

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

Attachment A

FT

9.3.15

BILL 2

LLS NO. 16-0189.01 Jery Payne x2157

INTERIM COMMITTEE BILL

Off-highway Vehicle Interim Committee

A BILL FOR AN ACT

101 CONCERNING THE REGISTRATION OF OFF-HIGHWAY VEHICLES WITH
102 COUNTY CLERKS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Off-highway Vehicle Interim Committee. The bill clarifies that local authorities may require drivers of off-highway vehicles to have driver's licenses and insurance. The local authority must act by resolution or ordinance, publish a map available for use by off-highway vehicles, and place appropriate signs giving notice of the regulation. A local

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.

authority may also enter into cooperative agreements with federal land management agencies.

The bill adds to the current off-highway vehicle registration program a new part that authorizes a person to register an off-highway vehicle with the local county clerk, who will register the vehicle with the department of revenue. The registration fee is \$4. If an off-highway vehicle is registered and plated in another state, it is deemed registered in Colorado. The registration expires when the vehicle changes ownership.

Upon registering an off-highway vehicle, the person will be issued a license plate, which must be affixed to the rear of the vehicle. The registration program and its associated statutes generally apply on roads, but not on trails, unless a local authority designates a trail as being a road for the purposes of the part.

The new part adds the following requirements for driving an off-highway vehicle on a road:

- A driver must be licensed unless a local authority waives this requirement, but the driver must be at least 10 years of age and accompanied by a licensed driver.
- A driver must obey the rules of the road.
- Driving on a limited access highway or a road with a speed limit of more than 45 miles per hour is forbidden, but a driver may cross a road as already authorized by statute.
- The driver must wear eye protection unless the vehicle has a windshield.
- Drivers and passengers under 18 years of age must wear helmets.
- The vehicle must have brakes and, if driven at night, have a head lamp and tail lights.
- The vehicle speed limit must not exceed 40 miles per hour.

Violations are class B traffic infractions.

The bill amends the motor vehicle statutes to define an off-highway vehicle as a vehicle, such as a low power scooter or bicycle. The careless driving and reckless driving statutes are amended to include off-highway vehicles.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 33-14.5-100.2
3 as follows:

4 **33-14.5-100.2. Legislative declaration.** THE GENERAL ASSEMBLY
5 FINDS, DETERMINES, AND DECLARES THAT A FEE FOR REGISTRATION OF

1 OFF-HIGHWAY VEHICLES UNDER THIS ARTICLE IS SEPARATE FROM A
2 REGISTRATION FEE OR OTHER CHARGE WITH RESPECT TO THE OPERATION
3 OF A MOTOR VEHICLE UPON A PUBLIC HIGHWAY.

4 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-101, **amend**
5 (3) introductory portion, (3) (d), and (3) (g); and **add** (2.5) as follows:

6 **33-14.5-101. Definitions.** As used in this article, unless the
7 context otherwise requires:

8 (2.5) "LOCAL AUTHORITY" HAS THE MEANING ESTABLISHED IN
9 SECTION 42-1-102 (48),C.R.S.

10 (3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle
11 ~~which~~ THAT is designed to travel on wheels or tracks in contact with the
12 ground, ~~which~~ is designed primarily for use off of the public highways,
13 and ~~which~~ is generally and commonly used to transport persons for
14 recreational purposes. "Off-highway vehicle" does not include: ~~the~~
15 ~~following~~:

16 (d) Golf carts ~~CARS~~;

17 (g) MOTOR vehicles registered pursuant to article 3 of title 42,
18 C.R.S.

19 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-102, **add**
20 (10) as follows:

21 **33-14.5-102. Off-highway vehicle registration -**
22 **nonresident-owned or -operated off-highway vehicle permits - fees -**
23 **applications - requirements - exemptions.** (10) WHEN AN OWNER
24 REGISTERS AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION FOR THE FIRST
25 TIME, THE DIVISION SHALL OFFER THE OWNER THE OPPORTUNITY TO ALSO
26 REGISTER THE VEHICLE UNDER SECTION 33-14.5-205.

27 **SECTION 4.** In Colorado Revised Statutes, 33-14.5-108, **amend**

1 (1) introductory portion as follows:

2 **33-14.5-108. Off-highway vehicle operation prohibited on**
3 **streets, roads, and highways.** (1) ~~No~~ A PERSON SHALL NOT DRIVE AN
4 off-highway vehicle ~~may be operated on the public streets, roads, or~~
5 ~~highways of this state~~ A PUBLICLY MAINTAINED RIGHT-OF-WAY USED
6 PRIMARILY BY MOTOR VEHICLES except in the following cases:

7 **SECTION 5.** In Colorado Revised Statutes, 33-14.5-108.5,
8 **amend** (1) as follows:

9 **33-14.5-108.5. Crossing roads, highways, and railroad tracks.**

10 (1) The driver of an off-highway vehicle may directly cross a roadway,
11 including a state highway, at an at-grade crossing to continue using the
12 off-highway vehicle on the other side; except that a person shall not cross
13 a state highway within the jurisdiction of a municipality UNLESS THE
14 MUNICIPALITY AUTHORIZES A PERSON TO CROSS THE STATE HIGHWAY ON
15 AN OFF-HIGHWAY VEHICLE.

16 **SECTION 6.** In Colorado Revised Statutes, 33-14.5-110, **amend**
17 (1) as follows:

18 **33-14.5-110. Regulation by political subdivisions.**

19 (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1),
20 any county, city and county, city, or town acting by its governing body
21 may regulate the operation of off-highway vehicles on public lands,
22 waters, and property under its jurisdiction and on streets and highways
23 within its boundaries by resolution or ordinance of the governing body
24 and by giving appropriate notice ~~thereof~~ OF THE REGULATION if such THE
25 regulation:

26 (I) ~~is not inconsistent~~ DOES NOT CONFLICT with the provisions of
27 this article, and the rules ~~and regulations~~ promulgated pursuant thereto

1 UNDER THIS ARTICLE; AND

2 (II) DOES NOT EXCEED THE POWERS GRANTED TO LOCAL
3 AUTHORITIES TO REGULATE MOTOR VEHICLES AND TRAFFIC UNDER
4 SECTIONS 42-4-110 AND 42-4-111, C.R.S., FOR THE REGULATION OF
5 TRAFFIC AND ROADWAYS.

6 (b) (I) A LOCAL AUTHORITY MAY REQUIRE THE DRIVER OF AN
7 OFF-HIGHWAY VEHICLE TO HAVE A DRIVER'S LICENSE.

8 (II) A LOCAL AUTHORITY MAY AUTHORIZE A PERSON WHO HAS NOT
9 BEEN ISSUED A DRIVER'S LICENSE UNDER ARTICLE 2 OF TITLE 42, C.R.S.,
10 TO DRIVE AN OFF-HIGHWAY VEHICLE. TO AUTHORIZE A PERSON WITHOUT
11 A DRIVER'S LICENSE TO DRIVE AN OFF-HIGHWAY VEHICLE, THE RESOLUTION
12 OR ORDINANCE MUST REQUIRE THE DRIVER TO BE AT LEAST TEN YEARS OF
13 AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF A LICENSED DRIVER.

14 (III) A LOCAL AUTHORITY MAY REQUIRE A DRIVER OF AN
15 OFF-HIGHWAY VEHICLE TO CARRY LIABILITY INSURANCE.

16 (IV) A LOCAL AUTHORITY MAY REQUIRE AN OFF-HIGHWAY
17 VEHICLE TO BE REGISTERED UNDER SECTION 33-14.5-205 TO OPERATE ON
18 A ROADWAY.

19 (c) TO EXERCISE THE POWERS GRANTED LOCAL AUTHORITIES
20 UNDER THIS SECTION, THE GOVERNING BODY OF THE LOCAL AUTHORITY
21 MUST:

22 (I) ACT BY ORDINANCE OR RESOLUTION; AND

23 (II) PUBLISH A MAP OF ALL ROADS AVAILABLE FOR USE BY
24 OFF-HIGHWAY VEHICLES.

25 (d) AN ORDINANCE OR RESOLUTION REGULATING THE USE OF
26 OFF-HIGHWAY VEHICLES DOES NOT TAKE EFFECT UNTIL NOTICE OF THE
27 REGULATION IS PLACED AT THE ENTRANCES OF THE ROADWAY BY MEANS

1 OF OFFICIAL SIGNS OR TRAFFIC CONTROL DEVICES.

2 **SECTION 7.** In Colorado Revised Statutes, 33-14.5-111, **amend**
3 (2) as follows:

4 **33-14.5-111. Enforcement - federal, state, and local**
5 **cooperation.** (2) The division is ~~authorized to~~ AND A LOCAL AUTHORITY
6 MAY enter into cooperative agreements with federal land management
7 agencies for the purpose of regulating off-highway vehicle use on federal
8 lands.

9 **SECTION 8.** In Colorado Revised Statutes, **add** part 2 to article
10 14.5 of title 33 as follows:

11 PART 2

12 REGISTRATION AND ROAD USE

13 **33-14.5-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
14 "REGISTRATION INCREASES DRIVING ENTHUSIASM FOR OFF-HIGHWAY
15 VEHICLES ACT".

16 **33-14.5-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "ALL-TERRAIN VEHICLE" MEANS A THREE- OR FOUR-WHEELED
19 OFF-HIGHWAY VEHICLE THAT TRAVELS ON LOW-PRESSURE TIRES WITH A
20 SEAT THAT IS STRADDLED BY THE RIDER AND WITH HANDLEBARS FOR
21 STEERING CONTROL.

22 (2) "CLASS B TRAFFIC INFRACTION" HAS THE SAME MEANING AS
23 SET FORTH IN SECTION 42-4-1701, C.R.S.

24 (3) "DRIVE" MEANS TO OPERATE AN OFF-HIGHWAY VEHICLE TO
25 CAUSE IT TO CHANGE GEOGRAPHIC LOCATION.

26 (4) "MOTORCYCLE" HAS THE SAME MEANING AS SET FORTH IN
27 SECTION 42-1-102, C.R.S.

1 (5) "GOVERNING BODY" MEANS THE STATE OF COLORADO, THE
2 AGENCIES OF THE STATE OF COLORADO, A COUNTY, A MUNICIPALITY, A
3 CITY, OR A CITY AND COUNTY.

4 (6) "ROAD" MEANS A PUBLICLY MAINTAINED RIGHT-OF-WAY USED
5 PRIMARILY BY MOTOR VEHICLES, AS THAT TERM IS DEFINED BY SECTION
6 42-1-102, C.R.S.

7 (7) "TRAIL" MEANS: (a) A ROUTE ESTABLISHED PRIMARILY FOR
8 OFF-HIGHWAY VEHICLE USE; OR

9 (b) IF ESTABLISHED OR MAINTAINED IN CONNECTION WITH THIS
10 ARTICLE, EACH OF THE FOLLOWING:

11 (I) ROUTES;

12 (II) PARKING AREAS; AND

13 (III) FACILITIES.

14 **33-14.5-203. Applicability. (1) Registration.** THIS PART 2
15 APPLIES ONLY TO OFF-HIGHWAY VEHICLES REGISTERED FOR ROAD USE
16 UNDER SECTION 33-14.5-205.

17 (2) **Roads - exceptions.** (a) EXCEPT AS PROVIDED IN PARAGRAPH
18 (b) OF THIS SUBSECTION (2), THIS PART 2 APPLIES TO DRIVING AN
19 OFF-HIGHWAY VEHICLE ON A ROAD.

20 (b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION
21 (2), THIS PART 2 DOES NOT APPLY TO TRAILS.

22 (c) EXCEPT AS LIMITED BY SECTION 33-14.5-208, A GOVERNING
23 BODY MAY DESIGNATE A TRAIL OVER WHICH THE BODY HAS JURISDICTION
24 AS A ROAD THAT IS SUBJECT TO THIS PART 2.

25 **33-14.5-204. Driver's licenses requirements. (1) Licenses.** THE
26 DRIVER OF AN OFF-HIGHWAY VEHICLE ON A ROAD SHALL POSSESS A VALID
27 DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE ISSUED UNDER ARTICLE 2

1 OF TITLE 42, C.R.S., UNLESS A GOVERNING BODY HAS AUTHORIZED A
2 PERSON TO DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD WITHOUT A
3 LICENSE BY ORDINANCE, RESOLUTION, OR RULE. THE ORDINANCE,
4 RESOLUTION, OR RULE MUST REQUIRE AN UNLICENSED DRIVER TO BE AT
5 LEAST TEN YEARS OF AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF
6 A LICENSED DRIVER.

7 (2) **Motorcycle endorsements.** IF AN OFF-HIGHWAY VEHICLE IS
8 ALSO A MOTORCYCLE, THE DRIVER OF THE VEHICLE ON A ROAD SHALL
9 POSSESS A GENERAL MOTORCYCLE ENDORSEMENT ISSUED UNDER ARTICLE
10 2 OF TITLE 42, C.R.S.

11 **33-14.5-205. Registration - rules - fees. (1) Voluntary**
12 **registration.** AN OWNER MAY REGISTER AN OFF-HIGHWAY VEHICLE WITH
13 A COUNTY CLERK. THE REGISTRATION EXPIRES WHEN OWNERSHIP OF THE
14 OFF-HIGHWAY VEHICLE IS TRANSFERRED TO ANOTHER PERSON.

15 (2) **Foreign registration.** FOR THE PURPOSES OF THIS SECTION,
16 REGISTRATION OF AN OFF-HIGHWAY VEHICLE IN A FOREIGN JURISDICTION
17 IS DEEMED REGISTRATION UNDER THIS SECTION IF:

18 (a) THE FOREIGN JURISDICTION HAS ISSUED THE OFF-HIGHWAY
19 VEHICLE EITHER:

20 (I) A FORM OF IDENTIFICATION THAT IS AFFIXED TO THE VEHICLE
21 AND IS AT LEAST AS VISIBLE AS A LICENSE PLATE; OR

22 (II) A LICENSE PLATE; AND

23 (b) THE LICENSE PLATE OR IDENTIFICATION MEETING THE
24 STANDARD OF PARAGRAPH (a) OF THIS SUBSECTION (2) IS AFFIXED TO THE
25 VEHICLE.

26 (3) **Registration under part 1 not superseded.** REGISTERING AN
27 OFF-HIGHWAY VEHICLE UNDER THIS PART 2 DOES NOT SUPERSEDE THE

1 REQUIREMENT TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER SECTION
2 33-14.5-102.

3 (4) **County clerks - department of revenue.** (a) THE COUNTY
4 CLERKS SHALL FORWARD THE REGISTRATION INFORMATION TO THE
5 DEPARTMENT OF REVENUE, WHICH SHALL REGISTER THE OFF-HIGHWAY
6 VEHICLE.

7 (b) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES
8 NECESSARY TO IMPLEMENT THE REGISTRATION OF OFF-HIGHWAY VEHICLE
9 UNDER THIS SECTION.

10 (5) **Fees.** (a) THE COUNTY CLERKS MAY COLLECT AND RETAIN A
11 FEE OF FOUR DOLLARS PER OFF-HIGHWAY VEHICLE REGISTERED UNDER
12 THIS PART 2.

13 (b) TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION,
14 THE OWNER MUST PAY A LICENSE PLATE FEE EQUAL TO THE FEE SET UNDER
15 SECTION 42-3-301 (2) FOR MOTORCYCLE LICENSE PLATES.

16 (c) AN OFF-HIGHWAY VEHICLE IS NOT SUBJECT TO ANY SPECIFIC
17 OWNERSHIP TAX OR MOTOR VEHICLE REGISTRATION FEE UNLESS THE TAX
18 OR FEE IS EXPRESSLY AUTHORIZED FOR AN OFF-HIGHWAY VEHICLE BY
19 STATUTE.

20 **33-14.5-206. Identification issued. (1) License plates.** UPON
21 REGISTRATION OF AN OFF-HIGHWAY VEHICLE UNDER THIS PART 2, THE
22 COUNTY CLERK SHALL ISSUE A LICENSE PLATE FOR THE VEHICLE
23 THAT:<{There was some talk about calling it some type of vehicle
24 identification. For simplicity, I am calling it a license plate until a
25 decision is made as to what to call it.}>

26 (a) IS THE SAME SIZE AS A MOTORCYCLE LICENSE PLATE; AND

27 (b) DISPLAYS THE REGISTRATION NUMBER IN NUMERALS OR

1 LETTERS OF AT LEAST ONE AND ONE-HALF INCHES IN HEIGHT.

2 (2) **Reregistration.** THE OWNER OF AN OFF-HIGHWAY VEHICLE
3 NEED NOT:

4 (a) REREGISTER THE VEHICLE SO LONG AS THE ENROLLED
5 OFF-HIGHWAY VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER
6 OWNER; OR

7 (b) OBTAIN VALIDATING STICKERS OR TABS.

8 (3) **Plates affixed to vehicle.** THE OWNER OF AN OFF-HIGHWAY
9 VEHICLE SHALL AFFIX THE LICENSE PLATE TO THE REAR OF THE VEHICLE
10 SO IT IS:

11 (a) HORIZONTAL;

12 (b) CLEARLY READABLE;

13 (c) AT LEAST TWELVE INCHES FROM THE GROUND; AND

14 (d) FREE FROM FOREIGN MATERIALS OR COVERINGS.

15 (4) **Plate source.** THE COUNTY CLERKS SHALL OBTAIN LICENSE
16 PLATES TO ISSUE UNDER THIS SECTION DIRECTLY FROM THE DEPARTMENT
17 OF CORRECTIONS.

18 **33-14.5-207. Rules of the road.** A PERSON DRIVING AN
19 OFF-HIGHWAY VEHICLE UPON A ROAD SHALL OBEY THE RULES OF THE
20 ROAD AS DEFINED BY SECTION 42-4-110 (1) (c), C.R.S., AND TRAFFIC
21 CONTROL DEVICES; EXCEPT THAT:

22 (a) THIS SECTION DOES NOT LIMIT AUTHORITY TO USE OR CROSS A
23 ROAD AS OTHERWISE GRANTED BY THIS ARTICLE; AND

24 (b) A DRIVER IS NOT SUBJECT TO THOSE PROVISIONS OF ARTICLE 4
25 OF TITLE 42, C.R.S., THAT BY THEIR NATURE HAVE NO APPLICATION,
26 INCLUDING PARTS 2 AND 3 OF ARTICLE 4 OF TITLE 42, C.R.S.

27 **33-14.5-208. Prohibited roads. (1) Limited access highways -**

1 **speed limit of roads.** A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY
2 VEHICLE UPON:

3 (a) A LIMITED ACCESS HIGHWAY; OR

4 (b) A ROAD WITH A SPEED LIMIT EQUAL TO OR MORE THAN
5 FORTY-FIVE MILES PER HOUR.

6 (2) **Crossing allowed.** PROHIBITING A PERSON FROM DRIVING ON
7 A ROAD DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE ROAD
8 IN ACCORDANCE WITH SECTION 33-14.5-108.5.

9 **33-14.5-209. Eye protection required.** A PERSON SHALL NOT
10 DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD UNLESS THE PERSON AND
11 ANY PASSENGER ARE WEARING GOGGLES OR EYEGLASSES WITH LENSES
12 MADE OF SAFETY GLASS OR PLASTIC; EXCEPT THAT A DRIVER OR
13 PASSENGER NEED NOT WEAR SAFETY GLASS OR PLASTIC IF THE PERSON IS
14 WEARING A HELMET CONTAINING EYE PROTECTION MADE OF SAFETY
15 GLASS OR PLASTIC OR DRIVING AN OFF-HIGHWAY VEHICLE WITH A
16 WINDSHIELD.

17 **33-14.5-210. Protective helmets. (1) Requirements for people**
18 **under eighteen.** TO DRIVE OR BE A PASSENGER ON AN ALL-TERRAIN
19 VEHICLE OR TWO-WHEELED VEHICLE ON A ROAD, A PERSON UNDER
20 EIGHTEEN YEARS OF AGE SHALL WEAR A PROTECTIVE HELMET THAT
21 CONFORMS TO SUBSECTION (2) OF THIS SECTION AND THAT IS SECURED
22 PROPERLY ON THE PERSON'S HEAD WITH A CHIN STRAP.

23 (2) **Helmet standards.** A PROTECTIVE HELMET REQUIRED BY THIS
24 SECTION MUST:

25 (a) BE DESIGNED TO REDUCE INJURIES TO THE USER RESULTING
26 FROM HEAD IMPACTS AND PROTECT THE USER BY REMAINING ON THE
27 USER'S HEAD, DEFLECTING BLOWS, RESISTING PENETRATION, AND

1 SPREADING THE FORCE OF IMPACT;

2 (b) HAVE A LINING, PADDING, AND CHIN STRAP; AND

3 (c) MEET OR EXCEED THE STANDARDS ESTABLISHED IN THE
4 UNITED STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL MOTOR
5 VEHICLE SAFETY STANDARD NO. 218, 49 CFR 571.218, FOR MOTORCYCLE
6 HELMETS.

7 **33-14.5-211. Equipment. (1) Requirements.** A PERSON SHALL
8 NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD UNLESS THE VEHICLE IS
9 EQUIPPED WITH THE FOLLOWING IN GOOD WORKING ORDER:

10 (a) BRAKES THAT ENABLE THE OPERATOR TO MAKE THE WHEELS
11 SKID ON DRY, LEVEL, AND CLEAN PAVEMENT;

12 (b) IF DRIVEN AT NIGHT:

13 (I) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL
14 PERSONS AND VEHICLES AT A DISTANCE OF ONE HUNDRED FEET AHEAD ON
15 A STRAIGHT, LEVEL ROAD; AND

16 (II) A TAIL LIGHT THAT EMITS A RED LIGHT WHEN THE HEAD LAMP
17 IS LIGHTED AND THAT IS:

18 (A) VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
19 REAR;

20 (B) MOUNTED ON THE REAR OF THE VEHICLE; AND

21 (C) LOCATED AT A HEIGHT OF NOT MORE THAN SEVENTY-TWO
22 INCHES ABOVE THE GROUND NOR LESS THAN TWENTY INCHES ABOVE THE
23 GROUND.

24 (2) **High beam.** IF AN OFF-HIGHWAY VEHICLE HAS A HEAD LAMP
25 WITH A HIGHER AND LOWER BEAM, THE DRIVER SHALL NOT OPERATE THE
26 HIGHER BEAM OR THE HEAD LAMP TO STRIKE THE EYES OF THE DRIVER OF
27 AN APPROACHING VEHICLE.

1 **33-14.5-212. Speed limits.** NOTWITHSTANDING PART 11 OF
2 ARTICLE 4 OF TITLE 42, C.R.S., A PERSON SHALL NOT DRIVE AN
3 OFF-HIGHWAY VEHICLE ON A ROAD AT A SPEED IN EXCESS OF FORTY MILES
4 PER HOUR UNLESS A GOVERNING BODY AUTHORIZES A HIGHER SPEED FOR
5 A SPECIFIC ROAD.

6 **33-14.5-213. Violations. (1) Traffic infractions.** A PERSON WHO
7 VIOLATES THIS PART 2 COMMITS A CLASS B TRAFFIC INFRACTION.

8 **(2) Procedures.** THE PROCEDURES FOR PUNISHING A VIOLATION OF
9 THIS PART 2 ARE GOVERNED BY PART 17 OF ARTICLE 4 OF TITLE 42, C.R.S.

10 **(3) Penalties.** NOTWITHSTANDING THE PENALTIES IMPOSED BY
11 ARTICLE 4 OF TITLE 42, C.R.S., A VIOLATION OF ANY DUTY IMPOSED
12 UNDER ARTICLE 4 OF TITLE 42, C.R.S., BY A DRIVER OF AN OFF-HIGHWAY
13 VEHICLE THAT IS CURRENTLY REGISTERED PURSUANT TO THIS PART 2 IS A
14 CLASS B TRAFFIC INFRACTION UNLESS THE STATUTE SETTING FORTH THE
15 PENALTY FOR THE VIOLATION EXPRESSLY SPECIFIES THAT THE PENALTY
16 APPLIES TO AN OFF-HIGHWAY VEHICLE.

17 **SECTION 9.** In Colorado Revised Statutes, 42-1-102, **amend**
18 (58) (a), (58) (b), and (112) as follows:

19 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
20 unless the context otherwise requires:

21 (58) (a) "Motor vehicle" means:

22 (I) Any self-propelled vehicle that is designed primarily for travel
23 on the public highways and that is generally and commonly used to
24 transport persons and property over the public highways; or AND

25 (II) A low-speed electric vehicle. ~~except that the term~~

26 (b) "MOTOR VEHICLE" does not include low-power scooters,
27 wheelchairs, or vehicles moved solely by human power. For the purposes

1 of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1,
2 and 42-4-1401, for ~~farm tractors and off-highway vehicles, as defined in~~
3 ~~section 33-14.5-101(3), C.R.S., operated on streets and highways, "motor~~
4 ~~vehicle" includes a farm tractor or an off-highway vehicle OPERATED ON~~
5 STREETS AND HIGHWAYS that is not otherwise classified as a motor
6 vehicle.

7 (112) "Vehicle" means a device that is capable of moving itself,
8 or of being moved, from place to place upon wheels or endless tracks.
9 "Vehicle" includes, without limitation, a bicycle, electrical assisted
10 bicycle, or EPAMD, but does not include a wheelchair, ~~off-highway~~
11 ~~vehicle~~, snowmobile, farm tractor, or implement of husbandry designed
12 primarily ~~or exclusively~~ for use and used in agricultural operations or any
13 device moved exclusively over stationary rails or tracks or designed to
14 move primarily through the air.

15 **SECTION 10.** In Colorado Revised Statutes, 42-4-1402, **amend**
16 (1) as follows:

17 **42-4-1402. Careless driving - penalty.** (1) A person who drives
18 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
19 OR VEHICLE in a careless and imprudent manner, without due regard for
20 the width, grade, curves, corners, traffic, and use of the streets and
21 highways and all other attendant circumstances, is guilty of careless
22 driving. A person convicted of careless driving of a bicycle, EPAMD,
23 OFF-HIGHWAY VEHICLE, or electrical assisted bicycle ~~shall not be~~ IS NOT
24 subject to the provisions of section 42-2-127.

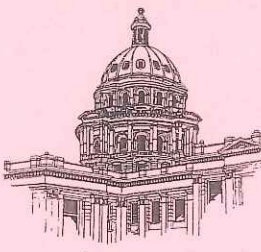
25 **SECTION 11.** In Colorado Revised Statutes, 42-4-1401, **amend**
26 (1) as follows:

27 **42-4-1401. Reckless driving - penalty.** (1) A person who drives

1 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
2 OR VEHICLE in such a manner as to indicate either a wanton or a willful
3 disregard for the safety of persons or property is guilty of reckless
4 driving. A person convicted of reckless driving of a bicycle, EPAMD,
5 OFF-HIGHWAY VEHICLE, OR electrical assisted bicycle ~~shall not be~~ IS NOT
6 subject to the provisions of section 42-2-127.

7 **SECTION 12. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 10, 2016, if adjournment sine die is on May 11,
11 2016); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2016 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to offenses committed on or after the
18 applicable effective date of this act.



Colorado
Legislative
Council
Staff

Bill 2

PRELIMINARY
FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0189
Prime Sponsor(s): Rep. Brown
Sen. Donovan

Date: September 14, 2015
Bill Status: Off-Highway Vehicle Interim
Committee Bill Request
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: REGISTRATION OF OHVS WITH COUNTY CLERKS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	<\$5,000	<\$5,000
State Expenditures	at least \$290,400	at least \$238,700
Cash Funds*	at least 290,400	at least 238,700
TABOR Impact	<\$5,000	<\$5,000
FTE Position Change		
Appropriation Required: \$290,400 – Departments of Revenue and Corrections (FY 2016-17).		
Future Year Impacts: Are anticipated to be minimal.		

* \$238,700 per year of these costs will be paid from revenues collected by county clerks. See the State Expenditures and Local Government Impact sections for more information.

This fiscal note should be considered preliminary. It will be updated if more information becomes available.

Summary of Legislation

This draft bill, **requested by the Off-Highway Vehicle Interim Committee**, requires the County Clerks and Recorders offices (clerks) to administer a voluntary registration (licensing) program for off-highway vehicles (OHVs) in collaboration with the Department of Revenue (DOR). This program does not supersede the existing Colorado Parks and Wildlife OHV registration program. With this new license, OHVs may drive on certain roads where approved by local authorities. The licensing program and associated safety standards generally apply on roads, not trails, unless a local authority designates a trail as a road. The following requirements apply for driving an OHV on a road:

- A driver must be licensed, unless the local authority waives the requirement, in which case the driver must be at least 10 years old and under the supervision of a licensed driver;
- A driver must obey the rules of the road;
- Driving on a limited access highway or a road with a speed limit over 45 MPH is prohibited, but a driver may cross these roads where already authorized by statute;
- The driver must wear eye protection, unless the vehicle has a windshield;

- Helmets must be worn by drivers and passengers 18 years of age or under;
- The OHV must have brakes;
- If driven at night, the OHV must be equipped with a headlamp and taillights; and
- The vehicle speed limit must not exceed 40 MPH, unless a governing body authorizes a higher speed for a specific road.

Local authorities, acting by ordinance or resolution, may:

- approve OHV use on roads — this approval takes effect when the regulation is posted at the entrances of roadways through official signage or traffic control devices and the local authority is also required to publish a map of roads available for OHV use;
- waive the driver's license requirement for OHV drivers, in which case the driver must be at least 10 years old and under the supervision of a licensed driver; and
- require an OHV driver to carry liability insurance.

The bill also extends the authority to enter into cooperative agreements with a federal land management agencies to local governments, which was previously granted only to the state.

Under the bill, an OHV license plate is one-time, unless the vehicle changes ownership, and no validating stickers or tabs are required. Clerks may assess and retain a \$4 fee for their service, and pass on the direct cost of the license plate to the OHV user. License plates are to be purchased directly from Colorado Correctional Industries (CCi) in the Department of Corrections (DOC). OHVs are not subject to the specific ownership tax or motor vehicle registration fees required for other types of vehicles. If an OHV is registered and plated in another state, it is deemed licensed in Colorado. Clerks must forward registration information to the DOR and the DOR may promulgate rules, if necessary.

A class B traffic infraction is created for violating any registration or road use provision in the bill. No license suspension can be issued for careless or reckless driving of an OHV. The bill amends the motor vehicle statutes to define an OHV as a "vehicle." The bill also allows municipalities to authorize an OHV to cross a state highway within its jurisdiction.

Background

OHV registration and titling programs. Under current law, the CPW's OHV registration program issues registrations for OHVs — specifically all-terrain vehicles, utility vehicles, 3-wheelers, dirt bikes, jeeps, and dune buggies — and use permits so that these vehicles may use public lands or trails in Colorado. The OHV registration program is a component of the CPW's State Trails Program. The DOR does not register OHVs; however, as of July 1, 2014, it titles OHVs and snowmobiles purchased from powersports vehicle dealerships and, optionally, through private party sales. As of August 2015, there are about 12,000 OHVs titled in the state (excluding snowmobiles). The CPW requires proof of ownership upon registration and keeps a record of the manufacturer's numbers for all OHVs, a list of which is provided to the DOR on a monthly basis. The DOR maintains a computerized list in order to aid in the recovery of stolen OHVs.

The OHV registration program is cash funded. The CPW charges \$25.25 annually for registrations and use permits. A portion of this fee covers administrative costs, but the majority of the fee benefits the OHV Trail Grant Program. Grants are awarded to promote OHV awareness, trail maintenance and construction, trailheads and parking areas, trail signs, maps, and land acquisition projects.

Under current law, the penalty for not displaying the decal that CPW provides to prove annual registration or use permit fees were paid is a class 2 petty offense, with a fine of \$25. The penalty for not having registration on one's person is also a class 2 petty offense, with a fine of \$50.

OHV registration exemptions. Under current law, the OHVs are exempt from registration when:

- used for agricultural purposes;
- owned by a governmental entity;
- used strictly on private property;
- used for training purposes;
- participating in special events; and
- licensed or registered in another state and not domiciled Colorado for more than 30 consecutive days.

Assumptions

The fiscal note assumes that 35,000 OHV owners will choose to voluntarily license their vehicles in both FY 2016-17 and FY 2017-18. This assumption is based on two factors:

- In FY 2014-15, CPW registered 135,000 OHVs through their OHV registration program. This number does not include the OHVs CPW registered for use permits only (approximately 35,000 additional OHVs), because these vehicles already display either in-state license plates or are licensed by their home state.
- It is assumed that between 15 to 20 counties will pass an ordinance or resolution to approve OHV use on roads within their jurisdictions (and some already have). These counties will be primarily located on the western slope where the OHV trail system is the most robust.

It is assumed that the majority of licensing will occur during the first two years of the program, although a smaller amount of licensing is anticipated to occur in future years. As of this writing, impacts beyond the first two years have not been estimated.

State Revenue

State revenue will increase by up to \$5,000 per year beginning in FY 2016-17. This bill creates a penalty for violating any OHV registration or road use provision in the bill, making such violations a Class B traffic infraction with a penalty assessment of \$15 to \$100 credited to the Highway Users Tax Fund (HUTF). HUTF monies are allocated to the State Highway Fund within the Department of Transportation and to cities and counties. This bill is expected to increase revenue from fines by less than \$5,000 per year, beginning in FY 2016-17.

TABOR Impact

This bill may increase state revenue from traffic infraction fines, which will increase the amount required to be refunded under TABOR. As of this writing, this amount is anticipated to be minimal and less than \$5,000 per year.

State Expenditures

This bill increases state cash fund expenditures by \$290,400 in FY 2016-17 and by \$238,700 in FY 2017-18. Future year impacts may occur but have not been identified as of this writing. State expenditures are described below and outlined further in Table 1, below.

Colorado Correctional Industries. Under the bill, clerks are required to purchase plates directly from CCI, the agency that manufactures all state license plates. CCI will be paid to produce and provide the plates to the clerks. CCI charges \$2.82 for the motorcycle license plate size, and estimates \$4 for average postage to mail the plate to the OHV user. This will increase state expenditures by \$238,700 per year in the first two years of the program. In addition, CCI charges a design fee of \$200 for every new license plate style. It is expected that DOR and the Department of Public Safety (DPS) will work together to inform the plate numbering process, and that this workload impact will be absorbed within existing appropriations.

Department of Revenue. One-time cash fund expenditures in the DOR in the amount of \$51,500 in FY 2016-17 will be incurred from the Colorado State Titling and Registration System (CSTARS) Special Purpose Account. This amount is required to pay for an anticipated 500 hours of computer programming at the rate of \$103 per hour in the central motor vehicle database (VIPER) to accept a file transfer of OHV registration from the counties. The Office of Information Technology will perform the computer programming. While the bill allows DOR additional rule-making authority, this is expected to be absorbed within regular rule-making and does not require additional legal services.

Cost Components	FY 2016-17	FY 2017-18
License Plate and Postage (CCI)	\$238,700	\$238,700
Computer Programming (DOR)	51,500	0
License Plate Design Fee (CCI)	200	0
TOTAL	\$290,400	\$238,700

Department of Public Safety. The Colorado State Patrol (CSP) provides traffic enforcement on county roads in all but three counties. Any increase in OHV incidents on county roads will increase workload for the CSP. This increase is anticipated to be minimal.

Judicial Department. While an increase in OHVs on roads and new safety standards may cause an increase in Class B traffic infractions, this impact is expected to be minimal can be absorbed within current Judicial Department workloads.

Local Government Impact

Conditional upon their decision to adopt ordinances that permit OHVs to access county roads, this bill increases revenue, expenditures, and workload for counties in a variety of ways.

Fee impact on OHV users. Based on the assumptions identified above, Table 2, below, outlines the fee impact of this draft bill in FY 2016-17.

Table 2. Fee Impact on OHV Users under Bill 2 in FY 2016-17		
Type of Fee	Proposed Fee	Number of OHVs
Clerk Fee (County)	\$4.00	35,000
License plate (CCi)	2.82	
Postage (CCi)	4.00	
Fee Subtotal	\$10.82	
Subtotal – County Retained		140,000
Subtotal – CCi Retained		238,700
TOTAL		\$378,700

County clerk and recorders. Clerks are expected to retain \$140,000 in revenue to their offices in FY 2016-17 and FY 2017-18 through collection of the \$4 fee on each OHV licensing transaction. These funds will be used to offset administrative costs for the program. The fiscal note assumes that each OHV licensing transaction will take clerks approximately 11 minutes, adding 6,416 hours of workload among the 64 clerks offices in the state — the equivalent of 3.0 FTE.

Other local impacts. Counties and municipalities that adopt ordinances or resolutions to allow OHVs on roads will experience administrative workload impacts, as well as costs associated with the production of signs and maps. To the extent that Class B traffic infractions occur, HUTF revenue to local governments and court workload may also increase. Finally, for counties that provide traffic enforcement on county roads, workload will increase for sheriff offices. These impacts are anticipated to be minimal.

Comparable Crime

State law requires Legislative Council Staff to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. This bill creates a new Class B traffic infraction for violations of OHV registration or road use provisions. Under current law, it is a Class B traffic infraction for low power scooters and other toy vehicles to violate the safety requirements contained in statute. There is no record of such violations over the last five years, therefore, this bill is expected to result in a minimal impact on the number traffic infractions issued.

Technical Issues

The fiscal note is written to the effective date of the bill, August 10, 2016. However, due to the complex implementation requirements — which include license plate design and manufacture, hiring and training, computer programming, and outreach — a January 1, 2017, implementation date may be required.

Page 9, Lines 3 through 6 of the bill state that "the county clerks shall forward the registration information to the DOR, which shall register the OHV." Based on this language, the fiscal note assumes that a mechanism is required to transfer the information to the DOR to register the OHV, prompting the computer programming costs; however, clerks currently have the ability to enter this information into CSTARS. Further clarification may be required.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State Appropriations

In FY 2016-17, the following adjustments in appropriations are required:

- the Department of Revenue requires a cash fund appropriation of \$51,500 from the Colorado State Titling and Registration System (CSTARS) Special Purpose Account. The Office of Information Technology requires \$51,500 in reappropriated funds from the Department of Revenue; and
- the Department of Corrections requires cash fund spending authority of \$238,900 from the Correctional Industries Account.

State and Local Government Contacts

Agriculture
Clerk and Recordors
Local Affairs
Public Safety

Counties
Judicial
Municipalities
Sheriffs

Corrections
Law
Natural Resources
Transportation