2010 Colorado Motor Vehicle Law Resource Book

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SECTION I
OVERVIEW OF STATE AGENCIES ENFORCING AND IMPLEMENTING MOTOR VEHICLE LAWS

The state departments that play a role in motor vehicle regulation in Colorado are the departments of Revenue, Transportation, Public Safety, Regulatory Agencies, and Public Health and Environment. The departments enforce laws to ensure the safe operation of motor vehicles in the state, register and title motor vehicles, and license motor vehicle operators. In addition, the departments regulate motor vehicle emissions, commercial motor vehicle traffic, and the transportation of hazardous materials on state roads and highways.

DEPARTMENT OF REVENUE (DOR), DIVISION OF MOTOR VEHICLES, DIVISION OF MOTOR CARRIER SERVICES

The Division of Motor Vehicles, Department of Revenue, administers the state's motor vehicle laws including: driver licensing, accident reporting, record maintenance, motor vehicle emissions inspection and repair, and titling and registration of motor vehicles. The division also conducts investigations of vehicle and driver documentation fraud, regulates commercial motor vehicle traffic, and licenses commercial vehicle drivers. An overview of the functions of each of the division's sections is provided below.

The ***Driver Control/Traffic Records Section*** maintains the driving records of licensed Colorado drivers, including suspension and revocation of driver's licenses, convictions for traffic violations, and accident records. The section also investigates misconduct and criminal activity involving motor vehicle records and related fraud, provides assistance to law enforcement in the prevention and detection of fraud, and administers the state's motorist insurance database.

The ***Driver's License Section*** issues Colorado driver's licenses, commercial driver's licenses, identification cards, and instruction permits. The section also administers driver license testing and vision screening. Colorado driver's licenses are valid for a period of five years. Commercial driver's licenses must be renewed every four years. The section issues licenses through 52 driver license offices statewide and one renew-by-mail office.

Emissions Control Section. The Colorado Automobile Inspection and Readjustment (AIR) Program is designed to reduce motor vehicle pollution in the state. Under the AIR Program, motor vehicles operated in the counties of Boulder, Broomfield, Denver, Douglas, Jefferson, and parts of Adams, Arapahoe, El Paso, Larimer and Weld counties are subject to emissions testing and requirements for emission-related repair work. The DOR Emissions Section jointly administers the AIR Program with the Department of Public Health and Environment, Mobile Sources Program.

The Emissions Section administers enforcement and financial management aspects of the AIR program. The section is responsible for licensing of emissions inspectors and emissions testing facilities, auditing the AIR program, investigating complaints, and collecting revenues from the program. The Mobile Sources Program in the Department of Public Health and Environment is responsible for certification of the AIR program, including its testing procedures and equipment, as well as program development and data analysis related to the AIR program.

The ***Titles and Registrations Section*** administers the state's motor vehicle laws relating to titling and registration of motor vehicles. New Colorado residents and current residents who have purchased a vehicle, must title and register their vehicle(s) with the state. Persons seeking to register a motor vehicle in Colorado must provide proof of insurance. A vehicle may not be registered in Colorado if the department's motor vehicle registration file does not show that the vehicle is covered by an insurance policy.

Division of Motor Vehicles
FY 2009-10 Appropriation (millions)

Total Appropriation	General Fund	Cash Funds	Federal Funds
$ 33.7	$ 1.1	$ 32.6	$ 0
100%	3.3%	96.7%	0%

The ***Motor Carrier Services Section*** performs a number of enforcement, inspection, and fee collection functions involving commercial vehicles and the trucking industry. The division ensures that commercial vehicle operators and their motor vehicles are in compliance with all relevant state and federal laws and regulations including: compliance with weight and size limits, safety and insurance requirements, and possession of required licenses, registrations, and permits. The division also operates ten fixed ports of entry and ten mobile ports in Colorado.

Division of Motor Carrier Services
FY 2009-10 Appropriation (millions)

Total Appropriation	General Fund	Cash Funds	Federal Funds
$ 8.8	$ 0.7	$ 7.3	$ 0.8
100%	8.0%	82.9%	9.1%

Department of Transportation (CDOT), Commercial Vehicle Permits Office

The Commercial Vehicle Permits Office, Colorado Department of Transportation, issues permits for the movement of oversize and overweight vehicles on state highways. Rules relating to the movement of these "extra-legal" vehicles or loads are promulgated by the Colorado Transportation Commission. The rules address: permissible sizes of loads and vehicles, restrictions on routes, road conditions, times of day during which an extra-legal trip may be made, number of trips authorized under a permit, whether a pilot escort vehicle is required to accompany the extra-legal vehicle, and the certification of drivers of pilot escort vehicles.

Commercial Vehicle Permits Office
FY 2009-10 Appropriation (millions)

Total Appropriation	General Fund	Cash Funds	Federal Funds
$ 0.7	$ 0	$ 0.7	$ 0
100%	0%	100%	0%

Department of Public Safety, Colorado State Patrol

The Colorado State Patrol, Department of Public Safety, is responsible for the enforcement of state laws relating to motor vehicles and highway safety, including laws addressing aggressive driving, driving under the influence of alcohol and drugs, and enforcement of seat belt and child restraint laws. The State Patrol also assists motorists and educates the public regarding safe driving practices.

The State Patrol's Motor Carrier Safety Section enforces federal and state motor carrier safety regulations, including requirements for vehicle equipment, maintenance of accurate logbooks, compliance with hours-of-service limits, and compliance with hazardous materials transportation laws.

Colorado State Patrol
FY 2009-10 Appropriation (millions)

Total Appropriation	General Fund	Cash Funds	Federal Funds
$ 112.6	$ 4.5	$ 103.8	$ 4.2
100%	4.0%	92.2%	3.7%

Department of Regulatory Agencies, Public Utilities Commission, Transportation Section

The Transportation Section of the Colorado Public Utilities Commission, Department of Regulatory Agencies (DORA), regulates motor carriers of both passengers and property in Colorado. The section sets motor carrier standards regarding vehicle safety and maintenance, driver qualifications, limits on hours of service, alcohol and drug testing, insurance coverage, and accident reporting. The section also issues permits for towing carriers, limousines, charter buses, and hazardous and nuclear materials transporters. The section employs criminal investigators who investigate potential illegal activities by motor carriers.

The Transportation Section regulates taxicab companies by:

- issuing certificates permitting a company to operate in a specified territory;
- adopting rules regulating safety, insurance, and service quality;
- inspecting the books of taxicab companies;
- collecting filing and registration fees; and
- exercising the right to suspend and revoke taxicab company certificates.

Public Utilities Commission, Transportation Section
FY 2009-10 Appropriation (millions)

Total Appropriation	General Fund	Cash Funds	Federal Funds
$ 2.2	$ 0	$ 2.2	$ 0
100%	0%	100%	0%

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION, MOBILE SOURCES PROGRAM

The Mobile Sources Program within the Air Pollution Control Division, Department of Public Health and Environment, administers programs designed to reduce motor vehicle pollution in Colorado, including the state Automobile Inspection and Readjustment (AIR) Program. Under the AIR Program, motor vehicles operated in the counties of Boulder, Broomfield, Denver, Douglas, Jefferson, and parts of Adams, Arapahoe, El Paso, Larimer and Weld counties are subject to emissions testing and requirements for emission-related repair work.

The AIR Program is jointly administered by the Mobile Sources Program in the Department of Public Health and Environment, and the Emissions Control Section in the Department of Revenue. The Mobile Sources Program is responsible for certification of the AIR program, including its testing procedures and equipment, as well as program development and data analysis related to the AIR program.

The Mobile Sources Program's Rapid Screen Program allows residents of the covered counties to forgo emissions testing requirements for their motor vehicles when the compliance of the vehicle with emissions standards is confirmed through tests conducted by a roadside monitor.

The Mobile Sources Program also administers a Diesel Emissions Control Program for fleets of diesel vehicles and privately owned diesel vehicles. The Diesel Emissions Control Program requires the inspection of diesel vehicles registered in Colorado to ensure compliance with emissions opacity standards. Owners of small fleets of diesel vehicles and individual owners of diesel vehicles must have their vehicle's emissions inspected at state-licensed diesel inspection stations. Large diesel fleets are permitted to self-inspect their vehicles.

As noted above, the DOR Emissions Control Section administers the enforcement and financial management aspects of the AIR program. The section is responsible for the licensing of emissions inspectors and emissions testing facilities, auditing the AIR program, investigating complaints, and collecting revenues from the program.

Mobile Sources Program
FY 2009-10 Appropriation (millions)

Total Appropriation	General Fund	Cash Funds	Federal Funds
$ 3.5	$ 0	$ 3.3	$ 0.2
100%	0%	94.3%	5.7%

SECTION II
MOTOR VEHICLE LAWS

Colorado law identifies and penalizes hundreds of specific traffic infractions and other violations related to the operation of motor vehicles in the state, including petty offenses, misdemeanors, and felonies. Specific traffic regulations address:

- the safe operation of motor vehicles on the state's roadways;
- the operation of motor vehicles by minors;
- driver licensing and registration;
- suspension and revocation of driving privileges;
- falsifying driver licenses and vehicle registrations;
- vehicle equipment requirements, including the use of seat belts, child safety seats, and helmets;
- vehicle noise and emissions;
- the operation of motorcycles and scooters;
- driving under the influence or while impaired by drugs or alcohol;
- toll evasion;
- the use of cell phones or ear phones while driving;
- requirements specific to motor carriers, school buses, and taxicabs;
- transportation of hazardous materials;
- transportation of uncovered loads;
- rendering aid at accidents; and
- photo red and photo radar traffic law enforcement.

Areas of Colorado motor vehicle law of significant public interest are discussed in separate sections of this Motor Vehicle Law Resource Book, including driver licensing (Section III), motor vehicle laws addressing minor drivers specifically (Section IV), motor vehicle titling and registration (Section V), motor vehicle emissions (Section VI), motorcycle and scooter laws (Section VII), and motor carrier regulation (Section VIII).

This section of the Motor Law Resource Book addresses the remaining areas of Colorado motor vehicle law of significant public interest, specifically, seat belt and child restraint laws, photo radar and photo red traffic law enforcement, distracted driver laws, speed limits, and laws relating to driving under the influence of alcohol or drugs.

Occupant Protection: Seat Belts and Child Restraints

Colorado's seat belt law. Colorado law requires the driver and every front seat passenger of a vehicle to wear seat belts whenever the vehicle is operated on a street or highway. The requirement does not apply if federal law does not mandate that the vehicle be equipped with seat belts. Individuals with a physical or psychologically disabling condition preventing the use of a seat belt are exempted from the seat belt law. Such persons must have in their possession a physician's written statement certifying the condition.

Violating seat belt laws is a secondary offense in Colorado, meaning that drivers may not be cited for failure to wear a seat belt unless stopped by a law enforcement officer for an alleged violation of another law. Any person operating a vehicle in violation of the seat belt law commits a Class B traffic infraction and is subject to a $65 fine and a $6 surcharge.

Child restraint requirements. Colorado law requires motor vehicle operators to ensure that any children in their vehicle are properly secured. The law includes specific requirements for the restraint of children in motor vehicles based on the age, weight, and height of children. Colorado law provides the following definitions of systems that may be used to protect children in motor vehicles:

- a "child restraint system" is a seating system, permanently attached to a motor vehicle or its safety belt system, that is designed to protect, hold, or restrain a child so as to prevent or minimize injury;
- a "child booster seat" is a seat designed to elevate a child to properly sit in a federally approved safety belt system; and
- a "child safety belt-positioning device" is a device that positions a safety belt around a child in a manner that safely restrains the child in a seated position.

Colorado law requires the use of rear-facing or forward-facing restraint systems depending on the age and weight of the child. Exceptions to statutory requirements for child restraint systems are allowed for medical emergencies and commercial motor vehicle transportation conducted by a child care center. In addition, Colorado law requires that all child restraint systems used in the state meet federal motor vehicle standards. Table II.1 presents child restraint requirements by age and size of a child.

Table II.1: Colorado Child Restraint Requirements

Child Age/Size	Statutory Requirement	Citation
Less than 1 year and weighing less than 20 pounds	Properly secured in a rear-facing child restraint system	Section 42-4-236 (2) (a) (I), C.R.S.
1 year to 4 years, and weighing 20 to 40 pounds	Properly secured in a forward-facing child restraint system	Section 42-4-236 (2) (a) (II), C.R.S.
At least 4 years, or weighing 40 pounds or more	Properly secured by a restraint device or a safety belt, whichever is more appropriate	Section 42-4-236 (2) (b), C.R.S.
4 years to 6 years, and less than 55 inches tall	Properly secured in a child booster seat or with a child safety belt positioning device	Section 42-4-236 (2) (b) (I), C.R.S.
4 to 6 years, less than 55 inches tall, and being transported in a vehicle with only a 2 point lap belt system available for the child	Properly secured with the vehicle's lap belt	Section 42-4-236 (2) (b) (I.5), C.R.S.
6 years or older, or 55 or more inches tall	Properly secured with the vehicle's safety belt	Section 42-4-236 (2) (b) (II), C.R.S.
Children under 16 years	Use of a safety belt or child restraint system, whichever is applicable under Section 42-4-236, C.R.S., must conform to all applicable federal motor vehicle safety standards	Section 42-4-236 (5), C.R.S.

Violations of child restraint requirements. Any person operating a vehicle in violation of the child restraint law commits a Class B traffic infraction, and is subject to a $65 fine and a $16 surcharge. With one exception, provisions of the child restraint law are subject to primary enforcement, that is, a driver may be stopped and ticketed if a police officer sees an unrestrained child in the vehicle. The exception is that violations relating to booster seats and safety belt positioning devices for children between four and six years old are secondary offenses, meaning a driver may be cited only if he or she has been stopped for another traffic violation.

PHOTO RADAR AND PHOTO RED TRAFFIC LAW ENFORCEMENT

Colorado law authorizes the use of automated vehicle identification systems in state, county, and municipal traffic law enforcement. These systems are also known as "photo radar" and "photo red." Photo radar systems use a camera to detect vehicles that are traveling faster than posted speed limits, while photo red systems use cameras to detect vehicles running through red lights at traffic signals. The cameras may be located in vans near parks, schools, and construction zones, or mounted on traffic signal poles at intersections.

In 1997, the General Assembly enacted legislation permitting the use of automated vehicle identification systems in the state. In 2008, the General Assembly amended Colorado law to permit the use of photo radar enforcement in highway construction zones. Photo radar enforcement in these zones may only occur while actual construction work is underway. Colorado law places a number of restrictions on the use of photo radar and photo red enforcement systems by state and local governments.

Penalty notifications for photo radar violations. Penalty notifications for alleged violations detected by photo radar cannot be issued unless an officer or a state or local government employee is present during the operation of a photo radar system. Penalty notifications may only be issued for alleged violations detected by photo radar that occur within a school zone, within a residential neighborhood in which the speed limit is 35 miles per hour or less, or

along a street that borders a municipal park. If the state or local government using photo radar detects a driver exceeding the established speed limit by less than 10 miles per hour, and it is the driver's first violation detected by photo radar, a warning must be mailed to the driver regarding the violation, but a penalty may not be levied. Penalty notifications of any alleged violation detected by either photo radar or photo red must be served within 90 days of the alleged violation. For notices served in person, the driver may only be charged the actual costs of service, not to exceed the amount usually charged for civil service of process.

Fines for photo radar and photo red violations. Unless violations occur within a school or construction zone, a maximum fine of $40, including any surcharge, may be imposed upon a driver for: (1) detection by photo radar of exceeding the established speed limit by 10 or more miles per hour; or (2) second and subsequent speeding violations detected by photo radar. If the violation detected by photo radar occurs within a school or construction zone, the maximum fine is doubled. A maximum fine of $75, including any surcharge, may be imposed upon a driver for photo red violations.

Extreme speeding violations in construction zones are subject to enhanced penalties. Violations for driving 20 to 24 miles per hour over the speed limit in a construction zone are subject to a fine of $540. Driving 25 or more miles per hour over the speed limit in a construction zone is a Class 1 traffic misdemeanor offense, subject to payment of restitution, community service, jail time, and fines.

The Department of Revenue (DOR) is not permitted to assess points for violations detected by photo radar or photo red systems and cannot keep records of judgments or convictions for such violations. Convictions or judgments for the violations may not be reported to the DOR.

Further restrictions on state and local governments in the use of photo red and photo radar. State and local governments are prohibited from immobilizing vehicles (e.g., installing a "boot") if the driver fails to pay a penalty assessed for an alleged violation detected by photo radar or photo red.

State and local governments are prohibited from compensating the manufacturer or vendor of an automated vehicle identification system based on the number of citations issued, or the amount of revenue generated by use of the equipment. Compensation may not include any portion of fine revenue collected through the photo radar or photo red program. The compensation for photo radar and photo red equipment must be based on the value of the equipment used.

Governments using photo radar and photo red systems must post signs alerting drivers to the use of photo radar or photo red ahead. Temporary signs must be posted to alert drivers to the use of photo radar systems. These signs must be posted at least 300 feet before the area in which a photo radar is operating. Signs alerting drivers to photo red systems must be placed in a conspicuous location 200 to 500 feet before the device and meet statutory requirements relating to the size of the lettering on the sign.

Finally, the owner of a car cited for an alleged traffic violation that was detected by photo radar or photo red cannot be compelled to disclose the identity of the driver, although the owner may be required to submit evidence to prove he or she was not driving the car at the time of the alleged violation.

Driver Distractions

Driver distractions can result in traffic accidents and traffic fatalities. In response to this risk, Colorado law prohibits text messaging while driving. Colorado law also prohibits the use of cell phones while driving by persons under 18 years of age. Exceptions to these prohibitions are allowed in emergency situations. A person who violates this section of law commits a Class A traffic infraction and is subject to an initial fine of $50. Second or subsequent offenses incur a $100 fine.

Colorado law requires that television screens in motor vehicles be located behind the driver's seat, out of sight of the driver, although the use of computers in motor vehicles is specifically permitted.

SPEED LIMITS

Colorado law establishes speed limits for roads and highways within the state. The Colorado Department of Transportation (CDOT) and local authorities may change the speed limit for any road under their respective jurisdictions if the department or local authority determines that the speed limit established by law is greater or less than what is reasonable or safe for road or traffic conditions. Neither CDOT nor any local authority, however, may increase the speed limit above 75 miles per hour (mph) on any highway. Table II.2 provides speed limits on Colorado roadways.

Table II.2
State Speed Limits

Type of Road or Highway	Speed Limit
Narrow, winding mountain highways, or blind curves	20 miles per hour
Any business district	25 miles per hour
Any residential district	30 miles per hour
Open mountain highways	40 miles per hour
Open highways that are not a part of the interstate system and are not four-lane freeways or expressways	55 miles per hour
Surfaced, four-lane highways that are a part of the interstate system or expressways	65 miles per hour
Maximum lawful speed limit on any roadway in the state	75 miles per hour

Source: Section 42-4-1101, C.R.S.

If hazardous conditions exist on a roadway, Colorado drivers must slow to a reasonable and prudent speed, although this may require driving at a speed below the posted limit. Colorado law also grants cities and towns in the state authority to adopt maximum speed limits for their jurisdictions. CDOT and local authorities may also set minimum speeds. Colorado law also prohibits motor vehicle operators from driving at such a slow speed that they impede the normal and reasonable forward movement of traffic, unless their slow speed is necessary for the safe operation of the vehicle. In these situations, the driver must drive in the right-hand lane if there is one available on the roadway, or pull off of the roadway when possible to allow any impeded traffic to pass.

Penalties for speeding. Traffic infractions in Colorado are separated into two categories: Class A traffic infractions and Class B traffic infractions. Generally, the penalty range for the commission of Class A or Class B traffic infractions is a fine of $15 to $100, although higher penalties are specified for certain infractions.

Misdemeanor traffic offenses in Colorado are separated into Class 1 misdemeanor traffic offenses and Class 2 misdemeanor traffic offenses. Persons convicted of a Class 1 misdemeanor traffic offense are subject to a minimum sentence of 10 days in jail or a $300 fine, or both, and a maximum sentence of one year in jail or a $1,000 fine, or both. Persons convicted of a Class 2 misdemeanor traffic offense are subject to a minimum sentence of 10 days in jail or a $150 fine, or both, and a maximum sentence of 90 days in jail or a $300 fine, or both.

Under Colorado law, a violation of driving 1 to 24 miles over the posted speed limit is a Class A traffic infraction. A violation of driving 25 or more miles per hour over the posted limit is a Class 2 misdemeanor traffic offense. A violation of driving 25 or more miles per hour over the posted limit in a construction zone is a Class 1 misdemeanor traffic offense. Failure of a driver to reduce vehicle speed to a reasonable and prudent level under hazardous conditions is a Class A traffic infraction.

In addition to fines, surcharges are assessed for traffic infractions. Revenues generated by these surcharges are credited to the Crime Victim Compensation Fund and the Victims and Witness Assistance and Law Enforcement Fund.

Statutory penalties for speeding violations that are traffic infractions and misdemeanor traffic offenses are provided in Table II.3.

Table II.3
Penalties for Speeding Violations

Violation	Fine	Surcharge	Jail Time
1 to 4 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$30	$6	None
5 to 9 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$70	$10	None
10 to 19 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$135	$16	None
20 to 24 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (Class A traffic infraction)	$200	$32	None
25 or more mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph (a fine, or jail time, or both may be imposed). (Class 2 misdemeanor traffic offense)	Minimum $150 Maximum $300	Not Applicable	Minimum 10 days Maximum 90 days
25 or more mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph in a construction zone (a fine, or jail time, or both may be imposed). (Class 1 misdemeanor traffic offense)	Minimum $300 Maximum $1,000	Not Applicable	Minimum 10 days Maximum 1 year
Driving at a speed that is not reasonable and prudent given road conditions (Class A traffic infraction)	$100	$10	None

Table II.3
Penalties for Speeding Violations (cont.)

Violation	Fine	Surcharge	Jail Time
Driving at such a slow speed that the normal and reasonable forward movement of traffic is impeded (Class A traffic infraction)	$50	$6	None
Exceeding a safe speed on a bridge or elevated structure (Class A traffic infraction)	$30	$6	None

Source: Section 42-4-1701 (4)(a)(I)(L), C.R.S.

Point suspension. Colorado law permits the "point suspension" of licenses of drivers who have been convicted of traffic violations and have exceeded a threshold number of points. Traffic citations that are received by drivers may result in a certain number of points being recorded against a driver's license. Drivers who exceed the threshold within a certain time period are at risk of having their licenses suspended.

State law sets forth a schedule of points that may be assessed for specific traffic violations. The number of points necessary for the point suspension of a license and the time frames during which these points may be accumulated vary with the age of the driver. See the Driver Licensing Section of this resource book for a discussion of point suspension of driver's licenses, generally. Table II.4 provides point assessments specifically for speeding violations.

Table II.4
Points Assessed Against Driver's Licenses for Speeding

Speeding Violation	Points Assessed
1 to 4 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	0
5 to 9 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	1
10 to 19 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	4
20 to 39 mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	6
40 or more mph over the reasonable and prudent speed, or over the maximum lawful speed of 75 mph	12
Driving at a speed that is not reasonable and prudent given road conditions	3

Source: Section 42-2-127 (5)(f), C.R.S.

Driving Under the Influence or While Impaired by Alcohol or Drugs

Colorado law prohibits a person from driving a vehicle while under the influence of alcohol or drugs (DUI), or while the person's ability to drive is impaired by alcohol or drugs (DWAI). Under the principle of express consent, Colorado law presumes that anyone operating a motor vehicle in the state has agreed to a test of his or her blood, breath, saliva, or urine to determine alcohol levels when requested to do so by a law enforcement officer who has probable cause to believe that the driver may be impaired by alcohol. Police officers who suspect that a driver is operating a motor vehicle under the influence of drugs or while impaired by drugs are authorized to compel the driver to submit to blood and urine testing for the presence of drugs. Refusal to take the test is admissible in court, and is a basis for driver's license suspension.

Penalties imposed for convictions of DUI and DWAI include criminal penalties imposed by courts and administrative penalties imposed by the DOR. The DOR may assess points against a driver's license, resulting in the suspension or revocation of a license. Criminal penalties which may be imposed include incarceration, fines, and requirements for the performance of public service. Penalties for persons convicted of DUI or DWAI are summarized in Table II.5.

