

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

INTRODUCED

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

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".**

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 "low-power scooter". Applies substantially similar requirements to such

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.

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
17 amended to read:

1 **10-4-635. Medical payments coverage - disclosure - definitions.**

2 (4) This section shall not apply to:

3 (a) A person obtaining an automobile liability or motor vehicle
4 policy insuring against loss resulting from the ownership, maintenance,
5 or use of a motorcycle, ~~motorscooter, motorbicycle, motorized bicycle~~
6 LOW-POWER SCOOTER, or toy vehicle, as defined in section 42-1-102,
7 C.R.S., a snowmobile, as defined in section 33-14-101, C.R.S., or any
8 vehicle designed primarily for use off the road or on rails;

9 **SECTION 3.** 12-6-502 (10), Colorado Revised Statutes, is
10 amended to read:

11 **12-6-502. Definitions.** As used in this part 5, unless the context
12 otherwise requires:

13 (10) "Powersports vehicle" means any of the following:

- 14 (a) An off-highway vehicle;
- 15 (b) A personal watercraft; ~~or~~
- 16 (c) A snowmobile; OR

17 (d) A LOW-POWER SCOOTER, AS DEFINED IN SECTION 42-1-102,
18 C.R.S.

19 **SECTION 4.** 14-10-122 (1.5) (d) (II), Colorado Revised Statutes,
20 is amended to read:

21 **14-10-122. Modification and termination of provisions for**
22 **maintenance, support, and property disposition - automatic lien -**
23 **repeal.** (1.5) (d) **Lien on motor vehicles.** (II) For purposes of this
24 subsection (1.5), "motor vehicle" means any self-propelled vehicle that
25 is designed primarily for travel on the public highways and that is
26 generally and commonly used to transport persons and property over the
27 public highways, trailers, semitrailers, and trailer coaches, without motive

1 power; that has a net equity value based upon the loan value identified for
2 such vehicle in the national automobile dealers' association car guide of
3 not less than five thousand dollars at the time of the filing of the notice of
4 lien and that meets such additional conditions as the state board of human
5 services may establish by rule; and on which vehicle a lien already exists
6 that is filed for public record and noted accordingly on the owner's
7 certificate of title. "Motor vehicle" does not include ~~motorized bicycles,~~
8 ~~as defined in section 42-1-102 (59) (b), C.R.S.~~ LOW-POWER SCOOTERS, AS
9 DEFINED IN SECTION 42-1-102, C.R.S.; vehicles that operate only upon
10 rails or tracks laid in place on the ground or that travel through the air or
11 that derive their motive power from overhead electric lines; farm tractors,
12 farm trailers, and other machines and tools used in the production,
13 harvesting, and care of farm products; and mobile machinery,
14 self-propelled construction equipment, or industrial machinery not
15 designed primarily for highway transportation. "Motor vehicle" does not
16 include a vehicle that has a net equity value based upon the loan value
17 identified for such vehicle in the national automobile dealers' association
18 car guide of less than five thousand dollars at the time of the filing of the
19 notice of lien and does not include a vehicle that is not otherwise
20 encumbered by a lien or mortgage that is filed for public record and noted
21 accordingly on the owner's certificate of title.

22 **SECTION 5.** 25-12-106 (1) (a) and (1) (b), Colorado Revised
23 Statutes, are amended to read:

24 **25-12-106. Noise restrictions - sale of new vehicles.** (1) Except
25 for such vehicles as are designed exclusively for racing purposes, no
26 person shall sell or offer for sale a new motor vehicle or any
27 self-propelled vehicle designed for off-highway use and for which

1 registration as a motor vehicle is not required which produces a maximum
2 noise exceeding the following noise limit, at a distance of fifty feet from
3 the center of the lane of travel or fifty feet or more from a vehicle
4 designed for off-highway use, under test procedures established by the
5 department of revenue:

6 (a) Any motorcycle ~~including a motor-driven cycle~~, manufactured
7 on or after July 1, 1971, and before January 1, 1973 88 db(A);

8 (b) Any motorcycle ~~including a motor-driven cycle~~, manufactured
9 on or after January 1, 1973 86 db(A);

10 **SECTION 6.** The introductory portion to 25-12-107 (1) (a),
11 Colorado Revised Statutes, is amended to read:

