

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

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BILL 5

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Transportation Legislation Review Committee\Bill Drafts\TLRC Bill 5 - Register Keis.wpd*

LLS NO. 16-0365.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Register Kei Vehicles Road Use"

A BILL FOR AN ACT

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

Bill Summary

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

Transportation Legislation Review Committee. The bill authorizes a person to drive a kei vehicle on a roadway if it is registered with the division of motor vehicles. A person must be licensed to drive a

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

kei vehicle. The registration costs \$15, specific ownership tax is \$3, and the kei vehicle is issued a license plate. Kei vehicles must follow the rules of the road and cannot be driven on limited-access highways or roads with a speed limit that is greater than 55 miles per hour. Kei vehicles must have insurance. To be used on the road, a kei vehicle must have, in good working order:

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

The bill provides for titling kei vehicles as off-highway vehicles. The bill also clarifies that a dealer in kei vehicles has to be licensed, but current dealers are exempt.

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

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

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

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

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

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

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

13 (IV) TRAVELS ON FOUR OR MORE TIRES;

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

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

1 (VII) HAS AN ENCLOSED PASSENGER CAB; AND

2 (VIII) IS NOT SOLD IN THE UNITED STATES FOR OPERATION ON
3 ROADWAYS.

4 (b) "KEI VEHICLES" ARE ALSO KNOWN AS "KEI TRUCKS",
5 "MICROTRUCKS", "MINITRUCKS", AND "UTILITY TRANSPORTATION
6 VEHICLES".

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

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

10 **42-1-211. Colorado state titling and registration system.**

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

1 moneys remain in the account at the end of a fiscal year, the balance
2 remains in the fund and is not transferred to the general fund or any other
3 fund.

4 **SECTION 3.** In Colorado Revised Statutes, 42-2-103, **add** (2.5)
5 as follows:

6 **42-2-103. Motorcycles - low-power scooters - kei vehicles -**
7 **driver's license required.** (2.5) A PERSON SHALL NOT DRIVE A KEI
8 VEHICLE ON A ROADWAY UNLESS THE PERSON POSSESSES A VALID DRIVER'S
9 LICENSE.

10 **SECTION 4.** In Colorado Revised Statutes, 42-3-103, **add** (6) as
11 follows:

12 **42-3-103. Registration required - exemptions - rules.** (6) (a) A
13 PERSON SHALL NOT DRIVE A KEI VEHICLE ON A ROADWAY UNLESS THE
14 OWNER REGISTERS THE KEI VEHICLE WITH THE DEPARTMENT OR THE KEI
15 VEHICLE IS BEING USED AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S.
16 THE REGISTRATION EXPIRES ANNUALLY IF OWNERSHIP OF THE KEI VEHICLE
17 IS NOT TRANSFERRED TO ANOTHER PERSON OR UPON TRANSFER IF
18 OWNERSHIP OF THE KEI VEHICLE IS TRANSFERRED TO ANOTHER PERSON.

19 (b) A KEI VEHICLE IS NOT SUBJECT TO ANY MOTOR VEHICLE
20 REGISTRATION FEE UNLESS THE FEE IS EXPRESSLY AUTHORIZED FOR A KEI
21 VEHICLE BY ARTICLE 3 OF THIS TITLE.

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

25 (d) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC
26 INFRACTION.

27 **SECTION 5.** In Colorado Revised Statutes, 42-3-107, **add** (29)

1 as follows:

2 **42-3-107. Taxable value of classes of property - rate of tax -**
3 **when and where payable - department duties - apportionment of tax**
4 **collections - definitions - rules - repeal.** (29) THE ANNUAL SPECIFIC
5 OWNERSHIP TAX FOR A KEI VEHICLE IS THE SAME AS FOR CLASS C
6 PERSONAL PROPERTY.

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

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

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

14 (F) An autocycle; OR

15 (G) A KEI VEHICLE.

16 **SECTION 7.** In Colorado Revised Statutes, 42-3-202, **amend** (1)
17 (a) as follows:

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

27 **SECTION 8.** In Colorado Revised Statutes, 42-3-203, **amend** (3)

1 (a) (I) and (3) (b) as follows:

2 **42-3-203. Standardized plates - rules.** (3) (a) (I) The department
3 may issue individual temporary registration number plates and certificates
4 good for a period not to exceed sixty days upon application by an owner
5 of a motor vehicle OR KEI VEHICLE, or the owner's agent, and the payment
6 of a registration fee of two dollars, one dollar and sixty cents to be
7 retained by the authorized agent or department issuing the plates and
8 certificates and the remainder to be remitted monthly to the department
9 to be transmitted to the state treasurer for credit to the highway users tax
10 fund.

11 (b) The department may issue to licensed motor vehicle dealers
12 AND POWERSPORTS VEHICLE DEALERS temporary registration number
13 plates and certificates in blocks of twenty-five upon payment of a fee of
14 six dollars and twenty-five cents for each block of twenty-five. The
15 department shall transmit any money it receives from this sale to the state
16 treasurer for credit to the highway users tax fund and allocation and
17 expenditure as specified in section 43-4-205 (5.5) (b), C.R.S. The
18 department may promulgate rules creating a system for the dealer to:

19 (I) Print on the temporary plates the temporary registration
20 number, vehicle identification number, and other information required by
21 the department; and

22 (II) Print temporary registration certificates with the information
23 required by the department.

24 **SECTION 9.** In Colorado Revised Statutes, 42-3-301, **amend** (1)
25 (a) as follows:

26 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In
27 addition to the payment of any fees for motor vehicle registration or for

1 the issuance of license plates, decals, or validating tabs, each owner of a
2 motor vehicle OR KEI VEHICLE issued a license plate, decal, or validating
3 tab for a motor vehicle pursuant to UNDER this article shall also pay a fee
4 to cover the direct costs of such THE plates, decals, or tabs. The amount
5 of the fee imposed pursuant to this section shall be as specified in
6 paragraph (b) of subsection (2) of this section.

7 **SECTION 10.** In Colorado Revised Statutes, **add** 42-3-315 as
8 follows:

9 **42-3-315. Kei vehicle registration fee.** THE OWNER SHALL PAY
10 A FIFTEEN-DOLLAR FEE TO REGISTER A KEI VEHICLE WITH THE
11 DEPARTMENT. THE DEPARTMENT SHALL TRANSFER THE FEE TO THE STATE
12 TREASURER, WHO SHALL CREDIT THE FEE TO THE COLORADO STATE
13 TITLING AND REGISTRATION ACCOUNT CREATED IN SECTION 42-1-211 (2).

14 **SECTION 11.** In Colorado Revised Statutes, **add** 42-4-109.7 as
15 follows:

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

24 (2) (a) (I) EXCEPT AS PROHIBITED BY THIS SECTION AND SECTION
25 42-3-103, A PERSON MAY DRIVE A KEI VEHICLE ON A ROADWAY THAT HAS
26 A SPEED LIMIT OF FIFTY-FIVE MILES PER HOUR OR LESS.

27 (II) PROHIBITING A PERSON FROM DRIVING A KEI VEHICLE ON A

1 ROADWAY DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE
2 ROADWAY AT AN AT-GRADE INTERSECTION WITH AN AUTHORIZED
3 ROADWAY.

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

6 (3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC
7 INFRACTION.

8 **SECTION 12.** In Colorado Revised Statutes, **add** 42-4-242 as
9 follows:

10 **42-4-242. Equipment - kei vehicles.** (1) A PERSON SHALL NOT
11 DRIVE A KEI VEHICLE ON A ROADWAY UNLESS THE VEHICLE IS EQUIPPED
12 WITH THE FOLLOWING IN GOOD WORKING ORDER:

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

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

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

20 (I) VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
21 REAR;

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

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

26 (d) LAMPS ON THE FRONT AND REAR OF THE VEHICLE THAT
27 INDICATE AN INTENTION TO TURN EITHER TO THE RIGHT OR TO THE LEFT BY

1 FLASHING THE LAMP ON AND OFF AND THAT:

2 (I) ARE LOCATED ON THE SAME LEVEL AND AS WIDELY SPACED
3 Laterally as practicable;

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

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

6 (e) SAFETY GLAZING MATERIAL AT THE FRONT OF THE VEHICLE SO
7 AS TO SERVE AS A WINDSHIELD AND AS EYE PROTECTION FOR THE DRIVER;

8 (f) A DEVICE CONTROLLED BY THE DRIVER OF THE VEHICLE FOR
9 CLEANING MOISTURE FROM THE WINDSHIELD;

10 (g) A MIRROR THAT REFLECTS TO THE DRIVER AN UNOBSTRUCTED
11 VIEW OF THE ROADWAY FOR AT LEAST TWO HUNDRED FEET BEHIND THE
12 REAR OF THE VEHICLE;

13 (h) SAFETY BELTS FOR EACH PASSENGER OF THE VEHICLE; AND

14 (i) A HORN.

15 (2) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC
16 INFRACTION.

17 **SECTION 13.** In Colorado Revised Statutes, 42-4-1409, **amend**
18 (2), (3) (a), and (5) as follows:

19 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

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

24 (3) (a) When an accident occurs or when requested to do so
25 following ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation
26 by a peace officer, ~~an owner or operator~~ THE DRIVER of a motor vehicle,
27 KEI VEHICLE, or low-power scooter shall IMMEDIATELY present to the

1 requesting officer ~~immediate~~ evidence of a complying policy or certificate
2 of self-insurance in full force and effect as required by law.

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

11 **SECTION 14.** In Colorado Revised Statutes, 42-6-102, **amend**
12 (6.5), (11.5) (a) (III), and (11.5) (b) introductory portion; and **add** (6.6)
13 as follows:

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

16 (6.5) ~~"Kit vehicle" means a passenger-type motor vehicle~~
17 ~~assembled, by other than a licensed manufacturer, from a manufactured~~
18 ~~kit that includes a prefabricated body and chassis and is accompanied by~~
19 ~~a manufacturer's statement of origin.~~ "KEI VEHICLE" HAS THE MEANING
20 SET FORTH IN SECTION 42-1-102.

21 (6.6) "KIT VEHICLE" MEANS A PASSENGER-TYPE MOTOR VEHICLE
22 ASSEMBLED, BY OTHER THAN A LICENSED MANUFACTURER, FROM A
23 MANUFACTURED KIT THAT INCLUDES A PREFABRICATED BODY AND
24 CHASSIS AND IS ACCOMPANIED BY A MANUFACTURER'S STATEMENT OF
25 ORIGIN.

26 (11.5) (a) "Off-highway vehicle" means a self-propelled vehicle
27 that is:

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

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

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

7 **42-6-148. Off-highway vehicles - sales.** (2) (a) A current
8 off-highway vehicle registration issued under article 14.5 of title 33,
9 C.R.S., is sufficient evidence of ownership to issue a certificate of title
10 under this part 1.

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

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

15 (II) A PHYSICAL INSPECTION IN ACCORDANCE WITH SECTION
16 42-6-107 (1) (b);

17 (III) A BILL OF SALE; OR

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

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

21 **SECTION 16.** In Colorado Revised Statutes, 10-4-601, **amend**
22 (6) and (10) introductory portion; and **add** (5.3) as follows:

23 **10-4-601. Definitions.** As used in this part 6, unless the context
24 otherwise requires:

25 (5.3) "KEI VEHICLE" HAS THE MEANING SET FORTH IN SECTION
26 42-1-102, C.R.S.

27 (6) "Motor vehicle" OR "AUTOMOBILE" means a motor vehicle, ~~and~~

1 a low-power scooter, OR A KEI VEHICLE as ~~both terms are~~ EACH TERM IS
2 defined in section 42-1-102, C.R.S.; except that "motor vehicle" OR
3 "AUTOMOBILE" does not include a toy vehicle, KEI VEHICLE, snowmobile,
4 OTHER off-highway vehicle, or vehicle designed primarily for use on rails.

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

16 **SECTION 17.** In Colorado Revised Statutes, 12-6-502, **amend**
17 (10); and **add** (5.7) as follows:

18 **12-6-502. Definitions.** As used in this part 5, unless the context
19 otherwise requires:

20 (5.7) "KEI VEHICLE" HAS THE MEANING SET FORTH IN SECTION
21 42-1-102, C.R.S.

22 (10) "Powersports vehicle" means any of the following:

- 23 (a) An off-highway vehicle;
24 (b) A personal watercraft; ~~or~~
25 (c) A snowmobile; OR
26 (d) A KEI VEHICLE.

27 **SECTION 18.** In Colorado Revised Statutes, 12-6-523, **amend**

1 (2) as follows:

2 **12-6-523. Unlawful acts.** (2) (a) EXCEPT AS PROVIDED BY
3 SUBSECTION (b) OF THIS SUBSECTION (2), it is unlawful for a person to act
4 as a wholesaler, powersports vehicle dealer, used powersports vehicle
5 dealer, powersports vehicle manufacturer, powersports vehicle
6 distributor, powersports vehicle manufacturer representative, or
7 powersports vehicle salesperson unless the person has been duly licensed
8 under the provisions of this part 5.

9 (b) A PERSON WHO WAS IN THE BUSINESS OF SELLING KEI VEHICLES
10 BEFORE JULY 1, 2015, MAY CONTINUE TO SELL KEI VEHICLES SO LONG AS
11 THE PERSON CONTINUES TO OPERATE THE BUSINESS.

12 **SECTION 19.** In Colorado Revised Statutes, 33-14.5-101,
13 **amend** (3) introductory portion, (3) (d), and (3) (g) as follows:

14 **33-14.5-101. Definitions.** As used in this article, unless the
15 context otherwise requires:

16 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle
17 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the
18 ground, ~~which~~ is designed primarily for use off of the public highways,
19 and ~~which~~ is generally and commonly used ~~to transport persons~~ for
20 recreational purposes. "Off-highway vehicle" does not include: ~~the~~
21 ~~following:~~

22 (d) Golf ~~carts~~ CARS;

23 (g) MOTOR vehicles registered ~~pursuant to~~ UNDER article 3 of title
24 42, C.R.S.

25 **SECTION 20. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 10, 2016, if adjournment sine die is on May 11,
2 2016); except that, if a referendum petition is filed pursuant to section 1
3 (3) of article V of the state constitution against this act or an item, section,
4 or part of this act within such period, then the act, item, section, or part
5 will not take effect unless approved by the people at the general election
6 to be held in November 2016 and, in such case, will take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies to registrations made and offenses committed
9 on or after January 1, 2017.