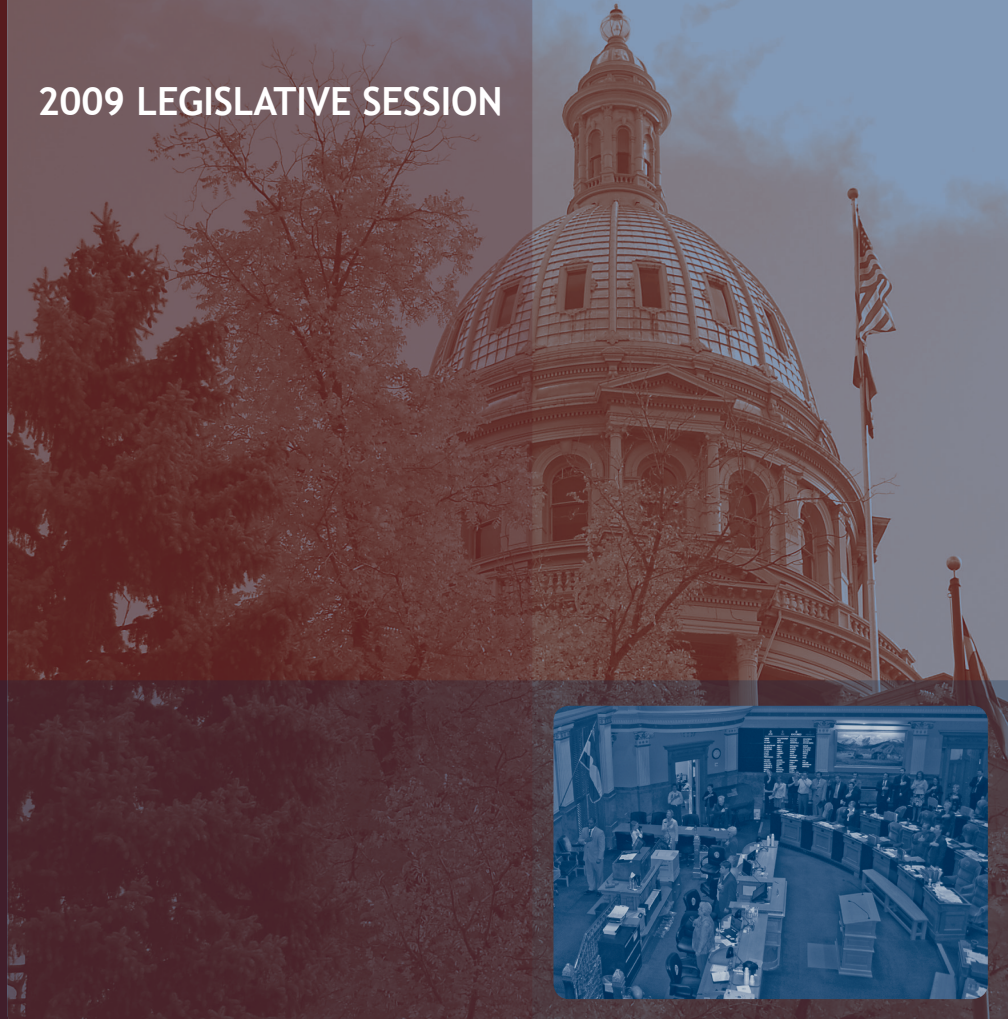


COLORADO LAWS ENACTED AFFECTING MUNICIPAL GOVERNMENTS

2009 LEGISLATIVE SESSION



CML

COLORADO MUNICIPAL LEAGUE

The Voice of Colorado's Cities and Towns

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FOREWORD

Sine die adjournment of the first regular session of the 67th Colorado General Assembly occurred May 6, 2009.

Nearly 800 bills and resolutions were introduced during the 2009 session, and the League monitored about half of these measures.

During the session, 24 of 30 League-supported bills became law, and 22 of 22 League-opposed bills were either defeated or amended in a manner to remove League opposition. This is an 80 percent record for enactment of supported bills, and a 100 percent record for defeat or amendment of opposed bills!

One of the League's services is the analysis and distribution of information regarding laws passed by the General Assembly that affect cities and towns. Published annually, *Colorado Laws Enacted* focuses on selected acts that have a particular significance for municipal operations, services, and powers. A few of these acts are reprinted herein for easy reference. This publication is not a comprehensive listing of all new legislation enacted into law affecting municipal government.

The League recommends that each municipality assign at least one staff member to review this publication carefully and become familiar with these new laws. We suggest that special attention be given to effective dates and any ordinance or other policy changes that might be required. Please notify the appropriate officials in your municipality of these changes.

Municipal officials are encouraged to review the actual text of new laws rather than rely on the summaries in this publication. When reading these new laws, please read the act in the context of the existing statute or statutes being amended. We encourage you to consult with your municipal attorney where legal questions arise. Copies of any law and further information are available to municipal officials upon request to the League staff. Finally, we appreciate your comments and suggestions on ways to improve *Colorado Laws Enacted*.

Acknowledgements go to the following CML staff for contributing to this book: Kevin Bommer, legislative and policy advocate, Erin Goff, senior staff attorney, Mark Radtke, legislative and policy advocate, Traci Stoffel, publications specialist, and Geoff Wilson, general counsel.

Erin Goff
CML senior staff attorney
June 2009

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HB 09-1091**BUILDING PERMITS****Carbon monoxide detectors**

Requires any existing single-family dwelling or dwelling unit of an existing multi-family dwelling offered for sale or transfer on or after July 1, 2009, that has a fuel-burning heater or appliance, a fireplace, or an attached garage, to have an operational carbon monoxide alarm installed within a specified distance of each room lawfully used for sleeping purposes or as otherwise specified by any building code adopted by the state or any local government entity. Requires any single-family dwelling or dwelling unit of a multi-family dwelling for which a building permit is issued on or after July 1, 2009, for specified interior alterations or repairs to have an operational carbon monoxide alarm installed within a specified distance of each room lawfully used for sleeping purposes or as otherwise specified by any building code adopted by the state or any local government entity. Specifies that nothing in the act shall be construed to limit a municipality, city, home rule city, city and county, county, or other local governmental entity from adopting or enforcing more stringent requirements for the installation and maintenance of carbon monoxide alarms. Contains other provisions. Effective March 24, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1014**CONSERVATION EASEMENTS****Fees paid to the division of real estate**

Eliminates the cap on the amount of the fee paid to the division of real estate by an appraiser, in connection with submitting an appraisal for review, and an entity that holds a conservation easement in connection with an application to be certified. Requires conservation easement holders to pay an annual fee to cover the costs of the division of real estate in reviewing appraisals of conservation easements. Authorizes the division of real estate to also accept and expend gifts, grants, and donations to cover such costs. Repeals the provision specifying that the certification of a conservation easement holder is effective for a 30-year period. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1200**COUNTIES****Fiscal impact of legislation on counties**

For any proposed legislation that may have a fiscal impact on a county, requires the legislative fiscal note office to request fiscal information from Colorado Counties, Inc. regarding the impact of the proposed legislation on certain counties. Directs the fiscal note office to consider and provide in the local government impact section of a fiscal note, an estimate of the fiscal impact and potential staffing and other administrative aspects of the proposed legislation on those counties. Effective Aug. 5, 2009, applies to legislation introduced after Dec. 31, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1217**COUNTIES****Local improvement districts to improve public utilities**

Expands the type of improvements authorized under the local improvement district statute to allow counties to form local improvement districts to provide service improvements. Defines "service" to include the services provided by a public utility, cable television service, telecommunications service, geothermal heat suppliers, and information service. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1120**CRIMINAL LAW****Public servant safety crimes**

Amends the definition of "assault in the third degree" to include when a person, with intent to infect, injure, harm, harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, firefighter, or emergency medical technician, causes such person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or any toxic, caustic, or hazardous material by any means. Amends the definition of "disarming a peace officer" to include removing a self-defense electronic control device, direct-contact stun device, or other similar device of a peace officer. Contains other provisions. Effective July 1, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-173**ECONOMIC DEVELOPMENT****Regional tourism projects**

Creates a mechanism by which a local government can undertake a large-scale regional tourism project, a regional tourism zone in which the project will be build, and a regional tourism authority; and finance the regional tourism authority, at least in part, with state sales tax increment. Authorizes any local government to apply for approval of a regional tourism project by submitting an application to the Colorado Office of Economic Development. Describes application requirements. Defines a financing entity as the entity designated by the economic development commission in connection with its approval of a regional tourism project to receive and utilized state sales tax increment revenue. A financing entity may be a metropolitan district, an urban renewal authority, or any regional tourism authority formed pursuant to the bill. If the financing entity is an urban renewal authority using property tax revenue to finance the project, requires an analysis of the impact to local school districts and an estimate of the percentage of total program that the state will become responsible for funding through the state's share of total program under the School Finance Act. Prohibits an urban renewal authority from using state sales tax increment revenue to acquire property through the exercise of eminent domain. Requires the director of the Office of Economic Development to forward the application to the county or counties in which the regional tourism project is planned, and any adjacent municipalities. Requires the economic development commission to determine that the project is extraordinary and unique and will contribute significantly to economic

development and tourism and that the project would not be developed without the use of state sales tax increment. Prohibits the economic development commission from approving more than two projects, or any project that would likely create a state sales tax revenue dedication of more than \$50 million to all regional tourism projects in any given year. Lists reporting requirements. Defines terms. Includes legislative declarations. Contains numerous other provisions. Effective June 4, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1018 **ELECTIONS**

**Statewide voter registration system –
Technical amendments**

Makes various changes to the statutes implementing the statewide voter registration system in the Uniform Election Code. Adopts amendments to assure compliance with the federal Help America Vote Act. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1153 **ELECTIONS**

FCPA – Issue committees

Amends the Fair Campaign Practices Act to clarify which events trigger a filing obligation for an issue committee under the FCPA. Amends the municipal annexation statute to require that the notice of an annexation election include information informing the public that an issue committee is required by law to register with the appropriate officer within 10 calendar days of accepting or making contributions or expenditures in excess of \$200 to support or oppose the annexation question. Contains other provisions. Effective Sept. 1, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1160 **ELECTIONS**

Online voter services - Secretary of State's office

Amends the Uniform Election Code provisions concerning voter registration to permit a voter to register to vote, change his or her residence on a registration record, change or withdraw his or her affiliation, apply for permanent mail-in ballot status, or amend his or her existing mail-in ballot status by completing an electronic form on the official website of the Secretary of State. Makes various changes to facilitate this process. Contains other provisions. Effective May 15, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1186 **ELECTIONS**

Manner of "mail-in" (absentee) voting

Amends the Uniform Election Code provisions concerning "mail-in voting" (previously known as "absentee balloting") to permit a person other than an authorized agent of the designated election official to receive no more than 10 mail-in ballots in any election for mailing or delivery to the designated election official. Previous law provided that such persons could receive no more than five such ballots. Effective April 3, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1205 **ELECTIONS**

Uniformed services - Pilot program

Establishes in the Uniform Election Code the Internet-Based Voting Pilot Program for Absent Uniformed Services Electors. Specifies the details of such pilot program, specifies delivery deadlines for "mail-in ballots" (previously known as "absentee ballots") for delivery to absent uniformed services electors serving outside the United States. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1216 **ELECTIONS**

Permanent mail-in voting – Municipal elections

Makes various changes to the Uniform Election Code concerning "permanent mail-in voting status." Specifically amends the municipal election code to provide for automatic distribution of an absentee ballot packet to municipal electors who have signed up on the county clerk's permanent mail-in voter record. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1326 **ELECTIONS**

Statewide initiative process – Integrity

Makes a variety of changes to the state initiative statutes to provide more protection from abuse of this process, primarily relating to the use of paid petition circulators. Generally prohibits payment of petition circulators on a per-signature basis. Provides that constitutional amendment proposals will be designated on the ballot as "amendments," whereas initiated statutes will be designated on the ballot as "propositions." Provides that the last meeting of the Title Board for State Initiatives to set a ballot title for an issue to be considered on the election in that year will be the third Wednesday in April, rather than May, as is the case under current law. Contains numerous other provisions. Provisions take effect on various dates; however, the restriction on paying petition circulators on a per-signature basis takes effect on July 1, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1335 **ELECTIONS**

Voting equipment – Certification

Amends the Uniform Election Code in various ways concerning voting equipment. Permits any existing electronic voting device or any related component to the device that was used by a political subdivision in conducting the 2008 general election to continue to be used by the political subdivision on and after the effective date of the act as long as the device or component is used in accordance with either the conditions certified for the 2008 general election or in accordance with alternate conditions of use established by the secretary of state ("secretary"). Prohibits a political subdivision from purchasing a new electronic voting device or system or any related component to such device or system without obtaining the prior approval of the secretary for such purchase. Specifies procedures by which

the political subdivision obtains the approval of the secretary. Specifies factors to be considered by the secretary in determining whether or not to approve the purchase. Requires the secretary to certify electronic and electromechanical voting systems and to approve the purchase, installation, and use of such systems by political subdivisions and to establish standards for certification. Authorizes the secretary to promulgate conditions of use in connection with the use by political subdivisions of electronic and electromechanical voting systems as may be appropriate to mitigate deficiencies identified in the certification process.

In connection with existing statutory requirements mandating the use of voting systems in each election held on or after Jan. 1, 2010, that have the capability to produce a voter-verifiable paper record of each elector's vote, permits any political subdivision that has not complied with such requirements on or before Jan. 1, 2009, to comply with such requirements by Jan. 1, 2014. Contains numerous other provisions. Effective May 15, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1336 **ELECTIONS**

Uniform Election Commission – Recommendations

Includes numerous Uniform Election Code amendments, including allowing election officials at a counting place to begin counting mail ballots as soon as the ballots are received. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1337 **ELECTIONS**

Ballot processing deadlines

Amends the Uniform Election Code as follows: changes the deadline for a county clerk and recorder to mail to an eligible elector a letter explaining a signature deficiency on a returned ballot; changes the deadline by which ballots must be delivered or mailed to electors for every odd-year, primary, general, and congressional vacancy election; changes the date on which a county clerk and recorder may begin counting mail-in ballots. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1357 **ELECTIONS**

FCPA – Central filing

Amends the Fair Campaign Practices Act to provide that candidates and issue committees in all elections in Colorado will file their reports electronically with the secretary of state, rather than with the county clerk, as is presently required. Excludes from this central filing requirement only those FCPA reports required under current law to be filed with the municipal clerk. Contains other provisions. Effective July 1, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1057

EMPLOYMENT

Parental leave for academic activities

Allows an employee of an employer who employs at least 10 employees in this state to take unpaid leave for the purpose of attending parent-teacher conferences or other academic activities related to the educational advancement of the employee's child. Limits the unpaid leave to six hours per month and 18 hours in any academic year. Employer defined the same as "employer" under the Family and Medical Leave Act. Permits the employer to require the employee to take leave in no greater than three-hour increments and to provide written verification from the school or school district of the academic activity necessitating the leave. Allows employer to restrict leave in case of emergency or other situations that may endanger health or safety or that necessitate the presence of the employee. Contains numerous other provisions. Effective Aug. 5, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1310

EMPLOYMENT

Misclassification of independent contractors

Requires the Division of Employment and Training in the Department of Labor and Employment to investigate complaints of employers misclassifying employees as independent contractors, thereby avoiding the payment of employment taxes for such employees. Authorizes the director of the division to investigate complaints and issue orders upon a finding that an employer has misclassified employees. Authorizes the director to collect back taxes and interest from an employer who misclassified employees and to impose additional fines and penalties when the director finds that the employer, with willful disregard, misclassified employees. Allows an employer to request a written advisory opinion whether an individual should be classified as an employee for purposes of complying with the act. Requires the executive director of the department to conduct a statewide study to determine the scope of the problem of employee misclassification, including whether the problem is widespread, whether particular industries are more inclined to engage in the practice, estimates of state revenues lost or not collected due to employee misclassifications, and whether a uniform definition of "employment relationship" is needed. Effective June 2, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1282

ENVIRONMENT

Recycling of electronic devices – Task force

Establishes within the Colorado Department of Public Health and Environment the "electronic device recycling task force." Designates the composition of such task force, including one representative of an urban local government that is involved in electronics recycling, appointed by the Colorado Municipal League. Directs the task force to consider various issues relating to the recycling of electronic devices. Directs that the task force submit a report containing its recommendations, including proposed legislation, to the Health and Human Services Committee of the General Assembly by Dec. 15, 2009. Contains other

provisions. Effective June 1, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 09-035 **ETHICS**

Prohibited interests in contracts – Penalty

Amends that portion of the Public Officials Code of Ethics concerning prohibited interests in contracts to provide that knowing violation is a Class 1 misdemeanor. Permits a court to impose a fine of no more than twice the amount of the benefit that the government official obtained or attempted to obtain. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 09-021 **FIREFIGHTERS**

