

NOTE: The governor signed this measure on 4/12/2016.

An Act

HOUSE BILL 16-1030

BY REPRESENTATIVE(S) Brown and Court, Becker K., Conti, Coram, Hamner, Mitsch Bush, Roupe, Vigil, Williams, Wilson, Hullinghorst; also SENATOR(S) Donovan, Crowder, Heath, Hill, Johnston, Roberts, Scott.

CONCERNING THE USE OF OFF-HIGHWAY VEHICLES.

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

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

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

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

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

33-14.5-110. Regulation by political subdivisions. (1)(a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), any county, city

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 county, city, or town acting by its governing body may regulate the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice ~~thereof~~ OF THE REGULATION if ~~such~~ THE regulation is not inconsistent with ~~the provisions of this article and the rules and regulations promulgated pursuant thereto~~ UNDER THIS ARTICLE.

(b)(I) NOTWITHSTANDING THE REQUIREMENT THAT ITS ORDINANCE OR RESOLUTION NOT BE INCONSISTENT WITH THIS ARTICLE OR A RULE PROMULGATED UNDER THIS ARTICLE, A COUNTY, CITY AND COUNTY, CITY, OR TOWN MAY REQUIRE THE DRIVER WHO IS DRIVING AN OFF-HIGHWAY VEHICLE ON A STREET, ROAD, OR HIGHWAY WITHIN THE JURISDICTION OF THE COUNTY, CITY AND COUNTY, CITY, OR TOWN TO:

(A) HAVE A DRIVER'S LICENSE; OR

(B) CARRY LIABILITY INSURANCE.

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

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

33-14.5-110. Regulation by political subdivisions. (3) FOR A CITY OR TOWN TO REGULATE THE CROSSING OF A STATE HIGHWAY UNDER THE JURISDICTION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, THE CITY OR TOWN MUST REQUEST IN WRITING THAT THE REGIONAL OFFICE OF THE DEPARTMENT APPROVE THE REGULATION. THE REGIONAL OFFICE SHALL NOT UNREASONABLY WITHHOLD APPROVAL. IF THE REGIONAL OFFICE DOES NOT APPROVE OR DENY THE REQUEST WITHIN SIXTY DAYS AFTER RECEIVED, THE REQUEST IS DEEMED APPROVED.

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.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO