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SENATE BILL 09-075

BY SENATOR(S) Schwartz, Gibbs, Williams, Heath, Boyd, Carroll M., Foster, Hudak, Kester, King K., Kopp, Morse, Newell, Penry, Shaffer B., Tapia, White;
also REPRESENTATIVE(S) Marostica, Curry, Kerr A., Levy, McFadyen, Primavera, Scanlan, Vigil, Court, Fischer, Gardner B., Green, Labuda, Looper, Massey, Peniston, Priola, Rice, Roberts, Ryden, Schafer S., Solano, Summers, Todd.

CONCERNING THE OPERATION OF LOW-SPEED ELECTRIC SELF-PROPELLED
VEHICLES ON PUBLIC RIGHTS-OF-WAY.

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

SECTION 1. 12-6-120 (1), Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW PARAGRAPH to read:

12-6-120. Unlawful acts. (1) It shall be unlawful and a violation
of this part 1 for any manufacturer, distributor, or manufacturer
representative:

(t) TO SELL OR OFFER FOR SALE A LOW-SPEED ELECTRIC VEHICLE, AS
DEFINED BY SECTION 42-1-102, C.R.S., FOR USE ON A ROADWAY UNLESS THE
VEHICLE COMPLIES WITH PART 2 OF ARTICLE 4 OF TITLE 42, C.R.S.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 24-38.5-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-38.5-102. Governor's energy office - duties and powers.

(1) The governor's energy office shall:

(q) ADMINISTER THE ELECTRIC VEHICLE GRANT FUND.

SECTION 3. Article 38.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-38.5-103. Electric vehicle grant fund - creation - administration. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ELECTRIC VEHICLE GRANT FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL BE USED TO PROVIDE GRANTS TO LOCAL GOVERNMENTS TO INSTALL RECHARGING STATIONS FOR ELECTRIC VEHICLES. THE GRANTS SHALL BE PRIORITIZED BASED UPON THE LOCAL GOVERNMENT'S COMMITMENT TO ENERGY EFFICIENCY.

(2) THE GOVERNOR'S ENERGY OFFICE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

SECTION 4. 42-1-102 (55), (58), and (60.5), Colorado Revised Statutes, are amended, and the said 42-1-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

the context otherwise requires:

(39.5) "GOLF CAR" MEANS A SELF-PROPELLED VEHICLE NOT DESIGNED PRIMARILY FOR OPERATION ON ROADWAYS AND THAT HAS:

- (a) A DESIGN SPEED OF LESS THAN TWENTY MILES PER HOUR;
- (b) AT LEAST THREE WHEELS IN CONTACT WITH THE GROUND;
- (c) AN EMPTY WEIGHT OF NOT MORE THAN ONE THOUSAND THREE HUNDRED POUNDS; AND
- (d) A CARRYING CAPACITY OF NOT MORE THAN FOUR PERSONS.

(48.6) "LOW-SPEED ELECTRIC VEHICLE" MEANS A VEHICLE THAT:

- (a) IS SELF-PROPELLED UTILIZING ELECTRICITY AS ITS PRIMARY PROPULSION METHOD;
- (b) HAS AT LEAST THREE WHEELS IN CONTACT WITH THE GROUND;
- (c) DOES NOT USE HANDLEBARS TO STEER; AND
- (d) EXHIBITS THE MANUFACTURER'S COMPLIANCE WITH 49 CFR 565 OR DISPLAYS A SEVENTEEN-CHARACTER VEHICLE IDENTIFICATION NUMBER AS PROVIDED IN 49 CFR 565.

(55) "Motorcycle" means ~~every~~ A motor vehicle THAT USES HANDLEBARS TO STEER AND THAT IS designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "farm tractor" and except a motorized bicycle as defined in paragraph (b) of subsection (59) of this section.

(58) "Motor vehicle" means any self-propelled vehicle ~~which~~ THAT is designed primarily for travel on the public highways and ~~which~~ THAT is generally and commonly used to transport persons and property over the public highways ~~but~~ OR A LOW-SPEED ELECTRIC VEHICLE. The term does not include motorized bicycles as defined in paragraph (b) of subsection (59) of this section, wheelchairs as defined by subsection (113) of this section, or vehicles moved solely by human power. ~~"Motor vehicle" includes a~~

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

~~(60.5) "Neighborhood electric vehicle" means a self-propelled, electrically powered motor vehicle that:~~

~~(a) Meets the equipment standards set forth in part 2 of article 4 of this title; and~~

~~(b) Has a speed attainable in one mile that does not exceed twenty-five miles per hour.~~

SECTION 5. 42-4-109.5, Colorado Revised Statutes, is amended to read:

42-4-109.5. Low-speed electric vehicles. (1) ~~Except as provided in section 42-4-111 (1) (aa), no person shall operate a neighborhood electric vehicle on a highway~~ A LOW-SPEED ELECTRIC VEHICLE MAY BE OPERATED ONLY ON A ROADWAY THAT HAS A SPEED LIMIT EQUAL TO OR LESS THAN THIRTY-FIVE MILES PER HOUR; EXCEPT THAT IT MAY BE OPERATED TO DIRECTLY CROSS A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN THIRTY-FIVE MILES PER HOUR AT AN AT-GRADE CROSSING TO CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO OR LESS THAN THIRTY-FIVE MILES PER HOUR.

