

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

PREAMENDED

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

LLS NO. 02-0583.01 Jery Payne

HOUSE BILL 02-1091

HOUSE SPONSORSHIP

Fritz,

SENATE SPONSORSHIP

Hanna,

House Committees

Agriculture, Livestock, & Natural Resources
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUGMENTATION OF LAW ENFORCEMENT TOOLS**
102 **USED TO GAIN COMPLIANCE WITH LAWS REGULATING THE**
103 **RECREATIONAL USE OF COLORADO NATURAL RESOURCES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies that the wildlife commission ("commission") has the power to provide for the control of wildlife in order to preserve the health, safety, and welfare of the public or to protect other wildlife. Removes a requirement that funds appropriated to the division of parks and outdoor recreation for the acquisition of rights-of-way be expended for the provision of services with the department of transportation.

Clarifies that a permit is not required to trap, kill, or otherwise

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.*

dispose of bears, mountain lions, or dogs when such animals threaten livestock, people, or property. Requires a person who takes a dog for such purposes to report the fact to the division of wildlife within 48 hours, and a person who takes a mountain lion or bear for such purposes to report the fact within 5 days.

Authorizes a peace officer to write a ticket for an unattended vehicle that is in a state park without the appropriate pass. Requires the payment of such ticket to be made within 30 days or, if not, requires a court date to be set. Imposes liability on the registered owner if the owner knew or should have known that the vehicle was used for such violation.

Authorizes the commission to delegate to a hearing officer the authority to suspend wildlife license privileges. Changes the definition of conviction, as applied to licensing, in order to include the acceptance of a deferred sentence and the adjudication of a juvenile as delinquent. Voids any license that is an illegal second license. Imposes a lifetime suspension of license privileges when a person has had his or her license suspended 3 or more times.

Adds the purchase of, or attempt to sell or purchase, wildlife illegally taken or possessed to the list of prohibited actions that may be prosecuted as separate crimes for each animal or part of such animal. Adds a criminal penalty of \$1,000 to \$10,000 and up to 90 days in jail for any person who applies for a license, or exercises the benefits conferred by a license, while under a lifetime suspension of licensing privileges.

Imposes the following criminal penalties and 15 license suspension points ("points") when a person provides false information while applying for a license, and increases the penalty for making a false statement on a license application from \$200 to the following:

- For a small game license, \$200;
- For each moose, rocky mountain bighorn sheep, rocky mountain goat, or desert bighorn sheep license, \$1,500; and
- For any other big game license, \$500.

Increases the criminal penalties for hunting or taking wildlife without the appropriate license from \$50 and 10 points to the following:

- For a small game license, \$50 and 10 points;
- For each moose, rocky mountain bighorn sheep, rocky mountain goat, or desert bighorn sheep license, \$1,500 and 15 points; and
- For any other big game license, \$500 and 15 points.

Prohibits a person from using another person's license and imposes a criminal penalty of \$200 and 15 points for such violation.

Authorizes the commission to suspend a license for a period of one year to life for illegally hunting, taking, or possessing an endangered or threatened animal or a golden eagle, rocky mountain goat, desert bighorn sheep, American peregrine falcon, or rocky mountain bighorn sheep.

Raises the criminal penalty for illegally taking a desert bighorn sheep, American peregrine falcon, or rocky mountain bighorn sheep to a fine of \$1,000 to \$100,000, one year in jail, and 20 points.

Clarifies that any combination of 3 or more big-game-animal takings violations triggers a penalty enhancement of up to a \$10,000 fine per animal and up to one year in jail. Changes the trigger for such penalty enhancement as follows:

- For each bull elk, lowers the number of antler points from 6 to 5 and adds a requirement that the main beam of the antler be 41 inches.
- For each mule deer buck, lowers the antler spread from 22 to 19 inches and adds the requirement that each antler have at least 4 points and each main beam be at least 21 inches.
- For each whitetail deer buck, lowers the antler spread from 18 to 17 inches and adds the requirement that each antler have at least 4 points and each main beam be at least 21 inches.
- For each bull moose, adds a requirement that the outside antler spread be 35 inches.

Imposes a criminal penalty of \$50 and 10 points when a person fails to attach the carcass tag to an animal that has been taken. Prohibits operating any commercial business on any property owned or managed by the division of parks and outdoor recreation without acquiring a permit, and imposes a criminal penalty of \$100 to \$1,000 or one year in jail and 20 points for such violation.

Removes the intent element in the prohibition of taking wildlife and abandoning the carcass or body, and changes the authorized suspension from permanent to one year to a lifetime suspension of license privileges for big game, eagles, and endangered species.

Adds fishing and trapping to the prohibition of hunting or taking wildlife outside of legal seasons or areas. Changes the penalty for such violation from \$100 and 10 points to the following:

- For a small game license, \$100 and 10 points;
- For each moose, rocky mountain bighorn sheep, rocky mountain goat, or desert bighorn sheep license, \$1,500 and 15 points; or
- For any other big game license, \$500 and 15 points.

Changes the criminal penalty for hunting, taking, or harassing wildlife from or with any motor vehicle from 15 to 10 points. Prohibits illegally hunting wildlife from a motor vehicle, and imposes a criminal penalty of \$100 and 10 points for a violation. Prohibits using electronic communication devices to aid in a hunting or fishing violation, and imposes a criminal penalty of \$200 and 15 points for a violation. Prohibits the use of night vision and thermal imaging devices as an aid in hunting, and imposes a criminal penalty of \$200 and 20 points for a

violation.

Prohibits the operation of a commercial business on any division of parks and outdoor recreation owned or managed property without a permit, and imposes criminal liability of \$100 to \$1,000 or one year in jail, or both, for such violation.

Repeals a statute that imposes criminal penalties for failure to pay a special district toll.

Prohibits the possession of a vessel at a staging area unless it has been registered, and imposes a criminal penalty of \$50 for such violation. Prohibits the operation of a vessel unless all children on deck are wearing flotation devices, and imposes a criminal penalty of \$50 for such violation.

Whereas the operator of a vessel is required to make a report when the vessel is in an accident, repeals the following requirements pertaining to such report:

- The report cannot prejudice the person who files the report or be used as evidence in a relevant civil or criminal trial.
- The report must be kept confidential by the commission except to disclose the identity of a person involved in such accident.

Authorizes the board of parks and outdoor recreation to prohibit the use of whitewater canoes and kayaks in any waters of the state when it may constitute a safety hazard.

Repeals the requirement that, upon registration, the division of parks and outdoor recreation must provide a copy of the laws and rules affecting vessels to a vessel owner.

Raises the following penalties for the following violations:

- From a \$25 to a \$50 fine for operating a motor vehicle on a designated trail.
- From a \$100 to a \$200 fine for failure of a registration agent to remit moneys from the sale of passes and registrations if the amount is less than \$200.
- From a \$100 to a \$200 fine for illegal sale or transfer of a pass or registration.
- From a \$100 to a \$200 fine for fraud in connection with a pass.
- From a \$25 to a \$50 fine for operation of an unregistered vessel, or for failing to make a vessel, snowmobile, or off-highway vehicle registration available for inspection.
- From a \$10 to a \$25 fine for failure to display a vessel or snowmobile registration number.
- From a \$25 to a \$100 fine for failure to maintain vessel livery records.
- From a \$50 to a \$100 fine for permitting any vessel to depart from one's premises unless such vessel is properly

- equipped and registered.
- From a \$100 to a \$200 fine for the owner or operator of a vessel livery who permits an unregistered vessel to depart.
 - From a \$100 to a \$200 minimum fine for reckless operation of a vessel or snowmobile.
 - From a \$100 to a \$200 minimum fine for the operation of a snowmobile or vessel, other than a motorboat or sailboat, under the influence of drugs or alcohol.
 - From a \$100 to a \$200 minimum fine and from 180 days to a year in jail for the operation of a motorboat or sailboat under the influence of drugs or alcohol.
 - From a \$100 to a \$200 minimum fine for knowingly authorizing the operation of a motorboat or sailboat by a person under the influence of drugs or alcohol.
 - From a \$25 to a \$75 fine for hit-and-run with a vessel, snowmobile, or off-highway vehicle.
 - From a \$50 to a \$100 fine for operation of a water device in an unsafe manner.
 - From a \$25 to a \$50 fine for operation of a water device without a personal flotation device.
 - From a \$100 to a \$200 minimum fine for the operation of a water device under the influence of alcohol or drugs.
 - From a \$50 to a \$100 fine for failure to obey an order closing areas to vessels.
 - From a \$50 to a \$100 fine for the failure of a dealer to register a snowmobile or off-highway vehicle.
 - From a \$35 to a \$50 fine for the operation of an unregistered snowmobile or off-highway vehicle.
 - From a \$25 to a \$50 fine for the illegal underaged operation of a snowmobile.
 - From a \$15 and \$25 to a \$50 fine for the illegal operation of a snowmobile or off-highway vehicle on a highway, freeway, or railroad.
 - From a \$50 to a \$100 fine for the operation of a snowmobile on private property without permission.
 - From a \$25 to a \$50 fine for the operation of a snowmobile or off-highway vehicle without the appropriate equipment in good working order.
 - From a \$50 to a \$100 fine for carelessly operating a snowmobile.
 - From a \$25 to a \$50 fine for an owner who permits a snowmobile to be operated in a careless manner or by a person who is under the influence of alcohol.
 - From a \$20 to a \$200 fine for hunting from a snowmobile.
 - From a \$20 to a \$50 fine for riding a snowmobile with a

- loaded firearm or bow that is not encased.
- From a \$20 to a \$200 fine for pursuing, driving, or harassing wildlife with a snowmobile.
- From a \$25 to a \$50 fine for failing to register or obtain a use permit for an off-highway vehicle.
- From a \$25 to a \$50 fine for the default penalty for any violation of the vessel, snowmobile, or off-highway vehicle statutes or rules.
- From a \$25 to a \$50 fine for camping on state parks land when not so designated.
- From a \$50 to a \$100 fine for careless or illegal operation of a motor vehicle in a state park or leaving such vehicle unattended for more than 24 hours in a state park.

Defines relevant terms, including changing the definition of "resident" to categorically exclude any person who applies for, purchases, or accepts any resident hunting or fishing license issued by a foreign jurisdiction.

Makes conforming amendments.

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

2 **SECTION 1.** 33-1-105 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **33-1-105. Powers of commission - repeal.** (1) The commission
5 has power to:

6 (h) PROVIDE FOR THE CONTROL OF ANY WILDLIFE THAT POSES A
7 THREAT TO PUBLIC HEALTH, SAFETY, **OR WELFARE** . SUCH CONTROL
8 SHALL INCLUDE THE DESTRUCTION OF THE WILDLIFE POSING SUCH
9 THREATS.

10 **SECTION 2.** 33-3-106 (2), (3), and (4), Colorado Revised
11 Statutes, are amended to read:

12 **33-3-106. Excessive damage - permit to take wildlife -**
13 **harassment by dogs.** (2) Any wildlife killed, as permitted under
14 subsection (1) OR SUBSECTION (3) of this section, shall remain the
15 property of the state AND shall be field dressed promptly, and ~~the~~ SUCH

1 killing thereof shall be reported to the division within forty-eight hours;
2 EXCEPT THAT THE KILLING OF A BEAR OR MOUNTAIN LION SHALL BE
3 REPORTED WITHIN FIVE DAYS.

4 (3) Nothing in this section shall make it unlawful to trap, kill, or
5 otherwise dispose of bears, mountain lions, or dogs WITHOUT A PERMIT
6 in situations when it is necessary to prevent them from inflicting death or
7 injury to livestock or human life and additionally, in the case of dogs,
8 when it is necessary to prevent them from inflicting death or injury to big
9 game other than bear or mountain lion and to small game, birds, and
10 mammals. The division may bring a civil action against the owner of any
11 dog inflicting death or injury to any big game other than bear or mountain
12 lion and to small game, birds, and mammals for the value of each game
13 animal injured or killed. The minimum value of each animal shall be as
14 set forth in section 33-6-110.

15 ~~(4) It shall not be necessary or requisite to obtain from the~~
16 ~~division any permit for the taking of bears, mountain lions, coyotes,~~
17 ~~bobcats, or dogs. No dog shall be killed within the city limits of any~~
18 ~~town, city, or municipality or while in the possession of or under the~~
19 ~~control of any person unless otherwise permitted by law. All bears and~~
20 ~~mountain lions which are taken or destroyed under this section shall be~~
21 ~~reported to the division within five days after the killing thereof.~~

22 **SECTION 3.** 33-4-101.3 (4), Colorado Revised Statutes, is
23 amended to read:

24 **33-4-101.3. Black bears - declaration of intent - spring season**
25 **hunting prohibited - prohibited means of taking - penalty.** (4) The
26 provisions of this section shall not apply to employees of the division of
27 wildlife or to field agents of the United States department of agriculture,

1 when such employees or agents are acting in their official capacity, nor
2 shall this section apply to any person who lawfully takes a black bear in
3 defense of LIVESTOCK OR HUMAN life or property ~~or to any person who~~
4 ~~traps, kills, or otherwise disposes of a black bear in accordance with~~
5 ~~section 33-3-106 (3)~~ PURSUANT TO SECTION 33-3-106.

6 **SECTION 4.** 33-6-103, Colorado Revised Statutes, is amended
7 to read:

8 **33-6-103. Prosecution of offenses.** If the possession, use,
9 importation, exportation, transportation, storage, sale or PURCHASE,
10 offering FOR SALE OR PURCHASE, or exposing for sale of wildlife is
11 prohibited or restricted by articles 1 to 6 of this title or by rule ~~or~~
12 ~~regulation~~ of the commission, the prohibition or restriction, where not
13 otherwise specifically provided, shall extend to and include every part of
14 such wildlife, and a violation as to each animal or part thereof shall be a
15 separate offense. Two or more offenses may be charged in the same
16 complaint, information, or indictment, and proof as to part of an animal
17 shall be sufficient to sustain a charge as to the whole of it. Violations as
18 to any number of animals of the same kind may be charged in the same
19 count and punished as a separate offense as to each animal.

20 **SECTION 5.** The introductory portion to 33-6-106 (1) and
21 33-6-106 (1) (b) (II), (1) (c), (2), and (6), Colorado Revised Statutes, are
22 amended, and the said 33-6-106 is further amended BY THE ADDITION
23 OF A NEW SUBSECTION, to read:

24 **33-6-106. Suspension of license privileges.** (1) The commission,
25 OR A HEARING OFFICER WHO HAS BEEN DELEGATED AUTHORITY BY THE
26 COMMISSION, has the exclusive authority to suspend the privilege of
27 applying for, purchasing, or exercising the benefits conferred by any or

1 all licenses issued by the division for a period not to exceed five years,
2 except as otherwise provided in articles 1 to 6 of this title, if a person:

3 (b) While a Colorado resident:

4 (II) ~~Has been convicted of federal wildlife violations occurring in~~
5 ~~this state, and such convictions, individually or when combined with~~
6 ~~convictions specified in paragraph (a) of this subsection (1), total twenty~~
7 ~~or more points in any consecutive five-year period;~~

8 (c) Has been convicted of any violation of title 18, C.R.S., which
9 **he** **█** **█** THAT WAS committed while hunting, trapping, fishing, or
10 engaging in a related activity **OR OF ANY FEDERAL WILDLIFE VIOLATIONS**
11 **WITHIN COLORADO, AND SUCH CONVICTIONS INDIVIDUALLY OR WHEN**
12 **COMBINED WITH CONVICTIONS SPECIFIED IN PARAGRAPH (a) OF THIS**
13 **SUBSECTION (1), TOTAL TWENTY OR MORE POINTS;**

14 (2) For the purposes of license suspension under subsection (1)
15 of this section, the payment of a penalty assessment, a court conviction,
16 a plea of nolo contendere, the ~~imposition~~ ACCEPTANCE of a deferred or
17 suspended sentence by the court, ~~or~~ forfeiture of bail, OR THE
18 ADJUDICATION OF A JUVENILE AS DELINQUENT FOR ANY VIOLATION OF THIS
19 TITLE THAT WOULD HAVE RESULTED IN A CONVICTION IF PROSECUTED AS
20 AN ADULT shall be deemed a conviction.

21 (6) Any person whose license privileges have been suspended
22 shall not be entitled to purchase, apply for, or exercise the benefits
23 conferred by any license issued by the division until his OR HER
24 suspension has expired. Any person who violates this subsection (6) is
25 guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished
26 by a fine of five hundred dollars. Conviction under this subsection (6)
27 shall result in an automatic two-year extension of the existing suspension

1 added to the end of the original suspension UNLESS SUCH PERSON WAS
2 UNDER A LIFETIME SUSPENSION WHEN SUCH VIOLATION OCCURRED. IF A
3 PERSON IS UNDER A LIFETIME SUSPENSION AND VIOLATES THIS SUBSECTION
4 (6), SUCH PERSON SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE
5 PUNISHED BY A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR
6 MORE THAN TEN THOUSAND DOLLARS OR BY IMPRISONMENT IN THE
7 COUNTY JAIL FOR NOT MORE THAN NINETY DAYS, OR BY BOTH SUCH FINE
8 AND IMPRISONMENT.

9 (8) IF A PERSON'S PRIVILEGE OF APPLYING FOR, PURCHASING, OR
10 EXERCISING THE BENEFITS CONFERRED BY ANY OR ALL LICENSES ISSUED
11 BY THE DIVISION IS SUSPENDED THREE OR MORE TIMES PURSUANT TO THIS
12 SECTION, SUCH PERSON SHALL RECEIVE A LIFETIME SUSPENSION OF SUCH
13 PRIVILEGES.

14 **SECTION 6.** 33-6-107 (1), (2), (3), and (7), Colorado Revised
15 Statutes, are amended to read:

16 **33-6-107. Licensing violations - penalties.** (1) Except as
17 otherwise provided in articles 1 to 6 of this title or by rule ~~or regulation~~
18 of the commission, no person shall procure or use more than one license
19 of a certain type in any one calendar year. Any person who violates this
20 subsection (1) is guilty of a misdemeanor and, upon conviction, ~~thereof,~~
21 shall, with respect to wildlife other than big game, be punished by a fine
22 of fifty dollars and an assessment of ten license suspension points or
23 shall, with respect to big game, be punished by a fine of two hundred
24 dollars and an assessment of fifteen license suspension points. ALL
25 LICENSES PROCURED IN VIOLATION OF THIS SUBSECTION (1) ARE VOID.

26 (2) (a) Any person who makes a false statement OR PROVIDES
27 FALSE INFORMATION in connection with applying for or purchasing a

1 license, or any license agent who knowingly uses or accepts false
2 information in connection with selling or issuing a license, is guilty of a
3 misdemeanor and, upon conviction, ~~thereof~~, shall be punished by a fine
4 ~~of two hundred dollars~~ THE FOLLOWING FINES and an assessment of
5 fifteen license suspension points:

6 (I) FOR EACH LICENSE THAT IS NOT A BIG GAME LICENSE, TWO
7 HUNDRED DOLLARS;

8 (II) FOR EACH MOOSE, ROCKY MOUNTAIN BIGHORN SHEEP, ROCKY
9 MOUNTAIN GOAT, OR DESERT BIGHORN SHEEP LICENSE, FIFTEEN HUNDRED
10 DOLLARS, AND SUCH FINE SHALL BE INCREASED IN ONE HUNDRED DOLLAR
11 INCREMENTS UNTIL THE FINE IS GREATER THAN THE COST OF THE MOST
12 EXPENSIVE LICENSE FOR SUCH SPECIES; AND

13 (III) FOR EACH BIG GAME LICENSE, EXCEPT THE LICENSES LISTED
14 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), FIVE HUNDRED DOLLARS,
15 AND SUCH FINE SHALL BE INCREASED IN ONE HUNDRED DOLLAR
16 INCREMENTS UNTIL THE FINE IS GREATER THAN THE COST OF THE MOST
17 EXPENSIVE LICENSE FOR SUCH SPECIES.

18 (b) All licenses obtained with the false information are void.

19 (3) Except as otherwise provided in articles 1 to 6 of this title or
20 by rule ~~or regulation~~ of the commission, any person, regardless of age,
21 who hunts or takes wildlife in this state shall procure a proper and valid
22 license therefor and shall have the valid license on his or her person when
23 exercising the benefits it confers. A person who violates this subsection
24 (3) is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall ~~with~~
25 ~~respect to wildlife other than big game~~, be punished by a fine of fifty
26 dollars and an assessment of ten license suspension points or shall, ~~with~~
27 ~~respect to big game~~, be punished by a fine of two hundred fifty dollars

1 ~~and an assessment of fifteen license suspension points.~~ AS FOLLOWS:

2 (a) FOR EACH LICENSE THAT IS NOT A BIG GAME LICENSE, THE FINE
3 SHALL BE FIFTY DOLLARS AND TEN LICENSE SUSPENSION POINTS SHALL BE
4 ASSESSED;

5 (b) FOR EACH MOOSE, ROCKY MOUNTAIN BIGHORN SHEEP, ROCKY
6 MOUNTAIN GOAT, OR DESERT BIGHORN SHEEP LICENSE, THE FINE SHALL BE
7 FIFTEEN HUNDRED DOLLARS AND FIFTEEN LICENSE SUSPENSION POINTS
8 SHALL BE ASSESSED, AND SUCH FINE SHALL BE INCREASED IN ONE
9 HUNDRED DOLLAR INCREMENTS UNTIL THE FINE IS GREATER THAN THE
10 COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES; AND

11 (c) FOR EACH BIG GAME LICENSE, EXCEPT THE LICENSES LISTED IN
12 PARAGRAPH (b) OF THIS SUBSECTION (3), THE FINE SHALL BE FIVE
13 HUNDRED DOLLARS AND FIFTEEN LICENSE SUSPENSION POINTS SHALL BE
14 ASSESSED, AND SUCH FINE SHALL BE INCREASED IN ONE HUNDRED DOLLAR
15 INCREMENTS UNTIL THE FINE IS GREATER THAN THE COST OF THE MOST
16 EXPENSIVE LICENSE FOR SUCH SPECIES.

17 (7) It is unlawful for any person to alter, transfer, sell, loan, or
18 assign his or her own or another person's lawfully acquired license to
19 another person. IT IS UNLAWFUL FOR ANY PERSON TO USE ANOTHER
20 PERSON'S LAWFULLY ACQUIRED LICENSE. Any person who violates this
21 subsection (7) is guilty of a misdemeanor and, upon conviction, ~~thereof,~~
22 shall be punished by a fine of two hundred dollars and an assessment of
23 fifteen license suspension points, and any licenses so used are void.

24 **SECTION 7.** The introductory portion to 33-6-109 (3) and
25 33-6-109 (3) (a), (3) (b), (3) (e), (3.4) (a) (I), (3.4) (a) (II), (3.4) (a) (III),
26 and (3.4) (a) (IV), Colorado Revised Statutes, are amended to read:

27 **33-6-109. Wildlife - illegal possession.** (3) Any person who

1 violates subsection (1) or (2) of this section is guilty of a misdemeanor
2 and, depending upon the wildlife involved, shall be punished upon
3 conviction ~~thereof~~ by a fine or imprisonment, or both, and license
4 suspension points or suspension or revocation of license privileges as
5 follows:

6 (a) For each animal listed as endangered or threatened, a fine of
7 not less than two thousand dollars and not more than one hundred
8 thousand dollars, or by imprisonment for not more than one year in the
9 county jail, or by both such fine and such imprisonment, and an
10 assessment of twenty points. UPON CONVICTION, THE COMMISSION MAY
11 SUSPEND ANY OR ALL LICENSE PRIVILEGES OF THE PERSON FOR A PERIOD
12 OF FROM ONE YEAR TO LIFE.

13 (b) For each golden eagle, rocky mountain goat, DESERT BIGHORN
14 SHEEP, AMERICAN PEREGRINE FALCON, or ROCKY MOUNTAIN bighorn
15 sheep, a fine of not less than one thousand dollars and not more than one
16 hundred thousand dollars, or by imprisonment for not more than one year
17 in the county jail, or both such fine and such imprisonment, and an
18 assessment of twenty points. UPON CONVICTION, THE COMMISSION MAY
19 SUSPEND ANY OR ALL LICENSE PRIVILEGES OF THE PERSON FOR A PERIOD
20 OF FROM ONE YEAR TO LIFE.

21 (e) For each violation of paragraph ~~(b)~~, (c) or (d) of this
22 subsection (3) where ANY COMBINATION OF three or more animals are
23 taken or possessed, a minimum fine per animal as set forth in ~~said~~ SUCH
24 paragraphs, to a maximum of ten thousand dollars per animal, or
25 imprisonment for not more than one year in the county jail, or by both
26 such fine and such imprisonment. Upon conviction, the commission may
27 suspend any or all license privileges of the person for a period of from

1 one year to life.

2 (3.4) (a) In addition to the criminal penalties listed in subsection
3 (3) of this section, there shall be assessed a further penalty in the
4 following amount for each of the following big game animals illegally
5 taken:

6 (I) For each bull elk with at least six points on ~~one~~ EACH antler
7 beam AND WITH A MAIN BEAM LENGTH OF AT LEAST FORTY-SEVEN INCHES,
8 ten thousand dollars;

9 (II) For each mule deer buck with AT LEAST FOUR POINTS ON EACH
10 ANTLER, EXCLUDING THE EYE GUARDS, A MAIN BEAM LENGTH OF AT LEAST
11 TWENTY-TWO INCHES, AND an inside antler spread of at least ~~twenty-two~~
12 SEVENTEEN inches, ten thousand dollars;

13 (III) For each whitetail deer buck with AT LEAST FOUR POINTS ON
14 EACH ANTLER, EXCLUDING THE EYE GUARDS, A MAIN BEAM LENGTH OF AT
15 LEAST TWENTY-THREE INCHES, AND an inside antler spread of at least
16 ~~eighteen~~ SIXTEEN inches, ten thousand dollars;

17 (IV) For each bull moose WITH AN OUTSIDE ANTLER SPREAD OF AT
18 LEAST FORTY INCHES, ten thousand dollars;

19 **SECTION 8.** 33-6-111 (3), Colorado Revised Statutes, is
20 amended to read:

21 **33-6-111. Inspection of license and wildlife - check stations -**
22 **failure to tag - eluding an officer.** (3) Any person who, UPON TAKING
23 AN ANIMAL, fails to void ~~his~~ THE license or carcass tag ~~as~~ AND ATTACH
24 THE CARCASS TAG TO SUCH ANIMAL IF SUCH VOIDING AND ATTACHING IS
25 required by commission rule ~~or regulation~~ is guilty of a misdemeanor and,
26 upon conviction, ~~thereof~~, shall be punished by a fine of fifty dollars and
27 an assessment of ten license suspension points.

1 **SECTION 9.** 33-6-113 (1), Colorado Revised Statutes, is
2 amended to read:

3 **33-6-113. Illegal sale of wildlife.** (1) Except as otherwise
4 provided in articles 1 to 6 of this title or by rule ~~or regulation~~ of the
5 commission, it is unlawful for any person to sell or purchase or offer for
6 sale or purchase any wildlife or to solicit another person in the illegal
7 hunting or taking of any wildlife for the purposes of monetary or
8 commercial gain or profit. For the purposes of this section, it is deemed
9 to be a sale of wildlife if a person, for monetary or other consideration,
10 provides unregistered outfitting services as defined in article 55.5 of title
11 12, C.R.S. IT IS ALSO UNLAWFUL TO COMMERCIALY GUIDE OR OUTFIT
12 HUNTERS OR ANGLERS, OR TO OPERATE ANY COMMERCIAL BUSINESS ON
13 ANY PROPERTY OWNED OR MANAGED BY THE DIVISION, WITHOUT
14 ACQUIRING A PERMIT THAT IS REQUIRED BY ANY RULE PROMULGATED BY
15 THE COMMISSION.

16 **SECTION 10.** 33-6-113 (2), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 **33-6-113. Illegal sale of wildlife.** (2) Any person who violates
19 this section:

20 (c) WITH RESPECT TO OPERATING ANY COMMERCIAL BUSINESS ON
21 ANY PROPERTY OWNED OR MANAGED BY THE DIVISION WITHOUT
22 ACQUIRING A PERMIT THAT IS REQUIRED BY ANY RULE PROMULGATED BY
23 THE COMMISSION, IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION,
24 SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS
25 NOR MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE
26 COUNTY JAIL FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND
27 IMPRISONMENT, AND AN ASSESSMENT OF TWENTY LICENSE SUSPENSION

1 POINTS.

2 **SECTION 11.** The introductory portion to 33-6-117 (1) and
3 33-6-117 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

4 **33-6-117. Willful destruction of wildlife - legislative intent.**

5 (1) Except as is otherwise provided in articles 1 to 6 of this title or by
6 rule ~~or regulation~~ of the commission, it is unlawful for any person to hunt
7 or take, or to solicit another person to hunt or take, any wildlife and
8 detach or remove ~~with the intent to abandon the carcass or body~~, only the
9 head, hide, claws, teeth, antlers, horns, internal organs, or feathers or any
10 or all of such parts AND TO ABANDON THE CARCASS OR BODY OF SUCH
11 WILDLIFE; or to ~~kill~~ HUNT OR TAKE and abandon any wildlife. Any person
12 who violates this subsection (1), with respect to:

13 (a) Big game, eagles, and endangered species, commits a class 5
14 felony and shall be punished as provided in section 18-1-105, C.R.S.,
15 and, in addition, shall be punished by a fine of ~~not less than one thousand~~
16 ~~dollars nor more than twenty thousand dollars.~~ For offenses committed
17 ~~on or after July 1, 1985, the fine shall be~~ in an amount within the
18 presumptive range set out in section 18-1-105 (1) (a) (III), C.R.S. Upon
19 such conviction, the commission may ~~permanently~~ suspend all wildlife
20 license privileges of the person convicted FROM ONE YEAR TO LIFE, AND
21 TWENTY LICENSE SUSPENSION POINTS MAY BE ASSESSED.

22 (2) The purpose and intent of this section is to protect the wildlife
23 of this state from ~~wanton, ruthless, or wasteful~~ destruction or mutilation
24 for their heads, hides, claws, teeth, antlers, horns, internal organs, or
25 feathers; BEING KILLED AND ABANDONED; or any or all of the foregoing,
26 and the provisions of this section shall be so construed.

27 **SECTION 12.** 33-6-120, Colorado Revised Statutes, is amended

1 to read:

2 **33-6-120. Hunting, trapping, or fishing out of season or in a**
3 **closed area.** (1) It is unlawful for any person to FISH, hunt, TRAP, or take
4 any wildlife outside of the season established by or in an area closed by
5 commission rule. ~~or regulation.~~ Any person who violates this section is
6 guilty of a misdemeanor and, upon conviction, ~~thereof,~~ shall be punished
7 by a fine of ~~one hundred dollars~~ and an assessment of ~~ten~~ license
8 suspension points AS FOLLOWS:

9 (a) FOR EACH INCIDENT THAT IS NOT RELATED TO THE HUNTING OR
10 TAKING OF A BIG GAME ANIMAL, THE FINE SHALL BE ONE HUNDRED
11 DOLLARS AND TEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED;

12 (b) FOR HUNTING OR TAKING MOOSE, ROCKY MOUNTAIN BIGHORN
13 SHEEP, ROCKY MOUNTAIN GOAT, OR DESERT BIGHORN SHEEP, THE FINE
14 SHALL BE FIFTEEN HUNDRED DOLLARS AND FIFTEEN LICENSE SUSPENSION
15 POINTS SHALL BE ASSESSED, AND SUCH FINE SHALL BE INCREASED IN ONE
16 HUNDRED DOLLAR INCREMENTS UNTIL THE FINE IS GREATER THAN THE
17 COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES; AND

18 (c) FOR THE HUNTING OR TAKING OF BIG GAME NOT LISTED IN
19 PARAGRAPH (b) OF THIS SUBSECTION (1), THE FINE SHALL BE FIVE
20 HUNDRED DOLLARS AND FIFTEEN LICENSE SUSPENSION POINTS SHALL BE
21 ASSESSED, AND SUCH FINE SHALL BE INCREASED IN ONE HUNDRED DOLLAR
22 INCREMENTS UNTIL THE FINE IS GREATER THAN THE COST OF THE MOST
23 EXPENSIVE LICENSE FOR SUCH SPECIES.

24 **SECTION 13.** 33-6-124, Colorado Revised Statutes, is amended
25 to read:

26 **33-6-124. Use of a motor vehicle, aircraft, or electronic device.**
27 (1) (a) Unless otherwise permitted by commission rule, ~~or regulation,~~ it

1 is unlawful for any person to hunt, take, or harass any wildlife from or
2 with any motor vehicle. ANY PERSON WHO VIOLATES THIS PARAGRAPH (a)
3 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE
4 PUNISHED BY A FINE OF TWO THOUSAND DOLLARS AND AN ASSESSMENT OF
5 TEN LICENSE SUSPENSION POINTS.

6 (b) UNLESS OTHERWISE PERMITTED BY COMMISSION RULE, IT IS
7 UNLAWFUL FOR ANY PERSON TO DISCHARGE A FIREARM OR RELEASE AN
8 ARROW FROM A MOTOR VEHICLE WITH THE INTENT TO TAKE WILDLIFE.
9 ANY PERSON WHO VIOLATES THIS PARAGRAPH (b) IS GUILTY OF A
10 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF
11 ONE HUNDRED DOLLARS AND AN ASSESSMENT OF TEN LICENSE SUSPENSION
12 POINTS.

13 (2) It is unlawful for any person airborne in any aircraft to spot or
14 locate any wildlife and communicate ~~the~~ ITS location ~~thereof~~ to any
15 person on the ground as an aid to hunting or pursuing ~~said~~ SUCH wildlife;
16 and it is unlawful for such airborne person or person on the ground
17 receiving such communication to pursue, hunt, or take game on the same
18 day or the day following such flight. ANY PERSON WHO VIOLATES THIS
19 SUBSECTION (2) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION,
20 SHALL BE PUNISHED BY A FINE OF TWO THOUSAND DOLLARS AND AN
21 ASSESSMENT OF FIFTEEN LICENSE SUSPENSION POINTS.

22 (3) IT IS UNLAWFUL FOR TWO OR MORE PEOPLE ON THE GROUND, IN
23 A MOTOR VEHICLE, OR IN A VESSEL TO USE ELECTRONIC DEVICES TO
24 COMMUNICATE ANY INFORMATION IN THE FURTHERANCE OF A VIOLATION
25 OF ANY PROVISION OF ARTICLES 1 TO 6 OF THIS TITLE OR ANY WILDLIFE
26 COMMISSION RULE. Any person who violates this ~~section~~ SUBSECTION (3)
27 is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be

1 punished by a fine of two hundred dollars and an assessment of fifteen
2 license suspension points.

3 **SECTION 14.** 33-6-127, Colorado Revised Statutes, is amended
4 to read:

5 **33-6-127. Hunting with artificial light, night vision, or thermal**
6 **imaging devices.** Unless otherwise provided by commission rule ~~or~~
7 ~~regulation~~ and except as provided in section 33-6-107 (9) for persons
8 owning or leasing land, members of their family, or their agents, it is
9 unlawful for any person to utilize any artificial light, EQUIPMENT THAT
10 ENABLES NIGHT VISION, ELECTRONICALLY ENHANCED LIGHT-GATHERING
11 OPTICS, OR THERMAL IMAGING DEVICES as an aid in hunting or taking any
12 wildlife. For the purposes of this section, the possession of any firearm
13 with cartridges in the chamber or magazine or loaded with powder and
14 ball or a strung bow, unless the bow is cased, while attempting to project
15 any artificial light into areas where wildlife may be found, OR WHILE
16 POSSESSING NIGHT VISION EQUIPMENT, ELECTRONICALLY ENHANCED
17 LIGHT-GATHERING OPTICS, OR THERMAL IMAGING EQUIPMENT, is prima
18 facie evidence of a violation of this section. Any person who violates this
19 section is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be
20 punished by a fine of two hundred dollars and an assessment of twenty
21 license suspension points.

22 **SECTION 15.** 33-10-111 (4), Colorado Revised Statutes, is
23 amended to read:

24 **33-10-111. Parks and outdoor recreation cash fund created -**
25 **accounting expenditures for roads and highways.** (4) At each regular
26 session, the general assembly shall determine the amounts to be expended
27 by the division for the acquisition of rights-of-way for the construction,

1 improvement, repair, and maintenance of public roads and highways in
2 state recreation areas and parks and shall appropriate such amounts from
3 the state allocation provided by section 43-4-206, C.R.S., from the
4 highway users tax fund to the division as are necessary to accomplish
5 these purposes. ~~These funds, and any other funds appropriated for these~~
6 ~~purposes, may only be expended to contract for the provision of such~~
7 ~~services with the department of transportation.~~

8 **SECTION 16.** 33-11-112, Colorado Revised Statutes, is amended
9 to read:

10 **33-11-112. Trails enforcement.** It is unlawful for any person,
11 except a parks and recreation officer or other peace officer, to operate a
12 motorized vehicle on a designated nonmotorized trail. Any person who
13 violates this section is guilty of a class 2 petty offense and, upon
14 conviction, ~~thereof,~~ shall be punished by a fine of ~~twenty-five~~ FIFTY
15 dollars.

16 **SECTION 17.** 33-12-104 (11) (a), Colorado Revised Statutes, is
17 amended to read:

18 **33-12-104. Pass and registration agents - reports - board of**
19 **claims - unlawful acts.** (11) Any pass or registration agent who fails,
20 upon demand of the division or its authorized representative, to account
21 for passes and registrations or who fails to pay over to the division or its
22 authorized representative moneys received from the sale of passes and
23 registrations:

24 (a) When the amount in question is less than two hundred dollars,
25 is guilty of a misdemeanor and, upon conviction, ~~thereof,~~ shall be
26 punished by a fine of not less than ~~one~~ TWO hundred dollars nor more
27 than one thousand dollars, or by imprisonment in the county jail for not

1 more than one year, or by both such fine and imprisonment;

2 **SECTION 18.** 33-12-105, Colorado Revised Statutes, is amended
3 to read:

4 **33-12-105. Licensing violations.** (1) Except as otherwise
5 provided in section 33-12-104, it is unlawful for any person to transfer,
6 sell, or assign any pass or registration issued under articles 10 to 15 of
7 this title to another person. Any person who violates this subsection (1)
8 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
9 punished by a fine of ~~one~~ TWO hundred dollars.

10 (2) Any person who makes any false statement or gives any false
11 information in connection with purchasing or selling a pass or registration
12 or who makes any alteration of a pass or registration is guilty of a class
13 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine
14 of ~~one~~ TWO hundred dollars, and any such statement, information, or
15 alteration shall render such pass or registration void.

16 (3) Any person who fails to obtain or make readily available for
17 inspection by a parks and recreation officer or other peace officer an
18 appropriate and valid pass ~~or registration~~ is guilty of a class 2 petty
19 offense and, upon conviction, ~~thereof~~, shall be punished by a fine of
20 twenty-five dollars.

21 **SECTION 19. Repeal.** 33-12-107, Colorado Revised Statutes,
22 is repealed as follows:

23 **33-12-107. Agreements with special districts to collect special**
24 **district tolls for access road maintenance furnished by special**
25 **districts.** ~~(1) Repealed.~~

26 ~~(2) Any person refusing to pay a toll pursuant to this section is~~
27 ~~guilty of a class 2 petty offense and, upon conviction thereof, shall be~~

1 ~~punished by a fine of twenty-five dollars. Any peace officer, as defined~~
2 ~~in section 33-10-102 (17), and any parks and recreation officer may~~
3 ~~enforce the provisions of this section by utilizing the penalty assessment~~
4 ~~procedure in section 33-15-102.~~

5 **SECTION 20.** The introductory portion to 33-13-103 (1) and
6 33-13-103 (4), Colorado Revised Statutes, are amended to read:

7 **33-13-103. Numbering of vessels required.** (1) It is unlawful
8 for any person to operate or use a vessel on the waters of this state, OR TO
9 POSSESS A VESSEL AT A VESSEL STAGING AREA, unless such vessel has
10 been numbered and a certificate of the number, referred to in this article
11 as a "registration", has been issued to such vessel by the division. The
12 operator of such vessel shall produce the registration for inspection upon
13 demand of any officer authorized to enforce the provisions of articles 10
14 to 15 and 32 of this title. The following are exempt from the
15 requirements of this subsection (1) and from the vessel registration fee as
16 specified pursuant to section 33-10-111 (5):

17 (4) Any person who violates subsection (1) of this section is guilty
18 of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished
19 by a fine of ~~twenty-five~~ FIFTY dollars.

20 **SECTION 21.** 33-13-104 (1) and (2), Colorado Revised Statutes,
21 are amended to read:

22 **33-13-104. Application for vessel number.** (1) The owner of
23 each vessel requiring numbering by this state shall file an application for
24 a number with the division or any representative approved by the division
25 on forms approved and furnished by the division. The application shall
26 be signed by the owner of the vessel and shall be accompanied by a fee
27 as specified pursuant to section 33-10-111 (5); except that those vessels

1 owned and operated by the state or any political subdivision thereof shall
2 be registered without payment of a registration fee. Upon receipt of the
3 application in approved form, the division or its representative shall issue
4 to the applicant a registration stating the number issued to the vessel. The
5 number issued shall be painted on or attached to each side of the bow on
6 the forward half of the vessel or, if there are no such sides, at a
7 corresponding location on both sides of the foredeck of the vessel for
8 which it is issued. The number issued shall read from left to right in
9 block characters of good proportion having a minimum of three inches in
10 height, excluding border or trim, and of a color ~~which~~ THAT contrasts
11 with the color of the background, and so maintained as to be clearly
12 visible and legible. No other number shall be carried on the bow of the
13 vessel. Any person who fails to display a vessel number as required in
14 this subsection (1) is guilty of a class 2 petty offense and, upon
15 conviction, ~~thereof~~, shall be punished by a fine of ~~ten~~ TWENTY-FIVE
16 dollars.

17 (2) The registration shall be of pocket size and shall be on board
18 and available at all times for inspection whenever the vessel for which it
19 is issued is in operation in this state. Any person who violates this
20 subsection (2) is guilty of a class 2 petty offense and, upon conviction,
21 ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars. If a
22 registration is lost or destroyed, the owner shall, within fifteen days,
23 notify the division. The notification shall be in writing, shall describe the
24 circumstances of the loss or destruction, and shall be accompanied by a
25 fee for a replacement registration as required under section 33-12-101.

26 **SECTION 22.** 33-13-106 (5) and (6), Colorado Revised Statutes,
27 are amended, and the said 33-13-106 is further amended BY THE

1 ADDITION OF A NEW SUBSECTION, to read:

2 **33-13-106. Equipment requirements.** (4.5) NO PERSON SHALL
3 OPERATE A VESSEL THAT HAS ENTERED THE WATER UNLESS EACH CHILD
4 UNDER THE AGE OF THIRTEEN WHO IS ABOARD SUCH VESSEL IS WEARING A
5 PERSONAL FLOTATION DEVICE, UNLESS SUCH CHILD IS BELOW DECK OR IN
6 AN ENCLOSED CABIN. SUCH FLOTATION DEVICE SHALL BE OF A TYPE
7 APPROVED BY THE UNITED STATES COAST GUARD AND SHALL BE IN GOOD
8 AND SERVICEABLE CONDITION.

9 (5) Any person who violates subsection (1), (2), (3), ~~or~~ (4), OR
10 (4.5) of this section is guilty of a class 2 petty offense and, upon
11 conviction, ~~thereof~~, shall be punished by a fine of fifty dollars.

12 (6) The board may exempt vessels from the provisions of
13 subsection (1), (2), (3), ~~or~~ (4), OR (4.5) of this section under certain
14 conditions or upon certain waters.

15 **SECTION 23.** 33-13-107, Colorado Revised Statutes, is amended
16 to read:

17 **33-13-107. Vessel liveries.** (1) The owner or operator of a vessel
18 livery shall keep a record of the name and address of each person who
19 hires any vessel ~~which~~ THAT is designed or permitted to be operated as a
20 vessel, the identification number of such vessel, and the departure date
21 and time and the expected date and time of return of such vessel. Such
22 records shall be preserved for at least thirty days after such vessel is to be
23 returned and shall be subject to inspection by the division. ANY PERSON
24 WHO VIOLATES THIS SUBSECTION (1) IS GUILTY OF A CLASS 2 PETTY
25 OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF ONE
26 HUNDRED DOLLARS.

27 (2) Neither the owner or operator of a vessel livery nor such

1 owner's or operator's agent or employee shall permit any vessel to depart
2 from his or her premises unless such vessel is equipped and registered as
3 required by this article and rules promulgated pursuant ~~thereto~~ TO THIS
4 ARTICLE. Any person who violates this subsection (2) is guilty of a class
5 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine
6 of ~~fifty~~ ONE HUNDRED dollars.

7 **SECTION 24.** 33-13-108 (3) and (4), Colorado Revised Statutes,
8 are amended to read:

9 **33-13-108. Prohibited vessel operations.** (3) It is unlawful for
10 any person to operate a vessel in a reckless manner. Any person who
11 violates this subsection (3) is guilty of a misdemeanor and, upon
12 conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ TWO
13 hundred dollars nor more than one thousand dollars, or by imprisonment
14 in the county jail for not more than one year, or by both such fine and
15 imprisonment.

16 (4) No person shall operate a vessel other than a motorboat or a
17 sailboat covered by the provisions of section 33-13-108.1 or be in actual
18 physical control of such a vessel while under the influence of alcohol, a
19 controlled substance as defined in section 12-22-303 (7), C.R.S., or any
20 other drug, or any combination ~~thereof, which~~ OF SUCH DRUGS OR
21 ALCOHOL, THAT renders ~~him~~ SUCH PERSON incapable of safely operating
22 such a vessel, nor shall the owner or operator of such a vessel knowingly
23 authorize or permit such vessel to be operated by or under the actual
24 physical control of any other person if such person is under the influence
25 of alcohol, a controlled substance, or any other drug, or any combination
26 ~~thereof, which~~ OF SUCH DRUGS OR ALCOHOL, THAT renders ~~him~~ SUCH
27 PERSON incapable of safely operating such a vessel. Any person who

1 violates this subsection (4) is guilty of a misdemeanor and, upon
2 conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ TWO
3 hundred dollars nor more than one thousand dollars, or by imprisonment
4 in the county jail for not more than one year, or by both such fine and
5 imprisonment.

6 **SECTION 25.** 33-13-108.1 (12) (a) and (13) (b), Colorado
7 Revised Statutes, are amended to read:

8 **33-13-108.1. Operating a motorboat or sailboat while under**
9 **the influence.** (12) (a) Every person who is convicted of a violation of
10 subsection (1) of this section shall be punished by imprisonment in the
11 county jail for not less than five days nor more than one ~~hundred eighty~~
12 ~~days~~ YEAR, and, in addition, the court may impose a fine of not less than
13 ~~one~~ TWO hundred dollars nor more than one thousand dollars. Except as
14 provided in paragraph (c) of this subsection (12), the minimum period of
15 imprisonment provided for such violation shall be mandatory. In addition
16 to any other penalty ~~which~~ THAT is imposed, every person who is
17 convicted of a violation to which this paragraph (a) applies shall perform
18 no more than ninety-six hours of useful public service.

19 (13) (b) Any person who is convicted of a violation of paragraph
20 (a) of this subsection (13) is guilty of a misdemeanor and, upon
21 conviction, ~~thereof~~, shall be punished by imprisonment in the county jail
22 for not more than one year, or by a fine of not less than ~~one~~ TWO hundred
23 dollars nor more than one thousand dollars, or by both such fine and
24 imprisonment.

25 **SECTION 26.** 33-13-109 (4), (5), and (6), Colorado Revised
26 Statutes, are amended to read:

27 **33-13-109. Collisions, accidents, and casualties.** (4) ~~All reports~~

1 ~~required under this section shall be without prejudice to the person~~
2 ~~making the report and shall be for the confidential use of the division;~~
3 ~~except that the division may disclose the identity of a person involved in~~
4 ~~an accident when such identity is not otherwise known or when such~~
5 ~~person denies his involvement in the accident. No such report shall be~~
6 ~~used as evidence in any trial, civil or criminal, arising out of the accident;~~
7 ~~except that the division shall furnish, upon demand of any person who~~
8 ~~has made or who claims to have made such report or upon demand of any~~
9 ~~court, a certificate showing that a specified report has or has not been~~
10 ~~made to the division, solely to prove a compliance with or a failure to~~
11 ~~comply with the reporting requirements of this section.~~

12 (5) ~~Notwithstanding the provisions of subsection (4) of this~~
13 ~~section, in accordance with any request duly made by an authorized~~
14 ~~official or agency of the United States government, any information~~
15 ~~compiled by or otherwise available to the division pursuant to this article~~
16 ~~shall be made available to the official or agency of the United States~~
17 ~~government making such request.~~

18 (6) Any person who violates subsection (1) or (3) of this section
19 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
20 punished by a fine of ~~twenty-five~~ SEVENTY-FIVE dollars.

21 **SECTION 27.** 33-13-110 (1) (c), (2) (d), and (3) (b), Colorado
22 Revised Statutes, are amended to read:

23 **33-13-110. Water skis, aquaplanes, surfboards, innertubes,**
24 **and similar devices.** (1) (c) Any person who violates this subsection (1)
25 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
26 punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

27 (2) (d) Any person who violates this subsection (2) is guilty of a

1 class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by
2 a fine of ~~twenty-five~~ FIFTY dollars.

3 (3) (b) Any person who violates this subsection (3) is guilty of a
4 misdemeanor and, upon conviction, ~~thereof~~, shall be punished by a fine
5 of not less than ~~one~~ TWO hundred dollars nor more than one thousand
6 dollars, or by imprisonment in the county jail for not more than one year,
7 or by both such fine and imprisonment.

8 **SECTION 28.** 33-13-111 [REDACTED] (3), Colorado Revised Statutes, is
9 amended to read:

10 **33-13-111. Authority to close waters.** [REDACTED] [REDACTED] [REDACTED]

11 (3) Any person who fails to obey an order issued under this section is
12 guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
13 punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

14 **SECTION 29. Repeal.** 33-13-114, Colorado Revised Statutes,
15 is repealed as follows:

16 **33-13-114. Copies of laws and regulations furnished.** ~~Upon the~~
17 ~~purchase or renewal of any registration required under this article, the~~
18 ~~owner of the vessel shall be furnished with a copy of the laws and rules~~
19 ~~and regulations affecting vessels. The expense of printing and~~
20 ~~distributing such laws and rules and regulations shall be borne by the~~
21 ~~division.~~

22 **SECTION 30.** 33-14-102 (2) (a) and (9), Colorado Revised
23 Statutes, are amended to read:

24 **33-14-102. Snowmobile registration - fees - applications -**
25 **requirements - penalties - exemptions.** (2) (a) Every dealer shall
26 require a purchaser of a new or used snowmobile sold at retail from the
27 dealer's inventory to complete a registration application and pay the

1 registration fee before the snowmobile leaves the dealer's premises,
2 except for those snowmobiles purchased for use exclusively outside of
3 this state. Any dealer who does not comply with this paragraph (a) is
4 guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
5 punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

6 (9) Any person who operates a snowmobile in violation of this
7 section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~,
8 shall be punished by a fine of ~~thirty-five~~ FIFTY dollars.

9 **SECTION 31.** 33-14-104 (8), Colorado Revised Statutes, is
10 amended to read:

11 **33-14-104. Issuance of registration.** (8) (a) Any person who
12 violates subsection (5) of this section is guilty of a class 2 petty offense
13 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~ten~~
14 TWENTY-FIVE dollars.

15 (b) Any person who violates subsection (6) of this section is guilty
16 of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished
17 by a fine of ~~twenty-five~~ FIFTY dollars.

18 **SECTION 32.** 33-14-109 (3), Colorado Revised Statutes, is
19 amended to read:

20 **33-14-109. Restrictions on young operators.** (3) Any person
21 who violates this section is guilty of a class 2 petty offense and, upon
22 conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY
23 dollars.

24 **SECTION 33.** 33-14-111 (3), Colorado Revised Statutes, is
25 amended to read:

26 **33-14-111. Snowmobile operation on right-of-way of streets,**
27 **roads, or highways.** (3) Any person who violates this section is guilty

1 of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished
2 by a fine of ~~fifteen~~ FIFTY dollars.

3 **SECTION 34.** 33-14-112 (3), Colorado Revised Statutes, is
4 amended to read:

5 **33-14-112. Crossing roads, highways, and railroad tracks.**

6 (3) Any person who violates this section is guilty of a class 2 petty
7 offense and, upon conviction, ~~thereof~~, shall be punished by a fine of
8 ~~twenty-five~~ FIFTY dollars.

9 **SECTION 35.** 33-14-113, Colorado Revised Statutes, is amended
10 to read:

11 **33-14-113. Operation of snowmobiles on private property.** No
12 snowmobile shall be operated on private property other than that owned
13 or leased by the operator or except when prior permission has been
14 obtained from the owner, lessee, or agent of the owner or lessee. Any
15 person who violates this section is guilty of a class 2 petty offense and,
16 upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE
17 HUNDRED dollars.

18 **SECTION 36.** 33-14-114 (3), Colorado Revised Statutes, is
19 amended to read:

20 **33-14-114. Required equipment - snowmobiles.** (3) Any person
21 who violates this section is guilty of a class 2 petty offense and, upon
22 conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY
23 dollars.

24 **SECTION 37.** 33-14-115 (4), Colorado Revised Statutes, is
25 amended to read:

26 **33-14-115. Notice of accident.** (4) Any person who violates
27 subsection (1) or (3) of this section is guilty of a class 2 petty offense

1 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~
2 SEVENTY-FIVE dollars.

3 **SECTION 38.** 33-14-116 (5), (6), and (7), Colorado Revised
4 Statutes, are amended to read:

5 **33-14-116. Other operating restrictions.** (5) Any person who
6 violates subsection (1) of this section is guilty of a class 2 petty offense
7 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE
8 HUNDRED dollars.

9 (6) Any person who violates subsection (2) or (3) of this section
10 is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be
11 punished by a fine of not less than ~~one~~ TWO hundred dollars nor more
12 than one thousand dollars, or by imprisonment in the county jail for not
13 more than one year, or by both such fine and imprisonment.

14 (7) Any person who violates subsection (4) of this section is guilty
15 of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished
16 by a fine of ~~twenty-five~~ FIFTY dollars.

17 **SECTION 39.** 33-14-117 (3), Colorado Revised Statutes, is
18 amended to read:

19 **33-14-117. Hunting, carrying weapons on snowmobiles -**
20 **prohibitions.** (3) Any person who violates subsection (1) of this section
21 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
22 punished ~~by a fine of twenty dollars~~ AS FOLLOWS:

23 (a) FOR A VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF
24 THIS SECTION, TWO HUNDRED DOLLARS;

25 (b) FOR A VIOLATION OF PARAGRAPH (b) OF SUBSECTION (1) OF
26 THIS SECTION, FIFTY DOLLARS; AND

27 (c) FOR A VIOLATION OF PARAGRAPH (c) OF SUBSECTION (1) OF

1 THIS SECTION, TWO HUNDRED DOLLARS.

2 **SECTION 40.** 33-14.5-102 (7) and (8), Colorado Revised
3 Statutes, are amended to read:

4 **33-14.5-102. Off-highway vehicle registration -**
5 **nonresident-owned or -operated off-highway vehicle permits - fees -**
6 **applications - requirements - exemptions.** (7) Any person who
7 operates an off-highway vehicle in violation of this section is guilty of a
8 class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by
9 a fine of ~~thirty-five~~ FIFTY dollars.

10 (8) Any dealer who does not comply with paragraph (a) of
11 subsection (2) of this section is guilty of a class 2 petty offense and, upon
12 conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED
13 dollars.

14 **SECTION 41.** 33-14.5-104 (7), Colorado Revised Statutes, is
15 amended to read:

16 **33-14.5-104. Issuance of registration.** (7) (a) Any person who
17 violates ~~either~~ subsection (5) ~~or subsection (6)~~ of this section is guilty of
18 a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished
19 by a fine of twenty-five dollars.

20 (b) ANY PERSON WHO VIOLATES SUBSECTION (6) OF THIS SECTION
21 IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION, SHALL BE
22 PUNISHED BY A FINE OF FIFTY DOLLARS.

23 **SECTION 42.** 33-14.5-108 (2), Colorado Revised Statutes, is
24 amended to read:

25 **33-14.5-108. Off-highway vehicle operation prohibited on**
26 **streets, roads, and highways.** (2) Any person who violates subsection
27 (1) of this section is guilty of a class 2 petty offense and, upon conviction,

1 ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

2 **SECTION 43.** 33-14.5-109 (2), Colorado Revised Statutes, is
3 amended to read:

4 **33-14.5-109. Required equipment - off-highway vehicles.**

5 (2) Any person who violates subsection (1) of this section is guilty of a
6 class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by
7 a fine of ~~twenty-five~~ FIFTY dollars.

8 **SECTION 44.** 33-14.5-112 (6), Colorado Revised Statutes, is
9 amended to read:

10 **33-14.5-112. Off-highway use permit - fees - applications -**

11 **requirements - exemptions.** (6) Any person who violates paragraph (b)
12 of subsection (1) of this section is guilty of a class 2 petty offense and,
13 upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY
14 dollars.

15 **SECTION 45.** 33-14.5-113 (4), Colorado Revised Statutes, is
16 amended to read:

17 **33-14.5-113. Notice of accident.** (4) Any person who violates
18 subsection (1) or (3) of this section is guilty of a class 2 petty offense
19 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~
20 SEVENTY-FIVE dollars.

21 **SECTION 46.** 33-15-102 (1), Colorado Revised Statutes, is
22 amended to read:

23 **33-15-102. Imposition of penalty - procedures.** (1) Any person
24 who violates any of the provisions of articles 10 to 15 ~~and~~ OR 32 of this
25 title or any rule of the board that does not have a specific penalty listed
26 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
27 punished by a fine of ~~twenty-five~~ FIFTY dollars.

1 **SECTION 47.** 33-15-107, Colorado Revised Statutes, is amended
2 to read:

3 **33-15-107. Camping.** It is unlawful for any person to camp on
4 land or water under the control of the division unless such area is so
5 designated and posted pursuant to rule of the board. Any person who
6 violates this section is guilty of a class 2 petty offense and, upon
7 conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY
8 dollars.

9 **SECTION 48.** 33-15-110 (2), Colorado Revised Statutes, is
10 amended to read:

11 **33-15-110. Vehicles and vessels - operation on state property.**
12 (2) Any person who violates this section is guilty of a class 2 petty
13 offense and, upon conviction, ~~thereof~~, shall be punished by a fine of
14 ~~twenty-five~~ FIFTY dollars.

15 **SECTION 49.** 33-15-112, Colorado Revised Statutes, is amended
16 to read:

17 **33-15-112. Motor vehicles - careless operation.** It is unlawful
18 for any person to operate a motor vehicle on any property under the
19 control of the division in a careless or imprudent manner without due
20 regard for the width, grade, corners, or curves of, the traffic on, or the
21 traffic regulations governing public roads and without due regard for all
22 other attendant circumstances. Any person who violates this section is
23 guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
24 punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

25 **SECTION 50.** Article 15 of title 33, Colorado Revised Statutes,
26 is amended BY THE ADDITION OF THE FOLLOWING NEW
27 SECTIONS to read:

1 **33-15-113. Unattended vehicles without valid pass.** (1) IF AN
2 UNATTENDED VEHICLE IS PARKED WITHIN AN AREA WHERE A VALID PARKS
3 PASS IS REQUIRED AND DOES NOT DISPLAY A VALID PARKS PASS, A PEACE
4 OFFICER MAY PLACE UPON THE VEHICLE A NOTICE OF SUMMONS AND
5 COMPLAINT PURSUANT TO SECTION 33-15-102 (2). SUCH NOTICE SHALL
6 CONTAIN THE LICENSE PLATE NUMBER AND STATE OF REGISTRATION OF THE
7 VEHICLE BUT DOES NOT NEED TO CONTAIN THE IDENTIFICATION OF THE
8 ALLEGED OFFENDER.

9 (2) THE NOTICE OF SUMMONS AND COMPLAINT SHALL DIRECT THE
10 OWNER OR OPERATOR OF THE VEHICLE TO REMIT A PENALTY ASSESSMENT
11 PURSUANT TO SECTION 33-15-102 TO THE DIVISION WITHIN TEN DAYS
12 AFTER THE ISSUANCE OF SUCH NOTICE UNLESS THE PERSON WISHES TO
13 APPEAR BEFORE A COURT OF COMPETENT JURISDICTION. IF THE PENALTY
14 ASSESSMENT IS NOT PAID WITHIN TEN DAYS AFTER ISSUANCE, THE PEACE
15 OFFICER SHALL MAIL A NOTICE TO THE REGISTERED OWNER OF THE
16 VEHICLE, SETTING FORTH THE OFFENSE AND THE TIME AND PLACE WHERE
17 SUCH OFFENSE OCCURRED AND DIRECTING THE PAYMENT OF THE PENALTY
18 ASSESSMENT WITHIN TWENTY DAYS AFTER THE ISSUANCE OF THE NOTICE
19 UNLESS THE PERSON WISHES TO APPEAR BEFORE A COURT OF COMPETENT
20 JURISDICTION. IF THE PENALTY ASSESSMENT IS NOT PAID WITHIN TWENTY
21 DAYS AFTER THE DATE OF MAILING OF THE SECOND NOTICE, THE PEACE
22 OFFICER WHO ISSUED THE ORIGINAL PENALTY ASSESSMENT NOTICE SHALL
23 FILE A COMPLAINT WITH A COURT OF COMPETENT JURISDICTION AND ISSUE
24 AND SERVE UPON THE REGISTERED OWNER OF THE VEHICLE A SUMMONS TO
25 APPEAR IN COURT AT A TIME AND PLACE SPECIFIED THEREIN AND TO SHOW
26 CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED PURSUANT TO SECTION
27 33-15-110.

1 (3) PAYMENT OF A PENALTY ASSESSMENT PURSUANT TO
2 SUBSECTION (2) OF THIS SECTION BY THE DIVISION SHALL BE DEEMED TO
3 BE RECEIVED ON THE DATE IT IS POSTMARKED.

4 (4) THE REGISTERED OWNER OF A MOTOR VEHICLE IS LIABLE FOR
5 PAYMENT OF A PENALTY ASSESSMENT IF THE OWNER KNEW OR SHOULD
6 HAVE KNOWN THAT THE VEHICLE WAS USED IN A MANNER THAT VIOLATED
7 SECTION 33-15-110.

8 **33-15-114. Commercial use of state property.** IT IS UNLAWFUL
9 TO OPERATE ANY COMMERCIAL BUSINESS OR TO SOLICIT BUSINESS ON ANY
10 DIVISION-OWNED OR -MANAGED PROPERTY WITHOUT FIRST OBTAINING
11 WRITTEN PERMISSION FROM THE DIVISION OR THE BOARD AS PROVIDED BY
12 THIS TITLE OR PURSUANT TO ANY APPLICABLE RULES PROMULGATED BY
13 THE **BOARD**. ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
14 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF
15 NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND
16 DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN
17 ONE YEAR OR BY BOTH SUCH FINE AND IMPRISONMENT.

18 **SECTION 51.** 33-1-102 (1), (2), and (38) (e), Colorado Revised
19 Statutes, are amended, and the said 33-1-102 is further amended BY THE
20 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

21 **33-1-102. Definitions.** As used in this title, unless the context
22 otherwise requires:

23 (1) ~~"Bag limit" means the maximum amount, expressed in~~
24 ~~numbers, of wildlife which may be lawfully taken, caught, killed, or~~
25 ~~possessed by any one person during any one day or other specified period~~
26 ~~of time.~~ "ANTLER POINT" MEANS A PROJECTION OF AN ANTLER THAT IS
27 AT LEAST ONE INCH LONG OR LONGER THAN THE WIDTH OF THE BASE OF

1 SUCH ANTLER POINT.

2 (1.5) "BAG LIMIT" MEANS THE MAXIMUM AMOUNT, EXPRESSED IN
3 NUMBERS, OF WILDLIFE THAT MAY BELAWFULLY TAKEN, CAUGHT, KILLED,
4 OR POSSESSED BY ANY ONE PERSON DURING ANY ONE DAY OR OTHER
5 SPECIFIED PERIOD OF TIME.

6 (2) "Big game" means elk, white-tailed deer, mule deer, moose,
7 rocky mountain bighorn sheep, DESERT BIGHORN SHEEP, rocky mountain
8 goat, pronghorn antelope, black bear, mountain lion, and all species of
9 large mammals that may be introduced or transplanted into this state for
10 hunting or are classified as big game by the commission.

11 (11.5) "EDIBLE PORTION", WHEN USED IN REFERENCE TO BIG GAME,
12 MEANS THE MEAT FROM THE FOUR QUARTERS AND BACKSTRAP OF THE
13 ANIMAL.

14 (26.5) "INSIDE ANTLER SPREAD" MEANS THE SIZE OF AN ANTLER AT
15 ITS GREATEST WIDTH WHEN MEASURED BETWEEN PERPENDICULARS AT A
16 RIGHT ANGLE TO THE SURFACE OF THE SKULL.

17 (27.7) "MAIN BEAM LENGTH" MEANS THE DISTANCE FROM THE
18 LOWEST OUTSIDE EDGE OF THE BURR OVER THE OUTER CURVE TO THE
19 DISTAL END POINT OF THE MAIN BEAM.

20 (38) (e) Except as provided in paragraph (d) or (d.5) of this
21 subsection (38), a person is ~~presumed~~ DEEMED, FOR THE PURPOSES OF THIS
22 TITLE, to have terminated his or her Colorado residence if the person
23 APPLIES FOR, PURCHASES, OR accepts any resident hunting, fishing, or
24 trapping license issued by another state or foreign country; registers to
25 vote in any other state or foreign country; or accepts a driver's license that
26 shows an address other than in Colorado.

27 **SECTION 52.** 33-13-102, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **33-13-102. Definitions.** As used in this article, unless the context
3 otherwise requires:

4 (5.5) "VESSEL STAGING AREA" MEANS ANY PARKING LOT, BOAT
5 RAMP, OR OTHER LOCATION THAT ANY VESSEL IS TRANSPORTED TO OR
6 FROM BY A MOTOR VEHICLE AND WHERE SUCH VESSEL IS PLACED INTO
7 OPERATION ON OR IN THE WATER. "VESSEL STAGING AREA" DOES NOT
8 INCLUDE ANY LOCATION TO WHICH A VESSEL IS TRANSPORTED PRIMARILY
9 FOR THE PURPOSE OF SERVICE, MAINTENANCE, REPAIR, OR SALE.

10 **SECTION 53. Effective date - applicability.** This act shall take
11 effect July 1, 2002, and shall apply to acts committed on or after said
12 date.

13 **SECTION 54. Safety clause.** The general assembly hereby
14 finds, determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.