

**First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 03-0868.01 Thomas Morris

HOUSE BILL 03-1319

HOUSE SPONSORSHIP

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Agriculture, Livestock, & Natural Resources
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Judiciary
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Appropriations

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'S 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. 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.

HOUSE
3rd Reading Unamended
April 4, 2003

HOUSE
Amended 2nd Reading
April 3, 2003

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.

Requires the payment of such ticket to be made within 10 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 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 license that is not a big game license, \$200;
- For a big game license, a fine that is equal to twice the cost of the most expensive license for the applicable species.

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

- For a license that is not a big game license, \$50 and 10 points;
- For any big game license, a fine that is equal to twice the cost of the most expensive license for the applicable species.

Prohibits a person from using another person's license and imposes a criminal penalty of \$200 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.

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 for such violation.

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 any big game license, a fine that is equal to twice the cost of the most expensive license for the applicable species and 15 points.

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 are wearing flotation devices, and imposes a criminal penalty of \$50 for such violation.

Repeals the following requirements pertaining to the report that an operator of a vessel is required to make when a vessel is in an accident:

- That the report cannot prejudice the person who files the report or be used as evidence in a relevant civil or criminal trial; and
- That 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 penalties for a wide variety of violations.

Defines relevant terms. Makes conforming amendments.

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

2 :

3

4 **SECTION 1.** 33-3-106 (2), (3), and (4), Colorado Revised

5 Statutes, are amended to read:

1 **33-3-106. Excessive damage - permit to take wildlife -**
2 **harassment by dogs.** (2) Any wildlife killed, as permitted under
3 subsection (1) OR SUBSECTION (3) of this section, shall remain the
4 property of the state AND shall be field dressed promptly, and ~~the~~ SUCH
5 killing ~~thereof~~ shall be reported to the division within forty-eight hours;
6 EXCEPT THAT THE KILLING OF A BEAR OR MOUNTAIN LION SHALL BE
7 REPORTED WITHIN FIVE DAYS.

8 (3) Nothing in this section shall make it unlawful to trap, kill, or
9 otherwise dispose of bears, mountain lions, or dogs WITHOUT A PERMIT
10 in situations when it is necessary to prevent them from inflicting death,
11 DAMAGE, or injury to livestock, REAL PROPERTY, A MOTOR VEHICLE, or
12 human life and additionally, in the case of dogs, when it is necessary to
13 prevent them from inflicting death or injury to big game ~~other than bear~~
14 ~~or mountain lion~~ and to small game, birds, and mammals. The division
15 may bring a civil action against the owner of any dog inflicting death or
16 injury to any big game ~~other than bear or mountain lion~~ and to small
17 game, birds, and mammals for the value of each game animal injured or
18 killed. The minimum value of each animal shall be as set forth in section
19 33-6-110.

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

27 **SECTION 2.** 33-4-101.3 (4), Colorado Revised Statutes, is

1 amended to read:

2 **33-4-101.3. Black bears - declaration of intent - spring season**
3 **hunting prohibited - prohibited means of taking - penalty.** (4) The
4 provisions of this section shall not apply to employees or agents of the
5 division of wildlife or to field agents of the United States department of
6 agriculture, when such employees or agents are acting in their official
7 capacity, nor shall this section apply to any person who lawfully takes a
8 black bear in defense of LIVESTOCK, REAL PROPERTY, A MOTOR VEHICLE,
9 OR HUMAN life or property or to any person who traps, kills, or otherwise
10 ~~disposes of a black bear in accordance with section 33-3-106 (3)~~
11 PURSUANT TO SECTION 33-3-106.

12 **SECTION 3.** The introductory portion to 33-6-106 (1) and
13 33-6-106 (1) (b) (II), (1) (c), (2), and (6), Colorado Revised Statutes, are
14 amended, and the said 33-6-106 is further amended BY THE ADDITION
15 OF A NEW SUBSECTION, to read:

16 **33-6-106. Suspension of license privileges.** (1) The commission,
17 OR A HEARING OFFICER WHO HAS BEEN DELEGATED AUTHORITY BY THE
18 COMMISSION, has the exclusive authority to suspend the privilege of
19 applying for, purchasing, or exercising the benefits conferred by any or
20 all licenses issued by the division for a period not to exceed five years,
21 except as otherwise provided in articles 1 to 6 of this title, if a person:

22 (b) While a Colorado resident:

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

27 (c) Has been convicted of any violation of title 18, C.R.S., which

1 ~~he~~ THAT WAS committed while hunting, trapping, fishing, or engaging in
2 a related activity OR OF ANY FEDERAL WILDLIFE VIOLATIONS WITHIN
3 COLORADO AND SUCH FEDERAL CONVICTIONS, INDIVIDUALLY OR WHEN
4 COMBINED WITH CONVICTIONS SPECIFIED IN PARAGRAPH (a) OF THIS
5 SUBSECTION (1), TOTAL TWENTY OR MORE POINTS;

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

13 (6) Any person whose license privileges have been suspended
14 shall not be entitled to purchase, apply for, or exercise the benefits
15 conferred by any license issued by the division until ~~his~~ SUCH PERSON'S
16 suspension has expired. Any person who violates this subsection (6) is
17 guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished
18 by a fine of five hundred dollars. Conviction under this subsection (6)
19 shall result in an automatic two-year extension of the existing suspension
20 added to the end of the original suspension UNLESS SUCH PERSON WAS
21 UNDER A LIFETIME SUSPENSION WHEN SUCH VIOLATION OCCURRED. IF A
22 PERSON IS UNDER A LIFETIME SUSPENSION AND VIOLATES THIS SUBSECTION
23 (6), SUCH PERSON SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE
24 PUNISHED BY A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR
25 MORE THAN TEN THOUSAND DOLLARS OR BY IMPRISONMENT IN THE
26 COUNTY JAIL FOR NOT MORE THAN NINETY DAYS, OR BY BOTH SUCH FINE
27 AND IMPRISONMENT.

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

6 **SECTION 4.** 33-6-107 (2) and (3), Colorado Revised Statutes,
7 are amended to read:

8 **33-6-107. Licensing violations - penalties.** (2) (a) Any person
9 who makes a false statement OR PROVIDES FALSE INFORMATION in
10 connection with applying for or purchasing a license, or any license agent
11 who knowingly uses or accepts false information in connection with
12 selling or issuing a license, is guilty of a misdemeanor and, upon
13 conviction, ~~thereof, shall be punished by a fine of two hundred dollars~~
14 ~~and an assessment of fifteen license suspension points~~ THE FOLLOWING
15 FINES:

16 (I) FOR EACH LICENSE THAT IS NOT A BIG GAME LICENSE, A
17 FINE THAT IS EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE
18 FOR SUCH SPECIES AND TEN LICENSE SUSPENSION POINTS SHALL BE
19 ASSESSED;

20 (II) FOR EACH BIG GAME LICENSE, A FINE THAT IS EQUAL TO TWICE
21 THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES AND AN
22 ASSESSMENT OF FIFTEEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED.

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

24 (3) Except as otherwise provided in articles 1 to 6 of this title or
25 by rule ~~or regulation~~ of the commission, any person, regardless of age,
26 who hunts or takes wildlife in this state shall procure a proper and valid
27 license therefor and shall have the valid license on his or her person when

1 exercising the benefits it confers. A person who violates this subsection
2 (3) is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall with
3 ~~respect to wildlife other than big game~~, be punished by a fine of fifty
4 ~~dollars and an assessment of ten license suspension points or shall, with~~
5 ~~respect to big game, be punished by a fine of two hundred fifty dollars~~
6 and an assessment of ~~fifteen~~ license suspension points AS FOLLOWS:

7 (a) FOR EACH LICENSE THAT IS NOT A BIG GAME LICENSE, THE FINE
8 SHALL BE EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR
9 SUCH SPECIES AND TEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED;

10 (b) FOR EACH BIG GAME LICENSE, FIFTEEN LICENSE SUSPENSION
11 POINTS AND A FINE THAT IS EQUAL TO TWICE THE COST OF THE MOST
12 EXPENSIVE LICENSE FOR SUCH SPECIES SHALL BE ASSESSED.

13 **SECTION 5.** The introductory portion to 33-6-109 (3) and
14 33-6-109 (3) (a), (3) (b), and (3) (e), Colorado Revised Statutes, are
15 amended to read:

16 **33-6-109. Wildlife - illegal possession.** (3) Any person who
17 violates subsection (1) or (2) of this section is guilty of a misdemeanor
18 and, depending upon the wildlife involved, shall be punished upon
19 conviction ~~thereof~~ by a fine or imprisonment, or both, and license
20 suspension points or suspension or revocation of license privileges as
21 follows:

22 (a) For each animal listed as endangered or threatened, a fine of
23 not less than two thousand dollars and not more than one hundred
24 thousand dollars, or by imprisonment for not more than one year in the
25 county jail, or by both such fine and such imprisonment, and an
26 assessment of twenty points. UPON CONVICTION, THE COMMISSION MAY
27 SUSPEND ANY OR ALL LICENSE PRIVILEGES OF THE PERSON FOR A PERIOD

1 OF FROM ONE YEAR TO LIFE.

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

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

18 **SECTION 6. Repeal.** 33-6-114.5 (7) (c), Colorado Revised
19 Statutes, is repealed as follows:

20 **33-6-114.5. Native and nonnative fish - possession,**
21 **transportation, importation, exportation, and release - penalties.**

22 ~~(7) (c) As an alternative punishment, any person who violates subsection~~
23 ~~(2), (3), (4), (5), or (6) of this section or any rule or regulation~~
24 ~~promulgated by the wildlife commission relating to fish health, the spread~~
25 ~~of aquatic diseases, or the importation into the state or the distribution~~
26 ~~and management of any exotic aquatic species may be punished upon a~~
27 ~~finding of such violation by the director as follows:~~

1 ~~(I) In any first administrative proceeding, by a fine of not less than~~
2 ~~one hundred dollars nor more than one thousand dollars. In addition, any~~
3 ~~person who violates subsection (5) or (6) of this section is liable for all~~
4 ~~damages and costs associated with such unlawful release, including but~~
5 ~~not limited to the costs of eradication or removal of any organisms,~~
6 ~~disease agents, or both which becomes necessary as a result of such~~
7 ~~violation; and~~

8 ~~(H) In any subsequent administrative proceeding against the same~~
9 ~~person for transactions occurring after a final agency action determining~~
10 ~~that any such violation has occurred, a fine of not less than five hundred~~
11 ~~dollars nor more than five thousand dollars.~~

12 **SECTION 7.** 33-6-115.5 (3), Colorado Revised Statutes, is
13 amended to read:

14 **33-6-115.5. Hunting, trapping, and fishing - intentional**
15 **interference with lawful activities.** (3) Any person who violates this
16 section commits a ~~class 2 petty offense~~ MISDEMEANOR and, upon
17 conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ FIVE
18 hundred dollars nor more than ~~five hundred~~ ONE THOUSAND dollars and
19 an assessment of twenty license suspension points.

