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LOW-SPEED ELECTRIC VEHICLE LAW

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Colorado law provides for the operation of low-speed electric vehicles. During the 2012 session, the General Assembly enacted Senate Bill 12-013, which addresses the operation of low-speed electric vehicles. This issue brief examines Colorado law addressing the operation and licensing of low-speed electric vehicles in Colorado, as well as other states' laws concerning this issue.

Background

Colorado law defines a low-speed electric vehicle (LSEV) as:

- primarily propelled by electricity;
- having at least three wheels in contact with the ground;
- not requiring handlebars for steering; and
- displaying a vehicle identification number pursuant to state law.

Common examples of LSEVs are golf cars and groundskeeping carts.

LSEVs are permitted to be operated on roads with speed limits of 35 miles per hour (mph) or less, or on roads with speed limits greater than 35 mph if crossing at grade with the road. LSEVs are not permitted on limited-access highways. The law requires that slow-moving vehicles driven under 25 mph be marked with a triangular slow-moving vehicle emblem to the rear of the vehicle.

Class B low-speed electric vehicles. Current law also addresses class B LSEVs, defined as low-speed vehicles with speed capabilities of 25 to 45 miles per hour. Class B vehicles are only permitted to be operated on roads with speed limits of 45 miles per hour or less, and may not be driven on limited-access highways. Violations of these restrictions may result in a Class B traffic infraction.

Under current law, local authorities are not restricted from issuing regulations and ordinances governing LSEV operation, including establishing new safety inspection programs. However, local authorities may not permit the use of golf cars under the following circumstances:

- on state highways;
- by minors under age 16; or
- by unlicensed drivers transporting passengers under age 21.

In the 2012 legislative session, the General Assembly enacted Senate Bill 12-013, concerning the operation of LSEVs. The bill allows operation of low-speed electric vehicles on a state highway or cross a roadway having a speed of 40 miles per hour or under if:

- the roadway's lane width is 11 feet or greater;
- the roadway provides two or more lanes in either direction; and
- the Colorado Department of Transportation determines, in consultation with local

government and law enforcement, upon the basis of a traffic survey or investigation that the operation of LSEVs poses no substantial safety risk or hazard to motorists, bicyclists, pedestrians, or other persons.

The bill also amends existing law to raise the age limit for driving golf cars on streets from age 14 to 16.

Licensing

Low-speed electric vehicles. According to the Department of Revenue (DOR), registration fees for LSEVs are the same as those for a standard passenger vehicle of similar age and weight. Registration fees are assessed as tax class C. There are no registration fee exemptions for LSEVs.

Class B low-speed electric vehicles. Current law prohibits the DOR from registering or issuing a title for a class B LSEV until after the U.S. Department of Transportation (DOT), through the National Highway Traffic Safety Administration (NHTSA), has adopted a federal motor vehicle safety standard for LSEVs that authorizes operation at greater than 25 mph but less than 45 mph. Once the U.S. DOT has adopted such standards, the DOR is required to promulgate rules authorizing the operation of class B LSEVs.

Highway Users Tax Fund. The Highway Users Tax Fund (HUTF) is the primary fund for dispensing monies to the state and local governments to support transportation projects throughout the state. LSEVs, which are defined as motor vehicles in state law, contribute to the HUTF through various fees and taxes. Fuel taxes account for the largest source of HUTF revenue. Other sources include taxes, fees, and fines, such as: vehicle registration fees; passenger mile taxes; driver's license and permit fees; commercial driver's license fees; tag and certificate fees; daily vehicle rental fees; late vehicle registration fees; temporary plate fees; license plate fees; special license plate fees; and various fines and penalty fees for traffic infractions.

Other States

As of February 2012, at least 46 states have enacted legislation allowing LSEVs to be operated on roadways. An overview of Arizona and California law follows as two examples of states that have relatively comprehensive statutes addressing LSEVs, including their provisions regarding decals and parking for electric vehicles.

Arizona. Under Arizona law, a neighborhood electric vehicle is defined as a self-propelled, electrically powered motor vehicle that is emission-free, has at least four wheels in contact with the ground, and complies with the definition and standards for low-speed vehicles set forth in federal law. A neighborhood electric vehicle may not be operated at a speed of more than 25 mph and may not be driven on a highway that has a posted speed limit of more than 35 mph. The law requires a vehicle to have a notice of the operational restrictions permanently attached to or painted on the vehicle in a location that is in clear view of the driver.

Arizona law also requires the Arizona Department of Transportation to issue alternative fuel vehicle special plates and stickers for a LSEV, as well as provides for designated parking spaces.

California. California law provides that a LSEV may not be operated on any roadway with a posted speed limit greater than 35 mph except to cross a roadway at an intersection. The law defines a LSEV to mean a vehicle that has four wheels, has a gross vehicle weight rating of 3,000 pounds or less, and is capable of achieving a minimum speed of 20 mph and a maximum speed of 25 mph.

California law also addresses "zero-emission vehicles." Under the law, a zero-emission vehicle (ZEV) is defined as any car, truck, or any other vehicle that produces no tailpipe or evaporative emissions. The law requires the Department of Motor Vehicles to design a ZEV decal to be displayed on the vehicle. In addition, the law provides for designated parking spaces for vehicles displaying a ZEV decal.