12 **25-12-107. Powers of local authorities.** (1) Counties or
13 municipalities may adopt resolutions or ordinances prohibiting the
14 operation of motor vehicles within their respective jurisdictions which
15 produce noise in excess of the sound levels in decibels, measured on the
16 "A" scale on a standard sound level meter having characteristics
17 established by the American National Standards Institute, Publication
18 S1.4 - 1971, and measured at a distance of fifty feet from the center of the
19 lane of travel, or fifty feet or more from a vehicle designed for
20 off-highway use and within the speed limits specified in this section:

21 (a) Any motor vehicle with a manufacturer's gross vehicle weight
22 rating of six thousand pounds or more, any combination of vehicles towed
23 by such motor vehicle, and any motorcycle other than a ~~motor-driven~~
24 ~~cycle~~ LOW-POWER SCOOTER:

25 **SECTION 7.** 42-1-102 (55), (56), (58), (59), (103.5), and (112),
26 Colorado Revised Statutes, are amended, and the said 42-1-102 is further
27 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

3 (48.5) (a) "LOW-POWER SCOOTER" MEANS A SELF-PROPELLED
4 VEHICLE WITH NOT MORE THAN THREE WHEELS IN CONTACT WITH THE
5 GROUND, NO MANUAL CLUTCH, AND EITHER OF THE FOLLOWING:

6 (I) A CYLINDER CAPACITY NOT EXCEEDING FIFTY CUBIC
7 CENTIMETERS IF POWERED BY INTERNAL COMBUSTION; OR

8 (II) A WATTAGE NOT EXCEEDING FOUR THOUSAND FOUR HUNDRED
9 SEVENTY-SIX IF POWERED BY ELECTRICITY.

10 (b) "LOW-POWER SCOOTER" SHALL NOT INCLUDE A TOY VEHICLE,
11 WHEELCHAIR, OR PERSONAL MOBILITY DEVICE.

12 (55) "Motorcycle" means every motor vehicle designed to travel
13 on not more than three wheels in contact with the ground; except ~~any such~~
14 ~~vehicle as may be included within the term~~ THAT THE TERM DOES NOT
15 INCLUDE A farm tractor ~~and except a motorized bicycle as defined in~~
16 ~~paragraph (b) of subsection (59) of this section~~ OR LOW-POWER SCOOTER.

17 (56) ~~"Motor-driven cycle" means every motorcycle, including~~
18 ~~every motorscooter, with a motor which produces not to exceed six~~
19 ~~brake-horsepower and every bicycle with motor attached, but not trail~~
20 ~~bikes, minibikes, go-carts, golf carts, and similar vehicles which are not~~
21 ~~designed for or approved by the department for use on the public roads~~
22 ~~or highways and not motorized bicycles as defined in paragraph (b) of~~
23 ~~subsection (59) of this section.~~

24 (58) "Motor vehicle" means any self-propelled vehicle ~~which~~
25 THAT is designed primarily for travel on the public highways and ~~which~~
26 THAT is generally and commonly used to transport persons and property
27 over the public highways; ~~but~~ EXCEPT THAT the term does not include

1 motorized bicycles as defined in paragraph (b) of subsection (59) of this
2 section LOW-POWER SCOOTERS, wheelchairs, as defined by subsection
3 (113) of this section, or vehicles moved solely by human power. "Motor
4 vehicle" includes a neighborhood electric vehicle operated pursuant to
5 section 42-4-111 (1) (aa). For the purposes of the offenses described in
6 sections 42-2-128, 42-4-1301, and 42-4-1401 for farm tractors and
7 off-highway vehicles, as defined in section 33-14.5-101 (3), C.R.S.,
8 operated on streets and highways, "motor vehicle" includes a farm tractor
9 or an off-highway vehicle ~~which~~ THAT is not otherwise classified as a
10 motor vehicle.

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

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

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

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

1 (c) "TOY VEHICLE" DOES NOT INCLUDE OFF-HIGHWAY VEHICLES OR
2 SNOWMOBILES.

3 (112) "Vehicle" means any device ~~which~~ THAT is capable of
4 moving itself, or of being moved, from place to place upon wheels or
5 endless tracks. "Vehicle" includes any bicycle, but such term does not
6 include any wheelchair as defined by subsection (113) of this section, or
7 any off-highway vehicle, snowmobile, any farm tractor, or any implement
8 of husbandry designed primarily or exclusively for use and used in
9 agricultural operations or any device moved ~~by muscular power or moved~~
10 exclusively over stationary rails or tracks or designed to move primarily
11 through the air.

12 **SECTION 8.** 42-2-103 (2), Colorado Revised Statutes, is
13 amended to read:

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

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

25 **SECTION 9.** 42-2-106 (1), Colorado Revised Statutes, is
26 amended to read:

27 **42-2-106. Instruction permits and temporary licenses.**

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

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

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

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

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

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

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

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

1 ~~or motor-driven cycle.~~ A minor who is issued a permit under this
2 paragraph (b) may drive a motor vehicle, including a motorcycle, ~~or~~
3 ~~motor-driven cycle,~~ under the supervision of the alternate permit
4 supervisor if the minor has the permit in the minor's immediate possession
5 and the alternate permit supervisor 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.

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

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

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

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

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

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

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

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

9 (e) Repealed.

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

13 **SECTION 10.** 42-2-127 (5) (f), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF THE FOLLOWING NEW
15 SUBPARAGRAPHS to read:

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

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

1 SCOOTER 4

2 SECTION 11. 42-3-301 (2)(a) (VIII), Colorado Revised Statutes,
3 is amended to read:

4 42-3-301. License plate cash fund - license plate fees.

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

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

11 SECTION 12. 42-3-304 (4), (5), and (6) (a), Colorado Revised
12 Statutes, are amended to read:

13 42-3-304. Registration fees - passenger and passenger-mile

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

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

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

26 (a) A dealer in motor vehicles, trailers, and semitrailers, except
27 dealers in motorcycles, ~~motorscooters, and motorbicycles,~~ shall pay to the

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

5 **SECTION 13.** 42-3-305 (2) (a), Colorado Revised Statutes, is
6 amended to read:

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

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

13 **SECTION 14.** 42-3-306 (2) (a), Colorado Revised Statutes, is
14 amended to read:

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

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

20 **SECTION 15.** 42-3-310 (4), Colorado Revised Statutes, is
21 amended to read:

22 **42-3-310. Additional registration fees - apportionment of fees.**

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

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

11 **SECTION 16.** 42-3-311, Colorado Revised Statutes, is amended
12 to read:

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

26 (2) The general assembly shall make appropriations from the fund
27 for the expenses of the administration of this section, and any fees

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

7 **SECTION 17.** 42-4-109 (1), (2), (3), (4), (5), (6), (6.5), and (7),
8 Colorado Revised Statutes, are amended to read:

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

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

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

1 and equipped.

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

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

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

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

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

1 **SECTION 18.** 42-4-111 (1) (z), Colorado Revised Statutes, is
2 amended to read:

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

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

13 **SECTION 19.** 42-4-205 (1), (2), and (3), Colorado Revised
14 Statutes, are amended to read:

15 **42-4-205. Head lamps on motor vehicles.** (1) Every motor
16 vehicle other than a motorcycle ~~or motor-driven cycle~~ shall be equipped
17 with at least two head lamps with at least one on each side of the front of
18 the motor vehicle, which head lamps shall comply with the requirements
19 and limitations set forth in sections 42-4-202 and 42-4-204 to 42-4-231
20 and part 3 of this article where applicable. ~~thereto.~~

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

26 (3) Every head lamp upon every motor vehicle, including every
27 motorcycle, ~~and motor-driven cycle~~ shall be located at a height measured

1 from the center of the head lamp of not more than fifty-four inches nor
2 less than twenty-four inches, to be measured as set forth in section
3 42-4-204 (3).

4 **SECTION 20.** 42-4-206 (5), Colorado Revised Statutes, is
5 amended to read:

6 **42-4-206. Tail lamps and reflectors.** (5) Every new motor
7 vehicle sold and operated on and after January 1, 1958, upon a highway
8 shall carry on the rear, whether as a part of the tail lamps or separately,
9 two red reflectors; except that every motorcycle ~~and every motor-driven~~
10 ~~cycle~~ shall carry at least one reflector meeting the requirements of this
11 section, and vehicles of the type mentioned in section 42-4-207 shall be
12 equipped with reflectors as required in those sections applicable thereto.

13 **SECTION 21.** 42-4-208 (2) and (3), Colorado Revised Statutes,
14 are amended to read:

15 **42-4-208. Stop lamps and turn signals.** (2) No person shall sell
16 or offer for sale or operate on the highways any motor vehicle registered
17 in this state and manufactured or assembled after January 1, 1958, unless
18 it is equipped with at least two stop lamps meeting the requirements of
19 section 42-4-215 (1); except that a motorcycle ~~or motor-driven cycle~~
20 manufactured or assembled after said date shall be equipped with at least
21 one stop lamp meeting the requirements of section 42-4-215 (1).

22 (3) No person shall sell or offer for sale or operate on the
23 highways any motor vehicle, trailer, or semitrailer registered in this state
24 and manufactured or assembled after January 1, 1958, and no person shall
25 operate any motor vehicle, trailer, or semitrailer on the highways when
26 the distance from the center of the top of the steering post to the left
27 outside limit of the body, cab, or load of such motor vehicle exceeds

1 twenty-four inches, unless it is equipped with electrical turn signals
2 meeting the requirements of section 42-4-215 (2). This subsection (3)
3 shall not apply to any motorcycle or ~~motor-driven cycle~~ LOW-POWER
4 SCOOTER.

5 **SECTION 22.** 42-4-210 (2), Colorado Revised Statutes, is
6 amended to read:

7 **42-4-210. Lamps on parked vehicles.** (2) Whenever a vehicle
8 is parked or stopped upon a roadway or shoulder adjacent thereto,
9 whether attended or unattended, during the hours between sunset and
10 sunrise and there is not sufficient light to reveal any person or object
11 within a distance of one thousand feet upon such highway, such vehicle
12 so parked or stopped shall be equipped with one or more operating lamps
13 meeting the following requirements: At least one lamp shall display a
14 white or amber light visible from a distance of five hundred feet to the
15 front of the vehicle, and the same lamp or at least one other lamp shall
16 display a red light visible from a distance of five hundred feet to the rear
17 of the vehicle, and the location of said lamp or lamps shall always be such
18 that at least one lamp or combination of lamps meeting the requirements
19 of this section is installed as near as practicable to the side of the vehicle
20 ~~which~~ THAT is closer to passing traffic. This subsection (2) shall not
21 apply to a ~~motor-driven cycle~~ LOW-POWER SCOOTER.

22 **SECTION 23.** 42-4-211 (4), Colorado Revised Statutes, is
23 amended to read:

24 **42-4-211. Lamps on farm equipment and other vehicles and**
25 **equipment.** (4) Every farm tractor and every self-propelled unit of farm
26 equipment or implement of husbandry equipped with an electric lighting
27 system shall, at all times mentioned in section 42-4-204, be equipped with

1 two single-beam head lamps meeting the requirements of section
2 42-4-216 or 42-4-218, respectively, ~~or, as an alternative, section 42-4-220~~
3 ~~(2)~~ and at least one red lamp visible from a distance of not less than five
4 hundred feet to the rear; but every such self-propelled unit of farm
5 equipment other than a farm tractor shall have two such red lamps or, as
6 an alternative, one such red lamp and two red reflectors visible from all
7 distances within six hundred feet to one hundred feet when directly in
8 front of lawful upper beams of head lamps.

9 **SECTION 24.** The introductory portion to 42-4-216 (1) and
10 42-4-216 (2), Colorado Revised Statutes, are amended to read:

11 **42-4-216. Multiple-beam road lights.** (1) Except as provided
12 in this article, the head lamps or the auxiliary driving lamp or the
13 auxiliary passing lamp or combination thereof on motor vehicles, other
14 than motorcycles or ~~motor-driven cycles~~ LOW-POWER SCOOTERS, shall be
15 so arranged that the driver may select at will between distributions of
16 light projected to different elevations, and such lamps may, in addition,
17 be so arranged that such selection can be made automatically, subject to
18 the following limitations:

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

27 **SECTION 25.** 42-4-220 (1) and (2), Colorado Revised Statutes,

1 are amended to read:

2 **42-4-220. Low-power scooters - lighting equipment -**
3 **department control - use and operation.** (1) (a) ~~Every motorized~~
4 ~~bicycle~~ A LOW-POWER SCOOTER when in use at the times specified in
5 section 42-4-204 shall be equipped with a lamp on the front ~~which~~ THAT
6 shall emit a white light visible from a distance of at least five hundred
7 feet to the front and with a red reflector on the rear, of a type approved by
8 the department, ~~which~~ THAT shall be visible from all distances from fifty
9 feet to three hundred feet to the rear when directly in front of lawful
10 upper beams of head lamps on a motor vehicle. A lamp emitting a red
11 light visible from a distance of five hundred feet to the rear may be used
12 in addition to the red reflector.

13 (b) No person shall operate a ~~motorized bicycle~~ LOW-POWER
14 SCOOTER unless it is equipped with a bell or other device capable of
15 giving a signal audible for a distance of at least one hundred feet; except
16 that a ~~motorized bicycle~~ LOW-POWER SCOOTER shall not be equipped with
17 nor shall any person use upon a ~~motorized bicycle~~ LOW-POWER SCOOTER
18 a siren or whistle.

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

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

25 (a) ~~Every said head lamp or head lamps on a motor-driven cycle~~
26 ~~shall be of sufficient intensity to reveal a person or a vehicle at a distance~~
27 ~~of not less than one hundred feet when the motor-driven cycle is operated~~

1 at any speed less than twenty-five miles per hour, and at a distance of not
2 less than two hundred feet when the motor-driven cycle is operated at a
3 speed of twenty-five miles or more per hour, and at a distance of not less
4 than three hundred feet when the motor-driven cycle is operated at a
5 speed of thirty-five or more miles per hour.

6 (b) ~~In the event the motor-driven cycle is equipped with a~~
7 ~~multiple-beam head lamp or head lamps, the upper beam shall meet the~~
8 ~~minimum requirements set forth in paragraph (a) of this subsection (2)~~
9 ~~and shall not exceed the limitations set forth in section 42-4-216 (1) (a);~~
10 ~~and the lowermost beam shall meet the requirements applicable to a~~
11 ~~lowermost distribution of light as set forth in section 42-4-216 (1) (b).~~

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

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

19 **42-4-223. Brakes.** (1) Brake equipment required:

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

24 **SECTION 27.** 42-4-224 (3), Colorado Revised Statutes, is
25 amended to read:

26 **42-4-224. Horns or warning devices.** (3) No bicycle or
27 ~~motorized bicycle~~ LOW-POWER SCOOTER shall be equipped with nor shall

1 any person use upon a ~~bicycle or motorized bicycle~~ any SUCH VEHICLE A
2 siren or whistle.

3 **SECTION 28.** 42-4-232 (1), Colorado Revised Statutes, is
4 amended to read:

5 **42-4-232. Minimum safety standards for motorcycles and**
6 **low-power scooters.** (1) No person shall operate any motorcycle or
7 ~~motor-driven cycle~~ LOW-POWER SCOOTER on any public highway in this
8 state unless such person and any passenger thereon is wearing goggles or
9 eyeglasses with lenses made of safety glass or plastic; EXCEPT THAT THIS
10 SUBSECTION (1) SHALL NOT APPLY TO A PERSON WEARING A HELMET
11 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OF PLASTIC.

12 **SECTION 29.** 42-4-237 (1) (a), Colorado Revised Statutes, is
13 amended to read:

14 **42-4-237. Safety belt systems - mandatory use - exemptions -**
15 **penalty.** (1) As used in this section:

16 (a) "Motor vehicle" means a self-propelled vehicle intended
17 primarily for use and operation on the public highways, including
18 passenger cars, station wagons, vans, taxicabs, ambulances, motor homes,
19 and pickups. The term does not include motorcycles, ~~motorscooters,~~
20 ~~motorbicycles, motorized bicycles~~ LOW-POWER SCOOTERS, passenger
21 buses, school buses, and farm tractors and implements of husbandry
22 designed primarily or exclusively for use in agricultural operations.

23 **SECTION 30.** 42-4-1101 (8), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25 **42-4-1101. Speed limits.** (8) (g) NOTWITHSTANDING ANY OTHER
26 PROVISION OF THIS SECTION, NO PERSON SHALL DRIVE A LOW-POWER
27 SCOOTER ON A ROADWAY AT A SPEED IN EXCESS OF FORTY MILES PER

1 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE
2 LOW-POWER SCOOTERS TO EXCEED FORTY MILES PER HOUR ON A
3 ROADWAY.

