

42-1-102. Definitions.

As used in articles 1 to 4 of this title, unless the context otherwise requires:

- (1) "Acceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.
- (2) "Administrator" means the property tax administrator.
- (3) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban areas and not intended for the purpose of through vehicular traffic.
- (4) "Apportioned registration" means registration of a vehicle pursuant to a reciprocal agreement under which the fees paid for registration of such vehicle are ultimately divided among the several jurisdictions in which the vehicle travels, based upon the number of miles traveled by the vehicle in each jurisdiction or upon some other agreed criterion.
- (4.5) "Appurtenance" means a piece of equipment that is affixed or attached to a motor vehicle or trailer and is used for a specific purpose or task, including awnings, support hardware, and extractable equipment. "Appurtenance" does not include any item or equipment that is temporarily affixed or attached to the exterior of a motor vehicle for the purpose of transporting such vehicle.
- (5) "Authorized agent" means the officer of a county or city and county designated by law to issue annual registrations of vehicles and to collect any registration or license fee imposed thereon by law.
- (6) "Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:
 - (a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or
 - (b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies.
- (7) "Authorized service vehicle" means such highway or traffic maintenance vehicles as are publicly owned and operated on a highway by or for a governmental agency the function of which requires the use of service vehicle warning lights as prescribed by state law and such other vehicles having a public service function, including, but not limited to, public utility vehicles and tow trucks, as determined by the department of transportation under section [42-4-214](#) (5). Some vehicles may be designated as both an authorized emergency vehicle and an authorized service vehicle.
- (8) "Automobile" means any motor vehicle.
- (8.5) "BAC" means either:
 - (a) A person's blood alcohol content, expressed in grams of alcohol per one hundred milliliters of blood

as shown by analysis of the person's blood; or

(b) A person's breath alcohol content, expressed in grams of alcohol per two hundred ten liters of breath as shown by analysis of the person's breath.

(9) "Base jurisdiction" means the state, province, or other jurisdiction which receives, apportions, and remits to other jurisdictions moneys paid for registration of a vehicle pursuant to a reciprocal agreement governing registration of vehicles.

(10) "Bicycle" means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(10.5) "Bulk electronic transfer" means the mass electronic transfer of files, updated files, or portions thereof, in the same form as those files exist within the department.

(11) "Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to motels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

(12) "Calendar year" means the twelve calendar months beginning January 1 and ending December 31 of any year.

(13) "Camper coach" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.

(14) "Camper trailer" means a wheeled vehicle having an overall length of less than twenty-six feet, without motive power, which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.

(15) "Chauffeur" means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(16) "Classified personal property" means any personal property which has been classified for the purpose of imposing thereon a graduated annual specific ownership tax.

(17) "Commercial carrier" means any owner of a motor vehicle, truck, laden or unladen truck tractor, trailer, or semitrailer used in the business of transporting persons or property over the public highways for profit, hire, or otherwise in any business or commercial enterprise.

(17.5) "Commercial vehicle" means a vehicle used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise. This subsection (17.5) shall not apply for purposes of sections [42-4-235](#) and [42-4-707](#) (1).

(18) "Controlled-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

(19) "Convicted" or "conviction" means:

- (a) A plea of guilty or nolo contendere;
 - (b) A verdict of guilty;
 - (c) An adjudication of delinquency under title 19, C.R.S.;
 - (d) The payment of a penalty assessment under section 42-4-1701 if the summons states clearly the points to be assessed for the offense; and
 - (e) As to a holder of a commercial driver's license as defined in section 42-2-402 or the operator of a commercial motor vehicle as defined in section 42-2-402:
- (I) An unvacated adjudication of guilt or a determination by an authorized administrative hearing that a person has violated or failed to comply with the law;
 - (II) An unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;
 - (III) The payment of a fine or court cost or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated; or
 - (IV) A deferred sentence.

(20) "Court" means any municipal court, county court, district court, or any court having jurisdiction over offenses against traffic regulations and laws.

(21) "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.

