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RESEARCH MEMORANDUM

TO: The 2015 Off-Highway Vehicle Interim Committee

FROM: Jery Payne

DATE: July 16, 2015

SUBJECT: An Explanation of the Proposed Changes in House Bill 15-1054.

Research Memorandum

This memorandum concerns the changes proposed by House Bill 15-1054. This explains the changes the bill would have made if it had become law.

Current law prohibits the use of an off-highway vehicle on the roadway unless an exception applies:

33-14.5-108. Off-highway vehicle operation prohibited on streets, roads, and highways. (1) No off-highway vehicle may be operated on the public streets, roads, or highways of this state except in the following cases:

(a) When a street, road, or highway is designated open by the state or any agency or political subdivision thereof;

(b) When crossing streets or when crossing roads, highways, or railroad tracks in accordance with section 33-14.5-108.5;

(c) When traversing a bridge or culvert;

(d) During special off-highway vehicle events lawfully conducted pursuant to the authority granted to local political subdivisions in this article;

(e) During emergency conditions declared by the proper state or local authority;

(f) When local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads, but no street or road which is part of the state highway system may be so designated;

- (g) When using an off-highway vehicle for agricultural purposes;
- (h) When authorized under subsection (3) of this section; and
- (i) When a public utility, as defined in section 40-1-103 (1), C.R.S., or a cooperative electric association, as defined in section 40-9.5-102, C.R.S., or any agent thereof designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

Under this section, a person may drive an off-highway vehicle on the road when one of the following applies:

- When authorized by the state or a local government;
- When crossing a road, railroad track, bridge, or culvert;
- During an OHV event that is sanctioned by a local government;
- When used for agricultural purposes;
- When used by a peace officer in the performance of official duties; or
- When used by a public utility for reading meters or other business purposes.

House Bill 15-1054 would have created an alternative legal framework for off-highway vehicles (OHVs).¹ If a person registered the OHV with the Department of Revenue, the vehicle would have been authorized to drive on county roads the county has opened to OHV use. This registration would have been similar to motor vehicle registration; the vehicle would have been registered at the same office and issued a license plate. To register an off-highway vehicle, a person would have been required to pay:

- The license plate fee;
- The motorist insurance identification fee; and
- A registration fee of \$10.

The basic change would have been authorizing registration, which would have brought with it greater regulation of OHVs. Counties may already open roads for off-highway use. Under the alternate framework, OHVs would have been registered and issued license plates. The proponents testified that counties would have been more willing to authorize off-highway vehicle to use the road when the owner registered them.

¹ The language of the bill is not included in the body of this memorandum because it was 34 pages long. Instead, it is attached.

The new framework would have increased regulation of OHVs but would have been voluntary. The owner of an OHV would have had the choice to enroll the vehicle in the new framework or to continue using the current framework.

The bill also would have required drivers of these vehicles to comply all of the following:

- The driver must possess a driver's license unless the county passes an ordinance waiving this requirement if the ordinance required the driver to be at least 10 years old and be supervised by a licensed driver.
- The driver must obey the rules of the road.
- A driver is subject to the law against careless driving.
- The driver is subject to a speed limit of 40 miles per hour unless local authorities raise it.
- The OHV must be insured.
- The OHV must display the license plate issued by the department.
- The OHV driver must wear eye glasses or a helmet with eye protection.
- The OHV must have brakes, a head lamp (if driven at night), and tail lights.
- The driver and any passenger must wear a helmet if under 18 years of age.

A county would have been authorized to regulate the use of off-highway vehicles and enter into cooperative agreements with the federal government to enforce off-highway vehicle ordinances. A county would have been required to publish a map of all roadways available for off-highway vehicle use.

Except for off-highway vehicles used for agriculture, all off-highway vehicles would have been required to get a certificate of title by July 1, 2016. These titling requirements would have been phased in.