4 **SECTION 31.** 42-4-1301 (1) (a), (1) (b), (1) (c), (1) (f), (1) (g),
5 (1) (h), (1) (i), (2) (a), (2) (a.5) (I), (2) (c), (6) (a) (I), (6) (a) (II), (6) (b),
6 (6) (i) (I), and (6) (i) (II), Colorado Revised Statutes, are amended to read:

7 **42-4-1301. Driving under the influence - driving while**
8 **impaired - driving with excessive alcoholic content - definitions -**
9 **penalties.** (1) (a) It is a misdemeanor for any person who is under the
10 influence of alcohol or one or more drugs, or a combination of both
11 alcohol and one or more drugs, to drive ~~any vehicle~~ A MOTOR VEHICLE,
12 VEHICLE, OR LOW-POWER SCOOTER in this state.

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

17 (c) It is a misdemeanor for any person who is an habitual user of
18 any controlled substance defined in section 12-22-303 (7), C.R.S., to
19 drive ~~any vehicle~~ A MOTOR VEHICLE, VEHICLE, OR LOW-POWER SCOOTER
20 in this state.

21 (f) "Driving under the influence" means driving a MOTOR vehicle,
22 VEHICLE, OR LOW-POWER SCOOTER when a person has consumed alcohol
23 or one or more drugs, or a combination of alcohol and one or more drugs,
24 ~~which alcohol alone, or one or more drugs alone, or alcohol combined~~
25 ~~with one or more drugs~~ THAT affects the person to a degree that the
26 person is substantially incapable, either mentally or physically, or both
27 mentally and physically, to exercise clear judgment, sufficient physical

1 control, or due care in the safe operation of a vehicle.

2 (g) "Driving while ability impaired" means driving a MOTOR
3 vehicle, VEHICLE, OR LOW-POWER SCOOTER when a person has consumed
4 alcohol or one or more drugs, or a combination of both alcohol and one
5 or more drugs, ~~which alcohol alone, or one or more drugs alone, or~~
6 ~~alcohol combined with one or more drugs;~~ THAT affects the person to the
7 slightest degree so that the person is less able than the person ordinarily
8 would have been, either mentally or physically, or both mentally and
9 physically, to exercise clear judgment, sufficient physical control, or due
10 care in the safe operation of a vehicle.

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

16 (i) Pursuant to section 16-2-106, C.R.S., in charging the offense
17 of DWAI, it shall be sufficient to describe the offense charged as "drove
18 a MOTOR vehicle while impaired by alcohol or drugs or both" OR AS
19 "DROVE A VEHICLE OR LOW-POWER SCOOTER WHILE IMPAIRED BY
20 ALCOHOL OR DRUGS OR BOTH".

21 (2) (a) It is a misdemeanor for any person to drive ~~any~~ A MOTOR
22 vehicle, VEHICLE, OR LOW-POWER SCOOTER in this state when the person's
23 BAC is 0.08 or more at the time of driving or within two hours after
24 driving. During a trial, if the state's evidence raises the issue, or if a
25 defendant presents some credible evidence, that the defendant consumed
26 alcohol between the time that the defendant stopped driving and the time
27 that testing occurred, such issue shall be an affirmative defense, and the

1 prosecution must establish beyond a reasonable doubt that the minimum
2 0.08 blood or breath alcohol content required in this paragraph (a) was
3 reached as a result of alcohol consumed by the defendant before the
4 defendant stopped driving.

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

17 (c) Pursuant to section 16-2-106, C.R.S., in charging the offense
18 of DUI per se, it shall be sufficient to describe the offense charged as
19 "drove a MOTOR vehicle with excessive alcohol content" OR AS "DROVE
20 A VEHICLE OR LOW-POWER SCOOTER WITH EXCESSIVE ALCOHOL
21 CONTENT".

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

26 (I) If at such time the defendant's BAC was 0.05 or less, it shall
27 be presumed that the defendant was not under the influence of alcohol

1 and that the defendant's ability to operate a MOTOR vehicle, VEHICLE, OR
2 LOW-POWER SCOOTER was not impaired by the consumption of alcohol.

