

*Colorado Legislative Council Staff Fiscal Note*

**FINAL  
FISCAL NOTE**

**Drafting Number:** LLS 09-0092  
**Prime Sponsor(s):** Rep. Marostica  
 Sen. Williams

**Date:** June 23, 2009  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** David Porter (303-866-4375)

**TITLE:** CONCERNING THE APPLICATION OF VEHICLE LAWS TO LOW-POWER VEHICLES THAT OPERATE WITH LESS THAN FOUR WHEELS IN CONTACT WITH THE GROUND, AND, IN CONNECTION THEREWITH, DEFINING "LOW-POWER SCOOTER" AND "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE".

<b>Fiscal Impact Summary</b>	<b>FY 2009-2010</b>	<b>FY 2010-2011</b>
<b>State Revenue</b>		
Cash Funds		
Auto Dealers License Fund	\$ 12,450	\$ 12,450
Highway Users Tax Fund – Motorist Insurance Identification Account		3,264
Multiple Cash Funds - Penalties and Surcharges	< 5,000	< 5,000
<b>State Expenditures</b>		
Cash Funds		
Highway Users Tax Fund – Motorist Insurance Identification Account	\$ 27,275	
CSTAR Account*	15,452	
Auto Dealers License Fund*	3,708	
<b>FTE Position Change</b>		
<b>Effective Date:</b> The Governor signed the bill into law on May 20, 2009. Sections 1, 26, 29, and 53 of the bill are effective July 1, 2010. The remainder of the bill is effective October 1, 2009.		
<b>Appropriation Summary for FY 2009-2010:</b> See State Appropriations section.		
<b>Local Government Impact:</b> See Local Government Impact section.		

\* No separate appropriation of these funds is required because of ongoing appropriations to the Department of Revenue for computer programming provided in the Long Bill for new legislation.

**Summary of Legislation**

This bill changes, deletes, and adds several motor vehicle definitions. Specifically, the bill makes these changes:

- ▶ removes several categories of self-propelled vehicles in Colorado law, including: "motor-driven cycle," "motor scooter," and "motorized bicycle;"

- ▶ defines low-power scooter, electric personal assistive mobility device (EPAMD, a Segway, for example), and electrical assisted bicycle and indicates allowed use of the devices;
- ▶ puts new speeding penalties in place for low-power scooter operators who exceed 40 miles per hour, specifically:
  - P a fine of \$56 for traveling 41 to 44 miles per hour;
  - P a fine of \$85 and 2 points for traveling 45 to 49 miles per hour; and
  - P a fine of \$116 and 4 points for traveling 50 or more miles per hour;
- ▶ applies compulsory liability insurance laws to operators of low-power scooters, effective July 1, 2010;
- ▶ requires persons selling low-power scooters to obtain a powersports vehicle distributor license from the Colorado Department of Revenue;
- ▶ defines a wholesaler and requires licensure; and
- ▶ specifies that drug and alcohol driving offenses apply to operators of low-power scooters.

## **State Revenue**

**Total revenue resulting from this bill is estimated to be at least \$12,450 in FY 2009-10 and \$15,714 in FY 2010-11.** Revenue is from registration, licensing, and other fees charged of low-power scooter dealers and owners. Speeding violation fines are expected but not quantified.

***Colorado Dealer Licensing Board Fund (\$12,450).*** The bill classifies low-power scooters as powersports vehicles. As a result, low-power scooter dealers and salespersons must have powersports dealer or salesperson licenses. Fee calculations are based on current fees charged of an estimated 30 dealers and salespersons and are as follows:

- ▶ Powersports Dealer License – \$335 per license \* 30 dealers = \$10,050; and
- ▶ Powersports Salesperson License – \$80 per license \* 30 persons = \$2,400.

***Highway Users Tax Fund (HUTF) – Motorist Insurance Identification Account (\$3,264 beginning FY 2010-11).*** Currently, most vehicles that will be classified as low-power scooters are registered as motorized bicycles. However, motorized bicycles are not required to carry insurance. Due to the requirement that low-power scooter owners have insurance beginning on July 1, 2010, charges to register the vehicle will include \$0.50 to validate insurance against the motorist insurance identification database. For the estimated 6,528 motorized bicycles that will now register as low-power scooters, this results in \$3,264 in revenue to the motorist insurance identification account in the HUTF. Note that vehicles that do not currently fit the definition of either a motorized bicycle or a motorcycle may now be identified as low-powered scooter. Revenue has not been estimated for these vehicles.

***Penalties and Surcharges.*** Speeding violations in this bill carry penalties between \$50 and \$100 and a surcharge between \$6 and \$16. 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.

### **State Expenditures**

**Total state expenditures under HB09-1026 are \$46,435 in FY 2009-10.** All costs are in the Department of Revenue and are related to reprogramming existing licensing and registration databases. The following are the required programming costs:

- ▶ ***Motorist Insurance Identification Database (\$27,275)*** – The MIIDB must be updated to allow insurance agencies to submit low-power scooter insurance policy information and to match information by Vehicle Identification Numbers (VIN's). Project costs include developing specifications, supplementary documentation, and programming. The effort will require 261 hours of contracted services at an average rate of \$104.50 per hour.
- ▶ ***Colorado State Titling and Registration System (CSTARS – \$15,452)*** – The titling and registration system must be updated to include a database of low-power scooters and to interface with the MIIDB to validate insurance. Programming costs are for 400 hours at \$38.63 per hour.
- ▶ ***Auto Industry System Database (\$3,708)*** – The auto industry system database must be modified to include low-power scooter dealers and salespersons. Programming costs are for 96 hours at \$38.63 per hour.

With the exception of the Motorist Insurance Identification Database programming costs, no appropriation is necessary because of ongoing appropriations to the department for computer programming provided in the Long Bill for new legislation.

The Auto Industry Division in the Department of Revenue will also update procedures and documentation in the Auto Industry Division to incorporate low-power scooters and review of low-power low-power scooter dealer and salesperson applications. These tasks are expected to be accomplished within existing appropriations.

### **Local Government Impact**

This bill may increase HUTF fine revenue distributions to local governments. Counties and municipalities receive 35 percent of HUTF fine revenue for highway purposes.

**State Appropriations**

The Department of Revenue requires a cash funds appropriation of \$27,275 from the Motorist Insurance Identification Account of the Highway Users Tax Fund in FY 2009-10. Neither the previous fiscal note nor the enrolled act incorporated this appropriations clause. Should the DOR still require an appropriation when implementing this legislation, it is expected they will request it through the budget process.

**Departments Contacted**

Revenue          Public Safety          Judicial          Transportation