

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0120.01 Jason Gelender x4330

HOUSE BILL 22-1046

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING AUTHORITY FOR LOCAL GOVERNMENTS TO DESIGNATE**
102 **HIGHWAYS UNDER THEIR JURISDICTION FOR OVER-SNOW USE**
103 **ONLY.**

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 authorizes a local government to designate all or a portion of a highway under its jurisdiction for over-snow use only when snow-packed conditions exist on the highway or for a designated continuous seasonal period for which the local government determines that snow-packed conditions are likely to exist on the highway.

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.

HOUSE
3rd Reading Unamended
February 18, 2022

HOUSE
Amended 2nd Reading
February 17, 2022

"Over-snow use" is defined as travel on top of snow by human-powered or animal-powered means or by an off-highway vehicle that is primarily designed or altered for use over snow and runs without tires on a continuous belt track, with or without cleats, or on one or more skis while in use over snow. A local government may limit an over-snow use designation to human-powered or animal-powered travel, or both, only when necessary for the protection and safety of the public.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-106, **amend**
3 (3)(b) and (3)(c); and **add** (3)(d) as follows:

4 **42-4-106. Who may restrict right to use highways - definitions**
5 **- rules.** (3) Local authorities, with respect to highways under their
6 jurisdiction, may also, by ordinance or resolution:

7 (b) Impose limitations as to the weight of trucks or commercial
8 vehicles if the limitations are designated by appropriate signs placed on
9 the highway; ~~or~~

10 (c) Prohibit the operation of motor or off-highway vehicles upon
11 a roughed-in road when necessary for the protection and safety of the
12 public; OR

13 (d) (I) WHEN SNOW-PACKED CONDITIONS EXIST ON A HIGHWAY OR
14 FOR A CONTINUOUS SEASONAL PERIOD DESIGNATED BY THE LOCAL
15 AUTHORITY WHEN SNOW-PACKED CONDITIONS ARE, AS DETERMINED BY
16 THE LOCAL AUTHORITY, LIKELY TO EXIST ON A HIGHWAY, DESIGNATE ALL
17 OR A PORTION OF A HIGHWAY FOR OVER-SNOW USE ONLY, WHICH THE
18 LOCAL JURISDICTION MAY FURTHER LIMIT TO TRAVEL BY
19 HUMAN-POWERED OR ANIMAL-POWERED MEANS, OR **BOTH.**

20 (II) AS USED IN THIS SUBSECTION (3)(d), "OVER-SNOW USE" MEANS
21 TRAVEL ON TOP OF SNOW BY HUMAN-POWERED OR ANIMAL-POWERED
22 MEANS OR BY AN OFF-HIGHWAY VEHICLE THAT IS PRIMARILY DESIGNED OR

1 ALTERED FOR USE OVER SNOW AND RUNS WITHOUT TIRES ON A
2 CONTINUOUS BELT TRACK OR ON ONE OR MORE SKIS WHILE IN USE OVER
3 SNOW.

4 (III) NOTHING IN THIS SUBSECTION (3)(d) AFFECTS OR LIMITS THE
5 PROVISIONS OF SECTION 33-14-110 GOVERNING THE OPERATION OF
6 SNOWMOBILES ON ANY COUNTY ROAD, CITY STREET, OR HIGHWAY.

7 (IV) WHEN WHEELED WINTER ACCESS IS REQUESTED ALONG A
8 HIGHWAY, NOTHING IN THIS SUBSECTION (3)(d) PROHIBITS A LOCAL
9 AUTHORITY FROM ENTERING INTO PRIVATE WINTER MAINTENANCE
10 AGREEMENTS AND SUCH REQUESTS SHALL BE CONSIDERED.

11 **SECTION 2.** In Colorado Revised Statutes, 33-14-110, **amend**
12 (1) as follows:

13 **33-14-110. Snowmobile operation on roadway of streets and**
14 **highways.** (1) A snowmobile may be operated on the roadway of a street,
15 ROAD, or highway in this state only as provided in this section AND
16 SECTION 42-4-106 (3)(d).

17 **SECTION 3.** In Colorado Revised Statutes, 42-4-109, **amend** (9)
18 as follows:

19 **42-4-109. Low-power scooters, animals, skis, skates, and toy**
20 **vehicles on highways.** (9) No person shall use the highways for traveling
21 on skis, toboggans, coasting sleds, skates, or similar devices. It is
22 unlawful for any person to use any roadway of this state as a sled or ski
23 course for the purpose of coasting on sleds, skis, or similar devices. It is
24 also unlawful for any person upon roller skates or riding in or by means
25 of any coaster, toy vehicle, or similar device to go upon any roadway
26 except while crossing a highway in a crosswalk, and when so crossing
27 such person shall be granted all of the rights and shall be subject to all of

1 the duties applicable to pedestrians. This subsection (9) does not apply to
2 any public way which is set aside by proper authority as a play street and
3 which is adequately roped off or otherwise marked for such purpose OR
4 TO ANY HIGHWAY OR PORTION OF A HIGHWAY DESIGNATED FOR
5 OVER-SNOW USE ONLY BY A LOCAL AUTHORITY PURSUANT TO SECTION
6 42-4-106 (3)(d).

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