






## Colorado Revised Statutes

-  **Colorado Revised Statutes**
-  **TITLE 42 VEHICLES AND TRAFFIC**
-  **REGULATION OF VEHICLES AND TRAFFIC**
-  **ARTICLE 4 Regulation of Vehicles and Traffic**
-  **PART 13 ALCOHOL AND DRUG OFFENSES**

### **42-4-1301. Driving under the influence – driving while impaired – driving with excessive alcoholic content – definitions – penalties.**

**\*\*Update Notice:** This section has been amended by

[CHAPTER 281, COLO. SESS. LAWS OF 2009](#).

(1) (a) It is a misdemeanor for any person who is under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, to drive any vehicle in this state.

(b) It is a misdemeanor for any person who is impaired by alcohol or by one or more drugs, or by a combination of alcohol and one or more drugs, to drive any vehicle in this state.

(c) It is a misdemeanor for any person who is an habitual user of any controlled substance defined in section [12-22-303](#)(7), C.R.S., to drive any vehicle in this state.

(d) For the purposes of this subsection (1), one or more drugs shall mean all substances defined as a drug in section [12-22-303](#)(13), C.R.S., and all controlled substances defined in section [12-22-303](#)(7), C.R.S., and glue-sniffing, aerosol inhalation, and the inhalation of any other toxic vapor or vapors.

(e) The fact that any person charged with a violation of this subsection (1) is or has been entitled to use one or more drugs under the laws of this state, including, but not limited to, the medical use of marijuana pursuant to section [18-18-406.3](#), C.R.S., shall not constitute a defense against any charge of violating this subsection (1).

(f) "Driving under the influence" means driving a vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, which alcohol alone, or one or more drugs alone, or alcohol combined with one or more drugs affects the person to a degree that the person is substantially incapable, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(g) "Driving while ability impaired" means driving a vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, which alcohol alone, or one or more drugs alone, or alcohol combined with one or more drugs, affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.

(h) Pursuant to section [16-2-106](#), C.R.S., in charging the offense of DUI,

it shall be sufficient to describe the offense charged as "drove a vehicle under the influence of alcohol or drugs or both".

(i) Pursuant to section [16-2-106](#), C.R.S., in charging the offense of DWAI, it shall be sufficient to describe the offense charged as "drove a vehicle while impaired by alcohol or drugs or both".

(2)(a) It is a misdemeanor for any person to drive any vehicle in this state when the person's BAC is 0.08 or more at the time of driving or within two hours after driving. During a trial, if the state's evidence raises the issue, or if a defendant presents some credible evidence, that the defendant consumed alcohol between the time that the defendant stopped driving and the time that testing occurred, such issue shall be an affirmative defense, and the prosecution must establish beyond a reasonable doubt that the minimum 0.08 blood or breath alcohol content required in this paragraph (a) was reached as a result of alcohol consumed by the defendant before the defendant stopped driving.

(a.5) (I) It is a class A traffic infraction for any person under twenty-one years of age to drive any vehicle in this state when the person's BAC, as shown by analysis of the person's breath, is at least 0.02 but not more than 0.05 at the time of driving or within two hours after driving. The court, upon sentencing a defendant pursuant to this subparagraph (I), may, in addition to any penalty imposed under a class A traffic infraction, order that the defendant perform up to twenty-four hours of useful public service, subject to the conditions and restrictions of section [18-1.3-507](#), C.R.S., and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program at such defendant's own expense.

(II) A second or subsequent violation of this paragraph (a.5) shall be a class 2 traffic misdemeanor.

(b) In any prosecution for the offense of DUI per se, the defendant shall be entitled to offer direct and circumstantial evidence to show that there is a disparity between what the tests show and other facts so that the trier of fact could infer that the tests were in some way defective or inaccurate. Such evidence may include testimony of nonexpert witnesses relating to the absence of any or all of the common symptoms or signs of intoxication for the purpose of impeachment of the accuracy of the analysis of the person's blood or breath.

(c) Pursuant to section [16-2-106](#), C.R.S., in charging the offense of DUI per se, it shall be sufficient to describe the offense charged as "drove a vehicle with excessive alcohol content".

(3) The offenses described in subsections (1) and (2) of this section are strict liability offenses.

(4) No court shall accept a plea of guilty to a non-alcohol-related or non-drug-related traffic offense or guilty to the offense of UDD from a person charged with DUI, DUI per se, or habitual user; except that the court may accept a plea of guilty to a non-alcohol-related or non-drug-related traffic offense or to UDD upon a good faith representation by the prosecuting attorney that the attorney could not

establish a prima facie case if the defendant were brought to trial on the original alcohol-related or drug-related offense.

(5) Notwithstanding the provisions of section [18-1-408](#), C.R.S., during a trial of any person accused of both DUI and DUI per se, the court shall not require the prosecution to elect between the two violations. The court or a jury may consider and convict the person of either DUI or DWAI, or DUI per se, or both DUI and DUI per se, or both DWAI and DUI per se. If the person is convicted of more than one violation, the sentences imposed shall run concurrently.

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

(I) If at such time the defendant's BAC was 0.05 or less, it shall be presumed that the defendant was not under the influence of alcohol and that the defendant's ability to operate a vehicle was not impaired by the consumption of alcohol.

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

(III) If at such time the defendant's BAC was 0.08 or more, such fact gives rise to the permissible inference that the defendant was under the influence of alcohol.

(b) The limitations of this subsection (6) shall not be construed as limiting the introduction, reception, or consideration of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or whether or not the defendant's ability to operate a vehicle was impaired by the consumption of alcohol.

(c) In all actions, suits, and judicial proceedings in any court of this state concerning alcohol-related or drug-related traffic offenses, the court shall take judicial notice of methods of testing a person's alcohol or drug level and of the design and operation of devices, as certified by the department of public health and environment, for testing a person's blood, breath, saliva, or urine to determine such person's alcohol or drug level. The department of public health and environment may, by rule, determine that, because of the reliability of the results from certain devices, the collection or preservation of a second sample of a person's blood, saliva, or urine or the collection and preservation of a delayed breath alcohol specimen is not required. This paragraph (c) shall not prevent the necessity of establishing during a trial that the testing devices used were working properly and that such testing devices were properly operated. Nothing in this paragraph (c) shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

(d) If a person refuses to take or to complete, or to cooperate with the completing of, any test or tests as provided in section [42-4-1301.1](#) and

such person subsequently stands trial for DUI or DWAI, the refusal to take or to complete, or to cooperate with the completing of, any test or tests shall be admissible into evidence at the trial, and a person may not claim the privilege against self-incrimination with regard to admission of refusal to take or to complete, or to cooperate with the completing of, any test or tests.

(e) Involuntary blood test – admissibility. Evidence acquired through an involuntary blood test pursuant to section [42-4-1301.1](#)(3) shall be admissible in any prosecution for DUI, DUI per se, DWAI, habitual user, or UDD, and in any prosecution for criminally negligent homicide pursuant to section [18-3-105](#), C.R.S., vehicular homicide pursuant to section [18-3-106](#)(1)(b), C.R.S., assault in the third degree pursuant to section [18-3-204](#), C.R.S., or vehicular assault pursuant to section [18-3-205](#)(1)(b), C.R.S.

(f) Chemical test – admissibility. Strict compliance with the rules and regulations prescribed by the department of public health and environment shall not be a prerequisite to the admissibility of test results at trial unless the court finds that the extent of noncompliance with a board of health rule has so impaired the validity and reliability of the testing method and the test results as to render the evidence inadmissible. In all other circumstances, failure to strictly comply with such rules and regulations shall only be considered in the weight to be given to the test results and not to the admissibility of such test results.

(g) It shall not be a prerequisite to the admissibility of test results at trial that the prosecution present testimony concerning the composition of any kit used to obtain blood, urine, saliva, or breath specimens. A sufficient evidentiary foundation concerning the compliance of such kits with the rules and regulations of the department of public health and environment shall be established by the introduction of a copy of the manufacturer's or supplier's certificate of compliance with such rules and regulations if such certificate specifies the contents, sterility, chemical makeup, and amounts of chemicals contained in such kit.

(h) In any trial for a violation of this section, the testimony of a law enforcement officer that he or she witnessed the taking of a blood specimen by a person who the law enforcement officer reasonably believed was authorized to withdraw bloodspecimens shall be sufficient evidence that such person was so authorized, and testimony from the person who obtained the blood specimens concerning such person's authorization to obtain blood specimens shall not be a prerequisite to the admissibility of test results concerning the blood specimens obtained.

(i) (I) Following the lawful contact with a person who has been driving a vehicle, and when a law enforcement officer reasonably suspects that a person was driving a vehicle while under the influence of or while impaired by alcohol, the law enforcement officer may conduct a preliminary screening test using a device approved by the executive director of the department of public health and environment after first advising the driver that the driver may either refuse or agree to provide a sample of the driver's breath for such preliminary test; except that, if the driver is under twenty-one years of age, the law enforcement officer may, after providing such advisement to the person, conduct such preliminary screening test if

the officer reasonably suspects that the person has consumed any alcohol.

(II) The results of this preliminary screening test may be used by a law enforcement officer in determining whether probable cause exists to believe such person was driving a vehicle in violation of this section and whether to administer a test pursuant to section [42-4-1301.1](#)(2).

(III) Neither the results of such preliminary screening test nor the fact that the person refused such test shall be used in any court action except in a hearing outside of the presence of a jury, when such hearing is held to determine if a law enforcement officer had probable cause to believe that the driver committed a violation of this section. The results of such preliminary screening test shall be made available to the driver or the driver's attorney on request.

