

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 22-1043

BY REPRESENTATIVE(S) Pico, Gray, Titone, Valdez D.;
also SENATOR(S) Hisey and Ginal, Bridges, Cooke, Gardner, Holbert,
Liston, Simpson, Smallwood.

CONCERNING MOTOR VEHICLES THAT OPERATE ON THE ROADWAY WITH
FEWER THAN FOUR WHEELS IN CONTACT WITH THE ROADWAY, AND,
IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 42-1-102, **amend** (7.5), (55), and (58) as follows:

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

(7.5) (a) "Autocycle" means 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~~ MOTOR VEHICLE in which the driver and each passenger ride in a fully or partly enclosed seating area that is equipped with safety belts for all occupants that constitute a safety belt system, as defined in section 42-4-237 (1)(b). ~~For purposes of~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) AS USED IN this subsection (7.5), "partly enclosed seating area" means a seating area that is entirely or partly surrounded on the sides by the frame or body of a vehicle but is not fully enclosed.

(55) (a) "Motorcycle" means ~~an autocycle~~ or a motor vehicle that:

(I) Uses handlebars ~~or any other device~~ connected to the front wheel OR WHEELS to steer;

(II) HAS A SEAT THE RIDER SITS ASTRIDE; and

(III) ~~that~~ Is designed to travel on not more than three wheels in contact with the ground.

(b) ~~except that the term~~ "MOTORCYCLE" does not include a farm tractor, low-speed electric vehicle, or low-power scooter.

(58) "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, ~~or a low-speed electric vehicle, OR AN AUTOCYCLE~~; except that the term does not include electrical assisted bicycles, electric scooters, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 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), operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle 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.

SECTION 2. In Colorado Revised Statutes, 42-2-103, **amend** (1)(b), (1)(d), and (1)(e); and **repeal** (2.5) as follows:

42-2-103. Motorcycles - autocycles - low-power scooters - driver's license required. (1) (b) The department shall require an applicant for a general motorcycle endorsement to demonstrate the applicant's ability to exercise ordinary and reasonable care and control in the operation of a motorcycle. ~~that is not an autocycle.~~ The department shall

also require an applicant for a limited three-wheel motorcycle endorsement to demonstrate the applicant's ability to exercise ordinary and reasonable care and control in the operation of a three-wheel motorcycle. ~~that is not an autocycle.~~

(d) Except as provided in subsection (1)(e) of this section, a person with only a limited three-wheel motorcycle endorsement may drive a three-wheel motorcycle ~~that is not an autocycle~~ but shall not drive a two-wheel motorcycle on a roadway.

(e) A DRIVER OF AN AUTOCYCLE SHALL POSSESS A VALID DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE. The driver of ~~a motorcycle~~ AN AUTOCYCLE need not obtain a two- or three-wheel motorcycle endorsement. ~~if the motorcycle is an autocycle or if the motorcycle has:~~

~~(I) Three wheels;~~

~~(II) A maximum design speed of twenty-five miles per hour or less;~~

~~(III) A windshield; and~~

~~(IV) Seat belts.~~

~~(2.5) An operator of an autocycle shall possess a valid driver's license or minor driver's license.~~

SECTION 3. In Colorado Revised Statutes, 42-4-232, **amend** (1)(a) and (1)(b) introductory portion as follows:

42-4-232. Minimum safety standards for motorcycles, autocycles, and low-power scooters. (1) (a) Except as provided in ~~paragraph (b) of this subsection~~ ~~(I)~~ SUBSECTION (1)(b) OF THIS SECTION, a person shall not drive a motorcycle, AUTOCYCLE, or low-power scooter on a public highway unless the person and any passenger ~~thereon~~ IN OR ON THE MOTORCYCLE, AUTOCYCLE, OR LOW-POWER SCOOTER is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) does not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

(b) A person driving or riding ~~a motorcycle~~ AN AUTOCYCLE need not

wear eye protection if the ~~motorcycle~~ AUTOCYCLE has:

SECTION 4. In Colorado Revised Statutes, 42-4-1502, **amend** (1), (4), (4.5)(a) introductory portion, (4.5)(a)(III), and (4.5)(c) introductory portion as follows:

42-4-1502. Motorcycles and autocycles - protective helmet. (1) A person ~~operating~~ DRIVING a motorcycle OR AUTOCYCLE shall ride only upon the permanent and regular seat attached ~~thereto, and such operator~~ TO THE MOTORCYCLE OR AUTOCYCLE. THE DRIVER OF A MOTORCYCLE OR AN AUTOCYCLE shall not carry any other person, ~~nor shall any other~~ AND ANOTHER person SHALL NOT ride on a motorcycle OR AUTOCYCLE, unless ~~such motorcycle~~ THE MOTORCYCLE OR AUTOCYCLE is designed to carry more than one person. ~~In which event~~ IF A MOTORCYCLE OR AUTOCYCLE IS DESIGNED TO CARRY MORE THAN ONE PERSON, a passenger may ride upon the permanent seat if THE PERMANENT SEAT IS designed for two persons or upon another seat firmly attached to the motorcycle OR AUTOCYCLE at the rear or side of the operator.

(4) ~~No operator~~ A DRIVER shall NOT carry any person, ~~nor shall any~~ AND ANOTHER person SHALL NOT ride, in a position that will interfere with the operation or control of the motorcycle OR AUTOCYCLE or the view of the operator.

(4.5) (a) Except as provided in ~~paragraph (c) of this subsection~~ (4.5) SUBSECTION (4.5)(c) OF THIS SECTION, a person shall not drive or ride as a passenger on a motorcycle, AUTOCYCLE, or low-power scooter on a roadway unless:

(III) The protective helmet is secured properly on the person's head with a chin strap while the motorcycle, AUTOCYCLE, OR LOW-POWER SCOOTER is in motion.

(c) A person driving or riding a ~~motorcycle~~ AN AUTOCYCLE need not wear a helmet if the ~~motorcycle~~ AUTOCYCLE has:

SECTION 5. In Colorado Revised Statutes, 42-4-1503, **amend** (2) and (3) as follows:

42-4-1503. Operating motorcycles and autocycles on roadways

laned for traffic. (2) The operator of a motorcycle OR AUTOCYCLE shall not overtake or pass in the same lane occupied by the vehicle being overtaken.

(3) ~~No~~ A person shall NOT operate a motorcycle OR AUTOCYCLE between lanes of traffic or between adjacent lines or ROWS of vehicles.

SECTION 6. In Colorado Revised Statutes, 10-4-635, **amend** (4) introductory portion and (4)(a) as follows:

10-4-635. Medical payments coverage - exceptions - definitions.

(4) This section ~~shall~~ DOES 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, AUTOCYCLE, 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 7. In Colorado Revised Statutes, 42-3-116, **amend** (6)(b)(II) as follows:

42-3-116. Manufacturers or dealers - fees - rules - definition - penalty. (6) (b) (II) The DEPARTMENT SHALL ESTABLISH AND ANNUALLY ADJUST THE annual fee for full-use dealer plates ~~shall be established and adjusted annually by the department~~ based on the average of specific ownership taxes and registration fees paid for passenger vehicles and light-duty trucks that are seven model years old or newer and that were registered during the one-year period preceding January 1 of each year. ~~Such~~ THE DEPARTMENT SHALL PRORATE THE annual fee ~~shall be prorated~~ on a monthly basis. The DEPARTMENT SHALL ESTABLISH AND ANNUALLY ADJUST THE annual fee for full-use dealer plates for motorcycles ~~shall be established and adjusted annually by the department~~ AND AUTOCYCLES based on the average of specific ownership taxes and registration fees paid for motorcycles AND AUTOCYCLES that are seven model years old or newer and that were registered during the one-year period preceding January 1 of each year. ~~Such~~ THE DEPARTMENT SHALL PRORATE THE annual fee for motorcycles ~~shall be prorated~~ AND AUTOCYCLES on a monthly basis.

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

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

(D) A vehicle drawn by a motor vehicle; ~~or~~

(E) An item of special mobile machinery; OR

(G) AN AUTOCYCLE.

(IV) THE DEPARTMENT SHALL ISSUE AN AUTOCYCLE A MOTORCYCLE LICENSE PLATE.

SECTION 9. In Colorado Revised Statutes, 42-3-202, **amend** (1)(a) as follows:

42-3-202. Number plates furnished to be attached - penalty. (1) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(II) OF THIS SECTION, the owner shall attach the number plates assigned to a self-propelled vehicle ~~other than a motorcycle or street rod vehicle~~, to the vehicle with one in the front and the other in the rear.

(II) The owner shall attach the number plate assigned to ANY OF THE FOLLOWING VEHICLES TO THE REAR OF THE VEHICLE:

(A) A motorcycle;

(B) AN AUTOCYCLE;

(C) A street rod vehicle;

(D) A trailer, semitrailer, OR other vehicle drawn by a motor vehicle;
or

(E) Special mobile machinery. ~~to the rear of the vehicle.~~

(III) The owner shall display number plates during the current registration year, except as otherwise provided in this article 3.

SECTION 10. In Colorado Revised Statutes, 42-3-304, **amend** (5) and (6)(a) as follows:

42-3-304. Registration fees - passenger-mile taxes - clean screen fund - pilot program - report - rules - definitions. (5) In lieu of registering each vehicle separately, a dealer in motorcycles OR AUTOCYCLES 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 OR AUTOCYCLES, 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 11. In Colorado Revised Statutes, 42-3-306, **amend** (2) introductory portion and (2)(a) as follows:

42-3-306. Registration fees - passenger and passenger-mile taxes - fee schedule. (2) Fees for the annual registration of passenger-carrying motor vehicles ~~shall be~~ ARE as follows:

(a) Motorcycles AND AUTOCYCLES, three dollars;

SECTION 12. In Colorado Revised Statutes, 42-3-310, **amend** (4) as follows:

42-3-310. Additional registration fees - apportionment of fees. (4) Two dollars and fifty cents of each annual vehicle registration fee imposed by sections 42-3-304 to 42-3-306, exclusive of the annual registration fees prescribed for motorcycles, AUTOCYCLES, trailer coaches,

special mobile machinery, 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 the 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 13. In Colorado Revised Statutes, 42-4-205, **amend** (1) and (2) as follows:

42-4-205. Head lamps on motor vehicles - penalty. (1) Every motor vehicle, other than a motorcycle OR AUTOCYCLE, shall be equipped with at least two head lamps, with at least one on each side of the front of the motor vehicle. ~~which~~ THE 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~~ ARTICLE 4 where applicable.

(2) Every motorcycle OR AUTOCYCLE shall be equipped with at least one and not more than two head lamps 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~~ ARTICLE 4 where applicable.

SECTION 14. In Colorado Revised Statutes, 42-4-206, **amend** (5) as follows:

42-4-206. Tail lamps and reflectors - penalty. (5) Every new motor vehicle sold ON AND AFTER JANUARY 1, 1958, 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 OR AUTOCYCLE 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~~ THIS PART 2.

SECTION 15. In Colorado Revised Statutes, 42-4-208, **amend** (2)

and (3) as follows:

42-4-208. Stop lamps and turn signals - penalty. (2) ~~No~~ A person shall NOT 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 AUTOCYCLE manufactured or assembled after ~~said date shall~~ JANUARY 1, 1958, MUST be equipped with at least one stop lamp meeting the requirements of section 42-4-215 (1).

