

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

INTRODUCED

LLS NO. 09-0164.01 Jery Payne

SENATE BILL 09-075

SENATE SPONSORSHIP

Schwartz, Gibbs, Williams

HOUSE SPONSORSHIP

Marostica, Curry, Kerr A., Levy, McFadyen, Primavera, Scanlan, Vigil

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE OPERATION OF LOW-SPEED ELECTRIC**
102 **SELF-PROPELLED VEHICLES ON PUBLIC RIGHTS-OF-WAY.**

Bill Summary

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

Authorizes the operation of low-speed electric vehicles on roads with a speed limit of 35 miles per hour or less. Authorizes the vehicles to cross faster roads when the faster road intersects with a slower road. Sets equipment standards for the sale and operation of the vehicles. Applies generally applicable traffic laws to the vehicles. Requires the vehicles to use a triangular slow-moving vehicle emblem. Prohibits operating or selling a low-speed electric vehicle if the vehicle does not

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.

conform to federal manufacturing standards.

Imposes a \$25 fee on the registration of low-speed electric vehicles. Credits the fee to a fund that will provide grants to local governments to install recharging stations.

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

2 **SECTION 1.** 12-6-120 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **12-6-120. Unlawful acts.** (1) It shall be unlawful and a violation
5 of this part 1 for any manufacturer, distributor, or manufacturer
6 representative:

7 (p) TO SELL OR OFFER FOR SALE A LOW-SPEED ELECTRIC VEHICLE,
8 AS DEFINED BY SECTION 42-1-102, C.R.S., FOR USE ON A ROADWAY
9 UNLESS THE VEHICLE COMPLIES WITH PART 2 OF ARTICLE 4 OF TITLE 42,
10 C.R.S.

11 **SECTION 2.** 24-38.5-102 (1), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 **24-38.5-102. Governor's energy office - duties and powers.**

14 (1) The governor's energy office shall:

15 (q) ADMINISTER THE ELECTRIC VEHICLE GRANT FUND.

16 **SECTION 3.** Article 38.5 of title 24, Colorado Revised Statutes,
17 is amended BY THE ADDITION OF A NEW SECTION to read:

18 **24-38.5-103. Electric vehicle grant fund - creation -**

19 **administration.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY
20 THE ELECTRIC VEHICLE GRANT FUND, REFERRED TO IN THIS SECTION AS
21 THE "FUND". THE FUND SHALL BE USED TO PROVIDE GRANTS TO LOCAL
22 GOVERNMENTS TO INSTALL RECHARGING STATIONS FOR ELECTRIC
23 VEHICLES. THE GRANTS SHALL BE PRIORITIZED BASED UPON THE LOCAL

1 GOVERNMENT'S COMMITMENT TO ENERGY EFFICIENCY.

2 (2) THE GOVERNOR'S ENERGY OFFICE IS AUTHORIZED TO SEEK AND
3 ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
4 FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS
5 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE
6 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
7 TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
8 APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEYS IN THE FUND
9 NOT EXPENDED FOR THE PURPOSES OF THIS SECTION MAY BE INVESTED BY
10 THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME
11 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND
12 SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
13 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
14 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
15 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

16 **SECTION 4.** 42-1-102 (55), (58), and (60.5), Colorado Revised
17 Statutes, are amended, and the said 42-1-102 is further amended BY THE
18 ADDITION OF A NEW SUBSECTION, to read:

19 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
20 unless the context otherwise requires:

21 (48.6) "LOW-SPEED ELECTRIC VEHICLE" MEANS A VEHICLE THAT:

22 (a) IS SELF-PROPELLED UTILIZING ELECTRICITY AS ITS PRIMARY
23 PROPULSION METHOD;

24 (b) HAS AT LEAST THREE WHEELS IN CONTACT WITH THE GROUND;

25 (c) HAS A MAXIMUM OPERATING SPEED EQUAL TO OR LESS THAN
26 TWENTY-FIVE MILES PER HOUR AS TESTED IN ACCORDANCE WITH 49 CFR
27 571.500 AND BEARS AN EMBLEM, AFFIXED BY THE MANUFACTURER OR

1 DEALER, THAT INDICATES THE MAXIMUM SPEED RATING;

2 (d) DOES NOT USE HANDLEBARS TO STEER; AND

3 (e) EXHIBITS THE MANUFACTURER'S COMPLIANCE WITH 49 CFR
4 565 OR DISPLAYS A SEVENTEEN-CHARACTER VEHICLE IDENTIFICATION
5 NUMBER AS PROVIDED IN 49 CFR 565.

6 (55) "Motorcycle" means ~~every~~ A motor vehicle THAT USES
7 HANDLEBARS TO STEER AND THAT IS designed to travel on not more than
8 three wheels in contact with the ground, except any such vehicle as may
9 be included within the term "farm tractor" and except a motorized bicycle
10 as defined in paragraph (b) of subsection (59) of this section.

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

25 (60.5) "~~Neighborhood electric vehicle~~" ~~means a self-propelled,~~
26 ~~electrically powered motor vehicle that:~~

27 (a) ~~Meets the equipment standards set forth in part 2 of article 4~~

1 of this title; and

2 (b) ~~Has a speed attainable in one mile that does not exceed~~
3 ~~twenty-five miles per hour.~~

4 **SECTION 5.** Part 3 of article 3 of title 42, Colorado Revised
5 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
6 read:

7 **42-3-313. Low-speed electric vehicle fee.** IN ADDITION TO ANY
8 OTHER FEE IMPOSED BY THIS ARTICLE, AN APPLICANT TO REGISTER A
9 LOW-SPEED ELECTRIC VEHICLE SHALL PAY A REGISTRATION FEE OF
10 TWENTY-FIVE DOLLARS. THE FEE SHALL BE TRANSFERRED TO THE STATE
11 TREASURER AND CREDITED TO THE ELECTRIC VEHICLE GRANT FUND
12 CREATED IN SECTION 24-38.5-103, C.R.S.

13 **SECTION 6.** 42-4-109.5, Colorado Revised Statutes, is amended
14 to read:

15 **42-4-109.5. Low-speed electric vehicles.** (1) ~~Except as provided~~
16 ~~in section 42-4-111 (1) (aa), no person shall operate a neighborhood~~
17 ~~electric vehicle on a highway~~ A LOW-SPEED ELECTRIC VEHICLE MAY BE
18 OPERATED ONLY ON A ROADWAY THAT HAS A SPEED LIMIT EQUAL TO OR
19 LESS THAN THIRTY-FIVE MILES PER HOUR; EXCEPT THAT IT MAY BE
20 OPERATED TO DIRECTLY CROSS A ROADWAY THAT HAS A SPEED LIMIT
21 GREATER THAN THIRTY-FIVE MILES PER HOUR AT AN AT-GRADE CROSSING
22 TO CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL
23 TO OR LESS THAN THIRTY-FIVE MILES PER HOUR.

24 (2) No person shall operate a ~~neighborhood electric~~ LOW-SPEED
25 ELECTRIC vehicle on a limited-access highway.

26 (3) Any person who violates ~~any provision of~~ subsection (1) or (2)
27 of this section commits a class B traffic infraction.

1 (4) ~~The department of revenue shall not register or issue title for~~
2 ~~a neighborhood electric vehicle until after such time as the federal~~
3 ~~department of transportation through the national highway transportation~~
4 ~~safety administration has adopted a federal motor vehicle safety standard~~
5 ~~for such vehicles.~~

6 **SECTION 7.** The introductory portion to 42-4-111 (1) and
7 42-4-111 (1) (aa), Colorado Revised Statutes, are amended to read:

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

14 (aa) ~~Authorizing and~~ Regulating the operation of ~~neighborhood~~
15 ~~electric~~ LOW-SPEED ELECTRIC vehicles, INCLUDING, WITHOUT LIMITATION,
16 ESTABLISHING A SAFETY INSPECTION PROGRAM, on streets and highways
17 under their jurisdiction by resolution or ordinance of the governing body,
18 if such regulation is consistent with the provisions of this title; ~~except that~~

19 ~~(I) Local authorities are prohibited from establishing any~~
20 ~~requirements for the registration and licensing of neighborhood electric~~
21 ~~vehicles; and~~

22 ~~(H) local authorities are prohibited from authorizing the operation~~
23 ~~of neighborhood electric vehicles on limited-access highways.~~

24 **SECTION 8.** 42-4-206 (3), Colorado Revised Statutes, is
25 amended to read:

26 **42-4-206. Tail lamps and reflectors.** (3) Either a tail lamp or a
27 separate lamp shall be so constructed and placed as to illuminate with a

1 white light the rear registration plate and render it clearly legible from a
2 distance of fifty feet to the rear. Any tail lamp, ~~or tail lamps~~, together
3 with any separate lamp for illuminating the rear registration plate, shall
4 be so wired as to be lighted whenever the head lamps or auxiliary driving
5 lamps are lighted. ~~This subsection (3) shall not apply to neighborhood~~
6 ~~electric vehicles.~~

7 **SECTION 9.** 42-4-210, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **42-4-210. Lamps on parked vehicles.** (5) THIS SECTION SHALL
10 NOT APPLY TO LOW-SPEED ELECTRIC VEHICLES.

11 **SECTION 10.** 42-4-216 (1.5), Colorado Revised Statutes, is
12 amended to read:

13 **42-4-216. Multiple-beam road lights.** (1.5) Head lamps
14 arranged to provide a single distribution of light not supplemented by
15 auxiliary driving lamps shall be permitted for ~~neighborhood electric~~
16 LOW-SPEED ELECTRIC vehicles in lieu of multiple-beam, road-lighting
17 equipment specified in this section if the single distribution of light
18 complies with ~~the requirements of subsection (1) (b)~~ PARAGRAPH (b) OF
19 SUBSECTION (1) of this section.

20 **SECTION 11.** 42-4-217 (1), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22 **42-4-217. Use of multiple-beam lights.** (1) Whenever a motor
23 vehicle is being operated on a roadway or shoulder adjacent thereto
24 during the times specified in section 42-4-204, the driver shall use a
25 distribution of light, or composite beam, directed high enough and of
26 sufficient intensity to reveal persons and vehicles at a safe distance in
27 advance of the vehicle, subject to the following requirements and

1 limitations:

2 (c) A LOW-SPEED ELECTRIC VEHICLE MAY USE THE DISTRIBUTION
3 OF LIGHT AUTHORIZED IN SECTION 42-4-216 (1.5).

4 **SECTION 12.** 42-4-226 (2), Colorado Revised Statutes, is
5 amended to read:

6 **42-4-226. Mirrors - exterior placements.** (2) Whenever any
7 motor vehicle is not equipped with a rear window and rear side windows
8 or has a rear window and rear side windows composed of, covered by, or
9 treated with any material or component ~~which~~ THAT, when viewed from
10 the position of the driver, obstructs the rear view of the driver or makes
11 such window or windows nontransparent, or whenever any motor vehicle
12 is towing another vehicle or trailer or carrying any load or cargo or object
13 ~~which~~ THAT obstructs the rear view of the driver, such vehicle shall be
14 equipped with an exterior mirror on each side so located with respect to
15 the position of the driver as to comply with the visual requirement of
16 subsection (1) of this section. ~~This subsection (2) shall not apply to~~
17 ~~neighborhood electric vehicles.~~

18 **SECTION 13.** 42-4-227 (4), Colorado Revised Statutes, is
19 amended to read:

20 **42-4-227. Windows unobstructed - certain materials**
21 **prohibited - windshield wiper requirements.** (4) This section shall
22 apply to all motor vehicles; EXCEPT THAT SUBSECTION (2) OF THIS
23 SECTION SHALL NOT APPLY TO LOW-SPEED ELECTRIC VEHICLES.

24 **SECTION 14.** 42-4-234 (1), Colorado Revised Statutes, is
25 amended to read:

26 **42-4-234. Slow-moving vehicles - display of emblem.**
27 (1)(a) All machinery, equipment, and vehicles, except bicycles and other

1 human-powered vehicles, designed to operate or normally operated at a
2 speed of less than twenty-five miles per hour on a public highway shall
3 display a triangular slow-moving vehicle emblem on the rear.

4 (b) THE DEPARTMENT SHALL SET STANDARDS FOR A TRIANGULAR
5 SLOW-MOVING EMBLEM FOR USE ON LOW-SPEED ELECTRIC VEHICLES.

6 (c) Bicycles and other human-powered vehicles ~~and neighborhood~~
7 ~~electric vehicles~~ shall be permitted but not required to display the emblem
8 specified in this subsection (1).

9 **SECTION 15.** Part 2 of article 4 of title 42, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12 **42-4-240. Low-speed electric vehicle equipment requirements.**
13 A LOW-SPEED ELECTRIC VEHICLE SHALL CONFORM TO 49 CFR 571.500.
14 ANY PERSON WHO OPERATES A LOW-SPEED ELECTRIC VEHICLE IN
15 VIOLATION OF THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

16 **SECTION 16. Act subject to petition - effective date.** This act
17 shall take effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly that is
19 allowed for submitting a referendum petition pursuant to article V,
20 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
21 sine die is on May 6, 2009); except that, if a referendum petition is filed
22 against this act or an item, section, or part of this act within such period,
23 then the act, item, section, or part, if approved by the people, shall take
24 effect on the date of the official declaration of the vote thereon by
25 proclamation of the governor.