

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0189.01 Jery Payne x2157

HOUSE BILL 16-1030

HOUSE SPONSORSHIP

Brown and Court,

SENATE SPONSORSHIP

Donovan,

House Committees

Local Government
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE USE OF OFF-HIGHWAY VEHICLES.

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 of all roads available for use by off-highway vehicles, and place appropriate signs giving notice of the regulation. A local authority may also enter into cooperative agreements with federal land management agencies.

The bill adds to the current off-highway vehicle registration

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.

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 visible identification 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
6 OFF-HIGHWAY VEHICLES UNDER THIS ARTICLE IS SEPARATE FROM A
7 REGISTRATION FEE OR OTHER CHARGE WITH RESPECT TO THE OPERATION

1 OF A MOTOR VEHICLE UPON A PUBLIC HIGHWAY.

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

4 **33-14.5-101. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (2.5) "LOCAL AUTHORITY" HAS THE MEANING ESTABLISHED IN
7 SECTION 42-1-102 (48), C.R.S.

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

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

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

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

19 **33-14.5-102. Off-highway vehicle registration -**
20 **nonresident-owned or -operated off-highway vehicle permits - fees -**
21 **applications - requirements - exemptions.** (10) WHEN AN OWNER
22 REGISTERS AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION FOR THE FIRST
23 TIME, THE DIVISION SHALL NOTIFY THE OWNER OF THE OPPORTUNITY TO
24 ALSO REGISTER THE VEHICLE UNDER SECTION 33-14.5-205.

25 **SECTION 4.** In Colorado Revised Statutes, 33-14.5-108, **amend**
26 (1) introductory portion as follows:

27 **33-14.5-108. Off-highway vehicle operation prohibited on**

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

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

7 **33-14.5-108.5. Crossing roads, highways, and railroad tracks.**

8 (1) The driver of an off-highway vehicle may directly cross a roadway,
9 including a state highway, at an at-grade crossing to continue using the
10 off-highway vehicle on the other side. ~~except that a person shall not cross~~
11 ~~a state highway within the jurisdiction of a municipality.~~

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

14 **33-14.5-110. Regulation by political subdivisions.**

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

22 (I) ~~is not inconsistent~~ DOES NOT CONFLICT with ~~the provisions of~~
23 this article and the rules ~~and regulations~~ promulgated ~~pursuant thereto~~
24 UNDER THIS ARTICLE; AND

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

1 TRAFFIC AND ROADWAYS.

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

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

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

12 (IV) A LOCAL AUTHORITY MAY REQUIRE AN OFF-HIGHWAY
13 VEHICLE TO BE REGISTERED UNDER SECTION 33-14.5-205 TO BE DRIVEN ON
14 A ROADWAY; EXCEPT THAT THIS SUBPARAGRAPH (IV) DOES NOT
15 AUTHORIZE A COUNTY TO REQUIRE AN OFF-HIGHWAY VEHICLE TO BE
16 REGISTERED TO DRIVE ON A ROADWAY IN THE FOLLOWING CASES:

17 (A) WHEN CROSSING STREETS OR WHEN CROSSING ROADS,
18 HIGHWAYS, OR RAILROAD TRACKS IN ACCORDANCE WITH SECTION
19 33-14.5-108.5;

20 (B) WHEN TRAVERSING A BRIDGE OR CULVERT;

21 (C) DURING SPECIAL OFF-HIGHWAY VEHICLE EVENTS LAWFULLY
22 CONDUCTED IN ACCORDANCE WITH THE AUTHORITY GRANTED TO LOCAL
23 POLITICAL SUBDIVISIONS IN THIS ARTICLE;

24 (D) DURING EMERGENCY CONDITIONS DECLARED BY THE PROPER
25 STATE OR LOCAL AUTHORITY;

26 (E) WHEN USING AN OFF-HIGHWAY VEHICLE FOR AGRICULTURAL
27 PURPOSES;

1 (F) WHEN A PUBLIC UTILITY, AS DEFINED IN SECTION 40-1-103 (1),
2 C.R.S., OR A COOPERATIVE ELECTRIC ASSOCIATION, AS DEFINED IN
3 SECTION 40-9.5-102, C.R.S., OR ANY AGENT OF EITHER ENTITY
4 DESIGNATED SPECIFICALLY FOR THE PURPOSE OF METER READING OR
5 REPAIR IS USING AN OFF-HIGHWAY VEHICLE FOR BUSINESS PURPOSES.

