

First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

REVISED

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

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

Transportation & Energy  
Appropriations

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.*

HOUSE  
Am ended 2nd Reading  
April 24, 2009

SENATE  
3rd Reading Unam ended  
March 5, 2009

SENATE  
Am ended 2nd Reading  
March 4, 2009

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.

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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 THE FOLLOWING NEW SUBSECTIONS, to read:

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

21 (39.5) "GOLF CAR" MEANS A SELF-PROPELLED VEHICLE NOT  
22 DESIGNED PRIMARILY FOR OPERATION ON ROADWAYS AND THAT HAS:

- 23 (a) A DESIGN SPEED OF LESS THAN TWENTY MILES PER HOUR;
- 24 (b) AT LEAST THREE WHEELS IN CONTACT WITH THE GROUND;
- 25 (c) AN EMPTY WEIGHT OF NOT MORE THAN ONE THOUSAND THREE  
26 HUNDRED POUNDS; AND
- 27 (d) A CARRYING CAPACITY OF NOT MORE THAN FOUR PERSONS.

1 (48.6) "LOW-SPEED ELECTRIC VEHICLE" MEANS A VEHICLE THAT:

2 (a) IS SELF-PROPELLED UTILIZING ELECTRICITY AS ITS PRIMARY  
3 PROPULSION METHOD;

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

5 == ==

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

7 (d) EXHIBITS THE MANUFACTURER'S COMPLIANCE WITH 49 CFR  
8 565 OR DISPLAYS A SEVENTEEN-CHARACTER VEHICLE IDENTIFICATION  
9 NUMBER AS PROVIDED IN 49 CFR 565.

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

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

1 motor vehicle.

2 (60.5) "~~Neighborhood electric vehicle~~" means a self-propelled,  
3 electrically powered motor vehicle that:

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

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

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9 **SECTION 5.** 42-4-109.5, Colorado Revised Statutes, is amended,  
10 and the said 42-4-109.5 is further amended BY THE ADDITION OF A  
11 NEW SUBSECTION, to read:

12 **42-4-109.5. Low-speed electric vehicles.** (1) Except as provided  
13 ~~in section 42-4-111 (1) (aa), no person shall operate a neighborhood~~  
14 ~~electric vehicle on a highway~~ A LOW-SPEED ELECTRIC VEHICLE MAY BE  
15 OPERATED ONLY ON A ROADWAY THAT HAS A SPEED LIMIT EQUAL TO OR  
16 LESS THAN THIRTY-FIVE MILES PER HOUR; EXCEPT THAT IT MAY BE  
17 OPERATED TO DIRECTLY CROSS A ROADWAY THAT HAS A SPEED LIMIT  
18 GREATER THAN THIRTY-FIVE MILES PER HOUR AT AN AT-GRADE CROSSING  
19 TO CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL  
20 TO OR LESS THAN THIRTY-FIVE MILES PER HOUR.

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

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

25 (4) ~~The department of revenue shall not register or issue title for~~  
26 ~~a neighborhood electric vehicle until after such time as the federal~~  
27 ~~department of transportation through the national highway transportation~~

1 safety administration has adopted a federal motor vehicle safety standard  
2 for such vehicles.

3 (5) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY  
4 REGULATE THE OPERATION OF A LOW-SPEED ELECTRIC VEHICLE ON A  
5 STATE HIGHWAY LOCATED OUTSIDE OF A MUNICIPALITY. THE REGULATION  
6 SHALL TAKE EFFECT WHEN THE COLORADO DEPARTMENT OF  
7 TRANSPORTATION PLACES AN APPROPRIATE SIGN THAT PROVIDES  
8 ADEQUATE NOTICE OF THE REGULATION.

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

12 **42-4-109.6. Class B low-speed electric vehicles - effective date**  
13 **- rules.** (1) A CLASS B LOW-SPEED ELECTRIC VEHICLE MAY BE OPERATED  
14 ONLY ON A ROADWAY THAT HAS A SPEED LIMIT EQUAL TO OR LESS THAN  
15 FORTY-FIVE MILES PER HOUR; EXCEPT THAT IT MAY BE OPERATED TO  
16 DIRECTLY CROSS A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN  
17 THIRTY-FIVE MILES PER HOUR AT AN AT-GRADE CROSSING TO CONTINUE  
18 TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO OR LESS  
19 THAN THIRTY-FIVE MILES PER HOUR.

