

**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. 09-0164.01 Jery Payne

SENATE BILL 09-075

SENATE SPONSORSHIP

Schwartz, Gibbs, Williams, Heath

HOUSE SPONSORSHIP

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

Senate Committees

Transportation
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE OPERATION OF LOW-SPEED ELECTRIC**
102 **SELF-PROPELLED VEHICLES ON PUBLIC RIGHTS-OF-WAY, AND**
103 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

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.*

SENATE
Amended 2nd Reading
March 4, 2009

operating or selling a low-speed electric vehicle if the vehicle does not 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;

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26 (c) DOES NOT USE HANDLEBARS TO STEER; AND

27 (d) EXHIBITS THE MANUFACTURER'S COMPLIANCE WITH 49 CFR

1 565 OR DISPLAYS A SEVENTEEN-CHARACTER VEHICLE IDENTIFICATION
2 NUMBER AS PROVIDED IN 49 CFR 565.

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

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

22 (60.5) "~~Neighborhood electric vehicle~~" ~~means a self-propelled,~~
23 ~~electrically powered motor vehicle that:~~

24 (a) ~~Meets the equipment standards set forth in part 2 of article 4~~
25 ~~of this title; and~~

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

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SECTION 5. 42-4-109.5, Colorado Revised Statutes, is amended

to read:

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

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

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

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

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

42-4-109.6. Class B low-speed electric vehicles - effective date - rules. (1) A CLASS B LOW-SPEED ELECTRIC VEHICLE MAY BE OPERATED ONLY ON A ROADWAY THAT HAS A SPEED LIMIT EQUAL TO OR LESS THAN

1 FORTY-FIVE MILES PER HOUR; EXCEPT THAT IT MAY BE OPERATED TO
2 DIRECTLY CROSS A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN
3 THIRTY-FIVE MILES PER HOUR AT AN AT-GRADE CROSSING TO CONTINUE
4 TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO OR LESS
5 THAN THIRTY-FIVE MILES PER HOUR.

6 (2) NO PERSON SHALL OPERATE A CLASS B LOW-SPEED ELECTRIC
7 VEHICLE ON A LIMITED-ACCESS HIGHWAY.

8 (3) ANY PERSON WHO VIOLATES SUBSECTION (1) OR (2) OF THIS
9 SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

10 (4) FOR THE PURPOSES OF THIS SECTION, "CLASS B LOW-SPEED
11 ELECTRIC VEHICLE" MEANS A LOW-SPEED ELECTRIC VEHICLE THAT IS
12 CAPABLE OF TRAVELING AT GREATER THAN TWENTY-FIVE MILES PER HOUR
13 BUT LESS THAN FORTY-FIVE MILES PER HOUR.

14 (5) (a) THE DEPARTMENT OF REVENUE SHALL NOT REGISTER OR
15 ISSUE A TITLE FOR A CLASS B LOW-SPEED ELECTRIC VEHICLE UNTIL AFTER
16 THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THROUGH THE
17 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HAS ADOPTED A
18 FEDERAL MOTOR VEHICLE SAFETY STANDARD FOR LOW-SPEED ELECTRIC
19 VEHICLES THAT AUTHORIZES OPERATION AT GREATER THAN TWENTY-FIVE
20 MILES PER HOUR BUT LESS THAN FORTY-FIVE MILES PER HOUR.

21 (b) AFTER THE UNITED STATES DEPARTMENT OF
22 TRANSPORTATION, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY
23 ADMINISTRATION, HAS ADOPTED A FEDERAL MOTOR VEHICLE SAFETY
24 STANDARD FOR LOW-SPEED ELECTRIC VEHICLES THAT AUTHORIZES
25 OPERATION AT GREATER THAN TWENTY-FIVE MILES PER HOUR BUT LESS
26 THAN FORTY-FIVE MILES PER HOUR, THE DEPARTMENT OF REVENUE SHALL
27 PROMULGATE RULES AUTHORIZING THE OPERATION OF CLASS B

1 LOW-SPEED ELECTRIC VEHICLES IN COMPLIANCE WITH THIS SECTION AND
2 SHALL NOTIFY THE REVISER OF STATUTES IN WRITING. UPON THE
3 PROMULGATION OF RULES AUTHORIZING THE OPERATION OF SUCH
4 VEHICLES, SUBSECTIONS (1) TO (3) OF THIS SECTION SHALL TAKE EFFECT.

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

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

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

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

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

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

25 **42-4-206. Tail lamps and reflectors.** (3) Either a tail lamp or a
26 separate lamp shall be so constructed and placed as to illuminate with a
27 white light the rear registration plate and render it clearly legible from a

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

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

8 **42-4-210. Lamps on parked vehicles.** (5) THIS SECTION SHALL
9 NOT APPLY TO LOW-SPEED ELECTRIC VEHICLES.

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

12 **42-4-216. Multiple-beam road lights.** (1.5) Head lamps
13 arranged to provide a single distribution of light not supplemented by
14 auxiliary driving lamps shall be permitted for ~~neighborhood electric~~
15 LOW-SPEED ELECTRIC vehicles in lieu of multiple-beam, road-lighting
16 equipment specified in this section if the single distribution of light
17 complies with ~~the requirements of subsection (1) (b)~~ PARAGRAPH (b) OF
18 SUBSECTION (1) of this section.

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

21 **42-4-217. Use of multiple-beam lights.** (1) Whenever a motor
22 vehicle is being operated on a roadway or shoulder adjacent thereto
23 during the times specified in section 42-4-204, the driver shall use a
24 distribution of light, or composite beam, directed high enough and of
25 sufficient intensity to reveal persons and vehicles at a safe distance in
26 advance of the vehicle, subject to the following requirements and
27 limitations:

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

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

5 **42-4-226. Mirrors - exterior placements.** (2) Whenever any
6 motor vehicle is not equipped with a rear window and rear side windows
7 or has a rear window and rear side windows composed of, covered by, or
8 treated with any material or component ~~which~~ THAT, when viewed from
9 the position of the driver, obstructs the rear view of the driver or makes
10 such window or windows nontransparent, or whenever any motor vehicle
11 is towing another vehicle or trailer or carrying any load or cargo or object
12 ~~which~~ THAT obstructs the rear view of the driver, such vehicle shall be
13 equipped with an exterior mirror on each side so located with respect to
14 the position of the driver as to comply with the visual requirement of
15 subsection (1) of this section. ~~This subsection (2) shall not apply to~~
16 ~~neighborhood electric vehicles.~~

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

19 **42-4-227. Windows unobstructed - certain materials**
20 **prohibited - windshield wiper requirements.** (4) This section shall
21 apply to all motor vehicles; EXCEPT THAT SUBSECTION (2) OF THIS
22 SECTION SHALL NOT APPLY TO LOW-SPEED ELECTRIC VEHICLES.

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

25 **42-4-234. Slow-moving vehicles - display of emblem.**
26 (1)(a) All machinery, equipment, and vehicles, except bicycles and other
27 human-powered vehicles, designed to operate or normally operated at a

1 speed of less than twenty-five miles per hour on a public highway shall
2 display a triangular slow-moving vehicle emblem on the rear.

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

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

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

11 **42-4-240. Low-speed electric vehicle equipment requirements.**

12 A LOW-SPEED ELECTRIC VEHICLE SHALL CONFORM WITH APPLICABLE
13 FEDERAL MANUFACTURING EQUIPMENT STANDARDS. ANY PERSON WHO
14 OPERATES A LOW-SPEED ELECTRIC VEHICLE IN VIOLATION OF THIS SECTION
15 COMMITS A CLASS B TRAFFIC INFRACTION.

16 **SECTION 16. Appropriation.** In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 license plate cash fund, created in section 42-3-301 (1) (b), Colorado
19 Revised Statutes, not otherwise appropriated, to the department of
20 revenue, for allocation to the division of motor vehicles, driver and
21 vehicle services, for the fiscal year beginning July 1, 2009, the sum of
22 two thousand eight hundred seventy-five dollars (\$2,875), or so much
23 thereof as may be necessary, for the implementation of this act.

24 **SECTION 17. Act subject to petition - effective date.** This act
25 shall take effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly that is
27 allowed for submitting a referendum petition pursuant to article V,

1 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
2 sine die is on May 6, 2009); except that, if a referendum petition is filed
3 against this act or an item, section, or part of this act within such period,
4 then the act, item, section, or part, if approved by the people, shall take
5 effect on the date of the official declaration of the vote thereon by
6 proclamation of the governor.