

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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.

HOUSE
Am ended 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 (28.5) "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, AND 42-2-206,~~
9 "MOTOR VEHICLE" INCLUDES A LOW-POWER SCOOTER.

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

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

20 (103.5) (a) "Toy vehicle" means any vehicle ~~whether or not~~
21 ~~home-built by the user, that has wheels with an outside diameter of not~~
22 ~~more than fourteen inches and is not designed approved, or intended for~~
23 ~~use on public roadways or highways OR FOR OFF-ROAD USE.~~

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

27 (c) "TOY VEHICLE" DOES NOT INCLUDE OFF-HIGHWAY VEHICLES OR

1 SNOWMOBILES.

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

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

13 **42-2-103. Motorcycles - low-power scooters - driver's license**
14 **required.** (2) (a) An operator of a ~~motorized bicycle~~ LOW-POWER
15 SCOOTER shall possess a valid driver's license or minor driver's license.

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

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

26 **42-2-106. Instruction permits and temporary licenses.**
27 (1) (a) (I) A person who is sixteen years of age or older and who, except

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

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

8 (II) 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
11 license, the parent, stepparent, grandparent with power of attorney, or
12 guardian or foster parent may appoint an alternate permit supervisor. An
13 alternate permit supervisor shall hold a valid Colorado driver's license and
14 be twenty-one years of age or older or, if the vehicle is a motorcycle, ~~or~~
15 ~~motor-driven cycle~~, is authorized under this article to drive a motorcycle.
16 ~~or motor-driven cycle~~. A minor who is issued a permit under this
17 paragraph (a) may drive a motor vehicle, including a motorcycle, ~~or~~
18 ~~motor-driven cycle~~, under the supervision of the alternate permit
19 supervisor if the minor has the permit in the minor's immediate possession
20 and the alternate permit supervisor occupies the front seat of the motor
21 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
22 proximity to the driver.

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

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

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

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

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

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

7 (III) 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 license
10 but holds a valid driver's license from another state and is authorized to
11 drive a motor vehicle OR motorcycle ~~or motor-driven cycle~~ and has proper
12 military identification, then the applicant, while having the permit in the
13 applicant's immediate possession, shall be authorized to drive a motor
14 vehicle, including a motorcycle, ~~or motor-driven cycle~~, under the
15 supervision of the parent, stepparent, grandparent with power of attorney,
16 or guardian or foster parent, who cosigned the application for the minor's
17 instruction permit, if the parent, stepparent, grandparent with power of
18 attorney, or guardian or foster parent occupies the front seat of the motor
19 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
20 proximity to the driver while the minor is driving.

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

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

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

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

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

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

1 vehicle, including a motorcycle, ~~or motor-driven cycle~~, under the
 2 supervision of the parent, stepparent, grandparent with power of attorney,
 3 or guardian or foster parent, who cosigned the application for the minor's
 4 instruction permit, if the parent, stepparent, grandparent with power of
 5 attorney, or guardian or foster parent 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 while the minor is driving.

8 (e) Repealed.

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

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

15 **42-2-127. Authority to suspend license - to deny license - type**
 16 **of conviction - points.** (5) Point system schedule:

| Type of conviction | Points |
|--|--------|
| 18 (f) Speeding: | |
| 19 (VI) ONE TO FOUR MILES PER HOUR OVER THE MAXIMUM LAWFUL | |
| 20 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER | |
| 21 | 0 |
| 22 (VII) FIVE TO NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL | |
| 23 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER | |
| 24 | 2 |
| 25 (VIII) GREATER THAN NINE MILES PER HOUR OVER THE MAXIMUM | |
| 26 LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER | |
| 27 SCOOTER | 4 |

1 **SECTION 26.** 42-3-301 (2)(a)(VIII), Colorado Revised Statutes,
2 is amended to read:

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

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

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

10 **SECTION 27.** 42-3-304 (4), (5), and (6) (a), Colorado Revised
11 Statutes, are amended to read:

12 **42-3-304. Registration fees - passenger and passenger-mile**

13 **taxes - clean screen fund.** (4) Upon registration, the owner of each
14 motorcycle ~~or motorscooter~~ shall pay a surcharge of four dollars, which
15 shall be credited to the motorcycle operator safety training fund created
16 in section 43-5-504, C.R.S.