Incentives for volunteer firefighters

Creates a fund in the Division of Fire Safety in the Department of Public Safety to make grants to qualified volunteer firefighters and fire departments to cover the costs of training in fighting fires in wild land-urban interface areas. Directs the division to collaborate with the State Board for Community Colleges and occupational education and local community colleges to develop a system to provide tuition vouchers to qualified volunteer firefighters who are enrolled in full-time or part-time study and who agree to serve as volunteer firefighters for a specified number of years after completing their education. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-013 **GOVERNMENTAL IMMUNITY**

Qualified immunity for volunteer firefighters

Provides limited civil immunity for fire departments and other entities that donate surplus firefighting equipment for later use. Provides limited civil immunity to volunteer firefighters and incident management teams, their commanders, and the organizations that employ them. Ensures that in the event of any conflict with the Governmental Immunity Act, the provisions of the Governmental Immunity Act control. Contains other provisions. Effective June 3, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1080 **GOVERNMENTAL IMMUNITY**

Qualified immunity for building officials

Grants qualified immunity from civil action to a building code official who, while acting in his or her official capacity, assists during a state of disaster emergency. Ensures that in the event of any conflict with the Governmental Immunity Act, the provisions of the Governmental Immunity Act control. Effective March 20, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1111 **HEALTH CARE**

Resources for underserved areas

Creates the primary care office in the prevention services division in the department of public health and environment to identify areas of the state that lack sufficient health

resources and to coordinate available federal and state programs to maximize medical reimbursements, grants, and the placement of health care professionals within those areas. Specifies the office's duties, including applying for federal designation of certain health care shortage areas for the purpose of maximizing resources through administration of specified state and federal programs, including the health care provider loan repayment program. Contains numerous other provisions. Effective June 2, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-101 **HISTORIC PRESERVATION**

Independent commission for historic preservation fund

Requires that the governing body of a city that is not a certified local government (defined as any local government certified by the state historic preservation officer pursuant to federal law) and that receives moneys from the State Historical Fund for historic preservation purposes shall not expend such moneys but instead shall create an independent restoration and preservation commission for the purpose of expending the moneys. Sets forth the method of creation and makeup of such a commission. Requires the city to pay costs associated with the operation of the commission from the city's share of preservation and restoration moneys from the state historical fund. Contains other provisions. Effective Aug. 1, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1197 **HOUSING**

Foreclosure reports by the division of housing

Requires the Department of Local Affairs to collect and compile property foreclosure data from the counties and issue a quarterly report summarizing the information collected. Requires the state and any political subdivision to use this data when citing state foreclosure statistics, except that a political subdivision may cite statistics as they are reported by the public trustee of any county in the state. Requires the public trustee of each county to provide to DOLA necessary data to compile this report. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1213 **HOUSING**

Housing development grant fund

Creates within the state treasury the housing development grant fund, to be administered by the Division of Housing. The fund shall consist of moneys appropriated to the Colorado affordable housing construction grants and loan fund by the General Assembly, and any money collected by the division from gifts, grants and donations. Authorizes the division to make grants or loans from the fund to improve, preserve, or expand the supply of affordable housing and to finance foreclosure prevention activities in Colorado, as well as to fund the acquisition of housing and economic data necessary to advise the board on local housing conditions. Not more than \$250,000 may be appropriated from the general fund pursuant to this act in any one state fiscal year for any uses not related to construction grants or loans. Effective June 30, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1220**HOUSING****Permit HOA unit owner to promote affordable housing**

Amends the Colorado Common Interest Ownership Act to prohibit a homeowners' association from prohibiting a unit owner from restricting or specifying by deed, covenant, or other document the permissible sale price, rental rate or lease rate of the unit; or occupancy or other requirements designed to promote affordable or workforce housing. Applies only to a county with a population less than 100,000 that contains a ski lift. Does not apply to any declarant-controlled community. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1079**JUNIOR COLLEGE DISTRICTS****Annexation of Berthoud into existing district**

Creates a procedure by which the Town of Berthoud may be annexed to its existing junior college district. Requires the approval of the junior college district electorate after an affirmative vote of the junior college board of trustees. Requires approval of the electorate of the town of Berthoud after an affirmative vote of the governing board of the town of Berthoud. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-036**LAW ENFORCEMENT****Theft of sound recordings**

Amends the criminal statute concerning dealing in unlawfully packaged recorded articles to include the transport of such articles, knowingly and for commercial advantage or private financial gain. If the offense involves more than 100 unlawfully packaged recorded articles or is a second or subsequent offense, requires the court to assess a fine of at least \$1,000. Requires a law enforcement officer, upon discovery, to confiscate all unlawfully labeled, transferred, or recorded articles possessed for the purpose of selling or distributing and all equipment and components used or intended to be used to knowingly and unlawfully transfer, manufacture, or record articles for the purposes of sale or distribution, and to deliver such contraband to the district attorney of the county in which the confiscation was made. Contains other provisions. Defines terms. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-241**LAW ENFORCEMENT****DNA testing of felony arrestees - "Katie's Law"**

Requires every adult arrested and/or charged for a felony offense or for the investigation of a felony offense to submit to collection of a DNA sample. Requires the arresting law enforcement agency to collect the DNA as part of the booking process and submit it to the Colorado Bureau of Investigation for testing. Authorizes a law enforcement agency to use reasonable force to collect the DNA using medically recognized procedures. Provides that a person qualifies for and may request destruction of his or her DNA sample and expungement of his or her DNA results if a felony charge was not filed within 90 days after the arrest, or the felony charge stemming from the arrest has been

dismissed, resulted in an acquittal, or resulted in a conviction for an offense other than a felony. Lists requirements for making such a request and guidelines for destruction of the DNA sample. Includes legislative declarations. Contains other provisions. DNA collection requirement and expungement provisions effective Sept. 30, 2010; all other provisions effective July 1, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-284**LAW ENFORCEMENT****Police authority to block communications**

Authorizes a supervising representative of a law enforcement agency to order a previously designated security employee of a communications or Internet access provider to arrange to cut, reroute, or divert telephone lines or cellular or digital communications signals if the supervising representative has probable cause to believe that a person has taken a hostage or has barricaded himself or herself in a structure or a motor vehicle and the supervising representative has reasonable belief that the person is armed with a deadly weapon or explosive device and poses a danger to himself or herself or others. The supervising representative may order the cutting, rerouting, or diverting of phone lines or communication signals only for the purpose of preventing communication by the hostage holder or armed person with any person other than a peace officer or person authorized by the police officer. Contains other provisions. Effective June 1, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1036**LAW ENFORCEMENT****Registration fee increase for POST board cash fund**

Increases from 25 cents to 60 cents that portion of the registration fee on certain classes of personal property that goes to the police officers standards and training board cash fund. Effective July 1, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1121**LAW ENFORCEMENT****Preservation of DNA evidence**

Repeals and reenacts the DNA evidence preservation provisions in C.R.S. §§ 18-1-1101 et seq. Changes the DNA evidence preservation provisions to limit the preservation of DNA evidence collected during a criminal investigation to felonies or sex crimes; allows for disposal of evidence upon the defendant's or victim's request; and describes the form of the notice required and the sufficiency of such notice. Effective March 18, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1262**LAW ENFORCEMENT****Issuance of summons instead of arrest warrant**

Permits a court to issue a summons instead of an arrest warrant, without the consent of the district attorney, for class 4, 5, and 6 felonies, unless a law enforcement officer presents, in writing, a basis for believing that the defendant is a flight or public safety risk. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1316 **LAW ENFORCEMENT**

Privacy of personal information for judges and law enforcement

Amends the statute making it unlawful to knowingly make available on the Internet personal information about a peace officer, to include peace officers, judges, and prosecutors. Effective May 21, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-060 **METHAMPHETAMINE**

Illegal drug laboratories

Expands the definition of "illegal drug laboratory" to include areas where controlled substances have been "used." Previously the definition included areas where controlled substances have been manufactured, processed, cooked, disposed of, or stored. Provides that a buyer under contract to purchase real estate that is determined to be contaminated with methamphetamine may terminate the contract based upon the results of the test performed by an industrial hygienist. Effective April 20, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-231 **METHAMPHETAMINE**

Continuation of state methamphetamine task force

Extends the term of the state methamphetamine task force from Jan. 1, 2010, to Jan. 1, 2014. Effective April 20, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1279 **MOTOR VEHICLES**

Abandoned motor vehicles

Requires a law enforcement agency that uses a towing operator to tow or impound abandoned motor vehicles, to provide the operator with written authorization to possess the motor vehicle on a document that includes, without limitation, the year, make, model, vehicle identification number, and storage location. Requires a law enforcement officer or an independent motor vehicle dealer to appraise the abandoned motor vehicle for sale by the law enforcement agency at public or private sale. Provides that any ordinance or resolution of a municipality or county shall not deprive a towing operator of a lien attached and perfected under state statute. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1246 **MUNICIPAL COURT**

Evaluation of court-ordered driving schools

Creates the defensive driving school fund in the state treasury. Provides that the fund will consist of penalty surcharges collected by driver improvement schools from traffic offenders who are required to attend such schools. Requires the moneys in the fund to be used to implement a program to monitor and evaluate driver improvement schools. Requires the Department of Revenue to contract with a private entity by July 1, 2010, to monitor and evaluate the curriculum and effectiveness of driver improvement classes required by state statute. Authorizes a court to

require a defendant who has been convicted of violating Article 4 of Title 42, C.R.S., or any other law regulating the operation of motor vehicles, at the defendant's expense, to attend a satisfactorily complete a course of instruction at any designated driver improvement school. Requires a person who is required to attend such a course of instruction to pay a penalty surcharge as determined by rules promulgated by the Department of Revenue. Requires the court to include on the referral form (to the driver improvement school) information concerning the amount and purpose of the penalty surcharge. If the court determines that a person is unable to pay the cost of the penalty surcharge, the court may waive the surcharge and the driver improvement school shall not collect it. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-002 **MUNICIPAL FINANCE**

Emergency medical services grant fund

Increases the emergency medical Services account vehicle registration fee from \$1 to \$2. This will boost the amount available for grants to local government emergency service providers each year by nearly \$5 million. The grants administered by the Department of Public Health and Environment are available for emergency service capital needs and for technical assistance to providers. Effective May 19, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

SB 09-041 **MUNICIPAL FINANCE**

Private activity bonds

Changes the fee structure for private activity bond allocation. Authorizes the Department of Local Affairs to charge an administrative fee for direct allocations of PABs, to be annually determined by DOLA's executive director. Requires that the fee be set to reimburse DOLA for not more than 30 percent of the costs of administering PABs. Requires that all applications for the statewide balance be accompanied by an application fee, also to be determined by the executive director. Authorizes DOLA to charge an administrative fee to entities that receive bonding authority from the statewide balance. Effective March 25, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-248 **MUNICIPAL FINANCE**

Letters of credit

Allows an annual letter of credit to be substituted for a surety bond in public works projects valued at more than \$500 million. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1024 **MUNICIPAL FINANCE**

Housing authorities audit reports

Extends local government schedules for submitting financial audit reports to the state auditor to municipal housing authorities and other non-municipal entities. Effective Sept. 1, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1257

MUNICIPAL FINANCE

Public deposit limits

Tracking the congressionally authorized increase in Federal Deposit Insurance Corporation protection limits, increases the dollar amount municipalities may invest in a certificate of deposit or other FDIC insured instrument to \$250,000. Effective March 20, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1346

MUNICIPAL FINANCE

Utilization of federal stimulus funds

Facilitates the use of the stimulus bond tools created by the new federal law, the American Recovery & Reinvestment Act of 2009, which created several new types of bonds. Authorizes any Colorado government to issue stimulus bonds, and authorizes two or more governmental entities to create a recovery and reinvestment finance authority to issue stimulus bonds on a pooled basis. Stimulus bonds may be issued as bonds or as certificates of participation evidencing interest in payments under a lease purchase agreement. Stimulus bonds may be issued with any original issue discount or premium or any redemption provisions, at any fixed or variable interest rate, in any denomination, and with maturities up to 40 years. Principal, interest, and federal direct payments may be stripped from one another and issued and transferred as separate securities. Authorizes investments of deposits into sinking funds for stimulus bonds that are issued with deferred maturities and expands permitted investments. Authorizes use of existing state credit enhancement programs. Authorizes governmental entities that issue Build America Bonds or Recovery Zone Economic Development Bonds to elect to receive a direct payment from the federal government in lieu of a tax credit to the bondholder, and may use the federal direct payment to pay debt service on the bonds or for any legal purpose. Sets volume caps for various new or expanded bond programs. Contains reporting requirements. Effective June 2, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-017

PENSIONS/RETIREMENT – FIRE AND POLICE

Disability and survivor benefits

Makes numerous changes to police and fire disability and survivor benefit plans. Removes the requirement that an unmarried child between the ages of 19 and 23 be in school in order to be classified as a dependent child. Repeals an obsolete provision related to the ability of a member of a benefit plan to elect different disability benefit options. Repeals the authority of the board of directors of the fire and police pension association to establish a supplemental disability benefit program. Repeals an earned income offset for occupational disability benefits. Offsets disability or survivor benefits by the amount of payments from a statewide defined benefit pension plan. Modifies an employer’s obligation to make contributions to a retirement plan while a member is receiving temporary occupational disability payments. Permits the board to give a disability benefit to a member injured on-duty who has a permanent

occupational disability or a temporary occupational disability. With the exception of a surviving spouse of a member who was occupationally disabled, permits a surviving spouse to continue receiving survivor benefits upon remarriage. Effective March 25, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-227

PENSIONS/RETIREMENT – FIRE AND POLICE

Old hire unfunded liability

For the 2008-09, 2009-10, and 2010-11 state fiscal years, eliminates the state’s annual contribution to the fire and police pension association to assist in amortizing the unfunded accrued liability of old hire pension plans. Resumes the state’s annual contribution to the FPPA beginning in the 2011-12 state fiscal year, and extends such annual contribution through the 2014-15 state fiscal year. For old hire pension plans that are underfunded but no longer receive state assistance, extends the amortization period not to exceed twenty years or the number of years equal to the average remaining life expectancy of remaining members. Effective April 16, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1118

PUBLIC RECORDS

Records retention

Amends various statutes that previously required that records be kept in a “well-bound book” to now permit such records to be kept in a “visual text format that may be transmitted electronically.” Among the statutes affected by this Amendment are those in Title 31 concerning public improvement districts and business improvement districts. Contains numerous other provisions. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 09-099

PURCHASING

State centralized purchasing system

Directs the executive director of the Department of Personnel to develop and implement a centralized electronic procurement system for state procurement services. Directs the executive director to set and collect fees from vendors and local governments participating in the e-procurement system to cover the direct and indirect costs of implementing and maintaining the system. Allows the executive director to collect moneys from cooperative purchasing organizations for procurement support. Contains other provisions. Effective June 4, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-232

SEVERANCE TAX/ FEDERAL MINERAL LEASE

FML-funded infrastructure

Transfers \$17 million of FML bonus payments previously credited to the Local Government Permanent Fund to the local government mineral impact fund in the Department of Local Affairs. Requires money to be distributed by the executive director to FML municipalities and counties for projects that are either submitted jointly by multiple local

governments or seek funding for a project that is multi-jurisdictional or that requires substantial funding. Effective June 4, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org. Reprinted.

HB 09-1056 **SOLID WASTE DISPOSAL**
Administrative penalties

Authorizes the Department of Public Health and Environment to assess an administrative penalty against a solid waste disposal site, facility, or person, for violations of the solid waste laws. Increases the amount of administrative, civil, and criminal penalties for violation of the solid waste disposal laws from \$2,000 to \$10,000 for each day of such violation. Contains other provisions. Effective May 21, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 09-087 **SPECIAL DISTRICTS**
Accountability requirements

Requires the Division of Local Government in the Department of Local Affairs to post on its Web site a general description of the requirements for a special district to have an annual audit of the district's financial statements and information about where a copy of the audit report is available for public inspection, and a general description of the process and requirements for a special district to adopt an annual budget. Requires the Division of Local Government to notify the secretary of state of the election results certified to the division by a special district and the secretary of state to post the same on the website of the department of state. Requires special districts to file a current, accurate map of its boundaries with the county clerk in each of the counties in which the special district extends, by Jan. 1, 2010. Requires annual disclosure of certain information by special districts to every elector in the district. Information to be disclosed includes address and telephone number of principal office and primary contact; names of board members; meeting times and place; current mill levy and total revenue from prior year; date of the next regular election at which members of the board will be elected; information on the procedure and time for an eligible elector to submit a self-nomination form for election to the board; a statement that an application to request permanent mail-in voter status can be obtained from the county clerk, or on-line from the secretary of state; and the address of any Web site on which the special district's election results will be posted. Includes numerous options for disseminating this information. Requires disclosure of special districts in residential real estate transactions. Makes an appropriation. Effective Sept, 1, 2009, except sections requiring disclosure for real estate transactions, and making appropriations effective July 1, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1005 **SPECIAL DISTRICTS**
Special improvement districts in special districts

Authorizes special districts to establish special improvement districts within their boundaries and levy a special assessment on the property specially benefitted by

the improvements. Requires assessments to be levied on an equitable basis and only with the written consent of 100 percent of the owners of property being assessed or upon approval of a majority of the eligible electors within the special improvement district voting thereon. Provides that the method of creating the special improvement district shall be as set forth in Part 5 of Article 25 of Title 31, C.R.S. Effective April 2, 2009. Lobbyist: Erin Goff, egoff@cml.org.

HB 09-1072 **SPECIAL DISTRICTS**
Governance of library districts

Amends the requirements for establishing a municipal, county, or joint library or library district to provide that the written agreement between the legislative body of each participating governmental unit and the library board of trustees include provisions concerning the transition from the library to a library district, such as ownership of the library's real and personal property, personnel, and the provision of administrative services during the transition; the method of trustee selection; and such other necessary terms and conditions as may be determined by the parties. Provides that, in a library district established by more than one governmental unit, the legislative body of each participating governmental unit shall appoint two of its members to a committee that shall appoint the initial board of trustees. Sets forth the duties of the director of the library. Requires the board of every public library to make a report and the close of each calendar year, to the legislative body of the town or city, in the case of a municipal library or library district formed by a municipality, or the board of county commissioners of each county having territory within the legal service area, in the case of a county library or library district. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-279 **STATE BUDGET**
General fund augmentation with local government cash funds

Among other cash fund transfers to the state general fund, directs the state treasurer to make the following transfers: \$500,000 from the waste tire cleanup fund; \$150,000 from the waste tire recycling development cash fund; \$1 million from the local government mineral impact fund (FML) and up to \$22.6 million of future revenue; and \$7.5 million from the local government severance tax fund. If the June 2009 revenue estimate prepared by the legislative council indicates additional shortfalls, authorizes the governor to direct the transfer of cash funds to the general fund, including but not limited to, up to \$72 million from the local government mineral impact fund and up to \$128 million from the local government severance tax fund. Effective June 1, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1119 **SUBSTANCE ABUSE**
Rural alcohol and substance abuse prevention and treatment program

Creates the rural alcohol and substance abuse prevention and treatment program (within the Department of Health Division of Alcohol and Drug Abuse) to provide prevention

and treatment services to youth in rural areas, which services may include but are not limited to providing alternative activities for youth through the rural youth alcohol and substance abuse prevention and treatment project; and treatment services to persons addicted to alcohol or drugs through the rural detoxification project. Creates the rural alcohol and substance abuse cash fund, comprised of moneys collected from surcharges assessed on certain alcohol-or drug-related offenses under state statute. Authorizes the division to accept gifts, grants and donations for the purpose of the program. Defines terms. Effective Jan. 1, 2010. Lobbyist: Erin Goff, egoff@cml.org.

SB 09-121 **TAXATION**

Sales and use tax – Employee meals exemption

Removes the requirement that meals provided to an employee at no charge or at a reduced charge, must also be considered a part of the employee’s salary rate, wages, or income, in order to be exempt from taxation under the state sales and use tax code. This broadening of the “employee meals exemption” will affect tax collected on behalf of local jurisdictions, which utilize the state’s sales tax base. Effective June 4, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1034 **TAXATION**

Regional transportation authority property taxation

Expands the menu of taxes granted regional transportation authorities to include property taxes. Authorizes an RTA to ask voters to approve up to a five-mill property tax levy. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1101 **TAXATION**

Department of Revenue – Return required

Amends the general state tax administration statutes to provide that the Department of Revenue may impose penalties on a taxpayer that fails to accompany their remittance with a tax return. Effective March 25, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1126 **TAXATION**

Sales and use tax – Solar thermal energy systems exemption

Exempts from the state sales and use tax base components used in solar thermal systems; defines “components used in solar thermal systems.” Amends the local sales tax statutes to provide that these items remain taxed at the local level unless and until the local governing body adopts an exemption. Effective July 1, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1130 **TAXATION**

Sales and use tax – Collections

Amends the state and local sales and use tax statutes to permit inter-governmental agreements between the Department of Revenue and local governments for the purpose of enhancing the “systemic efficiencies and procedures used in the collection of state and local sales taxes.” Provides that the agreement may allow the parties to share in providing any function or service lawfully authorized to each of the parties, including the sharing of costs, information, or duties related to the collection of sales taxes. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1230 **TAXATION**

Sales and use tax – Motor vehicles

Amends the state sales tax statutes to provide that a licensed motor vehicle dealer that collects and remits tax to the Department of Revenue will be held harmless for failure to collect certain tax charges and fees in very limited circumstances when such motor vehicle has been provided with a fraudulent address by their customer. Directs the Transportation Legislative Review Committee to review various issues concerning state-approved sales tax databases used for sourcing addresses to particular taxing jurisdictions. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

HB 09-1342 **TAXATION**

Sales and use tax – Cigarette exemption eliminated

Beginning July 1, 2009, eliminates the state sales and use tax exemption for cigarettes. Maintains the sales and use tax exemptions for counties, statutory towns, and cities in special districts. Effective July 1, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 09-148 **TRAFFIC REGULATION**

Vehicle clearance for bicyclists

Includes additional safeguards for bicyclists’ safety. Requires motorists to provide a bicyclist at least three feet of separation. In passing a bicyclist, motorists are allowed to cross into the oncoming lane of traffic (up to one-half of the lane) if they can do it safely. Driving intentionally close to a bicyclist is categorized as careless driving. Bicyclists are allowed in left hand lanes of one-way streets. Throwing objects at a bicyclist is a Class 2 misdemeanor. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

SB 09-222 **TRAFFIC REGULATION**

Photo radar advisory signage

Further defines the temporary advisory sign that must be posted on the approach to a camera radar speed enforcement device. The sign must be displayed between 200- and 500-feet from the detection device and the lettering must be at least four inches for upper case and 2.9 inches for lower case letters. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1026 **TRAFFIC REGULATION**

Motor scooters, motor bikes, Segways

Redefines categories of motor scooters and motor bikes as “low-power scooters” under state motor vehicle law. A 40 mile per hour speed limit is placed on their operation. Liability insurance will be required after July 1, 2010. Vehicle dealer requirements are also enacted. Permits local regulation of electrical assisted bicycles. Creates the electric personal assistive mobility device category (for example, Segways). City councils and town boards are authorized to allow such conveyances on public rights-of-way with the exclusion of limited access highways, bike or pedestrian paths and at speeds greater than 12.5 miles per hour. Redefinition of low-powered scooter effective July 1, 2010; EPAMD effective Oct. 1, 2009. Lobbyist: Mark Radtke, mradtke@cml.org. *Reprinted.*

HB 09-1027 **TRAFFIC REGULATION**

Yield to bus signage

Authorizes transit operators to affix “yield to bus” signage on the rear of buses. The sign illuminates when a bus is prepared to re-enter traffic from a bus stop. Right-of-way rules are not affected. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1094 **TRAFFIC REGULATION**

Driver’s use of cell phones

Prohibits use of a cell phone while operating a motor vehicle by drivers younger than 18 years of age. Drivers over the age of 18 are prohibited from text messaging while operating a vehicle. Use of cellular phones in a motor vehicle is declared to be a matter of statewide concern. Effective Dec. 1, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1236 **TRAFFIC REGULATION**

School bus stopping distance

Requires motorists to bring their vehicle to a halt at least 20 feet from a school bus that has activated its stop signal lights while loading or discharging passengers. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

SB 09-075 **TRANSPORTATION**

Neighborhood electric vehicles and golf carts

Permits neighborhood electric vehicles statewide. Defines NEVs as motor vehicles that must conform to state insurance, registration and motor vehicle safety standards. Allows NEVs on all roadways in the state with posted speed limits of not more than 35 miles per hour. The Colorado Department of Transportation will be allowed to further limit the use of NEVs outside of municipal boundaries. The second component of the law authorizes city councils and town boards to permit the use of golf carts on municipal streets that are not state highways. There are two limitations: no drivers permitted under the age of 14 and unlicensed drivers cannot carry passengers under the age of 21. Additional rules are left to the municipality. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org. *Reprinted.*

SB 09-078 **TRANSPORTATION**

Voluntary state highway transfer

This is the enabling legislation for the Colorado Department of Transportation’s Maintenance Incentive Pilot Program. MIPP was created by the Transportation Commission to provide a framework for what had been an informal practice of making a one-time payment to local governments to take ownership of a state highway segment. Local governments may apply to CDOT to take ownership of a state highway as part of an annual competitive process. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

SB 09-094 **TRANSPORTATION**

Division of Transit and Rail

Formally creates a Division of Transit and Rail within the Department of Transportation. The division is charged with inter-regional transit planning. One of the initial functions of the Division will be supervision of the \$15 million of SB 09-108 funds that will be available annually for multi-modal transportation grants. Effective May 20, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

SB 09-108 **TRANSPORTATION**

FASTER – Vehicle registration fees and tolling

Increases Colorado’s vehicle registration fees collected annually at the time of registration renewal for the first time since 1989 with new road safety and bridge safety surcharges. The road safety surcharge funds will be shared with local governments — municipal governments gaining about a 26-percent increase in their current Highway Users Tax Fund disbursement. The new dollars flowing to municipalities can be spent under the same rules as HUTF dollars are currently used. The bill also allows the tolling of free traffic lanes with approval of affected local governments. Contains numerous other provisions. Various effective dates. The fee surcharges will be applied beginning July 1. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1066 **TRANSPORTATION**

Division of Aeronautics

Eliminates several reporting requirements of the Division of Aeronautics that are currently being provided by other agencies. Allows the City and County of Denver to participate in the state aviation system grant program. Disbursement of aviation fund dollars will be based on fuel sales at public-use airports. Effective Aug. 5, 2009. Lobbyist: Mark Radtke, mradtke@cml.org.

HB 09-1092 **UNDERGROUND FACILITIES**

Excavation – Notice

Exempts from the excavation notification statute routine maintenance of existing planted landscapes if the earth is disturbed to a depth of no more than 12 inches by hand or four inches by machine, and does not permanently lessen the groundcover or lower the existing ground contours. Requires the person performing such maintenance to do so with due care and promptly notify the notification association if he or she discovers an underground facility. Effective Aug. 5, 2009. Lobbyist: Geoff Wilson, gwilson@cml.org.

SB 09-080**WATER****Rooftop collection**

Creates limited exemptions for water collected from certain residential rooftops. Allows the state engineer to approve permits for rooftop collection systems if the system collects from a residence not served by a domestic water system serving more than three single-family dwellings only if the water collected is used for household purposes, fire protection, livestock watering, irrigation an acre or less of gardens or lawns. Specifies provisions for eligibility for a permit. Contains other provisions. Effective July 1, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-106**WATER****Water supply reserve account**

Extends indefinitely the funding of the water supply reserve account, which is continuously appropriated with moneys transferred from the operational account of the severance tax trust fund. Repeals the reversion of unexpended and unencumbered moneys from the water supply reserve account to the operational account of the severance tax trust fund that was scheduled to occur one year after the final transfer of funds to the water supply reserve account. Allows the Colorado water conservation board to allocate moneys by grant from the water supply reserve account of the severance tax trust fund to applicants who are subject to the requirement to adopt a water conservation plan, only if the applicant has adopted such a plan. Contains other provisions. Effective July 1, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-147**WATER****Substitute water supply plans pre-2003 depletions**

For plans for augmentation that are the subject of a final decree entered by the water court for water division 1, authorizes the state engineer to approve annual substitute water supply plans for plans to replace out-of-priority lagged depletions caused by pre-Jan. 1, 2003, pumping of wells included in the decreed augmentation plans. Describes the procedure by which approval of such plans may be obtained, and specifies terms and conditions to be included in any such substitute water supply plan. Repeals the authorization on, and specifies that such plans shall expire by, July 1, 2018. Clarifies that no additional transbasin diversion of water from the Colorado River is being authorized or facilitated. Effective April 9, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-165**WATER****Small communities water and wastewater grant fund**

Starting July 1, 2009, caps severance tax receipts to the perpetual base account of the severance tax trust fund at \$50 million per year and transfers up to \$10 million per year that would otherwise be credited to the perpetual base account to the newly created small communities water and wastewater grant fund. Continuously appropriates moneys in the fund to the department of public health and

environment. Credits revenues in excess of \$60 million per year to the perpetual base account. Directs the department to make grants from the fund to governmental and not-for-profit public water systems and counties representing unincorporated areas that serve a population of not more than 5,000 people for the planning, design, and construction of drinking water or water treatment systems. Effective April 22, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

HB 09-1017**WATER****Water efficiency grant program**

Gives the Colorado Water Conservation Board the authority to spend moneys transferred from the operational account of the severance tax trust fund to the water efficiency grant program cash fund, which were encumbered in a prior fiscal year, and to allow such moneys to be carried forward into future fiscal years. Effective May 21, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1067**WATER****Instream flow tax credit**

For income tax years commencing on or after Jan. 1, 2009, but prior to Jan. 1, 2015, establishes an instream flow incentive tax credit. Specifies that the Colorado Water Conservation Board will allocate the credits by issuing credit certificates to owners of water rights who donate those water rights to the board for use as instream flow rights. Specifies the maximum value of the credit, and establishes the criteria the board shall use in determining said amount. Contains numerous other provisions. Effective Aug. 5, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1129**WATER****Precipitation harvesting pilot projects**

Directs the Colorado Water Conservation Board to select the sponsors of up to 10 new residential or mixed-use developments that will conduct individual pilot projects to collect precipitation from rooftops and impermeable surfaces for nonpotable uses. Specifies the purposes of the pilot projects and includes augmentation requirements, if deemed necessary. Directs the board to establish criteria and guidelines for applications and the selection of pilot projects, including selection of pilot projects to represent different geographic and hydrologic areas in the state and giving priority to pilot projects that are located in areas that face renewable water supply challenges and that promote water conservation. Creates reporting and other requirements on projects. Contains other provisions. Effective June 2, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1174**WATER****Pre-1974 augmentation plans**

Specifies that decrees for plans for augmentation entered in South Platte Basin on or after the effective date of the act shall not require the replacement of out-of-priority depletions caused by pumping that occurred prior to March 15, 1974.

Allows the water judge to review all of the terms and conditions of a proposed amended plan. Effective Aug. 5, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-020 **WILDFIRE MITIGATION**

Wild land-urban fire chain of command

Makes the chief in each fire protection district responsible for the management of wild land fires within the district and allows mutual aid agreements for wild land fires that cross or threaten to cross district boundaries. Allows transfer of duties and responsibilities to the county sheriff. Declares the sheriff as the fire warden for the county and states the sheriff is responsible for the planning for, coordination of, and efforts to suppress wildfires occurring in unincorporated areas. Defines circumstances in which the sheriff shall appoint a local incident management team required to manage a fire that exceeds the capabilities of a fire protection district. Allows the sheriff to request assistance from the state forest service for wildfires that exceed the county's capabilities and defines the role and activities of the forest service. States that notwithstanding any other provisions of law and subject to mutual aid or other agreements, the first emergency response agency to arrive at the scene of a wild land fire shall act as the incident commander and be responsible for the emergency actions necessary until the emergency response agency with jurisdiction arrives. Allows a sheriff to develop an update a wild fire preparedness plan for unincorporated areas with any fire district with jurisdiction and defines the required elements of the agreement. Contains numerous other provisions. Effective April 30, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1162 **WILDFIRE MITIGATION**

Intergovernmental cooperation

Requires each local government that owns any land area that is located either entirely or partially inside the territorial boundaries of a county and that contains a specified percentage of forest land or land that constitutes a wild land area to enter into an intergovernmental agreement with the county for the purpose of mitigating forest land or wild land fires affecting the contiguous land areas of the local government and county. Contains other provisions. Effective Aug. 5, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

HB 09-1199 **WILDFIRE MITIGATION**

Healthy Forests Vibrant Communities Act

Directs the Colorado state forest service to facilitate the process of developing community wildfire protection plans adopted by local communities pursuant to the federal Healthy Forests Restoration Act of 2003 to promote greater consistency among CWPPs and facilitate the adoption of CWPPS by local communities, and to provide technical assistance to local communities. Creates numerous additional directions for the forest service to assist local communities and develop additional technical capabilities. Creates the healthy forests and vibrant communities fund. Transfers a specified amount of state severance tax monies to the fund for purposes of the act. Transfers \$50,000 each

year from the account to the wildland-urban interface training fund for training for directors of fire protection districts. Contains other provisions. Effective June 3, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

SB 09-281 **WORKERS COMPENSATION**

Workers compensation study committee

Directs that an annual financial audit and a 2009 performance audit shall be performed on Pinnacol Assurance and address specified criteria. Creates an interim study committee, the Worker Safety and Injury Compensation Study Group, with specified members, and directs that it shall study and make recommendations on changes to laws governing worker safety and work-related injury compensation. Specifies the committee shall study, make recommendations, and report findings on matters related to the feasibility, continued operation and public policy implications of Pinnacol Assurance as a division of state government or the feasibility and public policy implications of selling Pinnacol Assurance to a willing third-party buyer. Effective June 1, 2009. Lobbyist: Kevin Bommer, kbommer@cml.org.

