

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0463.01 Jery Payne x2157

HOUSE BILL 15-1089

HOUSE SPONSORSHIP

Primavera,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION TO DRIVE A KEI VEHICLE ON PUBLIC**
102 **ROADWAYS IF THE KEI VEHICLE IS REGISTERED WITH THE**
103 **STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes a person to drive a kei vehicle on a roadway if it is registered with the division of motor vehicles. A person must be licensed to drive a kei vehicle. The registration costs \$15, specific ownership tax is \$3, and the kei vehicle is issued a license plate. Kei vehicles must follow the rules of the road and cannot be driven on

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.*

limited-access highways or roads with a speed limit that is greater than 55 miles per hour. Kei vehicles must have insurance. To be used on the road, a kei vehicle must have, in good working order:

- ! Brakes;
- ! Headlamps and tail lights;
- ! Turn signals;
- ! A windshield and windshield wipers;
- ! Rear-view mirrors; and
- ! Seatbelts.

The bill also provides for titling kei vehicles as off-highway vehicles.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-1-102, **add** (45.3)
3 as follows:

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

6 (45.3) (a) "KEI VEHICLE" MEANS A VEHICLE, INCLUDING TRUCKS
7 OR VANS, THAT:

8 (I) IS POWERED BY AN INTERNAL COMBUSTION ENGINE WITH A
9 DISPLACEMENT OF ONE THOUSAND CUBIC CENTIMETERS OR LESS OR AN
10 ELECTRICAL MOTOR OF FIFTY-SIX THOUSAND WATTS OR LESS;

11 (II) IS SIXTY-SEVEN INCHES OR LESS IN WIDTH;

12 (III) HAS AN EMPTY WEIGHT OF TWO THOUSAND POUNDS OR LESS;

13 (IV) TRAVELS ON FOUR OR MORE TIRES;

14 (V) HAS A TOP SPEED OF APPROXIMATELY FIFTY-FIVE MILES PER
15 HOUR;

16 (VI) IS EQUIPPED WITH A COMPARTMENT THAT IS AT LEAST
17 TWENTY-FOUR INCHES BY FIFTY INCHES OR A BED FOR HAULING;

18 (VII) HAS AN ENCLOSED PASSENGER CAB; AND

19 (VIII) IS NOT SOLD IN THE UNITED STATES FOR OPERATION ON

1 ROADWAYS.

2 (b) "KEI VEHICLES" ARE ALSO KNOWN AS "KEI TRUCKS",
3 "MICROTRUCKS" AND "UTILITY TRANSPORTATION VEHICLES".

4 (c) A KEI VEHICLE IS NOT A MOTOR VEHICLE.

5 **SECTION 2.** In Colorado Revised Statutes, 42-2-103, **add** (2) (c)
6 as follows:

7 **42-2-103. Motorcycles - low-power scooters - driver's license**
8 **required.** (2) (c) A PERSON SHALL NOT DRIVE A KEI VEHICLE ON A
9 ROADWAY UNLESS THE PERSON POSSESSES A VALID DRIVER'S LICENSE.

10 **SECTION 3.** In Colorado Revised Statutes, 42-3-103, **add** (6) as
11 follows:

12 **42-3-103. Registration required - exemptions - rules.** (6) (a) A
13 PERSON SHALL NOT DRIVE A KEI VEHICLE ON A ROADWAY UNLESS THE
14 OWNER REGISTERS THE KEI VEHICLE WITH THE DEPARTMENT. THE
15 REGISTRATION EXPIRES **THE EARLIER OF ANNUALLY OR WHEN OWNERSHIP**
16 **OF THE KEI VEHICLE IS TRANSFERRED TO ANOTHER PERSON.**

17 (b) A KEI VEHICLE IS NOT SUBJECT TO ANY MOTOR VEHICLE
18 REGISTRATION FEE UNLESS THE FEE IS EXPRESSLY AUTHORIZED FOR A KEI
19 VEHICLE BY ARTICLES 1 AND 3 OF THIS TITLE.

20 (c) **WHEN REGISTERING A KEI VEHICLE, THE OWNER SHALL, IN**
21 **ACCORDANCE WITH SECTION 42-3-105, SHOW PROOF OF INSURANCE OR**
22 **SIGN A STATEMENT OF NONUSE.**

23 (d) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC
24 INFRACTION.

25 **SECTION 4.** In Colorado Revised Statutes, 42-3-107, **add** (29)
26 as follows:

27 **42-3-107. Taxable value of classes of property - rate of tax -**

1 **when and where payable - department duties - apportionment of tax**
2 **collections - definitions - rules - repeal.** (29) THE ANNUAL SPECIFIC
3 OWNERSHIP TAX FOR A KEI VEHICLE IS **THE SAME AS FOR CLASS C**
4 **PERSONAL PROPERTY.**

5 **SECTION 5.** In Colorado Revised Statutes, 42-3-201, **amend** (1)
6 (a) (I) (E) and (1) (a) (I) (F); and **add** (1) (a) (I) (G) as follows:

7 **42-3-201. Number plates furnished - style - periodic reissuance**
8 **- tabs - rules.** (1) (a) (I) The department shall issue to every owner
9 whose vehicle is registered two number plates; except that the department
10 shall issue one number plate for the following:

11 (E) An item of special mobile machinery; ~~or~~

12 (F) An autocycle; OR

13 (G) A KEI VEHICLE.

14 **SECTION 6.** In Colorado Revised Statutes, 42-3-202, **amend** (1)
15 (a) as follows:

16 **42-3-202. Number plates to be attached.** (1) (a) The owner shall
17 attach the number plates assigned to a self-propelled vehicle, other than
18 a motorcycle, autocycle, KEI VEHICLE, or street rod vehicle, to the vehicle
19 with one in the front and the other in the rear. The owner shall attach the
20 number plate assigned to a motorcycle, autocycle, KEI VEHICLE, street rod
21 vehicle, trailer, semitrailer, other vehicle drawn by a motor vehicle, or
22 special mobile machinery to the rear of the vehicle. The owner shall
23 display number plates during the current registration year, except as
24 otherwise provided in this article.

25 **SECTION 7.** In Colorado Revised Statutes, 42-3-203, **amend** (3)
26 (a) (I) and (3) (b) as follows:

27 **42-3-203. Standardized plates - rules.** (3) (a) (I) The department

1 may issue individual temporary registration number plates, tags, or
2 certificates good for a period not to exceed sixty days upon application by
3 an owner of a motor vehicle OR KEI VEHICLE or the owner's agent and the
4 payment of a registration fee of two dollars, one dollar and sixty cents to
5 be retained by the authorized agent or department issuing the plates, tags,
6 or certificates and the remainder to be remitted monthly to the department
7 to be transmitted to the state treasurer for credit to the highway users tax
8 fund.

9 (b) The department may issue to licensed motor vehicle dealers
10 AND POWERSPORTS VEHICLE DEALERS temporary registration number
11 plates, tags, or certificates in blocks of twenty-five upon payment of a fee
12 of twelve dollars and fifty cents for each block of twenty-five, fifty
13 percent thereof to be retained by the county clerk and recorder and the
14 remainder to be remitted monthly to the department to be transmitted to
15 the state treasurer for credit to the highway users tax fund and allocation
16 and expenditure as specified in section 43-4-205 (5.5) (b), C.R.S.

17 **SECTION 8.** In Colorado Revised Statutes, 42-3-301, **amend** (1)
18 (a) as follows:

19 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In
20 addition to the payment of any fees for motor vehicle registration or for
21 the issuance of license plates, decals, or validating tabs, each owner of a
22 motor vehicle OR KEI VEHICLE issued a license plate, decal, or validating
23 tab for a motor vehicle pursuant to this article shall ~~also~~ pay a fee to cover
24 the direct costs of ~~such~~ THE plates, decals, or tabs. ~~The amount of the fee~~
25 ~~imposed pursuant to this section shall be as specified in paragraph (b) of~~
26 ~~subsection (2) of this section.~~

27 **SECTION 9.** In Colorado Revised Statutes, **add** 42-3-315 as

1 follows:

2 **42-3-315. Kei vehicle registration fee.** THE OWNER SHALL
3 PAY A FIFTEEN-DOLLAR FEE TO REGISTER A KEI VEHICLE WITH THE
4 DEPARTMENT. THE DEPARTMENT SHALL TRANSFER THE FEE TO THE STATE
5 TREASURER, WHO SHALL CREDIT THE FEE TO THE COLORADO STATE
6 TITLING AND REGISTRATION ACCOUNT CREATED IN SECTION 42-1-211 (2).

7

8 **SECTION 10.** In Colorado Revised Statutes, **add** 42-4-109.7 as
9 follows:

10 **42-4-109.7. Kei vehicles.** (1) A PERSON DRIVING A KEI VEHICLE
11 UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS SUBJECT TO ALL OF THE
12 DUTIES OF A DRIVER OF A MOTOR VEHICLE UNDER ARTICLES 1 TO 4 OF THIS
13 TITLE EXCEPT THOSE PROVISIONS OF THIS ARTICLE THAT BY THEIR NATURE
14 HAVE NO APPLICATION. UNLESS THE STATUTE SETTING FORTH A PENALTY
15 FOR VIOLATION OF A DUTY SPECIFIES THAT THE PENALTY APPLIES TO A KEI
16 VEHICLE, A VIOLATION OF ANY DUTY IMPOSED UNDER ARTICLES 1 TO 4 OF
17 THIS TITLE IS A CLASS B TRAFFIC INFRACTION.

18 (2) (a) (I) EXCEPT AS PROHIBITED BY THIS SECTION AND SECTION
19 42-3-103, A PERSON MAY DRIVE A KEI VEHICLE ON A ROADWAY THAT HAS
20 A SPEED LIMIT OF FIFTY-FIVE MILES PER HOUR OR LESS.

21 (II) PROHIBITING A PERSON FROM DRIVING A KEI VEHICLE ON A
22 ROADWAY DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE
23 ROADWAY AT AN AT-GRADE INTERSECTION WITH AN AUTHORIZED
24 ROADWAY.

25 (b) A PERSON SHALL NOT DRIVE A KEI VEHICLE ON A
26 LIMITED-ACCESS HIGHWAY.

27 (3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC

1 INFRACTION.

2 **SECTION 11.** In Colorado Revised Statutes, **add** 42-4-242 as
3 follows:

4 **42-4-242. Equipment - Kei vehicles.** (1) A PERSON SHALL NOT
5 DRIVE A KEI VEHICLE ON A ROADWAY UNLESS THE VEHICLE IS EQUIPPED
6 WITH THE FOLLOWING IN GOOD WORKING ORDER:

7 (a) BRAKES THAT ENABLE THE OPERATOR TO MAKE THE WHEELS
8 SKID ON DRY, LEVEL, AND CLEAN PAVEMENT;

9 (b) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL
10 PERSONS AND VEHICLES AT NIGHT AT A DISTANCE OF ONE HUNDRED FEET
11 AHEAD ON A STRAIGHT, LEVEL ROAD;

12 (c) TWO TAIL LIGHTS THAT EMIT A RED LIGHT WHEN THE HEAD
13 LAMPS ARE LIGHTED AND THAT ARE:

14 (I) VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
15 REAR;

16 (II) MOUNTED ON THE REAR OF THE VEHICLE ON THE SAME LEVEL
17 AND AS WIDELY SPACED Laterally AS PRACTICABLE; AND

18 (III) LOCATED AT A HEIGHT OF NOT MORE THAN SEVENTY-TWO
19 INCHES NOR LESS THAN TWENTY INCHES OFF THE GROUND;

20 (d) LAMPS ON THE FRONT AND REAR OF THE VEHICLE THAT
21 INDICATE AN INTENTION TO TURN EITHER TO THE RIGHT OR TO THE LEFT BY
22 FLASHING THE LAMP ON AND OFF AND THAT:

23 (I) ARE LOCATED ON THE SAME LEVEL AND AS WIDELY SPACED
24 Laterally AS PRACTICABLE;

25 (II) DISPLAY A WHITE OR AMBER LIGHT ON THE FRONT; AND

26 (III) DISPLAY RED, ORANGE, OR AMBER LIGHT ON THE REAR;