20 **SECTION 8.** 33-6-120, Colorado Revised Statutes, is amended
21 to read:

22 **33-6-120. Hunting, trapping, or fishing out of season or in a**
23 **closed area.** (1) It is unlawful for any person to FISH, TRAP, hunt, or take
24 any wildlife outside of the season established by or in an area closed by
25 commission rule. ~~or regulation.~~ Any person who violates this section is
26 guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished
27 by a fine of ~~one hundred dollars~~ and an assessment of ~~ten~~ license

1 suspension points AS FOLLOWS:

2 (a) FOR EACH INCIDENT THAT IS NOT RELATED TO THE HUNTING OR
3 TAKING OF A BIG GAME ANIMAL, THE FINE SHALL BE [REDACTED] EQUAL
4 TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES
5 AND TEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED;

6 (b) FOR THE HUNTING OR TAKING OF BIG GAME, FIFTEEN LICENSE
7 SUSPENSION POINTS AND A FINE THAT IS EQUAL TO TWICE THE COST OF THE
8 MOST EXPENSIVE LICENSE FOR SUCH SPECIES SHALL BE ASSESSED.

9 **SECTION 9.** 33-10-111 (4), Colorado Revised Statutes, is
10 amended to read:

11 **33-10-111. Parks and outdoor recreation cash fund created -**
12 **accounting expenditures for roads and highways.** (4) At each regular
13 session, the general assembly shall determine the amounts to be expended
14 by the division for the acquisition of rights-of-way for the construction,
15 improvement, repair, and maintenance of public roads and highways in
16 state recreation areas and parks and shall appropriate such amounts from
17 the state allocation provided by section 43-4-206, C.R.S., from the
18 highway users tax fund to the division as are necessary to accomplish
19 these purposes. ~~These funds, and any other funds appropriated for these~~
20 ~~purposes, may only be expended to contract for the provision of such~~
21 ~~services with the department of transportation.~~

22 **SECTION 10.** 33-11-112, Colorado Revised Statutes, is amended
23 to read:

24 **33-11-112. Trails enforcement.** It is unlawful for any person,
25 except a parks and recreation officer or other peace officer, to operate a
26 motorized vehicle on a designated nonmotorized trail. Any person who
27 violates this section is guilty of a class 2 petty offense and, upon

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

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

5 **33-12-104. Pass and registration agents - reports - board of**
6 **claims - unlawful acts.** (11) Any pass or registration agent who fails,
7 upon demand of the division or its authorized representative, to account
8 for passes and registrations or who fails to pay over to the division or its
9 authorized representative moneys received from the sale of passes and
10 registrations:

11 (a) When the amount in question is less than two hundred dollars,
12 is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be
13 punished by a fine of not less than ~~one~~ TWO hundred dollars nor more
14 than one thousand dollars, or by imprisonment in the county jail for not
15 more than one year, or by both such fine and imprisonment;

16 **SECTION 12.** 33-12-105, Colorado Revised Statutes, is amended
17 to read:

18 **33-12-105. Licensing violations.** (1) Except as otherwise
19 provided in section 33-12-104, it is unlawful for any person to transfer,
20 sell, or assign any pass or registration issued under articles 10 to 15 of
21 this title to another person. Any person who violates this subsection (1)
22 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
23 punished by a fine of ~~one~~ TWO hundred dollars.

24 (2) Any person who makes any false statement or gives any false
25 information in connection with purchasing or selling a pass or registration
26 or who makes any alteration of a pass or registration is guilty of a class
27 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine

1 of ~~one~~ TWO hundred dollars, and any such statement, information, or
2 alteration shall render such pass or registration void.

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

8 **SECTION 13. Repeal.** 33-12-107, Colorado Revised Statutes,
9 is repealed as follows:

10 **33-12-107. Agreements with special districts to collect special**
11 **district tolls for access road maintenance furnished by special**
12 **districts. (1) Repealed.**

13 ~~(2) Any person refusing to pay a toll pursuant to this section is~~
14 ~~guilty of a class 2 petty offense and, upon conviction thereof, shall be~~
15 ~~punished by a fine of twenty-five dollars. Any peace officer, as defined~~
16 ~~in section 33-10-102 (17), and any parks and recreation officer may~~
17 ~~enforce the provisions of this section by utilizing the penalty assessment~~
18 ~~procedure in section 33-15-102.~~

19 **SECTION 14.** 13-13-102, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **33-13-102. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (5.5) "VESSEL STAGING AREA" MEANS ANY PARKING LOT, BOAT
24 RAMP, OR OTHER LOCATION THAT ANY VESSEL IS TRANSPORTED TO OR
25 FROM BY A MOTOR VEHICLE AND WHERE SUCH VESSEL IS PLACED INTO
26 OPERATION ON OR IN THE WATER. "VESSEL STAGING AREA" DOES NOT
27 INCLUDE ANY LOCATION TO WHICH A VESSEL IS TRANSPORTED PRIMARILY

1 FOR THE PURPOSE OF SERVICE, MAINTENANCE, REPAIR, OR SALE.

2 **SECTION 15.** The introductory portion to 33-13-103 (1) and
3 33-13-103 (4), Colorado Revised Statutes, are amended to read:

4 **33-13-103. Numbering of vessels required.** (1) It is unlawful
5 for any person to operate or use a vessel on the waters of this state OR TO
6 POSSESS A VESSEL AT A VESSEL STAGING AREA unless such vessel has been
7 numbered and a certificate of the number, referred to in this article as a
8 "registration", has been issued to such vessel by the division. The
9 operator of such vessel shall produce the registration for inspection upon
10 demand of any officer authorized to enforce the provisions of articles 10
11 to 15 and 32 of this title. The following are exempt from the
12 requirements of this subsection (1) and from the vessel registration fee as
13 specified pursuant to section 33-10-111 (5):

14 (4) Any person who violates subsection (1) 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 16.** 33-13-104 (1) and (2), Colorado Revised Statutes,
18 are amended to read:

19 **33-13-104. Application for vessel number.** (1) The owner of
20 each vessel requiring numbering by this state shall file an application for
21 a number with the division or any representative approved by the division
22 on forms approved and furnished by the division. The application shall
23 be signed by the owner of the vessel and shall be accompanied by a fee
24 as specified pursuant to section 33-10-111 (5); except that those vessels
25 owned and operated by the state or any political subdivision thereof shall
26 be registered without payment of a registration fee. Upon receipt of the
27 application in approved form, the division or its representative shall issue

1 to the applicant a registration stating the number issued to the vessel. The
2 number issued shall be painted on or attached to each side of the bow on
3 the forward half of the vessel or, if there are no such sides, at a
4 corresponding location on both sides of the foredeck of the vessel for
5 which it is issued. The number issued shall read from left to right in
6 block characters of good proportion having a minimum of three inches in
7 height, excluding border or trim, and of a color ~~which~~ THAT contrasts
8 with the color of the background, and so maintained as to be clearly
9 visible and legible. No other number shall be carried on the bow of the
10 vessel. Any person who fails to display a vessel number as required in
11 this subsection (1) is guilty of a class 2 petty offense and, upon
12 conviction, ~~thereof~~, shall be punished by a fine of ~~ten~~ TWENTY-FIVE
13 dollars.

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

23 **SECTION 17.** 33-13-106 (5) and (6), Colorado Revised Statutes,
24 are amended, and the said 33-13-106 is further amended BY THE
25 ADDITION OF A NEW SUBSECTION, to read:

26 **33-13-106. Equipment requirements.** (4.5) NO PERSON SHALL
27 OPERATE A VESSEL THAT HAS ENTERED THE WATER UNLESS EACH CHILD

1 UNDER THE AGE OF THIRTEEN WHO IS ABOARD SUCH VESSEL IS WEARING A
2 PERSONAL FLOTATION DEVICE, UNLESS SUCH CHILD IS BELOW DECK OR IN
3 AN ENCLOSED CABIN. SUCH FLOTATION DEVICE SHALL BE OF A TYPE
4 APPROVED BY THE UNITED STATES COAST GUARD AND SHALL BE IN GOOD
5 AND SERVICEABLE CONDITION.

6 (5) Any person who violates subsection (1), (2), (3), ~~or~~ (4), OR
7 (4.5) of this section is guilty of a class 2 petty offense and, upon
8 conviction, ~~thereof~~, shall be punished by a fine of fifty dollars.

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

12 **SECTION 18.** 33-13-107, Colorado Revised Statutes, is amended
13 to read:

14 **33-13-107. Vessel liveries.** (1) The owner or operator of a vessel
15 livery shall keep a record of the name and address of each person who
16 hires any vessel ~~which~~ THAT is designed or permitted to be operated as a
17 vessel, the identification number of such vessel, and the departure date
18 and time and the expected date and time of return of such vessel. Such
19 records shall be preserved for at least thirty days after such vessel is to be
20 returned and shall be subject to inspection by the division. ANY PERSON
21 WHO VIOLATES THIS SUBSECTION (1) IS GUILTY OF A CLASS 2 PETTY
22 OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF ONE
23 HUNDRED DOLLARS.

24 (2) Neither the owner or operator of a vessel livery nor such
25 owner's or operator's agent or employee shall permit any vessel to depart
26 from his or her premises unless such vessel is equipped and registered as
27 required by this article and rules promulgated pursuant ~~thereto~~ TO THIS

1 ARTICLE. Any person who violates this subsection (2) is guilty of a class
2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine
3 of ~~fifty~~ ONE HUNDRED dollars.

4 **SECTION 19.** 33-13-108 (3) and (4), Colorado Revised Statutes,
5 are amended to read:

6 **33-13-108. Prohibited vessel operations.** (3) It is unlawful for
7 any person to operate a vessel in a reckless manner. Any person who
8 violates this subsection (3) is guilty of a misdemeanor and, upon
9 conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ TWO
10 hundred dollars nor more than one thousand dollars, or by imprisonment
11 in the county jail for not more than one year, or by both such fine and
12 imprisonment.

13 (4) No person shall operate a vessel other than a motorboat or a
14 sailboat covered by the provisions of section 33-13-108.1 or be in actual
15 physical control of such a vessel while under the influence of alcohol, a
16 controlled substance as defined in section 12-22-303 (7), C.R.S., or any
17 other drug, or any combination ~~thereof which~~ OF SUCH DRUGS OR
18 ALCOHOL, THAT renders ~~him~~ SUCH PERSON incapable of safely operating
19 such a vessel, nor shall the owner or operator of such a vessel knowingly
20 authorize or permit such vessel to be operated by or under the actual
21 physical control of any other person if such person is under the influence
22 of alcohol, a controlled substance, or any other drug, or any combination
23 ~~thereof, which~~ OF SUCH DRUGS OR ALCOHOL, THAT renders ~~him~~ SUCH
24 PERSON incapable of safely operating such a vessel. Any person who
25 violates this subsection (4) is guilty of a misdemeanor and, upon
26 conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ TWO
27 hundred dollars nor more than one thousand dollars, or by imprisonment

1 in the county jail for not more than one year, or by both such fine and
2 imprisonment.

3 **SECTION 20.** 33-13-108.1 (12) (a) and (13) (b), Colorado
4 Revised Statutes, are amended to read:

5 **33-13-108.1. Operating a motorboat or sailboat while under**
6 **the influence.** (12) (a) Every person who is convicted of a violation of
7 subsection (1) of this section shall be punished by imprisonment in the
8 county jail for not less than five days nor more than one ~~hundred eighty~~
9 ~~days~~ YEAR, and, in addition, the court may impose a fine of not less than
10 ~~one~~ TWO hundred dollars nor more than one thousand dollars. Except as
11 provided in paragraph (c) of this subsection (12), the minimum period of
12 imprisonment provided for such violation shall be mandatory. In addition
13 to any other penalty ~~which~~ THAT is imposed, every person who is
14 convicted of a violation to which this paragraph (a) applies shall perform
15 no more than ninety-six hours of useful public service.

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

22 **SECTION 21.** 33-13-109 (4), (5), and (6), Colorado Revised
23 Statutes, are amended to read:

24 **33-13-109. Collisions, accidents, and casualties.** (4) ~~All reports~~
25 ~~required under this section shall be without prejudice to the person~~
26 ~~making the report and shall be for the confidential use of the division;~~
27 ~~except that the division may disclose the identity of a person involved in~~

1 ~~an accident when such identity is not otherwise known or when such~~
2 ~~person denies his involvement in the accident. No such report shall be~~
3 ~~used as evidence in any trial, civil or criminal, arising out of the accident;~~
4 ~~except that the division shall furnish, upon demand of any person who~~
5 ~~has made or who claims to have made such report or upon demand of any~~
6 ~~court, a certificate showing that a specified report has or has not been~~
7 ~~made to the division, solely to prove a compliance with or a failure to~~
8 ~~comply with the reporting requirements of this section.~~

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

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

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

20 **33-13-110. Water skis, aquaplanes, surfboards, innertubes,**
21 **and similar devices.** (1) (c) Any person who violates this subsection (1)
22 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
23 punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

24 (2) (d) Any person who violates this subsection (2) is guilty of a
25 class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by
26 a fine of ~~twenty-five~~ FIFTY dollars.

27 (3) (b) Any person who violates this subsection (3) is guilty of a

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

5 **SECTION 23.** 33-13-111 (1) and (3), Colorado Revised Statutes,
6 are amended to read:

7 **33-13-111. Authority to close waters.** (1) (a) The board shall
8 promulgate rules ~~and regulations~~ to prohibit the operation of vessels on
9 any waters of the state and ordering the removal of vessels from any
10 waters of the state when such operation constitutes or may constitute a
11 hazard to human life or safety. ~~For the purposes of this subsection (1),~~
12 ~~"vessel" shall not include white water canoes and kayaks. Nothing in this~~
13 ~~section shall be construed as to exempt white water canoes and kayaks~~
14 ~~from any other provisions of this article.~~

15 (b) FOR PURPOSES OF THIS SUBSECTION (1), "VESSELS" SHALL NOT
16 INCLUDE WHITE WATER CANOES AND KAYAKS EXCEPT IN THE CASE OF:

17 (I) A STATE OF DISASTER EMERGENCY PURSUANT TO SECTION
18 24-32-2104 OR 24-32-2109, C.R.S.;

19 (II) DISASTER RELIEF EFFORTS THAT ARE UNDERWAY AND THAT
20 MAY INCLUDE DEBRIS REMOVAL;

21 (III) AN ACCIDENT OR OTHER EMERGENCY OCCURS IN OR
22 IMMEDIATELY ADJACENT TO THE WATER BODY;

23 (IV) RESCUE EFFORTS FOR VICTIMS ARE ACTIVELY UNDERWAY AND
24 SUCH EFFORTS WOULD BE HINDERED BY ADDITIONAL WATERWAY TRAFFIC;

25 OR

26 (V) ACTIVE CONSTRUCTION OR TRANSPORTATION PROJECTS
27 AUTHORIZED UNDER STATE OR FEDERAL LAW.

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

4 **SECTION 24. Repeal.** 33-13-114, Colorado Revised Statutes,
5 is repealed as follows:

6 **33-13-114. Copies of laws and regulations furnished.** ~~Upon the~~
7 ~~purchase or renewal of any registration required under this article, the~~
8 ~~owner of the vessel shall be furnished with a copy of the laws and rules~~
9 ~~and regulations affecting vessels. The expense of printing and~~
10 ~~distributing such laws and rules and regulations shall be borne by the~~
11 ~~division.~~

12 **SECTION 25.** 33-14-102 (2) (a) and (9), Colorado Revised
13 Statutes, are amended to read:

14 **33-14-102. Snowmobile registration - fees - applications -**
15 **requirements - penalties - exemptions.** (2) (a) Every dealer shall
16 require a purchaser of a new or used snowmobile sold at retail from the
17 dealer's inventory to complete a registration application and pay the
18 registration fee before the snowmobile leaves the dealer's premises,
19 except for those snowmobiles purchased for use exclusively outside of
20 this state. Any dealer who does not comply with this paragraph (a) is
21 guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
22 punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

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

26 **SECTION 26.** 33-14-104 (8), Colorado Revised Statutes, is
27 amended to read:

1 **33-14-104. Issuance of registration.** (8) (a) Any person who
2 violates subsection (5) of this section is guilty of a class 2 petty offense
3 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~ten~~
4 TWENTY-FIVE dollars.

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

8 **SECTION 27.** 33-14-109 (3), Colorado Revised Statutes, is
9 amended to read:

10 **33-14-109. Restrictions on young operators.** (3) Any person
11 who violates this section is guilty of a class 2 petty offense and, upon
12 conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY
13 dollars.

14 **SECTION 28.** 33-14-111 (3), Colorado Revised Statutes, is
15 amended to read:

16 **33-14-111. Snowmobile operation on right-of-way of streets,**
17 **roads, or highways.** (3) Any person who violates this section is guilty
18 of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished
19 by a fine of ~~fifteen~~ FIFTY dollars.

20 **SECTION 29.** 33-14-112 (3), Colorado Revised Statutes, is
21 amended to read:

22 **33-14-112. Crossing roads, highways, and railroad tracks.**
23 (3) Any person who violates this section is guilty of a class 2 petty
24 offense and, upon conviction, ~~thereof~~, shall be punished by a fine of
25 ~~twenty-five~~ FIFTY dollars.

26 **SECTION 30.** 33-14-113, Colorado Revised Statutes, is amended
27 to read:

1 **33-14-113. Operation of snowmobiles on private property.** No
2 snowmobile shall be operated on private property other than that owned
3 or leased by the operator or except when prior permission has been
4 obtained from the owner, lessee, or agent of the owner or lessee. Any
5 person who violates this section is guilty of a class 2 petty offense and,
6 upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE
7 HUNDRED dollars.

8 **SECTION 31.** 33-14-114 (3), Colorado Revised Statutes, is
9 amended to read:

10 **33-14-114. Required equipment - snowmobiles.** (3) Any person
11 who violates this section is guilty of a class 2 petty offense and, upon
12 conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY
13 dollars.

14 **SECTION 32.** 33-14-115 (4), Colorado Revised Statutes, is
15 amended to read:

16 **33-14-115. Notice of accident.** (4) Any person who violates
17 subsection (1) or (3) of this section is guilty of a class 2 petty offense
18 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~
19 SEVENTY-FIVE dollars.

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

22 **33-14-116. Other operating restrictions.** (5) Any person who
23 violates subsection (1) of this section is guilty of a class 2 petty offense
24 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE
25 HUNDRED dollars.

26 (6) Any person who violates subsection (2) or (3) of this section
27 is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be

1 punished by a fine of not less than ~~one~~ TWO hundred dollars nor more
2 than one thousand dollars, or by imprisonment in the county jail for not
3 more than one year, or by both such fine and imprisonment.

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

7 **SECTION 34.** 33-14-117 (3), Colorado Revised Statutes, is
8 amended to read:

9 **33-14-117. Hunting, carrying weapons on snowmobiles -**
10 **prohibitions.** (3) Any person who violates subsection (1) of this section
11 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
12 punished by a fine of ~~twenty dollars~~ AS FOLLOWS:

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

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

17 (c) FOR A VIOLATION OF PARAGRAPH (c) OF SUBSECTION (1) OF
18 THIS SECTION, TWO HUNDRED DOLLARS.

19 **SECTION 35.** 33-14.5-102 (7) and (8), Colorado Revised
20 Statutes, are amended to read:

21 **33-14.5-102. Off-highway vehicle registration -**
22 **nonresident-owned or -operated off-highway vehicle permits - fees -**
23 **applications - requirements - exemptions.** (7) Any person who
24 operates an off-highway vehicle in violation of this section is guilty of a
25 class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by
26 a fine of ~~thirty-five~~ FIFTY dollars.

27 (8) Any dealer who does not comply with paragraph (a) of

1 subsection (2) of this section is guilty of a class 2 petty offense and, upon
2 conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED
3 dollars.

4 **SECTION 36.** 33-14.5-104 (7), Colorado Revised Statutes, is
5 amended to read:

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

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

13 **SECTION 37.** 33-14.5-108 (2), Colorado Revised Statutes, is
14 amended to read:

15 **33-14.5-108. Off-highway vehicle operation prohibited on**
16 **streets, roads, and highways.** (2) Any person who violates subsection
17 (1) of this section is guilty of a class 2 petty offense and, upon conviction,
18 ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

19 **SECTION 38.** 33-14.5-109 (2), Colorado Revised Statutes, is
20 amended to read:

21 **33-14.5-109. Required equipment - off-highway vehicles.**
22 (2) Any person who violates subsection (1) of this section is guilty of a
23 class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by
24 a fine of ~~twenty-five~~ FIFTY dollars.

25 **SECTION 39.** 33-14.5-112 (6), Colorado Revised Statutes, is
26 amended to read:

27 **33-14.5-112. Off-highway use permit - fees - applications -**

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

5 **SECTION 40.** 33-14.5-113 (4), Colorado Revised Statutes, is
6 amended to read:

7 **33-14.5-113. Notice of accident.** (4) Any person who violates
8 subsection (1) or (3) of this section is guilty of a class 2 petty offense
9 and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~
10 SEVENTY-FIVE dollars.

11 **SECTION 41.** 33-15-102 (1), Colorado Revised Statutes, is
12 amended to read:

13 **33-15-102. Imposition of penalty - procedures.** (1) Any person
14 who violates any of the provisions of articles 10 to 15 ~~and~~ OR 32 of this
15 title or any rule of the board that does not have a specific penalty listed
16 is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
17 punished by a fine of ~~twenty-five~~ FIFTY dollars.

18 **SECTION 42.** 33-15-107, Colorado Revised Statutes, is amended
19 to read:

20 **33-15-107. Camping.** It is unlawful for any person to camp on
21 land or water under the control of the division unless such area is so
22 designated and posted pursuant to rule of the board. Any person who
23 violates this section is guilty of a class 2 petty offense and, upon
24 conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY
25 dollars.

26 **SECTION 43.** 33-15-110 (2), Colorado Revised Statutes, is
27 amended to read:

1 **33-15-110. Vehicles and vessels - operation on state property.**

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

5 **SECTION 44.** 33-15-112, Colorado Revised Statutes, is amended
6 to read:

7 **33-15-112. Motor vehicles - careless operation.** It is unlawful
8 for any person to operate a motor vehicle on any property under the
9 control of the division in a careless or imprudent manner without due
10 regard for the width, grade, corners, or curves of, the traffic on, or the
11 traffic regulations governing public roads and without due regard for all
12 other attendant circumstances. Any person who violates this section is
13 guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be
14 punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

15 **SECTION 45.** Article 15 of title 33, Colorado Revised Statutes,
16 is amended BY THE ADDITION OF THE FOLLOWING NEW
17 SECTIONS to read:

18 **33-15-113. Unattended vehicles without valid pass.** (1) IF AN
19 UNATTENDED VEHICLE IS PARKED WITHIN AN AREA WHERE A VALID PARKS
20 PASS IS REQUIRED AND DOES NOT DISPLAY A VALID PARKS PASS, A PEACE
21 OFFICER MAY PLACE UPON THE VEHICLE A NOTICE OF SUMMONS AND
22 COMPLAINT PURSUANT TO SECTION 33-15-102 (2). SUCH NOTICE SHALL
23 CONTAIN THE LICENSE PLATE NUMBER AND STATE OF REGISTRATION OF THE
24 VEHICLE BUT DOES NOT NEED TO CONTAIN THE IDENTIFICATION OF THE
25 ALLEGED OFFENDER.

26 (2) THE NOTICE OF SUMMONS AND COMPLAINT SHALL DIRECT THE
27 OWNER OR OPERATOR OF THE VEHICLE TO REMIT A PENALTY ASSESSMENT

1 PURSUANT TO SECTION 33-15-102 TO THE DIVISION WITHIN TEN DAYS
2 AFTER THE ISSUANCE OF SUCH NOTICE UNLESS THE PERSON WISHES TO
3 APPEAR BEFORE A COURT OF COMPETENT JURISDICTION. IF THE PENALTY
4 ASSESSMENT IS NOT PAID WITHIN TEN DAYS AFTER ISSUANCE, THE PEACE
5 OFFICER SHALL MAIL A NOTICE TO THE REGISTERED OWNER OF THE
6 VEHICLE, SETTING FORTH THE OFFENSE AND THE TIME AND PLACE WHERE
7 SUCH OFFENSE OCCURRED AND DIRECTING THE PAYMENT OF THE PENALTY
8 ASSESSMENT WITHIN TWENTY DAYS AFTER THE ISSUANCE OF THE NOTICE
9 UNLESS THE PERSON WISHES TO APPEAR BEFORE A COURT OF COMPETENT
10 JURISDICTION. IF THE PENALTY ASSESSMENT IS NOT PAID WITHIN TWENTY
11 DAYS AFTER THE DATE OF MAILING OF THE SECOND NOTICE, THE PEACE
12 OFFICER WHO ISSUED THE ORIGINAL PENALTY ASSESSMENT NOTICE SHALL
13 FILE A COMPLAINT WITH A COURT OF COMPETENT JURISDICTION AND ISSUE
14 AND SERVE UPON THE REGISTERED OWNER OF THE VEHICLE A SUMMONS TO
15 APPEAR IN COURT AT A TIME AND PLACE SPECIFIED IN THE SUMMONS AND
16 TO SHOW CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED PURSUANT TO
17 SECTION 33-15-110.

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

21 (4) THE REGISTERED OWNER OF A MOTOR VEHICLE IS LIABLE FOR
22 PAYMENT OF A PENALTY ASSESSMENT REGARDLESS OF WHETHER THE
23 OWNER KNEW OR SHOULD HAVE KNOWN THAT THE VEHICLE WOULD BE OR
24 WAS PARKED OR LEFT UNATTENDED IN A MANNER THAT VIOLATED SECTION
25 33-15-110.

26 **33-15-114. Commercial use of state property.** IT IS UNLAWFUL
27 TO OPERATE ANY COMMERCIAL BUSINESS OR TO SOLICIT BUSINESS ON ANY

1 PROPERTY OWNED OR MANAGED BY THE DIVISION WITHOUT FIRST
2 OBTAINING WRITTEN PERMISSION FROM THE DIVISION OR THE BOARD AS
3 PROVIDED BY THIS TITLE OR PURSUANT TO ANY APPLICABLE RULES
4 PROMULGATED BY THE BOARD. ANY PERSON WHO VIOLATES THIS SECTION
5 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE
6 PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE
7 THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL
8 FOR NOT MORE THAN ONE YEAR OR BY BOTH SUCH FINE AND
9 IMPRISONMENT.

10 **SECTION 46.** 33-1-110 (5), Colorado Revised Statutes, as
11 amended by House Bill 03-1266, enacted at the First Regular Session of
12 the Sixty-fourth General Assembly, is amended to read:

13 **33-1-110. Duties of the director of the division.** (5) The
14 director shall appoint Colorado wildlife officers and may appoint special
15 wildlife officers to serve without pay, who shall have the same powers as
16 a Colorado wildlife officer AND AUTHORITY DESIGNATED BY THE
17 DIRECTOR. A special wildlife officer commission shall not be issued until
18 the applicant has submitted to the division an application setting forth his
19 or her qualifications to act as such an officer. SUCH QUALIFICATIONS
20 SHALL INCLUDE A MINIMUM OF FORTY HOURS OF CONTINUING LAW
21 ENFORCEMENT EDUCATION PER CALENDAR YEAR. The director may
22 revoke the special wildlife officer commission of any such person at his
23 or her pleasure.

24 **SECTION 47.** 33-1-113 (2), Colorado Revised Statutes, as
25 amended by House Bill 03-1266, enacted at the First Regular Session of
26 the Sixty-fourth General Assembly, is amended to read:

27 **33-1-113. Expenses of employees.** (2) In addition to the

1 compensation paid employees of the division and in addition to
2 reimbursement for expenses as provided in subsection (1) of this section,
3 each employee of the division who is vested with the rights and powers
4 of a Colorado wildlife officer, including and limited to area wildlife
5 managers and ~~Colorado wildlife officers~~ DISTRICT WILDLIFE MANAGERS,
6 shall, because of the number of hours and the extraordinary service
7 performed by such employees and the requirement of purchasing
8 necessary uniform items, be further reimbursed for maintenance and
9 ordinary expenses incurred in the performance of their duties in such
10 amount as shall be determined by the commission, but the amount
11 authorized under this subsection (2) for any such employee of the
12 division shall not exceed the sum of fifty dollars per month.

13 **SECTION 48.** 33-6-101 (4), Colorado Revised Statutes, as
14 amended by House Bill 03-1266, enacted at the First Regular Session of
15 the Sixty-fourth General Assembly, is repealed as follows:

16 **33-6-101. Powers and duties of officers.** (4) ~~Every Colorado~~
17 ~~wildlife officer must obtain basic certification from the peace officer~~
18 ~~standards and training board no later than July 1, 1998, pursuant to part~~
19 ~~3 of article 31 of title 24, C.R.S.~~

20 **SECTION 49.** 16-2.5-116 (2), Colorado Revised Statutes, as
21 enacted by House Bill 03-1266, enacted at the First Regular Session of
22 the Sixty-fourth General Assembly, is amended to read:

23 **16-2.5-116. Colorado wildlife officer - special wildlife officer.**

24 (2) A special wildlife officer is a peace officer whose authority is
25 limited as defined by the director of the division of wildlife pursuant to
26 section ~~33-1-102 (4.3)~~ 33-1-110 (5), C.R.S.

27 **SECTION 50.** 16-2.5-117 (2), Colorado Revised Statutes, as

1 enacted by House Bill 03-1266, enacted at the First Regular Session of
2 the Sixty-fourth General Assembly, is amended to read:

3 **16-2.5-117. Colorado parks and recreation officer - special**
4 **parks and recreation officer.** (2) A special parks and recreation officer
5 is a peace officer whose authority is limited as defined by the director of
6 the division of parks and outdoor recreation pursuant to section
7 ~~33-10-102 (15)~~ 33-10-109 (1) (f), C.R.S.

8 **SECTION 51.** 33-1-102 (4.3), Colorado Revised Statutes, as
9 enacted by House Bill 03-1266, enacted at the First Regular Session of
10 the Sixty-fourth General Assembly, is amended to read:

11 **33-1-102. Definitions.** As used in this title, unless the context
12 otherwise requires:

13 (4.3) "Colorado wildlife officer" ~~or "special wildlife officer"~~
14 means an employee of the division of wildlife, or any other person who
15 is commissioned by the director of the division to enforce the wildlife
16 statutes and rules and regulations of the commission and all laws of the
17 state of Colorado, who is recognized as a peace officer in section
18 16-2.5-116, C.R.S.

19 **SECTION 52. Effective date.** Sections 47, 48, 49, 50, 51, and
20 52 of this act shall take effect on August 6, 2003; except that, if a
21 referendum petition is filed against House Bill 03-1266, enacted at the
22 First Regular Session of the Sixty-fourth General Assembly, or an item,
23 section, or part of House Bill 03-1266 within such period, then sections
24 47, 48, 49, 50, 51, and 52 of this act, if House Bill 03-1266 is approved
25 by the people, shall take effect on the date of the official declaration of
26 the vote thereon by proclamation of the governor.

27 **SECTION 53. Applicability.** This act shall apply to acts

1 committed on or after the effective date of this act.

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