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

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

15 (i) (I) Following the lawful contact with a person who has been
16 driving a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER, and when
17 a law enforcement officer reasonably suspects that a person was driving
18 a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER while under the
19 influence of or while impaired by alcohol, the law enforcement officer
20 may conduct a preliminary screening test using a device approved by the
21 executive director of the department of public health and environment
22 after first advising the driver that the driver may either refuse or agree to
23 provide a sample of the driver's breath for such preliminary test; except
24 that, if the driver is under twenty-one years of age, the law enforcement
25 officer may, after providing such advisement to the person, conduct such
26 preliminary screening test if the officer reasonably suspects that the
27 person has consumed any alcohol.

1 (II) The results of this preliminary screening test may be used by
2 a law enforcement officer in determining whether probable cause exists
3 to believe such person was driving a MOTOR vehicle, VEHICLE, OR
4 LOW-POWER SCOOTER in violation of this section and whether to
5 administer a test pursuant to section 42-4-1301.1 (2).

6 **SECTION 32.** 42-4-1401 (1), Colorado Revised Statutes, is
7 amended to read:

8 **42-4-1401. Reckless driving - penalty.** (1) ~~Any~~ A person who
9 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER
10 SCOOTER in such a manner as to indicate either a wanton or a willful
11 disregard for the safety of persons or property is guilty of reckless
12 driving. A person convicted of reckless driving of a bicycle or ~~motorized~~
13 ~~bicycle~~ LOW-POWER SCOOTER shall not be subject to the provisions of
14 section 42-2-127.

15 **SECTION 33.** 42-4-1402 (1), Colorado Revised Statutes, is
16 amended to read:

17 **42-4-1402. Careless driving - penalty.** (1) ~~Any~~ A person who
18 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER
19 SCOOTER in a careless and imprudent manner, without due regard for the
20 width, grade, curves, corners, traffic, and use of the streets and highways
21 and all other attendant circumstances, is guilty of careless driving. A
22 person convicted of careless driving of a bicycle or ~~motorized bicycle~~
23 LOW-POWER SCOOTER shall not be subject to the provisions of section
24 42-2-127.

25 **SECTION 34.** 42-4-1409 (1), (2), (3), (5), and (7), Colorado
26 Revised Statutes, are amended to read:

27 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

1 (1) No owner of a motor vehicle OR LOW-POWER SCOOTER required to be
2 registered in this state shall operate the vehicle or permit it to be operated
3 on the public highways of this state when the owner has failed to have a
4 complying policy or certificate of self-insurance in full force and effect
5 as required by law.

6 (2) No person shall operate a motor vehicle OR LOW-POWER
7 SCOOTER on the public highways of this state without a complying policy
8 or certificate of self-insurance in full force and effect as required by law.

9 (3) When an accident occurs, or when requested to do so
10 following any lawful traffic contact or during any traffic investigation by
11 a peace officer, no owner or operator of a motor vehicle OR LOW-POWER
12 SCOOTER shall fail to present to the requesting officer immediate evidence
13 of a complying policy or certificate of self-insurance in full force and
14 effect as required by law.

15 (5) Testimony of the failure of any owner or operator of a motor
16 vehicle OR LOW-POWER SCOOTER to present immediate evidence of a
17 complying policy or certificate of self-insurance in full force and effect
18 as required by law, when requested to do so by a peace officer, shall
19 constitute prima facie evidence, at a trial concerning a violation charged
20 under subsection (1) or (2) of this section, that such owner or operator of
21 a motor vehicle violated subsection (1) or (2) of this section.

22 (7) The owner of a motor vehicle OR LOW-POWER SCOOTER, upon
23 receipt of an affirmation of insurance as described in section 42-3-113 (2)
24 and (3), shall sign and date such affirmation in the space provided.