(3) ~~No~~ A person shall NOT 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~~ A person shall NOT 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~~ THE 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~~ DOES not apply to any motorcycle, AUTOCYCLE, or low-power scooter.

SECTION 16. In Colorado Revised Statutes, 42-4-216, **amend** (1) introductory portion and (2) as follows:

42-4-216. Multiple-beam road lights - penalty. (1) Except as provided in this ~~article~~ ARTICLE 4, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination ~~thereof~~ OF LAMPS on motor vehicles, other than motorcycles, AUTOCYCLES, or low-power scooters, shall be ~~so~~ arranged SO that the driver may select at will between distributions of light projected to different elevations, and ~~such~~ THE lamps may, in addition, be ~~so~~ arranged SO that ~~such~~ THE selection can be made automatically, subject to the following limitations:

(2) A new motor vehicle, other than a motorcycle, AUTOCYCLE, or low-power scooter, that has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. ~~Said~~ THE indicator shall be ~~so~~ designed and located SO that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

SECTION 17. In Colorado Revised Statutes, 42-4-223, **amend** (1)(a) and (1)(b) as follows:

42-4-223. Brakes - penalty. (1) Brake equipment required:

(a) Every motor vehicle, other than a motorcycle OR AUTOCYCLE, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold ~~such~~ THE vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be ~~so~~ constructed SO that failure of any one part of the operating mechanism ~~shall~~ DOES not leave the motor vehicle without brakes on at least two wheels.

(b) Every motorcycle, AUTOCYCLE, 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 18. In Colorado Revised Statutes, 42-4-236, **amend** (1)(a.8) as follows:

42-4-236. Child restraint systems required - definitions - exemptions. (1) As used in this section, unless the context otherwise requires:

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand pounds. "Motor vehicle" does not include motorcycles, ~~that are not autocycles~~, low-power scooters, ~~motor scooters~~, ~~motorbicycles~~, ~~motorized bicycles~~, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

SECTION 19. In Colorado Revised Statutes, 42-4-237, **amend** (1)(b) as follows:

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

(b) "Safety belt system" means a system utilizing a lap belt, a

shoulder belt, or any other belt or combination of belts installed in a motor vehicle ~~or an autocycle~~ to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

SECTION 20. In Colorado Revised Statutes, **amend** 42-4-503 as follows:

42-4-503. Projecting loads on passenger vehicles - penalty. Except with regard to the operation of a motorcycle, AUTOCYCLE, bicycle, electrical assisted bicycle, or electric scooter, a person shall not operate a passenger-type vehicle on any highway with any load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle. A person who violates this section commits a class B traffic infraction.

SECTION 21. In Colorado Revised Statutes, 42-4-612, **amend** (1)(a) as follows:

42-4-612. When signals are inoperative or malfunctioning - penalty. (1) (a) When a driver approaches an intersection and faces a traffic control signal that is inoperative, that remains on steady red or steady yellow during several time cycles, or that does not recognize a motorcycle OR AUTOCYCLE that is operated by the driver, the provisions controlling entrance to a through street or highway from a stop sign or highway, as provided under section 42-4-703, apply until a police officer assumes control of traffic or until the traffic control signal resumes normal operation.

SECTION 22. In Colorado Revised Statutes, 42-4-1012, **amend** (2) as follows:

42-4-1012. High occupancy vehicle (HOV) and high occupancy toll (HOT) lanes - penalty. (2) A motorcycle OR AUTOCYCLE may be operated upon high occupancy vehicle lanes pursuant to section 163 of ~~Public Law 97-424~~ THE "HIGHWAY IMPROVEMENT ACT OF 1982", PUB.L. 97-424, AS AMENDED, or upon high occupancy toll lanes, unless prohibited by official traffic control devices.

SECTION 23. In Colorado Revised Statutes, 42-4-1204, **amend** (8) as follows:

42-4-1204. Stopping, standing, or parking prohibited in specified places - penalty. (8) A political subdivision ~~may~~ SHALL not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle OR AUTOCYCLE within a space served by a single parking meter.