(7) Penalties. (a) (I) Except as otherwise provided in subparagraphs (II) and (IV) of this paragraph (a), every person who is convicted of DUI, DUI per se, or habitual user shall be punished by:

(A) Imprisonment in the county jail for not less than five days nor more than one year, the minimum period of which shall be mandatory except as otherwise provided in section [42-4-1301.3](#); and

(B) In the court's discretion, a fine of not less than six hundred dollars nor more than one thousand dollars; and

(C) Not less than forty-eight hours nor more than ninety-six hours of useful public service, the performance of the minimum period of which shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(II) Upon conviction of a violation described in sub-subparagraph (A) or (B) of subparagraph (III) of this paragraph (a), an offender shall be punished by:

(A) Imprisonment in the county jail for not less than ninety days nor more than one year, the minimum period of which shall be mandatory; except that the court may suspend up to eighty days of the period of imprisonment if the offender complies with the provisions of section [42-4-1301.3](#); and

(B) In the court's discretion, a fine of not less than one thousand dollars nor more than one thousand five hundred dollars; and

(C) Not less than sixty hours nor more than one hundred twenty hours of useful public service, the performance of the minimum period of which shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(III) Subparagraph (II) of this paragraph (a) shall apply to:

(A) A conviction for DUI, DUI per se, or habitual user, which violation occurred at any time after the date of a previous violation, for which there has been a conviction, for DUI, DUI per se, or habitual user, or for vehicular homicide pursuant to section [18-3-106](#)(1)(b)(I), C.R.S., or vehicular assault pursuant to section [18-3-205](#)(1)(b)(I), C.R.S., or of driving while such person's driver's license was under restraint pursuant

to section [42-2-138](#)(4) (b); or

(B) A conviction for DUI, DWAI, or DUI per se when the person's BAC was 0.20 or more at the time of driving or within two hours after driving.

(IV) Upon a conviction for DUI, DUI per se, or habitual user, which violation occurred at any time after the date of a previous violation, for which there has been a conviction, for DWAI, an offender shall be punished by:

(A) Imprisonment in the county jail for not less than seventy days nor more than one year, the minimum period of which shall be mandatory; except that the court may suspend up to sixty-three days of the period of imprisonment if the offender complies with the provisions of section [42-4-1301.3](#); and

(B) In the court's discretion, a fine of not less than nine hundred dollars nor more than one thousand five hundred dollars; and

(C) Not less than fifty-six hours nor more than one hundred twelve hours of useful public service, the performance of the minimum period of service which shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(b) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (b), every person who is convicted of DWAI shall be punished by:

(A) Imprisonment in the county jail for not less than two days nor more than one hundred eighty days, the minimum period of which shall be mandatory except as provided in section [42-4-1301.3](#); and

(B) In the court's discretion, a fine of not less than two hundred dollars nor more than five hundred dollars; and

(C) Not less than twenty-four hours nor more than forty-eight hours of useful public service, the performance of the minimum period of which shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(II) Upon conviction of a second or subsequent offense of DWAI, an offender shall be punished by:

(A) Imprisonment in the county jail for not less than forty-five days nor more than one year, the minimum period of which shall be mandatory; except that the court may suspend up to forty days of the period of imprisonment if the offender complies with the provisions of section [42-4-1301.3](#); and

(B) In the court's discretion, a fine of not less than six hundred dollars nor more than one thousand dollars; and

(C) Not less than forty-eight hours nor more than ninety-six hours of useful public service, the performance of the minimum period of which shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(III) Upon conviction for DWAI, which violation occurred at any time after the date of a previous violation, for which there has been a conviction, for DUI, DUI per se, or habitual user, or vehicular homicide pursuant to section [18-3-106](#)(1)(b)(I), C.R.S., or vehicular assault pursuant to section [18-3-205](#)(1)(b)(I), C.R.S., or of driving while such person's driver's license was under restraint as described in section [42-2-138](#)(4)(b), an offender shall be punished by:

(A) Imprisonment in the county jail for not less than sixty days nor more than one year, the minimum period of which shall be mandatory; except that the court may suspend up to fifty-four days of the period of imprisonment if the offender complies with the provisions of section [42-4-1301.3](#); and

(B) In the court's discretion, a fine of not less than eight hundred dollars nor more than one thousand two hundred dollars; and

(C) Not less than fifty-two hours nor more than one hundred four hours of useful public service, the performance of the minimum period of which shall be mandatory, and the court shall have no discretion to suspend the mandatory minimum period of performance of such service.

(IV) (Deleted by amendment, L. 2002, p. 1898, § 2, effective July 1, 2002.)

(c) (I) For the purposes of paragraphs (a) and (b) of this subsection (7), a person shall be deemed to have a previous conviction for DUI, DUI per se, DWAI, or habitual user, or vehicular homicide pursuant to section [18-3-106](#) (1)(b)(I), C.R.S., or vehicular assault pursuant to section [18-3-205](#)(1)(b)(I), C.R.S., if such person has been convicted under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States of an act that, if committed within this state, would constitute the offense of DUI, DUI per se, DWAI, or habitual user, or vehicular homicide pursuant to section [18-3-106](#)(1)(b)(I), C.R.S., or vehicular assault pursuant to section [18-3-205](#)(1)(b)(I), C.R.S.

(II) For sentencing purposes concerning convictions for second and subsequent offenses, prima facie proof of a defendant's previous convictions shall be established when the prosecuting attorney and the defendant stipulate to the existence of the prior conviction or convictions or the prosecuting attorney presents to the court a copy of the driving record of the defendant provided by the department of revenue of this state, or provided by a similar agency in another state, that contains a reference to such previous conviction or convictions or presents an authenticated copy of the record of the previous conviction or judgment from any court of record of this state or from a court of any other state, the United States, or any territory subject to the jurisdiction of the United States. The court shall not proceed to immediate sentencing when there is not a stipulation to prior convictions or if the prosecution requests an opportunity to obtain a driving record or a copy of a court record. The prosecuting attorney shall not be required to plead or prove any previous convictions at trial, and sentencing concerning convictions for second and subsequent offenses shall be a matter to be determined by the court at sentencing.

(III) As used in this part 13, "convicted" includes a plea of no contest

accepted by the court.

(d) In addition to the penalties prescribed in this subsection (7):

(I) Persons convicted of DUI, DUI per se, DWAI, habitual user, and UDD are subject to the costs imposed by section [24-4.1-119](#)(1)(c), C.R.S., relating to the crime victim compensation fund.

(II) Persons convicted of DUI, DUI per se, DWAI, and habitual user are subject to an additional penalty surcharge of not less than fifty dollars and not more than five hundred dollars for programs to address persistent drunk drivers. The minimum penalty surcharge shall be mandatory, and the court shall have no discretion to suspend or waive the surcharge; except that the court may suspend or waive the surcharge for a defendant determined by the court to be indigent. Any moneys collected for such surcharge shall be transmitted to the state treasurer, who shall credit the same to the persistent drunk driver cash fund created by section [42-3-303](#).

(III) Persons convicted of DUI, DUI per se, DWAI, habitual user, and UDD are subject to a surcharge of fifteen dollars to be transmitted to the state treasurer who shall deposit said surcharges in the Colorado traumatic brain injury trust fund created pursuant to section [26-1-309](#), C.R.S.

(e) In addition to any other penalty provided by law, the court may sentence a defendant who is convicted pursuant to this section to a period of probation for purposes of treatment not to exceed two years; in addition, a court may also sentence a defendant who is twice or more convicted pursuant to this section to a period of probation not to exceed two additional years for the purpose of monitoring compliance with court orders. As a condition of probation, the defendant shall be required to make restitution in accordance with the provisions of section [18-1.3-205](#), C.R.S.

(f) In addition to any other penalty provided by law, the court may sentence a defendant to attend and pay for one appearance at a victim impact panel approved by the court, for which the fee assessed to the defendant shall not exceed twenty-five dollars.

(g) In addition to any fines, fees, or costs levied against a person convicted of DUI, DUI per se, DWAI, habitual user, and UDD, the judge shall assess each such person for the cost of the presentence or postsentence alcohol and drug evaluation and supervision services.

(h) In addition to any other penalties prescribed in this part 13, the court shall assess an amount, not to exceed one hundred twenty dollars, upon any person required to perform useful public service.

(8) A second or subsequent violation of this section committed by a person under eighteen years of age may be filed in juvenile court.