An Act

SENATE BILL 09-075

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

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

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

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

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

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

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

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

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

(1) The governor's energy office shall:

(q) ADMINISTER THE ELECTRIC VEHICLE GRANT FUND.

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

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

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

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

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

the context otherwise requires:

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

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

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

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

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

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

PAGE 3-SENATE BILL 09-075

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



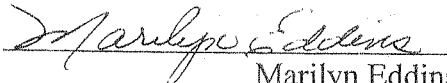
Brandon C. Shaffer
PRESIDENT OF
THE SENATE



Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Karen Goldman
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED June 4, 2009 at 9:07 A.M.



Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 09-165

BY SENATOR(S) Isgar and Penry, Hodge, Tapia, Boyd, Kopp, Mitchell, Schwartz, Tochtrop;
also REPRESENTATIVE(S) Curry and Gardner C., Fischer, Baumgardner, Hullinghorst, Kagan, King S., Massey, Sonnenberg, Vigil.

CONCERNING THE FUNDING OF GRANTS TO SMALL COMMUNITIES FOR WATER QUALITY-RELATED CAPITAL PROJECTS THROUGH ALLOCATION OF A PORTION OF REVENUES THAT WOULD OTHERWISE BE CREDITED TO THE SEVERANCE TAX TRUST FUND.

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

SECTION 1. 25-1.5-208 (1) (a) and (2), Colorado Revised Statutes, are amended, and the said 25-1.5-208 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-1.5-208. Grant program for drinking water and water treatment systems - small communities water and wastewater grant fund - rules. (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(a) To assist suppliers of water in the state with meeting their

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

responsibilities with respect to protection of public health, the department, in the name of the state and to the extent that state funds are appropriated therefor, may enter into contracts with both governmental and not-for-profit public water systems, as defined in section 25-1.5-201 (1), or to WITH counties representing unincorporated areas ~~which~~ THAT serve a population of not more than five thousand people, to grant moneys for ~~projects including~~ the planning, design, and construction of DRINKING WATER OR water treatment systems.

(2) The water quality control commission shall promulgate rules for the administration of any appropriated grant moneys pursuant to this section and for prioritizing proposed DRINKING WATER AND water treatment system projects based upon public health impact and compliance with applicable rules.

(4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE SMALL COMMUNITIES WATER AND WASTEWATER GRANT FUND, REFERRED TO IN THIS SUBSECTION (4) AS THE "FUND". THE FUND SHALL CONSIST OF MONEYS TRANSFERRED PURSUANT TO SECTION 39-29-109 (2) (a) (III), C.R.S., AND ANY OTHER MONEYS TRANSFERRED TO THE FUND BY THE GENERAL ASSEMBLY. THE FUND SHALL BE USED ONLY FOR GRANTS MADE PURSUANT TO THIS SECTION. ALL INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF EACH FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR TO ANY OTHER FUND.

(b) THE REVENUES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION.

SECTION 2. 39-29-109 (2) (a), Colorado Revised Statutes, as amended by Senate Bill 09-208, enacted at the First Regular Session of the Sixty-seventh General Assembly, is amended to read:

39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal. (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and

unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. All moneys in the fund shall be subject to appropriation by the general assembly for the following purposes:

(a) **The perpetual base account.** (I) (A) The moneys in the severance tax trust fund as of July 1, 1995, and one-half of the severance tax receipts credited to the fund for fiscal years commencing on and after July 1, 1995, shall be credited to the perpetual base account of the fund and used for state water projects pursuant to sections 37-60-119 and 37-60-122, C.R.S. The authorization and contract for each such project shall require repayment of principal and interest to the fund, and moneys so repaid shall be credited to the perpetual base account of the fund.

~~(H)~~ (B) Notwithstanding any provision of ~~subparagraph (I)~~ of this paragraph (a) to the contrary, on the effective date of this ~~subparagraph (H)~~ SUB-SUBPARAGRAPH (B), the state treasurer shall deduct twenty million dollars from the perpetual base account of the fund and transfer such sum to the general fund.

(C) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2009.

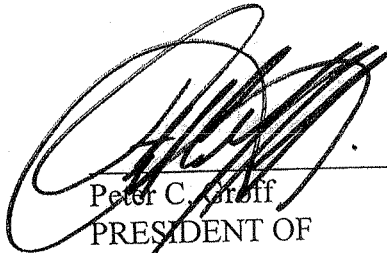
(II) ONE-HALF OF THE SEVERANCE TAX RECEIPTS CREDITED TO THE FUND FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2009, SHALL BE CREDITED TO THE PERPETUAL BASE ACCOUNT OF THE FUND AND USED FOR STATE WATER PROJECTS PURSUANT TO SECTIONS 37-60-119 AND 37-60-122, C.R.S.; EXCEPT THAT THE TOTAL AMOUNT OF SEVERANCE TAX RECEIPTS CREDITED TO THE PERPETUAL BASE ACCOUNT DURING SAID FISCAL YEAR SHALL NOT EXCEED FIFTY MILLION DOLLARS UNLESS THE CAP ESTABLISHED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a) IS EXCEEDED. THE AUTHORIZATION AND CONTRACT FOR EACH SUCH PROJECT SHALL REQUIRE REPAYMENT OF PRINCIPAL AND INTEREST TO THE FUND, AND MONEYS SO REPAID SHALL BE CREDITED TO THE PERPETUAL BASE ACCOUNT OF THE FUND.

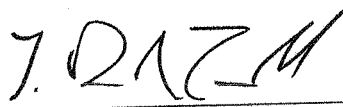
(III) FOR FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2009, THE STATE TREASURER SHALL TRANSFER THE MONEYS CREDITED TO THE FUND THAT ARE NOT CREDITED TO EITHER THE PERPETUAL BASE ACCOUNT OR THE OPERATIONAL ACCOUNT TO THE SMALL COMMUNITIES WATER AND WASTEWATER GRANT FUND CREATED IN SECTION 25-1.5-208 (4), C.R.S.; EXCEPT THAT THE MAXIMUM AMOUNT OF MONEYS ANNUALLY CREDITED TO

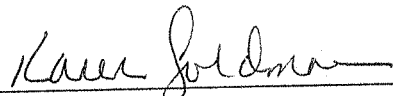
PAGE 3-SENATE BILL 09-165

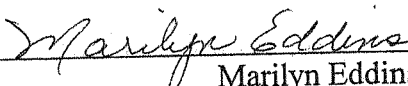
THE SMALL COMMUNITIES WATER AND WASTEWATER GRANT FUND SHALL NOT EXCEED TEN MILLION DOLLARS.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Peter C. Hoff
PRESIDENT OF
THE SENATE


Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Karen Goldman
SECRETARY OF
THE SENATE


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED April 22, 2009 at 2:05 p.m.


Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

An Act

SENATE BILL 09-232

BY SENATOR(S) Schwartz, Heath, Mitchell, Bacon, Boyd, Gibbs, Isgar,
Newell, Penry, Williams, White;
also REPRESENTATIVE(S) McFadyen, Rice, Solano, Todd, Vigil.

CONCERNING STATE FINANCIAL ASSISTANCE TO FINANCE LOCAL
GOVERNMENT CAPITAL CONSTRUCTION PROJECTS.

