b),
26 (e), (f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), ~~or~~ (aa),
27 OR (bb) of subsection (1) of this section shall be effective until official

1 signs or other traffic control devices conforming to standards as required
2 by section 42-4-602 and giving notice of such local traffic regulations are
3 placed upon or at the entrances to the highway or part thereof affected as
4 may be most appropriate.

5 **SECTION 19.** Part 1 of article 4 of title 42, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **42-4-117. Personal mobility devices.** (1) A RIDER OF AN
9 EPAMD SHALL HAVE ALL THE SAME RIGHTS AND DUTIES AS AN OPERATOR
10 OF ANY OTHER VEHICLE UNDER THIS ARTICLE, EXCEPT AS TO THOSE
11 PROVISIONS THAT BY THEIR NATURE HAVE NO APPLICATION.

12 (2) (a) UNLESS AUTHORIZED OR PROHIBITED UNDER SECTION
13 42-4-111 (1) (bb), AN EPAMD:

14 (I) MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH
15 VEHICLE USE;

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

17 (III) SHALL NOT BE OPERATED ON A HIGHWAY OR ROADWAY THAT
18 HAS A SPEED LIMIT GREATER THAN THIRTY MILES PER HOUR; EXCEPT THAT
19 A PERSONAL MOBILITY DEVICE MAY BE OPERATED ON A CROSSWALK OR
20 ANY PLACE WHERE PEDESTRIANS ARE AUTHORIZED TO CROSS SUCH
21 HIGHWAY OR ROADWAY.

22 (b) SUBPARAGRAPHS (II) TO (IV) OF PARAGRAPH (a) OF THIS
23 SUBSECTION (2) SHALL NOT APPLY TO A POLICE OFFICER OR EMPLOYEE OF
24 A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY IN THE
25 PERFORMANCE OF THE OFFICER'S OR EMPLOYEE'S DUTIES.

26 (3) AN EPAMD SHALL NOT BE OPERATED:

27 (a) ON A LIMITED-ACCESS HIGHWAY;

- 1 (b) ON A BIKE OR PEDESTRIAN PATH; OR
2 (c) AT A SPEED OF GREATER THAN TWELVE AND ONE-HALF MILES
3 PER HOUR.
4 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
5 TRAFFIC INFRACTION.

6 **SECTION 20.** 42-4-205 (1), (2), and (3), Colorado Revised
7 Statutes, are amended to read:

8 **42-4-205. Head lamps on motor vehicles.** (1) Every motor
9 vehicle other than a motorcycle ~~or motor-driven cycle~~ shall be equipped
10 with at least two head lamps with at least one on each side of the front of
11 the motor vehicle, which head lamps shall comply with the requirements
12 and limitations set forth in sections 42-4-202 and 42-4-204 to 42-4-231
13 and part 3 of this article where applicable. ~~thereto.~~

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

19 (3) Every head lamp upon every motor vehicle, including every
20 motorcycle, ~~and motor-driven cycle~~ shall be located at a height measured
21 from the center of the head lamp of not more than fifty-four inches nor
22 less than twenty-four inches, to be measured as set forth in section
23 42-4-204 (3).

24 **SECTION 21.** 42-4-206 (5), Colorado Revised Statutes, is
25 amended to read:

26 **42-4-206. Tail lamps and reflectors.** (5) Every new motor
27 vehicle sold and operated on and after January 1, 1958, upon a highway

1 shall carry on the rear, whether as a part of the tail lamps or separately,
2 two red reflectors; except that every motorcycle ~~and every motor-driven~~
3 ~~cycle~~ shall carry at least one reflector meeting the requirements of this
4 section, and vehicles of the type mentioned in section 42-4-207 shall be
5 equipped with reflectors as required in those sections applicable thereto.

6 **SECTION 22.** 42-4-208 (2) and (3), Colorado Revised Statutes,
7 are amended to read:

8 **42-4-208. Stop lamps and turn signals.** (2) No person shall sell
9 or offer for sale or operate on the highways any motor vehicle registered
10 in this state and manufactured or assembled after January 1, 1958, unless
11 it is equipped with at least two stop lamps meeting the requirements of
12 section 42-4-215 (1); except that a motorcycle ~~or motor-driven cycle~~
13 manufactured or assembled after said date shall be equipped with at least
14 one stop lamp meeting the requirements of section 42-4-215 (1).

15 (3) No person shall sell or offer for sale or operate on the
16 highways any motor vehicle, trailer, or semitrailer registered in this state
17 and manufactured or assembled after January 1, 1958, and no person shall
18 operate any motor vehicle, trailer, or semitrailer on the highways when
19 the distance from the center of the top of the steering post to the left
20 outside limit of the body, cab, or load of such motor vehicle exceeds
21 twenty-four inches, unless it is equipped with electrical turn signals
22 meeting the requirements of section 42-4-215 (2). This subsection (3)
23 shall not apply to any motorcycle or ~~motor-driven cycle~~ LOW-POWER
24 SCOOTER.

25 **SECTION 23.** 42-4-210 (2), Colorado Revised Statutes, is
26 amended to read:

27 **42-4-210. Lamps on parked vehicles.** (2) Whenever a vehicle

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

15 **SECTION 24.** 42-4-211 (4), Colorado Revised Statutes, is
16 amended to read:

17 **42-4-211. Lamps on farm equipment and other vehicles and**
18 **equipment.** (4) Every farm tractor and every self-propelled unit of farm
19 equipment or implement of husbandry equipped with an electric lighting
20 system shall, at all times mentioned in section 42-4-204, be equipped with
21 two single-beam head lamps meeting the requirements of section
22 42-4-216 or 42-4-218, respectively, ~~or, as an alternative, section 42-4-220~~
23 ~~(2)~~ and at least one red lamp visible from a distance of not less than five
24 hundred feet to the rear; but every such self-propelled unit of farm
25 equipment other than a farm tractor shall have two such red lamps or, as
26 an alternative, one such red lamp and two red reflectors visible from all
27 distances within six hundred feet to one hundred feet when directly in

1 front of lawful upper beams of head lamps.

2 **SECTION 25.** The introductory portion to 42-4-216 (1) and
3 42-4-216 (2), Colorado Revised Statutes, are amended to read:

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

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

20 **SECTION 26.** 42-4-220 (1) and (2), Colorado Revised Statutes,
21 are amended to read:

22 **42-4-220. Low-power scooters - lighting equipment -**
23 **department control - use and operation.** (1) (a) ~~Every motorized~~
24 ~~bicycle~~ A LOW-POWER SCOOTER when in use at the times specified in
25 section 42-4-204 shall be equipped with a lamp on the front ~~which~~ THAT
26 shall emit a white light visible from a distance of at least five hundred
27 feet to the front and with a red reflector on the rear, of a type approved by

1 the department, ~~which~~ THAT shall be visible from all distances from fifty
2 feet to three hundred feet to the rear when directly in front of lawful
3 upper beams of head lamps on a motor vehicle. A lamp emitting a red
4 light visible from a distance of five hundred feet to the rear may be used
5 in addition to the red reflector.

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

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

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

18 (a) ~~Every said head lamp or head lamps on a motor-driven cycle~~
19 ~~shall be of sufficient intensity to reveal a person or a vehicle at a distance~~
20 ~~of not less than one hundred feet when the motor-driven cycle is operated~~
21 ~~at any speed less than twenty-five miles per hour, and at a distance of not~~
22 ~~less than two hundred feet when the motor-driven cycle is operated at a~~
23 ~~speed of twenty-five miles or more per hour, and at a distance of not less~~
24 ~~than three hundred feet when the motor-driven cycle is operated at a~~
25 ~~speed of thirty-five or more miles per hour.~~

26 (b) ~~In the event the motor-driven cycle is equipped with a~~
27 ~~multiple-beam head lamp or head lamps, the upper beam shall meet the~~

1 ~~minimum requirements set forth in paragraph (a) of this subsection (2)~~
2 ~~and shall not exceed the limitations set forth in section 42-4-216 (1) (a);~~
3 ~~and the lowermost beam shall meet the requirements applicable to a~~
4 ~~lowermost distribution of light as set forth in section 42-4-216 (1) (b).~~

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

10 **SECTION 27.** 42-4-221 (1), (2), (3), (4), and (5), Colorado
11 Revised Statutes, are amended to read:

12 **42-4-221. Bicycle and personal mobility device equipment.**

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

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

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

26 (4) Every bicycle OR EPAMD when in use at the times described
27 in section 42-4-204 shall be equipped with reflective material of

1 sufficient size and reflectivity to be visible from both sides for six
2 hundred feet when directly in front of lawful lower beams of head lamps
3 on a motor vehicle or, in lieu of such reflective material, with a lighted
4 lamp visible from both sides from a distance of at least five hundred feet.

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

8 **SECTION 28.** 42-4-223 (1) (b), Colorado Revised Statutes, is
9 amended to read:

10 **42-4-223. Brakes.** (1) Brake equipment required:

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

15 **SECTION 29.** 42-4-224 (3), Colorado Revised Statutes, is
16 amended to read:

17 **42-4-224. Horns or warning devices.** (3) No bicycle or
18 ~~motorized bicycle~~ LOW-POWER SCOOTER shall be equipped with nor shall
19 any person use upon a ~~bicycle or motorized bicycle~~ any SUCH VEHICLE A
20 siren or whistle.

21 **SECTION 30.** 42-4-232 (1), Colorado Revised Statutes, is
22 amended to read:

23 **42-4-232. Minimum safety standards for motorcycles and**
24 **low-power scooters.** (1) No person shall operate any motorcycle or
25 ~~motor-driven cycle~~ LOW-POWER SCOOTER on any public highway in this
26 state unless such person and any passenger thereon is wearing goggles or
27 eyeglasses with lenses made of safety glass or plastic; EXCEPT THAT THIS

1 SUBSECTION (1) SHALL NOT APPLY TO A PERSON WEARING A HELMET
2 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OF PLASTIC.

3 **SECTION 31.** 42-4-237 (1) (a), Colorado Revised Statutes, is
4 amended to read:

5 **42-4-237. Safety belt systems - mandatory use - exemptions -**
6 **penalty.** (1) As used in this section:

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

14 **SECTION 32.** 42-4-1101 (8), Colorado Revised Statutes, is
15 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

16 **42-4-1101. Speed limits.** (8) (g) NOTWITHSTANDING ANY OTHER
17 PROVISION OF THIS SECTION, NO PERSON SHALL DRIVE A LOW-POWER
18 SCOOTER ON A ROADWAY AT A SPEED IN EXCESS OF FORTY MILES PER
19 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE
20 LOW-POWER SCOOTERS TO EXCEED FORTY MILES PER HOUR ON A
21 ROADWAY.

22 **SECTION 33.** 42-4-1301 (1) (a), (1) (b), (1) (c), (1) (f), (1) (g),
23 (1) (h), (1) (i), (2) (a), (2) (a.5) (I), (2) (c), (6) (a) (I), (6) (a) (II), (6) (b),
24 (6) (i) (I), and (6) (i) (II), Colorado Revised Statutes, are amended to read:

25 **42-4-1301. Driving under the influence - driving while**
26 **impaired - driving with excessive alcoholic content - definitions -**
27 **penalties.** (1) (a) It is a misdemeanor for any person who is under the

1 influence of alcohol or one or more drugs, or a combination of both
2 alcohol and one or more drugs, to drive ~~any vehicle~~ A MOTOR VEHICLE,
3 VEHICLE, OR LOW-POWER SCOOTER in this state.

4 (b) It is a misdemeanor for any person who is impaired by alcohol
5 or by one or more drugs, or by a combination of alcohol and one or more
6 drugs, to drive ~~any vehicle~~ A MOTOR VEHICLE, VEHICLE, OR LOW-POWER
7 SCOOTER in this state.

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

12 (f) "Driving under the influence" means driving a MOTOR vehicle,
13 VEHICLE, OR LOW-POWER SCOOTER when a person has consumed alcohol
14 or one or more drugs, or a combination of alcohol and one or more drugs,
15 ~~which alcohol alone, or one or more drugs alone, or alcohol combined~~
16 ~~with one or more drugs~~ THAT affects the person to a degree that the
17 person is substantially incapable, either mentally or physically, or both
18 mentally and physically, to exercise clear judgment, sufficient physical
19 control, or due care in the safe operation of a vehicle.

20 (g) "Driving while ability impaired" means driving a MOTOR
21 vehicle, VEHICLE, OR LOW-POWER SCOOTER when a person has consumed
22 alcohol or one or more drugs, or a combination of both alcohol and one
23 or more drugs, ~~which alcohol alone, or one or more drugs alone, or~~
24 ~~alcohol combined with one or more drugs~~, THAT affects the person to the
25 slightest degree so that the person is less able than the person ordinarily
26 would have been, either mentally or physically, or both mentally and
27 physically, to exercise clear judgment, sufficient physical control, or due

1 care in the safe operation of a vehicle.

