



Transportation and Motor Vehicles

During the 2017 legislative session, the General Assembly considered measures related to transportation funding, motor vehicles, other modes of transportation, and traffic offenses. In addition, an overview of Colorado's transportation system is available online at: <http://tinyurl.com/ybxfqusy>.

Transportation Funding

The General Assembly passed *Senate Bill 17-267*, which authorizes lease-purchase agreements. The new funds from these agreements will be first expended for controlled maintenance projects selected by the Capital Development Committee (\$120 million) and then spent for transportation projects selected by the Transportation Commission (\$1.88 billion). At least 25 percent of transportation funds must be spent in counties with fewer than 50,000 residents as of July 2015. The bill also repealed two \$160.0 million transfers scheduled to be made from the General Fund to the Highway Users Tax Fund (HUTF). More information on Senate Bill 17-267 is available online at: <http://tinyurl.com/y9arbsn3>.

The General Assembly also considered the following specific transportation funding measures, which were all postponed indefinitely.

House Bill 17-1242 would have referred a ballot measure to the voters to make a number of changes to state transportation funding. The bill and referred measure would have:

- authorized the sale of transportation revenue anticipation notes (TRANS);
- increased the sales and use tax rates by 0.5 percentage points;
- reduced road safety surcharges;
- repealed late vehicle registration fees;
- required an annual transfer of \$100 million from the General Fund to the State Highway Fund;
- created two new committees: the Transit and Rail Advisory Committee and the TRANS Citizen Oversight Committee;
- added certain requirements related to Colorado Department of Transportation (CDOT) contracts; and
- studied high-occupancy vehicle lanes.

House Bill 17-1171 would have referred a ballot measure to the voters for approval of \$3.5 billion in TRANS. In addition, the bill would have diverted 10 percent of state sales tax revenue to the HUTF while eliminating some other transfers.

Another measure, *Senate Bill 17-303*, would have referred a ballot measure to the voters to authorize TRANS and increase the specific ownership tax for certain vehicles. The bill also would have diverted 5 percent of state sales and use tax revenue to the HUTF, along with transferring an additional \$160 million through 2038, and updating CDOT's contracting rules.

Transportation and Motor Vehicles (Cont'd.)

Motor Vehicles

Senate Bill 17-213 defines an “automated driving system” as a Level 4 or 5 automation system that is collectively capable, without any intervention or supervision by a human operator, of performing driving tasks. The Colorado State Patrol (CSP) and CDOT must approve all automated driving systems for testing and use in Colorado that do not yet comply with all applicable state and federal laws. Any violation of this requirement is a class B traffic infraction. Additionally, liability for a crash involving an automated driving system that is not under human control is determined in accordance with applicable state, federal, or common law. More information on federal and state autonomous vehicle regulation can be found here: <http://tinyurl.com/yakyd2mb>.

House Bill 17-1061 increases the minimum weight for intrastate commercial vehicles from 10,001 pounds to 16,001 pounds. CSP may also adopt rules authorizing: annual inspections of vehicles weighing from 10,001 pounds to 16,001 pounds; enforcement of load securement requirements; and enforcement of coupling device requirements.

The General Assembly also approved two new license plates: the Pueblo Chile and Colorado Aviation license plates. Additionally, *House Bill 17-1149* clarified the persons who qualify for the Army Special Forces license plate.

Other Modes of Transportation

House Bill 17-1044 reclassifies autocycles as a type of motorcycle. An autocycle is now defined as a three-wheeled motorcycle that does not use handlebars or any other device that is directly connected to a single front wheel to steer and in which the driver and passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants. The bill clarified that autocycle drivers do not need a motorcycle endorsement on their driver license to operate an autocycle, but must possess a driver license. Additionally, the bill includes autocycles in seat belt restraint laws.

Senate Bill 17-243 continues the Motorcycle Operator Safety Training (MOST) program in Colorado. However, the bill moves oversight of the MOST program from CDOT to CSP beginning on January 1, 2018.

House Bill 17-1151 defines electric bicycles in Colorado. After January 1, 2018, all electric bicycles are required to conform to one of three classifications and be labeled with the bicycle's classification, top assisted speed, and motor wattage. A more in-depth analysis of electric bicycle regulation in Colorado can be found here: <http://tinyurl.com/yc23knsn>.

Traffic Offenses

The General Assembly passed *Senate Bill 17-278*, which prohibits the nuisance exhibition of motor vehicle exhaust, also known as coal rolling, in Colorado. Except for commercial vehicles, if motor vehicle exhaust obstructs or obscures another person's view of the roadway, other users of the roadway, a traffic control device, or otherwise creates a hazard to a driver, bicyclist, or pedestrian, the driver commits a class A traffic infraction.

Senate Bill 17-229 increases the penalty for divers who fail to exhibit due care and caution when approaching or passing a stationary vehicle, including a public service utility vehicle. Persons who fail to exhibit due care or caution commit a class 2 misdemeanor traffic offense. However, if a driver's failure to exhibit due care is the proximate cause of bodily injury to another person, the driver commits a class 1 misdemeanor. Additionally, if the driver's actions result in the death of another, the person commits a class 6 felony.

Prior to 2017, a law enforcement officer must have seen the use of a mobile device, such as sending a text message, to transmit data in order to issue a citation. *Senate Bill 17-027* requires that the law enforcement officer must see the use of the mobile device to transmit data and that the driver was operating the motor vehicle in a careless or imprudent manner in order to issue a citation. More information on Colorado's distracted driving laws is available online at: <http://tinyurl.com/y976z7gg>.