Table II.5
DWAI and DUI Offenses and Penalties in Colorado

Offense	Driver's License Penalties	Fine	Jail Term	Public Service
First DWAI (0.05 to 0.08 percent blood alcohol content)	Eight points assessed against license	$200 - $500	2 to 180 days	24 to 48 hours
Second DWAI (0.05 to 0.08 percent blood alcohol content)	One-year revocation	$600 - $1,000	45 days to 1 year	48 to 96 hours
First DUI (at least 0.08 percent blood alcohol content)	Nine-month suspension	$600 - $1,000	5 days to 1 year	48 to 96 hours
Second DUI (at least 0.08 percent blood alcohol content)	One-year revocation	$1,000 - $1,500	90 days to 1 year	60 to 120 hours
DWAI with Previous DUI	One-year revocation	$800 - $1,200	60 days to 1 year	52 to 104 hours
DUI with Previous DWAI	One-year revocation	$900 - $1,500	70 days to 1 year	56 to 112 hours

Sources: Colorado Office of Transportation Safety, Department of Transportation, and Sections 42-2-125, C.R.S., 42-2-126, C.R.S., 42-2-127, C.R.S., and 42-4-1301, C.R.S.

SECTION III
DRIVER LICENSING

License application and testing. All persons operating a motor vehicle, motorcycle, or low-power scooter on any public street or highway must be at least 16 years of age and hold a valid driver's license, or hold a valid education permit and be accompanied by an adult as specified in state law.

The Division of Motor Vehicles (DMV) under the Department of Revenue (DOR) administers the required physical, vision, physical aptitude, written, and driving tests. Applicants for a driver's license, identification card, or instruction permit must provide proof of age, identity, and lawful presence in the United States.

Driver's licences and instruction permits. Persons operating a motor vehicle, other than a commercial vehicle, must hold a Class R basic driver's license or an instruction permit. Driver's licenses are categorized by vehicle type and by age group. Vehicle type licenses include: personal/passenger; motorcycle; and commercial. Age group licenses include adult and minor.

All new drivers must obtain an instruction permit prior to applying for a driver's license. Minors under the age of 18 must hold an instruction permit for at least 12 months and be at least 16 years of age before obtaining a driver's license. Adults 21 years of age and older are not required to hold an instruction permit for a specified amount of time before applying for a driver's license. Regardless of age, any person driving with an instruction permit must be accompanied by a person who holds a valid state driver's license, is 21 years of age or older, and has signed an affidavit of liability.

Minor driver's licenses and instruction permits. The minor driving group includes individuals between 15 and 21 years of age. DOR issues three types of permits to minor drivers depending on the applicant's age and level of driving education. Additional information on minor driving laws is found in Section IV of this resource book.

Identification cards. Colorado residents may be issued an identification card, of the same size as a driver's license, bearing an applicant's photograph and other identifying information. An identification card can be issued once all previously issued instruction permits, minor driver's licenses, or driver's licenses are surrendered or cancelled. Persons applying for a state identification card must provide proof of lawful presence, age, and identity.

Commercial motor vehicle licenses and instruction permits. Persons must be at least 18 years of age and hold a state driver's license to apply for a commercial driver's instruction permit or driver's license (CDL). To apply for the instruction permit, applicants must provide a social security number, proof of lawful presence, and proof of identity. Applicants must also pass a state Department of Transportation medical examination, the Commercial Driver License Information System and National Driver Register records checks, and the required CDL knowledge tests. Commercial driver's instruction permits are limited to one year.

There are three classes of commercial driver's licenses available:

- Class A for combination vehicles;
- Class B for heavy, straight vehicles; and
- Class C for small commercial vehicles.

Persons may also test to receive CDL endorsements to operate double/triple trailers, passenger, tank vehicle, hazardous materials, school bus, or hazardous materials/tanker combination vehicles. Persons holding a CDL instruction permit may only operate the class of vehicle shown on the permit when accompanied by a person who is at least 21 years of age and who holds a valid CDL of the same class of license or higher, with the required endorsements for the vehicle being operated. The fee for a commercial driver's license is set at $34.40. Table III.1 elaborates on the types of CDLs available in Colorado.

Table III.1
Types of Commercial Driver's Licences

Class A **Combination Vehicles**	Any motor vehicle with a gross vehicle weight or combination vehicle weight rating equal to or greater than 26,001 pounds. Most Class A vehicles are trucks such as tractor-trailer or truck and trailer combinations. Skills for operating a Class A vehicle include those required for operating a Class B or Class C vehicle. Therefore, a driver holding a Class A license may also operate a Class B or Class C vehicle.
Class B **Heavy Straight Vehicles**	Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds, or any such vehicle towing a vehicle with a GVWR not greater than 10,000 pounds. Class B vehicles include straight trucks and large buses. Skills for operating a Class B vehicle include those required for operating a Class C vehicle. Therefore, a driver holding a Class B license may also operate a Class C vehicle.
Class C **Small Vehicles**	Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is designed to transport 16 or more passengers, including the driver. Class C vehicles also include any vehicle used to transport hazardous materials as defined by the federal hazardous material regulation.

Driver License Renewal

To apply for license renewal, a driver must provide a fee payment, attest to or provide proof of physical examinations deemed necessary, and submit payment for all outstanding penalties, assessments, fines, and costs. There are three methods to renew a license: in person, by mail, or electronically. Persons choosing to renew by mail or electronically may only do so for every other renewal period.

Renewal by mail. Applicants 21 years and older have the option to renew a driver's license by mail. Applicants younger than 66 years of age must attest to having had an eye examination within three years of the renewal. Applicants 66 years of age or older must provide a signed statement from an optometrist or ophthalmologist attesting to having had an eye examination within the past six months and the results. If an applicant requires vision correction, he or she must attest to any prescriptions for that purpose.

Renewal online. Applicants 21 to 66 years of age have the option to renew a driver's license electronically. Applicants must attest to having had an eye examination within three years of the renewal. Any applicant who requires vision correction must attest to any prescriptions for that purpose.

New resident. New residents may apply for a Colorado driver's license by establishing proof of lawful presence and surrendering their current out-of-state driver's license. New residents renewing a driver's license are not normally required to take the written or driving test unless there is a problem with the their physical aptitude or vision screening test. Persons under 18 years of age renewing a license must provide an affidavit of liability. Tables III.2 through III.5 list required documentation, restrictions, and expiration of licenses and permits available to various age groups of Colorado drivers.

Table III.2
Adult License (21 years old and older)

Expiration from Date of Issuance	Required Affidavits and Documentation	Requirements and Restrictions
Five years	• proof of age, identity, and lawful presence; • social security number; • state residence address; and • physical, vision, written, and driving test	• unlawful to hold both a driver's license and an identification card

Table III.3
Adult Instruction Permit (21 years old and older)

Expiration from Date of Issuance	Required Affidavits and Documentation	Requirements and Restrictions
Three years	• proof of age, identity, and lawful presence; • social security number; • state residence address; and • physical, vision, written, and driving test	• no requirement to hold an instruction permit for a specific length of time before applying for a driver's license; however, adults must purchase the permit and pass the driving test before they can apply for a driver's license

Table III.4
Minor Instruction Permit
(Driver Education - 15 to 15 1/2 years old)

Expiration from Date of Issuance	Required Affidavits and Documentation	Requirements and Restrictions
Three years	• affidavit of liability and guardianship; • completion of a driver education classroom course or completion of the classroom portion of department-approved driver education course within six months of applying for the permit; • proof of age, identity, and lawful presence; • social security number; • state residence address; and • physical, vision, written, and driving test	• requirement to hold the permit for at least 12 months before applying for a driver's license; • may only drive with a driver education instructor or with the person(s) who signed the affidavit of liability and guardianship until the age of 18

Table III.5
Minor Instruction Permit
(Driver Awareness Permit - 15 1/2 to 16 years old)

Expiration from Date of Issuance	Required Affidavits and Documentation	Requirements and Restrictions
Three years	• affidavit of liability and guardianship; • proof of four-hour driver awareness program completion; • proof of age, identity, and lawful presence; • social security number; • state residence address; and • physical, vision, written, and driving test	• required to hold the permit for at least 12 months before applying for a driver's license; • may drive only with person who signed the affidavit of liability and guardianship until the age of 18

License Suspension and Revocation

Table III.6 provides a list of violations under which state law authorizes or requires the DOR to revoke a person's driving privileges. Revocation periods are determined according to the specific infraction resulting in the revocation.

Table III.6
Convictions/Violations for Which
a Driver's License or Permit is Revoked

Mandatory Revocation	Administrative Revocation/ Suspension/ Cancellation
• vehicular homicide, vehicular assault, or criminally negligent homicide while driving a motor vehicle	• driving with a blood alcohol content (BAC) of 0.08 or more
• driving a motor vehicle while under the influence of a controlled substance or while driving while an habitual user of a controlled substance	• driving while under the age of 21 with a BAC between 0.02 and 0.08
• any felony in which a motor vehicle was used	• refusal to take or complete, or cooperate in the completion of, a test to determine drug or alcohol content
• failing to stop and render aid if party to a traffic accident involving death or personal injuries	• driving a commercial vehicle with a BAC of 0.04 of greater, or, if under 21 years of age, driving a commercial motor vehicle with a BAC of 0.02 to 0.04
• perjury in the first or second degree or the making of a false affidavit or statement under oath to the DOR under any law relating to the ownership or operation of a motor vehicle	• failure to report an accident to the Division of Motor Vehicles according to the Financial Responsibility Law

Table III.6
Convictions/Violations for Which
a Driver's License or Permit is Revoked (cont.)

Mandatory Revocation	Administrative Revocation/ Suspension/ Cancellation
• three convictions of reckless driving of a motor vehicle for acts committed within a two-year period	• meet or exceed the minimum point accumulation for suspension
• two convictions within five years of any combination of driving under the influence, driving under the influence per se, driving while ability impaired, driving while classified as an habitual user, or one offense if under 21 years of age	• failure to provide valid evidence of insurance when requested by a law enforcement officer
• attempting to purchase alcohol by misrepresenting one's age or possessing alcohol while underage, as well as failing to complete a court-ordered alcohol evaluation, education, or treatment program as a result of the violation	• failure to pay ordered child support

Table III.6
Convictions/Violations for Which a Driver's License or Permit is Revoked (cont.)

Mandatory Revocation	Administrative Revocation/ Suspension/ Cancellation
• having been found mentally incompetent by a court of competent jurisdiction, or for whom a court has entered an order finding that the mental incompetency prevents the person from safely operating a motor vehicle	• failure to report an accident or leaving the scene of an accident without stopping, exchanging information, and rendering aid
• have knowingly and willfully left the scene of an accident while driving a commercial motor vehicle	• giving false information on a driver's license application
• failure to file or maintain proof of financial responsibility when required to do so	• failure to settle a judgment as a result of an accident while operating a vehicle
	• lending, misusing, altering, or defacing a driver's license
	• failure to appear for reexamination requested by the Motor Vehicle Division
	• failure to pay a traffic violation fine from this or any other state
	• failure to register all vehicles owned within 30 days of becoming a Colorado resident

Sources: Section 42-2-125, C.R.S.,Section 42-2-126, C.R.S., and The Colorado Driver's Handbook, Colorado Department of Revenue, 2009

TRAFFIC VIOLATION POINT SYSTEM

Persons convicted of traffic violations may accrue points on their traffic record. Convictions include guilty pleas, payment of tickets, and acceptances of plea bargains. Persons accumulating a set number of points against their driving record within a designated time period may lose their driving privileges through a point suspension. Table III.7 provides a summary of point thresholds resulting in license suspension by specific driver populations.

Table III.7
Accumulated Points Resulting in License Suspension by Driver Category

Driver Category	Points	Period of Point Accumulation
Adult driver, 21 years of age and older	12 points	1 year
	18 points	2 years
Minor driver 18 to 21 years of age	9 points	1 year
	12 points	2 years
	14 points	prior to reaching 21 years of age
Minor driver under 18 years of age	5 points	1 year
	6 points	prior to reaching 18 years of age
Chauffeur*	16 points	1 year
	24 points	2 years
	28 points	4 years

Source: Section 42-2-127 (1) (a), C.R.S.
**Applies to a driver who holds a chauffeur's license and who accumulates violation points in the course of employment*

SECTION IV
MINOR DRIVER LAWS

The U.S. Centers for Disease Control reports that motor vehicle crashes are the leading cause of death for teenagers in the United States, accounting for approximately one-third of all teenage deaths. Colorado's graduated driver licensing (GDL) laws address this risk by introducing teens to driving in stages. The GDL laws allow teens to gain driving experience incrementally and limit their exposure to high-risk driving situations until they have significant experience behind the wheel. In Colorado, prospective drivers may pursue instruction permits and restricted driver's licenses. Summaries of the issuance of permits and licenses under Colorado's GDL laws follow.

Instruction permits. Temporary instruction permits allow minors to drive motor vehicles, with restrictions, when accompanied by a parent, grandparent with a power of attorney, guardian, or foster parent. The parent, grandparent with a power of attorney, guardian, or foster parent of drivers under age 18 must sign an affidavit of liability in order for a minor to receive an instruction permit. This person must be a licensed driver, must accompany the minor driver while he or she is driving, and must sit in the front seat with the minor driver. If the parent or legal guardian of the minor does not have a driver's license, he or she may appoint an alternate permit supervisor who is over age 21 and holds a Colorado driver's license to supervise the minor while driving. Instruction permits expire three years after issuance.

To apply for a temporary instruction permit, a minor must fall into one of the following categories.

- at least 16 years of age;
- at least 15 years of age or older and have completed a department-approved driver education course within six months prior to applying for the permit; or

- between 15 and one-half years of age and 16 years of age and have completed a 4-hour prequalification driver awareness program.

Before a teen with an instruction permit may apply for a driver's license he or she must:

- hold the instruction permit for at least one year; and
- submit a form demonstrating that he or she completed a minimum of 50 hours of actual driving experience, 10 of which were completed while driving at night.

Table IV.1 summarizes the requirements for minor drivers to obtain a driver's license.

Table IV.1
Obtaining a Driver's License

Earliest Age to Receive Permit*	Description	Earliest Age Possible to Obtain Driver's License
15 to 15½	Minor instruction permit available to minors enrolled in a driver education course	16 years (if driver education permit is obtained at 15¼ years, driver's license can be obtained at 16¼ years of age)
15½ to 16	Minor instruction permit available to minors who complete a driver awareness program	16½ years (if driver awareness permit is obtained at 15¾ years, driver's license can be obtained at 16¾ years of age)
16 to 18	Temporary instruction permit available to all individuals in age group 17 years (if instruction permit is obtained at 16½ years, driver's license can be obtained at 17½ years of age)	*Age groups represent the earliest age individuals can participate in educational programs. Individuals older than the ages listed for each category may also enroll.

Restricted driver's licenses. Upon fulfilling the requirements for an instruction permit, a minor driver may apply for a restricted driver's license. The only driver's license that a driver under age 18 may hold is a restricted license. The following restrictions are applicable to minor drivers.

- Minor drivers may not drive a vehicle with a passenger under age 21 who is not a member of the driver's immediate family until the driver has held his or her license for at least 6 months, or 12 months to drive with two or more passengers under the age of 21. Exceptions are made if a parent is in the vehicle, the passengers are all family members, or if an emergency dictates.
- Minor drivers may not drive between 12:00 a.m. and 5:00 a.m. until having held a license for at least 12 months. Exceptions are made for emergencies, if an adult or parent is in the vehicle, or if driving to school, school-related activity, or on account of employment.
- No driver under age 18 may use any mobile device for the purpose of phone calls, "text-messaging," or any other activity requiring the use of a such a device.
- No driver under age 18 may drive a motor vehicle used to transport explosives or inflammable material.
- No driver under age 18 may operate a motor vehicle used as a school bus to transport pupils to or from school.
- No driver under age 18 may operate a motor vehicle used as a commercial, private, or common carrier of persons or property unless he or she has relevant experience and has been examined for competence.
- No driver under age 21 may drive a commercial motor vehicle, with certain exceptions.

Seat belt requirements. Unless specifically exempted, state law requires that every driver and front seat passenger fasten his or her seat belt while the motor vehicle is in operation. Violations are punishable as a class B traffic infraction. Minor drivers in violation incur a traffic infraction and, upon conviction, may be assessed penalties according to the schedule summarized in Table IV.2.

Table IV.2
Penalties for Violation of Minor Driver Seat Belt Laws

Violation	Fine	Community Service Hours	License Suspension Points
1st offense	Up to $65	8 to 24	2
2nd offense	Up to $130	16 to 40	2
Subsequent Offense	$195	16 to 40	2

SECTION V
MOTOR VEHICLE TITLING AND REGISTRATION

In Colorado, motor vehicles are registered and titled through the county clerk's office in the motor vehicle owner's county of residence.

Registration and titling process. Persons who have recently moved to the state must apply for a Colorado title and registration within 30 days of establishing Colorado residency. Applicants must provide:

- proof of insurance coverage for the vehicle;
- their name and address;
- the out-of-state title or registration;
- proof of a Colorado vehicle emissions test (if the owner lives within the emissions program area);
- a vehicle identification number (VIN) verification form completed by a law enforcement officer, a licensed motor vehicle dealer, or an emissions testing station;
- a current odometer reading;
- vehicle weight confirmation for motor homes and trucks over 4,500 pounds; and
- the name and address of any lien holders on the vehicle.

Coloradans who have purchased a new vehicle must also provide the current title from the dealer, a VIN identification form if the vehicle was titled in another state, a bill of sale for sales tax purposes, and the security agreement if a lien is to be recorded on the vehicle, including the year, make, VIN, and the lien holder's name and address. Persons who have purchased a vehicle also have the option of using the ownership tax receipt or registration from another vehicle that they have owned to transfer plates to a vehicle of the same type.

Registration and titling fees. Persons registering or titling a vehicle in Colorado pay registration fees, specific ownership taxes, and title fees. Motor vehicle registration fees are based on the empty weight of the vehicle and the vehicle's type. For passenger cars under 2,000 pounds, registration fees begin at $6.00 and increase by $0.20 for each additional 100 pounds up to 4,500 pounds, and by $0.60 for each additional 100 pounds thereafter. The amount of specific ownership tax due is based on the taxable value and age of the vehicle. A number of other fees are assessed at the time of vehicle registration. Table V.1 provides a summary of the fees and their use.

Table V.1
Colorado Motor Vehicle Fees Assessed at Registration

Motor Vehicle Fee	Fee Amount	Use
Registration Fee	• $6.00 for passenger vehicles up to 2,000 pounds, plus $0.20 extra per 100 pounds up to 4,500 pounds; and • $12.50 for passenger vehicles 4,500 pounds or more, plus $0.60 each additional 100 pounds.	This fee is credited to the Highway Users Tax Fund (Section 42-3-306 (2) (b), C.R.S.).
Road Safety Surcharge	• $16.00 for motorcycles and vehicles weighing 2,000 pounds or less; • $23.00 for vehicles weighing 2,001 to 5,000 pounds; • $28.00 for vehicles weighing 5,001 to 10,000 pounds; • $37.00 for passenger buses and vehicles weighing 10,001 to 16,000 pounds; and • $39.00 for vehicles weighing more than 16,000 pounds.	This fee is credited to the Highway Users Tax Fund (Section 43-4-804 (1), C.R.S.).

Table V.1
Colorado Motor Vehicle Fees Assessed at Registration (cont.)

Motor Vehicle Fee	Fee Amount	Use
Bridge Safety Surcharge	• $6.50 for motorcycles, trailer coaches, multipurpose trailers, and vehicles weighing 2,000 pounds or less; • $9.00 for vehicles weighing 2,001 to 5,000 pounds; • $11.50 for vehicles weighing 5,001 to 10,000 pounds; • $14.50 for vehicles weighing 10,001 to 16,000 pounds; and • $16.00 for vehicles weighing more than 16,000 pounds.	This fee is credited to the Bridge Special Fund (Section 43-4-805 (3) (a), C.R.S.). The bridge safety surcharge has scheduled fee increases set for subsequent fiscal years.
Public Highway Authority Fee	$10.0	This fee is collected annually for vehicles registered within public highway authority boundaries (Section 43-4-506 (1)(k), C.R.S). The fee is applied to the financing, construction, operation, or maintenance of public highways.

Table V.1
Colorado Motor Vehicle Fees Assessed at Registration (cont.)

Motor Vehicle Fee	Fee Amount	Use
Emissions Control Fees	• $2.20	These fees are assessed at registration in the Automobile Inspection and Readjustment (AIR) Program area and credited to the AIR account (Section 42-3-304 (18)(a) and (18)(b), C.R.S.). The fees are used for emissions program enforcement efforts and administration of the program by the Department of Public Health and Environment and the Department of Revenue.
Additional Highway Fee (based on the age of the vehicle)	• $12.00 for vehicles under 7 years old; • $10.00 for vehicles between 7 and 10 years old; and • $7.00 for vehicles 11 years old and older	All fees are credited to the Highway Users Tax Fund (Section 42-3-306 (2)(b)(II), C.R.S.).
Emergency Medical Services Fee	• $2.00	This fee is credited to the Emergency Medical Services Account in the Highway Users Tax Fund (Section 42-3-304 (21), C.R.S.).
Motorist Insurance Identification Fee	• $0.50	This fee is credited to the Motorist Insurance Identification account in the Highway Users Tax Fund (Section 42-3-304 (18)(d)(I), C.R.S.).

Table V.1
Colorado Motor Vehicle Fees Assesses at Registration (cont.)

Motor Vehicle Fee	Fee Amount	Use
Motorcycle Surcharge Fee	• $4.00	This fee is collected for all motorcycle registrations and credited to the Motorcycle Operator Safety Training Fund (Section 42-3-304 (4),C.R.S.).
Diesel Fee	• $10.00	This fee is collected for all qualified diesel vehicles registering within the AIR program area and credited to the AIR account (Section 42-3-304 (20), C.R.S).
Peace Officers Standards and Training (P.O.S.T.) Board Fee	• $0.60	This fee is collected at registration on Class A, B, and C vehicles to support the training activities of the P.O.S.T. Board (Section 42-3-304 (24), C.R.S)
Road and Bridge Fees	• $1.50	This fee is collected for the for maintenance of highways, roads, and bridges (Section 42-3-310, C.R.S.)

Source: Article 3 of Title 42, C.R.S.

Certain persons receive exemptions from registration fees, including: disabled veterans, former prisoners of war or their surviving spouses, recipients of certain military honors, of foreign government consuls, and governmental entities.

Specific ownership taxes. Colorado law requires the payment of specific ownership taxes on motor vehicles in lieu of personal property taxes. The specific ownership tax portion of the motor vehicle registration cost is based on a percentage of the original manufacturer's suggested retail price (MSRP) of the vehicle (85 percent of MSRP for passenger vehicles and motorcycles, and 75 percent of MSRP for trucks and trailers.) Ownership tax receipts are distributed to various taxing entities in accordance with the mill levies that have been established in the county in which the owner resides.

In calculating the amount of specific ownership tax due on a vehicle, the taxable value remains constant. However, the specific ownership tax rate that is assessed on the taxable value of the vehicle diminishes over time as indicated in Table V.2.

Table V.2
Colorado Motor Vehicle Specific Ownership Tax Rate

Year of Motor Ownership	Specific Ownership Tax Rate
1st year of vehicle ownership	2.1 percent of vehicle taxable value
2nd year of vehicle ownership	1.5 percent of vehicle taxable value
3rd year of vehicle ownership	1.2 percent of vehicle taxable value
4th year of vehicle ownership	0.9 percent of vehicle taxable value
5th through 9th years of vehicle ownership	Greater of 0.45 percent of vehicle taxable value or $10.00
10 or more years of vehicle ownership	$3.00

Source: Section 42-3-107 (2), C.R.S.

Additional fees and taxes. Colorado motor vehicle titles are proof of ownership of a motor vehicle in the state and are necessary for the transfer of ownership of vehicles. In addition to registration fees and taxes, a person who has purchased a new vehicle must pay a title fee of $7.20. A title fee of $7.20 is also collected when title is transferred to another vehicle.

The cost of obtaining a set of license plates for a motor vehicle in Colorado varies by plate type. In addition, if sales tax is not collected at a dealership upon purchase of a new vehicle, it must be collected at the time of registration. The state sales tax is 2.9 percent; however, localities may also impose a local sales tax.

Types of license plates. The Colorado Division of Motor Vehicles, in the DOR, currently offers over 100 license plate types. These license plates include:

- regular (standard green and white) plates (6 types);
- designer plates, issued for an additional fee (2 types);
- alumni plates, issued for an additional fee (11 types);
- group special plates, issued to motor vehicle owners based on a common interest or affinity for an additional fee of $50 (18 types);
- military plates (29 types); and
- other varieties of plates including: collector vehicle plates, trailer plates, plates for the Colorado State Patrol, state legislators, and members of Congress, commercial vehicle and motor vehicle dealer plates, farm and government vehicle plates, motor vehicle manufacturer plates, neighborhood electric vehicle plates, and plates for special mobile machinery.

At registration, a motor vehicle owner receives two license plates and two validating tabs. The validating tabs indicate the month and year of expiration and are affixed to the lower left and lower right corners of the rear license plate respectively. License plates must be renewed within 30 days of their date of expiration. Motor vehicle owners must notify their county motor vehicle office of changes in their name or address within 30 days of the change.

SECTION VI
MOTOR VEHICLE EMISSIONS REGULATION

Colorado's motor vehicle emissions programs are designed to meet the requirements of the federal Clean Air Act and the Clean Air Act Amendments of 1990. Motor vehicles operated in the counties of Boulder, Broomfield, Denver, Douglas, Jefferson, and parts of Adams, Arapahoe, El Paso, Larimer, and Weld counties are subject to emissions testing.

Emissions testing of gasoline-powered vehicles. Owners of gasoline-powered motor vehicles more than three model years old are subject to emissions testing in the program area. Vehicle owners have two choices to meet emission testing requirements. Owners may take their vehicle to a standard testing facility, or they may drive past a remote sensing vehicle, also known as RapidScreen. Rapid Screen testing is used to identify vehicles that will be exempted from the emissions testing requirement for a particular year. The Rapid Screen test uses remote sensing equipment to measure a vehicle's exhaust emissions as it is operated on a public roadway. Remote sensing vans are set up at strategic locations throughout the Denver metropolitan area and locations change weekly to reach as many drivers as possible. Remote sensing vehicle locations are updated weekly on Air Care Colorado's website:

http://www.aircarecolorado.com/ rapidscreen/locations.html

Vehicle owners who drive past a Rapid Screen remote sensing vehicle must record two clean readings within a ten-month period in the year prior to their registration renewal to become exempt from further emissions testing requirements for that year. These vehicle owners are notified concerning the requirement for a standard emissions test when they receive their vehicle registration renewal card. Owners of vehicles that have passed two RapidScreen readings pay the emissions and registration fee at the time of the vehicle's registration renewal.

Vehicles requiring an emissions test. Owners of gasoline powered vehicles that have not passed the Rapid Screen tests are subject to normal emissions testing at a Colorado emissions testing center. Emission tests for vehicles model year 1982 and newer are valid for two years, tests for vehicles model year 1981 and older are valid for one year. Testing costs vary from $15 to $25 depending on vehicle age and type. The following vehicles require an emissions test:

- vehicles registered in the emissions program area;
- vehicles registered outside the emissions area, but used for commuting to the emissions area for employment or to attend school;
- vehicles changing ownership in the program area; and
- vehicle registration renewals requiring an emissions test as a condition of renewal in the program area.

Exempt gasoline-powered motor vehicles. New gasoline-powered motor vehicles are exempted from emissions testing for four model years. Electric-powered vehicles and vehicles registered and plated as horseless carriages, street rods, or farm vehicles are also exempted from the emissions testing requirement.

Diesel-powered motor vehicle requirements. The state administers two diesel emissions inspection programs to control diesel exhaust smoke — one for fleets of heavy-duty diesel vehicles, and another program for privately-owned diesels and small diesel fleets. Fleets of nine or more heavy-duty (more than 14,000 pounds) diesel vehicles may participate in the Diesel Fleet Self-Certification Program. Participants in the program must use inspectors certified by the Colorado Department of Public Health and Environment (CDPHE), use specified testing equipment, and submit to annual CDPHE audits.

Owners of private diesel vehicles (and heavy-duty vehicles not self-certifying) participate in a Diesel Opacity Inspection Program. Under the program, eligible vehicles are subject to annual inspection at private, state-licensed stations. New light-duty diesels are exempted from inspection for a four-year period.

Thirty-five diesel inspection stations currently operate in the program area. Inspection fees vary among the stations for light-duty and heavy-duty diesels. Heavy-duty diesel vehicles over ten years old are inspected annually. Heavy-duty diesels ten years old or newer are inspected every two years. Light-duty diesels of model year 2003 or older are inspected annually. Light-duty diesels of model year 2004 or newer are inspected every two years. The original owner of a new diesel vehicle is exempt from testing the vehicle for four years.

SECTION VII
MOTORCYCLES AND LOW-POWER SCOOTERS

Regulation of Motorcycles

Colorado law defines a "motorcycle" as every motor vehicle designed to travel on not more than three wheels in contact with the ground, excluding farm tractors and low-power scooters. Colorado law requires motorcycle operators to obtain an "M" endorsement to their driver's license. The state does not issue "motorcycle only" licenses. To obtain a motorcycle endorsement, a person must pass a written test, purchase an instruction permit, and pass a driving test at a driver's license office, or with a third-party tester. The Colorado Department of Transportation maintains a list of organizations providing motorcycle operator safety training on its website under "traffic safety."

Applicants for a motorcycle operator's endorsement must demonstrate their ability to exercise ordinary and reasonable care and control over a motorcycle. A separate license endorsement "3" is available for persons seeking to operate a three-wheeled motorcycle. As with other motor vehicles, motorcycle operators must meet motor vehicle registration and insurance requirements; however, motorcycles are exempt from emissions testing requirements. Personalized and group special license plates are available for motorcycle owners for an additional fee.

Operation of motorcycles. In Colorado, persons under 18 years of age may not operate or ride as a passenger on a motorcycle unless they are wearing a helmet. Motorcycle operators must wear goggles or eyeglasses while operating on public highways in the state. Under state law, motorcycles may not pass a vehicle in the same lane as the vehicle that is being overtaken, nor may a motorcycle be operated between lanes of traffic or rows of vehicles. Motorcycle operators may not ride more than two abreast in a single lane.

Regulation of motorcycle noise. Colorado law prohibits the sale of any new motorcycle that produces noise exceeding 88 decibels (db) at a distance of 50 feet from a center lane of travel (for motorcycles manufactured after July 1, 1971, and before January 1, 1973) and 86 db (for motorcycles manufactured after January 1, 1973). Colorado counties and municipalities may also adopt ordinances prohibiting the operation of motorcycles within their jurisdictions that produce noise in excess of 86 db at speeds under 35 miles per hour, and 90 db at speeds of 35 to 55 miles per hour.

Dirt bike registration. Dirt bikes that are operated on public lands or trails in Colorado must be registered with the Colorado Division of Parks and Outdoor Recreation, Department of Natural Resources. Also, an off-highway vehicle permit must be purchased. Persons may not operate a dirt bike or have a dirt bike in their possession at a staging area (for example, a parking lot or trail head) unless the dirt bike has been registered with the division. Persons found to be in violation of the registration requirement are guilty of a class 2 petty offense and subject to a fine of $50. The current fee for registering a dirt bike with the division is $25.25. The division mails registration renewal cards to registered owners each March. Non-Colorado residents seeking to operate a dirt bike (or other off-highway vehicle) in the state must purchase a non-resident off-highway vehicle permit.

Regulation of Low-power Scooters

Colorado law defines a "low-power scooter" as a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and a cylinder capacity under 50 cubic centimeters if powered by internal combustion, or a wattage under 4,476 watts if electric-powered.

Operators of low-power scooters in Colorado must have a driver's license. Low-power scooters must be registered with the state and the registration must be evidenced by a number decal fixed to the scooter's frame. Low-power scooter registrations are valid for a three-year period. A low-power scooter may not be registered

unless the owner has a motor vehicle insurance policy in effect or a certificate of self-insurance (effective July 1, 2010).

Operation of low-power scooters. Low-power scooters may not be operated on an interstate in Colorado, except where bicycles are permitted, nor can they be operated on limited-access roads of the state highway system. Persons under 18 years of age may not operate or ride as a passenger on a low-power scooter unless they are wearing a helmet in accordance with Colorado law. Persons operating a low-power scooter on public highways in the state must wear goggles or eyeglasses, unless they are wearing a helmet with eye protection. Local authorities in Colorado may also regulate low-power scooters operated on streets and highways under their jurisdiction.

Colorado law sets forth penalties for speeding specific to low-power scooters. Table VII.1 presents fines and point penalties assessed for various speeding violations while operating a low-power scooter.

Table VII.1
Penalties for Speeding on a Low-power Scooter

Speeding Violation	Fine	Surcharge	Points Assessed
1 to 4 mph over the maximum lawful speed limit of 40 mph	$50	$6	0
5 to 9 mph over the maximum lawful speed limit of 40 mph	$75	$10	2
Greater than 9 mph over the maximum lawful speed limit of 40 mph	$100	$16	4

Source: Section 42-2-127 (5)(f), C.R.S. and Section 42-4-1701 (4)(a)(I)(L), C.R.S.

SECTION VIII
MOTOR CARRIER REGULATION

This section of the Motor Vehicle Law Resource Book addresses the regulation of commercial motor carriers. Specifically, the section provides information on commercial motor vehicle driver hours of service, vehicle size and weight limitations, transportation of hazardous materials, and chain-up laws.

Under Colorado law, a commercial vehicle is defined as a vehicle used in commerce and weighing at least 10,000 pounds that is self-propelled, towed, or designed to transport 16 or more passengers. Vehicles that are used for the commercial transportation of other motor vehicles or for hazardous materials transportation are included with the definition of a "commercial vehicle." School buses are excluded from the definition. Section III of this resource book describes requirements for operators of commercial vehicles to possess commercial vehicle driver's licences.

Hours of service. Federal regulations govern the maximum number of hours that a driver of a commercial motor vehicle may be "on-duty." These rules limit commercial drivers to working a maximum of 14 hours within any 24-hour period. Further, commercial motor carrier drivers:

- may only drive up to 11 hours of the 14-hour "on-duty" period;
- must take 10 consecutive hours of off-duty time after driving 11 hours;
- may not extend the 14-hour on-duty window with off-duty time, meals, or fuel stops; and
- may not be on-duty more than 60 hours in 7 consecutive days or 70 hours in 8 consecutive days.

A sleeper berth is a sleeping compartment typically accessible from the driver's seat in a commercial vehicle. In order to comply with hours of service restrictions, a driver using a sleeper berth must

spend at least eight consecutive hours in the berth, and two more hours either in the berth or off duty.

Hours of service violations penalties. Potential penalties for drivers who violate the federal hours of service rules include:

- being placed "out-of-service" until the driver meets off-duty time requirements;
- fines by federal, state, or local enforcement officials;
- a downgrade of the motor carrier's safety rating; or
- federal criminal penalties against carriers or drivers knowingly and willfully violating hours of service regulations.

Weight limitations. The state and federal government have established vehicle weight limits on vehicles operating on state and interstate highways. A commercial vehicle's gross combined vehicle weight rating (GCWR) is the maximum permissible loaded weight for a towing vehicle and its trailer. This includes the vehicle's fuel, passengers, and cargo. Trucks and truck/trailer combinations with an empty weight exceeding 16,000 pounds and any vehicle with a GCWR exceeding 26,000 pounds must receive clearance through the state's ports of entry. Vehicles exceeding these weight thresholds must also clear all ports of entry that are within five miles of the route on which they are traveling, unless the operator has previously secured a clearance or obtained a special permit. The state Department of Transportation issues "extra-legal" permits for exceptions to size and weight limitations. Motorists in violation of size or weight limitations are subject to fines and surcharges.

The National Highway System (NHS) is approximately 160,000 miles of roadway including the interstate, principal arterials, the strategic highway network, and intermodal connectors. Table VIII.1 provides information on federal and state size and weight limits for motor vehicles operating on state highways and on the NHS within Colorado.

Additional permits and insurance. The Ports of Entry (POE) Section within the Department of Revenue issues permits relating to the safe operation of commercial motor vehicles on the state's

highways. Costs for the permits vary by the weight, size, and number of trips taken by the vehicle.

The POE issues permits for:

- commercial vehicles not registered in Colorado;
- special trips by vehicles that exceed the state's size and weight requirements;
- farm-plated vehicles during annual harvests; and
- special fuel vehicles.

Table VIII.1
Federal and State Motor Vehicle Size and Weight Limits

	Federal Regulations	State Law
Overall Vehicle Length	No federal length limit is imposed on most truck tractor-semitrailers operating on the National Highway System (NHS). However, on the NHS, combination vehicles designed and used specifically to carry automobiles or boats in specially designed racks may not exceed a maximum overall vehicle length of 65 feet, or 75 feet, depending on the type of connection between the tractor and trailer.	45-foot maximum overall single vehicle length 70-foot combination length on all roads
Trailer Length	Federal law provides that no state can impose a length limitation of less than 48 feet (or longer if provided for by grandfather rights) on a semitrailer operating in any truck tractor-semitrailer combination on the NHS. A state may permit longer trailers to operate on its national network highways. Similarly, federal law provides that no state can impose a length limitation of less than 28 feet on a semitrailer or trailer operating in a truck tractor- semitrailer-trailer combination on the NHS.	57.3 foot semitrailer on state, supplemental, and NHS highways 28.5 foot trailer length on state, supplemental, and NHS highways
Vehicle Width	On the NHS, states are restricted to vehicle width limitations of 8.5 feet.	8.5 feet
Vehicle Height	No federal vehicle height limit is imposed.	13 feet on state highways; 14.5 feet on NHS highways
Single Vehicle Weight w/ Two Axles	36,000 pounds	36,000 pounds
Single Vehicle Weight w/ Three or More Axles	54,000 pounds	54,000 pounds
Truck/Trailer or Combination of Vehicles	80,000 pounds	85,000 pounds

Sources: Sections 42-4-502, C.R.S. through 42-4-509, C.R.S., and 49 USC 31111, 49 USC 31113, and 23 USC 127.

Hazardous materials. Commercial carriers transporting hazardous materials in Colorado must obtain permits from the Colorado Public Utilities Commission. Permitting and safety requirements for the transportation of such materials are enforced by the Colorado State Patrol. Vehicles carrying hazardous materials are subject to inspection by the Colorado State Patrol, must provide proof of liability insurance, may be taken out of service for violations, and are subject to fines and criminal penalties. The State Patrol approves hazardous materials route designations in Colorado. Single-trip permits for hazardous materials transportation (for up to a 72-hour period) may be obtained from a port of entry, or from the State Patrol. Additional permitting and fee requirements apply to permits for the transportation of radioactive materials. Certain radioactive materials are excluded from these permitting requirements including radioactive materials used for research or medical purposes, radioactive ores, and radioactive materials used in national security activities.

Mud flap laws. Colorado laws requires the use of "splash guards," also referred to as mud flaps, to minimize the spray of water and other road substances. This requirement is applicable to large trucks operating on Colorado highways. Flaps must be installed and functioning at all times. Torn or damaged flaps must be replaced at the first reasonable and safe opportunity to exit the road.

Chain requirements. Colorado law authorizes the Colorado Department of Transportation (CDOT) to require the use of tire chains when dangerous driving conditions exist. Requirements for the use of tire chains are enforced by the Colorado State Patrol. Commercial vehicles operating on I-70 between Edwards and Morrison from September 1 to May 31 are required to carry chains sufficient to comply with the chain law in case restrictions are put in place. The State Patrol enforces two levels of the chain law:

- Chain Law Level 1: all single-drive axle combination commercial vehicles must chain all four drive wheels. All other commercial vehicles must have snow tires or chains. Level 1 may be implemented any time there is snow covering any part of the traveled portion of pavement on an ascending grade.

- Chain Law Level 2: all commercial vehicles must chain up. Single-drive axle and tandem-drive axle combination commercial vehicles must chain four drive wheels; auto transports must comply to the extent possible without causing damage to hydraulic lines; and buses must chain two drive wheels to comply. The Level 2 chain law may be implemented any time there is snow covering the entire traveled portion of pavement on an ascending grade, or when driving conditions dictate that this level is necessary for safety and to minimize road closures.

Fines. The fine for not carrying chains on I-70 from September 1 through May 31 is $50 plus a $17 surcharge. The fine for not chaining up when the chain law is in effect is $500, plus a $157 surcharge. The fine for not chaining up and subsequently blocking a highway is $1,000, plus a $313 surcharge. Tow truck drivers towing a vehicle or traveling to a site to tow a vehicle are exempt.

When the chain law is in effect, motorists will be notified through:

- electronic message boards;
- 511 traveler information;
- the website, www.cotrip.org; and
- media outlets.