(22) "Dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under articles 1 to 4 of this title and who has an established place of business for such purpose in this state.

(23) "Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic.

(23.5) "Declared gross vehicle weight" means the combined weight of the vehicle or combination vehicle and its cargo when operated on the public highways of this state. Such weight shall be declared by the vehicle owner at the time the vehicle is registered. Accurate records shall be kept of all miles operated by each vehicle over the public highways of this state by the owner of each vehicle.

(24) "Department" means the department of revenue of this state acting directly or through its duly authorized officers and agents.

(24.5) "Distinctive special license plate" means a special license plate that is issued to a person because such person has an immutable characteristic or special achievement honor. Such special achievement honor shall not include a common achievement such as graduating from an institution of higher education. Such special achievement shall include honorable service in the armed forces of the United States. "Distinctive special license plate" shall include a license plate that is issued to a person or the person's family to honor such person's service in the armed forces.

- (25) "Divided highway" means a highway with separated roadways usually for traffic moving in opposite directions, such separation being indicated by depressed dividing strips, raised curbs, traffic islands, or other physical barriers so constructed as to impede vehicular traffic or otherwise indicated by standard pavement markings or other official traffic control devices as prescribed in the state traffic control manual.
- (26) "Drive-away transporter" or "tow-away transporter" means every person engaged in the transporting of vehicles which are sold or to be sold and not owned by such transporter, by the drive-away or tow-away methods, where such vehicles are driven, towed, or transported singly, or by saddlemount, towbar, or fullmount methods, or by any lawful combination thereof.
- (27) "Driver" means every person, including a minor driver under the age of twenty-one years, who drives or is in actual physical control of a vehicle.
- (27.3) "DUI" means driving under the influence, as defined in section 42-4-1301 (1) (f), and use of the term shall incorporate by reference the offense described in section 42-4-1301 (1) (a).
- (27.5) "DUI per se" means driving with a BAC of 0.08 or more, and use of the term shall incorporate by reference the offense described in section 42-4-1301 (2) (a).
- (27.7) "DWAI" means driving while ability impaired, as defined in section 42-4-1301 (1) (g), and use of the term shall incorporate by reference the offense described in section 42-4-1301 (1) (b).
- (28) "Effective date of registration period certificate" means the month in which a fleet owner must register all fleet vehicles.
- (28.5) "Electrical assisted bicycle" means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred fifty watts of power, and a top motor-powered speed of twenty miles per hour.
- (28.7) "Electric personal assistive mobility device" or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.
- (29) "Empty weight" means the weight of any motor vehicle or trailer or any combination thereof, including the operating body and accessories, as determined by weighing on a scale approved by the department.
- (30) "Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.
- (31) "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where such dealer's or manufacturer's books and records are kept and a large share of his or her business transacted.
- (32) "Explosives and hazardous materials" means any substance so defined by the code of federal regulations, title 49, chapter 1, parts 173.50 through 173.389.
- (33) "Farm tractor" means every implement of husbandry designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry.
- (34) "Flammable liquid" means any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(35) "Fleet operator" means any resident who owns or leases ten or more motor vehicles, trailers, or pole trailers and who receives from the department a registration period certificate in accordance with article 3 of this title.

(36) "Fleet vehicle" means any motor vehicle, trailer, or pole trailer owned or leased by a fleet operator and registered pursuant to section 42-3-125.

(37) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which is brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(38) "Fullmount" means a vehicle which is mounted completely on the frame of the first vehicle or last vehicle in a saddlemount combination.

(39) "Garage" means any public building or place of business for the storage or repair of automobiles.

(39.5) "Golf car" means a self-propelled vehicle not designed primarily for operation on roadways and that has:

- (a) A design speed of less than twenty miles per hour;
- (b) At least three wheels in contact with the ground;
- (c) An empty weight of not more than one thousand three hundred pounds; and
- (d) A carrying capacity of not more than four persons.

