

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0493.01 Jery Payne x2157

HOUSE BILL 18-1103

HOUSE SPONSORSHIP

McLachlan,

SENATE SPONSORSHIP

Coram,

House Committees
Transportation & Energy

Senate Committees
Transportation

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF A LOCAL GOVERNMENT TO REQUIRE A**
102 **DRIVER TO MEET SAFETY STANDARDS FOR THE USE OF AN**
103 **OFF-HIGHWAY VEHICLE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that a local government may require a driver of an off-highway vehicle to do the following without conflicting with state rules:

- ! Require seat belts if the vehicle is designed to use them;
- ! Require the use of a child restraint system if the vehicle

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 14, 2018

SENATE
Amended 2nd Reading
March 13, 2018

HOUSE
3rd Reading Unamended
February 21, 2018

HOUSE
Amended 2nd Reading
February 20, 2018

- was designed for it;
- ! Require the use of eye protection;
- ! Require the use of a helmet if either the passenger or driver is under the age of 18; or
- ! Limit the number of occupants to the number that the off-highway vehicle was designed by the manufacturer to hold.

This applies when a person is driving an off-highway vehicle only on a road that has been opened to off-highway vehicle use by the local government or when crossing streets, railroad tracks, bridges, or culverts. A local government may require a driver's license or liability insurance when crossing streets, railroad tracks, bridges, or culverts.

1 *Be it enacted by the General Assembly of the, State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) The recreational use of off-highway vehicles is important to
5 Colorado's tourism industry and the economy of many communities;

6 (b) Many of these communities have developed significant trail
7 networks that include local roads;

8 (c) Under Colorado law, local governments may open up roads in
9 their jurisdictions for off-highway use;

10 (d) The opening of roads in local jurisdictions has put more
11 off-highway vehicles in direct proximity to motor vehicles and the
12 traveling public, and many local communities are taking steps to increase
13 the safety of these interactions by adopting additional safety requirements
14 on roads the community has opened up for off-highway vehicles;

15 (e) Several counties have passed ordinances that require additional
16 safety requirements, and these counties were recently notified by the state
17 that these requirements were not consistent with state rules.

18 (2) The general assembly declares that local governments may
19 impose additional safety requirements on the roads that are under their

1 jurisdiction while being consistent with state rules.

2 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-108, **amend**
3 (1)(a) as follows:

4 **33-14.5-108. Off-highway vehicle operation prohibited on**
5 **streets, roads, and highways.** (1) No off-highway vehicle may be
6 operated on the public streets, roads, or highways of this state except in
7 the following cases:

8 (a) When a street, road, or highway is designated open by the state
9 or any agency ~~or political subdivision thereof~~ OF THE STATE;

10 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-110, **amend**
11 (1)(b) as follows:

12 **33-14.5-110. Regulation by political subdivisions.**

13 (1) (b) (I) Notwithstanding the requirement that its ordinance or
14 resolution not be inconsistent with this ~~article~~ ARTICLE 14.5 or a rule
15 promulgated under this ~~article~~ ARTICLE 14.5, a county, city and county,
16 city, or town may, ~~require the driver who is driving~~ WHEN an off-highway
17 vehicle IS BEING DRIVEN on a street, road, or highway within the
18 jurisdiction of the county, city and county, city, or town to DO ANY
19 COMBINATION OF THE FOLLOWING:

20 (A) REQUIRE THE DRIVER TO have a driver's license; ~~or~~

21 (B) REQUIRE THE DRIVER TO carry liability insurance;

22 (C) REQUIRE THE OCCUPANTS TO WEAR A SAFETY BELT SYSTEM IF
23 THE MANUFACTURER INSTALLED A SAFETY BELT SYSTEM IN THE
24 OFF-HIGHWAY VEHICLE;

25 (D) REQUIRE THE USE OF A CHILD RESTRAINT SYSTEM IN
26 ACCORDANCE WITH SECTION 42-4-236 IF THE OFF-HIGHWAY VEHICLE WAS
27 DESIGNED BY THE MANUFACTURER TO BE USED WITH A CHILD RESTRAINT

1 SYSTEM;

2 (E) REQUIRE THE USE OF EYE PROTECTION FOR ALL OCCUPANTS IN
3 THE OFF-HIGHWAY VEHICLE, WHICH EYE PROTECTION MUST CONFORM TO
4 SECTION 42-4-232 (1) UNLESS THE EYE PROTECTION IS A WINDSHIELD;

5 (F) REQUIRE THE USE OF A HELMET FOR AN OCCUPANT WHO IS
6 UNDER EIGHTEEN YEARS OF AGE, IN ACCORDANCE WITH SECTION
7 42-4-1502 (4.5); OR

8 (G) LIMIT THE NUMBER OF OCCUPANTS TO THE GREATER OF THE
9 NUMBER OF OCCUPANTS THAT THE OFF-HIGHWAY VEHICLE WAS DESIGNED
10 BY THE MANUFACTURER TO HOLD OR THE NUMBER OF OCCUPANTS THAT
11 THE VEHICLE WAS DESIGNED TO HOLD PLUS ONE OCCUPANT IN AN
12 AFTERMARKET SEAT IF THE AFTERMARKET SEAT IS INSTALLED IN
13 ACCORDANCE WITH THE INSTRUCTIONS OF THE AFTERMARKET SEAT
14 MANUFACTURER AND DOES NOT EXTEND OUTSIDE THE ROLL CAGE; BUT IF
15 THE OFF-HIGHWAY VEHICLE IS AN ALL-TERRAIN VEHICLE OR MOTORCYCLE,
16 LIMIT THE NUMBER OF OCCUPANTS TO TWO.

17 (II) Notwithstanding ~~subparagraph (f) of this paragraph (b)~~
18 SUBSECTION (1)(b)(I) OF THIS SECTION, a county, city and county, city, or
19 town does not have authority to ~~require a driver to have a driver's license~~
20 ~~or carry liability insurance~~ PROMULGATE A RESOLUTION OR ORDINANCE
21 IMPOSING THE REQUIREMENTS AUTHORIZED BY SUBSECTION (1)(b)(I) OF
22 THIS SECTION under the circumstances described in section 33-14.5-108
23 (1)(a), ~~to (1)(d)~~, (1)(e), and (1)(g) to (1)(i).

24 **SECTION 4.** In Colorado Revised Statutes, 33-14.5-101, **amend**
25 (1); and **add** (1.5) as follows:

26 **33-14.5-101. Definitions.** As used in this article, unless the
27 context otherwise requires:

1 ~~(1) "Dealer" means a person engaged in the business of selling~~
2 ~~off-highway vehicles at wholesale or retail in this state "ALL-TERRAIN~~
3 ~~VEHICLE" HAS THE MEANING SET FORTH IN SECTION 42-6-102.~~

4 (1.5) "DEALER" MEANS A PERSON ENGAGED IN THE BUSINESS OF
5 SELLING OFF-HIGHWAY VEHICLES AT WHOLESALE OR RETAIL IN THIS
6 STATE.

7 **SECTION 5. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.