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

SECTION 1. 34-63-102 (5) (a) (I) and (5.3) (a) (I), Colorado Revised Statutes, are amended, and the said 34-63-102 (5) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee - definitions. (5) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH (a), before July 1, 2008, the remaining fifteen percent of all moneys described in paragraph (a) of subsection (1) of this section, any moneys received pursuant to subparagraph (II) of paragraph (b) of subsection (3) of this section, and any moneys received pursuant to subparagraph (II) of paragraph (c) of subsection (3) of this section shall, upon receipt, be paid into the local government mineral impact fund, which is hereby created. Before July 1, 2008, the executive director of the department of local affairs shall

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

distribute said moneys from the fund pursuant to subsection (3) of this section; except that the remainder provided for in this paragraph (a) shall be distributed in accordance with the purposes and priorities described in subsection (1) of this section. On and after July 1, 2008, moneys shall be paid into the fund as specified in paragraph (b) of subsection (5.4) of this section and distributed as specified in paragraphs (b) and (c) of said subsection. Notwithstanding any other provision of this paragraph (a) or subsection (5.5) of this section, in the fiscal years commencing July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, and July 1, 2010, the executive director of the department of local affairs shall transfer three million two hundred fifty thousand dollars of the moneys in the fund to the state treasurer, who shall credit the moneys to the wildfire preparedness fund created in section 23-31-309 (4), C.R.S.

(IV) ONE HUNDRED PERCENT OF THE MONEYS CREDITED TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) BY OPERATION OF SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5.3) OF THIS SECTION SHALL BE DISTRIBUTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS IN ACCORDANCE WITH THE PURPOSES AND PRIORITIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION, AND IN DISTRIBUTING SUCH MONEYS THE EXECUTIVE DIRECTOR SHALL GIVE PRIORITY TO THOSE COMMUNITIES MOST DIRECTLY AND SUBSTANTIALLY IMPACTED BY PRODUCTION OF ENERGY RESOURCES ON FEDERAL MINERAL LANDS AND TO GRANT APPLICATIONS THAT:

(A) ARE SUBMITTED JOINTLY BY MULTIPLE LOCAL GOVERNMENTS;
OR

(B) SEEK FUNDING FOR A PROJECT THAT IS A MULTI-JURISDICTIONAL PROJECT OR THAT REQUIRES A SUBSTANTIAL AMOUNT OF FUNDING.

(5.3) (a) Bonus payments credited to the mineral leasing fund created in subparagraph (I) of paragraph (a) of subsection (1) of this section shall be distributed on a quarterly basis for each quarter commencing on July 1, October 1, January 1, or April 1 of any state fiscal year as follows:

(I) (A) Fifty percent of the bonus payments shall be transferred to the local government permanent fund, which is hereby created in the state treasury. Interest and income derived from the deposit and investment of

moneys in the local government permanent fund shall be credited to the permanent fund and shall not be transferred to the general fund or any other fund at the end of any fiscal year. Except as otherwise provided in ~~sub-subparagraph (B)~~ SUB-SUBPARAGRAPHS (B) AND (C) of this subparagraph (I), moneys in the permanent fund shall not be expended for any purpose. The state treasurer may invest moneys in the local government permanent fund in any investment in which the board of trustees of the public employees' retirement association may invest the funds of the association pursuant to section 24-51-206, C.R.S.

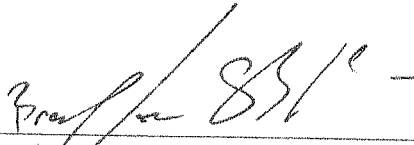
(B) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (C), if, based on the revenue estimate prepared by the staff of the legislative council in March of any fiscal year, it is anticipated that the total amount of moneys that will be deposited into the mineral leasing fund pursuant to subparagraph (II) of paragraph (a) of subsection (1) of this section during the fiscal year will be at least ten percent less than the amount of moneys so deposited during the immediately preceding fiscal year, the general assembly may appropriate moneys from the local government permanent fund to the department of local affairs for the current fiscal year. The maximum amount that the general assembly may appropriate for the current fiscal year pursuant to this sub-subparagraph (B) is an amount equal to the difference between the total amount of moneys credited to the local government mineral impact fund and directly distributed by the executive director of the department pursuant to paragraph (c) of subsection (5.4) of this section during the immediately preceding fiscal year and the estimated total amount of moneys to be so credited and distributed for the current fiscal year. The executive director of the department shall distribute all moneys appropriated pursuant to this sub-subparagraph (B) directly to counties and municipalities in combination with and using the methodology set forth in subparagraphs (I) to (IV) of paragraph (c) of subsection (5.4) of this section.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SEVENTEEN MILLION DOLLARS SHALL BE TRANSFERRED FROM THE LOCAL GOVERNMENT PERMANENT FUND TO THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION TO BE DISTRIBUTED AS SPECIFIED IN SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds,

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determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Brandon C. Shaffer
PRESIDENT OF
THE SENATE



Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

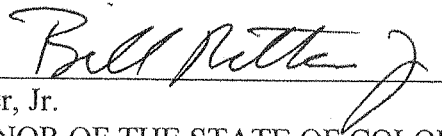


Karen Goldman
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED June 4, 2009 at 11:37 A.M.



Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

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

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

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 WHOLESALERS, 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.

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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

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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

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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 WHOLESALER'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:

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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 WHOLESALER 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 WHOLESALER'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 WHOLESALER'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 WHOLESALER 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

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violation of this part 5 for any person whose WHOLESALER'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.

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(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.

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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~~ A vehicle propelled ~~solely~~ by human power applied to pedals upon which ~~any~~ A 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~~ THAT THE TERM DOES NOT INCLUDE A farm tractor ~~and except a motorized bicycle as defined in~~

paragraph (b) of subsection (59) of this section OR LOW-POWER SCOOTER.

(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 THAT is designed primarily for travel on the public highways and which THAT is generally and commonly used to transport persons and property over the public highways; but EXCEPT THAT the term does not include motorized bicycles as defined in paragraph (b) of subsection (59) of this section LOW-POWER SCOOTERS, wheelchairs, as defined by subsection (113) of this section; or vehicles moved solely by human power. "Motor vehicle" includes a neighborhood electric vehicle operated pursuant to section 42-4-111 (1) (aa). For the purposes of the offenses described in sections 42-2-128, 42-4-1301, and 42-4-1401 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:

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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
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(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
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(VII) FIVE TO NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER	2
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(VIII) GREATER THAN NINE MILES PER HOUR OVER THE MAXIMUM LAWFUL SPEED LIMIT OF FORTY MILES PER HOUR DRIVING A LOW-POWER SCOOTER	4
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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

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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:

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(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~~ A 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

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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:

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42-4-109. Low-power scooters, animals, skis, skates, and toy vehicles on highways. (1) Every A 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 ~~THAT~~, 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 A 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:

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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.

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(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

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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.

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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:

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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

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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 A person who drives any A motor vehicle, bicycle, ELECTRICAL ASSISTED BICYCLE, or

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~~motorized bicycle~~ LOW-POWER SCOOTER 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~~ ELECTRICAL ASSISTED BICYCLE 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.

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(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.

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(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 ~~helmets~~ 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:		
42-4-1101 (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

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42-4-1101 (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
42-4-1101 (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
42-4-1101 (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
42-4-1101(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
42-4-1101 (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
42-4-1101 (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
42-4-1101 (3)	100.00	10.00
42-4-1103	50.00	6.00
42-4-1104	30.00	6.00

SECTION 65. 42-6-102 (10), Colorado Revised Statutes, is

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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.

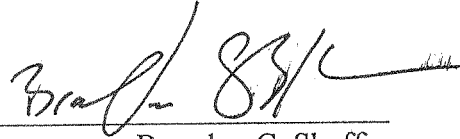
SECTION 66. Act subject to petition - effective date - applicability. (1) Sections 1, 26, 29, and 53 of this act shall take effect July 1, 2010, and the remainder of this act shall take effect October 1, 2009.

(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.

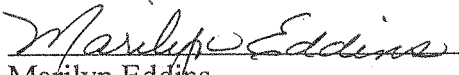
(3) The provisions of this act shall apply to acts committed on or after the applicable effective date of this act.



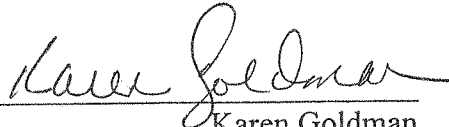
Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Brandon C. Shaffer
PRESIDENT OF
THE SENATE



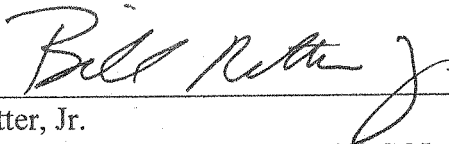
Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Karen Goldman
SECRETARY OF
THE SENATE

APPROVED

May 20, 2009 at 3:40 p.m.



Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

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