(40) "Graduated annual specific ownership tax" means an annual tax imposed in lieu of an ad valorem tax upon the personal property required to be classified by the general assembly pursuant to the provisions of section 6 of article X of the state constitution.

(41) "Gross dollar volume" means the total contracted cost of work performed or put in place in a given county by the owner or operator of special mobile machinery.

(41.5) "Group special license plate" means a special license plate that is not a distinctive plate and is issued to a group of people because such people have a common interest or affinity.

(41.7) "Habitual user" shall incorporate by reference the offense described in section 42-4-1301 (1) (c).

(42) "High occupancy vehicle lane" means a lane designated pursuant to the provisions of section 42-4-1012 (1).

(43) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state.

(43.5) "Immediate family" means a person who is related by blood, marriage, or adoption.

(44) (a) On and after July 1, 2000, "implement of husbandry" means every vehicle that is designed, adapted, or used for agricultural purposes. It also includes equipment used solely for the application of liquid, gaseous, and dry fertilizers. Transportation of fertilizer, in or on the equipment used for its application, shall be deemed a part of application if it is incidental to such application. It also includes hay balers, hay stacking equipment, combines, tillage and harvesting equipment, agricultural commodity

handling equipment, and other heavy movable farm equipment primarily used on farms or in a livestock production facility and not on the highways. Trailers specially designed to move such equipment on highways shall, for the purposes of part 5 of article 4 of this title, be considered as component parts of such implements of husbandry.

(b) Effective July 1, 2013, for purposes of this section, "implements of husbandry" includes personal property valued by the county assessor as silvicultural.

(45) "Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways thirty feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

(45.5) "Kit vehicle" means a passenger-type motor vehicle assembled, by other than a licensed manufacturer, from a manufactured kit that includes a prefabricated body and chassis and is accompanied by a manufacturer's statement of origin.

(46) "Lane" means the portion of a roadway for the movement of a single line of vehicles.

(47) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(48) "Local authorities" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

(48.5) (a) "Low-power scooter" means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

(II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "Low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights-of-way.

(48.6) "Low-speed electric vehicle" means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground;

(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(49) "Manufacturer" means any person, firm, association, corporation, or trust, whether resident or nonresident, who manufactures or assembles new and unused motor vehicles of a type required to be

registered under articles 1 to 4 of this title.

(50) "Manufacturer's suggested retail price" means the retail price of such motor vehicle suggested by the manufacturer plus the retail price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle prior to the sale to the retail purchaser.

(51) "Markings" means all lines, patterns, words, colors, or other devices, except signs, set into the surface of, applied upon, or attached to the pavement or curbing or to objects within or adjacent to the roadway, conforming to the state traffic control manual and officially placed for the purpose of regulating, warning, or guiding traffic.

(52) "Metal tires" means all tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(52.5) "Military vehicle" means a vehicle of any size or weight that is valued for historical purposes, that was manufactured for use by any nation's armed forces, and that is maintained in a condition that represents its military design and markings.

(53) "Minor driver's license" means the license issued to a person who is at least sixteen years of age but who has not yet attained the age of twenty-one years.

(54) (Deleted by amendment, L. 2010, ([HB 10-1172](#)), ch. 320, p. 1486, § 1, effective October 1, 2010.)

(55) "Motorcycle" means a motor vehicle that uses handlebars to steer and that is designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor or low-power scooter.

(56) (Deleted by amendment, L. 2009, ([HB 09-1026](#)), ch. 281, p. 1260, § 22, effective October 1, 2009.)

(57) "Motor home" means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.

(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; except that the term does not include 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), C.R.S., 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.

(59) (Deleted by amendment, L. 2009, ([HB 09-1026](#)), ch. 281, p. 1260, § 22, effective October 1, 2009.)

(60) "Mounted equipment" means any item weighing more than five hundred pounds that is permanently mounted on a vehicle, including mounting by means such as welding or bolting the equipment to a vehicle.

(60.3) "Multipurpose trailer" means a wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle over the public highways. A "multipurpose trailer" is generally and commonly used for temporary living or sleeping accommodation and transporting property wholly upon its own structure and is registered as a vehicle.

