

CHAPTER 115

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 97-038

BY SENATORS Rupert, Bishop, Hernandez, Hopper, Johnson, Linkhart, Martinez, Pascoe, Perlmutter, Phillips, Tanner, Thiebaut, and Weddig;
also REPRESENTATIVES Alexander, George, Grossman, Hagedorn, Leyba, Mace, Morrison, Smith, Tupa, Udall, and Veiga.

AN ACT

CONCERNING THE USE OF ELECTRIC MOTOR VEHICLES, AND, IN CONNECTION THEREWITH, AUTHORIZING LOCAL AUTHORITIES TO ALLOW AND REGULATE THE USE OF NEIGHBORHOOD ELECTRIC VEHICLES.

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

SECTION 1. 42-1-102 (58), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-1-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(58) "Motor vehicle" means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways, but the term does not include motorized bicycles as defined in paragraph (b) of subsection (59) of this section, wheelchairs as defined by subsection (113) of this section, or vehicles moved solely by human power. "MOTOR VEHICLE" INCLUDES A NEIGHBORHOOD ELECTRIC VEHICLE OPERATED PURSUANT TO SECTION 42-4-111 (aa). For the purposes of the offenses described in sections 42-2-128, 42-4-1301, and 42-4-1401 for farm tractors operated on streets and highways, "motor vehicle" includes a farm tractor which 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

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

(b) HAS A SPEED ATTAINABLE IN ONE MILE THAT DOES NOT EXCEED TWENTY-FIVE MILES PER HOUR.

SECTION 2. 42-4-225, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-225. Mufflers - prevention of noise. (4) THIS SECTION SHALL NOT APPLY TO ELECTRIC MOTOR VEHICLES.

SECTION 3. 42-4-206 (3), Colorado Revised Statutes, 1993 Repl. Vol., as amended, 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 4. 42-4-216, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION 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 VEHICLES IN LIEU OF MULTIPLE-BEAM ROAD-LIGHTING EQUIPMENT SPECIFIED IN THIS SECTION IF THE SINGLE DISTRIBUTION OF LIGHT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (1) (b) OF THIS SECTION.

SECTION 5. 42-4-226 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, 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, 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 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 6. 42-4-234 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-234. Slow-moving vehicles - display of emblem. (1) 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. 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 7. Part 1 of article 4 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-109.5. Neighborhood electric vehicles. (1) EXCEPT AS PROVIDED IN SECTION 42-4-111 (1) (aa), NO PERSON SHALL OPERATE A NEIGHBORHOOD ELECTRIC VEHICLE ON A HIGHWAY.

(2) NO PERSON SHALL OPERATE A NEIGHBORHOOD 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.

SECTION 8. 42-4-111 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is 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 are parts of the state highway system which are subject to the provisions of section 43-2-135, C.R.S., from:

(aa) AUTHORIZING AND REGULATING THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES 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:

(I) LOCAL AUTHORITIES ARE PROHIBITED FROM ESTABLISHING ANY REQUIREMENTS FOR THE REGISTRATION AND LICENSING OF NEIGHBORHOOD ELECTRIC VEHICLES; AND

(II) LOCAL AUTHORITIES ARE PROHIBITED FROM AUTHORIZING THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES ON LIMITED ACCESS HIGHWAYS.

SECTION 9. 42-4-111 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-111. Powers of local authorities. (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), or (y), OR (aa) 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 10. Effective date - applicability. (1) 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; 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.

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

Approved: April 21, 1997