

NOTE: The governor signed this measure on 4/4/2013.

An Act

SENATE BILL 13-067

BY SENATOR(S) Tochtrop, Aguilar, Jones;
also REPRESENTATIVE(S) Vigil, Fields, Fischer, Garcia, Hamner,
Hullinghorst, Labuda, McLachlan, Mitsch Bush, Pabon, Rosenthal, Schafer.

CONCERNING THE OPERATION OF VEHICLES OFF-ROAD.

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

SECTION 1. In Colorado Revised Statutes, 33-6-124, **amend** (4) as follows:

33-6-124. Use of a motor vehicle or aircraft - rules.
(4) ~~(a) Except as otherwise provided in paragraph (d) of this subsection (4), it is unlawful for a person to operate a motor vehicle on any federal public land, trail, or road unless the federal public land, trail, or road is signed or otherwise authorized for such use. Enforcement of this section within an administrative unit of federal public land shall not commence until the controlling land management agency identifies whether a route is available for motorized travel by maps, route markers, or signs that are available to the public and provide information to determine whether the route is authorized. Except for violations occurring within a federal wilderness area, A person who violates this paragraph (a) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of one hundred dollars~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~and, if the person was SECTION 33-14.5-108 (3) (a) WHILE engaged in the act of hunting, fishing, trapping, or a related activity at the time of the unlawful activity SHALL BE PUNISHED by a penalty of ten license suspension points; A person who violates this paragraph (a) within a federal wilderness area is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars and, EXCEPT THAT, if the person was engaged in the act of hunting, fishing, trapping, or a related activity WITHIN A FEDERAL WILDERNESS AREA at the time of the unlawful act, ACTIVITY, THE PERSON SHALL BE PUNISHED by a penalty of fifteen license suspension points. A PERSON WHO VIOLATES SECTION 33-14.5-108 (3) (b) WHILE ENGAGED IN THE ACT OF HUNTING, FISHING, OR TRAPPING OR A RELATED ACTIVITY AT THE TIME OF THE UNLAWFUL ACTIVITY SHALL BE PUNISHED BY A PENALTY OF FIVE LICENSE SUSPENSION POINTS.~~

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

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

~~(d)(I) The prohibition and penalties expressed in paragraphs (a) and (b) of this subsection (4) shall not apply to 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 federal public land, trail, or road by legal right or by permission of the controlling land management agency, including, but not limited to, administrative and emergency access, facility maintenance, ski area operations, oil and gas operations, logging operations, and motor vehicle use that is authorized under permits, including for special events, recreational uses, firewood gathering, and livestock operations and activities.~~

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

~~motor vehicle travel on lands subject to the commission's jurisdiction.~~

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

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

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

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

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:

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

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

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

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (3), IT IS UNLAWFUL FOR A PERSON TO OPERATE A MOTOR VEHICLE ON ANY FEDERAL PUBLIC LAND, TRAIL, OR ROAD UNLESS THE FEDERAL PUBLIC LAND, TRAIL, OR ROAD IS SIGNED OR OTHERWISE AUTHORIZED FOR SUCH USE. A PEACE OFFICER SHALL NOT ENFORCE THIS

PARAGRAPH (a) WITHIN AN ADMINISTRATIVE UNIT OF FEDERAL PUBLIC LAND UNTIL THE CONTROLLING LAND MANAGEMENT AGENCY IDENTIFIES WHETHER A ROUTE IS AVAILABLE FOR MOTORIZED TRAVEL BY MAPS, ROUTE MARKERS, OR SIGNS THAT ARE AVAILABLE TO THE PUBLIC AND PROVIDE INFORMATION TO DETERMINE WHETHER THE ROUTE IS AUTHORIZED. EXCEPT FOR VIOLATIONS OCCURRING WITHIN A FEDERAL WILDERNESS AREA, A PERSON WHO VIOLATES THIS PARAGRAPH (a) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS. A PERSON WHO VIOLATES THIS PARAGRAPH (a) WITHIN A FEDERAL WILDERNESS AREA IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO HUNDRED DOLLARS.

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

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

(II) INSTALLS SUCH A SIGN.

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

(d) (I) THE PROHIBITION AND PENALTIES EXPRESSED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3) DO NOT APPLY TO 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 FEDERAL PUBLIC LAND, TRAIL, OR ROAD BY LEGAL RIGHT OR BY PERMISSION OF THE CONTROLLING LAND MANAGEMENT AGENCY, INCLUDING ADMINISTRATIVE AND EMERGENCY ACCESS, FACILITY MAINTENANCE, SKI AREA OPERATIONS, OIL AND GAS OPERATIONS, LOGGING OPERATIONS, AND MOTOR VEHICLE USE THAT IS AUTHORIZED UNDER PERMITS, INCLUDING FOR SPECIAL EVENTS, RECREATIONAL USES, FIREWOOD GATHERING, AND LIVESTOCK OPERATIONS AND ACTIVITIES.

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

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

33-14.5-109. Required equipment - off-highway vehicles.
(2) ~~Any~~ A person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars; EXCEPT THAT THE FINE FOR A VIOLATION RELATING TO A SPARK ARRESTER IS ONE HUNDRED FIFTY DOLLARS.

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

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

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO