


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 08-0190
Prime Sponsor(s): Rep. Curry
 Sen. Tochtrop

Date: August 14, 2008
Bill Status: Signed into Law
Fiscal Analyst: David Porter (303-866-4375)

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

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue		
General Fund	< \$ 2,500	< \$ 2,500
Cash Funds		
Wildlife Cash Fund	< 1,250	< 1,250
Other Agency Cash Funds	< 1,250	< 1,250
State Expenditures		
FTE Position Change		
	0.0 FTE	0.0 FTE
Effective Date: The Governor signed the bill into law on March 20, 2008, and the bill became effective on July 1, 2008.		
Appropriation Summary for FY 2008-2009: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

With specified exceptions, HB08-1069 prohibits operating a motor vehicle on federal public land, trails, or roads, unless the area is signed or otherwise authorized for such a use. Peace officers may use land, trails, or roads to enforce the motor vehicle prohibition. The penalties for violation of the law are unclassified misdemeanors and are specified as follows:

- **Vehicle operation on federal public land other than a federal wilderness area** – \$100 fine and 10 license suspension points if the violator is hunting, fishing, trapping, or engaged in a similar activity;
- **Vehicle operation within a federal wilderness area** – \$200 fine and 15 license suspension points if the violator is hunting, fishing, trapping, or engaged in a similar activity; and
- **Unauthorized tampering with signs that identify permitted motor vehicle use** – \$100 fine and 5 license suspension points if the violator is hunting, fishing, trapping, or engaged in a similar activity.

The director of the Colorado Division of Wildlife (DOW) must report the number of citations issued, the number of final convictions, and the status of public notification efforts to the Agriculture Committees of the General Assembly. The bill repeals on July 1, 2013.

Background. License suspension points are tracked by the DOW. If a person accumulates a total of 20 or more license points over a 5-year period, the Wildlife Commission or an authorized hearing officer can suspend that person's ability to apply for, purchase, or use any type of DOW license. The license suspension period cannot exceed 5 years.

State Revenue

Fine Revenue. Fine revenue for violations is allocated such that the General Fund receives one-half of the total fine. The remainder of the fine is credited based on the enforcement body that issued the fine. In cases where a DOW officer issues the citation, one-half of the fine revenue is credited to the Wildlife Cash Fund. If the citation is issued by an officer of another state agency, one-half the fine revenue is credited to that agency. Annual fine revenue is expected to be less than \$5,000.

State Expenditures

Presently, all state agencies follow the procedures outlined in this bill. It is expected that any workload generated by the bill will be handled within existing resources. No new expenditures are required.

Local Government Impact

For fines that are issued by a local peace officer, half of the fine revenue is credited to the appropriate local governmental entity.

Local governments may experience some costs associated with ensuring that land is properly marked to authorize motor vehicle travel. At this point, costs have not been quantified.

Departments Contacted

Natural Resources
Revenue

Judicial
Transportation

Public Safety
Agriculture