A BILL FOR AN ACT
CONCERNING THE USE OF OFF-HIGHWAY VEHICLES.

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://www.leg.state.co.us/billsummaries.)

Off-highway Vehicle Interim Committee. The bill clarifies that local authorities may require drivers of off-highway vehicles to have driver's licenses and insurance. The local authority must act by resolution or ordinance, publish a map of all roads available for use by off-highway vehicles, and place appropriate signs giving notice of the regulation. A local authority may also enter into cooperative agreements with federal land management agencies.

The bill adds to the current off-highway vehicle registration
program a new part that authorizes a person to register an off-highway vehicle with the local county clerk, who will register the vehicle with the department of revenue. The registration fee is $4. If an off-highway vehicle is registered and plated in another state, it is deemed registered in Colorado. The registration expires when the vehicle changes ownership.

Upon registering an off-highway vehicle, the person will be issued a visible identification plate, which must be affixed to the rear of the vehicle. The registration program and its associated statutes generally apply on roads, but not on trails, unless a local authority designates a trail as being a road for the purposes of the part.

The new part adds the following requirements for driving an off-highway vehicle on a road:

- A driver must be licensed unless a local authority waives this requirement, but the driver must be at least 10 years of age and accompanied by a licensed driver.
- A driver must obey the rules of the road.
- Driving on a limited access highway or a road with a speed limit of more than 45 miles per hour is forbidden, but a driver may cross a road as already authorized by statute.
- The driver must wear eye protection unless the vehicle has a windshield.
- Drivers and passengers under 18 years of age must wear helmets.
- The vehicle must have brakes and, if driven at night, have a head lamp and tail lights.
- The vehicle speed limit must not exceed 40 miles per hour. Violations are class B traffic infractions.

The bill amends the motor vehicle statutes to define an off-highway vehicle as a vehicle, such as a low power scooter or bicycle. The careless driving and reckless driving statutes are amended to include off-highway vehicles.

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

2 SECTION 1. In Colorado Revised Statutes, add 33-14.5-100.2 as follows:

33-14.5-100.2. Legislative declaration. The General Assembly finds, determines, and declares that a fee for registration of off-highway vehicles under this article is separate from a registration fee or other charge with respect to the operation
OF A MOTOR VEHICLE UPON A PUBLIC HIGHWAY.

SECTION 2. In Colorado Revised Statutes, 33-14.5-101, amend (3) introductory portion, (3) (d), and (3) (g); and add (2.5) as follows:

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

(2.5) "LOCAL AUTHORITY" HAS THE MEANING ESTABLISHED IN SECTION 42-1-102 (48), C.R.S.

(3) "Off-highway vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include:

(d) Golf carts;

(g) MOTOR vehicles registered pursuant to article 3 of title 42, C.R.S.

SECTION 3. In Colorado Revised Statutes, 33-14.5-102, add (10) as follows:

33-14.5-102. Off-highway vehicle registration - nonresident-owned or -operated off-highway vehicle permits - fees - applications - requirements - exemptions. (10) WHEN AN OWNER REGISTERS AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION FOR THE FIRST TIME, THE DIVISION SHALL NOTIFY THE OWNER OF THE OPPORTUNITY TO ALSO REGISTER THE VEHICLE UNDER SECTION 33-14.5-205.

SECTION 4. In Colorado Revised Statutes, 33-14.5-108, amend (1) introductory portion as follows:

33-14.5-108. Off-highway vehicle operation prohibited on
streets, roads, and highways. (1) No A PERSON SHALL NOT DRIVE AN off-highway vehicle may be operated on the public streets, roads, or highways of this state ON A PUBLICLY MAINTAINED RIGHT-OF-WAY USED PRIMARILY BY MOTOR VEHICLES except in the following cases:

SECTION 5. 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 6. 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 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:

(I) is not inconsistent DOES NOT CONFLICT with the provisions of this article and the rules and regulations promulgated pursuant thereto UNDER THIS ARTICLE; AND

(II) DOES NOT EXCEED THE POWERS GRANTED TO LOCAL AUTHORITIES TO REGULATE MOTOR VEHICLES AND TRAFFIC UNDER SECTIONS 42-4-110 AND 42-4-111, C.R.S., FOR THE REGULATION OF
TRAFFIC AND ROADWAYS.

(b) (I) A LOCAL AUTHORITY MAY REQUIRE THE DRIVER OF AN OFF-HIGHWAY VEHICLE TO HAVE A DRIVER'S LICENSE.

(II) A LOCAL AUTHORITY MAY AUTHORIZE A PERSON WHO HAS NOT BEEN ISSUED A DRIVER'S LICENSE UNDER ARTICLE 2 OF TITLE 42, C.R.S., TO DRIVE AN OFF-HIGHWAY VEHICLE. TO AUTHORIZE A PERSON WITHOUT A DRIVER'S LICENSE TO DRIVE AN OFF-HIGHWAY VEHICLE, THE RESOLUTION OR ORDINANCE MUST REQUIRE THE DRIVER TO BE AT LEAST TEN YEARS OF AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF A LICENSED DRIVER.

(III) A LOCAL AUTHORITY MAY REQUIRE A DRIVER OF AN OFF-HIGHWAY VEHICLE TO CARRY LIABILITY INSURANCE.

(IV) A LOCAL AUTHORITY MAY REQUIRE AN OFF-HIGHWAY VEHICLE TO BE REGISTERED UNDER SECTION 33-14.5-205 TO BE DRIVEN ON A ROADWAY; EXCEPT THAT THIS SUBPARAGRAPH (IV) DOES NOT AUTHORIZE A COUNTY TO REQUIRE AN OFF-HIGHWAY VEHICLE TO BE REGISTERED TO DRIVE ON A ROADWAY IN THE FOLLOWING CASES:

(A) WHEN CROSSING STREETS OR WHEN CROSSING ROADS, HIGHWAYS, OR RAILROAD TRACKS IN ACCORDANCE WITH SECTION 33-14.5-108.5;

(B) WHEN TRAVERSING A BRIDGE OR CULVERT;

(C) DURING SPECIAL OFF-HIGHWAY VEHICLE EVENTS LAWFULLY CONDUCTED IN ACCORDANCE WITH THE AUTHORITY GRANTED TO LOCAL POLITICAL SUBDIVISIONS IN THIS ARTICLE;

(D) DURING EMERGENCY CONDITIONS DECLARED BY THE PROPER STATE OR LOCAL AUTHORITY;

(E) WHEN USING AN OFF-HIGHWAY VEHICLE FOR AGRICULTURAL PURPOSES;
(F) When a public utility, as defined in section 40-1-103 (1), C.R.S., or a cooperative electric association, as defined in section 40-9.5-102, C.R.S., or any agent of either entity designated specifically for the purpose of meter reading or repair is using an off-highway vehicle for business purposes.

(V) The intention of this paragraph (b) is to grant local authorities specific authority to regulate the use of off-highway vehicles. If an ordinance or resolution exercising the powers granted in this paragraph (b) conflicts with a rule of the division, the ordinance or resolution shall supersede the rule, and the division shall not penalize the local authority based on the ordinance or resolution.

(c) To exercise the powers granted local authorities under this section, the governing body of the local authority must:

(I) Act by ordinance or resolution; and

(II) Publish a map of all roads available for use by off-highway vehicles.

(d) An ordinance or resolution regulating the use of off-highway vehicles does not take effect until notice of the regulation is placed at the entrances of the roadway by means of official signs or traffic control devices.

SECTION 7. In Colorado Revised Statutes, 33-14.5-111, amend (2) as follows:

33-14.5-111. Enforcement - federal, state, and local cooperation. (2) The division is authorized to and a local authority may enter into cooperative agreements with federal land management
agencies for the purpose of regulating off-highway vehicle use on federal
lands.

**SECTION 8.** In Colorado Revised Statutes, add part 2 to article
14.5 of title 33 as follows:

**PART 2**

**REGISTRATION AND ROAD USE**

**33-14.5-201. Short title.** The short title of this part 2 is the
"REGISTRATION INCREASES DRIVING ENTHUSIASM FOR OFF-HIGHWAY
VEHICLES ACT".

**33-14.5-202. Definitions.** As used in this part 2, unless the
context otherwise requires:

(1) "ALL-TERRAIN VEHICLE" MEANS A THREE- OR FOUR-WHEELED
OFF-HIGHWAY VEHICLE THAT TRAVELS ON LOW-PRESSURE TIRES WITH A
SEAT THAT IS STRADDLED BY THE RIDER AND WITH HANDLEBARS FOR
STEERING CONTROL.

(2) "CLASS B TRAFFIC INFRACTION" HAS THE SAME MEANING AS
SET FORTH IN SECTION 42-4-1701, C.R.S.

(3) "DRIVE" MEANS TO OPERATE AN OFF-HIGHWAY VEHICLE TO
CAUSE IT TO CHANGE GEOGRAPHIC LOCATION.

(4) "GOVERNING BODY" MEANS THE STATE OF COLORADO, THE
AGENCIES OF THE STATE OF COLORADO, A COUNTY, A MUNICIPALITY, A
CITY, OR A CITY AND COUNTY.

