

DEPARTMENT OF REVENUE

Division of Motor Vehicles – ~~Title and Registration Vehicle Services~~ Section

1 CCR-204-10

RULE 40. Low-Power Scooter

Basis: The statutory bases for this ~~regulation~~ rule are ~~sections~~ 42-1-102(48.5), 42-1-204, 42-2-103(2), ~~42-3-105(1)(d)~~, 42-3-105(2), 42-3-105(4), ~~42-3-301~~, and 42-3-311, and 42-3-304(18)(d), C.R.S.

Purpose: ~~The following rules and regulations are promulgated~~ purpose of this rule is to establish criteria for ~~the issuance~~ a Registration Agent to register a low-power scooter ~~temporary registrations, identify the entities that are authorized to complete the temporary registration process and the process for the registration agent application.~~

1.0 Definitions

~~1.1 — “Department” for this regulation means the State Registration Section, Division of Motor Vehicles, Department of Revenue.~~

~~1.2 — “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:~~

~~A. — A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or~~

~~B. — A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.~~

~~1.3 — “Motor vehicle” in pertinent part, means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generated and commonly used to transport persons and property over the public highways, except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power.~~

~~1.4 — “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.~~

1.1 “Dealer” means a motor vehicle dealer, used motor vehicle dealer or power sport dealer licensed under Article 20 of Title 44, C.R.S.

1.52 “Registration Agent” means a ~~motor vehicle dealer or used motor vehicle dealer licensed under article 6 of title 42, of the Colorado Revised Statutes~~ Dealer that has been approved by the Department to act as an authorized agent of the Department for the purposes of compliance with 42-3-105(4)~~(a)~~ and 42-3-311, C.R.S. and the collection of fees required for the registration of a low-power scooters.

2.0 ~~Low-Power Scooter~~ Registration Agent Eligibility

- 2.1 ~~A Upon application and approval, any licensed Colorado motor vehicle dealer, used motor vehicle dealer, or power sport dealer Dealer that engages in the selling of low-power scooters that desires to register low-power scooters that the Dealer has sold may~~ must apply with the Department to ~~act as a registration agent~~ be approved to be a Registration Agent for the Department ~~for the purpose of temporarily registering low-power scooters.~~
- ~~A. The DR 2228 Low-Power Scooter Registration Agent Application shall be submitted to the Department for approval.~~
- ~~Ba. A Motor vehicle dealers, used motor vehicle dealers or power sport dealers Dealer that are is engaged in the selling of low-power scooters that does not desire to be a Registration Agent is are not required to be a low-power scooter registration agent Registration Agent. Customers A customer purchasing a low-power scooter from a Dealer that is not an authorized Registration Agent should be directed to the Department for the registration of the low-power scooter purchased from a dealer the Dealer that is not a low-power scooter registration agent Registration Agent.~~
- ~~C. A valid Colorado motor vehicle dealers license, used motor vehicle dealers license or power sport dealers license is required.~~
- 3.0 Low-Power Scooter Registration Agent Application and Approval Responsibilities**
- 3.1 A Dealer that desires to be a Registration Agent must submit a form DR 2228 Low-Power Scooter Registration Agent Application ~~shall be submitted~~ to the Department for approval.
- 3.2 Upon approval ~~by the Department~~, the Dealer will be issued a ~~low-power scooter registration agent~~ Registration Agent number ~~shall be issued~~. The Registration Agent number is in addition to any dealer license number issued to the Dealer and ~~This number~~ must appear on all ~~correspondence with the Department~~, monthly reports and all low-power scooter ~~temporary~~ registrations submitted to the Department.
- ~~3.3 Upon issuance of a low-power scooter registration agent number, the Department shall create the following:~~
- ~~A. An electronic spreadsheet to log and track the dates the monthly reports for each registration agent are received, the amount of payments submitted, a record of all decal numbers issued to that registration agent and a list of all decals that have been returned by the registration agent.~~
- 3.43 If a ~~registration agent~~ Registration Agent changes their Dealership location address from the ~~original~~ location address identified in the original approved form DR 2228 Low-Power Scooter Registration Agent Application ~~application and/or changes their business name~~, a new form DR 2228 ~~Low-Power Scooter Registration Agent Application~~ shall must be submitted within ten (10) ~~business~~ days of the address change ~~from when the Dealer is physically located at the new address to the Department. "Address Change Only" must be indicated at the top of the application. The assigned low-power scooter registration agent Registration Agent number shall will~~ remain the same.
- 3.4 If a Registration Agent changes their business name, a new form DR 2228 must be submitted within ten (10) business days of the name change to the Department. "Name Change Only" must be indicated at the top of the application. The assigned Registration Agent number may be changed and the Registration Agent may be issued a new Registration Agent number at the discretion of the Department.

3.5 Upon request, of the Department, by any Dealer regulatory agency or governing body, by law enforcement, or by a customer, the ~~registration agent shall~~ Registration Agent must provide a copy of the Department approved form DR 2228 ~~Low-Power Scooter Registration Agent Application~~ as proof of authorization to register low-power scooters and collect the associated fees on behalf of the Department.

3.6 Authorization to be an approved Registration Agent and register low-power scooters and collect the associated fees on behalf of the Department is immediately revoked if the Registration Agent ceases to be a Dealer, either by its own actions or due to actions taken by a Dealer regulatory agency or governing body or upon negative audit findings initiated by the Department.

3.67 Low-Power Scooter Decals

Aa. ~~Low-power scooter decals~~ Decals must be purchased by the ~~registration agent~~ Registration Agent from the Department. Requests for ~~low-power scooter~~ decals shall must be completed on the form DR 2183 Low-Power Scooter Monthly Report and Request for Decals/Forms. Requests for ~~low-power scooter~~ decals may be processed by mail or in person at the address indicated on the DR 2183.

Bb. ~~Low-power scooter registration agents~~ A Registration Agent shall not be permitted to purchase excess ~~low-power scooter~~ decals above their allowable months of supply based on historical issuance trends determined by the Department.

Cc. No refunds will be granted for returned or expired ~~low-power scooter~~ decals. Damaged ~~low-power scooter~~ decals must be returned to the Department. Damaged ~~low-power scooter~~ decals shall be replaced upon payment of the applicable ~~low-power scooter decal~~ fees by the Registration Agent.

Dd. ~~Low-power scooter decals~~ Decals that are lost or stolen must be reported to ~~the local, county or state~~ law enforcement within 72-hours from the date it was determined that the ~~low-power scooter~~ decals were lost or discovered stolen. A copy of the ~~police~~ report to law enforcement listing all the serial numbers of the lost or stolen ~~low-power scooter decals~~ must be submitted to the Department. The Department ~~shall will~~ replace the missing ~~low-power scooter~~ decals upon payment of the applicable ~~low-power scooter decal~~ fees by the Registration Agent.

Ee. A low-power scooter decal and registration period is valid for a period of three (3) years from the date of issuance. ~~Standard A license plates shall will~~ not be issued to ~~any vehicle that is defined as~~ a low-power scooter.

f. The Department reserves the right to audit Registration Agent low-power scooter decal inventory at any time. Registration Agent will be provided with audit instructions and details. Failure to follow these rules and procedures may result in revocation of the ability to operate as a Registration Agent.

3.78 Monthly Reports

Aa. ~~A registration agent shall~~ Registration Agent must complete and submit form DR 2183 Low-Power Scooter Monthly Report and Request for Decals/Form to the Department at the address on the form by the 10th of every month. In the event that the 10th is a Saturday, Sunday or State holiday the DR 2183 must be submitted on the next business day following the Saturday, Sunday or State Holiday. In the event that the ~~registration agent~~ Registration Agent did not issue ~~low-power scooter~~ decals

for any given month, the DR 2183 shall be submitted indicating zero (0) under the section identified as "Decal Numbers Sold".

~~Bb. Any low-power scooter registration agent~~ A Registration Agent who does not submit their monthly reports, as listed above, shall lose the authority to issue low-power scooter decals on behalf of the Department and authorization to be an approved Registration Agent and to register low-power scooters and collect the associated fees on behalf of the Department will be revoked. Upon revocation notice from the Department, the Dealer must immediately cease acting as a Registration Agent and provide any low-power scooter deals that have not been issued to the Department. ~~This authority may be considered for only when all monthly reports have been submitted and brought current to the Department.~~

~~3.8 — Renewal of low-power scooter registrations shall be completed by the Department.~~

3.9 Upon a Registration Agent completing a Low-power scooter registrations shall the Registration Agent must: be submitted directly to the Department and must include the following:

a. Submit to the Department:

~~Ai. A The~~ completed form DR 2579 Low-Power Scooter Registration Agent Temporary Registration form.

~~Bii.~~ Photocopy of the proof of ownership including, but not limited to, a Manufacturer's Statement of Origin, invoice, notarized bill of sale, or receipt. The owner's/applicant's name must be consistent on the proof of ownership.

~~Ciii.~~ Appropriate registration fees as indicated on the application DR 2579.

~~Div.~~ Proof that the owner's/applicant's Secure and Verifiable Identification has been verified using the Secure and Verifiable Identification section on the form DR 2579 or by using the form DR 2841 Secure and Verifiable ID and form DR 2842 Supplemental Secure and Verifiable Identification Information and Attestation Clause forms.

~~Ev.~~ Proof of insurance as listed in section 3.11 of this regulation.

b. Provide to the low-power scooter owner/applicant:

i. A photocopy of the proof of ownership as listed under 3.9 a. ii. Above.

ii. A photocopy of the form DR 2579 Low-Power Scooter Registration Agent Temporary Registration form to evidence the registration of the low-power scooter.

~~Fiii.~~ The low-power scooter decal issued to evidence the registration of the low-power scooter listed on the DR 2579. The Registration agent-Agent shall hole punch the expire month and expire year on the low-power scooter decal prior to issuing the low-power scooter decal to the customer. The expire month and expire year shall must match the expire month and expire year on the DR 2579.

iii. Instructions that upon acceptance of the documents and items provided to the Department from the Registration Agent that the Department will complete the registration transaction in Department systems and upon completion of the

registration transaction will mail to the low-power scooter owner/applicant a registration receipt that will replace the copy of the DR 2579 provided.

- iv. Instructions that renewal of the low-power scooter registration can only be completed by the Department. Prior to expiration of the current registration period the owner will receive renewal notice with instructions from the Department.
- v. Instructions that replacement of a lost, damaged or stolen low-power scooter decal can only be completed by the Department by contacting the Department directly.

3.10 ~~Upon receipt of the DR-2579 Low-Power Scooter Registration Agent Temporary Registration Application from the registration agent the Department shall validate the form and ensure compliance with statute, rules and regulations. The registration agent shall provide a photocopy of the DR-2579 to the owner to evidence registration. The registration agent shall instruct the owner of the registration process. If the Department is unable to validate the low-power scooter or any of the documents or forms provided by the Registration Agent or the Department determines that the vehicle submitted does not meet the definition of low-power scooter or that the insurance provide is not valid the Department will reject the application back to the Registration Agent for resolution with the owner/applicant.~~

~~A. The Department shall complete the low-power scooter registration in the Colorado State Title and Registration System. Upon finalization of the transaction a DR-2574 Registration Receipt will be printed and mailed directly to the low-power scooter owner. Upon receipt of the DR-2574 the low-power scooter owner shall replace the agent issued DR-2579 with the DR-2574. The DR-2574 shall be the owners' proof of valid registration.~~

~~B. If the vehicle listed on the DR-2579 does not meet the statutory definition of a low-power scooter the registration agent will be notified by the Department. The Department shall also send notice to the applicant requiring return of the decal. The applicant will be instructed to resolve any refund of fees paid with the agent directly.~~

3.11 Insurance

Aa. A low-power scooter ~~shall~~ will not be registered until the applicant has a complying motor vehicle insurance policy pursuant to ~~part~~ Part 6 of ~~article~~ Article 4 of ~~title~~ Title 10, C.R.S., or a certificate of self-insurance is in full force and effect as required by sections 10-4-619 and 10-4-624, C.R.S.

Bb. The applicant ~~shall~~ must provide the ~~department~~ Department or the ~~registration agent~~ Registration Agent with the proof of insurance certificate or insurance identification card provided to the applicant by the applicant's insurer pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in such other media as is authorized by the Department.

~~C. Any person who knowingly provides fraudulent information or insurance documents to obtain registration of a low-power scooter is guilty of a misdemeanor and is subject to the criminal and civil penalties provided under section 42-6-139(3) and (4) C.R.S.~~

3.12 In the event that a ~~registration agent~~ Registration Agent chooses to no longer act as a ~~registration agent~~ Registration Agent, all low-power scooter decals must be returned to the Department with a notice on the ~~business~~ Dealer's letterhead ~~within ten (10) business~~

~~days from the notice.~~ This notice shall serve as notification to the Department that this ~~business Dealer shall will~~ no longer act as a ~~registration agent~~ Registration Agent for the Department ~~in this capacity.~~ All remaining DR 2579's and DR 2183's that have not been submitted to the Department previously shall be submitted at that time. ~~No refunds shall be issued. The registration agent shall submit to the Department all retained low-power scooter temporary registrations.~~

- 3.13 At no time will a Registration Agent register or issue a low-power scooter decal to a vehicle that does not meet the definition of low-power scooter in section 42-1-102(48.5), C.R.S. This includes but is not limited to, a motorcycle defined in section 42-1-102(55), C.R.S., a toy vehicle defined in section 42-1-102(103.5), C.R.S., a bicycle defined in section 42-1-102(10), C.R.S., or an off-highway vehicle defined in section 42-1-102(63), C.R.S.
- a. If a Registration Agent is unsure if a vehicle meets the definition of a low-power scooter it should not register the vehicle and direct the owner/applicant to the Department for a determination.
 - b. A Registration Agent that knowingly registers a vehicle as a low-power scooter that does not meet the definition of a low-power scooter is required to make reasonable efforts to recover the low-power scooter decal and registration from the owner/applicant and at the discretion of the Department may have their authorization to be a Registration Agent revoked.

~~4.0~~ **Low-Power Scooter Record Maintenance**

- ~~4.1~~ Records shall be maintained listing each low-power scooter decal with the names of the person(s) registered to such decal, to be used upon inquiry from law enforcement or the registered owner.
- ~~4.2~~ Notices of monthly report delinquency shall be sent to the registration agent(s) if the monthly reports are more than two months negligent.
- ~~4.3~~ If a registration agent fails to respond to a letter of monthly report delinquency, a notice shall be placed in the registration agent's file to discontinue the issuance of decals until all monthly reports have been submitted to the Department at which time the Department will re-evaluate the registration agent's authority to issue low-power scooter temporary registrations and decals on behalf of the Department.

4.0 Appeals

- 4.1 If a Dealer is denied application to be a Registration Agent or if a Dealer's Registration Agent status is revoked, the Dealer may request a hearing, in writing, within sixty days after the date of notice of denial. Written hearing requests shall be submitted to the Department of Revenue, Hearings Division.
- 4.2 The hearing shall be held at the Department of Revenue, Hearing Division. The presiding hearing officer shall be an authorized representative designated by the Executive Director. The Department's representative need not be present at the hearing unless the presiding hearing officer requires his or her presence or the person requesting the hearing requests his or her presence in writing. If the Department's representative is not present at the hearing, the hearing officer has the discretion to consider any written documents and affidavits submitted by the Department.