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

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

25 (a) A dealer in motor vehicles, trailers, and semitrailers, except
26 dealers in motorcycles, ~~motorscooters, and motorbicycles,~~ shall pay to the
27 department an annual fee of thirty dollars for the first license plate issued

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

4 **SECTION 28.** 42-3-305 (2) (a), Colorado Revised Statutes, is
5 amended to read:

6 **42-3-305. Registration fees - passenger and passenger-mile**
7 **taxes - fee schedule for years of TABOR surplus revenue -**
8 **applicability.** (2) Fees for the annual registration of passenger-carrying
9 motor vehicles shall be as follows:

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

12 **SECTION 29.** 42-3-306 (2) (a), Colorado Revised Statutes, is
13 amended to read:

14 **42-3-306. Registration fees - passenger and passenger-mile**
15 **taxes - fee schedule for years in which TABOR surplus revenue is**
16 **insufficient.** (2) Fees for the annual registration of passenger-carrying
17 motor vehicles shall be as follows:

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

19 **SECTION 30.** 42-3-310 (4), Colorado Revised Statutes, is
20 amended to read:

21 **42-3-310. Additional registration fees - apportionment of fees.**

22 (4) Two dollars and fifty cents of each annual vehicle registration fee
23 imposed by sections 42-3-304 to 42-3-306, exclusive of the annual
24 registration fees prescribed for motorcycles, ~~motorscooters,~~
25 ~~motorbicycles,~~ trailer coaches, mobile machinery and self-propelled
26 construction equipment, and trailers having an empty weight of two
27 thousand pounds or less and exclusive of a registration fee paid for a

1 fractional part of a year, shall not be transmitted to the department but
2 shall be paid over by the authorized agent, as collected, to the county
3 treasurer, who shall credit the same to an account entitled "apportioned
4 vehicle registration fees". On the tenth day of each month, the county
5 treasurer shall apportion the balance in such account existing on the last
6 day of the immediately preceding month between the county and the cities
7 and incorporated towns located within the boundaries of the county on the
8 basis of the record of rural and urban registrations that indicates the place
9 of residence of each vehicle owner.

10 **SECTION 31.** 42-3-311, Colorado Revised Statutes, is amended
11 to read:

12 **42-3-311. Low-power scooter registration - fee.** (1) Every
13 ~~motorized bicycle~~ LOW-POWER SCOOTER sold in this state shall have an
14 identification number stamped on its frame, which number shall be
15 recorded upon registration. ~~Motorized bicycles~~ A LOW-POWER SCOOTER
16 shall be registered with the department, ~~and such registration~~ WHICH
17 REGISTRATION shall be evidenced by a number decal that is securely
18 affixed to the ~~motorized bicycle~~ LOW-POWER SCOOTER frame in a
19 conspicuous place. Registration shall be valid for a period of three years,
20 and the fee for such registration shall be five dollars. Retail sellers of
21 ~~motorized bicycles~~ LOW-POWER SCOOTERS shall retain one dollar from
22 each such fee, and four dollars of each such fee shall be forwarded
23 monthly to the department for deposit in the state treasury to the credit of
24 the highway users tax fund.

25 (2) The general assembly shall make appropriations from the fund
26 for the expenses of the administration of this section, and any fees
27 credited to the fund pursuant to ~~this~~ subsection (1) OF THIS SECTION in

1 excess of the amount of the appropriations shall be allocated and
2 expended as specified in section 43-4-205 (5.5) (f), C.R.S. The
3 department shall promulgate rules authorizing retail sellers of ~~motorized~~
4 ~~bicycles~~ LOW-POWER SCOOTERS to be agents of the department for such
5 registration.

6 **SECTION 32.** 42-4-109 (1), (2), (3), (4), (5), (6), (6.5), and (7),
7 Colorado Revised Statutes, are amended to read:

8 **42-4-109. Low-power scooters, animals, skis, skates, and toy**
9 **vehicles on highways.** (1) ~~Every~~ A person riding a ~~motorized bicycle~~
10 LOW-POWER SCOOTER upon a roadway where ~~motorized bicycle~~
11 LOW-POWER SCOOTER travel is permitted shall be granted all of the rights
12 and shall be subject to all of the duties and penalties applicable to the
13 driver of a vehicle as set forth in this article except those provisions of
14 this article ~~which~~ THAT, by their very nature, can have no application.
15 ~~Said riders shall also comply with special rules set forth in this section~~
16 ~~and in section 42-4-220 (1) (b) and (1) (c) and, when using streets and~~
17 ~~highways within incorporated cities and towns, shall be subject to local~~
18 ~~ordinances regulating the operation of motorized bicycles as provided in~~
19 ~~section 42-4-111. Whenever the word "vehicle" is used in any of the~~
20 ~~driving rules set forth in this article that are applicable to motorized~~
21 ~~bicycle riders, such term shall include motorized bicycles.~~