Source: L. 94: Entire title amended with relocations, p. 2376, § 1, effective January 1, 1995. L. 95: (9)(a) and (9)(b) amended, p. 956, § 17, effective May 25; (9)(e)(II) and (12) amended, p. 315, § 3, effective July 1; (10)(d) amended, p. 224, § 3, effective July 1. L. 97: (2)(a.5) added and (6) and (8) amended, p. 1467, §§ 12, 13, effective July 1. L. 98: (2)(a.5), (9)(a), and (9)(b)(III) amended, p. 174, § 6, effective

April 6; (9) (b) (IV) added and (9) (g) amended, p. 1240, §§ 5, 6, effective July 1; (10) (a), (10) (b), (10) (c), (10) (d), and (10) (e) amended, p. 716, § 1, effective July 1. L. 99: (9) (a) (II), (9) (g), and (10) (c) amended, p. 1158, § 3, effective July 1. L. 2000: (2) (a.5) and (7) (a) (II) amended, p. 514, § 2, effective May 12; (9) (e) (II) amended, p. 1643, § 30, effective June 1; (9) (g) (III) amended, p. 1078, § 7, effective July 1. L. 2001: (1) (e) amended, p. 474, § 3, effective April 27; (9) (a), (9) (b), and (9) (f) (I) amended, p. 789, § 8, effective July 1. L. 2001, 2nd Ex. Sess.: (9) (a), (9) (b), and (9) (f) (I) amended, p. 2, § 3, effective September 25. L. 2002: Entire section amended with relocations, p. 1898, § 2, effective July 1; (7) (e) and (7) (f) amended, p. 1561, § 368, effective October 1; (7) (d) (III) added, p. 1609, § 4, effective January 1, 2004. L. 2003: (7) (h) amended, p. 2004, § 73, effective May 22. L. 2004: (6) (c) amended, p. 234, § 1, effective April 1; (2) (a), (4), (6) (a) (II), and (6) (a) (III) amended, p. 780, § 1, effective July 1; (2) (a.5) and (7) (e) amended and (8) added, p. 1130, § 2, effective July 1. L. 2005: (7) (d) (II) amended, p. 1177, § 17, effective August 8. L. 2006: (7) (d) (II) amended, p. 1369, § 9, effective January 1, 2007. L. 2008: (7) (a) (I) (B), (7) (a) (II) (B), (7) (a) (IV) (B), (7) (b) (I) (B), (7) (b) (II) (B), and (7) (b) (III) (B) amended, p. 2086, § 4, effective July 1.

Editor's note: (1) Prior to 1994, this section was formerly numbered as [42-4-1202](#) and the former section [42-4-1301](#) was relocated to section [42-4-1501](#). In 2002, this section was amended resulting in the relocation of provisions. Some portions of this section have been relocated to sections [42-4-1301.1](#), [42-4-1301.2](#), [42-4-1301.3](#), and [42-4-1301.4](#). For the location of specific provisions, see the comparative table located in the back of the index.

(2) Amendments to subsections (2.5), (3) (a) (II), (3) (b) (I), and (6) by House Bill 94-1029 were harmonized with Senate Bill 94-001.

(3) Subsections (7) (e) and (7) (f) were originally numbered as subsection (9) (h), and the amendments to it in House Bill 02-1046 were harmonized with subsections (7) (e) and (7) (f) as they appeared in Senate Bill 02-057.

Cross references: (1) For community or useful public service for persons convicted of misdemeanors, see § [18-1.3-507](#); for community service for juvenile offenders, see § [19-2-308](#); for additional costs imposed on criminal actions and traffic offenses, see §§ [24-4.1-119](#) and [24-4.2-104](#); for provision that the operation of vehicles and the movement of pedestrians pursuant to this section apply upon streets and highways and elsewhere throughout the state, see § [42-4-103](#) (2) (b); for additional costs levied on alcohol- and drug-related traffic offenses, see § [43-4-402](#); for community or useful public service for class 1 and class 2 misdemeanor traffic offenders, see § [42-4-1701](#); for collateral attacks of alcohol- or drug-related traffic offenses, see § [42-4-1702](#).

(2) For the legislative declaration contained in the 2002 act amending subsections (7) (e) and (7) (f), see section 1 of chapter [318](#), Session Laws of Colorado 2002.

## Colorado Acts

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CHAPTER 281, COLO. SESS. LAWS OF 2009

AN ACT

HOUSE BILL 09-1026

BY REPRESENTATIVE(S) Marostica, Fischer, McFadyen, Rice, Vaad, Ferrandino, Priola, Stephens, Todd, Hullinghorst, Pommer, Summers;

also SENATOR(S) Williams, Spence.

CONCERNING THE APPLICATION OF VEHICLE LAWS TO LOW-POWER VEHICLES THAT OPERATE WITH LESS THAN FOUR WHEELS IN CONTACT WITH THE GROUND, AND, IN CONNECTION THEREWITH, DEFINING "LOW-POWER SCOOTER" AND "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE".

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

SECTION 1. [10-4-601](#) (6), Colorado Revised Statutes, is amended to read:

[10-4-601](#). Definitions. As used in this part 6, unless the context otherwise requires:

(6) "Motor vehicle" means ~~any vehicle of a type required to be registered and licensed under the laws of this state and that is designed to be propelled by an engine or motor; except that "motor vehicle" does not include minibikes, snowmobiles, bicycles with motor or engine attached, any vehicle designed primarily for use off the road or on rails, or motorscooters~~ A "MOTOR VEHICLE" AND A "LOW-POWER SCOOTER", as BOTH TERMS ARE defined in section [42-1-102](#), C.R.S.; EXCEPT THAT "MOTOR VEHICLE" DOES NOT INCLUDE A TOY VEHICLE, SNOWMOBILE, OFF-HIGHWAY VEHICLE, OR VEHICLE DESIGNED PRIMARILY FOR USE ON RAILS.

SECTION 2. [10-4-635](#) (4) (a), Colorado Revised Statutes, is amended to read:

[10-4-635](#). Medical payments coverage – disclosure – definitions. (4) This section shall not apply to:

(a) A person obtaining an automobile liability or motor vehicle policy insuring against loss resulting from the ownership, maintenance, or use of a motorcycle, ~~motorscooter, motorbicycle, motorized bicycle~~ LOW-POWER SCOOTER, or toy vehicle, as defined in section [42-1-102](#), C.R.S., a snowmobile, as defined in section [33-14-101](#), C.R.S., or any vehicle designed primarily for use off the road or on rails;

SECTION 3. [12-6-102](#) (12), Colorado Revised Statutes, is amended to read:

[12-6-102](#). Definitions. As used in this part 1 and in part 5 of this article, unless the context or section [12-6-502](#) otherwise requires:

(12) "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways which is self-propelled and every vehicle

intended primarily for operation on the public highways which is not driven or propelled by its own power but which is designed to be attached to or become a part of or to be drawn by a self-propelled vehicle, not including farm tractors and other machines and tools used in the production, harvesting, and care of farm products. "MOTOR VEHICLE" INCLUDES, WITHOUT LIMITATION, A LOW-POWER SCOOTER, AS DEFINED IN SECTION 42-1-102, C.R.S.

SECTION 4. 12-6-502, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(20) "WHOLESALE" MEANS A PERSON WHO, FOR COMMISSION OR WITH INTENT TO MAKE A PROFIT OR GAIN OF MONEY OR OTHER THING OF VALUE, SELLS, EXCHANGES, OR OFFERS OR ATTEMPTS TO NEGOTIATE A SALE, LEASE, OR EXCHANGE OF AN INTEREST IN A NEW OR NEW AND USED POWERSPORTS VEHICLE SOLELY TO POWERSPORTS VEHICLE DEALERS OR USED POWERSPORTS VEHICLE DEALERS.

SECTION 5. 12-6-504 (1) (a), (1) (f) (I), and (1) (k), Colorado Revised Statutes, are amended to read:

12-6-504. Board – oath – meetings – powers and duties – rules. (1) In addition to the duties and powers of the board under section 12-6-104, the board may:

(a) Promulgate, amend, and repeal rules reasonably necessary to implement this part 5, including, without limitation, the administration, enforcement, issuance, and denial of licenses to WHOLESALES, powersports vehicle dealers, powersports vehicle salespersons, and used powersports vehicle dealers;

(f) (I) Investigate, with the assistance of the executive director, on its own motion or upon a written and signed complaint from any person, a suspected or alleged violation by a WHOLESALER, powersports vehicle dealer, used powersports vehicle dealer, or powersports vehicle salesperson of this part 5 or a rule promulgated by the board;

(k) Cause to be conducted written examinations, as prescribed by the board, to test the competency of all first-time applicants for a WHOLESALER'S LICENSE, powersports vehicle dealer's license, used powersports vehicle dealer's license, or powersports vehicle salesperson's license;

SECTION 6. The introductory portion to 12-6-508 (1), Colorado Revised Statutes, is amended, and the said 12-6-508 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-6-508. Classes of licenses. (1) Licenses issued under ~~the provisions of~~ this part 5 shall be of the following classes:

(f) A WHOLESALER'S LICENSE SHALL PERMIT THE LICENSEE TO ENGAGE IN THE ACTIVITIES OF A WHOLESALER.

SECTION 7. 12-6-510, Colorado Revised Statutes, is amended to read:

**12-6-510.** Display, form, custody, and use of licenses. The board and the executive director shall prescribe the form of the license to be issued by the executive director, and each license shall have imprinted thereon the seal of their offices. The license of each powersports vehicle salesperson shall be mailed to the business address where the salesperson is licensed and shall be kept by the salesperson at such salesperson's place of employment for inspection by employers, consumers, the executive director, or the board. A powersports vehicle dealer OR WHOLESALER shall display conspicuously the person's license in the person's place of business. Each license issued pursuant to this part 5 is separate and distinct. It shall be a violation of this part 5 for a person to exercise any of the privileges granted under a license that such person does not hold, or for a licensee to knowingly allow such an exercise of privileges.

SECTION 8. **12-6-511** (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-6-511.** Fees - disposition - expenses - expiration of licenses. (1) The fee established pursuant to subsection (5) of this section shall be collected with each application for each of the following:

(f) WHOLESALER'S LICENSE.

SECTION 9. **12-6-511** (3) and (4) (c), Colorado Revised Statutes, are amended to read:

**12-6-511.** Fees - disposition - expenses - expiration of licenses. (3) If an application for a WHOLESALER'S LICENSE, powersports vehicle dealer's, used powersports vehicle dealer's, or powersports salesperson's license is withdrawn by the applicant prior to issuance of the license, one-half of the license fee shall be refunded.

