

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

January 27, 2016  
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB16-1030 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 33-14.5-108.5,  
4 **amend** (1) as follows:

5 **33-14.5-108.5. Crossing roads, highways, and railroad tracks.**  
6 (1) The driver of an off-highway vehicle may directly cross a roadway,  
7 including a state highway, at an at-grade crossing to continue using the  
8 off-highway vehicle on the other side. ~~except that a person shall not cross~~  
9 ~~a state highway within the jurisdiction of a municipality.~~

10 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-110, **amend**  
11 (1) as follows:

12 **33-14.5-110. Regulation by political subdivisions.**

13 (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1),  
14 any county, city and county, city, or town acting by its governing body  
15 may regulate the operation of off-highway vehicles on public lands,  
16 waters, and property under its jurisdiction and on streets and highways  
17 within its boundaries by resolution or ordinance of the governing body  
18 and by giving appropriate notice ~~thereof~~ OF THE REGULATION if ~~such~~ THE  
19 regulation is not inconsistent with ~~the provisions of~~ this article and the  
20 rules ~~and regulations~~ promulgated ~~pursuant thereto~~ UNDER THIS ARTICLE.

21 (b) (I) NOTWITHSTANDING THE REQUIREMENT THAT ITS  
22 ORDINANCE OR RESOLUTION NOT BE INCONSISTENT WITH THIS ARTICLE OR  
23 A RULE PROMULGATED UNDER THIS ARTICLE, A COUNTY, CITY AND

1 COUNTY, CITY, OR TOWN MAY REQUIRE THE DRIVER WHO IS DRIVING AN  
2 OFF-HIGHWAY VEHICLE ON A STREET, ROAD, OR HIGHWAY WITHIN THE  
3 JURISDICTION OF THE COUNTY, CITY AND COUNTY, CITY, OR TOWN TO:

4 (A) HAVE A DRIVER'S LICENSE; OR

5 (B) CARRY LIABILITY INSURANCE.

6 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH  
7 (b), A COUNTY, CITY AND COUNTY, CITY, OR TOWN DOES NOT HAVE  
8 AUTHORITY TO REQUIRE A DRIVER TO HAVE A DRIVER'S LICENSE OR CARRY  
9 LIABILITY INSURANCE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION  
10 33-14.5-108 (1) (a) TO (1) (e) AND (1) (g) TO (1) (i).

11 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-110, **add** (3)  
12 as follows:

13 **33-14.5-110. Regulation by political subdivisions.** (3) FOR A  
14 COUNTY, CITY AND COUNTY, CITY, OR TOWN TO REGULATE THE CROSSING  
15 OF A STATE HIGHWAY UNDER THE JURISDICTION OF THE COLORADO  
16 DEPARTMENT OF TRANSPORTATION, THE COUNTY, CITY AND COUNTY,  
17 CITY, OR TOWN MUST GIVE NOTICE IN WRITING TO THE DEPARTMENT OF  
18 TRANSPORTATION FOR REVIEW.

19 **SECTION 4. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety."

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