



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 18-1103

FINAL  
FISCAL NOTE

<b>Drafting Number:</b>	LLS 18-0493	<b>Date:</b>	July 20, 2018
<b>Prime Sponsors:</b>	Rep. McLachlan Sen. Coram	<b>Bill Status:</b>	Signed into Law
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**Bill Topic:** LOCAL GOVERNMENT OFF-HIGHWAY VEHICLE REGULATION

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill allows local governments to enact safety requirements for off-highway vehicles. Beginning in FY 2018-19, this bill is expected to minimally increase state and local government revenue and workload. These impacts are ongoing.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the enacted bill.

**Summary of Legislation**

Under current law, local governments may enact an ordinance or resolution requiring off-highway vehicle (OHV) operators to have a driver license or carry liability insurance within an entity's jurisdiction. This bill clarifies that local governments may also require OHV operators to use seatbelts, a child restraint system, eye protection, or a helmet (for riders 18 years and younger). A local government may also limit the number of occupants on an OHV.

**Background**

**State Trails Program.** CPW administers a statewide grant program for trail-related projects funded by OHV registration fees. Grants are available for projects related to recreational OHV use on public lands. In 2017, the program granted \$4.2 million to OHV projects.

**Hinsdale County.** Last year, Hinsdale County passed an ordinance that requires safety belts, eye protection, helmets (for riders under 18), and other safety requirements for individuals operating OHVs in the county. As a result, the county was not eligible for grants from the State Trails Program as these local regulations were not in alignment with Colorado Parks and Wildlife (CPW) rules.

## Comparable Crime

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. Under current law, counties and municipalities may require drivers to have a driver license and liability insurance to operate an OHV. It is unknown how many jurisdictions have promulgated rules requiring OHV drivers to have a driver license and insurance. From December 2015 to December 2017, there were 242 infractions related to driving OHVs on public roads, which is a class 2 petty offense with a fine penalty of \$50.

## State Revenue

Beginning in FY 2018-19, this bill is anticipated to minimally increase county court fee revenue to the Judicial Department. The increase in the number of cases resulting from failing to meet safety requirements is expected to be minimal.

## TABOR Refund

This bill increases state revenue from fines, which will increase the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount. State revenue subject to TABOR is not estimated for years beyond FY 2019-20.

## State Expenditures

Beginning in FY 2018-19, workload in the Judicial Department may minimally increase to hear traffic cases under the bill, and workload for the Departments of Natural Resources and Public Safety may minimally increase to respond to changes in local OHV laws.

**Judicial Department.** Workload in the Judicial Department may minimally increase beginning in FY 2018-19 to hear any Class 2 petty offenses under the bill. The department's workload model estimates that one county court judicial officer can process 30,207 traffic infraction cases per year, therefore, no change in appropriation is required.

**Departments of Natural Resources and Public Safety.** These departments will be required to update materials to reflect changes in local laws related to OHVs. This workload can be accomplished within existing appropriations.

## Local Government

Beginning in FY 2018-19, this bill will minimally increase local government revenue and workload, as discussed below.

Local governments that adopt ordinances regulating seatbelts, child restraint systems, eye protection, helmets, or occupancy limits are expected to be eligible for trail grant funding, pending no further legal challenges.

To the extent local governments issue more citations for the new OHV safety requirements, local government revenue may increase from fine revenue. Workload in local governments may also increase related to the enforcement of the new regulations.

## Effective Date

The bill was signed into law by the Governor on March 29, 2018, and takes effect August 8, 2018, assuming no referendum petition is filed.

## State and Local Government Contacts

Agriculture	Corrections	Counties
County Clerks	Information Technology	Judicial
Law	Local Affairs	Municipalities
Natural Resources	Public Safety	Revenue
Sheriffs	Transportation	