SECTION 24. In Colorado Revised Statutes, 42-4-1402.5, **amend** (1)(f)(XV) and (1)(f)(XVI); and **add** (1)(f)(XVII) as follows:

42-4-1402.5. Vulnerable road user - prohibition - violations and penalties - definition. (1) **Definition.** As used in this section, unless the context otherwise requires, "vulnerable road user" means:

(f) A person lawfully using any of the following on a public right-of-way, crosswalk, or shoulder of the roadway:

(XV) A baby stroller; ~~or~~

(XVI) A nonmotorized pull wagon; OR

(XVII) AN AUTOCYCLE.

SECTION 25. In Colorado Revised Statutes, **amend** 42-4-1501 as follows:

42-4-1501. Traffic laws apply to persons operating motorcycles and autocyces - special permits. (1) Every person operating a motorcycle OR AUTOCYCLE shall be granted all of the rights and ~~shall be~~ IS subject to all of the duties applicable to the driver of any other vehicle under this ~~article~~ ARTICLE 4, except as to special regulations in this ~~article~~ ARTICLE 4 and except as to those provisions of this ~~article which~~ ARTICLE 4 THAT by their nature ~~can have no application~~ ARE NOT APPLICABLE.

(2) For the purposes of a prearranged, organized special event and upon a showing that safety will be reasonably maintained, the department of transportation may grant a special permit exempting the operation of a motorcycle OR AUTOCYCLE from any requirement of this part 15.

SECTION 26. In Colorado Revised Statutes, **amend** 42-4-1504 as follows:

42-4-1504. Clinging to other vehicles - penalty. ~~No~~ A person riding upon a motorcycle OR AUTOCYCLE shall NOT attach himself, herself, or the motorcycle OR AUTOCYCLE to any other vehicle on a roadway. Any person who violates ~~any provision of~~ this section commits a class A traffic infraction.

SECTION 27. In Colorado Revised Statutes, 42-4-1701, **amend** (4)(e)(III) as follows:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (e) (III) An additional twenty dollars is assessed for a violation of a traffic regulation pursuant to subsection (4)(a)(I)(C) of this section for a violation of section 42-4-109 (13)(b), in addition to the penalties stated in subsection (4)(a)(I)(C) of this section. An additional twenty dollars must be assessed for a motorcycle OR AUTOCYCLE violation pursuant to subsection (4)(a)(I)(O) of this section for a violation of section 42-4-1502 (4.5), in addition to the penalties stated in subsection (4)(a)(I)(O) of this section. Money collected pursuant to this subsection (4)(e)(III) must be transmitted to the state treasurer, who shall deposit the money in the Colorado brain injury trust fund created pursuant to section 26-1-309, to be used for the purposes set forth in part 3 of article 1 of title 26.

SECTION 28. In Colorado Revised Statutes, 42-6-102, **amend** (10) introductory portion as follows:

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 AUTOCYCLES, trailers, semitrailers, and trailer coaches, without motive power. "Motor vehicle" does not include the following:

SECTION 29. In Colorado Revised Statutes, 42-9-102, **amend** the introductory portion and (2) as follows:

42-9-102. Definitions. As used in this ~~article~~ ARTICLE 9, unless the context otherwise requires:

(2)(a) "Motor vehicle" means every self-propelled vehicle intended primarily for use and operation on the public highways.

(b) The term does not include:

(I) Trucks and truck tractors having a gross vehicle weight of more than eight thousand five hundred pounds; ~~nor does it include~~

(II) Farm tractors and other machines and tools used in the production, harvesting, and care of farm products; ~~nor does it include~~ OR

(III) Motorcycles OR AUTOCYCLES.

