

DEPARTMENT OF REVENUE

Division of Motor Vehicles

VEHICLE SERVICES SECTION

1 CCR 204-10

RULE 3. NON-TRADITIONAL VEHICLE TITLE AND REGISTRATION ELIGIBILITY

Basis: The statutory bases for this rule are sections 42-1-102, 42-1-204, 42-3-120, 42-6-102, C.R.S.

Purpose: The purpose of this rule is to clarify whether or not an unconventional (or not clearly defined) vehicle is eligible for an on-highway title and/or registration or an off-highway title based on whether it meets the statutory definitions in sections 42-1-102 and 42-6-102, C.R.S. for certain vehicle types.

1.0 Definitions

- 1.1 “AAMVA” is the American Association of Motor Vehicle Administrators.
- 1.2 “CFR” is Code of Federal Regulations.
- 1.3 “COO” is the Certificate of Origin; it is the first title document issued by the vehicle manufacturer to the franchised dealer where the vehicle was delivered.
- 1.4 “Department” refers to the Department of Revenue.
- 1.5 “EPA” is the U.S. Environmental Protection Agency.
- 1.6 “FMVSS” are the Federal Motor Vehicle Safety Standards.
- 1.7 “Foreign Military Vehicle” is a self-propelled vehicle that was purchased for non-military use and built for armed forces of a country other than the United States.
- 1.8 “Golf Cars” or “Golf Carts” has the same meaning as defined in section 42-1-102(39.5), C.R.S.
- 1.9 “Historical Military Vehicles” has the same meaning as defined in section 42-6-102(6.3), C.R.S.

- 1.10 "Kei Vehicles," which include vehicles known as mini-trucks, are compact, low-horsepower vehicles that were designed for use on foreign roadways; are not built to meet FMVSS, EPA, or NHTSA standards; and, as described in the AAMVA Regulation of Off-Road Vehicles Best Practices (June 2021), are generally built to meet the Japanese Kei Jidosha standards of 660cc or less in engine displacement, 130 inches (3.4 meters) or less in length, 78 inches (2 meters) or less in height, and 60 inches (1.5 meters) or less in width.
- 1.11 "Kit Vehicles" 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 as defined in section 42-1-102(45.5), C.R.S.
- 1.12 "LSEV" is Low Speed Electric Vehicle as defined in section 42-1-102(48.6), C.R.S.
- 1.13 "Motor Vehicles" has the same meaning as defined in sections 42-1-102(58) and 42-6-102(10), C.R.S.
- 1.14 "MCO" is the Manufacturer's Certificate of Origin; it is the original ownership document for a vehicle.
- 1.15 "MSO" is the Manufacturer's Statement of Origin; it is the original ownership document for a vehicle.
- 1.16 "NHTSA" is the National Highway Transportation Safety Administration.
- 1.17 "Off Highway Vehicles" has the same meaning as defined in section 42-6-102(11.5)(a), C.R.S.
- 1.18 "Surplus Military Vehicles" has the same meaning as defined in section 42-6-102(20.5), C.R.S.
- 1.19 "Unconventional Vehicles" are vehicles that do not meet any category of vehicle defined in Title 42 or in this Rule 3.
- 1.20 "VIN" is the Vehicle Identification Number; it is a unique identification code given to a vehicle when manufactured.
- 2.0 Golf Cars and Golf Carts**
- 2.1 Golf Cars and Golf Carts do not meet the definition of Motor Vehicles or Off-Highway Vehicles, as defined in 42-6-102, C.R.S.

- a. Golf Cars and Golf Carts were not designed primarily for travel on the public highways and are not generally and commonly used to transport persons and property over the public highways and are not considered Motor Vehicles, per section 42-6-102(10), C.R.S.
 - b. Golf Cars and Golf Carts do not qualify as Off-Highway Vehicles, per section 42-6-102(11.5)(b)(I)(D), C.R.S.
- 2.2 The Department will not title or register Golf Cars or Golf Carts for on- or off-highway use.

3.0 Kei Vehicles or Mini-Trucks

- 3.1 Kei vehicles and mini-trucks do not meet the definition of Motor Vehicle in section 42-6-102, C.R.S., because they were not designed primarily for travel on the public highway and are not generally and commonly used to transport persons and property over the public highways in the United States. These vehicles are light, often right-hand driving vehicles, with smaller body size and engine displacement that were designed for foreign roads. The manufacturing standards for these vehicles differ significantly from North American vehicle safety standards.
- 3.2 The Department will not title or register Kei vehicles or mini trucks for on- or off- highway use.

4.0 Kit Vehicles

- 4.1 In order to be titled and registered for on-highway use, a Kit Vehicle must also meet the definition of Motor Vehicle in section 42-6-102 C.R.S.; which means they must be designed primarily for travel on the public highway and are generally and commonly used to transport persons and property over the public highways in the United States.
- 4.2 The Department will not title or register Kit Vehicles that do not meet the definition of a Motor Vehicle for on-highway use.
- 4.3 For Kit Vehicles that are eligible to be titled and registered, the purchase date to be entered in DRIVES shall be the date when the vehicle was deemed roadworthy and a completed Motor Vehicle as specified on the DR 2704 Certified VIN Inspection form completed by a P.O.S.T. certified inspector.

5.0 Low Speed Electric Vehicles

- 5.1 LSEV is defined in section 42-1-102(48.6), C.R.S. as a vehicle that:
- 1. Is self-propelled utilizing electricity as its primary propulsion method,

2. Has at least three wheels in contact with the ground,
 3. Does not use handlebars to steer, and
 4. Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character identification number as provided in 49 CFR 565.
- 5.2 Pursuant to section 42-4-109.6(5)(a), C.R.S., the Department shall not register or issue a title for a class B LSEV until after the United States Department of Transportation, through the NHTSA, has adopted a FMVSS for LSEV that authorizes operation at greater than 25 mph but less than 45 mph.
- a. The Department will not title or register a LSEV that has a speed capability of greater than 25 mph.
- 5.3 Federal regulations require that Motor Vehicles have an odometer (distance not hours) and the completion of an odometer disclosure on the vehicle title (49 CFR § 580). LSEVs meet the federal definition of Motor Vehicles and must comply with these odometer requirements.
- a. The Department will not title or register a LSEV without an odometer and completion of the odometer disclosure.
 - b. Mileage can be defined in miles or kilometers (49 CFR § 580.3). If the odometer reading is in kilometers, it must be converted to miles to calculate the mileage as it will appear on the title. The formula of kilometers (x) 0.621371 (=) miles shall be used.

6.0 Military Vehicles

- 6.1 Military vehicles built for Foreign Armed Forces and Historical Military Vehicles do not meet the statutory definitions for Motor Vehicles or Off-Highway Vehicles in section 42-6-102, C.R.S.
- a. The Department will not title or register Military Vehicles built for Foreign Armed Forces or Historical Military Vehicles for on- or off-highway use.
 - b. Military vehicles built for Foreign Armed Forces and Historical Military Vehicles were not designed primarily for travel on the public highways and are not generally and commonly used to transport persons and property over the public highways, so they are not considered a Motor Vehicle, per section 42-6-102(10), C.R.S.

- c. Military vehicles built for Foreign Armed Forces do not qualify as Surplus Military Vehicles because they were not built for the United States Armed Forces, per section 42-6-102(20.5)(b), C.R.S.
 - d. Military vehicles built for Foreign Armed Forces do not qualify as Off-Highway Vehicles because they are not generally and commonly used to transport persons for recreational purposes, per section 42-6-102(11.5)(a), C.R.S.
 - e. Historical Military Vehicles do not qualify as Off-Highway Vehicles, pursuant to 42-6-102(11.5)(b)(I)(C), C.R.S.
- 6.2 Surplus Military Vehicles, as defined in section 42-6-102, C.R.S., qualify as Off-Highway vehicles, per section 42-6-102(11.5)(b)(I), C.R.S.
- a. The Department will title Surplus Military Vehicles for off-highway use unless it is owned or leased by a municipality, county, or fire protection district, as defined in section 32-1-103(7), C.R.S., for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires, per section 33-14.5-101(3)(h), C.R.S.

7.0 Unconventional Vehicles

- 7.1 The Unconventional Vehicles Working Group (UVWG) will review Unconventional Vehicles for eligibility for on- and off-highway titles and registration, pursuant to Article 6 of Title 42.
- 7.2 The UVWG will record vehicle models that it has approved or denied for title eligibility in the Unconventional Vehicles Working Group Vehicle Log. If a vehicle is not listed in the UVWG Vehicle Log, the Unconventional Vehicle Review Committee will review the vehicle for title eligibility based on the Unconventional Vehicle Review Procedure #60.
- 7.3 For vehicle models not listed in the UVWG Vehicle Log, the UVWG will determine whether the vehicle meets the statutory definition of a Motor Vehicle or an Off-Highway Vehicle, as described in sections 42-1-102 and 42-6-102, C.R.S., with reference to the following factors:
- a. Whether the vehicle conforms to any of the statutory definitions in sections 42-1-102 and 42-6-102, C.R.S. Satisfying one of these definitions may be dispositive, regardless of the other factors.
 - b. Whether documents or literature demonstrate or suggest that the vehicle meets any statutory definitions in sections 42-1-102 and 42-6-102, C.R.S.
 - c. Whether the vehicle was built in compliance with federal statutes and regulations governing motor vehicles, including regulations promulgated by NHTSA, FMVSS, and the EPA.

- d. Whether the vehicle has a conforming, seventeen-digit VIN that allows it to be identified, according to the NHTSA's VIN Decoder.
- e. Reference to the vehicle's MSO, MCO or COO, if applicable, to see if it states that it conforms to Federal Regulations concerning Low Speed Vehicles under 49 C.F.R. § 571.500.
- f. Whether granting a title and registration would be consistent with best practices promulgated by AAMVA.
- g. Whether any documentation provided by the vehicle owner, in one of the categories enumerated by this subsection or otherwise, support the titling of the vehicle.

8.0 Appeal from Denial of Title and/or Registration

- 8.1 A vehicle owner who has received notice of denial may, within 60 days of the date of the notice of denial, request a hearing on the denial by submitting a written request for hearing with the Hearings Division. Written hearing requests shall be submitted to the Department of Revenue, Hearings Division, via email at dor_regulatoryhearings@state.co.us or by mail at PO Box 17807, Denver, CO 80217-0087. Applicants must include and provide with the request for hearing their full name, mailing address, email address, the Vehicle Identification Number (VIN) of the vehicle in question, and a copy of the denial letter received from the DMV.
- 8.2 The hearing will be held virtually with the Department of Revenue, Hearings 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 his or her presence is required by the presiding officer, or requested by the applicant at the time the written request for hearing is submitted. If the Department's representative is not present at the hearing, any written documents and affidavits submitted by the Department may be considered at the discretion of the hearing officer.