- (60.5) (Deleted by amendment, L. 2009, (SB 09-075), ch. 418, p. 2320, § 4, effective August 5, 2009.)
- (61) "Noncommercial or recreational vehicle" means a truck, or unladen truck tractor, operated singly or in combination with a trailer or utility trailer or a motor home, which truck, or unladen truck tractor, or motor home is used exclusively for personal pleasure, enjoyment, other recreational purposes, or personal or family transportation of the owner, lessee, or occupant and is not used to transport cargo or passengers for profit, hire, or otherwise to further the purposes of a business or commercial enterprise.
- (62) "Nonresident" means every person who is not a resident of this state.
- (63) "Off-highway vehicle" shall have the same meaning as set forth in section 33-14.5-101 (3), C.R.S.
- (64) "Official traffic control devices" means all signs, signals, markings, and devices, not inconsistent with this title, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- (65) "Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- (66) "Owner" means a person who holds the legal title of a vehicle; or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of articles 1 to 4 of this title. The term also includes parties otherwise having lawful use or control or the right to use or control a vehicle for a period of thirty days or more.
- (67) "Park" or "parking" means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.
- (68) "Pedestrian" means any person afoot or any person using a wheelchair.
- (68.5) "Persistent drunk driver" means any person who has been convicted of or had his or her driver's license revoked for two or more alcohol-related driving violations; who continues to drive after a driver's license or driving privilege restraint has been imposed for one or more alcohol-related driving offenses; or who drives a motor vehicle while the amount of alcohol in such person's blood, as shown by analysis of the person's blood or breath, was 0.17 or more grams of alcohol per one hundred milliliters of blood or 0.17 or more grams of alcohol per two hundred ten liters of breath at the time of driving or within two hours after driving. Nothing in this subsection (68.5) shall be interpreted to affect the penalties imposed under this title for multiple alcohol- or drug-related driving offenses, including, but not limited to, penalties imposed for violations under sections 42-2-125 (1) (g) and (1) (i) and 42-2-202 (2).
- (69) "Person" means a natural person, estate, trust, firm, copartnership, association, corporation, or business entity.
- (70) "Pneumatic tires" means all tires inflated with compressed air.
- (71) "Pole", "pipe trailer", or "dolly" means every vehicle of the trailer type having one or more axles not more than forty-eight inches apart and two or more wheels used in connection with a motor vehicle solely for the purpose of transporting poles or pipes and connected with the towing vehicle both by chain, rope, or cable and by the load without any part of the weight of said dolly resting upon the towing vehicle. All the registration provisions of articles 1 to 4 of this title shall apply to every pole, pipe trailer,

or dolly.

(72) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(72.2) "Power takeoff equipment" means equipment that is attached to a motor vehicle and is powered by the motor that powers the locomotion of the motor vehicle.

(72.5) "Primary user" means an organization that collects bulk data for the purpose of in-house business use.

(72.7) "Principal office" means the office in this state designated by a fleet owner as its principal place of business.

(73) "Private road" or "driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

(74) Repealed.

(75) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(76) "Reciprocal agreement" or "reciprocity" means an agreement among two or more states, provinces, or other jurisdictions for coordinated, shared, or mutual enforcement or administration of laws relating to the registration, operation, or taxation of vehicles and other personal property in interstate commerce. The term includes without limitation the "international registration plan" and any successor agreement providing for the apportionment, among participating jurisdictions, of vehicle registration fees or taxes.

(77) "Reconstructed vehicle" means any vehicle which has been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(78) "Registration period" or "registration year" means any consecutive twelve-month period.

(79) "Registration period certificate" means the document issued by the department to a fleet owner, upon application of a fleet owner, which states the month in which registration is required for all motor vehicles owned by the fleet owner.

(80) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(81) "Resident" means any person who owns or operates any business in this state or any person who has resided within this state continuously for a period of ninety days or has obtained gainful employment within this state, whichever shall occur first.