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

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

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

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

8           (b) AFTER THE UNITED STATES DEPARTMENT OF  
9           TRANSPORTATION, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY  
10           ADMINISTRATION, HAS ADOPTED A FEDERAL MOTOR VEHICLE SAFETY  
11           STANDARD FOR LOW-SPEED ELECTRIC VEHICLES THAT AUTHORIZES  
12           OPERATION AT GREATER THAN TWENTY-FIVE MILES PER HOUR BUT LESS  
13           THAN FORTY-FIVE MILES PER HOUR, THE DEPARTMENT OF REVENUE SHALL  
14           PROMULGATE RULES AUTHORIZING THE OPERATION OF CLASS B  
15           LOW-SPEED ELECTRIC VEHICLES IN COMPLIANCE WITH THIS SECTION AND  
16           SHALL NOTIFY THE REVISER OF STATUTES IN WRITING. UPON THE  
17           PROMULGATION OF RULES AUTHORIZING THE OPERATION OF SUCH  
18           VEHICLES, SUBSECTIONS (1) TO (3) OF THIS SECTION SHALL TAKE EFFECT.

19           (6) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY  
20           REGULATE THE OPERATION OF A CLASS B LOW-SPEED ELECTRIC VEHICLE  
21           ON A STATE HIGHWAY LOCATED OUTSIDE OF A MUNICIPALITY. THE  
22           REGULATION SHALL TAKE EFFECT WHEN THE COLORADO DEPARTMENT OF  
23           TRANSPORTATION PLACES AN APPROPRIATE SIGN THAT PROVIDES  
24           ADEQUATE NOTICE OF THE REGULATION.

25           **SECTION 7.** The introductory portion to 42-4-111 (1) and  
26           42-4-111 (1) (aa), Colorado Revised Statutes, are amended, and the said  
27           42-4-111 (1) is further amended BY THE ADDITION OF A NEW

1     **PARAGRAPH**, to read:

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

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

13            ~~(I) Local authorities are prohibited from establishing any~~  
14    ~~requirements for the registration and licensing of neighborhood electric~~  
15    ~~vehicles; and~~

16            ~~(II) local authorities are prohibited from authorizing the operation~~  
17    ~~of neighborhood electric vehicles on limited-access highways.~~

18            **(bb) AUTHORIZING AND REGULATING THE OPERATION OF GOLF**  
19    **CARS ON ROADWAYS BY RESOLUTION OR ORDINANCE OF THE GOVERNING**  
20    **BODY, IF THE AUTHORIZATION OR REGULATION IS CONSISTENT WITH THIS**  
21    **TITLE AND DOES NOT AUTHORIZE:**

22            **(I) AN UNLICENSED DRIVER OF A GOLF CAR TO CARRY A**  
23    **PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE;**

24            **(II) OPERATION OF A GOLF CAR BY A PERSON UNDER FOURTEEN**  
25    **YEARS OF AGE; OR**

26            **(III) OPERATION OF A GOLF CAR ON A STATE HIGHWAY.**

27            **SECTION 8.** 42-4-206 (3), Colorado Revised Statutes, is

1 amended to read:

2 **42-4-206. Tail lamps and reflectors.** (3) Either a tail lamp or a  
3 separate lamp shall be so constructed and placed as to illuminate with a  
4 white light the rear registration plate and render it clearly legible from a  
5 distance of fifty feet to the rear. Any tail lamp, ~~or tail lamps~~, together  
6 with any separate lamp for illuminating the rear registration plate, shall  
7 be so wired as to be lighted whenever the head lamps or auxiliary driving  
8 lamps are lighted. ~~This subsection (3) shall not apply to neighborhood~~  
9 ~~electric vehicles.~~

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

12 **42-4-210. Lamps on parked vehicles.** (5) THIS SECTION SHALL  
13 NOT APPLY TO LOW-SPEED ELECTRIC VEHICLES.

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

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

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

25 **42-4-217. Use of multiple-beam lights.** (1) Whenever a motor  
26 vehicle is being operated on a roadway or shoulder adjacent thereto  
27 during the times specified in section 42-4-204, the driver shall use a

1 distribution of light, or composite beam, directed high enough and of  
2 sufficient intensity to reveal persons and vehicles at a safe distance in  
3 advance of the vehicle, subject to the following requirements and  
4 limitations:

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

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

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

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

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

27 **SECTION 14.** 42-4-234 (1), Colorado Revised Statutes, is

1 amended to read:

2 **42-4-234. Slow-moving vehicles - display of emblem.**

3 (1)(a) All machinery, equipment, and vehicles, except bicycles and other  
4 human-powered vehicles, designed to operate or normally operated at a  
5 speed of less than twenty-five miles per hour on a public highway shall  
6 display a triangular slow-moving vehicle emblem on the rear.

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

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

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

15 **42-4-240. Low-speed electric vehicle equipment requirements.**

16 A LOW-SPEED ELECTRIC VEHICLE SHALL CONFORM WITH APPLICABLE  
17 FEDERAL MANUFACTURING EQUIPMENT STANDARDS. ANY PERSON WHO  
18 OPERATES A LOW-SPEED ELECTRIC VEHICLE IN VIOLATION OF THIS SECTION  
19 COMMITS A CLASS B TRAFFIC INFRACTION.

20

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

1 then the act, item, section, or part, if approved by the people, shall take  
2 effect on the date of the official declaration of the vote thereon by  
3 proclamation of the governor.