27 (e) SAFETY GLAZING MATERIAL AT THE FRONT OF THE VEHICLE SO

1 AS TO SERVE AS A WINDSHIELD AND EYE PROTECTION FOR THE DRIVER;
2 (f) A DEVICE CONTROLLED BY THE DRIVER OF THE VEHICLE FOR
3 CLEANING MOISTURE FROM THE WINDSHIELD;
4 (g) A MIRROR THAT REFLECTS TO THE DRIVER AN UNOBSTRUCTED
5 VIEW OF THE ROADWAY FOR AT LEAST TWO HUNDRED FEET BEHIND THE
6 REAR OF THE VEHICLE;
7 (h) SAFETY BELTS FOR EACH PASSENGER OF THE VEHICLE; AND (1)
8 A HORN.

9 (2) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC
10 INFRACTION.

11 **SECTION 12.** In Colorado Revised Statutes, 42-1-211, **amend**
12 (2) as follows:

13 **42-1-211. Colorado state titling and registration system.**

14 (2) There is hereby created the Colorado state titling and registration
15 account in the highway users tax fund for the purpose of providing funds
16 for the development and operation of the Colorado state titling and
17 registration system, including: Operations performed under article 6 of
18 this title; THE REGISTRATION OF KEI VEHICLES; and to cover the costs of
19 administration and enforcement of the motorist insurance identification
20 database program created in section 42-7-604. Moneys received from the
21 fees imposed by section 38-29-138 (1), (2), (4), and (5), C.R.S., and
22 sections 42-1-206 (2) (a), 42-3-107 (22), 42-3-213 (1) (b) (IV), ~~42-6-137~~
23 ~~42-3-315~~, 42-6-137 (1), (2), (4), (5), and (6), and 42-3-304 (18) (d), as
24 well as any moneys received through gifts, grants, and donations to the
25 account from private or public sources for the purposes of this section,
26 shall be credited by the state treasurer to the Colorado state titling and
27 registration account. The general assembly shall appropriate annually the

1 moneys in the Colorado state titling and registration account for the
2 purposes of this subsection (2). If any unexpended and unencumbered
3 moneys remain in the account at the end of a fiscal year, the balance
4 remains in the fund and is not transferred to the general fund or any other
5 fund.

6 **SECTION 13.** In Colorado Revised Statutes, 42-4-1409, **amend**
7 (2), (3) (a), and (5) as follows:

8 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

9 (2) ~~No~~ A person shall ~~operate~~ NOT DRIVE a motor vehicle, KEI VEHICLE,
10 or low-power scooter on ~~the~~ A public ~~highways of this state~~ ROADWAY
11 without a complying policy or certificate of self-insurance in full force
12 and effect as required by law.

13 (3) (a) When an accident occurs or when requested to do so
14 following ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation
15 by a peace officer, ~~an owner or operator~~ THE DRIVER of a motor vehicle,
16 KEI VEHICLE, or low-power scooter shall IMMEDIATELY present to the
17 requesting officer ~~immediate~~ evidence of a complying policy or certificate
18 of self-insurance in full force and effect as required by law.

19 (5) Testimony of the failure of ~~any~~ AN owner or operator of a
20 motor vehicle, KEI VEHICLE, or low-power scooter, to present ~~immediate~~
21 evidence of a complying policy or certificate of self-insurance in full
22 force and effect as required by law, when requested to do so by a peace
23 officer, ~~shall constitute~~ IS prima facie evidence, at a trial concerning a
24 violation charged under subsection (1) or (2) of this section, that ~~such~~ THE
25 owner or operator of a motor vehicle violated subsection (1) or (2) of this
26 section.

27 **SECTION 14.** In Colorado Revised Statutes, 42-6-102, **amend**

1 (11.5) (a) (III), (11.5) (b) introductory portion; and **add** (6.6) as follows:

2 **42-6-102. Definitions.** As used in this part 1, unless the context
3 otherwise requires:

4 (6.6) "KEI VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
5 SECTION 42-1-102 (45.3).

6 (11.5) (a) "Off-highway vehicle" means a self-propelled vehicle
7 that is:

8 (III) Generally and commonly used to transport persons for
9 recreational OR OCCUPATIONAL purposes.

10 (b) "Off-highway vehicle" includes vehicles commonly known as
11 all-terrain vehicles, KEI VEHICLES, and snowmobiles but does not include:

12 **SECTION 15.** In Colorado Revised Statutes, 42-6-148, **amend**
13 (2) as follows:

14 **42-6-148. Off-highway vehicles - sales.** (2) (a) A current
15 off-highway vehicle registration issued under article 14.5 of title 33,
16 C.R.S., is sufficient evidence of ownership to issue a certificate of title
17 under this part 1.

18 (b) IF A KEI VEHICLE DOES NOT HAVE A MANUFACTURER'S VEHICLE
19 IDENTIFICATION NUMBER, THE DEPARTMENT MAY ISSUE A CERTIFICATE OF
20 TITLE BASED UPON:

21 (I) A MANUFACTURER'S STATEMENT OF ORIGIN;

22 (II) A PHYSICAL INSPECTION IN ACCORDANCE WITH SECTION
23 42-6-107 (1) (b);

24 (III) A BILL OF SALE; OR

25 (IV) (A) A MANUFACTURER'S CERTIFICATE, IMPORTER'S
26 CERTIFICATE, OR EXPORT CERTIFICATE FOR A KEI VEHICLE; AND

27 (B) AN AFFIDAVIT BY THE OWNER AFFIRMING OWNERSHIP.

1 **SECTION 16.** In Colorado Revised Statutes, 10-4-601, **amend**
2 (6) and (10) introductory portion; and **add** (5.8) as follows:

3 **10-4-601. Definitions.** As used in this part 6, unless the context
4 otherwise requires:

5 (5.8) "KEI VEHICLE" HAS THE MEANING SET FORTH IN SECTION
6 42-1-102 (45.3), C.R.S.

7 (6) "Motor vehicle" OR "AUTOMOBILE" means a motor vehicle, ~~and~~
8 a low-power scooter, OR A KEI VEHICLE as ~~both terms are~~ defined in
9 section 42-1-102, C.R.S.; except that "motor vehicle" OR "AUTOMOBILE"
10 does not include a toy vehicle, snowmobile, OTHER off-highway vehicle,
11 or vehicle designed primarily for use on rails.

12 (10) "Policy" means ~~an automobile~~ A MOTOR VEHICLE insurance
13 policy providing coverage for all or any of the following coverages:
14 Collision, comprehensive, bodily injury liability, property damage
15 liability, medical payments, and uninsured motorist coverage, or a
16 combination ~~automobile~~ MOTOR VEHICLE policy providing bodily injury
17 liability, property damage liability, medical payments, uninsured motorist,
18 and physical damage coverage, delivered or issued for delivery in this
19 state, insuring a single individual, or husband and wife, or family
20 members residing in the same household, as named insured, and under
21 which the insured vehicles ~~therein~~ designated IN THE POLICY are of the
22 following types only:

23 **SECTION 17.** In Colorado Revised Statutes, 33-14.5-101,
24 **amend** (3) introductory portion, (3) (d), and (3) (g) as follows:

25 **33-14.5-101. Definitions.** As used in this article, unless the
26 context otherwise requires:

27 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle

1 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the
2 ground, ~~which~~ is designed primarily for use off of the public highways,
3 and ~~which~~ is generally and commonly used ~~to transport persons~~ for
4 recreational purposes. "Off-highway vehicle" does not include: ~~the~~
5 ~~following:~~

6 (d) Golf ~~cars~~ CARS;

7 (g) MOTOR vehicles registered ~~pursuant to~~ UNDER article 3 of title
8 42, C.R.S.

9 **SECTION 18. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly (August 5, 2015, if adjournment sine die is on May 6,
13 2015); except that, if a referendum petition is filed pursuant to section 1
14 (3) of article V of the state constitution against this act or an item, section,
15 or part of this act within such period, then the act, item, section, or part
16 will not take effect unless approved by the people at the general election
17 to be held in November 2016 and, in such case, will take effect on the
18 date of the official declaration of the vote thereon by the governor.

19 (2) This act applies to acts committed and applications made on
20 or after January 1, 2016.