(82) "Right-of-way" means the right of one vehicle operator or pedestrian to proceed in a lawful manner in preference to another vehicle operator or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(83) "Road" means any highway.

(84) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(85) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder even though such sidewalk, berm, or shoulder is used by persons riding bicycles or other human-powered vehicles and exclusive of that portion of a highway designated for exclusive use as a bicycle path or reserved for the exclusive use of bicycles, human-powered vehicles, or pedestrians. In the event that a highway includes two or more separate roadways, "roadway" refers to any such roadway separately but not to all such roadways collectively.

(86) "Saddlemount combination" means a combination of vehicles in which a truck or laden or unladen truck tractor tows one or more additional trucks or laden or unladen truck tractors and in which each such towed truck or laden or unladen truck tractor is connected by a saddle to the frame or fifth wheel of the vehicle immediately in front of such truck or laden or unladen truck tractor. For the purposes of this subsection (86), "saddle" means a mechanism which connects the front axle of a towed vehicle to the frame or fifth wheel of a vehicle immediately in front of such towed vehicle and which functions like a fifth wheel kingpin connection. A saddlemount combination may include one fullmount.

(87) "Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(88) "School bus" means a motor vehicle that is designed and used specifically for the transportation of school children to or from a public or private school or a school-related activity, whether the activity occurs within or without the territorial limits of any district and whether or not the activity occurs during school hours. "School bus" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity.

(88.5) (a) "School vehicle" means a motor vehicle, including but not limited to a school bus, that is owned by or under contract to a public or private school and operated for the transportation of school children to or from school or a school-related activity.

(b) "School vehicle" does not include:

(I) Informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of school children to or from a public or private school or a school-related activity; or

(II) A motor vehicle that is owned by or under contract to a child care center, as defined in section 26-6-102 (1.5), C.R.S., and that is used for the transportation of children who are served by the child care center.

(89) "Semitrailer" means any wheeled vehicle, without motor power, designed to be used in conjunction with a laden or unladen truck tractor so that some part of its own weight and that of its cargo load rests upon or is carried by such laden or unladen truck tractor and that is generally and commonly used to carry and transport property over the public highways.

(90) "Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway

and the adjacent property lines intended for the use of pedestrians.

(91) "Snowplow" means any vehicle originally designed for highway snow and ice removal or control or subsequently adapted for such purposes which is operated by or for the state of Colorado or any political subdivision thereof.

(92) "Solid rubber tires" means every tire made of rubber other than a pneumatic tire.

(93) "Specially constructed vehicle" means any vehicle which has not been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

(93.5) (a) "Special mobile machinery" means machinery that is pulled, hauled, or driven over a highway and is either:

(I) A vehicle or equipment that is not designed primarily for the transportation of persons or cargo over the public highways; or

(II) A motor vehicle that may have been originally designed for the transportation of persons or cargo over the public highways, and has been redesigned or modified by the addition of mounted equipment or machinery, and is only incidentally operated or moved over the public highways.

(b) "Special mobile machinery" includes vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

(94) "Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

(95) "State" means a state, territory, organized or unorganized, or district of the United States.

(96) "State motor vehicle licensing agency" means the department of revenue.

(97) "State traffic control manual" means the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", including any supplement thereto, as adopted by the transportation commission.

(98) "Steam and electric trains" includes:

(a) "Railroad", which means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails;

(b) "Railroad train", which means a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(c) "Streetcar", which means a car other than a railroad train for transporting persons or property upon rails principally within a municipality.

(99) "Stinger-steered" means a semitrailer combination configuration wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

(100) "Stop" or "stopping" means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(101) "Stop line" or "limit line" means a line which indicates where drivers shall stop when directed by

an official traffic control device or a police officer.

(101.5) "Street rod vehicle" means a vehicle manufactured in 1948 or earlier with a body design that has been modified for safe road use.

(102) "Supervisor" means the executive director of the department of revenue or head of a group, division, or subordinate department appointed by the executive director in accordance with article 35 of title 24, C.R.S.

(102.5) "Surge brakes" means a system whereby the brakes of a trailer are actuated as a result of the forward pressure of the trailer against the tow vehicle during deceleration.

(102.7) "Temporary special event license plate" means a special license plate valid for a limited time period that is issued to a person or group of people in connection with a special event. "Temporary special event license plate" does not mean a special plate for the purposes of section 42-3-207.

(103) "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which other vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device when such signs or devices are erected as provided by law.

(103.5) (a) "Toy vehicle" means any vehicle that has wheels and is not designed for use on public highways or for off-road use.

(b) "Toy vehicle" includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) "Toy vehicle" does not include off-highway vehicles or snowmobiles.

(104) "Traffic" means pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances either singly or together while using any highway for the purposes of travel.

(105) "Trailer" means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways. The term includes, but is not limited to, multipurpose trailers as defined in subsection (60.3) of this section.

(106) (a) "Trailer coach" means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

(b) "Manufactured home" means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

(107) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered under articles 1 to 4 of this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(108) "Truck" means any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways.

(109) "Truck tractor - laden" or "laden truck tractor" means any motor vehicle carrying cargo that is generally and commonly designed and used to draw, and is drawing, a semitrailer or trailer and its cargo load over the public highways.

(109.5) "Truck tractor - unladen" or "unladen truck tractor" means any motor vehicle not carrying cargo that is generally used to draw a semitrailer or trailer and its cargo load over the public highways.

(109.7) "UDD" means underage drinking and driving, and use of the term shall incorporate by reference the offense described in section 42-4-1301 (2) (a.5).

(110) "Used vehicle" means every motor vehicle which has been sold, bargained for, exchanged, or given away, or has had the title transferred from the person who first acquired it from the manufacturer or importer, and has been so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof.

(111) "Utility trailer" means any wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

(112) "Vehicle" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(112.5) "Vendor" means an organization that collects bulk data for the purpose of reselling the data.

(113) "Wheelchair" means a motorized or nonmotorized wheeled device designed for use by a person with a physical disability.

Source: **L. 94:** Entire title amended with relocations, p. 2094, § 1, effective January 1, 1995. **L. 95:** (17), (86), (89), and (109) amended and (109.5) added, p. 470, § 1, effective July 1. **L. 96:** (102.5) added, p. 629, § 1, effective January 1, 1997. **L. 97:** (58) amended and (60.5) added, p. 392, § 1, effective August 6. **L. 98:** (68.5) added, p. 1239, § 2, effective July 1. **L. 99:** (10.5), (72.5), and (112.5) added, p. 1239, § 1, effective August 4. **L. 2000:** (88) amended, p. 20, § 1, effective March 9; (96) and (102) amended, p. 1639, § 21, effective June 1; (44) amended, p. 548, § 1, effective July 1; (58) amended, p. 698, § 16, effective July 1; (53) and (74) amended, p. 1348, § 13, effective July 1, 2001. **L. 2001:** (17.5) added and (61) amended, p. 504, § 1, effective May 18; (24.5) and (41.5) added, p. 729, § 2, effective August 8. **L. 2002:** (35) and (36) amended, p. 1, § 1, effective March 1; (27) amended, p. 1033, § 72, effective June 1; (4.5) added, p. 404, § 2, effective August 7. **L. 2003:** (102.7) added, p. 1847, § 1, effective May 21; (72.7) added, p. 809, § 1, effective August 6. **L. 2005:** (19) and (69) amended, p. 640, § 1, effective May 27; (103.5) added, p. 1241, § 1, effective June 3; (43.5) added, p. 335, § 4, effective July 1; (23.5) and (101.5) added and (36) amended, p. 1071, § 1, effective August 8; (24.5) amended, p. 665, § 3, effective August 8. **L. 2006:** (102.7) amended, p. 1509, § 62, effective June 1; (17.5) amended, p. 43, § 2, effective July 1; (24.5) amended, p. 1753, § 4, effective January 1, 2007; (68.5) amended, p. 1366, § 1, effective January 1, 2007; (45.5) added, p. 1411, § 1, effective July 1, 2007. **L. 2007:** (109) and (109.5) amended, p. 282, § 1, effective March 29. **L. 2008:** (6) amended, p. 2083, § 8, effective June 3; (8.5), (27.3), (27.5), (27.7), (41.7), and (109.7) added, p. 243, § 2, effective

July 1; (19)(e) added, p. 473, § 2, effective July 1; (60.3) added and (105) and (106)(a) amended, p. 637, § 1, effective August 5; (69) amended, p. 2271, § 1, effective January 1, 2009. **L. 2009:** (39.5) and (48.6) added and (55), (58), and (60.5) amended, (SB 09-075), ch. 418, p. 2320, § 4, effective August 5; (10), (55), (56), (58), (59), (103.5), and (112) amended and (28.5), (28.7), and (48.5) added, (HB 09-1026), ch. 281, p. 1260, § 22, effective October 1. **L. 2010:** (88) amended and (88.5) added, (HB 10-1232), ch. 163, p. 572, § 10, effective April 28; (72.2) added, (SB 10-144), ch. 289, p. 1345, § 1, effective July 1; (44) amended, (SB 10-177), ch. 392, p. 1861, § 2, effective August 11; (52.5) added, (SB 10-075), ch. 169, p. 597, § 1, effective August 11; (33), (41), (54), and (60) amended and (93.5) added, (HB 10-1172), ch. 320, p. 1486, § 1, effective October 1.

Editor's note: (1) Subsection (74)(b) provided for the repeal of subsection (74), effective July 1, 2006. (See L. 2000, p. 1348.)

(2) Amendments to subsections (55) and (58) by Senate Bill 09-075 and House Bill 09-1026 were harmonized.

(3) Section 3 of chapter 289, Session Laws of Colorado 2010, provides that the act adding subsection (72.2) applies to registrations made on or after July 1, 2010.

(4) Section 8 of chapter 392, Session Laws of Colorado 2010, provides that the act amending subsection (44) applies to conduct occurring on or after August 11, 2010.

(5) Section 20 of chapter 320, Session Laws of Colorado 2010, provides that the act amending subsections (33), (41), (54), and (60) and adding subsection (93.5) applies to offenses committed and applications submitted on or after October 1, 2010.

Cross references: (1) For the legislative declaration contained in the 1998 act amending subsection (68.5), see section 1 of chapter 295, Session Laws of Colorado 1998.

(2) Section 1 of chapter 412, Session Laws of Colorado 2008, provides that the act amending subsection (6) shall be known and may be cited as the "Charles Mather Highway Safety Act".

ANNOTATION

Law reviews. For article, "Scope of the Right-of-Way Privilege", see 19 Dicta 122 (1942).

This article is general, uniform in its operation, and not special within the meaning of § 25 of art. V, Colo. Const. *Driverless Car Co. v. Armstrong*, 91 Colo. 334, 14 P.2d 1098 (1932).

Definition of "chauffeur" constitutional. The statutory definition of "chauffeur" is not irrational. Moreover, it relates to a legitimate government purpose and, thus, must be upheld as constitutional. *Bedell v. Colo. Dept. of Rev.*, 655 P.2d 849 (Colo. App. 1982).

"Automobile" is not limited to passenger cars. Word "automobile" should be given its ordinary and generally accepted meaning, and not limited to passenger cars only. *Lombardi v. Bd. of Adjustment*, 675 P.2d 21 (Colo. App. 1983).

"Driver". Person who was in the driver's seat of an automobile which had its motor running and its parking lights on and which was located in a private parking lot was in actual physical control of the automobile and thus was driving a motor vehicle. *Motor Vehicle Div. v. Warman*, 763 P.2d 558 (Colo. 1988).

"Driver" includes a person seated behind a steering wheel with the seat belt fastened with the key in the ignition turned to "on", even though the car is not running. *Caple v. Dept. of Rev.*, 804 P.2d 873 (Colo. App. 1990).

Based on the definition of "driver" in subsection (27), the terms "drive" and "drove", for purposes of the DUI statute, include "actual physical control" of a vehicle. Thus, a person may be deemed to be driving a vehicle even if the vehicle is not actually moving. *People v. Swain*, 959 P.2d 426 (Colo. 1998).

Car qualifies as "emergency vehicle". See *Clark v. Fellin*, 126 Colo. 519, 251 P.2d 940 (1952).

A police car is an "emergency vehicle" for purposes of the Colorado Governmental Immunity Act. *Fogg v. Macaluso*, 870 P.2d 525 (Colo. App. 1993), *aff'd in part and rev'd in part*, 892 P.2d 271 (Colo. 1995).

The point at which a crossroad enters the main highway is an "intersection" within the statutory definition of that term. *General Foods Sales Co. v. Smith*, 105 Colo. 305, 97 P.2d 429 (1939).

The board of county commissioners falls within the statutory definition of "local authority". *Asphalt Paving Co. v. Bd. of County Comm'rs*, 162 Colo. 254, 425 P.2d 289 (1967).

Definition of "motor vehicle" in this section did not apply to road grader operating on highway and fell within the motor vehicle exception to the Colorado Governmental Immunity Act. For purposes of the Act, "motor vehicle" includes any "vehicle on wheels having its own motor and not running on rails or tracks, for use on streets or highways". *Bertrand v. Bd. of County Comm'rs*, 873 P.2d 223 (Colo. 1994).

Use of "county" with "municipal" indicates intent for county to have police powers. The fact that the term "county" was included in this section along with "municipal" units indicates that the general assembly intended such county governmental units, functioning through their boards of county commissioners, to have at least certain police powers. *Asphalt Paving Co. v. Bd. of County Comm'rs*, 162 Colo. 254, 425 P.2d 289 (1967).

The provision relating to "other local board or body" can apply only to the numerous units of local government other than counties and municipalities, which overlap our state in profusion. *Asphalt Paving Co. v. Bd. of County Comm'rs*, 162 Colo. 254, 425 P.2d 289 (1967).

Definition of "police officer" is not limited to state, county, or municipal personnel. Air Force security police are law enforcement officers who can request testing pursuant to the express consent law under § 42-4-1301 (6). *Eggleston v. Dept. of Rev. Motor Veh. Div.*, 895 P.2d 1169 (Colo. App. 1995).

A "public highway" is defined as (a) the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; or (b) the entire width of every way declared to be a public highway by any law of this state. *Curtis v. Lawley*, 140 Colo. 476, 346 P.2d 579 (1959).

A "private roadway" is defined as every road or driveway not open to the use of the public for purposes of vehicular travel. *Curtis v. Lawley*, 140 Colo. 476, 346 P.2d 579 (1959).

When a highway is closed to the use of the public, its status is within the definition of a private road or driveway. *Curtis v. Lawley*, 140 Colo. 476, 346 P.2d 579 (1959).

For example, under this section, a highway under construction and not open to the public use is a private roadway. *Curtis v. Lawley*, 140 Colo. 476, 346 P.2d 579 (1959).

Applied in *Lorenzini v. Rucker*, 95 Colo. 246, 35 P.2d 865 (1936); *Ferguson v. Hurford*, 132 Colo. 507, 290 P.2d 229 (1955); *Britto v. People*, 178 Colo. 216, 497 P.2d 325 (1972); *State, Motor Vehicle Div. v. Dayhoff*, 199 Colo. 363, 609 P.2d 119 (1980); *Fuqua Homes, Inc. v. Western Sur. Co.*, 44 Colo. App. 257, 616 P.2d 163 (1980); *Smith v. Charnes*, 649 P.2d 1089 (Colo. 1982); *Lombardi v. Bd. of Adjustment*, 675 P.2d 21 (Colo. App. 1983).