



**Report to the
Colorado General Assembly**

**Off-Highway Vehicle
Interim Committee**

Prepared by

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Off-Highway Interim Committee

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December 2015

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December 2015

To Members of the Seventieth General Assembly:

Submitted herewith is the final report of the Off-Highway Vehicle (OHV) Interim Committee. This committee was created pursuant to Interim Committee Letter 2015-7. The purpose of this committee is to study issues related to the use of OHVs on roads and recommend up to three bills for Legislative Council approval.

At its meeting on November 10, 2015, the Legislative Council reviewed the report of this commission. A motion to forward this report and the bill therein for consideration in the 2016 session was approved.

Sincerely,

/s/ Senator Bill Cadman
Chairman

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This report is also available online at:

<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-highway-vehicle-interim-committee>

Committee Charge

Pursuant to Legislative Council Executive Committee approval of Interim Committee Letter 2015-7, the Off-Highway Vehicle (OHV) Interim Committee was permitted to meet up to six times at the Capitol during the 2015 interim and to recommend up to three bills for Legislative Council approval. Specific issues to be studied included: safety issues, access issues, and regulation necessary to operate off-highway vehicles on roads. Interested parties to work with the committee were also identified, including, but not limited to:

- representatives from the agriculture and finance committees;
- the Colorado State Patrol in the Department of Public Safety;
- county commissioners;
- the Division of Parks and Wildlife in the Department of Natural Resources;
- the environmental community;
- hunting outfitter associations;
- off-road recreation clubs or associations;
- powersports dealers;
- Colorado sheriffs; and
- rural municipalities.

Committee Activities

The committee held five meetings during the 2015 interim in order to receive stakeholder input and request and approve bill drafts. Briefings and presentations were made by Colorado Counties, Inc. (CCI), the Colorado State Patrol (CSP), the Colorado Municipal League (CML), the Department of Revenue's Division of Motor Vehicles (DMV), the American Insurance Association, County Sheriffs of Colorado, the Associated Governments of Northwest Colorado (AGNC), Trout Unlimited, Children's Hospital Colorado, the Off-Highway Vehicle Coalition, Colorado Parks and Wildlife (CPW), the Colorado Auto Dealers Association (CADA), county commissioners, and the Colorado Cross-Disability Coalition (CCDC) on a wide range of subjects, including:

- local control over local OHV use;
- fixing existing issues in statewide regulation;
- safety standards;
- identification and licensing;
- environmental concerns surrounding OHV use;
- statutory definitions of an OHV versus a motor vehicle;
- keeping registration fee revenue exempt from Taxpayer's Bill of Rights (TABOR) limits; and
- exemptions for agricultural and other specific uses.

The following subsections discuss the committee's activities during the 2015 interim.

Local Control

The committee heard from representatives of CCI, CML, County Sheriffs of Colorado, and the AGNC about the importance of allowing counties to control and approve OHV use on local roads, and establish rider age and rider insurance requirements. Discussion covered how OHVs are a major economic driver for some counties, how counties have proven safety records in regard to OHV use of local roads and have seen very few OHV-related accidents on their roads, and how different counties have unique terrains and driving conditions that warrant individual rules and regulations. Discussion also covered how OHV regulation is currently operating well within some jurisdictions, such that state laws should not take away the ability of individual counties to set their own rules, or make state regulation more stringent.

Fixing Statewide Regulation Issues

County commissioners and representatives of the Off-Highway Vehicle Coalition addressed the committee on issues that had arisen surrounding statutory regulation of OHVs and rules promulgated by CPW under its statutory authority. The committee heard that a resolution was needed to address a 7th Judicial District court ruling that allows out-of-state licensed OHVs to ride on Colorado roads, even in counties that have not approved OHV use of local roads, which prompted many Colorado users to set up limited liability corporations in other states that license OHVs. The committee also heard about the need for a clear mandate from the state on the authority of a county to regulate OHVs within its jurisdiction, due to CPW Regulation 504 that hinders the Alpine Loop trail system in Southwest Colorado from receiving OHV Trail Grant moneys for their Alpine Ranger program because of certain measures taken by the member counties to address user age and experience on their trail system. Finally, the committee was briefed on the need for regulatory uniformity across counties, due to differing regulations across counties being confusing for OHV users, especially on forest service land, which does not have signage on trails to indicate county lines.

The committee was also briefed by CPW on its OHV program, which provides designated trails statewide for OHV users on public lands and funds much of the cost of maintaining these trails. CPW said that it registered 170,000 OHVs in FY 2014-15 (approximately 135,000 of these were in-state users) and granted \$4.2 million for on-the-ground trail projects. Registration under this program costs \$25.25 per year, per OHV.

Safety Standards

The committee heard from representatives of CSP within the Department of Public Safety, Children's Hospital Colorado, and county commissioners on the need for increased safety standards for OHV use. These standards include: a minimum age limit for users, maximum speed limits, equipment requirements, a requirement to possess a driver's license, license plates on OHVs, and a user proficiency test for OHV riders. Information was also provided on the rise of OHV-related accidents involving adults and children in recent years, how OHVs are not designed for use on paved roads, how some trail systems in the state are very technical and not suitable for children, and how effective OHV injury prevention comes down to education, engineering, and enforcement.

Licenses

Representatives of CPW, Trout Unlimited, Colorado State Patrol, CCI, and county commissioners discussed the need for license plates on OHVs, which would be more visible than the current CPW decal issued to trail users, and would help address environmental and safety concerns associated with OHV use. The committee heard how identification of OHV users who do not operate their vehicles in a safe or prudent manner is an issue on Colorado's OHV trail system, and that some form of clear identification is necessary to address this. The committee also heard how noncompliance with CPW registration requirements would be alleviated with more-visible license plates on OHVs.

Environmental Concerns

A representative of Trout Unlimited told the committee how OHV use can have a negative impact on public land health, such as vegetation and wetlands damage, soil erosion, deterioration of water quality, and the spreading of invasive weeds. The committee heard how programs that designate appropriate routes for OHV use, encourage education for responsible operation, and enforce rules and regulations are important.

Definitions of OHVs and Motor Vehicles

The committee heard from a representative of the OHV Coalition about the importance of keeping OHVs outside the definition of a motor vehicle to avoid confusion on where OHVs are permitted to operate and to ensure they are not allowed on limited access highways. Auto dealers warned the committee that two-tiered emissions and safety standards could develop between motor vehicles and OHVs as the result of on-road OHV registration legislation because OHVs do not quite fit the definition of a motor vehicle, but are capable of producing a similar amount of emissions.

Taxpayer Bill of Rights

The committee discussed the importance of keeping any state-implemented OHV fee revenue exempt from Taxpayer's Bill of Rights (TABOR) limits, to avoid having to refund moneys collected under an on-road OHV registration program. The committee considered having this revenue go directly to county clerk and recorder offices, or having it go into CPW, which is an enterprise, and is therefore exempt from TABOR.

Exemptions

The committee heard from a number of groups on the need to maintain existing registration exemptions for OHVs used in certain circumstances, such as on private land or for agriculture purposes. A representative of the Colorado Cross-Disability Coalition explained to the committee that it would like to see an exemption from OHV trail permit fees and on-road registration fees for veterans and persons with disabilities (PWD). The committee heard how the PWD community uses mobility devices in lieu of walking, and should not be charged a fee for using trails or roads with their mobility devices, as it is difficult for them to access trailheads without using a county road.

Other Policy Areas

Operator safety courses were recommended by several entities, and the American Insurance Association suggested that OHVs not be subject to the same auto insurance laws as on-road vehicles.

Summary of Recommendations

As a result of the committee's activities, one bill was recommended to the Legislative Council for consideration in the 2016 session. At its meeting on November 10, 2015, the Legislative Council approved the recommended bill for introduction. The bill is described below.

Bill A — Registration of OHVs with County Clerks

Bill A requires county clerk and recorder offices to administer a voluntary, one-time registration program for OHV use on county roads, to work alongside the CPW's existing OHV trails registration program. With this new license, OHVs may be driven on certain roads where approved by local authorities, and any ordinance or resolution adopted by a county supersedes the rules of the CPW. The following requirements apply to driving an OHV on roads, not trails, unless a local authority designates a trail as a road:

- a driver must be licensed, unless the local authority waives the requirement, in which case the driver must be at least ten years old and under the supervision of a licensed driver;
- a driver must obey the rules of the road;
- driving on a limited-access highway or a road with a speed limit over 45 MPH is prohibited, but a driver may cross these roads where already authorized by statute;
- the driver must wear eye protection, unless the vehicle has a windshield;
- helmets must be worn by drivers and passengers 18 years of age or under;
- the OHV must have brakes;
- if driven at night, the OHV must be equipped with a headlamp and taillights; and
- the vehicle speed limit must not exceed 40 MPH, unless a governing body authorizes a higher speed for a specific road.

Local authorities, acting by ordinance or resolution, may:

- approve OHV use on roads, which approval takes effect when the regulation is posted at the entrances of roadways through official signage or traffic control devices and in conjunction with publication of a map of roads available for OHV use;
- waive the driver's license requirement for OHV drivers, in which case the driver must be at least ten years old and under the supervision of a licensed driver; and
- require an OHV driver to carry liability insurance.

A class B traffic infraction is created for violating any registration or road use provision in the bill. OHVs used under certain circumstances, such as for agriculture, or during special OHV events, are exempt from the program. The bill amends the motor vehicle statutes to define an OHV as a vehicle, such as a low power scooter or bicycle, and the careless driving and reckless driving statutes are amended to include OHVs.

The committee also considered, but did not recommend, a bill that would have required the OHV registration program to have been administered by CPW in conjunction with its trails program

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://www.colorado.gov/pacific/cga-legislativecouncil/interim-committees>

Meeting Date and Topics Discussed

July 20, 2015

- ◆ Review of committee charge and calendar setting
- ◆ Presentation from Colorado Counties, Inc.
- ◆ Presentation from the Colorado State Patrol
- ◆ Presentation from the Colorado Municipal League
- ◆ Presentation from the Division of Motor Vehicles

August 13, 2015

- ◆ Presentation from the County Sheriffs of Colorado
- ◆ Presentation from the Associated Governments of Northwest Colorado
- ◆ Presentation from Trout Unlimited
- ◆ Presentation from Colorado Parks and Wildlife
- ◆ Presentation from Children's Hospital Colorado
- ◆ Presentation from the Off-Highway Vehicle Coalition
- ◆ Presentation from the Colorado Auto Dealers Association
- ◆ Presentation from County Commissioners
- ◆ Public testimony

August 17, 2015

- ◆ Committee discussion and approval of bill draft requests

September 17, 2015

- ◆ Committee discussion of final bill drafts

October 23, 2015

- ◆ Discussion and approval of final bill drafts

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 16-0189.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Brown,

SENATE SPONSORSHIP

Donovan,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF OFF-HIGHWAY VEHICLES.

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://www.leg.state.co.us/billsummaries>.)

Off-highway Vehicle Interim Committee. The bill clarifies that local authorities may require drivers of off-highway vehicles to have driver's licenses and insurance. The local authority must act by resolution or ordinance, publish a map of all roads available for use by off-highway vehicles, and place appropriate signs giving notice of the regulation. A local authority may also enter into cooperative agreements with federal land management agencies.

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

The bill adds to the current off-highway vehicle registration program a new part that authorizes a person to register an off-highway vehicle with the local county clerk, who will register the vehicle with the department of revenue. The registration fee is \$4. If an off-highway vehicle is registered and plated in another state, it is deemed registered in Colorado. The registration expires when the vehicle changes ownership.

Upon registering an off-highway vehicle, the person will be issued a visible identification plate, which must be affixed to the rear of the vehicle. The registration program and its associated statutes generally apply on roads, but not on trails, unless a local authority designates a trail as being a road for the purposes of the part.

The new part adds the following requirements for driving an off-highway vehicle on a road:

- A driver must be licensed unless a local authority waives this requirement, but the driver must be at least 10 years of age and accompanied by a licensed driver.
- A driver must obey the rules of the road.
- Driving on a limited access highway or a road with a speed limit of more than 45 miles per hour is forbidden, but a driver may cross a road as already authorized by statute.
- The driver must wear eye protection unless the vehicle has a windshield.
- Drivers and passengers under 18 years of age must wear helmets.
- The vehicle must have brakes and, if driven at night, have a head lamp and tail lights.
- The vehicle speed limit must not exceed 40 miles per hour.

Violations are class B traffic infractions.

The bill amends the motor vehicle statutes to define an off-highway vehicle as a vehicle, such as a low power scooter or bicycle. The careless driving and reckless driving statutes are amended to include off-highway vehicles.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 33-14.5-100.2
3 as follows:

4 **33-14.5-100.2. Legislative declaration.** THE GENERAL ASSEMBLY
5 FINDS, DETERMINES, AND DECLARES THAT A FEE FOR REGISTRATION OF
6 OFF-HIGHWAY VEHICLES UNDER THIS ARTICLE IS SEPARATE FROM A
7 REGISTRATION FEE OR OTHER CHARGE WITH RESPECT TO THE OPERATION

1 OF A MOTOR VEHICLE UPON A PUBLIC HIGHWAY.

2 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-101, **amend**
3 (3) introductory portion, (3) (d), and (3) (g); and **add** (2.5) as follows:

4 **33-14.5-101. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (2.5) "LOCAL AUTHORITY" HAS THE MEANING ESTABLISHED IN
7 SECTION 42-1-102 (48),C.R.S.

8 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle
9 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the
10 ground, ~~which is~~ designed primarily for use off of the public highways,
11 and ~~which is~~ generally and commonly used ~~to transport persons~~ for
12 recreational purposes. "Off-highway vehicle" does not include: ~~the~~
13 ~~following:~~

14 (d) Golf ~~carts~~ CARS;

15 (g) MOTOR vehicles registered pursuant to article 3 of title 42,
16 C.R.S.

17 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-102, **add**
18 (10) as follows:

19 **33-14.5-102. Off-highway vehicle registration -**
20 **nonresident-owned or -operated off-highway vehicle permits - fees -**
21 **applications - requirements - exemptions.** (10) WHEN AN OWNER
22 REGISTERS AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION FOR THE FIRST
23 TIME, THE DIVISION SHALL NOTIFY THE OWNER THE OPPORTUNITY TO ALSO
24 REGISTER THE VEHICLE UNDER SECTION 33-14.5-205.

25 **SECTION 4.** In Colorado Revised Statutes, 33-14.5-108, **amend**
26 (1) introductory portion as follows:

27 **33-14.5-108. Off-highway vehicle operation prohibited on**

1 **streets, roads, and highways.** (1) ~~No~~ A PERSON SHALL NOT DRIVE AN
2 off-highway vehicle ~~may be operated on the public streets, roads, or~~
3 ~~highways of this state~~ ON A PUBLICLY MAINTAINED RIGHT-OF-WAY USED
4 PRIMARILY BY MOTOR VEHICLES except in the following cases:

5 **SECTION 5.** In Colorado Revised Statutes, 33-14.5-108.5,
6 **amend** (1) as follows:

7 **33-14.5-108.5. Crossing roads, highways, and railroad tracks.**

8 (1) The driver of an off-highway vehicle may directly cross a roadway,
9 including a state highway, at an at-grade crossing to continue using the
10 off-highway vehicle on the other side. ~~except that a person shall not cross~~
11 ~~a state highway within the jurisdiction of a municipality.~~

12 **SECTION 6.** In Colorado Revised Statutes, 33-14.5-110, **amend**
13 (1) as follows:

14 **33-14.5-110. Regulation by political subdivisions.**

15 (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1),
16 any county, city and county, city, or town acting by its governing body
17 may regulate the operation of off-highway vehicles on public lands,
18 waters, and property under its jurisdiction and on streets and highways
19 within its boundaries by resolution or ordinance of the governing body
20 and by giving appropriate notice ~~thereof~~ OF THE REGULATION if ~~such~~ THE
21 regulation:

22 (I) ~~is not inconsistent~~ DOES NOT CONFLICT with ~~the provisions of~~
23 this article, and the rules ~~and regulations~~ promulgated ~~pursuant thereto~~
24 UNDER THIS ARTICLE; AND

25 (II) DOES NOT EXCEED THE POWERS GRANTED TO LOCAL
26 AUTHORITIES TO REGULATE MOTOR VEHICLES AND TRAFFIC UNDER
27 SECTIONS 42-4-110 AND 42-4-111, C.R.S., FOR THE REGULATION OF

1 TRAFFIC AND ROADWAYS.

2 (b) (I) A LOCAL AUTHORITY MAY REQUIRE THE DRIVER OF AN
3 OFF-HIGHWAY VEHICLE TO HAVE A DRIVER'S LICENSE.

4 (II) A LOCAL AUTHORITY MAY AUTHORIZE A PERSON WHO HAS
5 NOT BEEN ISSUED A DRIVER'S LICENSE UNDER ARTICLE 2 OF TITLE 42,
6 C.R.S., TO DRIVE AN OFF-HIGHWAY VEHICLE. TO AUTHORIZE A PERSON
7 WITHOUT A DRIVER'S LICENSE TO DRIVE AN OFF-HIGHWAY VEHICLE, THE
8 RESOLUTION OR ORDINANCE MUST REQUIRE THE DRIVER TO BE AT LEAST
9 TEN YEARS OF AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF A
10 LICENSED DRIVER.

11 (III) A LOCAL AUTHORITY MAY REQUIRE A DRIVER OF AN
12 OFF-HIGHWAY VEHICLE TO CARRY LIABILITY INSURANCE.

13 (IV) A LOCAL AUTHORITY MAY REQUIRE AN OFF-HIGHWAY
14 VEHICLE TO BE REGISTERED UNDER SECTION 33-14.5-205 TO BE DRIVEN
15 ON A ROADWAY; EXCEPT THAT THIS SUBPARAGRAPH (IV) DOES NOT
16 AUTHORIZE A COUNTY TO REQUIRE AN OFF-HIGHWAY VEHICLE TO BE
17 REGISTERED TO DRIVE ON A ROADWAY IN THE FOLLOWING CASES:

18 (A) WHEN CROSSING STREETS OR WHEN CROSSING ROADS,
19 HIGHWAYS, OR RAILROAD TRACKS IN ACCORDANCE WITH SECTION
20 33-14.5-108.5;

21 (B) WHEN TRAVERSING A BRIDGE OR CULVERT;

22 (C) DURING SPECIAL OFF-HIGHWAY VEHICLE EVENTS LAWFULLY
23 CONDUCTED IN ACCORDANCE WITH THE AUTHORITY GRANTED TO LOCAL
24 POLITICAL SUBDIVISIONS IN THIS ARTICLE;

25 (D) DURING EMERGENCY CONDITIONS DECLARED BY THE PROPER
26 STATE OR LOCAL AUTHORITY;

27 (E) WHEN USING AN OFF-HIGHWAY VEHICLE FOR AGRICULTURAL

1 PURPOSES;

2 (F) WHEN A PUBLIC UTILITY, AS DEFINED IN SECTION 40-1-103 (1),
3 C.R.S., OR A COOPERATIVE ELECTRIC ASSOCIATION, AS DEFINED IN
4 SECTION 40-9.5-102, C.R.S., OR ANY AGENT OF THEIR ENTITY DESIGNATED
5 SPECIFICALLY FOR THE PURPOSE OF METER READING OR REPAIR IS USING
6 AN OFF-HIGHWAY VEHICLE FOR BUSINESS PURPOSES.

7 (V) THE INTENTION OF THIS PARAGRAPH (b) IS TO GRANT LOCAL
8 AUTHORITIES SPECIFIC AUTHORITY TO REGULATE THE USE OF
9 OFF-HIGHWAY VEHICLES. IF AN ORDINANCE OR RESOLUTION EXERCISING
10 THE POWERS GRANTED IN THIS PARAGRAPH (b) CONFLICTS WITH A RULE
11 OF THE DIVISION, THE ORDINANCE OR RESOLUTION SHALL SUPERCEDE THE
12 RULE, AND THE DIVISION SHALL NOT PENALIZE THE LOCAL AUTHORITY
13 BASED ON THE ORDINANCE OR RESOLUTION.

14 (c) TO EXERCISE THE POWERS GRANTED LOCAL AUTHORITIES
15 UNDER THIS SECTION, THE GOVERNING BODY OF THE LOCAL AUTHORITY
16 MUST:

17 (I) ACT BY ORDINANCE OR RESOLUTION; AND

18 (II) PUBLISH A MAP OF ALL ROADS AVAILABLE FOR USE BY
19 OFF-HIGHWAY VEHICLES.

20 (d) AN ORDINANCE OR RESOLUTION REGULATING THE USE OF
21 OFF-HIGHWAY VEHICLES DOES NOT TAKE EFFECT UNTIL NOTICE OF THE
22 REGULATION IS PLACED AT THE ENTRANCES OF THE ROADWAY BY MEANS
23 OF OFFICIAL SIGNS OR TRAFFIC CONTROL DEVICES.

24 **SECTION 7.** In Colorado Revised Statutes, 33-14.5-111, **amend**
25 (2) as follows:

26 **33-14.5-111. Enforcement - federal, state, and local**
27 **cooperation.** (2) The division is authorized to AND A LOCAL AUTHORITY

1 MAY enter into cooperative agreements with federal land management
2 agencies for the purpose of regulating off-highway vehicle use on federal
3 lands.

4 **SECTION 8.** In Colorado Revised Statutes, **add** part 2 to article
5 14.5 of title 33 as follows:

6 PART 2

7 REGISTRATION AND ROAD USE

8 **33-14.5-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
9 "REGISTRATION INCREASES DRIVING ENTHUSIASM FOR OFF-HIGHWAY
10 VEHICLES ACT".

11 **33-14.5-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "ALL-TERRAIN VEHICLE" MEANS A THREE- OR FOUR-WHEELED
14 OFF-HIGHWAY VEHICLE THAT TRAVELS ON LOW-PRESSURE TIRES WITH A
15 SEAT THAT IS STRADDLED BY THE RIDER AND WITH HANDLEBARS FOR
16 STEERING CONTROL.

17 (2) "CLASS B TRAFFIC INFRACTION" HAS THE SAME MEANING AS
18 SET FORTH IN SECTION 42-4-1701, C.R.S.

19 (3) "DRIVE" MEANS TO OPERATE AN OFF-HIGHWAY VEHICLE TO
20 CAUSE IT TO CHANGE GEOGRAPHIC LOCATION.

21 (4) "GOVERNING BODY" MEANS THE STATE OF COLORADO, THE
22 AGENCIES OF THE STATE OF COLORADO, A COUNTY, A MUNICIPALITY, A
23 CITY, OR A CITY AND COUNTY.

24 (5) "MOTORCYCLE" HAS THE SAME MEANING AS SET FORTH IN
25 SECTION 42-1-102, C.R.S.

26 (6) "ROAD" MEANS A PUBLICLY MAINTAINED RIGHT-OF-WAY USED
27 PRIMARILY BY MOTOR VEHICLES, AS THAT TERM IS DEFINED BY SECTION

1 42-1-102, C.R.S.

2 (7) "TRAIL" MEANS: (a) A ROUTE ESTABLISHED PRIMARILY FOR
3 OFF-HIGHWAY VEHICLE USE; OR

4 (b) IF ESTABLISHED OR MAINTAINED IN CONNECTION WITH THIS
5 ARTICLE, EACH OF THE FOLLOWING:

6 (I) ROUTES;

7 (II) PARKING AREAS; AND

8 (III) FACILITIES.

9 **33-14.5-203. Applicability. (1) Registration.** THIS PART 2
10 APPLIES ONLY TO OFF-HIGHWAY VEHICLES REGISTERED FOR ROAD USE
11 UNDER SECTION 33-14.5-205.

12 (2) **Roads - exceptions.** (a) EXCEPT AS PROVIDED IN PARAGRAPH
13 (b) OF THIS SUBSECTION (2), THIS PART 2 APPLIES TO DRIVING AN
14 OFF-HIGHWAY VEHICLE ON A ROAD.

15 (b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION
16 (2), THIS PART 2 DOES NOT APPLY TO TRAILS.

17 (c) EXCEPT AS LIMITED BY SECTION 33-14.5-208, A GOVERNING
18 BODY MAY DESIGNATE A TRAIL OVER WHICH THE BODY HAS JURISDICTION
19 AS A ROAD THAT IS SUBJECT TO THIS PART 2.

20 **33-14.5-204. Driver's licenses requirements. (1) Licenses.** THE
21 DRIVER OF AN OFF-HIGHWAY VEHICLE ON A ROAD SHALL POSSESS A VALID
22 DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE ISSUED UNDER ARTICLE 2
23 OF TITLE 42, C.R.S., UNLESS A GOVERNING BODY HAS AUTHORIZED A
24 PERSON TO DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD WITHOUT A
25 LICENSE BY ORDINANCE, RESOLUTION, OR RULE. THE ORDINANCE,
26 RESOLUTION, OR RULE MUST REQUIRE AN UNLICENSED DRIVER TO BE AT
27 LEAST TEN YEARS OF AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF

1 A LICENSED DRIVER.

2 (2) **Motorcycle endorsements.** IF AN OFF-HIGHWAY VEHICLE IS
3 ALSO A MOTORCYCLE, THE DRIVER OF THE VEHICLE ON A ROAD SHALL
4 POSSESS A GENERAL MOTORCYCLE ENDORSEMENT ISSUED UNDER ARTICLE
5 2 OF TITLE 42, C.R.S.

6 **33-14.5-205. Registration - rules - fees.** (1) **Voluntary**
7 **registration.** AN OWNER MAY REGISTER AN OFF-HIGHWAY VEHICLE WITH
8 A COUNTY CLERK. THE REGISTRATION EXPIRES WHEN OWNERSHIP OF THE
9 OFF-HIGHWAY VEHICLE IS TRANSFERRED TO ANOTHER PERSON.

10 (2) **Foreign registration.** FOR THE PURPOSES OF THIS SECTION,
11 REGISTRATION OF AN OFF-HIGHWAY VEHICLE IN A FOREIGN JURISDICTION
12 IS DEEMED REGISTRATION UNDER THIS SECTION IF:

13 (a) THE FOREIGN JURISDICTION HAS ISSUED THE OFF-HIGHWAY
14 VEHICLE EITHER:

15 (I) A FORM OF IDENTIFICATION THAT IS AFFIXED TO THE VEHICLE
16 AND IS AT LEAST AS VISIBLE AS A VISIBLE IDENTIFICATION PLATE; OR

17 (II) A LICENSE PLATE; AND

18 (b) THE LICENSE PLATE OR VISIBLE IDENTIFICATION PLATE
19 MEETING THE STANDARD OF PARAGRAPH (a) OF THIS SUBSECTION (2) IS
20 AFFIXED TO THE VEHICLE.

21 (3) **Registration under part 1 not superseded.** REGISTERING AN
22 OFF-HIGHWAY VEHICLE UNDER THIS PART 2 DOES NOT SUPERSEDE THE
23 REQUIREMENT TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER SECTION
24 33-14.5-102.

25 (4) **County clerks - department of revenue.** (a) THE COUNTY
26 CLERKS SHALL FORWARD THE REGISTRATION INFORMATION TO THE
27 DEPARTMENT OF REVENUE, WHICH SHALL REGISTER THE OFF-HIGHWAY

1 VEHICLE.

2 (b) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES
3 NECESSARY TO IMPLEMENT THE REGISTRATION OF OFF-HIGHWAY VEHICLE
4 UNDER THIS SECTION.

5 (5) **Fees.** (a) THE COUNTY CLERKS MAY COLLECT AND RETAIN A
6 FEE OF FOUR DOLLARS PER OFF-HIGHWAY VEHICLE REGISTERED UNDER
7 THIS PART 2.

8 (b) TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION,
9 THE OWNER MUST PAY A VISIBLE IDENTIFICATION PLATE FEE EQUAL TO
10 THE FEE SET UNDER SECTION 42-3-301 (2) FOR MOTORCYCLE LICENSE
11 PLATES.

12 (c) AN OFF-HIGHWAY VEHICLE IS NOT SUBJECT TO ANY SPECIFIC
13 OWNERSHIP TAX OR MOTOR VEHICLE REGISTRATION FEE UNLESS THE TAX
14 OR FEE IS EXPRESSLY AUTHORIZED FOR AN OFF-HIGHWAY VEHICLE BY
15 STATUTE.

16 **33-14.5-206. Identification issued.** (1) **Visible identification**
17 **plates.** UPON REGISTRATION OF AN OFF-HIGHWAY VEHICLE UNDER THIS
18 PART 2, THE COUNTY CLERK SHALL ISSUE A VISIBLE IDENTIFICATION PLATE
19 FOR THE VEHICLE THAT:

20 (a) IS THE SAME SIZE AS A MOTORCYCLE LICENSE PLATE; AND

21 (b) DISPLAYS THE REGISTRATION NUMBER IN NUMERALS OR
22 LETTERS OF AT LEAST ONE AND ONE-HALF INCHES IN HEIGHT.

23 (2) **Reregistration.** THE OWNER OF AN OFF-HIGHWAY VEHICLE
24 NEED NOT:

25 (a) REREGISTER THE VEHICLE SO LONG AS THE ENROLLED
26 OFF-HIGHWAY VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER
27 OWNER; OR

1 (b) OBTAIN VALIDATING STICKERS OR TABS.

2 (3) **Plates affixed to vehicle.** THE OWNER OF AN OFF-HIGHWAY
3 VEHICLE SHALL AFFIX THE VISIBLE IDENTIFICATION PLATE TO THE REAR
4 OF THE VEHICLE SO IT IS:

5 (a) HORIZONTAL;

6 (b) CLEARLY READABLE;

7 (c) AT LEAST TWELVE INCHES FROM THE GROUND; AND

8 (d) FREE FROM FOREIGN MATERIALS OR COVERINGS.

9 (4) **Plate source.** THE COUNTY CLERKS SHALL OBTAIN VISIBLE
10 IDENTIFICATION PLATES TO ISSUE UNDER THIS SECTION DIRECTLY FROM
11 THE DEPARTMENT OF CORRECTIONS.

12 **33-14.5-207. Rules of the road.** A PERSON DRIVING AN
13 OFF-HIGHWAY VEHICLE UPON A ROAD SHALL OBEY THE RULES OF THE
14 ROAD AS DEFINED BY SECTION 42-4-110 (1) (c), C.R.S., AND TRAFFIC
15 CONTROL DEVICES; EXCEPT THAT:

16 (a) THIS SECTION DOES NOT LIMIT AUTHORITY TO USE OR CROSS A
17 ROAD AS OTHERWISE GRANTED BY THIS ARTICLE; AND

18 (b) A DRIVER IS NOT SUBJECT TO THOSE PROVISIONS OF ARTICLE
19 4 OF TITLE 42, C.R.S., THAT BY THEIR NATURE HAVE NO APPLICATION,
20 INCLUDING PARTS 2 AND 3 OF ARTICLE 4 OF TITLE 42, C.R.S.

21 **33-14.5-208. Prohibited roads. (1) Limited access highways -**
22 **speed limit of roads.** A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY
23 VEHICLE UPON:

24 (a) A LIMITED ACCESS HIGHWAY; OR

25 (b) A ROAD WITH A SPEED LIMIT EQUAL TO OR MORE THAN
26 FORTY-FIVE MILES PER HOUR.

27 (2) **Crossing allowed.** PROHIBITING A PERSON FROM DRIVING ON

1 A ROAD DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE ROAD
2 IN ACCORDANCE WITH SECTION 33-14.5-108.5.

3 **33-14.5-209. Eye protection required.** A PERSON SHALL NOT
4 DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD UNLESS THE PERSON AND
5 ANY PASSENGER ARE WEARING GOGGLES OR EYEGASSES WITH LENSES
6 MADE OF SAFETY GLASS OR PLASTIC; EXCEPT THAT A DRIVER OR
7 PASSENGER NEED NOT WEAR SAFETY GLASS OR PLASTIC IF THE PERSON IS
8 WEARING A HELMET CONTAINING EYE PROTECTION MADE OF SAFETY
9 GLASS OR PLASTIC OR DRIVING AN OFF-HIGHWAY VEHICLE WITH A
10 WINDSHIELD.

11 **33-14.5-210. Protective helmets. (1) Requirements for people**
12 **under eighteen.** TO DRIVE OR BE A PASSENGER ON AN ALL-TERRAIN
13 VEHICLE OR TWO-WHEELED VEHICLE ON A ROAD, A PERSON UNDER
14 EIGHTEEN YEARS OF AGE SHALL WEAR A PROTECTIVE HELMET THAT
15 CONFORMS TO SUBSECTION (2) OF THIS SECTION AND THAT IS SECURED
16 PROPERLY ON THE PERSON'S HEAD WITH A CHIN STRAP.

17 (2) **Helmet standards.** A PROTECTIVE HELMET REQUIRED BY THIS
18 SECTION MUST:

19 (a) BE DESIGNED TO REDUCE INJURIES TO THE USER RESULTING
20 FROM HEAD IMPACTS AND PROTECT THE USER BY REMAINING ON THE
21 USER'S HEAD, DEFLECTING BLOWS, RESISTING PENETRATION, AND
22 SPREADING THE FORCE OF IMPACT;

23 (b) HAVE A LINING, PADDING, AND CHIN STRAP; AND

24 (c) MEET OR EXCEED THE STANDARDS ESTABLISHED IN THE
25 UNITED STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL MOTOR
26 VEHICLE SAFETY STANDARD NO. 218, 49 CFR 571.218, FOR MOTORCYCLE
27 HELMETS.

1 **33-14.5-211. Equipment. (1) Requirements.** A PERSON SHALL
2 NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD UNLESS THE VEHICLE
3 IS EQUIPPED WITH THE FOLLOWING IN GOOD WORKING ORDER:

4 (a) BRAKES THAT ENABLE THE OPERATOR TO MAKE THE WHEELS
5 SKID ON DRY, LEVEL, AND CLEAN PAVEMENT;

6 (b) IF DRIVEN AT NIGHT:

7 (I) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL
8 PERSONS AND VEHICLES AT A DISTANCE OF ONE HUNDRED FEET AHEAD ON
9 A STRAIGHT, LEVEL ROAD; AND

10 (II) A TAIL LIGHT THAT EMITS A RED LIGHT WHEN THE HEAD LAMP
11 IS LIGHTED AND THAT IS:

12 (A) VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
13 REAR;

14 (B) MOUNTED ON THE REAR OF THE VEHICLE; AND

15 (C) LOCATED AT A HEIGHT OF NOT MORE THAN SEVENTY-TWO
16 INCHES ABOVE THE GROUND NOR LESS THAN TWENTY INCHES ABOVE THE
17 GROUND.

18 (2) **High beam.** IF AN OFF-HIGHWAY VEHICLE HAS A HEAD LAMP
19 WITH A HIGHER AND LOWER BEAM, THE DRIVER SHALL NOT OPERATE THE
20 HIGHER BEAM OR THE HEAD LAMP TO STRIKE THE EYES OF THE DRIVER OF
21 AN APPROACHING VEHICLE.

22 **33-14.5-212. Speed limits.** NOTWITHSTANDING PART 11 OF
23 ARTICLE 4 OF TITLE 42, C.R.S., A PERSON SHALL NOT DRIVE AN
24 OFF-HIGHWAY VEHICLE ON A ROAD AT A SPEED IN EXCESS OF FORTY MILES
25 PER HOUR UNLESS A GOVERNING BODY AUTHORIZES A HIGHER SPEED FOR
26 A SPECIFIC ROAD.

27 **33-14.5-213. Violations. (1) Traffic infractions.** A PERSON WHO

1 VIOLATES THIS PART 2 COMMITS A CLASS B TRAFFIC INFRACTION.

2 (2) **Procedures.** THE PROCEDURES FOR PUNISHING A VIOLATION
3 OF THIS PART 2 ARE GOVERNED BY PART 17 OF ARTICLE 4 OF TITLE 42,
4 C.R.S.

5 (3) **Penalties.** NOTWITHSTANDING THE PENALTIES IMPOSED BY
6 ARTICLE 4 OF TITLE 42, C.R.S., A VIOLATION OF ANY DUTY IMPOSED
7 UNDER ARTICLE 4 OF TITLE 42, C.R.S., BY A DRIVER OF AN OFF-HIGHWAY
8 VEHICLE THAT IS CURRENTLY REGISTERED PURSUANT TO THIS PART 2 IS A
9 CLASS B TRAFFIC INFRACTION UNLESS THE STATUTE SETTING FORTH THE
10 PENALTY FOR THE VIOLATION EXPRESSLY SPECIFIES THAT THE PENALTY
11 APPLIES TO AN OFF-HIGHWAY VEHICLE.

12 **SECTION 9.** In Colorado Revised Statutes, 42-1-102, **amend**
13 (58) (a), (58) (b), and (112) as follows:

14 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
15 unless the context otherwise requires:

16 (58) (a) "Motor vehicle" means:

17 (I) Any self-propelled vehicle that is designed primarily for travel
18 on ~~the~~ public highways and that is generally and commonly used to
19 transport persons and property over ~~the~~ public highways; ~~or~~ AND

20 (II) A low-speed electric vehicle. ~~except that the term~~

21 (b) "MOTOR VEHICLE" does not include low-power scooters,
22 wheelchairs, or vehicles moved solely by human power. For the purposes
23 of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1,
24 and 42-4-1401, ~~for farm tractors and off-highway vehicles, as defined in~~
25 ~~section 33-14.5-101 (3), C.R.S., operated on streets and highways,~~ "motor
26 vehicle" includes a farm tractor ~~or an off-highway vehicle~~ OPERATED ON
27 STREETS AND HIGHWAYS that is not otherwise classified as a motor

1 vehicle.

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

10 **SECTION 10.** In Colorado Revised Statutes, 42-4-1402, **amend**
11 (1) as follows:

12 **42-4-1402. Careless driving - penalty.** (1) A person who drives
13 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
14 OR VEHICLE in a careless and imprudent manner, without due regard for
15 the width, grade, curves, corners, traffic, and use of the streets and
16 highways and all other attendant circumstances, is guilty of careless
17 driving. A person convicted of careless driving of a bicycle, EPAMD,
18 OFF-HIGHWAY VEHICLE, or electrical assisted bicycle ~~shall not be~~ IS NOT
19 subject to ~~the provisions of~~ section 42-2-127.

20 **SECTION 11.** In Colorado Revised Statutes, 42-4-1401, **amend**
21 (1) as follows:

22 **42-4-1401. Reckless driving - penalty.** (1) A person who drives
23 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
24 OR VEHICLE in such a manner as to indicate either a wanton or a willful
25 disregard for the safety of persons or property is guilty of reckless
26 driving. A person convicted of reckless driving of a bicycle, EPAMD,
27 OFF-HIGHWAY VEHICLE, OR electrical assisted bicycle ~~shall not be~~ IS NOT

1 subject to ~~the provisions of~~ section 42-2-127.

2 **SECTION 12. Act subject to petition - effective date -**
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
4 the expiration of the ninety-day period after final adjournment of the
5 general assembly (August 10, 2016, if adjournment sine die is on May 11,
6 2016); except that, if a referendum petition is filed pursuant to section 1
7 (3) of article V of the state constitution against this act or an item, section,
8 or part of this act within such period, then the act, item, section, or part
9 will not take effect unless approved by the people at the general election
10 to be held in November 2016 and, in such case, will take effect on the
11 date of the official declaration of the vote thereon by the governor.
12 (2) This act applies to offenses committed on or after the
13 applicable effective date of this act.