(2) No person shall operate a ~~neighborhood electric~~ LOW-SPEED ELECTRIC vehicle on a limited-access highway.

(3) Any person who violates ~~any provision of~~ subsection (1) or (2) of this section commits a class B traffic infraction.

(4) ~~The department of revenue shall not register or issue title for a neighborhood electric vehicle until after such time as the federal department of transportation through the national highway transportation safety administration has adopted a federal motor vehicle safety standard for such vehicles.~~

(5) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY REGULATE THE OPERATION OF A LOW-SPEED ELECTRIC VEHICLE ON A STATE HIGHWAY LOCATED OUTSIDE OF A MUNICIPALITY. THE REGULATION SHALL TAKE EFFECT WHEN THE COLORADO DEPARTMENT OF TRANSPORTATION PLACES AN APPROPRIATE SIGN THAT PROVIDES ADEQUATE NOTICE OF THE REGULATION.

SECTION 6. Part 1 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-109.6. Class B low-speed electric vehicles - effective date - rules. (1) A CLASS B LOW-SPEED ELECTRIC VEHICLE MAY BE OPERATED ONLY ON A ROADWAY THAT HAS A SPEED LIMIT EQUAL TO OR LESS THAN FORTY-FIVE MILES PER HOUR; EXCEPT THAT IT MAY BE OPERATED TO DIRECTLY CROSS A ROADWAY THAT HAS A SPEED LIMIT GREATER THAN THIRTY-FIVE MILES PER HOUR AT AN AT-GRADE CROSSING TO CONTINUE TRAVELING ALONG A ROADWAY WITH A SPEED LIMIT EQUAL TO OR LESS THAN THIRTY-FIVE MILES PER HOUR.

(2) NO PERSON SHALL OPERATE A CLASS B LOW-SPEED ELECTRIC VEHICLE ON A LIMITED-ACCESS HIGHWAY.

(3) ANY PERSON WHO VIOLATES SUBSECTION (1) OR (2) OF THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

(4) FOR THE PURPOSES OF THIS SECTION, "CLASS B LOW-SPEED ELECTRIC VEHICLE" MEANS A LOW-SPEED ELECTRIC VEHICLE THAT IS CAPABLE OF TRAVELING AT GREATER THAN TWENTY-FIVE MILES PER HOUR BUT LESS THAN FORTY-FIVE MILES PER HOUR.

(5)(a) THE DEPARTMENT OF REVENUE SHALL NOT REGISTER OR ISSUE A TITLE FOR A CLASS B LOW-SPEED ELECTRIC VEHICLE UNTIL AFTER THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HAS ADOPTED A FEDERAL MOTOR VEHICLE SAFETY STANDARD FOR LOW-SPEED ELECTRIC VEHICLES THAT AUTHORIZES OPERATION AT GREATER THAN TWENTY-FIVE MILES PER HOUR BUT LESS THAN FORTY-FIVE MILES PER HOUR.

(b) AFTER THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THROUGH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HAS

ADOPTED A FEDERAL MOTOR VEHICLE SAFETY STANDARD FOR LOW-SPEED ELECTRIC VEHICLES THAT AUTHORIZES OPERATION AT GREATER THAN TWENTY-FIVE MILES PER HOUR BUT LESS THAN FORTY-FIVE MILES PER HOUR, THE DEPARTMENT OF REVENUE SHALL PROMULGATE RULES AUTHORIZING THE OPERATION OF CLASS B LOW-SPEED ELECTRIC VEHICLES IN COMPLIANCE WITH THIS SECTION AND SHALL NOTIFY THE REVISER OF STATUTES IN WRITING. UPON THE PROMULGATION OF RULES AUTHORIZING THE OPERATION OF SUCH VEHICLES, SUBSECTIONS (1) TO (3) OF THIS SECTION SHALL TAKE EFFECT.

(6) THE COLORADO DEPARTMENT OF TRANSPORTATION MAY REGULATE THE OPERATION OF A CLASS B LOW-SPEED ELECTRIC VEHICLE ON A STATE HIGHWAY LOCATED OUTSIDE OF A MUNICIPALITY. THE REGULATION SHALL TAKE EFFECT WHEN THE COLORADO DEPARTMENT OF TRANSPORTATION PLACES AN APPROPRIATE SIGN THAT PROVIDES ADEQUATE NOTICE OF THE REGULATION.

SECTION 7. The introductory portion to 42-4-111 (1) and 42-4-111 (1) (aa), Colorado Revised Statutes, are amended, and the said 42-4-111 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(aa) ~~Authorizing and~~ Regulating the operation of ~~neighborhood electric~~ LOW-SPEED ELECTRIC vehicles, INCLUDING, WITHOUT LIMITATION, ESTABLISHING A SAFETY INSPECTION PROGRAM, on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if such regulation is consistent with the provisions of this title; ~~except that~~

~~(f) Local authorities are prohibited from establishing any requirements for the registration and licensing of neighborhood electric vehicles; and~~

~~(H) local authorities are prohibited from authorizing the operation~~

~~of neighborhood electric vehicles on limited-access highways.~~

(bb) AUTHORIZING AND REGULATING THE OPERATION OF GOLF CARS ON ROADWAYS BY RESOLUTION OR ORDINANCE OF THE GOVERNING BODY, IF THE AUTHORIZATION OR REGULATION IS CONSISTENT WITH THIS TITLE AND DOES NOT AUTHORIZE:

(I) AN UNLICENSED DRIVER OF A GOLF CAR TO CARRY A PASSENGER WHO IS UNDER TWENTY-ONE YEARS OF AGE;

(II) OPERATION OF A GOLF CAR BY A PERSON UNDER FOURTEEN YEARS OF AGE; OR

(III) OPERATION OF A GOLF CAR ON A STATE HIGHWAY.

SECTION 8. 42-4-206 (3), Colorado Revised Statutes, is amended to read:

42-4-206. Tail lamps and reflectors. (3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp, ~~or tail lamps,~~ together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. ~~This subsection (3) shall not apply to neighborhood electric vehicles.~~

SECTION 9. 42-4-210, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-210. Lamps on parked vehicles. (5) THIS SECTION SHALL NOT APPLY TO LOW-SPEED ELECTRIC VEHICLES.

SECTION 10. 42-4-216 (1.5), Colorado Revised Statutes, is amended to read:

42-4-216. Multiple-beam road lights. (1.5) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for ~~neighborhood electric~~ LOW-SPEED ELECTRIC vehicles in lieu of multiple-beam, road-lighting equipment

specified in this section if the single distribution of light complies with ~~the requirements of subsection (1) (b)~~ PARAGRAPH (b) OF SUBSECTION (1) of this section.

SECTION 11. 42-4-217 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-217. Use of multiple-beam lights. (1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 42-4-204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(c) A LOW-SPEED ELECTRIC VEHICLE MAY USE THE DISTRIBUTION OF LIGHT AUTHORIZED IN SECTION 42-4-216 (1.5).

SECTION 12. 42-4-226 (2), Colorado Revised Statutes, is amended to read:

42-4-226. Mirrors - exterior placements. (2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component ~~which~~ THAT, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object ~~which~~ THAT obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver as to comply with the visual requirement of subsection (1) of this section. ~~This subsection (2) shall not apply to neighborhood electric vehicles.~~

SECTION 13. 42-4-227 (4), Colorado Revised Statutes, is amended to read:

42-4-227. Windows unobstructed - certain materials prohibited - windshield wiper requirements. (4) This section shall apply to all motor vehicles; EXCEPT THAT SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY TO LOW-SPEED ELECTRIC VEHICLES.

SECTION 14. 42-4-234 (1), Colorado Revised Statutes, is amended to read:

42-4-234. Slow-moving vehicles - display of emblem. (1) (a) All machinery, equipment, and vehicles, except bicycles and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear.

(b) THE DEPARTMENT SHALL SET STANDARDS FOR A TRIANGULAR SLOW-MOVING EMBLEM FOR USE ON LOW-SPEED ELECTRIC VEHICLES.

(c) Bicycles and other human-powered vehicles ~~and neighborhood electric vehicles~~ shall be permitted but not required to display the emblem specified in this subsection (1).

SECTION 15. Part 2 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-240. Low-speed electric vehicle equipment requirements. A LOW-SPEED ELECTRIC VEHICLE SHALL CONFORM WITH APPLICABLE FEDERAL MANUFACTURING EQUIPMENT STANDARDS. ANY PERSON WHO OPERATES A LOW-SPEED ELECTRIC VEHICLE IN VIOLATION OF THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

SECTION 16. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item,

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO