

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-0189.01 Jery Payne x2157

HOUSE BILL 16-1030

HOUSE SPONSORSHIP

Brown and Court,

SENATE SPONSORSHIP

Donovan,

House Committees

Local Government
Finance

Senate Committees

Local Government
Finance

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.

The bill adds to the current off-highway vehicle registration

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.

SENATE
2nd Reading Unamended
March 22, 2016

HOUSE
3rd Reading Unamended
February 9, 2016

HOUSE
Amended 2nd Reading
February 8, 2016

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, 33-14.5-108.5,
3 **amend** (1) as follows:

4 **33-14.5-108.5. Crossing roads, highways, and railroad tracks.**

5 (1) The driver of an off-highway vehicle may directly cross a roadway,
6 including a state highway, at an at-grade crossing to continue using the
7 off-highway vehicle on the other side. ~~except that a person shall not cross~~

1 a state highway within the jurisdiction of a municipality.

2 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-110, **amend**
3 (1) as follows:

4 **33-14.5-110. Regulation by political subdivisions.**

5 (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1),
6 any county, city and county, city, or town acting by its governing body
7 may regulate the operation of off-highway vehicles on public lands,
8 waters, and property under its jurisdiction and on streets and highways
9 within its boundaries by resolution or ordinance of the governing body
10 and by giving appropriate notice thereof OF THE REGULATION if such THE
11 regulation is not inconsistent with the provisions of this article and the
12 rules and regulations promulgated pursuant thereto UNDER THIS ARTICLE.

13 (b) (I) NOTWITHSTANDING THE REQUIREMENT THAT ITS
14 ORDINANCE OR RESOLUTION NOT BE INCONSISTENT WITH THIS ARTICLE OR
15 A RULE PROMULGATED UNDER THIS ARTICLE, A COUNTY, CITY AND
16 COUNTY, CITY, OR TOWN MAY REQUIRE THE DRIVER WHO IS DRIVING AN
17 OFF-HIGHWAY VEHICLE ON A STREET, ROAD, OR HIGHWAY WITHIN THE
18 JURISDICTION OF THE COUNTY, CITY AND COUNTY, CITY, OR TOWN TO:

19 (A) HAVE A DRIVER'S LICENSE; OR

20 (B) CARRY LIABILITY INSURANCE.

21 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH
22 (b), A COUNTY, CITY AND COUNTY, CITY, OR TOWN DOES NOT HAVE
23 AUTHORITY TO REQUIRE A DRIVER TO HAVE A DRIVER'S LICENSE OR CARRY
24 LIABILITY INSURANCE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION
25 33-14.5-108 (1) (a) TO (1) (e) AND (1) (g) TO (1) (i).

26 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-110, **add** (3)
27 as follows:

1 **33-14.5-110. Regulation by political subdivisions.** (3) FOR A
2 CITY OR TOWN TO REGULATE THE CROSSING OF A STATE HIGHWAY UNDER
3 THE JURISDICTION OF THE COLORADO DEPARTMENT OF TRANSPORTATION,
4 THE CITY OR TOWN MUST REQUEST IN WRITING THAT THE REGIONAL OFFICE
5 OF THE DEPARTMENT APPROVE THE REGULATION. THE REGIONAL OFFICE
6 SHALL NOT UNREASONABLY WITHHOLD APPROVAL. IF THE REGIONAL
7 OFFICE DOES NOT APPROVE OR DENY THE REQUEST WITHIN SIXTY DAYS
8 AFTER RECEIVED, THE REQUEST IS DEEMED APPROVED.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.