25 **SECTION 35.** 42-4-1701 (4) (a) (I) (L), Colorado Revised
26 Statutes, is amended to read:

27 **42-4-1701. Traffic offenses and infractions classified -**

1 **penalties - penalty and surcharge schedule.** (4) (a) (I) Except as
 2 provided in paragraph (c) of subsection (5) of this section, every person
 3 who is convicted of, who admits liability for, or against whom a judgment
 4 is entered for a violation of any provision of this title to which the
 5 provisions of paragraph (a) or (b) of subsection (5) of this section apply
 6 shall be fined or penalized, and have a surcharge levied thereon pursuant
 7 to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in
 8 accordance with the penalty and surcharge schedule set forth in
 9 sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or
 10 surcharge is specified in the schedule, the penalty for class A and class B
 11 traffic infractions shall be fifteen dollars, and the surcharge shall be four
 12 dollars. These penalties and surcharges shall apply whether the defendant
 13 acknowledges the defendant's guilt or liability in accordance with the
 14 procedure set forth by paragraph (a) of subsection (5) of this section or is
 15 found guilty by a court of competent jurisdiction or has judgment entered
 16 against the defendant by a county court magistrate. Penalties and
 17 surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
19 (L) Speeding violations:		
20 42-4-1101 (1) or (8) (b) (1 to 4 miles		
21 per hour over the reasonable and		
22 prudent speed or over the maximum		
23 lawful speed limit of 75 miles		
24 per hour)	\$ 30.00	\$ 6.00
25 42-4-1101 (1) or (8) (b) (5 to 9 miles		
26 per hour over the reasonable and		
27 prudent speed or over the maximum		

1	lawful speed limit of 75 miles		
2	per hour)	70.00	10.00
3	42-4-1101 (1) or (8) (b) (10 to 19 miles		
4	per hour over the reasonable and		
5	prudent speed or over the maximum		
6	lawful speed limit of 75 miles		
7	per hour)	135.00	16.00
8	42-4-1101 (1) or (8) (b) (20 to 24 miles		
9	per hour over the reasonable and		
10	prudent speed or over the maximum		
11	lawful speed limit of 75 miles		
12	per hour)	200.00	32.00
13	42-4-1101(8) (g) (1 TO 4 MILES PER		
14	HOUR OVER THE MAXIMUM LAWFUL		
15	SPEED LIMIT OF 40 MILES PER HOUR		
16	DRIVING A LOW-POWER SCOOTER)	50.00	6.00
17	42-4-1101 (8) (g) (5 TO 9 MILES PER		
18	HOUR OVER THE MAXIMUM LAWFUL		
19	SPEED LIMIT OF 40 MILES PER HOUR		
20	DRIVING A LOW-POWER SCOOTER)	75.00	10.00
21	42-4-1101 (8) (g) (GREATER THAN 9		
22	MILES PER HOUR OVER THE MAXIMUM		
23	LAWFUL SPEED LIMIT OF 40 MILES PER		
24	HOUR DRIVING A LOW-POWER SCOOTER)	100.00	16.00
25	42-4-1101 (3)	100.00	10.00
26	42-4-1103	50.00	6.00
27	42-4-1104	30.00	6.00

1 **SECTION 36.** 42-6-102 (10), Colorado Revised Statutes, is
2 amended to read:

3 **42-6-102. Definitions.** As used in this part 1, unless the context
4 otherwise requires:

5 (10) "Motor vehicle" means any self-propelled vehicle that is
6 designed primarily for travel on the public highways and is generally and
7 commonly used to transport persons and property over the public
8 highways, including trailers, semitrailers, and trailer coaches, without
9 motive power. "Motor vehicle" does not include ~~motorized bicycles~~; THE
10 FOLLOWING:

11 (a) A LOW-POWER SCOOTER, as defined in section 42-1-102; ~~(59)~~
12 ~~(b); vehicles~~

13 (b) A VEHICLE that ~~operate~~ OPERATES only upon rails or tracks laid
14 in place on the ground or that ~~travel~~ TRAVELS through the air or that
15 ~~derive their~~ DERIVES ITS motive power from overhead electric lines;

16 (c) ~~farm tractors, farm trailers, and~~ A FARM TRACTOR, FARM
17 TRAILER, AND ANY other machines and tools used in the production,
18 harvesting, and care of farm products; ~~and~~ OR

19 (d) Mobile machinery, self-propelled construction equipment, or
20 industrial machinery not designed primarily for highway transportation.

21 **SECTION 37. Effective date.** Sections 1 and 34 of this act shall
22 take effect July 1, 2010, and the remainder of this act shall take effect
23 July 1, 2009.

24 **SECTION 38. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.