

## CHAPTER 50

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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**SENATE BILL 21-084**

BY SENATOR(S) Smallwood;  
also REPRESENTATIVE(S) Gray, Duran, Exum, McLachlan, Michaelson Jenet, Valdez D.

**AN ACT**

**CONCERNING THE AUTHORITY OF LOCAL GOVERNMENTS TO PROHIBIT THE OPERATION OF MOTOR VEHICLES UPON ROUGHED-IN ROADS WHEN NECESSARY FOR THE PROTECTION OF THE PUBLIC.**

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

**SECTION 1.** In Colorado Revised Statutes, 42-1-102, **add** (85.5) as follows:

**42-1-102. Definitions.** As used in articles 1 to 4 of this title 42, unless the context otherwise requires:

(85.5) "ROUGHED-IN ROAD" MEANS AN AREA OF GROUND THAT HAS BEEN CUT WITH THE INTENTION TO MAKE A HIGHWAY BUT WHICH HAS NOT BEEN IMPROVED ENOUGH TO MAKE THE AREA QUALIFY AS A HIGHWAY.

**SECTION 2.** In Colorado Revised Statutes, 42-4-106, **amend** (3) as follows:

**42-4-106. Who may restrict right to use highways - definitions - rules - repeal.** (3) Local authorities, with respect to highways under their jurisdiction, may also, by ordinance or resolution:

(a) Prohibit the operation of trucks or commercial vehicles on designated highways;

(b) ~~or may~~ Impose limitations as to the weight thereof, ~~which prohibitions and limitations shall be~~ OF TRUCKS OR COMMERCIAL VEHICLES IF THE LIMITATIONS ARE designated by appropriate signs placed on ~~such highways~~ THE HIGHWAY; OR

(c) PROHIBIT THE OPERATION OF MOTOR OR OFF-HIGHWAY VEHICLES UPON A ROUGHED-IN ROAD WHEN NECESSARY FOR THE PROTECTION AND SAFETY OF THE

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

PUBLIC.

**SECTION 3.** In Colorado Revised Statutes, 43-2-110, **amend** (1.5)(b) as follows:

**43-2-110. Selection by county - notice - secondary system.** (1.5) The board of county commissioners of any county with a population of two hundred fifty thousand or more may designate as a primary road any four-lane controlled-access county highway, the construction of which commences in 2016, that is located within the unincorporated area of the county and that intersects with an interstate highway or a United States numbered highway. If a city or an incorporated town subsequently annexes any portion of a highway that has been designated as a primary road, the respective jurisdiction, control, and duty of the county and of the city or incorporated town with respect to the highway is as follows:

(b) The county has the authority to grant or deny access to the highway AND TO ROUGHED-IN ROADS, AS DEFINED IN SECTION 42-1-102 (85.5), and to establish weight restrictions for vehicles traveling on the highway as authorized by section 42-4-106 (1), (2), and ~~(3)~~, ~~C.R.S.~~ (3)(b).

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 22, 2021