2 (h) Pursuant to section 16-2-106, C.R.S., in charging the offense
3 of DUI, it shall be sufficient to describe the offense charged as "drove a
4 MOTOR vehicle under the influence of alcohol or drugs or both" OR
5 "DROVE A VEHICLE OR LOW-POWER SCOOTER UNDER THE INFLUENCE OF
6 ALCOHOL OR DRUGS OR BOTH".

7 (i) Pursuant to section 16-2-106, C.R.S., in charging the offense
8 of DWAI, it shall be sufficient to describe the offense charged as "drove
9 a MOTOR vehicle while impaired by alcohol or drugs or both" OR AS
10 "DROVE A VEHICLE OR LOW-POWER SCOOTER WHILE IMPAIRED BY
11 ALCOHOL OR DRUGS OR BOTH".

12 (2) (a) It is a misdemeanor for any person to drive ~~any~~ A MOTOR
13 vehicle, VEHICLE, OR LOW-POWER SCOOTER in this state when the person's
14 BAC is 0.08 or more at the time of driving or within two hours after
15 driving. During a trial, if the state's evidence raises the issue, or if a
16 defendant presents some credible evidence, that the defendant consumed
17 alcohol between the time that the defendant stopped driving and the time
18 that testing occurred, such issue shall be an affirmative defense, and the
19 prosecution must establish beyond a reasonable doubt that the minimum
20 0.08 blood or breath alcohol content required in this paragraph (a) was
21 reached as a result of alcohol consumed by the defendant before the
22 defendant stopped driving.

23 (a.5) (I) It is a class A traffic infraction for any person under
24 twenty-one years of age to drive ~~any~~ A MOTOR vehicle, VEHICLE, OR
25 LOW-POWER SCOOTER in this state when the person's BAC, as shown by
26 analysis of the person's breath, is at least 0.02 but not more than 0.05 at
27 the time of driving or within two hours after driving. The court, upon

1 sentencing a defendant pursuant to this subparagraph (I), may, in addition
2 to any penalty imposed under a class A traffic infraction, order that the
3 defendant perform up to twenty-four hours of useful public service,
4 subject to the conditions and restrictions of section 18-1.3-507, C.R.S.,
5 and may further order that the defendant submit to and complete an
6 alcohol evaluation or assessment, an alcohol education program, or an
7 alcohol treatment program at such defendant's own expense.

8 (c) Pursuant to section 16-2-106, C.R.S., in charging the offense
9 of DUI per se, it shall be sufficient to describe the offense charged as
10 "drove a MOTOR vehicle with excessive alcohol content" OR AS "DROVE
11 A VEHICLE OR LOW-POWER SCOOTER WITH EXCESSIVE ALCOHOL
12 CONTENT".

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

17 (I) If at such time the defendant's BAC was 0.05 or less, it shall
18 be presumed that the defendant was not under the influence of alcohol
19 and that the defendant's ability to operate a MOTOR vehicle, VEHICLE, OR
20 LOW-POWER SCOOTER was not impaired by the consumption of alcohol.

21 (II) If at such time the defendant's BAC was in excess of 0.05 but
22 less than 0.08, such fact gives rise to the permissible inference that the
23 defendant's ability to operate a MOTOR vehicle, VEHICLE, OR LOW-POWER
24 SCOOTER was impaired by the consumption of alcohol, and such fact may
25 also be considered with other competent evidence in determining whether
26 or not the defendant was under the influence of alcohol.

27 (b) The limitations of this subsection (6) shall not be construed as

1 limiting the introduction, reception, or consideration of any other
2 competent evidence bearing upon the question of whether or not the
3 defendant was under the influence of alcohol or whether or not the
4 defendant's ability to operate a MOTOR vehicle, VEHICLE, OR LOW-POWER
5 SCOOTER was impaired by the consumption of alcohol.

6 (i) (I) Following the lawful contact with a person who has been
7 driving a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER, and when
8 a law enforcement officer reasonably suspects that a person was driving
9 a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER while under the
10 influence of or while impaired by alcohol, the law enforcement officer
11 may conduct a preliminary screening test using a device approved by the
12 executive director of the department of public health and environment
13 after first advising the driver that the driver may either refuse or agree to
14 provide a sample of the driver's breath for such preliminary test; except
15 that, if the driver is under twenty-one years of age, the law enforcement
16 officer may, after providing such advisement to the person, conduct such
17 preliminary screening test if the officer reasonably suspects that the
18 person has consumed any alcohol.

19 (II) The results of this preliminary screening test may be used by
20 a law enforcement officer in determining whether probable cause exists
21 to believe such person was driving a MOTOR vehicle, VEHICLE, OR
22 LOW-POWER SCOOTER in violation of this section and whether to
23 administer a test pursuant to section 42-4-1301.1 (2).

24 **SECTION 34.** 42-4-1401 (1), Colorado Revised Statutes, is
25 amended to read:

26 **42-4-1401. Reckless driving - penalty.** (1) ~~Any~~ A person who
27 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER

1 SCOOTER in such a manner as to indicate either a wanton or a willful
2 disregard for the safety of persons or property is guilty of reckless
3 driving. A person convicted of reckless driving of a bicycle or ~~motorized~~
4 ~~bicycle~~ LOW-POWER SCOOTER shall not be subject to the provisions of
5 section 42-2-127.

6 **SECTION 35.** 42-4-1402 (1), Colorado Revised Statutes, is
7 amended to read:

8 **42-4-1402. Careless driving - penalty.** (1) ~~Any~~ A person who
9 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER
10 SCOOTER in a careless and imprudent manner, without due regard for the
11 width, grade, curves, corners, traffic, and use of the streets and highways
12 and all other attendant circumstances, is guilty of careless driving. A
13 person convicted of careless driving of a bicycle or ~~motorized bicycle~~
14 LOW-POWER SCOOTER shall not be subject to the provisions of section
15 42-2-127.

16 **SECTION 36.** 42-4-1409 (1), (2), (3), (5), and (7), Colorado
17 Revised Statutes, are amended to read:

18 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

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

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

27 (3) When an accident occurs, or when requested to do so

1 following any lawful traffic contact or during any traffic investigation by
2 a peace officer, no owner or operator of a motor vehicle OR LOW-POWER
3 SCOOTER shall fail to present to the requesting officer immediate evidence
4 of a complying policy or certificate of self-insurance in full force and
5 effect as required by law.

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

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

16 **SECTION 37.** The introductory portion to 42-4-1502 (4.5) (a),
17 Colorado Revised Statutes, is amended to read:

18 **42-4-1502. Riding on motorcycles - protective helmet.**

19 (4.5) (a) A person under eighteen years of age may not operate or carry
20 a passenger who is under eighteen years of age on a motorcycle OR
21 LOW-POWER SCOOTER on a highway in this state unless:

22 **SECTION 38.** 42-4-1701 (4) (a) (I) (L), Colorado Revised
23 Statutes, is amended to read:

24 **42-4-1701. Traffic offenses and infractions classified -**

25 **penalties - penalty and surcharge schedule.** (4) (a) (I) Except as
26 provided in paragraph (c) of subsection (5) of this section, every person
27 who is convicted of, who admits liability for, or against whom a judgment

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

15	Section Violated	Penalty	Surcharge
16	(L) Speeding violations:		
17	42-4-1101 (1) or (8) (b) (1 to 4 miles		
18	per hour over the reasonable and		
19	prudent speed or over the maximum		
20	lawful speed limit of 75 miles		
21	per hour)	\$ 30.00	\$ 6.00
22	42-4-1101 (1) or (8) (b) (5 to 9 miles		
23	per hour over the reasonable and		
24	prudent speed or over the maximum		
25	lawful speed limit of 75 miles		
26	per hour)	70.00	10.00
27	42-4-1101 (1) or (8) (b) (10 to 19 miles		

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

25 **SECTION 39.** 42-6-102 (10), Colorado Revised Statutes, is
26 amended to read:

27 **42-6-102. Definitions.** As used in this part 1, unless the context

1 otherwise requires:

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

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

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

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

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

18 **SECTION 40. Effective date.** Sections 1 and 36 of this act shall
19 take effect July 1, 2010, and the remainder of this act shall take effect
20 July 1, 2009.

21 **SECTION 41. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.