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**Report to the
Colorado General Assembly**

**Transportation Legislation
Review Committee**

Prepared by

*The Colorado Legislative Council
Research Publication No. 579
December 2008*

Transportation Legislation Review Committee

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December 2008

To Members of the Sixty-sixth General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, C.R.S. The purpose of the committee is to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative overview of and input into such development.

At its meeting on October 15, 2008, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2009 session was approved.

Respectfully Submitted,

/s/ Representative Andrew Romanoff
Chairman

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This report is also available on line at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2008/08interim.htm

Executive Summary

Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative oversight of such development. The committee is directed to review CDOT operations, including planning and construction of highway projects. The committee is also authorized to:

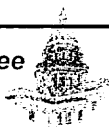
- give guidance and direction to the Colorado Department of Revenue (DOR) in the licensing of drivers and registration and titling of motor vehicles;
- review the operations of public highway authorities and regional transportation authorities responsible for the development of regional transportation systems;
- provide guidance to the Regional Transportation District (RTD) and review its budget, farebox recovery ratio, and the privatization of bus service; and
- review transportation, traffic, and motor vehicle legislation.

Committee Activities

The TLRC held five meetings during the 2008 interim. The committee heard wide-ranging presentations from agencies of state, regional, and local government, and transportation industry associations. Representatives of the Governor's Transportation Finance and Implementation Panel briefed the committee on the panel's work. The TLRC heard informational briefings regarding transit, transportation finance, motor vehicle administration, tolling, energy production, and the future redevelopment of the I-70 corridor. Finally, representatives of industries involved in freight and passenger transportation also presented to the committee.

Low-power self-propelled vehicles. The TLRC heard testimony regarding the dramatic growth in sales of "scooters" in the state. Colorado law defines these vehicles as "motorized bicycles" with engine capacities under 50 cubic centimeters. Increasing sales of the vehicles are being driven by rising fuel prices, environmental concerns, and the fact that the machines are relatively inexpensive. The committee heard that current Colorado statutory definitions of these vehicles do not reflect the specifications of the vehicles currently operating on Colorado roadways. The Colorado Powersports Dealers Association testified that the state's existing statutory definitions of the terms "motor-driven cycle," "motor scooter," and "motorized bicycle" should be modernized and simplified. As a result of this testimony, the committee recommended Bill D, which simplifies statutory definitions applicable to low-power self-propelled vehicles; creates a category of speeding penalties specific to the vehicles; imposes a requirement for the purchase of liability insurance; and mandates the licensure of companies selling the vehicles.

Colorado trucking industry. A representative of the Colorado Motor Carriers Association briefed the committee on the impact of rising fuel prices and taxes paid by commercial vehicle companies on the Colorado trucking industry. The committee heard that diesel fuel prices have increased by more than 300 percent in the last decade. The representative commented on the



importance of the trucking industry to the Colorado economy, noting that 83 percent of all Colorado commodities are transported by truck.

The association representative also brought to the committee's attention problems with Colorado's method of registering mobile machinery. Mobile machinery includes vehicles (and equipment attached to vehicles) commonly used in the construction industry. The committee heard that Colorado's method for registering the vehicles creates problems for Colorado companies that use the vehicles in neighboring states, as well as for companies in other states that use their equipment in Colorado. Bill A, recommended by the TLRC, addresses this registration problem by treating the registration of mobile machinery in Colorado in the same manner as the registration of interstate commercial carriers in the state.

The TLRC also learned that current Colorado law oftentimes results in commercial vehicles being taken out of service when law enforcement officials discover that the vehicles have damaged or missing splash guards, and that stringent enforcement of this requirement causes hardship for truck drivers and trucking companies. Thus, the committee recommended Bill C, which will allow drivers of commercial vehicles with damaged or missing splash guards to continue operating until they reach a place where the splash guards can be replaced.

Transit in Colorado. The committee received transit-related briefings from the Regional Transportation District (RTD) and the Colorado Association of Transit Agencies (CASTA). The Regional Transportation District briefed the committee on the status of transit facility planning for the FasTracks corridors, declining RTD sales tax revenues, construction cost escalation, and increasing RTD operating expenses. RTD representatives commented on increases in RTD bus and light rail ridership, and recent legislation permitting private entities to take advantage of tax-exempt financing through private activity bonds. RTD representatives also stated their intention to increase participation in public-private partnerships for the provision of transit services.

A CASTA representative updated the committee on the status of transit in the state. The representative noted that 60 of the state's 64 counties now have some form of transit services available to their residents and stressed the importance of transit to seniors and the disabled. The committee was informed that 84 percent of funding for transit in Colorado originates with local sources and that the association supports an increasing emphasis on state funding for transit.

Additional committee discussion of transit service and safety issues resulted in committee recommendation of Bill B, which specifies circumstances under which motorists would be required to yield the right-of-way to buses entering traffic.

Governor's Transportation Finance and Implementation Panel. The committee was briefed on the activities of the Governor's Transportation Finance and Implementation Panel. The panel, originally scheduled to conclude its work in June 2008, was extended by Governor Ritter through June 2009. Panel representatives discussed their recommendations for the consideration of new transportation revenue sources, and the panel's "preferred alternative" of new transportation funding at the level of \$1.5 billion annually. According to the panel representatives, this funding level would allow for preservation of the state's existing transportation infrastructure, construction of new projects to address urban traffic congestion and regional connections, as well as funding for transit options. The panel intends to make recommendations for legislation to the 2009 session of the General Assembly.



Colorado's public highway authorities. The committee heard presentations from Colorado's three public highway authorities. The three public highway authorities established to date are: the E-470 Public Highway Authority (PHA), the Northwest Parkway Public Highway Authority, and the Jefferson Parkway Public Highway Authority. The E-470 PHA presented information relating to the authority's revenues and expenditures, the condition of the authority's infrastructure, and the transition of the authority to a "cashless," electronic tolling system. The Northwest Parkway PHA briefed the committee regarding the potential future extension of the parkway, and a lease agreement that was signed by the authority allowing a concessionaire to operate the roadway beginning in 2007. Finally, the committee was briefed on the governance of the newly created Jefferson Parkway PHA, development of requests for proposals by the new authority board of directors, and communications with the City of Golden regarding completion of the metro-area beltway.

Colorado industries dependent on the state's transportation infrastructure. Several representatives of industries that rely heavily on Colorado's transportation infrastructure updated the committee in regard to the status of their industries, and the importance of these industries to Colorado's economic health. Freight rail industry representatives updated the committee on employment levels in their industry, the industry's capital spending, the relative efficiency of rail, and problems resulting from residential and commercial growth near train tracks. The committee heard that, as fuel prices increase, freight is shifting from trucks to rail.

Representatives of the airline industry updated the committee on the status of commercial aviation in the state. The committee was informed of the importance of the industry to the Colorado economy, the loss of flights originating in Colorado's smaller cities, declining employment in the industry, and the impact of increasing jet fuel costs. Finally, representatives of the Colorado Department of Agriculture briefed the committee on the contribution of agriculture to the state economy, including employment in agricultural production and food processing. Colorado has 107,000 jobs related to the agriculture industry. The representatives discussed several transportation issues in the state that are impacting agricultural production, including rising fuel prices, the condition of bridges in the state, bridge weight limits, and the issuance of temporary certifications for the transportation of seasonal crops.

Additional committee discussion. The committee considered, but declined to recommend legislation to: expand the powers of regional transportation authorities; address slow moving vehicles that impede traffic; and create a pilot program allowing for the issuance of safety decals to young drivers.

Committee Recommendations

As a result of committee deliberations, the TLRC recommends four bills for consideration in the 2009 legislative session.

Bill A — Mobile Machinery Vehicle Registration. Mobile machinery is machinery commonly used in the construction industry. The equipment may or may not be attached to a truck chassis, and may or may not be self-propelled. Examples of these vehicles (registered as Class F vehicles in Colorado) include concrete mixers, backhoes, bulldozers, and trucks with large generators attached. Class A vehicles are interstate commercial carriers.

Most of Colorado's neighboring states register mobile machinery vehicles as Class A vehicles, and do not have a Class F category. This forces Colorado operators of Class F vehicles to purchase trip permits upon entering other states. Out-of-state mobile machinery vehicles



entering Colorado are required to pay additional taxes and registration fees on their mobile machinery resulting in expense and delays at ports of entry.

Bill A addresses these issues by designating Colorado mobile machinery vehicles (Class F) *operated in interstate commerce* as Class A vehicles for purposes of imposing the graduated annual specific ownership tax, and specifying the same rate structure as is currently imposed on Class F personal property. Under the bill, out-of-state mobile machinery vehicles operating in Colorado are exempted from payment for the mounted equipment portion of the vehicle if that portion was already taxed by the registering base state, and would be able to purchase a tab to cover the mounted equipment portion of the vehicle if taxes are due.

Bill B — Yield to Transit Bus Entering Traffic. Bill B requires persons who are driving behind a transit bus to yield the right-of-way if the bus, after stopping to allow passengers to board or exit, signals an intention to enter traffic and if a yield sign on the back of the bus is illuminated. The bill does not require the installation of yield signs on transit buses, and does not relieve bus drivers of their duty to drive with due regard for the safety of other motorists.

Bill C — Splash Guards - Vehicle Remain in Service. Bill C allows commercial vehicles with damaged or missing splash guards to remain in service until the first reasonable opportunity to replace them. A splash guard is a device designed to minimize the spray of water and other substances to the rear of the commercial vehicle. Current Colorado law requires trucks with an empty weight that exceeds 10,000 pounds to be equipped with splash guards, and that a splash guard be at least as wide as the tire it covers. Trucks with a damaged or missing splash guard may be put out of service.

Bill D — Regulation of Low-power Self-Propelled Vehicles. Bill D simplifies Colorado's statutory definitions applicable to low-power self-propelled vehicles, creates a category of speeding penalties specific to the vehicles, imposes a requirement for the purchase of liability insurance, and mandates the licensure of companies selling the vehicles. Specifically, Bill D:

- replaces several categories of self-propelled vehicles in Colorado law, including "motor-driven cycle," "motor scooter," and "motorized bicycle" with the two categories "motorcycle" and "low-power scooter";
- defines "low-power scooter" as a vehicle with not more than 3 wheels, no manual clutch, and a power capacity under 50 cubic centimeters or 4,476 watts;
- puts new speeding penalties in place for scooter operators who exceed 40 miles per hour, specifically:
 - ▶ a fine of \$56 for traveling 41 to 44 miles per hour;
 - ▶ a fine of \$85 and 2 points for traveling 45 to 49 miles per hour; and
 - ▶ 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; and
- specifies that drug and alcohol driving offenses apply to operators of low-power scooters, farm tractors, and off-highway vehicles, but not to bicycle operators.



Committee Charge

The Transportation Legislation Review Committee (TLRC) is comprised of the 20 members of the House Transportation and Energy Committee and the Senate Transportation Committee. The TLRC is granted statutory oversight responsibilities for certain activities of the Colorado Department of Transportation, rural transportation authorities, public highway authorities, and the Regional Transportation District. In addition, the TLRC monitors the activities of the Colorado Department of Revenue (DOR) relating to the regulation of motor vehicles and driver control, the impact of Colorado's transportation system on air quality, and the effect of traffic law enforcement on transportation in the state.

Colorado Department of Transportation. Section 43-2-145 (1), C.R.S., requires the TLRC to give guidance and direction to Colorado Department of Transportation (CDOT) in the development of the state transportation system, to provide legislative oversight of and input into such development, and to make recommendations concerning the financing of the state transportation system. The TLRC may review any phase of CDOT operations, including the planning and construction of highway projects. The TLRC may also review such projects upon completion to determine whether a project was completed in the most cost-effective and efficient manner. The committee may require CDOT to conduct long-term planning efforts for the state transportation system and may require financial and performance audits to be conducted. The TLRC is required to study annual recommendations of the executive director of CDOT regarding the acquisition of any abandoned railroad rights-of-way in the state. The TLRC may recommend legislation to the General Assembly and to the governor resulting from these oversight responsibilities. CDOT is required to cooperate with the TLRC in carrying out its duties.

Colorado Department of Revenue. The oversight responsibilities of the TLRC include certain activities of the DOR, including driver licensing and registration and titling of motor vehicles. The TLRC's purview includes oversight of any state department or agency that administers laws related to traffic regulation or penalties imposed for violation of traffic laws.

Regional transportation authorities. The TLRC is granted the authority to review the operations of regional transportation authorities in Colorado, including the planning and construction of regional transportation systems (Section 43-2-145 (1.9), C.R.S.). The TLRC may review the authorities' projects to ensure completion in the most cost-effective and efficient manner. The TLRC is authorized to require long-range planning by regional transportation authorities, and may require financial and performance audits of these entities as well.

Public highway authorities. The TLRC is authorized to review the operations of public highway authorities in the state, including the planning and construction of public highway projects by these authorities (Section 43-2-145 (1.5), C.R.S.). The TLRC may review public highway authority projects upon completion to ensure that they were constructed in the most cost-effective and efficient manner. The TLRC may also require public highway authorities to develop long-range plans, and may require financial or performance audits of these entities.

Regional Transportation District. The Regional Transportation District (RTD) is authorized to contract up to 58 percent of its transportation services to private businesses through competitive bidding. RTD must ensure that these companies meet certain standards relating to experience, safety records, and financial responsibility. The TLRC is required to monitor RTD's



implementation of this statutory requirement and recommend any necessary changes to the General Assembly (Section 32-9-119.5 (8) (a), C.R.S.). RTD is also required to ensure that at least 30 percent of its operating costs are funded by farebox revenues, and must prepare its annual budget based on this percentage (Section 32-9-119.7 (3), C.R.S.). In this regard, RTD is required to submit to the TLRC any information, data, testimony, or audits that the committee may request.



Committee Activities

During the 2008 interim, the Transportation Legislation Review Committee (TLRC) held five meetings and met with representatives of 24 agencies and organizations interested in the development and operation of Colorado's transportation system. Major topics addressed by the committee this interim are summarized below.

Colorado Industries Dependent on the State's Transportation Infrastructure

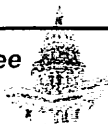
The TLRC was briefed on the status of the Colorado trucking industry and problems associated with the registration of special mobile machinery in the state. The committee was also updated on the status of the freight rail and commercial aviation industries, as well as the dependence of Colorado's agriculture industry on the state's transportation infrastructure.

Trucking. The committee was briefed on the status of the trucking industry in the state by the Colorado Motor Carriers Association. An association representative emphasized the impact of escalating diesel fuel prices on the industry, as well as the burden of state taxation on Colorado's commercial vehicle companies. The representative pointed out that diesel fuel prices have increased by more than 300 percent in the last decade. The representative noted the importance of the trucking industry to the Colorado economy, stating that approximately 83 percent of all commodities are transported by truck in the state. The committee was also updated on:

- efforts to reduce truck emissions;
- new technologies that are being built into commercial vehicles;
- the safety record of the trucking industry; and
- employment levels in the industry.

Colorado registration of special mobile machinery. Special mobile machinery is machinery commonly used in the construction industry. The equipment may or may not be attached to a truck chassis, and may or may not be self-propelled. A motor vehicle is classified as special mobile machinery if the attached machinery is a central part of the operation for which the vehicle was intended. Special mobile machinery registered vehicles are not designed to transport persons or cargo over public highways. Examples include: concrete mixers, backhoes, bulldozers, and trucks with a large generator attached. These vehicles must be registered as special mobile machinery if they are operated (or moved) on public highways. In the case of vehicles with attached machinery, the machinery must weigh more than 500 pounds to be classified as special mobile machinery. Specific ownership tax is collected upon annual registration of special mobile machinery vehicles. Special mobile machinery vehicles are registered in the county at the business address where the vehicle is primarily operated.

Colorado law separates motor vehicles into classes (A through F) for purposes of assessing annual specific ownership taxes. (Section 42-3-106, C.R.S.) Class A motor vehicles include every motor vehicle, truck, truck tractor, trailer, and semi-trailer used to transport persons and property over public highways as an interstate commercial carrier. Class F vehicles include special mobile machinery and self-propelled construction equipment. The equipment may or may not be attached to a truck chassis, and may or may not be self-propelled. The committee heard testimony regarding issues pertaining to the registration of special mobile machinery vehicles based in Colorado, but operated in other states, and special mobile machinery vehicles from other states that are operated in Colorado.



Most of Colorado's neighboring states register special mobile machinery vehicles as Class A vehicles, and do not have a Class F category. All states regulate interstate commercial vehicle registrations under a system called the International Registration Plan (IRP). The IRP is an agreement providing for registration reciprocity between the U.S. states and Canadian provinces for interstate commercial vehicles. The IRP permits an equitable proration of registration revenues among the states in which a commercial vehicle travels. Although Colorado is a signatory to the IRP, the IRP does not recognize Colorado's Class F category of commercial vehicles. Thus, when a Colorado Class F vehicle operator leaves Colorado, the operator must purchase a trip permit from the state it is entering.

Out-of-state trucks with special mobile machinery attached pay registration fees in their home state. The fees are apportioned to the states that the vehicle travels through under the IRP program based on the miles traveled in each state. Although these vehicles have paid registration fees in their base state, upon entering Colorado they are required to pay additional taxes and registration fees on their mobile machinery or mounted equipment, resulting in expense and delays at ports of entry for these special mobile machinery vehicles.

Committee recommendation. To address the issues identified with the registration of special mobile machinery, the committee recommended Bill A. Bill A designates special mobile machinery and self-propelled construction equipment (Class F) operated in interstate commerce as Class A personal property for purposes of imposing the graduated annual specific ownership tax, but specifies the same rate structure as is currently imposed on Class F personal property. By making this designation, the bill clarifies application of the international registration plan to this subset of Class F personal property (i.e., Class F vehicles used in interstate commerce).

The bill separates the registration of special mobile machinery used in interstate commerce into a truck portion, and a mobile machinery portion. It will allow the truck portion of a special mobile machinery vehicle to be apportioned through the IRP program. Colorado special mobile machinery vehicle operators would have an apportioned registration that could be presented to other IRP states. This would eliminate the need for Colorado special mobile machinery operators to obtain a trip permit when entering other states. The mounted equipment on the truck would still be registered as Class F with a county clerk, and would be issued a "Z-Tab" registration specifically for the equipment.

Under Bill A, out-of-state companies that operate special mobile machinery vehicles in Colorado would have the option of purchasing a "Z-Tab" to cover the mounted equipment portion of their vehicle, or allow the vehicle to proceed without payment for the special mobile machinery portion of the vehicle if that portion was taxed by the registering base state.

Truck splash guards. The TLRC also learned that current Colorado law oftentimes results in commercial vehicles being taken out of service when law enforcement officials discover that the vehicles have damaged or missing splash guards. A splash guard is a device designed to minimize the spray of water and other substances to the rear of the vehicle. Current Colorado law requires trucks with an empty weight that exceeds 10,000 pounds to be equipped with splash guards, and that the splash guards be sufficiently wide to cover the tread of the tire being protected. The TLRC heard that truck splash guard violations cause hardship for truck drivers and trucking companies.

Committee recommendation. The committee recommended Bill C, allowing vehicles with deficient splash guards to remain in service until the first reasonable opportunity to replace them.



Freight rail. Representatives of the freight rail industry updated the committee on employment levels in their industry, the industry's capital spending, the relative efficiency of rail, efforts to promote high-speed rail, and problems resulting from residential and commercial growth near train tracks. The committee heard that as fuel prices increase, freight is shifting from trucks to rail.

Commercial aviation update. Representatives of the airline industry updated the committee on the status of commercial aviation in the state. The committee was informed of the importance of the industry to the Colorado economy, the loss of flights originating in Colorado's smaller cities, declining employment in the industry, the industry's commitment to reducing emissions, and the impact of increasing jet fuel costs. In addition, the industry representatives commented on the impact of state taxes on the industry, the status of international flights to Denver, and the industry safety record. The committee discussed the use of fuel hedges by some airlines to offset costs, the need for airlines to change cost structures to reduce expenses, and the need to increase ancillary charges to customers.

Agriculture and transportation. Representatives of the Colorado Department of Agriculture updated the committee on the contribution of agriculture to the state economy, including employment in agricultural production and food processing. Colorado has approximately 107,000 jobs related to the agriculture industry. The representatives discussed several transportation issues in the state that are impacting agricultural production, including rising fuel prices, the condition of bridges in the state, bridge weight limits, and the issuance of temporary certifications by the Colorado Public Utilities Commission for the transportation of seasonal crops. These temporary permits allow farmers who have purchased trucks used in the harvesting of crops to be paid for providing trucking services to other farmers during a harvest. The permits allow farmers to operate a trucking service for a 90-day period each year and may be obtained at a Colorado port of entry. In Colorado, 685,000 trucks and 32,400 rail cars are involved in the annual crop harvest. The annual movement of livestock from processor to market involves approximately 40,000 tractor trailers.

Motor Vehicle Regulation

On the subject of motor vehicle regulation, the committee addressed concerns relating to updating regulation of "scooters" operated on roadways in Colorado. The committee also received a briefing on motor vehicle regulatory activities of the Colorado Department of Revenue.

Low-power self-propelled vehicles. The TLRC heard testimony regarding the dramatic growth in sales of "scooters" in the state. Colorado law defines these vehicles as "motorized bicycles" with engine capacities under 50 cubic centimeters. Increasing sales of the vehicles are being driven by rising fuel prices, environmental concerns, and the fact that the machines are relatively inexpensive.

Colorado law requires operators of "motorized bicycles" to possess a valid driver's license, and to register their vehicles with the Colorado Department of Revenue. Under current law, operators of the vehicles are subject to the same speed limits as are applicable to automobiles, but are excluded from the requirement to obtain liability insurance. Persons under 18 years of age must wear a helmet while operating such vehicles.

The committee heard that current Colorado statutory definitions of the vehicles do not reflect the specifications of vehicle types currently operating on Colorado roadways. The Colorado



Powersports Dealers Association testified that the state's existing statutory definitions of the terms "motor-driven cycle," "motor scooter," and "motorized bicycle" should be modernized and simplified. An association representative said that the existing definitions are redundant and confusing, and should be modified to clearly distinguish the various types of small displacement motor vehicles. Further, the representative suggested that registration and operator licensing requirements for the vehicles be clarified, and that uniform and modern definitions of the vehicles will be of assistance to law enforcement officials.

Committee recommendation. As a result of testimony, the committee recommended Bill D. The bill simplifies Colorado's statutory definitions applicable to low-power self-propelled vehicles; imposes speeding penalties specific to operation of the vehicles; applies compulsory liability insurance laws to operators of low-power scooters; and requires persons selling low-power scooters to obtain a "powersports vehicle distributor license."

Department of Revenue. Representatives of the Colorado Department of Revenue briefed the committee on:

- the opening of new driver's license offices in the state;
- the status of computer systems at the department;
- implementation of the federal REAL ID Act;
- results of a recent audit of driver's license and identification card security procedures;
- departmental coordination of efforts to combat identity theft fraud among federal, state and local governments;
- efforts to ensure the residency status of driver's license applicants;
- security of information stored by the department; and
- renegotiation of the Colorado State Titling and Registration System contract.

Transit in Colorado

The committee received transit-related briefings from the Colorado Association of Transit Agencies (CASTA) and the Regional Transportation District (RTD).

Statewide transit update. The committee was briefed on the status of transit in Colorado by a representative of CASTA. The representative noted that 60 of the state's 64 counties now have some form of transit services available to their residents and stressed the importance of transit to seniors and the disabled. The representative said that the preponderance of transit funding in Colorado originates with local sources and noted CASTA's advocacy of greater levels of state support for transit. The committee also discussed issues pertaining to bus service and traffic safety.

Committee recommendation. Committee deliberation resulted in the recommendation of Bill B. The bill will require motor vehicle drivers behind a transit bus to yield the right-of-way to the bus if the bus, after stopping to allow passengers to board or exit, is signaling an intention to enter traffic and if a yield sign on the back of the bus is illuminated.

Regional Transportation District. The committee heard a briefing regarding the operations of the Regional Transportation District (RTD), the status of planning transit facilities for the FasTracks corridors, declining RTD sales tax revenues, construction cost escalation, and increasing RTD operating expenses, in particular fuel costs.



Representatives of RTD commented on recent increases in RTD bus and light rail ridership, and recent legislation permitting private entities to take advantage of tax-exempt financing through private activity bonds. RTD representatives also stated their intention to increase involvement in public-private partnerships for the provision of transit services.

The committee was informed that the RTD board of directors has not yet made a determination regarding how falling revenues and increasing construction costs will be addressed in the FasTracks program. The committee heard that RTD wishes to honor the intent of the original FasTracks ballot proposal and retain the transportation modes that were promised for each of the FasTracks corridors. The FasTracks program is expected to provide 122 miles of new light rail and commuter rail service in the region, as well as redevelopment of the Denver Union Station.

The committee was updated in regard to RTD's contracting for privately operated bus service and collective bargaining agreements entered into by the district. Approximately 55 percent of RTD bus service is currently operated by private contractors. The committee also received information in regard to RTD's discounted pass programs designed to encourage ridership, as well as preparations made by the agency for the Democratic National Convention. Finally, the TLRC was updated on RTD's use of eminent domain powers to obtain property for transit needs.

Transportation Finance

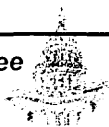
The committee received a briefing regarding planning for future funding and construction to meet state transportation needs, and was updated on the activities of Colorado's three public highway authorities.

Governor's Transportation Finance and Implementation Panel presentation. The Governor's Transportation Finance and Implementation Panel is a 32-member panel created by Governor Ritter in 2007. The governor charged the panel to work with stakeholders from across Colorado to evaluate the state's transportation needs, and to identify long-term programs and funding sources to meet the state's transportation needs.

The panel's final report recommended consideration of five primary revenue sources to provide additional transportation funding, including motor vehicle registration fees, motor fuel taxes, visitor fees, sales and use taxes and severance taxes. The panel identified four funding level recommendations, with new funding of \$1.5 billion as its preferred alternative. The panel's recommendations did not result in the adoption of legislation during the 2008 legislative session. Originally scheduled to conclude its work in June 2008, the panel was extended by Governor Ritter through June 2009, and will make recommendations for the 2009 session of the General Assembly. The Governor's executive order extending the panel directed it to specify critical transportation investments, build a coalition of support for its recommendations, identify possible funding sources, and educate the public and increase awareness regarding the physical and financial condition of the state's transportation system.

The TLRC heard that the panel is currently conducting polling to assist in the development of strategies for public education and is beginning a series of regional meetings in the state to gather further public input. Further, the TLRC heard that the panel may ultimately support a campaign for new transportation resources, potentially a ballot measure in 2009.

Colorado's public highway authorities. The committee heard presentations from Colorado's public highway authorities. Colorado law permits the creation of public highway



authorities by municipal and county governments to construct, finance, operate, and maintain public highways in the state. Public highway authorities may finance construction and operation of roadways through tolls, property taxes, motor vehicle registration fees, sales taxes, and through the issuance of debt. To date, three public highway authorities have been established in Colorado: the E-470 Public Highway Authority, the Northwest Parkway Public Highway Authority, and the Jefferson Parkway Public Highway Authority.

E-470 Public Highway Authority. The E-470 PHA operates a 47-mile toll highway that runs along the eastern perimeter of the Denver metropolitan area. E-470 extends from State Highway C-470 at I-25 in Douglas County south of Denver, runs east and then north through Aurora, passes along the western edge of the Denver International Airport, and turns back towards the west, terminating at I-25 on the north end of the metropolitan area at 157th Avenue. The E-470 PHA authority presented information relating to the authority's revenues and expenditures, the condition of the authority's infrastructure, and the transition of the authority to a "cashless," electronic tolling system.

Northwest Parkway Public Highway Authority. The Northwest Parkway Public Highway Authority operates an 11-mile toll road that connects with E-470 and I-25 at 157th Avenue and turns into a local traffic four-lane arterial allowing access to the Boulder Turnpike. In November 2007, the Northwest Parkway PHA signed a concession agreement with the partnership, Northwest Parkway LLC. This agreement transferred the rights to operate the public highway to the partnership, and paid off bonds that were previously issued by the Northwest Parkway PHA. The TLRC was briefed regarding the potential future extension of the Northwest Parkway and the lease agreement that was signed with a concessionaire to operate the roadway in 2007.

Jefferson Parkway Public Highway Authority. The Jefferson Parkway PHA was recently established to address completion of a section of the beltway ringing the Denver metropolitan region. The existing beltway includes roadways operated by C-470, E-470, and the Northwest Parkway. The remaining section of beltway would link Colorado Highway 128 with Colorado Highway 93 north of Golden. The alignment of the proposed Jefferson Parkway has not yet been determined. The TLRC was briefed in regard to the governance of the new authority, development of requests for proposals by the new authority board of directors, and communications with the City of Golden regarding completion of the metro-area beltway.



Summary of Recommendations

As a result of the committee's activities, the following four bills are recommended to the Colorado General Assembly.

Bill A — Registration of Mobile Machinery Operated in Interstate Commerce

Most of Colorado's neighboring states register special mobile machinery vehicles as Class A vehicles, and do not have a Class F (special mobile machinery) category. This forces Colorado operators of Class F vehicles to purchase trip permits upon entering other states. Out-of-state mobile machinery vehicles entering Colorado are required to pay additional taxes and registration fees on their mobile machinery resulting in expense and delays at ports of entry.

Bill A addresses these issues by designating Colorado mobile machinery vehicles (Class F) *operated in interstate commerce* as Class A vehicles for purposes of imposing the graduated annual specific ownership tax, and specifying the same rate structure as is currently imposed on Class F personal property. Under the bill, out-of-state mobile machinery vehicles operating in Colorado are exempted from payment for the mounted equipment portion of the vehicle if that portion was already taxed by the registering base state, and would be able to purchase a tab to cover the mounted equipment portion of the vehicle if taxes are due.

Bill B — Duty of Drivers to Yield the Right-of-Way to Transit Buses Entering Traffic

Bill B requires motor vehicle drivers behind a transit bus to yield the right-of-way to the bus if the bus, after stopping to allow passengers to board or exit, is signaling an intention to enter traffic and if a yield sign on the back of the bus is illuminated. The bill does not require operators of public mass transit systems to install yield signs on their buses, and does not relieve bus drivers of their duty to drive with due regard for the safety of other motorists.

Bill C — Allowing Vehicles with Deficient Splash Guards to Remain in Service for the Limited Time Necessary to Replace the Splash Guards

Bill C allows vehicles with deficient splash guards to remain in service until the first reasonable opportunity to replace them. A splash guard is a device designed to minimize the spray of water and other substances to the rear of the vehicle. Current Colorado law requires trucks with an empty weight that exceeds 10,000 pounds to be equipped with splash guards, and that the splash guards be sufficiently wide to cover the tread of the tire being protected. Trucks with a damaged or missing mudflap may be put out of service.



Bill D — 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"

Bill D simplifies Colorado's statutory definitions applicable to low-power self-propelled vehicles, creates a category of speeding penalties specific to the vehicles, imposes a requirement for the purchase of liability insurance, and mandates the licensure of companies selling the vehicles. Specifically, Bill D:

- replaces several categories of self-propelled vehicles in Colorado law, including "motor-driven cycle," "motor scooter," and motorized bicycle" with the two categories "motorcycle" and "low-power scooter";
- defines "low-power scooter" as a vehicle with not more than 3 wheels, no manual clutch, and a power capacity under 50 cubic centimeters or 4,476 watts;
- puts new speeding penalties in place for scooter operators who exceed 40 miles per hour, specifically:
 - ▶ a fine of \$56 for traveling 41 to 44 miles per hour;
 - ▶ a fine of \$85 and 2 points for traveling 45 to 49 miles per hour; and
 - ▶ 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; and
- specifies that drug and alcohol driving offenses apply to operators of low-power scooters, farm tractors, and off-highway vehicles, but not to bicycle operators.



Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, (303-866-4900). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2008/08interim.htm

Meeting Date and Topics Discussed

July 8, 2008

- ◆ Department of Revenue update
- ◆ Review of commercial vehicle statutes
- ◆ Dependence of the agriculture industry on transportation infrastructure
- ◆ Democratic National Convention transportation needs and taxi service
- ◆ Colorado aviation industry update
- ◆ Colorado Motor Carriers Association trucking industry overview

July 23, 2008

- ◆ Colorado public highway authorities
- ◆ "Context sensitive solutions" for transportation projects
- ◆ Report from Denver Regional Council of Governments

August 5, 2008

- ◆ Colorado Department of Transportation (CDOT) update
- ◆ CDOT 2035 Statewide Transportation Plan
- ◆ Congestion-based pricing of transportation services
- ◆ Public-private partnerships to provide transportation facilities
- ◆ Lessons from the Pennsylvania toll road sale
- ◆ Tolling and public-private partnerships
- ◆ Report of the Regional Transportation District
- ◆ Planning of future construction in the Interstate 70 corridor
- ◆ Transportation demand management

August 18, 2008

- ◆ Consideration of legislation



September 16, 2008

- ◆ Colorado freight rail industry overview
- ◆ Colorado air transport industry update
- ◆ Nuclear energy in Colorado
- ◆ Status report on transit services in Colorado



First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL A

LLS NO. 09-0085.01 Esther van Mourik

HOUSE BILL

HOUSE SPONSORSHIP

Sonnenberg, Fischer, Levy, Marostica, McFadyen, McNulty, Primavera, Rice, Vaad

SENATE SPONSORSHIP

Renfro, Gibbs, Spence, Williams

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGISTRATION OF MOBILE MACHINERY OPERATED
102 IN INTERSTATE COMMERCE.

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. Designates every item of mobile machinery and self-propelled construction equipment operated in interstate commerce as Class A personal property for purposes of imposing graduated annual specific ownership tax, but specifies the same rate structure currently applied to Class F personal property. By classifying this particular subset of Class F personal property as Class A personal property, clarifies application of the

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.

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17

international registration plan, or any successor plan, to this subset of Class F personal property.

Makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 42-3-106 (2) (a) and (2) (e), Colorado Revised
3 Statutes, are amended to read:

4 **42-3-106. Tax imposed - classification - taxable value.** (2) For
5 the purpose of imposing graduated annual specific ownership taxes, the
6 personal property specified in section 6 of article X of the state
7 constitution is classified as follows:

8 (a) Every motor vehicle, truck, laden or unladen truck tractor,
9 trailer, and semitrailer used in the business of transporting persons or
10 property over any public highway in this state as an interstate commercial
11 carrier, AND EVERY ITEM OF MOBILE MACHINERY AND SELF-PROPELLED
12 CONSTRUCTION EQUIPMENT OPERATED IN INTERSTATE COMMERCE, for
13 which an application is made for apportioned registration, regardless of
14 base jurisdiction, shall be Class A personal property.

15 (e) EXCEPT AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION
16 (2), every item of mobile machinery and self-propelled construction
17 equipment required to be registered under this article shall be Class F
18 personal property.

19 **SECTION 2.** 42-3-107 (1) (a) (I), the introductory portion to
20 42-3-107 (2), 42-3-107 (3), (14), and (15) (a), the introductory portions
21 to 42-3-107 (15) (b) and (15) (c), and 42-3-107 (15) (d), (15) (f), and (17)
22 (a) (III), Colorado Revised Statutes, are amended, and the said 42-3-107
23 is further amended BY THE ADDITION OF A NEW SUBSECTION, to
24 read:

1 **42-3-107. Taxable value of classes of property - rate of tax -**
2 **when and where payable - department duties - apportionment of tax**
3 **collections - definitions.** (1) (a) (I) The taxable value of every item of
4 Class A or Class B personal property, OTHER THAN ITEMS OF MOBILE
5 MACHINERY AND SELF-PROPELLED CONSTRUCTION EQUIPMENT OPERATED
6 IN INTERSTATE COMMERCE THAT ARE CLASSIFIED AS CLASS A PERSONAL
7 PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a), greater than sixteen
8 thousand pounds declared empty vehicle weight shall be the actual
9 purchase price of such property. Such price shall not include any
10 applicable federal excise tax, including the excise tax on the first retail
11 sale of a heavy truck, trailer, or tractor for which the seller is liable,
12 transportation or shipping costs, or preparation and delivery costs. The
13 taxable value of every item of Class A or Class B personal property,
14 OTHER THAN ITEMS OF MOBILE MACHINERY AND SELF-PROPELLED
15 CONSTRUCTION EQUIPMENT OPERATED IN INTERSTATE COMMERCE THAT
16 ARE CLASSIFIED AS CLASS A PERSONAL PROPERTY AS SPECIFIED IN
17 SECTION 42-3-106 (2) (a), less than or equal to sixteen thousand pounds
18 declared empty vehicle weight shall be seventy-five percent of the
19 manufacturer's suggested retail price.

20 (2) EXCEPT AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION,
21 the annual specific ownership tax payable on every item of Class A
22 personal property shall be computed in accordance with the following
23 schedule:

24 (2.5) THE ANNUAL SPECIFIC OWNERSHIP TAX PAYABLE ON EVERY
25 ITEM OF MOBILE MACHINERY AND SELF-PROPELLED CONSTRUCTION
26 EQUIPMENT OPERATED IN INTERSTATE COMMERCE THAT IS CLASSIFIED AS
27 CLASS A PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a)
28 SHALL BE COMPUTED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

1 Colorado and registered for the first time in Colorado. Such actual
2 purchase price shall not be used unless the department receives or has
3 received a manufacturer's statement or certificate of origin for such
4 vehicle. The department shall provide continuing supplements of such
5 compilation to each authorized agent in order that the agent may have
6 available current information relative to the manufacturer's suggested
7 retail price of newly manufactured items.

8 (15) (a) The property tax administrator shall compile and have
9 printed a comprehensive schedule of all vehicles defined and designated
10 as Class F personal property AND OF ALL ITEMS OF MOBILE MACHINERY
11 AND SELF-PROPELLED CONSTRUCTION EQUIPMENT OPERATED IN
12 INTERSTATE COMMERCE THAT ARE CLASSIFIED AS CLASS A PERSONAL
13 PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a), wherein all such
14 vehicles shall be listed according to make, model, year of manufacture,
15 capacity, weight, and any other terms that serve to describe such vehicles.

16 (b) Except as provided in paragraph (c) of this subsection (15) for
17 property acquired prior to January 1, 1997, the taxable value of Class F
18 personal property AND OF ITEMS OF MOBILE MACHINERY AND
19 SELF-PROPELLED CONSTRUCTION EQUIPMENT OPERATED IN INTERSTATE
20 COMMERCE THAT ARE CLASSIFIED AS CLASS A PERSONAL PROPERTY AS
21 SPECIFIED IN SECTION 42-3-106 (2) (a) shall be determined by the property
22 tax administrator and shall be either:

23 (c) The taxable value of Class F personal property AND OF ITEMS
24 OF MOBILE MACHINERY AND SELF-PROPELLED CONSTRUCTION EQUIPMENT
25 OPERATED IN INTERSTATE COMMERCE THAT ARE CLASSIFIED AS CLASS A
26 PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a) acquired
27 on or after January 1, 1997, shall be determined by the property tax
28 administrator and shall be either:

1 (d) By whichever of the above three methods determined, the
2 taxable value of ~~each~~ EVERY item of Class F personal property AND OF
3 EVERY ITEM OF MOBILE MACHINERY AND SELF-PROPELLED CONSTRUCTION
4 EQUIPMENT OPERATED IN INTERSTATE COMMERCE THAT IS CLASSIFIED AS
5 CLASS A PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a)
6 shall be listed opposite its description in the schedule required by this
7 subsection (15) to be compiled by the property tax administrator.

8 (f) The county clerk and recorder shall include the value of all
9 equipment that has been mounted on or attached to Class F personal
10 property AND OF ALL ITEMS OF MOBILE MACHINERY AND SELF-PROPELLED
11 CONSTRUCTION EQUIPMENT OPERATED IN INTERSTATE COMMERCE THAT
12 ARE CLASSIFIED AS CLASS A PERSONAL PROPERTY AS SPECIFIED IN
13 SECTION 42-3-106 (2) (a) in the calculation of the annual specific
14 ownership tax. The registrations for such personal property and
15 equipment shall be made available to the county assessor.

16 (17) (a) For purposes of this subsection (17), unless the context
17 otherwise requires:

18 (III) "Special mobile machinery" means every item of Class F
19 personal property described in section 42-3-106 (2) (e), AND EVERY ITEM
20 OF MOBILE MACHINERY AND SELF-PROPELLED CONSTRUCTION EQUIPMENT
21 OPERATED IN INTERSTATE COMMERCE THAT IS CLASSIFIED AS CLASS A
22 PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a), that is
23 required to be registered under section 42-3-103.

24 **SECTION 3.** 42-3-304 (18) (a) and (24), Colorado Revised
25 Statutes, are amended to read:

26 **42-3-304. Registration fees - passenger and passenger-mile**
27 **taxes - clean screen fund.** (18) (a) In addition to any other fee imposed
28 by this section, the owner shall pay, at the time of registration, a fee of

1 fifty cents on every item of Class A, B, or C personal property, OTHER
2 THAN ITEMS OF MOBILE MACHINERY AND SELF-PROPELLED CONSTRUCTION
3 EQUIPMENT OPERATED IN INTERSTATE COMMERCE THAT ARE CLASSIFIED
4 AS CLASS A PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2)
5 (a), required to be registered pursuant to this article. ~~Such~~ THE fee shall
6 be transmitted to the state treasurer, who shall credit ~~the same~~ IT to a
7 special account within the highway users tax fund, to be known as the
8 AIR account, and such moneys shall be used, subject to appropriation by
9 the general assembly, to cover the direct costs of the motor vehicle
10 emissions activities of the department of public health and environment
11 in the presently defined nonattainment area, and to pay for the costs of the
12 AIR QUALITY CONTROL commission in performing its duties under section
13 25-7-106.3, C.R.S. In the program areas within counties affected by this
14 article, the authorized agent shall impose and retain an additional fee of
15 up to seventy cents on every such registration to cover reasonable costs
16 of administration of the emissions compliance aspect of vehicle
17 registration. The department of public health and environment may
18 accept and expend grants, gifts, and moneys from any source for the
19 purpose of implementing its duties and functions under this section or
20 section 25-7-106.3, C.R.S.

21 (24) In addition to any other fee imposed by this section, at the
22 time of registration, the owner shall pay a fee of twenty-five cents on
23 every item of Class A, B, or C personal property, OTHER THAN ITEMS OF
24 MOBILE MACHINERY AND SELF-PROPELLED CONSTRUCTION EQUIPMENT
25 OPERATED IN INTERSTATE COMMERCE THAT ARE CLASSIFIED AS CLASS A
26 PERSONAL PROPERTY AS SPECIFIED IN SECTION 42-3-106 (2) (a), required
27 to be registered pursuant to this article. Notwithstanding the requirements
28 of section 43-4-203, C.R.S., ~~such~~ THE fee shall be transmitted to the state

1 treasurer, who shall credit ~~the same~~ IT to the peace officers standards and
2 training board cash fund, created in section 24-31-303 (2) (b), C.R.S.;
3 except that county ~~clerks~~ CLERK and recorders shall be entitled to retain
4 five percent of the fee collected to cover the ~~clerks'~~ CLERK AND
5 RECORDERS' expenses in the collection and remittance of ~~such~~ THE fee.
6 All of the moneys in the fund that are collected pursuant to this
7 subsection (24) shall be used by the peace officers standards and training
8 board for the purposes specified in section 24-31-310, C.R.S.

9 **SECTION 4. Effective date.** (1) This act shall take effect
10 January 1, 2010.

11 (2) However, if a referendum petition is filed against this act or
12 an item, section, or part of this act during the 90-day period after final
13 adjournment of the general assembly that is allowed for submitting a
14 referendum petition pursuant to article V, section 1 (3) of the state
15 constitution, then the act, item, section, or part, shall not take effect unless
16 approved by the people at a biennial regular general election and shall
17 take effect on the date specified in subsection (1) or on the date of the
18 official declaration of the vote thereon by proclamation of the governor,
19 whichever is later.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL B

LLS NO. 09-0087.01 John Hershey

HOUSE BILL

HOUSE SPONSORSHIP

Rice, Fischer, Levy, Marostica, McFadyen, Merrifield, Primavera

SENATE SPONSORSHIP

Gibbs, Williams

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE DUTY OF DRIVERS TO YIELD THE RIGHT-OF-WAY TO
102 TRANSIT BUSES ENTERING TRAFFIC.

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. Requires drivers of vehicles behind a transit bus to yield the right-of-way to the bus if:

- The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and
- A yield sign on the back of the transit bus is illuminated

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT

Dashes through the words indicate deletions from existing statute.

25

when the driver of the bus is attempting to enter a traffic lane.

Specifies that a public mass transit operator is not required to install yield signs on its transit buses and that a driver of a transit bus is not relieved from the duty to drive with due regard for the safety of all persons using the roadway.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 7 of article 4 of title 42, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **42-4-713. Yielding right-of-way to transit buses - definitions**
6 **- penalty.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "PUBLIC MASS TRANSIT OPERATOR" HAS THE SAME MEANING AS
9 IN SECTION 43-1-102 (5), C.R.S.

10 (b) "TRANSIT BUS" MEANS A BUS OPERATED BY A PUBLIC MASS
11 TRANSIT OPERATOR.

12 (2) DRIVERS OF VEHICLES BEHIND A TRANSIT BUS SHALL YIELD THE
13 RIGHT-OF-WAY TO THE BUS IF:

14 (a) THE DRIVER OF THE TRANSIT BUS, AFTER STOPPING TO ALLOW
15 PASSENGERS TO BOARD OR EXIT, IS SIGNALING AN INTENTION TO ENTER A
16 TRAFFIC LANE; AND

17 (b) A YIELD SIGN AS DESCRIBED IN SUBSECTION (3) OF THIS
18 SECTION IS DISPLAYED AND ILLUMINATED ON THE BACK OF THE TRANSIT
19 BUS.

20 (3) THE YIELD SIGN REFERRED TO IN PARAGRAPH (b) OF
21 SUBSECTION (2) OF THIS SECTION SHALL:

22 (a) WARN A DRIVER OF A VEHICLE BEHIND THE TRANSIT BUS THAT

1 THE DRIVER IS REQUIRED TO YIELD WHEN THE BUS IS ENTERING A TRAFFIC
2 LANE; AND

3 (b) BE ILLUMINATED WHEN THE DRIVER OF THE TRANSIT BUS IS
4 ATTEMPTING TO ENTER A TRAFFIC LANE.

5 (4) THIS SECTION DOES NOT REQUIRE A PUBLIC MASS TRANSIT
6 OPERATOR TO INSTALL YIELD SIGNS AS DESCRIBED IN SUBSECTION (3) OF
7 THIS SECTION ON TRANSIT BUSES OPERATED BY THE PUBLIC MASS TRANSIT
8 OPERATOR.

9 (5) THIS SECTION DOES NOT RELIEVE A DRIVER OF A TRANSIT BUS
10 FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL
11 PERSONS USING THE ROADWAY.

12 **SECTION 2. Effective date.** This act shall take effect at 12:01
13 a.m. on the day following the expiration of the ninety-day period after
14 final adjournment of the general assembly that is allowed for submitting
15 a referendum petition pursuant to article V, section 1 (3) of the state
16 constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009);
17 except that, if a referendum petition is filed against this act or an item,
18 section, or part of this act within such period, then the act, item, section,
19 or part, if approved by the people, shall take effect on the date of the
20 official declaration of the vote thereon by proclamation of the governor.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL C

LLS NO. 09-0088.01 Kate Meyer

SENATE BILL

SENATE SPONSORSHIP

Williams, Gibbs, Renfroe, Spence

HOUSE SPONSORSHIP

Sonnenberg, Fischer, Levy, Marostica, McFadyen, McNulty, Merrifield, Primavera, Rice, Vaad

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING VEHICLES WITH DEFICIENT SPLASH GUARDS**
102 **TO REMAIN IN SERVICE FOR THE LIMITED TIME NECESSARY TO**
103 **REPLACE THE SPLASH GUARDS.**

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. Allows vehicles with deficient splash guards to remain in service until the first reasonable opportunity to replace the splash guards.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.

DRAFT

Dashes through the words indicate deletions from existing statute.

29

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 42-4-1407.5 (2), Colorado Revised Statutes, is
3 amended to read:

4 **42-4-1407.5. Splash guards - when required.** (2) Except as
5 otherwise permitted in this section, no vehicle or motor vehicle shall be
6 driven or moved on any street or highway unless the vehicle or motor
7 vehicle is equipped with splash guards. HOWEVER, VEHICLES AND MOTOR
8 VEHICLES WITH SPLASH GUARDS THAT VIOLATE THIS SECTION SHALL BE
9 ALLOWED TO REMAIN IN SERVICE FOR THE TIME NECESSARY TO CONTINUE
10 TO A PLACE WHERE THE DEFICIENT SPLASH GUARDS WILL BE REPLACED.
11 SUCH REPLACEMENT SHALL OCCUR AT THE FIRST REASONABLE
12 OPPORTUNITY.

13 **SECTION 2. Effective date - applicability.** (1) This act shall
14 take effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly that is
16 allowed for submitting a referendum petition pursuant to article V,
17 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
18 sine die is on May 6, 2009); except that, if a referendum petition is filed
19 against this act or an item, section, or part of this act within such period,
20 then the act, item, section, or part, if approved by the people, shall take
21 effect on the date of the official declaration of the vote thereon by
22 proclamation of the governor.

23 (2) The provisions of this act shall apply to traffic infractions
24 committed on or after the applicable effective date of this act.

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL D

LLS NO. 09-0092.01 Jery Payne

HOUSE BILL

HOUSE SPONSORSHIP

Marostica, Fischer, McFadyen, Rice, Vaad

SENATE SPONSORSHIP

Williams, Spence

House Committees

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

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Capital letters indicate new material to be added to existing statute.

DRAFT

Dashes through the words indicate deletions from existing statute.

31

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
28 registration as a motor vehicle is not required which produces a maximum

1 noise exceeding the following noise limit, at a distance of fifty feet from
2 the center of the lane of travel or fifty feet or more from a vehicle
3 designed for off-highway use, under test procedures established by the
4 department of revenue:

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

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

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

11 **25-12-107. Powers of local authorities.** (1) Counties or
12 municipalities may adopt resolutions or ordinances prohibiting the
13 operation of motor vehicles within their respective jurisdictions which
14 produce noise in excess of the sound levels in decibels, measured on the
15 "A" scale on a standard sound level meter having characteristics
16 established by the American National Standards Institute, Publication
17 S1.4 - 1971, and measured at a distance of fifty feet from the center of the
18 lane of travel, or fifty feet or more from a vehicle designed for
19 off-highway use and within the speed limits specified in this section:

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

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

27 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,

1 unless the context otherwise requires:

2 (48.5) (a) "LOW-POWER SCOOTER" MEANS A SELF-PROPELLED
3 VEHICLE WITH NOT MORE THAN THREE WHEELS IN CONTACT WITH THE
4 GROUND, NO MANUAL CLUTCH, AND EITHER OF THE FOLLOWING:

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

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

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

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

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

23 (58) "Motor vehicle" means any self-propelled vehicle which
24 THAT is designed primarily for travel on the public highways and which
25 THAT is generally and commonly used to transport persons and property
26 over the public highways; but EXCEPT THAT the term does not include
27 ~~motorized bicycles as defined in paragraph (b) of subsection (59) of this~~
28 ~~section~~ LOW-POWER SCOOTERS, wheelchairs, ~~as defined by subsection~~

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

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

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

19 (103.5) (a) "Toy vehicle" means any vehicle ~~whether or not~~
20 ~~home-built by the user~~, that has wheels ~~with an outside diameter of not~~
21 ~~more than fourteen inches~~ and is not designed ~~approved, or intended for~~
22 use on public ~~roadways or highways~~ OR FOR OFF-ROAD USE.

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

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

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

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

12 **42-2-103. Motorcycles - low-power scooters - driver's license**
13 **required.** (2) (a) An operator of a ~~motorized bicycle~~ LOW-POWER
14 SCOOTER shall possess a valid driver's license or minor driver's license.

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

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

25 **42-2-106. Instruction permits and temporary licenses.**
26 (1) (a) (I) A person who is sixteen years of age or older and who, except
27 for the person's lack of instruction in operating a motor vehicle OR
28 motorcycle, ~~or motor-driven cycle~~, would otherwise be qualified to obtain

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

1 occupies the front seat of the motor vehicle, or if the vehicle is a
2 motorcycle ~~or motor-driven cycle~~, under the immediate proximate
3 supervision of a driver, who is authorized under this article to drive a
4 motorcycle. ~~or motor-driven cycle~~. The permit shall expire three years
5 after issuance.

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

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

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

7 (b) (I) A minor who is fifteen years of age or older and has
8 completed a department-approved driver education course within the last
9 six months may apply for a minor's instruction permit, pursuant to
10 sections 42-2-107 and 42-2-108. Upon presentation of a written or
11 printed statement signed by the parent, stepparent, grandparent with
12 power of attorney, or guardian or foster parent and the instructor of the
13 driver education course that the minor has passed an approved driver
14 education course, the department shall issue the permit entitling the
15 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 the minor
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 also entitle
6 the applicant to drive a motor vehicle, including a motorcycle, ~~or~~
7 ~~motor-driven cycle~~ that is marked to indicate that it is a motor vehicle
8 used for instruction and that is properly equipped for instruction, upon the
9 highways when accompanied by or under the supervision of an approved
10 driver education instructor who holds a valid Colorado driver's license.
11 Driver education instructors giving instruction in motorcycle safety shall
12 have a valid motorcycle driver's license from Colorado and shall have
13 successfully completed an instruction program in motorcycle safety
14 approved by the department. The permit shall expire three years after
15 issuance.

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

1 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
2 proximity to the driver.

3 (III) If the parent, stepparent, grandparent with power of attorney,
4 or guardian or foster parent, who signed the affidavit of liability pursuant
5 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license
6 but holds a valid driver's license from another state and is authorized to
7 drive a motor vehicle OR motorcycle ~~or motor-driven cycle~~ and has proper
8 military identification, then the applicant, while having the permit in the
9 applicant's immediate possession, shall be authorized to drive a motor
10 vehicle, including a motorcycle, ~~or motor-driven cycle~~, under the
11 supervision of the parent, stepparent, grandparent with power of attorney,
12 or guardian or foster parent, who cosigned the application for the minor's
13 instruction permit, if the parent, stepparent, grandparent with power of
14 attorney, or guardian or foster parent occupies the front seat of the motor
15 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
16 proximity to the driver while the minor is driving.

17 (c) A person sixteen years of age or older who, except for his or
18 her lack of instruction in operating a motorcycle ~~or motor-driven cycle~~,
19 would otherwise be qualified to obtain a driver's license under this article
20 to drive a motorcycle ~~or motor-driven cycle~~ may apply for a temporary
21 instruction permit, pursuant to sections 42-2-107 and 42-2-108. The
22 department shall issue the permit entitling the applicant, while having the
23 permit in the applicant's immediate possession, to drive a motorcycle ~~or~~
24 ~~motor-driven cycle~~ upon the highways while under the immediate
25 supervision of a licensed driver, who holds a valid Colorado driver's
26 license and is twenty-one years of age or older, authorized under this
27 article to drive a motorcycle. ~~or motor-driven cycle~~. The permit shall

1 expire three years after issuance.

2 (d) (I) A minor fifteen and one-half years of age but less than
3 sixteen years of age who has completed a four-hour prequalification
4 driver awareness program approved by the department may apply for a
5 minor's instruction permit pursuant to sections 42-2-107 and 42-2-108.
6 Upon presenting a written or printed statement signed by the parent,
7 stepparent, grandparent with power of attorney, or guardian or foster
8 parent of the applicant and documentation that the minor completed the
9 driver awareness program, the department shall issue a permit entitling
10 the applicant, while having the permit in the applicant's immediate
11 possession, to drive a motor vehicle, including a motorcycle, ~~or~~
12 ~~motor-driven cycle~~, under the supervision of the parent, stepparent,
13 grandparent with power of attorney, or guardian or foster parent, who
14 cosigned the application for the minor's instruction permit, if the parent,
15 stepparent, grandparent with power of attorney, or guardian or foster
16 parent holds a valid Colorado driver's license and occupies the front seat
17 of the motor vehicle or, if the vehicle is a motorcycle, ~~or motor-driven~~
18 ~~cycle~~, is authorized under this article to drive a motorcycle ~~or~~
19 ~~motor-driven cycle~~ and is in close proximity to the driver while he or she
20 is driving. In addition, the parent, stepparent, grandparent with power of
21 attorney, or guardian or foster parent, who is authorized pursuant to this
22 section to supervise the minor driver while the minor is driving, may
23 allow the minor, while having the permit in the applicant's immediate
24 possession, to drive with an individual who holds a valid driver's license
25 and is twenty-one years of age or older for additional driving experience,
26 but such additional driving experience shall not count toward the
27 requirement established in section 42-2-104. The permit shall expire
28 three years after issuance.

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

16 (III) If the parent, stepparent, grandparent with power of attorney,
17 or guardian or foster parent, who signed the affidavit of liability pursuant
18 to section 42-2-108 (1) (a), does not hold a valid Colorado driver's license
19 but holds a valid driver's license from another state and is authorized to
20 drive a motor vehicle OR motorcycle or ~~motor-driven cycle~~ and has proper
21 military identification, then the applicant, while having the permit in the
22 applicant's immediate possession, shall be authorized to drive a motor
23 vehicle, including a motorcycle, or ~~motor-driven cycle~~, under the
24 supervision of the parent, stepparent, grandparent with power of attorney,
25 or guardian or foster parent, who cosigned the application for the minor's
26 instruction permit, if the parent, stepparent, grandparent with power of
27 attorney, or guardian or foster parent occupies the front seat of the motor

1 vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is in close
2 proximity to the driver while the minor is driving.

3 (e) Repealed.

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

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

10 **42-2-127. Authority to suspend license - to deny license - type**
11 **of conviction - points.** (5) Point system schedule:

12 Type of conviction	Points
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13 (f) Speeding:

14 (VI) ONE TO FOUR MILES PER HOUR OVER THE MAXIMUM LAWFUL 15 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER 16	0
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17 (VII) FIVE TO NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL 18 SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER 19	2
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20 (VIII) GREATER THAN NINE MILES PER HOUR OVER THE MAXIMUM 21 LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER 22 SCOOTER	4
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23 **SECTION 11.** 42-3-301 (2)(a) (VIII), Colorado Revised Statutes,
24 is amended to read:

25 **42-3-301. License plate cash fund - license plate fees.**

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

1 pursuant to this article and shall be:

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

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

6 **42-3-304. Registration fees - passenger and passenger-mile**
7 **taxes - clean screen fund.** (4) Upon registration, the owner of each
8 motorcycle ~~or-motorscooter~~ shall pay a surcharge of four dollars, which
9 shall be credited to the motorcycle operator safety training fund created
10 in section 43-5-504, C.R.S.

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

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

19 (a) A dealer in motor vehicles, trailers, and semitrailers, except
20 dealers in motorcycles, ~~motorscooters, and motorbicycles,~~ shall pay to the
21 department an annual fee of thirty dollars for the first license plate issued
22 pursuant to section 42-3-116 (1), and a fee of seven dollars and fifty cents
23 for each additional license plate so issued up to and including five, and
24 a fee of ten dollars for each license plate so issued in excess of five; and

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

27 **42-3-305. Registration fees - passenger and passenger-mile**

1 **taxes - fee schedule for years of TABOR surplus revenue -**
2 **applicability.** (2) Fees for the annual registration of passenger-carrying
3 motor vehicles shall be as follows:

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

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

8 **42-3-306. Registration fees - passenger and passenger-mile**
9 **taxes - fee schedule for years in which TABOR surplus revenue is**
10 **insufficient.** (2) Fees for the annual registration of passenger-carrying
11 motor vehicles shall be as follows:

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

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

15 **42-3-310. Additional registration fees - apportionment of fees.**

16 (4) Two dollars and fifty cents of each annual vehicle registration fee
17 imposed by sections 42-3-304 to 42-3-306, exclusive of the annual
18 registration fees prescribed for motorcycles, ~~motorscooters,~~
19 ~~motorbicycles~~, trailer coaches, mobile machinery and self-propelled
20 construction equipment, and trailers having an empty weight of two
21 thousand pounds or less and exclusive of a registration fee paid for a
22 fractional part of a year, shall not be transmitted to the department but
23 shall be paid over by the authorized agent, as collected, to the county
24 treasurer, who shall credit the same to an account entitled "apportioned
25 vehicle registration fees". On the tenth day of each month, the county
26 treasurer shall apportion the balance in such account existing on the last
27 day of the immediately preceding month between the county and the cities
28 and incorporated towns located within the boundaries of the county on the

1 basis of the record of rural and urban registrations that indicates the place
2 of residence of each vehicle owner.

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

5 **42-3-311. Low-power scooter registration - fee.** (1) Every
6 ~~motorized bicycle~~ LOW-POWER SCOOTER sold in this state shall have an
7 identification number stamped on its frame, which number shall be
8 recorded upon registration. ~~Motorized bicycles~~ A LOW-POWER SCOOTER
9 shall be registered with the department, ~~and such registration~~ WHICH
10 REGISTRATION shall be evidenced by a number decal that is securely
11 affixed to the ~~motorized bicycle~~ LOW-POWER SCOOTER frame in a
12 conspicuous place. Registration shall be valid for a period of three years,
13 and the fee for such registration shall be five dollars. Retail sellers of
14 ~~motorized bicycles~~ LOW-POWER SCOOTERS shall retain one dollar from
15 each such fee, and four dollars of each such fee shall be forwarded
16 monthly to the department for deposit in the state treasury to the credit of
17 the highway users tax fund.

18 (2) The general assembly shall make appropriations from the fund
19 for the expenses of the administration of this section, and any fees
20 credited to the fund pursuant to this subsection (1) OF THIS SECTION in
21 excess of the amount of the appropriations shall be allocated and
22 expended as specified in section 43-4-205 (5.5) (f), C.R.S. The
23 department shall promulgate rules authorizing retail sellers of ~~motorized~~
24 ~~bicycles~~ LOW-POWER SCOOTERS to be agents of the department for such
25 registration.

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

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

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

18 (3) No ~~motorized bicycle~~ ~~LOW-POWER SCOOTER~~ shall be used to
19 carry more persons at one time than the number for which it is designed
20 and equipped.

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

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

28 (6) Persons riding ~~motorized bicycles~~ ~~LOW-POWER SCOOTERS~~ upon

1 a roadway shall not ride more than two abreast except on lanes or parts
2 of roadways set aside for the exclusive use of bicycles.

3 (6.5) A person under the age of eighteen years may not operate or
4 carry a passenger who is under eighteen years of age on a ~~motorized~~
5 ~~bicycle on a highway in this state~~ LOW-POWER SCOOTER unless the person
6 and the passenger are wearing protective helmets in accordance with the
7 provisions of section 42-4-1502 (4.5).

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

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

21 **42-4-111. Powers of local authorities.** (1) The provisions of this
22 article shall not be deemed to prevent local authorities, with respect to
23 streets and highways under their jurisdiction and within the reasonable
24 exercise of the police power, except those streets and highways which are
25 parts of the state highway system which are subject to the provisions of
26 section 43-2-135, C.R.S., from:

27 (z) Regulating the operation of ~~motorized bicycles~~ LOW-POWER

1 SCOOTERS, consistent with the provisions of this article; except that local
2 authorities shall be prohibited from establishing any requirements for the
3 registration and licensing of ~~motorized bicycles~~ LOW-POWER SCOOTERS;

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

6 **42-4-205. Head lamps on motor vehicles.** (1) Every motor
7 vehicle other than a motorcycle or ~~motor-driven cycle~~ shall be equipped
8 with at least two head lamps with at least one on each side of the front of
9 the motor vehicle, which head lamps shall comply with the requirements
10 and limitations set forth in sections 42-4-202 and 42-4-204 to 42-4-231
11 and part 3 of this article where applicable. ~~thereto.~~

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

17 (3) Every head lamp upon every motor vehicle, including every
18 motorcycle, and ~~motor-driven cycle~~ shall be located at a height measured
19 from the center of the head lamp of not more than fifty-four inches nor
20 less than twenty-four inches, to be measured as set forth in section
21 42-4-204 (3).

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

24 **42-4-206. Tail lamps and reflectors.** (5) Every new motor
25 vehicle sold and operated on and after January 1, 1958, upon a highway
26 shall carry on the rear, whether as a part of the tail lamps or separately,
27 two red reflectors; except that every motorcycle and ~~every motor-driven~~
28 ~~cycle~~ shall carry at least one reflector meeting the requirements of this

1 section, and vehicles of the type mentioned in section 42-4-207 shall be
2 equipped with reflectors as required in those sections applicable thereto.

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

5 **42-4-208. Stop lamps and turn signals.** (2) No person shall sell
6 or offer for sale or operate on the highways any motor vehicle registered
7 in this state and manufactured or assembled after January 1, 1958, unless
8 it is equipped with at least two stop lamps meeting the requirements of
9 section 42-4-215 (1); except that a motorcycle or ~~motor-driven cycle~~
10 manufactured or assembled after said date shall be equipped with at least
11 one stop lamp meeting the requirements of section 42-4-215 (1).

12 (3) No person shall sell or offer for sale or operate on the
13 highways any motor vehicle, trailer, or semitrailer registered in this state
14 and manufactured or assembled after January 1, 1958, and no person shall
15 operate any motor vehicle, trailer, or semitrailer on the highways when
16 the distance from the center of the top of the steering post to the left
17 outside limit of the body, cab, or load of such motor vehicle exceeds
18 twenty-four inches, unless it is equipped with electrical turn signals
19 meeting the requirements of section 42-4-215 (2). This subsection (3)
20 shall not apply to any motorcycle or ~~motor-driven cycle~~ LOW-POWER
21 SCOOTER.

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

24 **42-4-210. Lamps on parked vehicles.** (2) Whenever a vehicle
25 is parked or stopped upon a roadway or shoulder adjacent thereto,
26 whether attended or unattended, during the hours between sunset and
27 sunrise and there is not sufficient light to reveal any person or object

1 within a distance of one thousand feet upon such highway, such vehicle
2 so parked or stopped shall be equipped with one or more operating lamps
3 meeting the following requirements: At least one lamp shall display a
4 white or amber light visible from a distance of five hundred feet to the
5 front of the vehicle, and the same lamp or at least one other lamp shall
6 display a red light visible from a distance of five hundred feet to the rear
7 of the vehicle, and the location of said lamp or lamps shall always be such
8 that at least one lamp or combination of lamps meeting the requirements
9 of this section is installed as near as practicable to the side of the vehicle
10 ~~which~~ THAT is closer to passing traffic. This subsection (2) shall not
11 apply to a ~~motor-driven cycle~~ LOW-POWER SCOOTER.

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

14 **42-4-211. Lamps on farm equipment and other vehicles and**
15 **equipment.** (4) Every farm tractor and every self-propelled unit of farm
16 equipment or implement of husbandry equipped with an electric lighting
17 system shall, at all times mentioned in section 42-4-204, be equipped with
18 two single-beam head lamps meeting the requirements of section
19 42-4-216 or 42-4-218, respectively, ~~or, as an alternative, section 42-4-220~~
20 ~~(2)~~ and at least one red lamp visible from a distance of not less than five
21 hundred feet to the rear; but every such self-propelled unit of farm
22 equipment other than a farm tractor shall have two such red lamps or, as
23 an alternative, one such red lamp and two red reflectors visible from all
24 distances within six hundred feet to one hundred feet when directly in
25 front of lawful upper beams of head lamps.

26 **SECTION 24.** The introductory portion to 42-4-216 (1) and
27 42-4-216 (2), Colorado Revised Statutes, are amended to read:

28 **42-4-216. Multiple-beam road lights.** (1) Except as provided

1 in this article, the head lamps or the auxiliary driving lamp or the
2 auxiliary passing lamp or combination thereof on motor vehicles, other
3 than motorcycles or ~~motor-driven cycles~~ LOW-POWER SCOOTERS, shall be
4 so arranged that the driver may select at will between distributions of
5 light projected to different elevations, and such lamps may, in addition,
6 be so arranged that such selection can be made automatically, subject to
7 the following limitations:

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

16 SECTION 25. 42-4-220 (1) and (2), Colorado Revised Statutes,
17 are amended to read:

18 42-4-220. **Low-power scooters - lighting equipment -**
19 **department control - use and operation.** (1) (a) ~~Every motorized~~
20 ~~bicycle~~ A LOW-POWER SCOOTER when in use at the times specified in
21 section 42-4-204 shall be equipped with a lamp on the front ~~which~~ THAT
22 shall emit a white light visible from a distance of at least five hundred
23 feet to the front and with a red reflector on the rear, of a type approved by
24 the department, ~~which~~ THAT shall be visible from all distances from fifty
25 feet to three hundred feet to the rear when directly in front of lawful
26 upper beams of head lamps on a motor vehicle. A lamp emitting a red
27 light visible from a distance of five hundred feet to the rear may be used

1 in addition to the red reflector.

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

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

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

14 (a) ~~Every said head lamp or head lamps on a motor-driven cycle~~
15 ~~shall be of sufficient intensity to reveal a person or a vehicle at a distance~~
16 ~~of not less than one hundred feet when the motor-driven cycle is operated~~
17 ~~at any speed less than twenty-five miles per hour, and at a distance of not~~
18 ~~less than two hundred feet when the motor-driven cycle is operated at a~~
19 ~~speed of twenty-five miles or more per hour, and at a distance of not less~~
20 ~~than three hundred feet when the motor-driven cycle is operated at a~~
21 ~~speed of thirty-five or more miles per hour.~~

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

28 (c) ~~In the event the motor-driven cycle is equipped with a~~

1 ~~single-beam lamp, said lamp shall be so aimed that when the vehicle is~~
2 ~~loaded none of the high-intensity portion of light, at a distance of~~
3 ~~twenty-five feet ahead, shall project higher than the level of the center of~~
4 ~~the lamp from which it comes:~~

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

7 **42-4-223. Brakes.** (1) Brake equipment required:

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

12 SECTION 27. 42-4-224 (3), Colorado Revised Statutes, is
13 amended to read:

14 **42-4-224. Horns or warning devices.** (3) No bicycle or
15 ~~motorized bicycle~~ LOW-POWER SCOOTER shall be equipped with nor shall
16 any person use upon a ~~bicycle or motorized bicycle~~ any SUCH VEHICLE A
17 siren or whistle.

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

20 **42-4-232. Minimum safety standards for motorcycles and**
21 **low-power scooters.** (1) No person shall operate any motorcycle or
22 ~~motor-driven cycle~~ LOW-POWER SCOOTER on any public highway in this
23 state unless such person and any passenger thereon is wearing goggles or
24 eyeglasses with lenses made of safety glass or plastic; EXCEPT THAT THIS
25 SUBSECTION (1) SHALL NOT APPLY TO A PERSON WEARING A HELMET
26 CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OF PLASTIC.

27 SECTION 29. 42-4-237 (1) (a), Colorado Revised Statutes, is

1 amended to read:

2 **42-4-237. Safety belt systems - mandatory use - exemptions -**
3 **penalty.** (1) As used in this section:

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

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

13 **42-4-1101. Speed limits.** (8)(g) NOTWITHSTANDING ANY OTHER
14 PROVISION OF THIS SECTION, NO PERSON SHALL DRIVE A LOW-POWER
15 SCOOTER ON A ROADWAY AT A SPEED IN EXCESS OF FORTY MILES PER
16 HOUR. STATE AND LOCAL AUTHORITIES SHALL NOT AUTHORIZE
17 LOW-POWER SCOOTERS TO EXCEED FORTY MILES PER HOUR ON A
18 ROADWAY.

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

22 **42-4-1301. Driving under the influence - driving while**
23 **impaired - driving with excessive alcoholic content - definitions -**
24 **penalties.** (1) (a) It is a misdemeanor for any person who is under the
25 influence of alcohol or one or more drugs, or a combination of both
26 alcohol and one or more drugs, to drive ~~any vehicle~~ A MOTOR VEHICLE,
27 VEHICLE, OR LOW-POWER SCOOTER in this state.

28 (b) It is a misdemeanor for any person who is impaired by alcohol

1 or by one or more drugs, or by a combination of alcohol and one or more
2 drugs, to drive ~~any vehicle~~ A MOTOR VEHICLE, VEHICLE, OR LOW-POWER
3 SCOOTER in this state.

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

8 (f) "Driving under the influence" means driving a MOTOR vehicle,
9 VEHICLE, OR LOW-POWER SCOOTER when a person has consumed alcohol
10 or one or more drugs, or a combination of alcohol and one or more drugs,
11 ~~which alcohol alone, or one or more drugs alone, or alcohol combined~~
12 ~~with one or more drugs~~ THAT affects the person to a degree that the
13 person is substantially incapable, either mentally or physically, or both
14 mentally and physically, to exercise clear judgment, sufficient physical
15 control, or due care in the safe operation of a vehicle.

16 (g) "Driving while ability impaired" means driving a MOTOR
17 vehicle, VEHICLE, OR LOW-POWER SCOOTER when a person has consumed
18 alcohol or one or more drugs, or a combination of both alcohol and one
19 or more drugs, ~~which alcohol alone, or one or more drugs alone, or~~
20 ~~alcohol combined with one or more drugs~~, THAT affects the person to the
21 slightest degree so that the person is less able than the person ordinarily
22 would have been, either mentally or physically, or both mentally and
23 physically, to exercise clear judgment, sufficient physical control, or due
24 care in the safe operation of a vehicle.

25 (h) Pursuant to section 16-2-106, C.R.S., in charging the offense
26 of DUI, it shall be sufficient to describe the offense charged as "drove a
27 MOTOR vehicle under the influence of alcohol or drugs or both" OR

1 "DROVE A VEHICLE OR LOW-POWER SCOOTER UNDER THE INFLUENCE OF
2 ALCOHOL OR DRUGS OR BOTH".

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

8 (2) (a) It is a misdemeanor for any person to drive ~~any~~ A MOTOR
9 vehicle, VEHICLE, OR LOW-POWER SCOOTER in this state when the person's
10 BAC is 0.08 or more at the time of driving or within two hours after
11 driving. During a trial, if the state's evidence raises the issue, or if a
12 defendant presents some credible evidence, that the defendant consumed
13 alcohol between the time that the defendant stopped driving and the time
14 that testing occurred, such issue shall be an affirmative defense, and the
15 prosecution must establish beyond a reasonable doubt that the minimum
16 0.08 blood or breath alcohol content required in this paragraph (a) was
17 reached as a result of alcohol consumed by the defendant before the
18 defendant stopped driving.

19 (a.5) (I) It is a class A traffic infraction for any person under
20 twenty-one years of age to drive ~~any~~ A MOTOR vehicle, VEHICLE, OR
21 LOW-POWER SCOOTER in this state when the person's BAC, as shown by
22 analysis of the person's breath, is at least 0.02 but not more than 0.05 at
23 the time of driving or within two hours after driving. The court, upon
24 sentencing a defendant pursuant to this subparagraph (I), may, in addition
25 to any penalty imposed under a class A traffic infraction, order that the
26 defendant perform up to twenty-four hours of useful public service,
27 subject to the conditions and restrictions of section 18-1.3-507, C.R.S.,
28 and may further order that the defendant submit to and complete an

1 alcohol evaluation or assessment, an alcohol education program, or an
2 alcohol treatment program at such defendant's own expense.

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

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

12 (I) If at such time the defendant's BAC was 0.05 or less, it shall
13 be presumed that the defendant was not under the influence of alcohol
14 and that the defendant's ability to operate a MOTOR vehicle, VEHICLE, OR
15 LOW-POWER SCOOTER was not impaired by the consumption of alcohol.

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

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

1 (i) (I) Following the lawful contact with a person who has been
2 driving a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER, and when
3 a law enforcement officer reasonably suspects that a person was driving
4 a MOTOR vehicle, VEHICLE, OR LOW-POWER SCOOTER while under the
5 influence of or while impaired by alcohol, the law enforcement officer
6 may conduct a preliminary screening test using a device approved by the
7 executive director of the department of public health and environment
8 after first advising the driver that the driver may either refuse or agree to
9 provide a sample of the driver's breath for such preliminary test; except
10 that, if the driver is under twenty-one years of age, the law enforcement
11 officer may, after providing such advisement to the person, conduct such
12 preliminary screening test if the officer reasonably suspects that the
13 person has consumed any alcohol.

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

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

21 **42-4-1401. Reckless driving - penalty.** (1) ~~Any~~ A person who
22 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER
23 SCOOTER in such a manner as to indicate either a wanton or a willful
24 disregard for the safety of persons or property is guilty of reckless
25 driving. A person convicted of reckless driving of a bicycle or ~~motorized~~
26 ~~bicycle~~ LOW-POWER SCOOTER shall not be subject to the provisions of
27 section 42-2-127.

28 **SECTION 33.** 42-4-1402 (1), Colorado Revised Statutes, is

1 amended to read:

2 **42-4-1402. Careless driving - penalty.** (1) ~~Any~~ A person who
3 drives ~~any~~ A motor vehicle, bicycle, or ~~motorized bicycle~~ LOW-POWER
4 SCOOTER in a careless and imprudent manner, without due regard for the
5 width, grade, curves, corners, traffic, and use of the streets and highways
6 and all other attendant circumstances, is guilty of careless driving. A
7 person convicted of careless driving of a bicycle or ~~motorized bicycle~~
8 LOW-POWER SCOOTER shall not be subject to the provisions of section
9 42-2-127.

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

12 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

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

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

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

27 (5) Testimony of the failure of any owner or operator of a motor

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

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

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

12 **42-4-1701. Traffic offenses and infractions classified -**
13 **penalties - penalty and surcharge schedule.** (4) (a) (I) Except as
14 provided in paragraph (c) of subsection (5) of this section, every person
15 who is convicted of, who admits liability for, or against whom a judgment
16 is entered for a violation of any provision of this title to which the
17 provisions of paragraph (a) or (b) of subsection (5) of this section apply
18 shall be fined or penalized, and have a surcharge levied thereon pursuant
19 to sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in
20 accordance with the penalty and surcharge schedule set forth in
21 sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or
22 surcharge is specified in the schedule, the penalty for class A and class B
23 traffic infractions shall be fifteen dollars, and the surcharge shall be four
24 dollars. These penalties and surcharges shall apply whether the defendant
25 acknowledges the defendant's guilt or liability in accordance with the
26 procedure set forth by paragraph (a) of subsection (5) of this section or is
27 found guilty by a court of competent jurisdiction or has judgment entered
28 against the defendant by a county court magistrate. Penalties and

1 surcharges for violating specific sections shall be as follows:

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

1	42-4-1101 (8) (g) (5 TO 9 MILES PER		
2	HOUR OVER THE MAXIMUM LAWFUL		
3	SPEED LIMIT OF 40 MILES PER HOUR		
4	DRIVING A LOW-POWER SCOOTER)	75.00	10.00
5	42-4-1101 (8) (g) (GREATER THAN 9		
6	MILES PER HOUR OVER THE MAXIMUM		
7	LAWFUL SPEED LIMIT OF 40 MILES PER		
8	HOUR DRIVING A LOW-POWER SCOOTER)	100.00	16.00
9	42-4-1101 (3)	100.00	10.00
10	42-4-1103	50.00	6.00
11	42-4-1104	30.00	6.00

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

14 **42-6-102. Definitions.** As used in this part 1, unless the context
15 otherwise requires:

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

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

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

27 (c) ~~farm tractors, farm trailers, and~~ A FARM TRACTOR, FARM
28 TRAILER, AND ANY other machines and tools used in the production,

1 harvesting, and care of farm products; ~~and~~ OR

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

4 **SECTION 37. Effective date.** Sections 1 and 34 of this act shall
5 take effect July 1, 2010, and the remainder of this act shall take effect
6 July 1, 2009.

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