6 (V) THE INTENTION OF THIS PARAGRAPH (b) IS TO GRANT LOCAL
7 AUTHORITIES SPECIFIC AUTHORITY TO REGULATE THE USE OF
8 OFF-HIGHWAY VEHICLES. IF AN ORDINANCE OR RESOLUTION EXERCISING
9 THE POWERS GRANTED IN THIS PARAGRAPH (b) CONFLICTS WITH A RULE OF
10 THE DIVISION, THE ORDINANCE OR RESOLUTION SHALL SUPERSEDE THE
11 RULE, AND THE DIVISION SHALL NOT PENALIZE THE LOCAL AUTHORITY
12 BASED ON THE ORDINANCE OR RESOLUTION.

13 (c) TO EXERCISE THE POWERS GRANTED LOCAL AUTHORITIES
14 UNDER THIS SECTION, THE GOVERNING BODY OF THE LOCAL AUTHORITY
15 MUST:

16 (I) ACT BY ORDINANCE OR RESOLUTION; AND

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

19 (d) AN ORDINANCE OR RESOLUTION REGULATING THE USE OF
20 OFF-HIGHWAY VEHICLES DOES NOT TAKE EFFECT UNTIL NOTICE OF THE
21 REGULATION IS PLACED AT THE ENTRANCES OF THE ROADWAY BY MEANS
22 OF OFFICIAL SIGNS OR TRAFFIC CONTROL DEVICES.

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

25 **33-14.5-111. Enforcement - federal, state, and local**
26 **cooperation.** (2) The division ~~is authorized to~~ AND A LOCAL AUTHORITY
27 MAY enter into cooperative agreements with federal land management

1 agencies for the purpose of regulating off-highway vehicle use on federal
2 lands.

3 **SECTION 8.** In Colorado Revised Statutes, **add** part 2 to article
4 14.5 of title 33 as follows:

5 **PART 2**

6 **REGISTRATION AND ROAD USE**

7 **33-14.5-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
8 "REGISTRATION INCREASES DRIVING ENTHUSIASM FOR OFF-HIGHWAY
9 VEHICLES ACT".

10 **33-14.5-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

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

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

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

20 (4) "GOVERNING BODY" MEANS THE STATE OF COLORADO, THE
21 AGENCIES OF THE STATE OF COLORADO, A COUNTY, A MUNICIPALITY, A
22 CITY, OR A CITY AND COUNTY.

23 (5) "MOTORCYCLE" HAS THE SAME MEANING AS SET FORTH IN
24 SECTION 42-1-102, C.R.S.

25 (6) "ROAD" MEANS A PUBLICLY MAINTAINED RIGHT-OF-WAY USED
26 PRIMARILY BY MOTOR VEHICLES, AS THAT TERM IS DEFINED BY SECTION
27 42-1-102, C.R.S.

1 (7) "TRAIL" MEANS:

2 (a) A ROUTE ESTABLISHED PRIMARILY FOR OFF-HIGHWAY VEHICLE
3 USE; OR

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

6 (I) ROUTES;

7 (II) PARKING AREAS; AND

8 (III) FACILITIES.

9 **33-14.5-203. Applicability. (1) Registration.** THIS PART 2
10 APPLIES ONLY TO OFF-HIGHWAY VEHICLES REGISTERED FOR ROAD USE
11 UNDER SECTION 33-14.5-205.

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

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

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

20 **33-14.5-204. Driver's licenses requirements. (1) Licenses.** THE
21 DRIVER OF AN OFF-HIGHWAY VEHICLE ON A ROAD SHALL POSSESS A VALID
22 DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE ISSUED UNDER ARTICLE 2
23 OF TITLE 42, C.R.S., UNLESS A GOVERNING BODY HAS AUTHORIZED A
24 PERSON TO DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD WITHOUT A
25 LICENSE BY ORDINANCE, RESOLUTION, OR RULE. THE ORDINANCE,
26 RESOLUTION, OR RULE MUST REQUIRE AN UNLICENSED DRIVER TO BE AT
27 LEAST TEN YEARS OF AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF

1 A LICENSED DRIVER.

2 (2) **Motorcycle endorsements.** IF AN OFF-HIGHWAY VEHICLE IS
3 ALSO A MOTORCYCLE, THE DRIVER OF THE VEHICLE ON A ROAD SHALL
4 POSSESS A GENERAL MOTORCYCLE ENDORSEMENT ISSUED UNDER ARTICLE
5 2 OF TITLE 42, C.R.S.

