



Legislative Council Staff

Research Note

Version: Final

Date: 4/15/2016

Bill Number

House Bill 16-1030

Sponsors

*Representatives Brown & Court
Senator Donovan*

Short Title

*Off-highway Vehicles
Regulation & Local Government*

Research Analyst

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Status

This research note reflects the final version of the bill, which became effective on April 12, 2016.

Summary

This bill allows local governments, acting by ordinance or resolution, to require off-highway vehicle (OHV) operators to have a driver's license or carry liability insurance, except that a local government cannot make these requirements for OHVs during emergency conditions or for those OHVs used for agricultural purposes. The bill also requires a municipality that wishes to regulate the crossing of a state highway by OHVs within its jurisdiction to request in writing to the regional office of the Colorado Department of Transportation (CDOT) to approve the regulation. The CDOT may not unreasonably withhold its approval, and if the request is not answered within 60 days, it is considered approved.

Background

Off-Highway Vehicle Interim Committee. The six-member OHV Interim Committee held five meetings during the 2015 interim in order to study safety issues, access issues, and regulation necessary to operate OHVs on roads. Stakeholder presentations were made by Colorado Counties, Inc. (CCI), the Colorado State Patrol (CSP), the Colorado Municipal League (CML), the Department of Revenue's Division of Motor Vehicles (DMV), the American Insurance Association, County Sheriffs of Colorado, the Associated Governments of Northwest Colorado (AGNC), Trout Unlimited, Children's Hospital Colorado, the Off-Highway Vehicle Coalition, Colorado Parks and Wildlife (CPW), the Colorado Auto Dealers Association (CADA), county commissioners, and the Colorado Cross-Disability Coalition (CCDC). Topics discussed included: local control over OHV

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use; existing issues in statewide regulation, specifically related to CPW's Rule 504; safety standards; OHV identification and licensing; environmental concerns surrounding OHV use; statutory definitions of an OHV versus a motor vehicle; keeping registration fee revenue exempt from TABOR limits; and maintaining exemptions for agricultural and other specific OHV uses.

Current OHV laws. Under current law, the CPW's OHV registration program issues registrations and use permits for OHVs (specifically all-terrain vehicles, utility vehicles, 3-wheelers, dirt bikes, jeeps, and dune buggies), so that these vehicles may use public lands or trails in Colorado. The annual fee for these registrations and permits is \$25.25 per vehicle. A portion of this fee covers administrative costs, but the majority of the fee benefits the OHV Trail Grant Program. Grants are awarded to promote OHV awareness, trail maintenance and construction, trailheads and parking areas, trail signs, maps, and land acquisition projects.

Certain OHVs are exempt from registration when:

- used for agricultural purposes;
- owned by a governmental entity;
- used strictly on private property;
- used for training purposes;
- participating in special events; and
- licensed or registered in another state and not domiciled Colorado for more than 30 consecutive days.

As of July 1, 2014, the Department of Revenue titles OHVs and snowmobiles purchased from powersports vehicle dealerships and, optionally, through private party sales. As of August 2015, there are about 12,000 OHVs titled in the state (excluding snowmobiles). The CPW requires proof of ownership upon registration and keeps a record of the manufacturer's numbers for all OHVs, a list of which is provided to the DOR on a monthly basis. The DOR maintains a computerized list in order to aid in the recovery of stolen OHVs.

Under current law, the penalty for not displaying the CPW registration or use permit decal is a class 2 petty offense, with a fine of \$25. The penalty for not having registration on one's person is also a class 2 petty offense, with a fine of \$50.

House Action

House Local Government Committee (January 27, 2016). At the hearing, representatives from CCI, Ouray County, the AGNC, and the City of Creede testified in support of the bill. Representatives of Colorado Trout Unlimited, the CML, the Town of South Fork, and Children's Hospital Colorado testified in a neutral position.

The committee adopted amendments L.003, L.004, and L.005, and referred the bill, as amended, to the House Finance Committee. Amendments L.004 and L.005 made minor changes to Amendment L.003. Amendment L.003, a strike below amendment, removes the prohibition on an OHV crossing a state highway within a municipality, and allows a county or municipality to require OHV users within its jurisdiction to have a driver's license or carry liability insurance.

House Finance Committee (February 3, 2016). At the hearing, a representative from Colorado Trout Unlimited testified in a neutral position on the bill. The committee adopted amendment L.007, which requires a municipality that wishes to regulate the crossing of a state highway by OHVs within its jurisdiction to request in writing to its regional CDOT office to approve the regulation. The CDOT may not unreasonably withhold its approval, and if the request is not

answered within 60 days, it is considered approved. The committee referred the bill, as amended, to the House Committee of the Whole.

House second reading (February 8, 2016). The House adopted the House Local Government and House Finance committee reports. The House passed the bill on second reading, as amended.

House third reading (February 9, 2016). The House passed the bill on third reading.

Senate Action

Senate Local Government Committee (March 8, 2016). At the hearing, representatives from CCI, the Town of South Fork, the City of Creede, the AGNC, the County Sheriffs of Colorado, and Club 20 testified in support of the bill. A representative from Colorado Trout Unlimited testified in a neutral position on the bill. The committee referred the bill to the Senate Finance Committee.

Senate Finance Committee (March 17, 2016). At the hearing, representatives from CCI, the County Sheriffs of Colorado, the AGNC, and the CML testified in support of the bill. The committee referred the bill to the Senate Committee of the Whole.

Senate second reading (March 22, 2016). The Senate passed the bill on second reading with no amendments.

Senate third reading (March 24, 2016). The Senate passed the bill on third reading with no amendments.

Relevant Research

Legislative Council Staff, *OHV Interim Committee Report to the General Assembly*, December 2015, <http://tinyurl.com/jjxsh5d>.