

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 08-0190.02 Thomas Morris

HOUSE BILL 08-1069

HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources & Energy

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST OPERATING A MOTOR VEHICLE**
102 **ON PUBLIC LAND UNLESS THE PUBLIC LAND IS AUTHORIZED FOR**
103 **SUCH USE BY THE CONTROLLING LAND MANAGEMENT AGENCY,**
104 **AND, IN CONNECTION THEREWITH, AUTHORIZING PEACE**
105 **OFFICERS TO ENFORCE THE PROHIBITION.**

Bill Summary

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

Prohibits a person from operating a motor vehicle on public lands, trails, or roads unless the land is signed or otherwise authorized for such use by the controlling land management agency. Makes violation of the

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.

SENATE
3rd Reading Unam ended
February 27, 2008

SENATE
Am ended 2nd Reading
February 26, 2008

HOUSE
3rd Reading Unam ended
January 30, 2008

HOUSE
Am ended 2nd Reading
January 29, 2008

prohibition a misdemeanor and establishes a fine of \$100, and, if the person was engaged in hunting, fishing, trapping, or a related activity, a penalty of 10 hunting license suspension points. If the violation takes place in a federal wilderness area, establishes a fine of \$200, and, if the person was engaged in hunting, fishing, trapping, or a related activity, a penalty of 15 hunting license suspension points. Specifies that the unauthorized removal, defacing, or destruction of a motor vehicle travel authorization sign installed by the controlling land management agency, or the unauthorized installation of a motor vehicle travel authorization sign, is a misdemeanor punishable by a fine of \$100, and, if the person was engaged in hunting, fishing, or trapping, or a related activity, a penalty of 5 hunting license suspension points.

Allows peace officers to enforce the prohibition. Exempts from the prohibition a peace officer in the performance of his or her official duties, a person acting at the direction of a peace officer, or a person otherwise authorized to operate a motor vehicle on the public land, trail, or road by legal right or the controlling land management agency, including, but not limited to, agricultural producers acting within the terms of a lease with such an agency.

Requires the director of the division of wildlife in the department of natural resources to prepare an annual report to the chairs of the senate committee on agriculture, natural resources, and energy and the house committee on agriculture, livestock, and natural resources, or their successors, concerning the number of citations issued, the number of final convictions for violations, and the status of controlling land management agencies' efforts to notify the public of travel restrictions. Repeals the law on July 1, 2013.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby:
4 (a) Finds that federal land management agencies are in the process
5 of reversing their long-standing practice regarding motor vehicle travel
6 restrictions on federal public land so that, instead of being authorized
7 except where restricted, motor vehicle travel will be prohibited unless
8 explicitly authorized, either by maps, signs, or route markers;
9 (b) Determines that state peace officers ought to be able to enforce
10 motor vehicle travel restrictions on federal public land, but that

1 substantial discretion will be required in carrying out that enforcement
2 due to the fact that the new federal policy will most likely take some time
3 to fully implement and should involve the installation of route markers on
4 ___ roads and trails; and

5 (c) Declares that the new state law prohibitions enacted by this act
6 are not intended to restrict or inhibit either:

7 (I) The wildlife commission's authority to regulate motor vehicle
8 traffic on lands subject to the commission's jurisdiction; or

9 (II) Any valid motor vehicle travel authorizations that Colorado
10 businesses or individuals may currently have or may acquire in the future.

11 **SECTION 2.** 33-6-124, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **33-6-124. Use of a motor vehicle or aircraft - rules - repeal.**

14 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS
15 SUBSECTION (4), IT IS UNLAWFUL FOR A PERSON TO OPERATE A MOTOR
16 VEHICLE ON ANY FEDERAL PUBLIC LAND, TRAIL, OR ROAD UNLESS THE
17 FEDERAL PUBLIC LAND, TRAIL, OR ROAD IS SIGNED OR OTHERWISE
18 AUTHORIZED FOR SUCH USE. ENFORCEMENT OF THIS SECTION WITHIN AN
19 ADMINISTRATIVE UNIT OF FEDERAL PUBLIC LAND SHALL NOT COMMENCE
20 UNTIL THE CONTROLLING LAND MANAGEMENT AGENCY IDENTIFIES
21 WHETHER A ROUTE IS AVAILABLE FOR MOTORIZED TRAVEL ___ BY MAPS,
22 ROUTE MARKERS, OR SIGNS THAT ARE AVAILABLE TO THE PUBLIC AND
23 PROVIDE INFORMATION TO DETERMINE WHETHER THE ROUTE IS
24 AUTHORIZED. EXCEPT FOR VIOLATIONS OCCURRING WITHIN A FEDERAL
25 WILDERNESS AREA, A PERSON WHO VIOLATES THIS PARAGRAPH (a) IS
26 GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE
27 PUNISHED BY A FINE OF ONE HUNDRED DOLLARS AND, IF THE PERSON WAS

1 ENGAGED IN THE ACT OF HUNTING, FISHING, TRAPPING, OR A RELATED
2 ACTIVITY AT THE TIME OF THE UNLAWFUL ACTIVITY, BY A PENALTY OF TEN
3 LICENSE SUSPENSION POINTS. A PERSON WHO VIOLATES THIS PARAGRAPH
4 (a) WITHIN A FEDERAL WILDERNESS AREA IS GUILTY OF A MISDEMEANOR
5 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO
6 HUNDRED DOLLARS AND, IF THE PERSON WAS ENGAGED IN THE ACT OF
7 HUNTING, FISHING, TRAPPING, OR A RELATED ACTIVITY AT THE TIME OF
8 THE UNLAWFUL ACT, BY A PENALTY OF FIFTEEN LICENSE SUSPENSION
9 POINTS.

10 (b) A PERSON WHO, WITHOUT AUTHORIZATION, REMOVES,
11 DEFACES, OR DESTROYS ANY SIGN THAT IS LOCATED ON FEDERAL PUBLIC
12 LAND THAT AFFECTS WHETHER MOTOR VEHICLE TRAVEL IS AUTHORIZED
13 THAT WAS _____ INSTALLED BY THE CONTROLLING LAND MANAGEMENT
14 AGENCY OR INSTALLS A SIGN LOCATED ON FEDERAL PUBLIC LAND THAT
15 AFFECTS WHETHER MOTOR VEHICLE TRAVEL IS AUTHORIZED IS GUILTY OF
16 A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED
17 BY A FINE OF ONE HUNDRED DOLLARS AND, IF THE PERSON WAS ENGAGED
18 IN THE ACT OF HUNTING, FISHING, OR TRAPPING, OR A RELATED ACTIVITY
19 AT THE TIME OF THE UNLAWFUL ACTIVITY, BY A PENALTY OF FIVE LICENSE
20 SUSPENSION POINTS.

21 (c) A PEACE OFFICER MAY ENFORCE THIS SUBSECTION (4).

22 (d) (I) THE PROHIBITION AND PENALTIES EXPRESSED IN
23 PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (4) SHALL NOT APPLY TO A
24 PEACE OFFICER IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, A
25 PERSON ACTING AT THE DIRECTION OF A PEACE OFFICER, OR A PERSON
26 OTHERWISE AUTHORIZED TO OPERATE A MOTOR VEHICLE ON THE FEDERAL
27 PUBLIC LAND, TRAIL, OR ROAD BY LEGAL RIGHT OR BY PERMISSION OF THE

1 CONTROLLING LAND MANAGEMENT AGENCY, INCLUDING, BUT NOT LIMITED
2 TO, ADMINISTRATIVE AND EMERGENCY ACCESS, FACILITY MAINTENANCE,
3 SKI AREA OPERATIONS, OIL AND GAS OPERATIONS, LOGGING OPERATIONS,
4 AND MOTOR VEHICLE USE THAT IS _____ AUTHORIZED UNDER PERMITS,
5 INCLUDING FOR SPECIAL EVENTS, RECREATIONAL USES, FIREWOOD
6 GATHERING, AND LIVESTOCK OPERATIONS AND ACTIVITIES.

7 (II) NOTHING IN THIS SUBSECTION (4) SHALL AFFECT ANY
8 AUTHORITY THAT THE COMMISSION HAS PURSUANT TO LAW OTHER THAN
9 THIS SUBSECTION (4) TO REGULATE MOTOR VEHICLE TRAVEL ON LANDS
10 SUBJECT TO THE COMMISSION'S JURISDICTION.

11 (III) IF CONDUCT VIOLATES BOTH THIS SUBSECTION (4) AND
12 SECTION 33-14.5-108 (1) (h), ENFORCEMENT SHALL OCCUR ONLY
13 PURSUANT TO THIS SUBSECTION (4).

14 (e) THE DIRECTOR SHALL PREPARE AN ANNUAL REPORT TO THE
15 MEMBERS OF THE SENATE COMMITTEE ON AGRICULTURE, NATURAL
16 RESOURCES, AND ENERGY AND THE HOUSE COMMITTEE ON AGRICULTURE,
17 LIVESTOCK, AND NATURAL RESOURCES, OR THEIR SUCCESSOR
18 COMMITTEES, CONCERNING THE NUMBER OF CITATIONS ISSUED FOR A
19 VIOLATION OF THIS SUBSECTION (4), THE NUMBER OF FINAL CONVICTIONS
20 FOR A VIOLATION OF THIS SUBSECTION (4), AND THE STATUS OF THE
21 CONTROLLING LAND MANAGEMENT AGENCIES' EFFORTS TO NOTIFY THE
22 PUBLIC OF TRAVEL RESTRICTIONS.

23 (f) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2013.

24 SECTION 3. 33-14.5-108 (1) (h), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

26 **33-14.5-108. Off-highway vehicle operation prohibited on**
27 **streets, roads, and highways. (1) No off-highway vehicle may be**

1 operated on the public streets, roads, or highways of this state except in
2 the following cases:

3 (h) (III) IF CONDUCT VIOLATES BOTH THIS PARAGRAPH (h) AND
4 SECTION 33-6-124 (4), ENFORCEMENT SHALL OCCUR ONLY PURSUANT TO
5 SECTION 33-6-124 (4).

6 **SECTION 4. Effective date - applicability.** This act shall take
7 effect July 1, 2008, and shall apply to acts occurring on or after said date.

8 **SECTION 5. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.