

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0493.01 Jery Payne x2157

HOUSE BILL 18-1103

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HOUSE SPONSORSHIP

McLachlan,

SENATE SPONSORSHIP

Coram,

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House Committees  
Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A LOCAL GOVERNMENT TO REQUIRE A  
102 DRIVER TO MEET SAFETY STANDARDS FOR THE USE OF AN  
103 OFF-HIGHWAY VEHICLE.

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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://leg.colorado.gov>.)*

The bill clarifies that a local government may require a driver of an off-highway vehicle to do the following without conflicting with state rules:

- ! Require seat belts if the vehicle is designed to use them;
- ! Require the use of a child restraint system if the vehicle

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

- was designed for it;
- ! Require the use of eye protection;
- ! Require the use of a helmet if either the passenger or driver is under the age of 18; or
- ! Limit the number of occupants to the number that the off-highway vehicle was designed by the manufacturer to hold.

This applies when a person is driving an off-highway vehicle only on a road that has been opened to off-highway vehicle use by the local government or when crossing streets, railroad tracks, bridges, or culverts. A local government may require a driver's license or liability insurance when crossing streets, railroad tracks, bridges, or culverts.

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1 *Be it enacted by the General Assembly of the, State of Colorado:*

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4           (a) The recreational use of off-highway vehicles is important to  
5 Colorado's tourism industry and the economy of many communities;

6           (b) Many of these communities have developed significant trail  
7 networks that include local roads;

8           (c) Under Colorado law, local governments may open up roads in  
9 their jurisdictions for off-highway use;

10           (d) The opening of roads in local jurisdictions has put more  
11 off-highway vehicles in direct proximity to motor vehicles and the  
12 traveling public, and many local communities are taking steps to increase  
13 the safety of these interactions by adopting additional safety requirements  
14 on roads the community has opened up for off-highway vehicles;

15           (e) Several counties have passed ordinances that require additional  
16 safety requirements, and these counties were recently notified by the state  
17 that these requirements were not consistent with state rules.

18           (2) The general assembly declares that local governments may  
19 impose additional safety requirements on the roads that are under their

1 jurisdiction while being consistent with state rules.

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

4 **33-14.5-108. Off-highway vehicle operation prohibited on**  
5 **streets, roads, and highways.** (1) No off-highway vehicle may be  
6 operated on the public streets, roads, or highways of this state except in  
7 the following cases:

8 (a) When a street, road, or highway is designated open by the state  
9 or any agency ~~or political subdivision thereof~~ OF THE STATE;

10 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-110, **amend**  
11 (1)(b) as follows:

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

13 (1) (b) (I) Notwithstanding the requirement that its ordinance or  
14 resolution not be inconsistent with this ~~article~~ ARTICLE 14.5 or a rule  
15 promulgated under this ~~article~~ ARTICLE 14.5, a county, city and county,  
16 city, or town may require the driver who is driving an off-highway  
17 vehicle on a street, road, or highway within the jurisdiction of the county,  
18 city and county, city, or town to DO ANY COMBINATION OF THE  
19 FOLLOWING:

20 (A) Have a driver's license; ~~or~~

21 (B) Carry liability insurance;

22 (C) REQUIRE THE DRIVER OR ANY PASSENGER TO WEAR A SAFETY  
23 BELT SYSTEM IF THE MANUFACTURER INSTALLED A SAFETY BELT SYSTEM  
24 IN THE OFF-HIGHWAY VEHICLE;

25 (D) REQUIRE THE USE OF A CHILD RESTRAINT SYSTEM IN  
26 ACCORDANCE WITH SECTION 42-4-236 IF THE OFF-HIGHWAY VEHICLE WAS  
27 DESIGNED BY THE MANUFACTURER TO BE USED WITH A CHILD RESTRAINT

1 SYSTEM;  
2 (E) REQUIRE THE USE OF EYE PROTECTION;  
3 (F) REQUIRE THE USE OF A HELMET FOR A DRIVER WHO IS UNDER  
4 EIGHTEEN YEARS OF AGE OR FOR ANY PASSENGER WHO IS UNDER EIGHTEEN  
5 YEARS OF AGE; OR  
6 (G) LIMIT THE NUMBER OF OCCUPANTS TO THE NUMBER THAT THE  
7 OFF-HIGHWAY VEHICLE WAS DESIGNED BY THE MANUFACTURER TO HOLD.  
8 (II) Notwithstanding ~~subparagraph (I) of this paragraph (b)~~  
9 SUBSECTION (1)(b)(I) OF THIS SECTION, a county, city and county, city, or  
10 town does not have authority to ~~require a driver to have a driver's license~~  
11 ~~or carry liability insurance~~ PROMULGATE A RESOLUTION OR ORDINANCE  
12 IMPOSING THE REQUIREMENTS AUTHORIZED BY SUBSECTION (1)(b)(I) OF  
13 THIS SECTION under the circumstances described in section 33-14.5-108  
14 (1)(a), ~~to (I)(d)~~, (1)(e), and (1)(g) to (1)(i).

15 **SECTION 4. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2018 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.