

Under the bill, low-speed electric vehicles can be operated on roadways with speed limits up to 35 miles per hour and can cross roads with higher speed limits. They cannot be driven on limited-access highways. The Department of Transportation may regulate the use of the vehicles outside of municipalities, but must provide signage to that effect.

Low-speed electric vehicles must be registered with the Department of Revenue. The bill stipulates mechanical requirements of the vehicles, such as lighting, mirrors, and markings. It is a class 1 misdemeanor to sell a low-speed electric vehicle unless the vehicle complies with the bill's requirements. Operating a low-speed electric vehicle that does not meet the mechanical requirements specified by the bill or driving the vehicle on roads other than those with a 35 mile per hour speed limit is a class B traffic infraction.

The bill also identifies a type of low-speed electric vehicle, "Class B low-speed electric vehicles." Class B vehicles can reach speeds above 25 miles per hour but less than 45 miles per hour. Class B vehicles are not to be registered or titled by the Department of Revenue until the U.S. Department of Transportation adopts safety standards for these vehicles. Once these vehicles are authorized, they are allowed to travel on roads with speeds up to 45 miles per hour.

State Revenue

SB09-075 is expected to increase state revenue due to registration, license plates, tabs, and penalties and surcharges. The amount of revenue cannot be quantified but is expected to be less than \$5,000.

Registrations. At the time of writing this fiscal note, the number of low-speed electric vehicles that will register has not been estimated. Revenue from registration fees is based on weight, age, and vehicle value, and has not been quantified. Revenue from registration decals (\$0.25 each) and license plates (\$1.63 each) is not expected to exceed \$5,000.

Penalties, Surcharges, and Fines. Low-speed electric vehicle violations in this bill are a class B traffic infraction. The penalty for a class B traffic infraction is \$15 and the surcharge is \$4. Penalty revenue from citations issued by both state patrol officers and local law enforcement is credited to the HUTF and distributed to the state, counties, and municipalities for highway purposes. Surcharge revenue is split evenly between the Victims and Witnesses Assistance and Law Enforcement Fund and the Crime Victim Compensation Fund and is distributed to victims and witnesses. The number of violations have not been quantified but are expected to result in less than \$5,000 in revenue.

Selling a noncompliant low-power vehicle is a class 1 misdemeanor. The penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined, but it is expected to be minimal.

State Expenditures

State expenditures of \$19,160 are expected in FY 2009-10 only. Expenditures are in the Department of Revenue as discussed in the next section.

Department of Revenue (\$19,160). DOR costs are to program the registration and licensure system and to purchase registration stickers. The following are the cost components:

- ▶ *Colorado State Titling and Registration System (CSTARS – \$15,452)* – CSTARS programming to add a new type of vehicle to the registration database will require 400 hours at \$38.63 per hour. Included in this cost is the addition of the new traffic infractions.
- ▶ *Auto Industry Dealer (\$3,708)* – Including low-speed vehicles to the types of vehicles sold by dealers and salespersons will require 96 hours of programming at \$38.63 per hour.

The DOR will develop rules, procedures, and application materials for both low-speed electric vehicles and for the auto industry dealer licenses. The DOR receives a Long Bill appropriation for programming costs that result from legislation and no appropriation is necessary.

Department of Transportation (Conditional). Under the bill, the Department of Transportation regulates the use of low-speed electric vehicles on state highways. At this time, the department has not identified sections of state highway to restrict low-speed electric vehicle operation. However, the department could incur costs associated with studying which sections of the highway are appropriate and safe for vehicle access. The department may also incur costs associated with placing signs on the restricted portions of the highway system. Any new costs will be paid from the State Highway Fund.

Local Government Impact

Due to the possible penalties, this bill may increase HUTF fine revenue distributions to local governments. Counties and municipalities receive 35 percent of HUTF fine revenue for highway purposes.

The penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional county jail space.

Departments Contacted

Revenue Local Affairs Governor's Office Public Safety