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

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

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

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

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

11 (6.5) A person under the age of eighteen years may not operate or
12 carry a passenger who is under eighteen years of age on a ~~motorized~~
13 ~~bicycle on a highway in this state~~ LOW-POWER SCOOTER unless the person
14 and the passenger are wearing protective helmets in accordance with the
15 provisions of section 42-4-1502 (4.5).

16 (7) For the sake of uniformity and bicycle and ~~motorized bicycle~~
17 LOW-POWER SCOOTER safety throughout the state, the department in
18 cooperation with the department of transportation shall prepare and make
19 available to all local jurisdictions for distribution to bicycle and ~~motorized~~
20 ~~bicycle~~ LOW-POWER SCOOTER riders ~~therein~~ a digest of state regulations
21 explaining and illustrating the rules of the road, equipment requirements,
22 and traffic control devices that are applicable to such riders and their
23 bicycles or ~~motorized bicycles~~ LOW-POWER SCOOTERS. Local authorities
24 may supplement this digest with a leaflet describing any additional
25 regulations of a local nature that ~~are applicable~~ APPLY within their
26 respective jurisdictions.

27 **SECTION 33.** The introductory portion to 42-4-111 (1) and

1 42-4-111 (1) (z) and (2), Colorado Revised Statutes, are amended, and the
2 said 42-4-111 (1) is further amended BY THE ADDITION OF A NEW
3 PARAGRAPH, to read:

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

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

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

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

24 **SECTION 34.** Part 1 of article 4 of title 42, Colorado Revised
25 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
26 read:

27 **42-4-117. Personal mobility devices.** (1) A RIDER OF AN

1 EPAMD SHALL HAVE ALL THE SAME RIGHTS AND DUTIES AS AN OPERATOR
2 OF ANY OTHER VEHICLE UNDER THIS ARTICLE, EXCEPT AS TO THOSE
3 PROVISIONS THAT BY THEIR NATURE HAVE NO APPLICATION.

4 (2) (a) UNLESS AUTHORIZED OR PROHIBITED UNDER SECTION
5 42-4-111 (1) (bb), AN EPAMD:

6 (I) MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH
7 VEHICLE USE;

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

9 (III) SHALL NOT BE OPERATED ON A HIGHWAY OR ROADWAY THAT
10 HAS A SPEED LIMIT GREATER THAN THIRTY MILES PER HOUR; EXCEPT THAT
11 A EPAMD MAY BE OPERATED ON A CROSSWALK OR ANY PLACE WHERE
12 PEDESTRIANS ARE AUTHORIZED TO CROSS SUCH HIGHWAY OR ROADWAY.

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

17 (3) AN EPAMD SHALL NOT BE OPERATED:

18 (a) ON A LIMITED-ACCESS HIGHWAY;

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

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

22 (4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
23 TRAFFIC INFRACTION.

24 **SECTION 35.** 42-4-205 (1), (2), and (3), Colorado Revised
25 Statutes, are amended to read:

26 **42-4-205. Head lamps on motor vehicles.** (1) Every motor
27 vehicle other than a motorcycle ~~or motor-driven cycle~~ shall be equipped

1 with at least two head lamps with at least one on each side of the front of
2 the motor vehicle, which head lamps shall comply with the requirements
3 and limitations set forth in sections 42-4-202 and 42-4-204 to 42-4-231
4 and part 3 of this article where applicable. ~~thereto.~~

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

10 (3) Every head lamp upon every motor vehicle, including every
11 motorcycle, ~~and motor-driven cycle~~ shall be located at a height measured
12 from the center of the head lamp of not more than fifty-four inches nor
13 less than twenty-four inches, to be measured as set forth in section
14 42-4-204 (3).

15 **SECTION 36.** 42-4-206 (5), Colorado Revised Statutes, is
16 amended to read:

17 **42-4-206. Tail lamps and reflectors.** (5) Every new motor
18 vehicle sold and operated on and after January 1, 1958, upon a highway
19 shall carry on the rear, whether as a part of the tail lamps or separately,
20 two red reflectors; except that every motorcycle ~~and every motor-driven~~
21 ~~cycle~~ shall carry at least one reflector meeting the requirements of this
22 section, and vehicles of the type mentioned in section 42-4-207 shall be
23 equipped with reflectors as required in those sections applicable thereto.