(4) (c) Upon the expiration of a license, unless suspended or revoked, it may be renewed upon the payment of the application fees specified in this section and renewal shall be made from year to year as a matter of right; except that, if a WHOLESALER OR powersports vehicle dealer voluntarily surrenders its license or abandons its place of business for a period of more than thirty days, the licensee is required to file a new application to renew its license.

SECTION 10. **12-6-512** (1) and (2) (a), Colorado Revised Statutes, are amended to read:

**12-6-512.** Bond of licensee. (1) A WHOLESALER'S LICENSE, powersports vehicle dealer's license, or used powersports vehicle dealer's license shall not be issued to any applicant unless the applicant procures and files with the board evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section **11-35-101**, C.R.S., or a good and sufficient bond with corporate surety thereon duly licensed to do business within the state, approved as to form by the attorney general, and conditioned that the applicant shall not make any fraudulent representation or violate any of the provisions of this part 5 or any rule promulgated by the board under this part 5. A powersports vehicle dealer or used powersports vehicle dealer shall not be required

to furnish an additional bond, savings account, deposit, or certificate of deposit under this section if such dealer furnishes a bond, savings account, deposit, or certificate of deposit under section [12-6-111](#).

(2) (a) The purpose of the bond procured by the applicant pursuant to subsection (1) of this section and section [12-6-513](#) is to provide for the reimbursement for any loss or damage suffered by any retail consumer caused by violation of this part 5 by a WHOLESALER, powersports vehicle dealer, or used powersports vehicle dealer. For a wholesale transaction, the bond is available to each party to the transaction; except that, if a retail consumer is involved, such consumer shall have priority to recover from the bond. The amount of the bond shall be fifty thousand dollars for each WHOLESALER APPLICANT, powersports vehicle dealer applicant, and used powersports vehicle dealer applicant. The aggregate liability of the surety for all transactions shall not exceed the amount of the bond, regardless of the number of claims or claimants.

SECTION 11. [12-6-515](#), Colorado Revised Statutes, is amended to read:

[12-6-515](#). Testing licensees. All persons applying for a WHOLESALER'S, powersports vehicle dealer's, used powersports vehicle dealer's, or powersports vehicle salesperson's license under this part 5 shall be examined for their knowledge of the powersports vehicle laws of the state of Colorado and the rules promulgated pursuant to this part 5. If the applicant is a corporation, the managing officer shall take the examination, and, if the applicant is a partnership, all the general partners shall take such examination. No license shall be issued except upon successful passing of the examination. This section shall not apply to a motor vehicle dealer, used motor vehicle dealer, or motor vehicle salesperson licensed pursuant to part 1 of this article.

SECTION 12. [12-6-517](#) (1), (6), (7) (a), and the introductory portion to [12-6-517](#) (7) (b), Colorado Revised Statutes, are amended to read:

[12-6-517](#). Application – rules. (1) An application for a WHOLESALER'S LICENSE, powersports vehicle dealer's license, used powersports vehicle dealer's license, or powersports salesperson's license shall be submitted to the board.

(6) Persons applying for a WHOLESALER'S, powersports vehicle dealer's, used powersports vehicle dealer's, or a powersports vehicle salesperson's license shall file with the board a written instrument in which the applicant shall appoint the secretary of the board as the agent of the applicant upon whom all process may be served in any action against the applicant arising out of a claim for damages suffered by a violation of this part 5, rules promulgated under this part 5, or any condition of the applicant's bond.

(7) (a) A person applying for a WHOLESALER'S LICENSE OR used powersports vehicle dealer's license shall file with the board a certification that the applicant has met the educational requirements for licensure under this subsection (7), unless the applicant is licensed as a motor vehicle dealer or a used motor vehicle dealer. This subsection (7) shall not apply to a person who has held a license, within the last three years, as a motor vehicle dealer, used motor vehicle dealer, wholesaler, wholesale motor vehicle auction dealer, powersports vehicle

dealer, or used powersports vehicle dealer under this part 5 or part 1 of this article.

(b) An applicant for a WHOLESALE'S LICENSE OR used powersports vehicle dealer's license shall not be licensed unless one of the following persons has completed an eight-hour prelicensing education program:

SECTION 13. 12-6-518, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-6-518. Notice of change of address or status. (4) UPON A CHANGE OF PLACE OF BUSINESS OR BUSINESS ADDRESS, A WHOLESALE'S LICENSE OR USED POWERSPORTS VEHICLE DEALER'S LICENSE SHALL IMMEDIATELY NOTIFY THE BOARD OF THE CHANGE.

SECTION 14. The introductory portion to 12-6-520 (3), Colorado Revised Statutes, is amended, and the said 12-6-520 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-6-520. Licenses – grounds for denial, suspension, or revocation. (3) A WHOLESALE'S LICENSE, powersports vehicle dealer's license, or a used powersports vehicle dealer's license may be denied, suspended, or revoked on the following grounds:

(3.5) A WHOLESALE'S LICENSE MAY BE DENIED, SUSPENDED, OR REVOKED FOR THE SELLING, LEASING, OR OFFERING OR ATTEMPTING TO NEGOTIATE THE SALE, LEASE, OR EXCHANGE OF AN INTEREST IN MOTOR VEHICLES TO PERSONS OTHER THAN POWERSPORTS VEHICLE DEALERS, USED POWERSPORTS VEHICLE DEALERS, OR OTHER WHOLESALERS.

SECTION 15. 12-6-521 (2), Colorado Revised Statutes, is amended to read:

12-6-521. Procedure for denial, suspension, or revocation of license – judicial review. (2) The board shall appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to conduct any hearing concerning the licensing or discipline of a WHOLESALE'S powersports vehicle dealer, used powersports vehicle dealer, powersports vehicle manufacturer, powersports vehicle manufacturer representative, or powersports vehicle distributor; except that the board may, upon a unanimous vote of the members present when the vote is taken, conduct the hearing in lieu of appointing an administrative law judge.

SECTION 16. 12-6-522 (1) (a) and (1) (c) (II), Colorado Revised Statutes, are amended to read:

12-6-522. Sales activity following license denial, suspension, or revocation – unlawful act – penalty. (1) (a) It shall be unlawful and a violation of this part 5 for any person whose WHOLESALE'S, powersports vehicle dealer's, used powersports vehicle dealer's, or powersports vehicle salesperson's license has been denied, suspended, or revoked to exercise the privileges of the license that was denied, suspended, or revoked.

(c) In any trial for a violation of paragraph (a) of this subsection (1):

(II) A duly authenticated invoice, buyer's order, or other customary, written sales or purchase document or instrument proven to be signed by

the defendant and indicating the defendant's role in the purchase or sale of a powersports vehicle at a retail OR WHOLESALE powersports vehicle sales location shall constitute prima facie evidence of the defendant's exercise of a privilege of licensure;

SECTION 17. 12-6-523 (2), Colorado Revised Statutes, is amended to read:

12-6-523. Unlawful acts. (2) It is unlawful for a person to act as a WHOLESALER, powersports vehicle dealer, used powersports vehicle dealer, powersports vehicle manufacturer, powersports vehicle distributor, powersports vehicle manufacturer representative, or powersports vehicle salesperson unless the person has been duly licensed under the provisions of this part 5.

SECTION 18. 12-6-529, Colorado Revised Statutes, is amended to read:

12-6-529. Drafts or checks not honored for payment – penalties. (1) If a WHOLESALER, powersports vehicle dealer, or used powersports vehicle dealer issues a draft or check to a WHOLESALER, powersports vehicle dealer, or used powersports vehicle dealer and fails to honor the draft or check, then the license of the licensee shall be subject to suspension pursuant to section 12-6-520. The license suspension shall be effective upon the date of a final decision against the licensee. A licensee whose license has been suspended pursuant to this subsection (1) shall not be eligible for reinstatement of the license and shall not be eligible to apply for another license issued under this part 5 unless it is demonstrated to the board that the unpaid draft or check has been paid in full and that any fine imposed on the licensee pursuant to subsection (2) of this section has been paid in full.

(2) A WHOLESALER, powersports vehicle dealer, or used powersports vehicle dealer that issues a draft or check to a WHOLESALER, powersports vehicle dealer, or used powersports vehicle dealer and who fails to honor the draft or check, causing loss to a third party, commits a misdemeanor and shall be punished by a fine of two thousand five hundred dollars. Any fine collected for a violation of this subsection (2) shall be awarded to the law enforcement agency that investigated and issued the citation for the violation.

SECTION 19. 14-10-122 (1.5) (d) (II), Colorado Revised Statutes, is amended to read:

14-10-122. Modification and termination of provisions for maintenance, support, and property disposition – automatic lien – repeal. (1.5) (d) Lien on motor vehicles. (II) For purposes of this subsection (1.5), "motor vehicle" means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways, trailers, semitrailers, and trailer coaches, without motive power; that has a net equity value based upon the loan value identified for such vehicle in the national automobile dealers' association car guide of not less than five thousand dollars at the time of the filing of the notice of lien and that meets such additional conditions as the state board of human services may establish by rule; and on which vehicle a lien already exists that is filed for public record and noted accordingly on the owner's certificate of title. "Motor vehicle" does not include

~~motorized bicycles, as defined in section [42-1-102](#) (59) (b), C.R.S. LOW-POWER SCOOTERS, AS DEFINED IN SECTION [42-1-102](#), C.R.S.;~~ vehicles that operate only upon rails or tracks laid in place on the ground or that travel through the air or that derive their motive power from overhead electric lines; farm tractors, farm trailers, and other machines and tools used in the production, harvesting, and care of farm products; and mobile machinery, self-propelled construction equipment, or industrial machinery not designed primarily for highway transportation. "Motor vehicle" does not include a vehicle that has a net equity value based upon the loan value identified for such vehicle in the national automobile dealers' association car guide of less than five thousand dollars at the time of the filing of the notice of lien and does not include a vehicle that is not otherwise encumbered by a lien or mortgage that is filed for public record and noted accordingly on the owner's certificate of title.

SECTION 20. [25-12-106](#) (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

[25-12-106](#). Noise restrictions – sale of new vehicles. (1) Except for such vehicles as are designed exclusively for racing purposes, no person shall sell or offer for sale a new motor vehicle or any self-propelled vehicle designed for off-highway use and for which registration as a motor vehicle is not required which produces a maximum noise exceeding the following noise limit, at a distance of fifty feet from the center of the lane of travel or fifty feet or more from a vehicle designed for off-highway use, under test procedures established by the department of revenue:

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

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

SECTION 21. The introductory portion to [25-12-107](#) (1) (a), Colorado Revised Statutes, is amended to read:

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

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

SECTION 22. [42-1-102](#) (10), (55), (56), (58), (59), (103.5), and (112), 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:

(10) "Bicycle" means ~~every~~<sup>A</sup> vehicle propelled ~~solely~~ by human power applied to pedals upon which ~~any~~<sup>A</sup> person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(28.5) "ELECTRICAL ASSISTED BICYCLE" MEANS A VEHICLE HAVING TWO TANDEM WHEELS OR TWO PARALLEL WHEELS AND ONE FORWARD WHEEL, FULLY OPERABLE PEDALS, AN ELECTRIC MOTOR NOT EXCEEDING SEVEN HUNDRED AND FIFTY WATTS OF POWER, AND A TOP MOTOR-POWERED SPEED OF TWENTY MILES PER HOUR.

(28.7) "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" OR "EPAMD" MEANS A SELF-BALANCING, NONTANDEM TWO-WHEELED DEVICE, DESIGNED TO TRANSPORT ONLY ONE PERSON, THAT IS POWERED SOLELY BY AN ELECTRIC PROPULSION SYSTEM PRODUCING AN AVERAGE POWER OUTPUT OF NO MORE THAN SEVEN HUNDRED FIFTY WATTS.

(48.5) (a) "LOW-POWER SCOOTER" MEANS 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 EITHER OF THE FOLLOWING:

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

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

(b) "LOW-POWER SCOOTER" SHALL NOT INCLUDE A TOY VEHICLE, BICYCLE, ELECTRICAL ASSISTED BICYCLE, WHEELCHAIR, OR ANY DEVICE DESIGNED TO ASSIST MOBILITY IMPAIRED PEOPLE WHO USE PEDESTRIAN RIGHTS-OF-WAY.

(55) "Motorcycle" means every motor vehicle 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~~<sup>THAT THE TERM DOES NOT INCLUDE</sup> ~~A farm tractor and except a motorized bicycle as defined in paragraph (b) of subsection (59) of this section~~<sup>OR LOW-POWER SCOOTER.</sup>

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

(58) "Motor vehicle" means any self-propelled vehicle ~~which~~ <sup>THAT</sup> is designed primarily for travel on the public highways and ~~which~~ <sup>THAT</sup> is generally and commonly used to transport persons and property over the public highways; ~~but~~ <sup>EXCEPT THAT</sup> the term does not include ~~motorized bicycles as defined in paragraph (b) of subsection (59) of this section~~<sup>LOW-POWER SCOOTERS, wheelchairs, as defined by subsection (113) of this section,</sup> 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~~ 42-4-1301, 42-4-1301.1, 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. FOR THE PURPOSES OF SECTIONS 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, AND 42-4-1301.1, "MOTOR VEHICLE" INCLUDES A LOW-POWER SCOOTER.

(59) (a) ~~"Motorscooter" and "motorbicycle" mean every motor vehicle 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" as defined in this section and any motorized bicycle as defined in paragraph (b) of this subsection (59), which motor vehicle is powered by an engine of not to exceed six brake horsepower.~~

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

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

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

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

(112) "Vehicle" means ~~any~~ A device ~~which~~ THAT is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, ~~any~~ WITHOUT LIMITATION, A bicycle, ELECTRICAL ASSISTED BICYCLE, OR EPAMD, but ~~such term~~ does not include ~~any~~ A wheelchair, ~~as defined by subsection (113) of this section, or any off-highway vehicle, snowmobile, any farm tractor, or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air.~~

SECTION 23. 42-2-103 (2), Colorado Revised Statutes, is amended to read:

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

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

lanes included within such roadways.

SECTION 24. [42-2-106](#) (1), Colorado Revised Statutes, is amended to read:

[42-2-106](#). Instruction permits and temporary licenses. (1) (a) (I) A person who is sixteen years of age or older and who, except for the person's lack of instruction in operating a motor vehicle OR motorcycle, ~~or motor driven cycle,~~ would otherwise be qualified to obtain a license under this article may apply for a temporary instruction permit in accordance with sections [42-2-107](#) and [42-2-108](#). The department shall issue a permit entitling an applicant, who is sixteen years of age or older but under eighteen years of age, while having the permit in the applicant's immediate possession, to drive a motor vehicle OR motorcycle ~~or motor driven cycle~~ upon the highways when accompanied by the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who signed the affidavit of liability pursuant to section [42-2-108](#) (1) (a), who holds a valid Colorado driver's license, and who occupies the front seat in close proximity to the driver or, in the case of a motorcycle, ~~or motor driven cycle,~~ under the immediate proximate supervision of a licensed driver, who holds a valid Colorado driver's license and is twenty-one years of age or older, authorized under this article to drive a motorcycle ~~or motor driven cycle.~~ In addition, the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who is authorized pursuant to this section to supervise the minor driver while the minor is driving, may allow the minor, while having the permit in the applicant's immediate possession, to drive with an individual who holds a valid driver's license and is twenty-one years of age or older for additional driving experience, but such additional driving experience shall not count toward the requirement established in section [42-2-104](#). The permit shall expire three years after issuance. The department shall issue a permit entitling the applicant, who is eighteen years of age or older, while having the permit in the applicant's immediate possession, to drive a motor vehicle OR motorcycle ~~or motor driven cycle~~ upon the highways when accompanied by a driver, who holds a valid Colorado driver's license and is twenty-one years of age or older, who occupies the front seat of the motor vehicle, or if the vehicle is a motorcycle ~~or motor driven cycle,~~ under the immediate proximate supervision of a driver, who is authorized under this article to drive a motorcycle ~~or motor driven cycle.~~ The permit shall expire three years after issuance.

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

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

(b) (I) A minor who is fifteen years of age or older and has completed a department-approved driver education course within the last six months may apply for a minor's instruction permit, pursuant to sections [42-2-107](#) and [42-2-108](#). Upon presentation of a written or printed statement signed by the parent, stepparent, grandparent with power of attorney, or guardian or foster parent and the instructor of the driver education course that the minor has passed an approved driver education course, the department shall issue the permit entitling the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle, including a motorcycle, ~~or motor driven cycle~~, under the supervision of the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who cosigned the application for the minor's instruction permit, if the parent, stepparent, grandparent with power of attorney, or guardian or foster parent holds a valid Colorado driver's license and occupies the front seat of the motor vehicle or, if the vehicle is a motorcycle, ~~or motor driven cycle~~, is authorized under this article to drive a motorcycle ~~or motor driven cycle~~ and is in close proximity to the driver while the minor is driving. In addition, the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who is authorized pursuant to this section to supervise the minor driver while the minor is driving, may allow the minor, while having the permit in the applicant's immediate possession, to drive with an individual who holds a valid driver's license and is twenty-one years of age or older for additional driving experience, but such additional driving experience shall not count toward the requirement established in section [42-2-104](#). The permit shall also entitle the applicant to drive a motor vehicle, including a motorcycle, ~~or motor driven cycle~~ that is marked to indicate that it is a motor vehicle used for instruction and that is properly equipped for instruction, upon the highways when accompanied by or under the supervision of an approved driver education instructor who holds a valid Colorado driver's license. Driver education instructors giving instruction in motorcycle safety shall have a valid motorcycle driver's license from Colorado and shall have successfully completed an instruction program in motorcycle safety approved by the department. The permit shall expire three years after issuance.

(II) If the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who signed the affidavit of liability pursuant

to section [42-2-108](#) (1) (a), does not hold a valid Colorado driver's license, the parent, stepparent, grandparent with power of attorney, or guardian or foster parent may appoint an alternate permit supervisor. An alternate permit supervisor shall hold a valid Colorado driver's license and be twenty-one years of age or older or, if the vehicle is a motorcycle, ~~or motor driven cycle~~, is authorized under this article to drive a motorcycle ~~or motor driven cycle~~. A minor who is issued a permit under this paragraph (b) may drive a motor vehicle, including a motorcycle, ~~or motor driven cycle~~, under the supervision of the alternate permit supervisor if the minor has the permit in the minor's immediate possession and the alternate permit supervisor occupies the front seat of the motor vehicle or, if the vehicle is a motorcycle, ~~or motor driven cycle~~, is in close proximity to the driver.