(5) "MOTORCYCLE" HAS THE SAME MEANING AS SET FORTH IN
SECTION 42-1-102, C.R.S.

(6) "ROAD" MEANS A PUBLICLY MAINTAINED RIGHT-OF-WAY USED
PRIMARILY BY MOTOR VEHICLES, AS THAT TERM IS DEFINED BY SECTION
42-1-102, C.R.S.
(7) "Trail" means:

(a) A route established primarily for off-highway vehicle use; or

(b) If established or maintained in connection with this article, each of the following:

(I) Routes;

(II) Parking areas; and

(III) Facilities.

33-14.5-203. Applicability. (1) Registration. This part 2 applies only to off-highway vehicles registered for road use under section 33-14.5-205.

(2) Roads - exceptions. (a) Except as provided in paragraph (b) of this subsection (2), this part 2 applies to driving an off-highway vehicle on a road.

(b) Except as provided in paragraph (c) of this subsection (2), this part 2 does not apply to trails.

(c) Except as limited by section 33-14.5-208, a governing body may designate a trail over which the body has jurisdiction as a road that is subject to this part 2.

33-14.5-204. Driver's licenses requirements. (1) Licenses. The driver of an off-highway vehicle on a road shall possess a valid driver's license or minor driver's license issued under article 2 of title 42, C.R.S., unless a governing body has authorized a person to drive an off-highway vehicle on a road without a license by ordinance, resolution, or rule. The ordinance, resolution, or rule must require an unlicensed driver to be at least ten years of age and be under the immediate supervision of
A LICENSED DRIVER.

(2) **Motorcycle endorsements.** If an off-highway vehicle is also a motorcycle, the driver of the vehicle on a road shall possess a general motorcycle endorsement issued under Article 2 of Title 42, C.R.S.

33-14.5-205. **Registration - rules - fees.** (1) **Voluntary registration.** An owner may register an off-highway vehicle with a county clerk. The registration expires when ownership of the off-highway vehicle is transferred to another person.

(2) **Foreign registration.** For the purposes of this section, registration of an off-highway vehicle in a foreign jurisdiction is deemed registration under this section if:

(a) The foreign jurisdiction has issued the off-highway vehicle either:

(I) A form of identification that is affixed to the vehicle and is at least as visible as a visible identification plate; or

(II) A license plate; and

(b) The license plate or visible identification plate meeting the standard of paragraph (a) of this subsection (2) is affixed to the vehicle.

(3) **Registration under part 1 not superseded.** Registering an off-highway vehicle under this part 2 does not supersede the requirement to register an off-highway vehicle under section 33-14.5-102.

(4) **County clerks - department of revenue.** (a) The county clerks shall forward the registration information to the department of revenue, which shall register the off-highway vehicle.
VEHICLE.

(b) The Department of Revenue may promulgate rules necessary to implement the registration of an off-highway vehicle under this section.

(5) Fees. (a) The county clerks may collect and retain a fee of four dollars per off-highway vehicle registered under this part 2.

(b) To register an off-highway vehicle under this section, the owner must pay a visible identification plate fee equal to the fee set under section 42-3-301 (2), C.R.S., for motorcycle license plates.

(c) An off-highway vehicle is not subject to any specific ownership tax or motor vehicle registration fee unless the tax or fee is expressly authorized for an off-highway vehicle by statute.

33-14.5-206. Identification issued. (1) Visible identification plates. Upon registration of an off-highway vehicle under this part 2, the county clerk shall issue a visible identification plate for the vehicle that:

(a) Is the same size as a motorcycle license plate; and

(b) Displays the registration number in numerals or letters of at least one and one-half inches in height.

(2) Reregistration. The owner of an off-highway vehicle need not:

(a) Reregister the vehicle so long as the enrolled off-highway vehicle is not sold or transferred to another owner; or
(b) OBTAIN VALIDATING STICKERS OR TABS.

(3) **Plates affixed to vehicle.** The owner of an off-highway vehicle shall affix the visible identification plate to the rear of the vehicle so it is:

(a) **Horizontal;**

(b) **Clearly readable;**

(c) At least twelve inches from the ground; and

(d) Free from foreign materials or coverings.

(4) **Plate source.** The county clerks shall obtain visible identification plates to issue under this section directly from the department of corrections.

### 33-14.5-207. Rules of the road.

(1) A person driving an off-highway vehicle upon a road shall obey the rules of the road as defined by section 42-4-110 (1) (c), C.R.S., and traffic control devices; except that:

(a) This section does not limit authority to use or cross a road as otherwise granted by this article; and

(b) A driver is not subject to those provisions of article 4 of title 42, C.R.S., that by their nature have no application, including parts 2 and 3 of article 4 of title 42, C.R.S.

### 33-14.5-208. Prohibited roads.

(1) **Limited access highways - speed limit of roads.** A person shall not drive an off-highway vehicle upon:

(a) A limited access highway; or

(b) A road with a speed limit equal to or more than forty-five miles per hour.

(2) **Crossing allowed.** Prohibiting a person from driving on
A road does not prohibit the person from driving across the road in accordance with section 33-14.5-108.5.

33-14.5-209. **Eye protection required.** A person shall not drive an off-highway vehicle on a road unless the person and any passenger are wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that a driver or passenger need not wear safety glass or plastic if the person is wearing a helmet containing eye protection made of safety glass or plastic or driving an off-highway vehicle with a windshield.

33-14.5-210. **Protective helmets.**

(1) **Requirements for people under eighteen.** To drive or be a passenger on an all-terrain vehicle or two-wheeled vehicle on a road, a person under eighteen years of age shall wear a protective helmet that conforms to subsection (2) of this section and that is secured properly on the person's head with a chin strap.

(2) **Helmet standards.** A protective helmet required by this section must:

(a) be designed to reduce injuries to the user resulting from head impacts and protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact;

(b) have a lining, padding, and chin strap; and

(c) meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 CFR 571.218, for motorcycle helmets.
33-14.5-211. **Equipment.** (1) **Requirements.** A person shall not drive an off-highway vehicle on a road unless the vehicle is equipped with the following in good working order:

(a) brakes that enable the operator to make the wheels skid on dry, level, and clean pavement;

(b) if driven at night:

(I) a head lamp aimed and sufficiently intense to reveal persons and vehicles at a distance of one hundred feet ahead on a straight, level road; and

(II) a tail light that emits a red light when the head lamp is lighted and that is:

(A) visible from a distance of five hundred feet to the rear;

(B) mounted on the rear of the vehicle; and

(C) located at a height of not more than seventy-two inches above the ground nor less than twenty inches above the ground.

(2) **High beam.** If an off-highway vehicle has a head lamp with a higher and lower beam, the driver shall not operate the higher beam or the head lamp to strike the eyes of the driver of an approaching vehicle.

33-14.5-212. **Speed limits.** Notwithstanding part 11 of article 4 of title 42, C.R.S., a person shall not drive an off-highway vehicle on a road at a speed in excess of forty miles per hour unless a governing body authorizes a higher speed for a specific road.

33-14.5-213. **Violations.** (1) **Traffic infractions.** A person who
VIOLATES THIS PART 2 COMMIT A CLASS B TRAFFIC INFRACTION.

(2) **Procedures.** The procedures for punishing a violation of this Part 2 are governed by Part 17 of Article 4 of Title 42, C.R.S.

(3) **Penalties.** Notwithstanding the penalties imposed by Article 4 of Title 42, C.R.S., a violation of any duty imposed under Article 4 of Title 42, C.R.S., by a driver of an off-highway vehicle that is currently registered pursuant to this Part 2 is a class B traffic infraction unless the statute setting forth the penalty for the violation expressly specifies that the penalty applies to an off-highway vehicle.

SECTION 9. In Colorado Revised Statutes, 42-1-102, amend (58) and (112) as follows:

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

(58) (a) "Motor vehicle" means:

(I) Any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways; or and

(II) A low-speed electric vehicle. except that the term

(b) "Motor vehicle" does not include low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401, for farm tractors and off-highway vehicles, as defined in section 33-14.5-101 (3), C.R.S., operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle operated on streets and highways that is not otherwise classified as a motor vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,
42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter.

(112) "Vehicle" means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electrical assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

SECTION 10. In Colorado Revised Statutes, 42-4-1402, amend (1) as follows:

42-4-1402. Careless driving - penalty. (1) A person who drives a motor vehicle bicycle, electrical assisted bicycle, or low-power scooter OR VEHICLE in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle, EPAMD, OFF-HIGHWAY VEHICLE, or electrical assisted bicycle shall not be subject to the provisions of section 42-2-127.

SECTION 11. In Colorado Revised Statutes, 42-4-1401, amend (1) as follows:

42-4-1401. Reckless driving - penalty. (1) A person who drives a motor vehicle bicycle, electrical assisted bicycle, or low-power scooter OR VEHICLE in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle, EPAMD,
OFF-HIGHWAY VEHICLE, OR electrical assisted bicycle shall not be subject to the provisions of section 42-2-127.

SECTION 12. Act subject to petition - effective date - applicability. (1) 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 (August 10, 2016, if adjournment sine die is on May 11, 2016); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.