24 **SECTION 37.** 42-4-208 (2) and (3), Colorado Revised Statutes,
25 are amended to read:

26 **42-4-208. Stop lamps and turn signals.** (2) No person shall sell
27 or offer for sale or operate on the highways any motor vehicle registered

1 in this state and manufactured or assembled after January 1, 1958, unless
2 it is equipped with at least two stop lamps meeting the requirements of
3 section 42-4-215 (1); except that a motorcycle ~~or motor-driven cycle~~
4 manufactured or assembled after said date shall be equipped with at least
5 one stop lamp meeting the requirements of section 42-4-215 (1).

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

16 **SECTION 38.** 42-4-210 (2), Colorado Revised Statutes, is
17 amended to read:

18 **42-4-210. Lamps on parked vehicles.** (2) Whenever a vehicle
19 is parked or stopped upon a roadway or shoulder adjacent thereto,
20 whether attended or unattended, during the hours between sunset and
21 sunrise and there is not sufficient light to reveal any person or object
22 within a distance of one thousand feet upon such highway, such vehicle
23 so parked or stopped shall be equipped with one or more operating lamps
24 meeting the following requirements: At least one lamp shall display a
25 white or amber light visible from a distance of five hundred feet to the
26 front of the vehicle, and the same lamp or at least one other lamp shall
27 display a red light visible from a distance of five hundred feet to the rear

1 of the vehicle, and the location of said lamp or lamps shall always be such
2 that at least one lamp or combination of lamps meeting the requirements
3 of this section is installed as near as practicable to the side of the vehicle
4 ~~which~~ THAT is closer to passing traffic. This subsection (2) shall not
5 apply to a ~~motor-driven cycle~~ LOW-POWER SCOOTER.

6 **SECTION 39.** 42-4-211 (4), Colorado Revised Statutes, is
7 amended to read:

8 **42-4-211. Lamps on farm equipment and other vehicles and**
9 **equipment.** (4) Every farm tractor and every self-propelled unit of farm
10 equipment or implement of husbandry equipped with an electric lighting
11 system shall, at all times mentioned in section 42-4-204, be equipped with
12 two single-beam head lamps meeting the requirements of section
13 42-4-216 or 42-4-218, respectively, ~~or, as an alternative, section 42-4-220~~
14 ~~(2)~~ and at least one red lamp visible from a distance of not less than five
15 hundred feet to the rear; but every such self-propelled unit of farm
16 equipment other than a farm tractor shall have two such red lamps or, as
17 an alternative, one such red lamp and two red reflectors visible from all
18 distances within six hundred feet to one hundred feet when directly in
19 front of lawful upper beams of head lamps.

20 **SECTION 40.** The introductory portion to 42-4-216 (1) and
21 42-4-216 (2), Colorado Revised Statutes, are amended to read:

22 **42-4-216. Multiple-beam road lights.** (1) Except as provided
23 in this article, the head lamps or the auxiliary driving lamp or the
24 auxiliary passing lamp or combination thereof on motor vehicles, other
25 than motorcycles or ~~motor-driven cycles~~ LOW-POWER SCOOTERS, shall be
26 so arranged that the driver may select at will between distributions of
27 light projected to different elevations, and such lamps may, in addition,

1 be so arranged that such selection can be made automatically, subject to
2 the following limitations:

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

11 **SECTION 41.** 42-4-220 (1) and (2), Colorado Revised Statutes,
12 are amended to read:

13 **42-4-220. Low-power scooters - lighting equipment -**
14 **department control - use and operation.** (1) (a) ~~Every motorized~~
15 ~~bicycle~~ A LOW-POWER SCOOTER when in use at the times specified in
16 section 42-4-204 shall be equipped with a lamp on the front ~~which~~ THAT
17 shall emit a white light visible from a distance of at least five hundred
18 feet to the front and with a red reflector on the rear, of a type approved by
19 the department, ~~which~~ THAT shall be visible from all distances from fifty
20 feet to three hundred feet to the rear when directly in front of lawful
21 upper beams of head lamps on a motor vehicle. A lamp emitting a red
22 light visible from a distance of five hundred feet to the rear may be used
23 in addition to the red reflector.

24 (b) No person shall operate a ~~motorized bicycle~~ LOW-POWER
25 SCOOTER unless it is equipped with a bell or other device capable of
26 giving a signal audible for a distance of at least one hundred feet; except
27 that a ~~motorized bicycle~~ LOW-POWER SCOOTER shall not be equipped with

1 nor shall any person use upon a ~~motorized bicycle~~ LOW-POWER SCOOTER
2 a siren or whistle.

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

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

9 (a) ~~Every said head lamp or head lamps on a motor-driven cycle~~
10 ~~shall be of sufficient intensity to reveal a person or a vehicle at a distance~~
11 ~~of not less than one hundred feet when the motor-driven cycle is operated~~
12 ~~at any speed less than twenty-five miles per hour, and at a distance of not~~
13 ~~less than two hundred feet when the motor-driven cycle is operated at a~~
14 ~~speed of twenty-five miles or more per hour, and at a distance of not less~~
15 ~~than three hundred feet when the motor-driven cycle is operated at a~~
16 ~~speed of thirty-five or more miles per hour.~~

17 (b) ~~In the event the motor-driven cycle is equipped with a~~
18 ~~multiple-beam head lamp or head lamps, the upper beam shall meet the~~
19 ~~minimum requirements set forth in paragraph (a) of this subsection (2)~~
20 ~~and shall not exceed the limitations set forth in section 42-4-216 (1) (a),~~
21 ~~and the lowermost beam shall meet the requirements applicable to a~~
22 ~~lowermost distribution of light as set forth in section 42-4-216 (1) (b).~~

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

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

3 **42-4-221. Bicycle and personal mobility device equipment.**

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

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

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

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

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

26 **SECTION 43.** 42-4-223 (1) (b), Colorado Revised Statutes, is
27 amended to read:

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

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

6 **SECTION 44.** 42-4-224 (3), Colorado Revised Statutes, is
7 amended to read:

8 **42-4-224. Horns or warning devices.** (3) No bicycle or
9 ~~motorized bicycle~~ LOW-POWER SCOOTER shall be equipped with nor shall
10 any person use upon a ~~bicycle or motorized bicycle~~ any SUCH VEHICLE A
11 siren or whistle.

12 **SECTION 45.** 42-4-232 (1), Colorado Revised Statutes, is
13 amended to read:

14 **42-4-232. Minimum safety standards for motorcycles and**
15 **low-power scooters.** (1) No person shall operate any motorcycle or
16 ~~motor-driven cycle~~ LOW-POWER SCOOTER on any public highway in this
17 state unless such person and any passenger thereon is wearing goggles or
18 eyeglasses with lenses made of safety glass or plastic; EXCEPT THAT THIS
19 SUBSECTION (1) SHALL NOT APPLY TO A PERSON WEARING A HELMET
20 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OF PLASTIC.

21 **SECTION 46.** 42-4-237 (1) (a), Colorado Revised Statutes, is
22 amended to read:

23 **42-4-237. Safety belt systems - mandatory use - exemptions -**
24 **penalty.** (1) As used in this section:

25 (a) "Motor vehicle" means a self-propelled vehicle intended
26 primarily for use and operation on the public highways, including
27 passenger cars, station wagons, vans, taxicabs, ambulances, motor homes,

1 and pickups. The term does not include motorcycles, ~~motorscooters,~~
2 ~~motorbicycles, motorized bicycles~~ LOW-POWER SCOOTERS, passenger
3 buses, school buses, and farm tractors and implements of husbandry
4 designed primarily or exclusively for use in agricultural operations.

5 **SECTION 47.** 42-4-1101 (8), Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7 **42-4-1101. Speed limits.** (8) (g) NOTWITHSTANDING ANY OTHER
8 PROVISION OF THIS SECTION, NO PERSON SHALL DRIVE A LOW-POWER
9 SCOOTER ON A ROADWAY AT A SPEED IN EXCESS OF FORTY MILES PER
10 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE
11 LOW-POWER SCOOTERS TO EXCEED FORTY MILES PER HOUR ON A
12 ROADWAY.

13 **SECTION 48.** 42-4-1301 (1) (a), (1) (b), (1) (c), (1) (f), (1) (g),
14 (1) (h), (1) (i), (2) (a), (2) (a.5) (I), (2) (c), (6) (a) (I), (6) (a) (II), (6) (b),
15 (6) (i) (I), and (6) (i) (II), Colorado Revised Statutes, are amended to read:

16 **42-4-1301. Driving under the influence - driving while**
17 **impaired - driving with excessive alcoholic content - definitions -**
18 **penalties.** (1) (a) It is a misdemeanor for any person who is under the
19 influence of alcohol or one or more drugs, or a combination of both
20 alcohol and one or more drugs, to drive ~~any vehicle~~ A MOTOR VEHICLE,
21 VEHICLE, OR LOW-POWER SCOOTER in this state.

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

26 (c) It is a misdemeanor for any person who is an habitual user of
27 any controlled substance defined in section 12-22-303 (7), C.R.S., to

1 drive ~~any vehicle~~ A MOTOR VEHICLE, VEHICLE, OR LOW-POWER SCOOTER
2 in this state.

3 (f) "Driving under the influence" means driving a MOTOR vehicle,
4 VEHICLE, OR LOW-POWER SCOOTER when a person has consumed alcohol
5 or one or more drugs, or a combination of alcohol and one or more drugs,
6 ~~which alcohol alone, or one or more drugs alone, or alcohol combined~~
7 ~~with one or more drugs~~ THAT affects the person to a degree that the
8 person is substantially incapable, either mentally or physically, or both
9 mentally and physically, to exercise clear judgment, sufficient physical
10 control, or due care in the safe operation of a vehicle.

11 (g) "Driving while ability impaired" means driving a MOTOR
12 vehicle, VEHICLE, OR LOW-POWER SCOOTER when a person has consumed
13 alcohol or one or more drugs, or a combination of both alcohol and one
14 or more drugs, ~~which alcohol alone, or one or more drugs alone, or~~
15 ~~alcohol combined with one or more drugs;~~ THAT affects the person to the
16 slightest degree so that the person is less able than the person ordinarily
17 would have been, either mentally or physically, or both mentally and
18 physically, to exercise clear judgment, sufficient physical control, or due
19 care in the safe operation of a vehicle.

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

25 (i) Pursuant to section 16-2-106, C.R.S., in charging the offense
26 of DWAI, it shall be sufficient to describe the offense charged as "drove
27 a MOTOR vehicle while impaired by alcohol or drugs or both" OR AS

1 "DROVE A VEHICLE OR LOW-POWER SCOOTER WHILE IMPAIRED BY
2 ALCOHOL OR DRUGS OR BOTH".

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

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

26 (c) Pursuant to section 16-2-106, C.R.S., in charging the offense
27 of DUI per se, it shall be sufficient to describe the offense charged as

1 "drove a MOTOR vehicle with excessive alcohol content" OR AS "DROVE
2 A VEHICLE OR LOW-POWER SCOOTER WITH EXCESSIVE ALCOHOL
3 CONTENT".

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

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

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

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

24 (i) (I) Following the lawful contact with a person who has been
25 driving a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER, and when
26 a law enforcement officer reasonably suspects that a person was driving
27 a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER while under the

1 influence of or while impaired by alcohol, the law enforcement officer
2 may conduct a preliminary screening test using a device approved by the
3 executive director of the department of public health and environment
4 after first advising the driver that the driver may either refuse or agree to
5 provide a sample of the driver's breath for such preliminary test; except
6 that, if the driver is under twenty-one years of age, the law enforcement
7 officer may, after providing such advisement to the person, conduct such
8 preliminary screening test if the officer reasonably suspects that the
9 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, VEHICLE, OR
13 LOW-POWER SCOOTER in violation of this section and whether to
14 administer a test pursuant to section 42-4-1301.1 (2).

15 **SECTION 49.** 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 50.** 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 shall not be subject to the provisions of section 42-2-127.

5 **SECTION 51.** 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 52.** The introductory portion to 42-4-1502 (4.5) (a)
6 and 42-4-1502 (4.5) (a) (I), Colorado Revised Statutes, are amended to
7 read:

8 **42-4-1502. Riding on motorcycles - protective helmet.**
9 (4.5) (a) A person ~~under eighteen years of age may~~ SHALL not operate or
10 ~~carry~~ RIDE AS a passenger ~~who is under eighteen years of age~~ on a
11 motorcycle OR LOW-POWER SCOOTER on a ~~highway in this state~~ ROADWAY
12 unless:

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

16 **SECTION 53.** 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 54.** 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 55.** 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 56. Effective date.** Sections 1 and 49 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 57. 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.