

CHAPTER 227

NATURAL RESOURCES

HOUSE BILL 99-1355

BY REPRESENTATIVES Taylor, Alexander, George, Gotlieb, Hoppe, Smith, Young, Kester, Larson, May, McKay, Scott, and Stengel;
also SENATORS Dennis, Blickensderfer, Chlouber, Hillman, Nichol, and Wattenberg.

AN ACT

CONCERNING THE CREATION OF AN EXCEPTION TO THE OFF-HIGHWAY VEHICLE REGISTRATION REQUIREMENT FOR NONRESIDENT OFF-HIGHWAY VEHICLES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE NONRESIDENT OFF-HIGHWAY VEHICLE PERMIT REQUIREMENT.

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

SECTION 1. 33-14.5-102 (1) (a), Colorado Revised Statutes, is amended, and the said 33-14.5-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-14.5-102. Off-highway vehicle registration - nonresident-owned or -operated off-highway vehicle permits - fees - applications - requirements - exemptions. (1) (a) ~~On and after April 1, 1990,~~ Except as provided in subsection (6) of this section, AND EXCEPT AS PROVIDED FOR NONRESIDENT-OWNED AND -OPERATED OFF-HIGHWAY VEHICLES IN SUBSECTION (9) OF THIS SECTION, no person shall operate, nor have in his OR HER possession at any staging area, any off-highway vehicle within the state unless such off-highway vehicle has been registered and numbered in accordance with the provisions of this article. The division is authorized to assign identification numbers and register off-highway vehicles.

(9) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1) TO (8) OF THIS SECTION, ON AND AFTER APRIL 1, 2000, NO PERSON SHALL OPERATE, NOR HAVE IN HIS OR HER POSSESSION AT ANY STAGING AREA, ANY NONRESIDENT-OWNED OR -OPERATED OFF-HIGHWAY VEHICLE WITHIN THE STATE OF COLORADO UNLESS SUCH OFF-HIGHWAY VEHICLE IS COVERED BY A VALID LICENSE OR REGISTRATION OF ANOTHER STATE OR COUNTRY AND SUCH NONRESIDENT-OWNED OR -OPERATED OFF-HIGHWAY VEHICLE HAS NOT BEEN WITHIN THIS STATE FOR MORE THAN THIRTY CONSECUTIVE DAYS, OR SUCH NONRESIDENT-OWNED OR -OPERATED OFF-HIGHWAY VEHICLE HAS BEEN ISSUED A PERMIT PURSUANT TO THIS SUBSECTION (9).

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE DIVISION IS HEREBY AUTHORIZED TO ISSUE PERMITS TO NONRESIDENT-OWNED OR -OPERATED OFF-HIGHWAY VEHICLES.

(c) (I) NONRESIDENT OFF-HIGHWAY VEHICLE PERMITS SHALL BE SOLD BY THE AGENTS DESIGNATED PURSUANT TO SECTION 33-12-104, AND THE FEE FOR SAID PERMITS SHALL BE THE FEE PROVIDED PURSUANT TO SECTION 33-10-111 (5).

(II) NONRESIDENT OFF-HIGHWAY VEHICLE PERMITS SHALL BE VALID FOR ONE YEAR OR UNTIL THE FOLLOWING MARCH 31, WHICHEVER COMES FIRST.

(III) THE FEE FOR THE REPLACEMENT OF A LOST, MUTILATED, OR DESTROYED NONRESIDENT OFF-HIGHWAY VEHICLE PERMIT SHALL BE THE FEE SPECIFIED IN SECTION 33-12-101 FOR REPLACEMENT OF PASSES AND REGISTRATIONS.

(d) NONRESIDENT OFF-HIGHWAY VEHICLE PERMITS SHALL BE DISPLAYED AS REQUIRED BY THE DIVISION.

(e) THE FOLLOWING NONRESIDENT OFF-HIGHWAY VEHICLES SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SUBSECTION (9):

(I) VEHICLES OWNED BY THE UNITED STATES OR ANOTHER STATE OR POLITICAL SUBDIVISION THEREOF IF SUCH OWNERSHIP IS CLEARLY DISPLAYED ON SUCH VEHICLES;

(II) VEHICLES OPERATED IN AN ORGANIZED COMPETITIVE OR NONCOMPETITIVE EVENT ON PUBLICLY OR PRIVATELY OWNED OR LEASED LAND; EXCEPT THAT THIS EXEMPTION SHALL NOT APPLY UNLESS THE AGENCY EXERCISING JURISDICTION OVER SUCH LAND SPECIFICALLY AUTHORIZES THE ORGANIZED COMPETITIVE OR NONCOMPETITIVE EVENT;

(III) VEHICLES USED STRICTLY ON PRIVATE PROPERTY.

(f) ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION (9) IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF THIRTY-FIVE DOLLARS.

SECTION 2. 33-14.5-108 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(i) 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 THEREOF DESIGNATED SPECIFICALLY FOR THE PURPOSE OF METER READING OR REPAIR, IS USING AN OFF-HIGHWAY VEHICLE FOR BUSINESS PURPOSES.

SECTION 3. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of section 1 of this act shall apply to nonresident owners or operators of off-highway motor vehicles used or possessed in a staging area in the state of Colorado on or after April 1, 2000.

Approved: May 24, 1999