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LOW-POWER AND LOW-SPEED ELECTRIC VEHICLE TRANSPORTATION LAW

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During the 2009 session, the General Assembly enacted two bills, House Bill 09-1026 and Senate Bill 09-075, updating state laws pertaining to low-power and low-speed electric vehicles. The acts replace outdated vehicle terminology in state law with new definitions and terms. The legislation also updates and expands state statutes governing sales and operation of low-power and low-speed electric vehicles. This issue brief discusses the new statutory definitions and changes to traffic operation, safety, and registration laws for low-power and low-speed electric vehicles.

Low-power Scooters

Statutory definition. House Bill 09-1026 replaces the terms of "motorscooter," "motorized bicycle," and "motorbicycle" with low-power scooter. The legislation defines a low-power scooter as a self-propelled vehicle for use on roads, having up to three wheels and no clutch, and being equipped with either a cylinder capacity of up to 50 cubic centimeters (if powered by internal combustion) or a wattage of up to 76 (if powered by electricity). Devices such as wheelchairs or other instruments to assist individuals with disabilities are not covered under the definition.

Traffic operation and safety. Low-power scooters are permitted to be operated on roadways. However, the bill prohibits the operation of low-power scooters on interstate highways, limited-access roads, or sidewalks. Scooters may be ridden in bicycle lanes

or where specifically designated, but not two abreast.

Under the bill, existing driving under the influence laws are applied to low-power scooter operators and the bill imposes a 40 mile-per-hour (mph) speed limit. Speeding offenses result in the following violation point reductions and fines:

- 41 to 44 mph — 0 points, \$56 fine;
- 45 to 49 mph — 2 points, \$85 fine; and
- 50 or more mph — 4 points, \$116 fine.

Registration. The legislation applies compulsory liability insurance laws to low-power scooters, preventing registration of a scooter until an insurance policy has been obtained pursuant to state law. The state motorist insurance identification fee, collected with motor vehicle registration, is also applied to low-power scooters. House Bill 09-1026 also specifies that only persons with a valid driver's license may operate a low-power scooter.

Electrical Assisted Bicycles

Statutory definition. House Bill 09-1026 also defines an electrical assisted bicycle (EAB) as a vehicle with two wheels, operable pedals, an electric motor not exceeding 750 watts, with a top speed of 20 miles per hour.

Traffic operation and safety. The bill extends bicycle traffic laws to EABs. EAB operators are

prohibited from using the device's electrical motor while on bicycle or pedestrian paths. EABs are required to be equipped in the same manner as a bicycle, specifically: a front light; reflectors; appropriate brakes; and identifying numbers on the framework. The legislation further provides that local authorities may regulate the use of EABs on pedestrian and bicycle paths so long as such regulations do not conflict with state law.

Registration. Current law requires that motor vehicles to be registered within 60 days of purchase. Exemptions from this requirement are provided for bicycles and "human-powered vehicles." House Bill 09-1026 extends this exemption to include EABs.

Electric Personal Assistive Mobility Devices

Statutory definition. House Bill 09-1026 defines an electric personal assistive mobility device (EPAMD) as a self-balancing vehicle, with an electric motor not exceeding 750 watts, designed to transport one person. A common example of an EPAMD is a Segway scooter.

Traffic operation and safety. EPAMDs may not be operated on limited-access highways, bicycle paths, pedestrian paths, or at speeds greater than 12.5 mph. Operating an EPAMD in such locations is punishable as a Class B traffic infraction. Like EABs, EPAMDs are required to be equipped in the same manner as a bicycle (front light, reflectors, brakes, and identifying numbers). The bill authorizes local authorities to regulate the use of EPAMDs on roads, sidewalks, and paths within their jurisdictions so long as such regulations established do not conflict with state law.

Low-speed Electric Vehicles

Statutory definition. Senate Bill 09-075 replaces references to neighborhood electric vehicles with low-speed electric vehicles. The legislation defines low-speed electric vehicles 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 low-speed electric vehicles are golf carts and groundskeeping carts.

Traffic operation and safety. The bill permits low-speed electric vehicles to be operated on roads with speed limits of 35 mph or less, or on roads with speed limits greater than 35 mph if crossing at grade with the road. Low-power electric vehicles are not permitted on highways. The legislation requires that slow-moving vehicles driven under 25 mph be marked with a triangular slow-moving vehicle emblem to the rear of the vehicle. Under the bill, the Department of Revenue must develop a new emblem for use specifically by low-speed electric vehicles.

Senate Bill 09-075 also addresses class B low-speed electric vehicles, defined as low-speed vehicles with speed capabilities of 25 to 45 miles per hour. The legislation restricts the operation of class B vehicles to roads with speed limits of 45 miles per hour or less, and prohibits driving on highways. Violations of these restrictions may result in a Class B traffic infraction.

Similar to EABs and EPAMDs, the bill does not restrict local authorities from issuing regulations and ordinances governing low-speed electric vehicle operation, including establishing new safety inspection programs. However, local authorities may not permit the use of golf carts under the following circumstances:

- on state highways;
- by minors under age 14; or
- by unlicensed drivers transporting passengers under age 21.