SECTION 30. In Colorado Revised Statutes, 43-4-804, **amend** (1)(a)(I)(A) as follows:

43-4-804. Highway safety projects - surcharges and fees - crediting of money to highway users tax fund - definition. (1) On and after July 1, 2009, the following surcharges, fees, and fines shall be collected and credited to the highway users tax fund created in section 43-4-201 (1)(a) and allocated to the state highway fund, counties, and municipalities as specified in section 43-4-205 (6.3):

(a)(I) A road safety surcharge, which, except as otherwise provided in subsections (1)(a)(III) and (1)(a)(VI) of this section, is imposed for any registration period that commences on or after July 1, 2009, upon the registration of any vehicle for which a registration fee must be paid pursuant to part 3 of article 3 of title 42 and is also imposed upon any item of special mobile machinery that is covered by a registration exempt certificate issued by the department of revenue in accordance with section 42-3-107 (16)(g). Except as otherwise provided in subsections (1)(a)(IV), (1)(a)(V), and (1)(a)(VIII) of this section, the amount of the surcharge is:

(A) Sixteen dollars for a motorcycle, as defined in section 42-1-102 (55); AN AUTOCYCLE, AS DEFINED IN SECTION 42-1-102 (7.5); or any vehicle that weighs two thousand pounds or less;

SECTION 31. In Colorado Revised Statutes, 44-20-108, **amend** (1)(b) as follows:

44-20-108. Classes of licenses. (1) The following classes of licenses are issued under this part 1:

(b) Used motor vehicle dealer's license, ~~shall permit~~ WHICH PERMITS the licensee to engage in the business of selling, exchanging, leasing, or offering used motor vehicles only. The license ~~shall also permit~~ PERMITS a licensee to negotiate for a consumer the sale, exchange, or lease of used and new motor vehicles not owned by the licensee, except those vehicles defined in section 42-1-102 ~~(55)~~ (7.5) AND (55) as AUTOCYCLES OR motorcycles and section 33-14.5-101 (3) as off-highway vehicles; however, prior to completion of the sale, exchange, or lease of a motor vehicle not owned by the licensee, the licensee shall disclose in writing to the consumer whether the licensee will receive any compensation from the consumer and whether the licensee will receive any compensation from the owner of the motor vehicle as a result of the transaction. If the licensee receives compensation from the owner of the motor vehicle as a result of the transaction, the licensee shall include in the written disclosure the name of the owner from whom the licensee will receive compensation. This form of license ~~shall permit~~ PERMITS not more than two persons named ~~therein~~ IN THE LICENSE, who shall be owners or part owners of the business of the licensee, to act as motor vehicle salespersons.

SECTION 32. In Colorado Revised Statutes, 44-20-124, **amend** (1)(x)(II) as follows:

44-20-124. Unlawful acts. (1) It is unlawful and a violation of this part 1 for any manufacturer, distributor, or manufacturer representative:

(x) To require, coerce, or attempt to coerce a motor vehicle dealer to substantially alter a facility or premises if:

(II) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(x)(II)(B) OF THIS SECTION, the motor vehicle dealer: Sells only motorcycles, AUTOCYCLES, MOTORCYCLES AND AUTOCYCLES, or motorcycles, AUTOCYCLES, and powersports vehicles; the facility or premises has been altered within the last ten years at a cost of more than twenty-five thousand dollars; and the alteration was required and approved by the manufacturer, distributor, or manufacturer representative. ~~except that~~

(B) This ~~subsection (1)(x)~~ SUBSECTION (1)(x)(II) does not apply to

improvements made to comply with health or safety laws; to improvements made to accommodate the technology requirements necessary to sell or service a line-make; to technological improvements related to electric, automated, compressed natural gas, and fuel-cell motorcycles and powersports vehicles; or to improvements made to install or upgrade electric vehicle charging equipment.

SECTION 33. Appropriation. For the 2022-23 state fiscal year, \$15,976 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation is from the general fund. To implement this act, the department may use this appropriation for DRIVES maintenance and support.

SECTION 34. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2023; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect January 1, 2023, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO