

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 2

LLS NO. 20-0400.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Surplus Mil Vehicles Highway Use If Firefighting"

A BILL FOR AN ACT

101 **CONCERNING SURPLUS MILITARY VEHICLES, AND, IN CONNECTION**
102 **THEREWITH, EXEMPTING A SURPLUS MILITARY VEHICLE FROM**
103 **THE STATUTORY DEFINITION OF AN "OFF-HIGHWAY VEHICLE"**
104 **IF THE VEHICLE IS USED BY A MUNICIPALITY, COUNTY, OR FIRE**
105 **PROTECTION DISTRICT FOR THE PURPOSE OF ASSISTING**
106 **FIREFIGHTING EFFORTS.**

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/>.)

Wildfire Matters Review Committee. The bill states that a

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

surplus military vehicle is not an "off-highway vehicle" if it is used by a municipality, county, or fire protection district for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-6-102, **amend**
3 (11.5)(b) as follows:

4 **42-6-102. Definitions.** As used in this part 1, unless the context
5 otherwise requires:

6 (11.5) (b) (I) EXCEPT AS DESCRIBED IN SUBSECTION (11.5)(b)(II)
7 OF THIS SECTION, "off-highway vehicle" includes vehicles commonly
8 known as all-terrain vehicles, snowmobiles, and surplus military vehicles
9 but does not include:

10 ~~(F)~~ (A) Toy vehicles;

11 ~~(H)~~ (B) Vehicles designed and used primarily for travel on, over,
12 or in the water;

13 ~~(H)~~ (C) Historical military vehicles;

14 ~~(V)~~ (D) Golf carts or golf cars;

15 ~~(V)~~ (E) Vehicles designed and used to carry persons with
16 disabilities;

17 ~~(VH)~~ (F) Vehicles designed and used specifically for agricultural,
18 logging, or mining purposes; or

19 ~~(VH)~~ (G) Motor vehicles.

20 (II) "OFF-HIGHWAY VEHICLE" DOES NOT INCLUDE A SURPLUS
21 MILITARY VEHICLE THAT IS USED BY A MUNICIPALITY, COUNTY, OR FIRE
22 PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103 (7), FOR THE
23 PURPOSE OF ASSISTING WITH FIREFIGHTING EFFORTS, INCLUDING
24 MITIGATING THE RISK OF WILDFIRES.

1 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-101, **amend**
2 (3) introductory portion, (3)(f), and (3)(g); and **add** (3)(h) as follows:

3 **33-14.5-101. Definitions.** As used in this article 14.5, unless the
4 context otherwise requires:

5 (3) "Off-highway vehicle" means any self-propelled vehicle that
6 is designed to travel on wheels or tracks in contact with the ground,
7 designed primarily for use off of the public highways, and generally and
8 commonly used to transport persons for recreational purposes. EXCEPT AS
9 DESCRIBED IN SUBSECTION (3)(h) OF THIS SECTION, "off-highway vehicle"
10 includes surplus military vehicles as defined in section 42-6-102.

11 "Off-highway vehicle" does not include the following:

12 (f) Vehicles designed and used specifically for agricultural,
13 logging, or mining purposes; ~~or~~

14 (g) Vehicles registered pursuant to article 3 of title 42; ~~C.R.S.~~ OR

15 (h) A SURPLUS MILITARY VEHICLE, AS DEFINED IN SECTION
16 42-6-102 (20.5), THAT IS USED BY A MUNICIPALITY, COUNTY, OR FIRE
17 PROTECTION DISTRICT, AS DEFINED IN SECTION 32-1-103 (7), FOR THE
18 PURPOSE OF ASSISTING WITH FIREFIGHTING EFFORTS, INCLUDING
19 MITIGATING THE RISK OF WILDFIRES.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.