6 **33-14.5-205. Registration - rules - fees.** (1) **Voluntary**
7 **registration.** AN OWNER MAY REGISTER AN OFF-HIGHWAY VEHICLE WITH
8 A COUNTY CLERK. THE REGISTRATION EXPIRES WHEN OWNERSHIP OF THE
9 OFF-HIGHWAY VEHICLE IS TRANSFERRED TO ANOTHER PERSON.

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

13 (a) THE FOREIGN JURISDICTION HAS ISSUED THE OFF-HIGHWAY
14 VEHICLE EITHER:

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

17 (II) A LICENSE PLATE; AND

18 (b) THE LICENSE PLATE OR VISIBLE IDENTIFICATION PLATE
19 MEETING THE STANDARD OF PARAGRAPH (a) OF THIS SUBSECTION (2) IS
20 AFFIXED TO THE VEHICLE.

21 (3) **Registration under part 1 not superseded.** REGISTERING AN
22 OFF-HIGHWAY VEHICLE UNDER THIS PART 2 DOES NOT SUPERSEDE THE
23 REQUIREMENT TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER SECTION
24 33-14.5-102.

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

1 VEHICLE.

2 (b) THE DEPARTMENT OF REVENUE MAY PROMULGATE RULES
3 NECESSARY TO IMPLEMENT THE REGISTRATION OF AN OFF-HIGHWAY
4 VEHICLE UNDER THIS SECTION.

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

8 (b) TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION,
9 THE OWNER MUST PAY A VISIBLE IDENTIFICATION PLATE FEE EQUAL TO THE
10 FEE SET UNDER SECTION 42-3-301 (2), C.R.S., FOR MOTORCYCLE LICENSE
11 PLATES.

12 (c) AN OFF-HIGHWAY VEHICLE IS NOT SUBJECT TO ANY SPECIFIC
13 OWNERSHIP TAX OR MOTOR VEHICLE REGISTRATION FEE UNLESS THE TAX
14 OR FEE IS EXPRESSLY AUTHORIZED FOR AN OFF-HIGHWAY VEHICLE BY
15 STATUTE.

16 **33-14.5-206. Identification issued.** (1) **Visible identification**
17 **plates.** UPON REGISTRATION OF AN OFF-HIGHWAY VEHICLE UNDER THIS
18 PART 2, THE COUNTY CLERK SHALL ISSUE A VISIBLE IDENTIFICATION PLATE
19 FOR THE VEHICLE THAT:

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

21 (b) DISPLAYS THE REGISTRATION NUMBER IN NUMERALS OR
22 LETTERS OF AT LEAST ONE AND ONE-HALF INCHES IN HEIGHT.

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

25 (a) REREGISTER THE VEHICLE SO LONG AS THE ENROLLED
26 OFF-HIGHWAY VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER
27 OWNER; OR

1 (b) OBTAIN VALIDATING STICKERS OR TABS.

2 (3) **Plates affixed to vehicle.** THE OWNER OF AN OFF-HIGHWAY
3 VEHICLE SHALL AFFIX THE VISIBLE IDENTIFICATION PLATE TO THE REAR OF
4 THE VEHICLE SO IT IS:

5 (a) HORIZONTAL;

6 (b) CLEARLY READABLE;

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

8 (d) FREE FROM FOREIGN MATERIALS OR COVERINGS.

9 (4) **Plate source.** THE COUNTY CLERKS SHALL OBTAIN VISIBLE
10 IDENTIFICATION PLATES TO ISSUE UNDER THIS SECTION DIRECTLY FROM
11 THE DEPARTMENT OF CORRECTIONS.

12 **33-14.5-207. Rules of the road.** (1) A PERSON DRIVING AN
13 OFF-HIGHWAY VEHICLE UPON A ROAD SHALL OBEY THE RULES OF THE
14 ROAD AS DEFINED BY SECTION 42-4-110 (1) (c), C.R.S., AND TRAFFIC
15 CONTROL DEVICES; EXCEPT THAT:

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

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

21 **33-14.5-208. Prohibited roads.** (1) **Limited access highways -**
22 **speed limit of roads.** A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY
23 VEHICLE UPON:

24 (a) A LIMITED ACCESS HIGHWAY; OR

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

27 (2) **Crossing allowed.** PROHIBITING A PERSON FROM DRIVING ON

1 A ROAD DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE ROAD
2 IN ACCORDANCE WITH SECTION 33-14.5-108.5.

3 **33-14.5-209. Eye protection required.** A PERSON SHALL NOT
4 DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD UNLESS THE PERSON AND
5 ANY PASSENGER ARE WEARING GOGGLES OR EYEGLASSES WITH LENSES
6 MADE OF SAFETY GLASS OR PLASTIC; EXCEPT THAT A DRIVER OR
7 PASSENGER NEED NOT WEAR SAFETY GLASS OR PLASTIC IF THE PERSON IS
8 WEARING A HELMET CONTAINING EYE PROTECTION MADE OF SAFETY
9 GLASS OR PLASTIC OR DRIVING AN OFF-HIGHWAY VEHICLE WITH A
10 WINDSHIELD.

11 **33-14.5-210. Protective helmets. (1) Requirements for people**
12 **under eighteen.** TO DRIVE OR BE A PASSENGER ON AN ALL-TERRAIN
13 VEHICLE OR TWO-WHEELED VEHICLE ON A ROAD, A PERSON UNDER
14 EIGHTEEN YEARS OF AGE SHALL WEAR A PROTECTIVE HELMET THAT
15 CONFORMS TO SUBSECTION (2) OF THIS SECTION AND THAT IS SECURED
16 PROPERLY ON THE PERSON'S HEAD WITH A CHIN STRAP.

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

19 (a) BE DESIGNED TO REDUCE INJURIES TO THE USER RESULTING
20 FROM HEAD IMPACTS AND PROTECT THE USER BY REMAINING ON THE
21 USER'S HEAD, DEFLECTING BLOWS, RESISTING PENETRATION, AND
22 SPREADING THE FORCE OF IMPACT;

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

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

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

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

6 (b) IF DRIVEN AT NIGHT:

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

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

12 (A) VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
13 REAR;

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

15 (C) LOCATED AT A HEIGHT OF NOT MORE THAN SEVENTY-TWO
16 INCHES ABOVE THE GROUND NOR LESS THAN TWENTY INCHES ABOVE THE
17 GROUND.

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

22 **33-14.5-212. Speed limits.** NOTWITHSTANDING PART 11 OF
23 ARTICLE 4 OF TITLE 42, C.R.S., A PERSON SHALL NOT DRIVE AN
24 OFF-HIGHWAY VEHICLE ON A ROAD AT A SPEED IN EXCESS OF FORTY MILES
25 PER HOUR UNLESS A GOVERNING BODY AUTHORIZES A HIGHER SPEED FOR
26 A SPECIFIC ROAD.

27 **33-14.5-213. Violations. (1) Traffic infractions.** A PERSON WHO

1 VIOLATES THIS PART 2 COMMITS A CLASS B TRAFFIC INFRACTION.

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

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

11 **SECTION 9.** In Colorado Revised Statutes, 42-1-102, **amend**
12 (58) and (112) as follows:

13 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
14 unless the context otherwise requires:

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

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

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

20 (b) "MOTOR VEHICLE" does not include low-power scooters,
21 wheelchairs, or vehicles moved solely by human power. For the purposes
22 of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1,
23 and 42-4-1401, ~~for farm tractors and off-highway vehicles, as defined in~~
24 ~~section 33-14.5-101 (3), C.R.S., operated on streets and highways,~~ "motor
25 vehicle" includes a farm tractor ~~or an off-highway vehicle~~ OPERATED ON
26 STREETS AND HIGHWAYS that is not otherwise classified as a motor
27 vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,

1 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle"
2 includes a low-power scooter.

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

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

13 **42-4-1402. Careless driving - penalty.** (1) A person who drives
14 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
15 OR VEHICLE in a careless and imprudent manner, without due regard for
16 the width, grade, curves, corners, traffic, and use of the streets and
17 highways and all other attendant circumstances, is guilty of careless
18 driving. A person convicted of careless driving of a bicycle, EPAMD,
19 OFF-HIGHWAY VEHICLE, or electrical assisted bicycle ~~shall not be~~ IS NOT
20 subject to ~~the provisions of~~ section 42-2-127.

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

23 **42-4-1401. Reckless driving - penalty.** (1) A person who drives
24 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
25 OR VEHICLE in such a manner as to indicate either a wanton or a willful
26 disregard for the safety of persons or property is guilty of reckless
27 driving. A person convicted of reckless driving of a bicycle, EPAMD,

1 OFF-HIGHWAY VEHICLE, OR electrical assisted bicycle ~~shall not be~~ IS NOT
2 subject to ~~the provisions of~~ section 42-2-127.

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

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