

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 13-0047.01 Thomas Morris x4218

SENATE BILL 13-067

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Vigil,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

Agriculture, Livestock, & Natural Resources

A BILL FOR AN ACT

101 **CONCERNING THE OPERATION OF VEHICLES OFF-ROAD.**

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>.)

Current law, which is scheduled to repeal on July 1, 2013, prohibits a person from operating a motor vehicle on any federal public land unless the land is authorized for such use by the controlling land management agency. **Section 1** of the bill moves the law from the wildlife statutes to the parks statutes, adds bicycles to the prohibition, makes the law permanent, and increases the penalty for altering a travel restriction sign from \$100 to \$150. **Section 2** increases the penalty for failing to

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 Unamended
February 13, 2013

SENATE
Amended 2nd Reading
February 12, 2013

have a spark arrester on an off-highway vehicle from \$50 to \$150.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-6-124, **amend** (4)
3 (a); and **repeal** (4) (b), (4) (c), (4) (d), (4) (e), and (4) (f) as follows:

4 **33-6-124. Use of a motor vehicle or aircraft - rules.**

5 ~~(4) (a) Except as otherwise provided in paragraph (d) of this subsection~~
6 ~~(4), it is unlawful for a person to operate a motor vehicle on any federal~~
7 ~~public land, trail, or road unless the federal public land, trail, or road is~~
8 ~~signed or otherwise authorized for such use. Enforcement of this section~~
9 ~~within an administrative unit of federal public land shall not commence~~
10 ~~until the controlling land management agency identifies whether a route~~
11 ~~is available for motorized travel by maps, route markers, or signs that are~~
12 ~~available to the public and provide information to determine whether the~~
13 ~~route is authorized. Except for violations occurring within a federal~~
14 ~~wilderness area, A person who violates this paragraph (a) is guilty of a~~
15 ~~misdemeanor and, upon conviction thereof, shall be punished by a fine of~~
16 ~~one hundred dollars and, if the person was SECTION 33-14.5-108 (3) (a)~~
17 ~~WHILE engaged in the act of hunting, fishing, trapping, or a related~~
18 ~~activity at the time of the unlawful activity SHALL BE PUNISHED by a~~
19 ~~penalty of ten license suspension points; A person who violates this~~
20 ~~paragraph (a) within a federal wilderness area is guilty of a misdemeanor~~
21 ~~and, upon conviction thereof, shall be punished by a fine of two hundred~~
22 ~~dollars and, EXCEPT THAT, if the person was engaged in the act of~~
23 ~~hunting, fishing, trapping, or a related activity WITHIN A FEDERAL~~
24 ~~WILDERNESS AREA at the time of the unlawful act, ACTIVITY, THE PERSON~~
25 ~~SHALL BE PUNISHED by a penalty of fifteen license suspension points. A~~

1 PERSON WHO VIOLATES SECTION 33-14.5-108 (3) (b) WHILE ENGAGED IN
2 THE ACT OF HUNTING, FISHING, OR TRAPPING OR A RELATED ACTIVITY AT
3 THE TIME OF THE UNLAWFUL ACTIVITY SHALL BE PUNISHED BY A PENALTY
4 OF FIVE LICENSE SUSPENSION POINTS.

5 ~~(b) A person who, without authorization, removes, defaces, or~~
6 ~~destroys any sign that is located on federal public land that affects~~
7 ~~whether motor vehicle travel is authorized that was installed by the~~
8 ~~controlling land management agency or installs a sign located on federal~~
9 ~~public land that affects whether motor vehicle travel is authorized is~~
10 ~~guilty of a misdemeanor and, upon conviction thereof, shall be punished~~
11 ~~by a fine of one hundred dollars and, if the person was engaged in the act~~
12 ~~of hunting, fishing, or trapping, or a related activity at the time of the~~
13 ~~unlawful activity, by a penalty of five license suspension points.~~

14 ~~(c) A peace officer may enforce this subsection (4).~~

15 ~~(d) (I) The prohibition and penalties expressed in paragraphs (a)~~
16 ~~and (b) of this subsection (4) shall not apply to a peace officer in the~~
17 ~~performance of his or her official duties, a person acting at the direction~~
18 ~~of a peace officer, or a person otherwise authorized to operate a motor~~
19 ~~vehicle on the federal public land, trail, or road by legal right or by~~
20 ~~permission of the controlling land management agency, including, but not~~
21 ~~limited to, administrative and emergency access, facility maintenance, ski~~
22 ~~area operations, oil and gas operations, logging operations, and motor~~
23 ~~vehicle use that is authorized under permits, including for special events,~~
24 ~~recreational uses, firewood gathering, and livestock operations and~~
25 ~~activities.~~

26 ~~(H) Nothing in this subsection (4) shall affect any authority that~~
27 ~~the commission has pursuant to law other than this subsection (4) to~~

1 regulate motor vehicle travel on lands subject to the commission's
2 jurisdiction.

3 ~~(HH) If conduct violates both this subsection (4) and section~~
4 ~~33-14.5-108 (1) (h), enforcement shall occur only pursuant to this~~
5 ~~subsection (4).~~

6 ~~(e) The director shall prepare an annual report to the members of~~
7 ~~the senate committee on agriculture, natural resources, and energy and the~~
8 ~~house committee on agriculture, livestock, and natural resources, or their~~
9 ~~successor committees, concerning the number of citations issued for a~~
10 ~~violation of this subsection (4), the number of final convictions for a~~
11 ~~violation of this subsection (4), and the status of the controlling land~~
12 ~~management agencies' efforts to notify the public of travel restrictions.~~

13 ~~(f) This subsection (4) is repealed, effective July 1, 2013.~~

14 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-108, **amend**
15 (1) (h); and **add** (3) as follows:

16 **33-14.5-108. Off-highway vehicle operation prohibited on**
17 **streets, roads, and highways.** (1) No off-highway vehicle may be
18 operated on the public streets, roads, or highways of this state except in
19 the following cases:

20 ~~(h) (H) When the United States or any agency thereof authorizes~~
21 ~~by any means such operation on lands under its jurisdiction. AUTHORIZED~~
22 ~~UNDER SUBSECTION (3) OF THIS SECTION; AND~~

23 ~~(H) No action is required to be taken by the United States pursuant~~
24 ~~to this paragraph (h) to authorize the use of off-highway vehicles on lands~~
25 ~~under the jurisdiction of the United States.~~

26 ~~(HH) If conduct violates both this paragraph (h) and section~~
27 ~~33-6-124 (4), enforcement shall occur only pursuant to section 33-6-124~~

1 ~~(4)~~:

2 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF
3 THIS SUBSECTION (3), IT IS UNLAWFUL FOR A PERSON TO OPERATE A MOTOR
4 VEHICLE ON ANY FEDERAL PUBLIC LAND, TRAIL, OR ROAD UNLESS
5 THE FEDERAL PUBLIC LAND, TRAIL, OR ROAD IS SIGNED OR OTHERWISE
6 AUTHORIZED FOR SUCH USE. A PEACE OFFICER SHALL NOT ENFORCE THIS
7 PARAGRAPH (a) WITHIN AN ADMINISTRATIVE UNIT OF FEDERAL PUBLIC
8 LAND UNTIL THE CONTROLLING LAND MANAGEMENT AGENCY IDENTIFIES
9 WHETHER A ROUTE IS AVAILABLE FOR MOTORIZED TRAVEL BY MAPS,
10 ROUTE MARKERS, OR SIGNS THAT ARE AVAILABLE TO THE PUBLIC AND
11 PROVIDE INFORMATION TO DETERMINE WHETHER THE ROUTE IS
12 AUTHORIZED. EXCEPT FOR VIOLATIONS OCCURRING WITHIN A FEDERAL
13 WILDERNESS AREA, A PERSON WHO VIOLATES THIS PARAGRAPH (a) IS
14 GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE
15 PUNISHED BY A FINE OF ONE HUNDRED DOLLARS. A PERSON WHO VIOLATES
16 THIS PARAGRAPH (a) WITHIN A FEDERAL WILDERNESS AREA IS GUILTY OF
17 A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED
18 BY A FINE OF TWO HUNDRED DOLLARS.

19 (b) A PERSON IS GUILTY OF A MISDEMEANOR AND, UPON
20 CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED
21 FIFTY DOLLARS IF THE PERSON, WITHOUT AUTHORIZATION, TAKES EITHER
22 OF THE FOLLOWING ACTIONS WITH REGARD TO A SIGN LOCATED ON
23 FEDERAL PUBLIC LAND THAT AFFECTS WHETHER MOTOR VEHICLE
24 TRAVEL IS OR PURPORTS TO BE AUTHORIZED:

25 (I) REMOVES, DEFACES, OR DESTROYS SUCH A SIGN THAT WAS
26 INSTALLED BY THE CONTROLLING LAND MANAGEMENT AGENCY; OR

27 (II) INSTALLS SUCH A SIGN.

1 (c) A PEACE OFFICER MAY ENFORCE THIS SUBSECTION (3).

2 (d) (I) THE PROHIBITION AND PENALTIES EXPRESSED IN
3 PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3) DO NOT APPLY TO A
4 PEACE OFFICER IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, A
5 PERSON ACTING AT THE DIRECTION OF A PEACE OFFICER, OR A PERSON
6 OTHERWISE AUTHORIZED TO OPERATE A MOTOR VEHICLE _____ ON THE
7 FEDERAL PUBLIC LAND, TRAIL, OR ROAD BY LEGAL RIGHT OR BY
8 PERMISSION OF THE CONTROLLING LAND MANAGEMENT AGENCY,
9 INCLUDING ADMINISTRATIVE AND EMERGENCY ACCESS, FACILITY
10 MAINTENANCE, SKI AREA OPERATIONS, OIL AND GAS OPERATIONS,
11 LOGGING OPERATIONS, AND MOTOR VEHICLE USE THAT IS AUTHORIZED
12 UNDER PERMITS, INCLUDING FOR SPECIAL EVENTS, RECREATIONAL USES,
13 FIREWOOD GATHERING, AND LIVESTOCK OPERATIONS AND ACTIVITIES.

14 (II) NOTHING IN THIS SUBSECTION (3) AFFECTS ANY AUTHORITY
15 THAT THE PARKS AND WILDLIFE COMMISSION HAS PURSUANT TO LAW
16 OTHER THAN THIS SUBSECTION (3) TO REGULATE MOTOR VEHICLE _____
17 TRAVEL ON LANDS SUBJECT TO THE COMMISSION'S JURISDICTION.

18 _____

19 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-109, **amend**
20 (2) as follows:

21 **33-14.5-109. Required equipment - off-highway vehicles.**

22 (2) ~~Any~~ A person who violates subsection (1) of this section is guilty of
23 a class 2 petty offense and, upon conviction, shall be punished by a fine
24 of fifty dollars; EXCEPT THAT THE FINE FOR A VIOLATION RELATING TO A
25 SPARK ARRESTER IS ONE HUNDRED FIFTY DOLLARS.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.