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

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

(d) (I) A minor fifteen and one-half years of age but less than sixteen years of age who has completed a four-hour prequalification driver awareness program approved by the department may apply for a minor's instruction permit pursuant to sections [42-2-107](#) and [42-2-108](#). Upon presenting a written or printed statement signed by the parent, stepparent, grandparent with power of attorney, or guardian or foster parent of the applicant and documentation that the minor completed the driver awareness program, the department shall issue a permit entitling the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle, including a motorcycle, ~~or motor driven cycle~~, under the supervision of the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who cosigned the application for the minor's instruction permit, if the

parent, stepparent, grandparent with power of attorney, or guardian or foster parent holds a valid Colorado driver's license and occupies the front seat of the motor vehicle or, if the vehicle is a motorcycle, ~~or motor-driven cycle~~, is authorized under this article to drive a motorcycle ~~or motor-driven cycle~~ and is in close proximity to the driver while he or she is driving. In addition, the parent, stepparent, grandparent with power of attorney, or guardian or foster parent, who is authorized pursuant to this section to supervise the minor driver while the minor is driving, may allow the minor, while having the permit in the applicant's immediate possession, to drive with an individual who holds a valid driver's license and is twenty-one years of age or older for additional driving experience, but such additional driving experience shall not count toward the requirement established in section [42-2-104](#). The permit shall expire three years after issuance.

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

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

(e) Repealed.

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

SECTION 25. [42-2-127](#) (5) (f), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

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

Type of conviction	Points
--------------------	--------

(f) Speeding:

(VI) ONE TO FOUR MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER . . . . .0

(VII) FIVE TO NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER . . . . .2

(VIII) GREATER THAN NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER. . . . .4

SECTION 26. **42-3-103** (1) (b) (I), Colorado Revised Statutes, is amended to read:

**42-3-103.** Registration required – exemptions. (1) (b) This subsection (1) shall not apply to the following:

(I) A bicycle, ELECTRIC ASSISTED BICYCLE, or other human-powered vehicle;

SECTION 27. **42-3-105** (1) (d) and (2), Colorado Revised Statutes, are amended, and the said **42-3-105** is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-3-105.** Application for registration – tax. (1) (d) (I) The department or its authorized agents shall not register a motor vehicle OR LOW-POWER SCOOTER unless the applicant has a complying motor vehicle insurance policy pursuant to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance in full force and effect as required by sections **10-4-619** and **10-4-624**, C.R.S. The requirements of this paragraph (d) apply only to motor vehicles classified as Class C personal property under section **42-3-106** (2) (c), to light trucks that do not exceed sixteen thousand pounds empty weight, ~~and~~ to sports utility vehicles that are classified as Class B personal property under section **42-3-106** (2) (b), OR TO LOW-POWER SCOOTERS. The applicant shall provide the department or its authorized agents with the proof of insurance certificate or insurance identification card provided to the applicant by the applicant's insurer pursuant to section **10-4-604.5**, C.R.S., or provide proof of insurance in such other media as is authorized by the department. Nothing in this paragraph (d) shall be interpreted to preclude the department from electronically transmitting insurance information to designated agents pursuant to section **42-7-604** for the purpose of ensuring compliance with mandatory insurance requirements.

(II) Any person who knowingly provides fraudulent information or documents under subparagraph (I) of this paragraph (d) to obtain registration of a motor vehicle OR LOW-POWER SCOOTER is guilty of a misdemeanor and is subject to the criminal and civil penalties provided under section **42-6-139** (3) and (4).

(2) Upon applying for registration, the owner of a motor vehicle OR LOW-POWER SCOOTER shall receive a written notice printed on the application for registration in type that is larger than the other information contained on the application for registration. Such notice shall state that motor vehicle insurance or operator's coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a five-hundred-dollar fine, and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine, and that such owner shall be required as a condition of obtaining a registration card to sign an affirmation clause that appears on the registration. The clause shall state, "I swear or affirm in accordance with section [24-12-102](#), C.R.S., under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance including an operator's policy pursuant to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle or operator of the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous.

Signature \_\_\_\_\_, Date \_\_\_\_\_.

(4) (a) A MOTOR VEHICLE DEALER OR USED MOTOR VEHICLE DEALER LICENSED UNDER ARTICLE 6 OF THIS TITLE MAY ACT AS AN AUTHORIZED AGENT OF THE DEPARTMENT FOR THE PURPOSES OF COMPLIANCE WITH THIS SECTION AND COLLECTION OF FEES REQUIRED FOR THE REGISTRATION OF LOW-POWER SCOOTERS REQUIRED BY THIS ARTICLE. WHEN THE OWNER OF THE LOW-POWER SCOOTER COMPLIES WITH THIS SECTION, THE DEALER SHALL FORWARD TO THE DEPARTMENT AN AFFIDAVIT SWEARING THAT THE OWNER HAS INSURANCE, THE STATEMENT REQUIRED BY SUBSECTION (2) OF THIS SECTION, AND THE FEES REQUIRED BY PART 3 OF THIS ARTICLE FOR THE REGISTRATION OF A LOW-POWER SCOOTER.

(b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN A CIVIL ACTION FOR DAMAGES OR INDEMNIFICATION RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, A MOTOR VEHICLE DEALER, USED MOTOR VEHICLE DEALER, OR EMPLOYEE THEREOF SHALL NOT BE LIABLE FOR AN ACT OR OMISSION ARISING AS A RESULT OF THE DEALER OR EMPLOYEE PERFORMING THE FUNCTIONS OF AN AGENT PURSUANT TO THIS SUBSECTION (4).

(c) UPON FINDING A PATTERN OF FAILURE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE DEPARTMENT MAY WITHDRAW A MOTOR DEALER'S OR USED MOTOR VEHICLE DEALER'S AUTHORIZATION TO ACT AS AN AGENT OF THE DEPARTMENT.

SECTION 28. [42-3-301](#) (2) (a) (VIII), Colorado Revised Statutes, is amended to read:

[42-3-301](#). License plate cash fund – license plate fees. (2) (a) The fees imposed pursuant to subsection (1) of this section shall be set in an amount necessary to recover only the costs of the production and distribution of any license plates, decals, or validating tabs issued pursuant to this article and shall be:

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

SECTION 29. [42-3-304](#) (4), (5), and (6) (a), Colorado Revised Statutes,

are amended to read:

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

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

(6) In lieu of registering each vehicle separately:

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

SECTION 30. 42-3-304 (18) (d), Colorado Revised Statutes, is amended to read:

42-3-304. Registration fees – passenger and passenger-mile taxes – clean screen fund. (18) (d) (I) In addition to any other fee imposed by this section, the owner shall pay, at the time of registration of ~~any~~ motor vehicle ~~in the state~~ OR LOW-POWER SCOOTER, a motorist insurance identification fee. The fee shall be adjusted annually by the department, based upon moneys appropriated by the general assembly for the operation of the motorist insurance identification database program. In no event shall the fee exceed fifty cents. The fee shall be transmitted to the state treasurer, who shall credit it to a special account within the highway users tax fund, to be known as the motorist insurance identification account, which is hereby created. Moneys in the motorist insurance identification account shall be used, subject to appropriation by the general assembly, to cover the costs of administration and enforcement of the motorist insurance identification database program, created in section 42-7-604; except that the state treasurer shall transfer moneys in the account in excess of the amount of moneys appropriated from the account to the highway users tax fund for allocation and expenditure as specified in section 43-4-205 (5.5) (c), C.R.S.

~~(II) This paragraph (d) is repealed, effective July 1, 2006, unless the motorist insurance identification database program created in section 42-7-604 is extended by the general assembly beyond such date.~~

SECTION 31. 42-3-305 (2) (a), Colorado Revised Statutes, is amended to read:

42-3-305. Registration fees – passenger and passenger-mile taxes – fee schedule for years of TABOR surplus revenue – applicability. (2) Fees for the annual registration of passenger-carrying motor vehicles shall be as follows:

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

SECTION 32. 42-3-306 (2) (a), Colorado Revised Statutes, is amended to read:

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

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

SECTION 33. 42-3-310 (4), Colorado Revised Statutes, is amended to read:

42-3-310. Additional registration fees – apportionment of fees. (4) Two dollars and fifty cents of each annual vehicle registration fee imposed by sections 42-3-304 to 42-3-306, exclusive of the annual registration fees prescribed for motorcycles, ~~motorscooters, motorbicycles~~, trailer coaches, mobile machinery and self-propelled construction equipment, and trailers having an empty weight of two thousand pounds or less and exclusive of a registration fee paid for a fractional part of a year, shall not be transmitted to the department but shall be paid over by the authorized agent, as collected, to the county treasurer, who shall credit the same to an account entitled "apportioned vehicle registration fees". On the tenth day of each month, the county treasurer shall apportion the balance in such account existing on the last day of the immediately preceding month between the county and the cities and incorporated towns located within the boundaries of the county on the basis of the record of rural and urban registrations that indicates the place of residence of each vehicle owner.

SECTION 34. 42-3-311, Colorado Revised Statutes, is amended to read:

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

(2) The general assembly shall make appropriations from the fund for the expenses of the administration of this section, and any fees credited to the fund pursuant to ~~this~~ subsection (1) OF THIS SECTION in excess of the amount of the appropriations shall be allocated and expended as

specified in section [43-4-205](#) (5.5) (f), C.R.S. The department shall promulgate rules authorizing retail sellers of ~~motorized bicycles~~ LOW-POWER SCOOTERS to be agents of the department for such registration.

SECTION 35. [42-4-109](#) (1), (2), (3), (4), (5), (6), (6.5), (7), and (11), Colorado Revised Statutes, are amended to read:

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

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

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

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

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

(6) Persons riding ~~motorized bicycles~~LOW-POWER SCOOTERS upon a roadway shall not ride more than two abreast. ~~except on lanes or parts of roadways set aside for the exclusive use of bicycles.~~

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

(7) For the sake of uniformity and bicycle, ELECTRICAL ASSISTED BICYCLE, and ~~motorized bicycle~~LOW-POWER SCOOTER safety throughout the state, the department in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, ELECTRICAL ASSISTED BICYCLE, and ~~motorized bicycle~~LOW-POWER SCOOTER riders ~~therein~~ a digest of state regulations explaining and illustrating the rules of the road, equipment

requirements, and traffic control devices that are applicable to such riders and their bicycles, ELECTRICAL ASSISTED BICYCLES, or ~~motorized bicycles~~LOW-POWER SCOOTERS. Local authorities may supplement this digest with a leaflet describing any additional regulations of a local nature that ~~are applicable~~APPLY within their respective jurisdictions.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, ELECTRICAL ASSISTED BICYCLE, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic ~~which~~ THAT is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice thereof; except that, with respect to controlled access highways, ~~the provisions of~~ section 42-4-1010 (3) shall apply. When such official signs are ~~so~~ erected, no person shall violate any of the instructions contained thereon.

SECTION 36. The introductory portion to 42-4-111 (1) and 42-4-111 (1) (h), (1) (z), and (2), Colorado Revised Statutes, are amended, and the said 42-4-111 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, 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:

(h) Regulating the operation of bicycles OR ELECTRICAL ASSISTED BICYCLES and requiring the registration and licensing of same, including the requirement of a registration fee, consistent with the provisions of this article;

(z) Regulating the operation of ~~motorized bicycles~~LOW-POWER SCOOTERS, consistent with the provisions of this article; except that local authorities shall be prohibited from establishing any requirements for the registration and licensing of ~~motorized bicycles~~LOW-POWER SCOOTERS;

(cc) AUTHORIZING, PROHIBITING, OR REGULATING THE USE OF AN EPAMD ON A ROADWAY, SIDEWALK, BIKE PATH, OR PEDESTRIAN PATH CONSISTENT WITH SECTION 42-4-117 (1) AND (3);

(dd) AUTHORIZING THE USE OF THE ELECTRICAL MOTOR ON AN ELECTRICAL ASSISTED BICYCLE ON A BIKE OR PEDESTRIAN PATH.

(2) No ordinance or regulation enacted under paragraph (a), (b), (e),

(f), (g), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (v), (x), (y), ~~or~~ (aa), OR (cc) of subsection (1) of this section shall be effective until official signs or other traffic control devices conforming to standards as required by section [42-4-602](#) and giving notice of such local traffic regulations are placed upon or at the entrances to the highway or part thereof affected as may be most appropriate.

SECTION 37. Part 1 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-117. Personal mobility devices. (1) A RIDER OF AN EPAMD SHALL HAVE ALL THE SAME RIGHTS AND DUTIES AS AN OPERATOR OF ANY OTHER VEHICLE UNDER THIS ARTICLE, EXCEPT AS TO THOSE PROVISIONS THAT BY THEIR NATURE HAVE NO APPLICATION.

(2) UNLESS PROHIBITED UNDER SECTION [42-4-111](#) (1) (cc), AN EPAMD MAY BE OPERATED ON A ROADWAY IN CONFORMITY WITH VEHICLE USE.

(3) AN EPAMD SHALL NOT BE OPERATED:

(a) ON A LIMITED-ACCESS HIGHWAY;

(b) ON A BIKE OR PEDESTRIAN PATH; OR

(c) AT A SPEED OF GREATER THAN TWELVE AND ONE-HALF MILES PER HOUR.

(4) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

SECTION 38. [42-4-205](#) (1), (2), and (3), Colorado Revised Statutes, are amended to read:

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

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

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

SECTION 39. [42-4-206](#) (5), Colorado Revised Statutes, is amended to read:

[42-4-206](#). Tail lamps and reflectors. (5) Every new motor vehicle sold and operated on and after January 1, 1958, upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle ~~and every motor driven cycle~~

shall carry at least one reflector meeting the requirements of this section, and vehicles of the type mentioned in section [42-4-207](#) shall be equipped with reflectors as required in those sections applicable thereto.

SECTION 40. [42-4-208](#) (2) and (3), Colorado Revised Statutes, are amended to read:

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

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

SECTION 41. [42-4-210](#) (2), Colorado Revised Statutes, is amended to read:

[42-4-210](#). Lamps on parked vehicles. (2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle ~~which~~ THAT is closer to passing traffic. This subsection (2) shall not apply to a ~~motor-driven cycle~~ LOW-POWER SCOOTER.

SECTION 42. [42-4-211](#) (4), Colorado Revised Statutes, is amended to read:

[42-4-211](#). Lamps on farm equipment and other vehicles and equipment. (4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section [42-4-204](#), be equipped with two single-beam head lamps meeting the requirements of section [42-4-216](#) or [42-4-218](#), respectively, ~~or, as an alternative, section [42-4-220](#) (2)~~ and at least one red lamp visible from a distance of not less than five hundred feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all

distances within six hundred feet to one hundred feet when directly in front of lawful upper beams of head lamps.

SECTION 43. The introductory portion to [42-4-216](#) (1) and [42-4-216](#) (2), Colorado Revised Statutes, are amended to read:

[42-4-216](#). Multiple-beam road lights. (1) Except as provided in this article, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles, other than motorcycles or ~~motor-driven cycles~~ LOW-POWER SCOOTERS, shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

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

SECTION 44. [42-4-220](#) (1) and (2), Colorado Revised Statutes, are amended to read:

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

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

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

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

~~(a) Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of~~

~~not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour, and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five miles or more per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.~~

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

~~(c) In the event the motor-driven cycle is equipped with a single-beam lamp, said lamp shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.~~

SECTION 45. [42-4-221](#) (1), (2), (3), (4), (5), (6), (7), and (8), Colorado Revised Statutes, are amended to read:

[42-4-221](#). Bicycle and personal mobility device equipment. (1) No other provision of this part 2 and no provision of part 3 of this article shall apply to ~~bicycles~~ A BICYCLE, ELECTRICAL ASSISTED BICYCLE, OR EPAMD or to equipment for use on ~~bicycles~~ A BICYCLE, ELECTRICAL ASSISTED BICYCLE, OR EPAMD except those provisions in this article made specifically applicable to ~~bicyclists, bicycles, or their equipment~~ SUCH A VEHICLE.

(2) Every bicycle, ELECTRICAL ASSISTED BICYCLE, OR EPAMD in use at the times described in section [42-4-204](#) shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, ELECTRICAL ASSISTED BICYCLE, OR EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, ELECTRICAL ASSISTED BICYCLE, OR EPAMD when in use at the times described in section [42-4-204](#) shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, ELECTRICAL ASSISTED BICYCLE, OR EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle OR ELECTRICAL ASSISTED BICYCLE shall not be equipped with, nor shall any person use upon a bicycle OR ELECTRICAL ASSISTED BICYCLE, any siren or whistle.

(7) Every bicycle OR ELECTRICAL ASSISTED BICYCLE shall be equipped with a brake or brakes ~~which~~ THAT will enable its rider to stop the bicycle OR ELECTRICAL ASSISTED BICYCLE within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles OR ELECTRICAL ASSISTED BICYCLES at retail shall not sell any bicycle OR ELECTRICAL ASSISTED BICYCLE unless the bicycle OR ELECTRICAL ASSISTED BICYCLE has an identifying number permanently stamped or cast on its frame.

SECTION 46. [42-4-223](#) (1) (b), Colorado Revised Statutes, is amended to read:

[42-4-223](#). Brakes. (1) Brake equipment required:

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

SECTION 47. [42-4-224](#) (3), Colorado Revised Statutes, is amended to read:

[42-4-224](#). Horns or warning devices. (3) No bicycle, ELECTRICAL ASSISTED BICYCLE, or ~~motorized bicycle~~ LOW-POWER SCOOTER shall be equipped with nor shall any person use upon ~~a bicycle or motorized bicycle any~~ SUCH VEHICLE A siren or whistle.

SECTION 48. [42-4-232](#) (1), Colorado Revised Statutes, is amended to read:

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

SECTION 49. [42-4-234](#) (1), Colorado Revised Statutes, is amended to read:

[42-4-234](#). Slow-moving vehicles – display of emblem. (1) All machinery, equipment, and vehicles, except bicycles, ELECTRICAL ASSISTED 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. Bicycles, ELECTRICAL ASSISTED 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 50. [42-4-237](#) (1) (a), Colorado Revised Statutes, is amended to read:

[42-4-237](#). Safety belt systems – mandatory use – exemptions – penalty. (1) As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars,

station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, ~~motorscooters, motorbicycles, motorized bicycles~~ LOW-POWER SCOOTERS, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

SECTION 51. [42-4-503](#), Colorado Revised Statutes, is amended to read:

[42-4-503](#). Projecting loads on passenger vehicles. No passenger-type vehicle, except a motorcycle, ~~or~~ a bicycle, OR AN ELECTRICAL ASSISTED BICYCLE shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Any person who violates ~~any provision of~~ this section commits a class B traffic infraction.

SECTION 52. [42-4-710](#) (3), Colorado Revised Statutes, is amended to read:

[42-4-710](#). Emerging from or entering alley, driveway, or building. (3) No person shall drive any vehicle other than a bicycle, ELECTRIC ASSISTED BICYCLE, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

SECTION 53. [42-4-802](#) (3), Colorado Revised Statutes, is amended to read:

[42-4-802](#). Pedestrians' right-of-way in crosswalks. (3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, RIDE AN ELECTRICAL ASSISTED BICYCLE, walk, or run into the path of a moving vehicle ~~which~~THAT is so close as to constitute an immediate hazard.

SECTION 54. [42-4-1101](#) (8), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

SECTION 55. [42-4-1204](#) (4), Colorado Revised Statutes, is amended to read:

[42-4-1204](#). Stopping, standing, or parking prohibited in specified places. (4) (a) Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles OR ELECTRICAL ASSISTED BICYCLES on sidewalks in accordance with the provisions of section [42-4-1412](#) (11) (a) and (11) (b).

(b) Paragraph (f) of subsection (1) of this section shall not prohibit persons from parking two or more bicycles OR ELECTRICAL ASSISTED BICYCLES abreast in accordance with the provisions of section [42-4-1412](#) (11) (d).

(c) Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles OR ELECTRICAL ASSISTED BICYCLES parked on sidewalks in accordance with section [42-4-1412](#) (11) (a) and (11) (b).

SECTION 56. [42-4-1301](#) (1) (a), (1) (b), (1) (c), (1) (f), (1) (g), (2) (a), (2) (a.5) (I), (6) (a) (I), (6) (a) (II), (6) (b), (6) (i) (I), and (6) (i) (II), Colorado Revised Statutes, are amended to read:

[42-4-1301](#). Driving under the influence – driving while impaired – driving with excessive alcoholic content – definitions – penalties. (1) (a) It is a misdemeanor for any person who is under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, to drive ~~any vehicle in this state~~ A MOTOR VEHICLE OR VEHICLE.

(b) It is a misdemeanor for any person who is impaired by alcohol or by one or more drugs, or by a combination of alcohol and one or more drugs, to drive ~~any vehicle in this state~~ A MOTOR VEHICLE OR VEHICLE.

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

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

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

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

(a.5) (I) It is a class A traffic infraction for any person under twenty-one years of age to drive ~~any~~ A MOTOR vehicle in this state OR VEHICLE when the person's BAC, as shown by analysis of the person's breath, is at least 0.02 but not more than 0.05 at the time of driving or within two hours after driving. The court, upon sentencing a defendant pursuant to this subparagraph (I), may, in addition to any penalty imposed under a class A traffic infraction, order that the defendant perform up to twenty-four hours of useful public service, subject to the conditions

and restrictions of section [18-1.3-507](#), C.R.S., and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program at such defendant's own expense.

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

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

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

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

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

(II) The results of this preliminary screening test may be used by a law enforcement officer in determining whether probable cause exists to believe such person was driving a MOTOR vehicle OR VEHICLE in violation of this section and whether to administer a test pursuant to section [42-4-1301.1](#) (2).

SECTION 57. [42-4-1401](#) (1), Colorado Revised Statutes, is amended to read:

[42-4-1401](#). Reckless driving – penalty. (1) ~~Any~~<sup>A</sup> person who drives ~~any~~<sup>A</sup> motor vehicle, bicycle, ELECTRICAL ASSISTED BICYCLE, or ~~motorized bicycle~~<sup>LOW-POWER SCOOTER</sup> in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or ~~motorized bicycle~~<sup>ELECTRICAL ASSISTED BICYCLE</sup> shall not be subject to the provisions of section [42-2-127](#).

SECTION 58. [42-4-1402](#) (1), Colorado Revised Statutes, is amended to read:

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

SECTION 59. [42-4-1407.5](#) (3) (g), Colorado Revised Statutes, is amended to read:

[42-4-1407.5](#). Splash guards – when required. (3) This section does not apply to:

(g) Bicycles OR ELECTRICAL ASSISTED BICYCLES.

SECTION 60. [42-4-1409](#) (1), (2), (3), (5), and (7), Colorado Revised Statutes, are amended to read:

[42-4-1409](#). Compulsory insurance – penalty – legislative intent. (1) No owner of a motor vehicle OR LOW-POWER SCOOTER required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

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

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

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

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

SECTION 61. [42-4-1412](#), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1412. Operation of bicycles and other human-powered vehicles.  
(14) EXCEPT AS AUTHORIZED BY SECTION 42-4-111, THE RIDER OF AN ELECTRICAL ASSISTED BICYCLE SHALL NOT USE THE ELECTRICAL MOTOR ON A BIKE OR PEDESTRIAN PATH.

SECTION 62. 42-4-1412 (1), (3), and (4), the introductory portion to 42-4-1412 (5), 42-4-1412 (5) (a), the introductory portion to 42-4-1412 (6) (a), and 42-4-1412 (6) (a) (II), (7), (8) (a), (8) (b), (9), (10) (a), (10) (b), (10) (c), (11), (12) (b), and (13), Colorado Revised Statutes, are amended to read:

42-4-1412. Operation of bicycles and other human-powered vehicles. (1) Every person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall have all of the rights and duties applicable to the driver of any other vehicle under this article, except as to special regulations in this article and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 42-4-221, and, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of bicycles AND ELECTRICAL ASSISTED BICYCLES as provided in section 42-4-111.

(3) No bicycle OR ELECTRICAL ASSISTED BICYCLE shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle OR ELECTRICAL ASSISTED BICYCLE shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5) Any person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle riding OR ELECTRICAL ASSISTED BICYCLE RIDING is present, persons operating bicycles OR ELECTRICAL ASSISTED BICYCLES shall ride on the paved shoulder. These provisions shall apply, except under any of the following situations:

(a) When overtaking and passing another bicycle, ELECTRICAL ASSISTED BICYCLE, or vehicle proceeding in the same direction;

(6) (a) Persons operating bicycles OR ELECTRICAL ASSISTED BICYCLES on roadways shall ride single file; except that riding no more than two abreast is permitted in the following circumstances:

(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles OR ELECTRICAL ASSISTED BICYCLES.

(7) A person operating a bicycle OR ELECTRICAL ASSISTED BICYCLE shall keep at least one hand on the handlebars at all times.

(8) (a) A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE intending to turn left shall follow a course described in sections 42-4-901 (1), 42-4-903, and 42-4-1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

(9) (a) Except as otherwise provided in this subsection (9), every person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall signal the intention to turn or stop in accordance with ~~the provisions of~~ section [42-4-903](#); except that a person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle OR ELECTRICAL ASSISTED BICYCLE before turning and shall be given while the bicycle OR ELECTRICAL ASSISTED BICYCLE is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle OR ELECTRICAL ASSISTED BICYCLE.

(10) (a) A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle OR ELECTRICAL ASSISTED BICYCLE upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles OR ELECTRICAL ASSISTED BICYCLES is prohibited by official traffic control devices or local ordinances. A person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle OR ELECTRICAL ASSISTED BICYCLE upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section [42-4-802](#).

(11) (a) A person may park a bicycle OR ELECTRICAL ASSISTED BICYCLE on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle OR ELECTRICAL ASSISTED BICYCLE parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle OR ELECTRICAL ASSISTED BICYCLE may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle OR ELECTRICAL ASSISTED BICYCLE may be parked on the road abreast of another SUCH bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles OR ELECTRICAL ASSISTED BICYCLES parked anywhere on a highway shall conform to the provisions of part 12 of this article regulating the parking of vehicles.

(12) (b) Any person riding a bicycle OR ELECTRICAL ASSISTED BICYCLE who violates any provision of this article other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that section [42-2-127](#) shall not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle OR ELECTRICAL ASSISTED BICYCLE on the roadways of the state, even if such accident does not involve a motor vehicle.

SECTION 63. The introductory portion to [42-4-1502](#) (4.5) (a) and [42-4-1502](#) (4.5) (a) (I), Colorado Revised Statutes, are amended to read:

[42-4-1502](#). Riding on motorcycles – protective helmet. (4.5) (a) A person ~~under eighteen years of age may~~ SHALL not operate or ~~carry~~ RIDE AS a passenger ~~who is under eighteen years of age~~ on a motorcycle OR LOW-POWER SCOOTER on a ~~highway in this state~~ ROADWAY unless:

(I) ~~The~~ EACH person ~~and the passenger are~~ UNDER EIGHTEEN YEARS OF AGE IS wearing A protective ~~helmet~~ HELMET of a type and design manufactured for use by operators of motorcycles;

SECTION 64. [42-4-1701](#) (4) (a) (I) (L), Colorado Revised Statutes, is amended to read:

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

jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
(L) Speeding violations:		
<u>42-4-1101</u> (1) or (8) (b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	\$30.00	\$ 6.00
<u>42-4-1101</u> (1) or (8) (b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	70.00	10.00
<u>42-4-1101</u> (1) or (8) (b) (10 to 19 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	135.00	16.00
<u>42-4-1101</u> (1) or (8) (b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	200.00	32.00
<u>42-4-1101</u> (8) (g) (1 TO 4 MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF 40 MILES PER HOUR DRIVING A LOW-POWER SCOOTER)	50.00	6.00
<u>42-4-1101</u> (8) (g) (5 TO 9 MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF 40 MILES PER HOUR DRIVING A LOW-POWER SCOOTER)	75.00	10.00
<u>42-4-1101</u> (8) (g) (GREATER THAN 9 MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF 40 MILES PER HOUR DRIVING A LOW-POWER SCOOTER)	100.00	16.00
<u>42-4-1101</u> (3)	100.00	10.00
<u>42-4-1103</u>	50.00	6.00
<u>42-4-1104</u>	30.00	6.00

SECTION 65. 42-6-102 (10), Colorado Revised Statutes, is amended to read:

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

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

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

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

(c) ~~farm tractors, farm trailers, and~~A FARM TRACTOR, FARM TRAILER, AND  
ANY other machines and tools used in the production, harvesting, and care of farm products; ~~and~~OR

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

SECTION 66. Act subject to petition – effective date – applicability.

(1) Sections 1, 26, 29, and 53 of this act shall take effect July 1, 2010, and the remainder of this act shall take effect October 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during 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, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to acts committed on or after the applicable effective date of this act.

May 20, 2009 – Enacted