

CHAPTER 305

NATURAL RESOURCES

HOUSE BILL 03-1319

BY REPRESENTATIVE(S) Fritz, Briggs, Brophy, Cadman, Hall, Harvey, McFadyen, Plant, Rippy, Salazar, Stengel, Tochtrop, White, Coleman, Crane, Hefley, Larson, Pommer, Romanoff, Stafford, and Williams S.;
also SENATOR(S) Dyer, Hagedorn, Teck, and Grossman.

AN ACT

CONCERNING THE AUGMENTATION OF LAW ENFORCEMENT TOOLS USED TO GAIN COMPLIANCE WITH LAWS REGULATING THE RECREATIONAL USE OF COLORADO'S NATURAL RESOURCES.

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

SECTION 1. 33-1-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

33-1-105. Powers of commission - repeal. (1) The commission has power to:

(h) PROVIDE FOR THE DESTRUCTION OF ANY WILDLIFE THAT POSES A THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE.

SECTION 2. 33-3-106 (2), (3), and (4), Colorado Revised Statutes, are amended to read:

33-3-106. Excessive damage - permit to take wildlife - harassment by dogs.

(2) Any wildlife killed, as permitted under subsection (1) of this section, shall remain the property of the state AND shall be field dressed promptly, and ~~the~~ SUCH killing ~~thereof~~ shall be reported to the division within forty-eight hours; EXCEPT THAT THE KILLING OF A BEAR OR MOUNTAIN LION SHALL BE REPORTED WITHIN FIVE DAYS.

(3) Nothing in this section shall make it unlawful to trap, kill, or otherwise dispose of bears, mountain lions, or dogs WITHOUT A PERMIT in situations when it is necessary to prevent them from inflicting death, DAMAGE, or injury to livestock, REAL PROPERTY, A MOTOR VEHICLE, or human life and additionally, in the case of dogs, when it is necessary to prevent them from inflicting death or injury to big game ~~other than bear or mountain lion~~ and to small game, birds, and mammals. ANY WILDLIFE

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

KILLED AS PERMITTED UNDER THIS SUBSECTION (3) SHALL REMAIN THE PROPERTY OF THE STATE, AND SUCH KILLING SHALL BE REPORTED TO THE DIVISION WITHIN FIVE DAYS. The division may bring a civil action against the owner of any dog inflicting death or injury to any big game ~~other than bear or mountain lion~~ and to small game, birds, and mammals for the value of each game animal injured or killed. The minimum value of each animal shall be as set forth in section 33-6-110.

~~(4) It shall not be necessary or requisite to obtain from the division any permit for the taking of bears, mountain lions, coyotes, bobcats, or dogs. No dog shall be killed within the city limits of any town, city, or municipality or while in the possession of or under the control of any person unless otherwise permitted by law. All bears and mountain lions which are taken or destroyed under this section shall be reported to the division within five days after the killing thereof.~~

SECTION 3. 33-4-101.3 (4), Colorado Revised Statutes, is amended to read:

33-4-101.3. Black bears - declaration of intent - spring season hunting prohibited - prohibited means of taking - penalty. (4) The provisions of this section shall not apply to employees or agents of the division of wildlife or to field agents of the United States department of agriculture, when such employees or agents are acting in their official capacity, nor shall this section apply to any person who lawfully takes a black bear in defense of LIVESTOCK, REAL PROPERTY, A MOTOR VEHICLE, OR HUMAN life or property or to any person who traps, kills, or otherwise disposes of a black bear in accordance with section 33-3-106 (3) PURSUANT TO SECTION 33-3-106.

SECTION 4. The introductory portion to 33-6-106 (1) and 33-6-106 (1) (b) (II), (1) (c), (2), and (6), Colorado Revised Statutes, are amended, and the said 33-6-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-6-106. Suspension of license privileges. (1) The commission, OR A HEARING OFFICER WHO HAS BEEN DELEGATED AUTHORITY BY THE COMMISSION, has the exclusive authority to suspend the privilege of applying for, purchasing, or exercising the benefits conferred by any or all licenses issued by the division for a period not to exceed five years, except as otherwise provided in articles 1 to 6 of this title, if a person:

(b) While a Colorado resident:

~~(II) Has been convicted of federal wildlife violations occurring in this state, and such convictions, individually or when combined with convictions specified in paragraph (a) of this subsection (1), total twenty or more points in any consecutive five-year period;~~

(c) Has been convicted of any violation of title 18, C.R.S., ~~which he~~ THAT WAS committed while hunting, trapping, fishing, or engaging in a related activity OR OF ANY FEDERAL WILDLIFE VIOLATIONS WITHIN COLORADO AND SUCH FEDERAL CONVICTIONS, INDIVIDUALLY OR WHEN COMBINED WITH CONVICTIONS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), TOTAL TWENTY OR MORE POINTS;

(2) For the purposes of license suspension under subsection (1) of this section, the

payment of a penalty assessment, a court conviction, a plea of nolo contendere, the ~~imposition~~ ACCEPTANCE of a deferred or suspended sentence by the court, THE ADJUDICATION OF A JUVENILE AS DELINQUENT FOR ANY VIOLATION OF THIS TITLE THAT WOULD HAVE RESULTED IN A CONVICTION IF PROSECUTED AS AN ADULT, or forfeiture of bail shall be deemed a conviction.

(6) Any person whose license privileges have been suspended shall not be entitled to purchase, apply for, or exercise the benefits conferred by any license issued by the division until ~~his~~ SUCH PERSON'S suspension has expired. Any person who violates this subsection (6) is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished by a fine of five hundred dollars. Conviction under this subsection (6) shall result in an automatic two-year extension of the existing suspension added to the end of the original suspension UNLESS SUCH PERSON WAS UNDER A LIFETIME SUSPENSION WHEN SUCH VIOLATION OCCURRED. IF A PERSON IS UNDER A LIFETIME SUSPENSION AND VIOLATES THIS SUBSECTION (6), SUCH PERSON SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN TEN THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN NINETY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

(8) IF A PERSON'S PRIVILEGE OF APPLYING FOR, PURCHASING, OR EXERCISING THE BENEFITS CONFERRED BY ANY OR ALL LICENSES ISSUED BY THE DIVISION IS SUSPENDED THREE OR MORE TIMES PURSUANT TO THIS SECTION, SUCH PERSON SHALL RECEIVE A LIFETIME SUSPENSION OF SUCH PRIVILEGES.

SECTION 5. 33-6-107 (2) and (3), Colorado Revised Statutes, are amended to read:

33-6-107. Licensing violations - penalties. (2) (a) Any person who makes a false statement OR PROVIDES FALSE INFORMATION in connection with applying for or purchasing a license, or any license agent who knowingly uses or accepts false information in connection with selling or issuing a license, is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished by ~~a fine of two hundred dollars and an assessment of fifteen license suspension points~~ THE FOLLOWING FINES:

(I) FOR EACH LICENSE THAT IS NOT A BIG GAME LICENSE, A FINE THAT IS EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES AND TEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED;

(II) FOR EACH BIG GAME LICENSE, A FINE THAT IS EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES AND AN ASSESSMENT OF FIFTEEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED.

(b) All licenses obtained with the false information are void.

(3) Except as otherwise provided in articles 1 to 6 of this title or by rule ~~or regulation~~ of the commission, any person, regardless of age, who hunts or takes wildlife in this state shall procure a proper and valid license therefor and shall have the valid license on his or her person when exercising the benefits it confers. A person who violates this subsection (3) is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall ~~with respect to wildlife other than big game~~, be punished by

a fine of fifty dollars and an assessment of ten license suspension points or shall, with respect to big game, be punished by a fine of two hundred fifty dollars and an assessment of fifteen license suspension points AS FOLLOWS:

(a) FOR EACH LICENSE THAT IS NOT A BIG GAME LICENSE, THE FINE SHALL BE EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES AND TEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED;

(b) FOR EACH BIG GAME LICENSE, FIFTEEN LICENSE SUSPENSION POINTS AND A FINE THAT IS EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES SHALL BE ASSESSED.

SECTION 6. The introductory portion to 33-6-109 (3) and 33-6-109 (3) (a), (3) (b), and (3) (e), Colorado Revised Statutes, are amended to read:

33-6-109. Wildlife - illegal possession. (3) Any person who violates subsection (1) or (2) of this section is guilty of a misdemeanor and, depending upon the wildlife involved, shall be punished upon conviction thereof by a fine or imprisonment, or both, and license suspension points or suspension or revocation of license privileges as follows:

(a) For each animal listed as endangered or threatened, a fine of not less than two thousand dollars and not more than one hundred thousand dollars, or by imprisonment for not more than one year in the county jail, or by both such fine and such imprisonment, and an assessment of twenty points. UPON CONVICTION, THE COMMISSION MAY SUSPEND ANY OR ALL LICENSE PRIVILEGES OF THE PERSON FOR A PERIOD OF FROM ONE YEAR TO LIFE.

(b) For each golden eagle, rocky mountain goat, DESERT BIGHORN SHEEP, AMERICAN PEREGRINE FALCON, or ROCKY MOUNTAIN bighorn sheep, a fine of not less than one thousand dollars and not more than one hundred thousand dollars, or by imprisonment for not more than one year in the county jail, or both such fine and such imprisonment, and an assessment of twenty points. UPON CONVICTION, THE COMMISSION MAY SUSPEND ANY OR ALL LICENSE PRIVILEGES OF THE PERSON FOR A PERIOD OF FROM ONE YEAR TO LIFE.

(e) For each violation of paragraph (b), (c) or (d) of this subsection (3) where ANY COMBINATION OF three or more animals are taken or possessed, a minimum fine per animal as set forth in said SUCH paragraphs, to a maximum of ten thousand dollars per animal, or imprisonment for not more than one year in the county jail, or by both such fine and such imprisonment. Upon conviction, the commission may suspend any or all license privileges of the person for a period of from one year to life.

SECTION 7. Repeal. 33-6-114.5 (7) (c), Colorado Revised Statutes, is repealed as follows:

33-6-114.5. Native and nonnative fish - possession, transportation, importation, exportation, and release - penalties. (7) (c) ~~As an alternative punishment, any person who violates subsection (2), (3), (4), (5), or (6) of this section or any rule or regulation promulgated by the wildlife commission relating to fish health, the spread of aquatic diseases, or the importation into the state or the~~

distribution and management of any exotic aquatic species may be punished upon a finding of such violation by the director as follows:

(I) ~~In any first administrative proceeding, by a fine of not less than one hundred dollars nor more than one thousand dollars. In addition, any person who violates subsection (5) or (6) of this section is liable for all damages and costs associated with such unlawful release, including but not limited to the costs of eradication or removal of any organisms, disease agents, or both which becomes necessary as a result of such violation; and~~

(H) ~~In any subsequent administrative proceeding against the same person for transactions occurring after a final agency action determining that any such violation has occurred, a fine of not less than five hundred dollars nor more than five thousand dollars.~~

SECTION 8. 33-6-115.5 (3), Colorado Revised Statutes, is amended to read:

33-6-115.5. Hunting, trapping, and fishing - intentional interference with lawful activities. (3) Any person who violates this section commits a ~~class 2 petty offense~~ MISDEMEANOR and, upon conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ FIVE hundred dollars nor more than ~~five hundred~~ ONE THOUSAND dollars and an assessment of twenty license suspension points.

SECTION 9. 33-6-120, Colorado Revised Statutes, is amended to read:

33-6-120. Hunting, trapping, or fishing out of season or in a closed area.

(1) It is unlawful for any person to FISH, TRAP, hunt, or take any wildlife outside of the season established by or in an area closed by commission rule. ~~or regulation.~~ Any person who violates this section is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~one hundred dollars~~ and an assessment of ~~ten~~ license suspension points AS FOLLOWS:

(a) FOR EACH INCIDENT THAT IS NOT RELATED TO THE HUNTING OR TAKING OF A BIG GAME ANIMAL, THE FINE SHALL BE EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES AND TEN LICENSE SUSPENSION POINTS SHALL BE ASSESSED;

(b) FOR THE HUNTING OR TAKING OF BIG GAME, FIFTEEN LICENSE SUSPENSION POINTS AND A FINE THAT IS EQUAL TO TWICE THE COST OF THE MOST EXPENSIVE LICENSE FOR SUCH SPECIES SHALL BE ASSESSED.

SECTION 10. 33-10-111 (4), Colorado Revised Statutes, is amended to read:

33-10-111. Parks and outdoor recreation cash fund created - accounting expenditures for roads and highways. (4) At each regular session, the general assembly shall determine the amounts to be expended by the division for the acquisition of rights-of-way for the construction, improvement, repair, and maintenance of public roads and highways in state recreation areas and parks and shall appropriate such amounts from the state allocation provided by section 43-4-206, C.R.S., from the highway users tax fund to the division as are necessary to accomplish these purposes. ~~These funds, and any other funds appropriated for~~

these purposes, may only be expended to contract for the provision of such services with the department of transportation.

SECTION 11. 33-11-112, Colorado Revised Statutes, is amended to read:

33-11-112. Trails enforcement. It is unlawful for any person, except a parks and recreation officer or other peace officer, to operate a motorized vehicle on a SIGNED AND designated nonmotorized trail. Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~; shall be punished by a fine of ~~twenty-five~~ ONE HUNDRED FIFTY dollars.

SECTION 12. 33-12-104 (11) (a), Colorado Revised Statutes, is amended to read:

33-12-104. Pass and registration agents - reports - board of claims - unlawful acts. (11) Any pass or registration agent who fails, upon demand of the division or its authorized representative, to account for passes and registrations or who fails to pay over to the division or its authorized representative moneys received from the sale of passes and registrations:

(a) When the amount in question is less than two hundred dollars, is guilty of a misdemeanor and, upon conviction, ~~thereof~~; shall be punished by a fine of not less than ~~one~~ TWO hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment;

SECTION 13. 33-12-105, Colorado Revised Statutes, is amended to read:

33-12-105. Licensing violations. (1) Except as otherwise provided in section 33-12-104, it is unlawful for any person to transfer, sell, or assign any pass or registration issued under articles 10 to 15 of this title to another person. Any person who violates this subsection (1) is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~; shall be punished by a fine of ~~one~~ TWO hundred dollars.

(2) Any person who makes any false statement or gives any false information in connection with purchasing or selling a pass or registration or who makes any alteration of a pass or registration is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~; shall be punished by a fine of ~~one~~ TWO hundred dollars, and any such statement, information, or alteration shall render such pass or registration void.

(3) Any person who fails to obtain or make readily available for inspection by a parks and recreation officer or other peace officer an appropriate and valid pass ~~or~~ registration is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~; shall be punished by a fine of twenty-five dollars.

SECTION 14. Repeal. 33-12-107, Colorado Revised Statutes, is repealed as follows:

33-12-107. Agreements with special districts to collect special district tolls for access road maintenance furnished by special districts. ~~(1) Repealed.~~

~~(2) Any person refusing to pay a toll pursuant to this section is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of twenty-five dollars. Any peace officer, as defined in section 33-10-102 (17), and any parks and recreation officer may enforce the provisions of this section by utilizing the penalty assessment procedure in section 33-15-102.~~

SECTION 15. 13-13-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-13-102. Definitions. As used in this article, unless the context otherwise requires:

(5.5) "VESSEL STAGING AREA" MEANS ANY PARKING LOT, BOAT RAMP, OR OTHER LOCATION THAT ANY VESSEL IS TRANSPORTED TO OR FROM BY A MOTOR VEHICLE AND WHERE SUCH VESSEL IS PLACED INTO OPERATION ON OR IN THE WATER. "VESSEL STAGING AREA" DOES NOT INCLUDE ANY LOCATION TO WHICH A VESSEL IS TRANSPORTED PRIMARILY FOR THE PURPOSE OF SERVICE, MAINTENANCE, REPAIR, OR SALE.

SECTION 16. The introductory portion to 33-13-103 (1) and 33-13-103 (4), Colorado Revised Statutes, are amended to read:

33-13-103. Numbering of vessels required. (1) It is unlawful for any person to operate or use a vessel on the waters of this state OR TO POSSESS A VESSEL AT A VESSEL STAGING AREA unless such vessel has been numbered and a certificate of the number, referred to in this article as a "registration", has been issued to such vessel by the division. The operator of such vessel shall produce the registration for inspection upon demand of any officer authorized to enforce the provisions of articles 10 to 15 and 32 of this title. The following are exempt from the requirements of this subsection (1) and from the vessel registration fee as specified pursuant to section 33-10-111 (5):

(4) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 17. 33-13-104 (1) and (2), Colorado Revised Statutes, are amended to read:

33-13-104. Application for vessel number. (1) The owner of each vessel requiring numbering by this state shall file an application for a number with the division or any representative approved by the division on forms approved and furnished by the division. The application shall be signed by the owner of the vessel and shall be accompanied by a fee as specified pursuant to section 33-10-111 (5); except that those vessels owned and operated by the state or any political subdivision thereof shall be registered without payment of a registration fee. Upon receipt of the application in approved form, the division or its representative shall issue to the applicant a registration stating the number issued to the vessel. The number issued shall be painted on or attached to each side of the bow on the forward half of the vessel or, if there are no such sides, at a corresponding location on both sides of the foredeck of the vessel for which it is issued. The number issued shall read from left

to right in block characters of good proportion having a minimum of three inches in height, excluding border or trim, and of a color ~~which~~ THAT contrasts with the color of the background, and so maintained as to be clearly visible and legible. No other number shall be carried on the bow of the vessel. Any person who fails to display a vessel number as required in this subsection (1) is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~ten~~ TWENTY-FIVE dollars.

(2) The registration shall be of pocket size and shall be on board and available at all times for inspection whenever the vessel for which it is issued is in operation in this state. Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars. If a registration is lost or destroyed, the owner shall, within fifteen days, notify the division. The notification shall be in writing, shall describe the circumstances of the loss or destruction, and shall be accompanied by a fee for a replacement registration as required under section 33-12-101.

SECTION 18. 33-13-106 (5) and (6), Colorado Revised Statutes, are amended, and the said 33-13-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-13-106. Equipment requirements. (4.5) NO PERSON SHALL OPERATE A VESSEL THAT HAS ENTERED THE WATER UNLESS EACH CHILD UNDER THE AGE OF THIRTEEN WHO IS ABOARD SUCH VESSEL IS WEARING A PERSONAL FLOTATION DEVICE, UNLESS SUCH CHILD IS BELOW DECK OR IN AN ENCLOSED CABIN. SUCH FLOTATION DEVICE SHALL BE OF A TYPE APPROVED BY THE UNITED STATES COAST GUARD AND SHALL BE IN GOOD AND SERVICEABLE CONDITION.

(5) Any person who violates subsection (1), (2), (3), ~~or~~ (4), OR (4.5) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of fifty dollars.

(6) The board may exempt vessels from the provisions of subsection (1), (2), (3), ~~or~~ (4), OR (4.5) of this section under certain conditions or upon certain waters.

SECTION 19. 33-13-107, Colorado Revised Statutes, is amended to read:

33-13-107. Vessel liveries. (1) The owner or operator of a vessel livery shall keep a record of the name and address of each person who hires any vessel ~~which~~ THAT is designed or permitted to be operated as a vessel, the identification number of such vessel, and the departure date and time and the expected date and time of return of such vessel. Such records shall be preserved for at least thirty days after such vessel is to be returned and shall be subject to inspection by the division. ANY PERSON WHO VIOLATES THIS SUBSECTION (1) IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS.

(2) Neither the owner or operator of a vessel livery nor such owner's or operator's agent or employee shall permit any vessel to depart from his or her premises unless such vessel is equipped and registered as required by this article and rules promulgated pursuant ~~thereto~~ TO THIS ARTICLE. Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

SECTION 20. 33-13-108 (3) and (4), Colorado Revised Statutes, are amended to read:

33-13-108. Prohibited vessel operations. (3) It is unlawful for any person to operate a vessel in a reckless manner. Any person who violates this subsection (3) is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ TWO hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

(4) No person shall operate a vessel other than a motorboat or a sailboat covered by the provisions of section 33-13-108.1 or be in actual physical control of such a vessel while under the influence of alcohol, a controlled substance as defined in section 12-22-303 (7), C.R.S., or any other drug, or any combination ~~thereof which~~ OF SUCH DRUGS OR ALCOHOL, THAT renders ~~him~~ SUCH PERSON incapable of safely operating such a vessel, nor shall the owner or operator of such a vessel knowingly authorize or permit such vessel to be operated by or under the actual physical control of any other person if such person is under the influence of alcohol, a controlled substance, or any other drug, or any combination ~~thereof, which~~ OF SUCH DRUGS OR ALCOHOL, THAT renders ~~him~~ SUCH PERSON incapable of safely operating such a vessel. Any person who violates this subsection (4) is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ TWO hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 21. 33-13-108.1 (12) (a) and (13) (b), Colorado Revised Statutes, are amended to read:

33-13-108.1. Operating a motorboat or sailboat while under the influence. (12) (a) Every person who is convicted of a violation of subsection (1) of this section shall be punished by imprisonment in the county jail for not less than five days nor more than one ~~hundred eighty days~~ YEAR, and, in addition, the court may impose a fine of not less than ~~one~~ TWO hundred dollars nor more than one thousand dollars. Except as provided in paragraph (c) of this subsection (12), the minimum period of imprisonment provided for such violation shall be mandatory. In addition to any other penalty ~~which~~ THAT is imposed, every person who is convicted of a violation to which this paragraph (a) applies shall perform no more than ninety-six hours of useful public service.

(13) (b) Any person who is convicted of a violation of paragraph (a) of this subsection (13) is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not less than ~~one~~ TWO hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment.

SECTION 22. 33-13-109 (4), (5), and (6), Colorado Revised Statutes, are amended to read:

33-13-109. Collisions, accidents, and casualties. (4) ~~All reports required under this section shall be without prejudice to the person making the report and shall be for the confidential use of the division; except that the division may disclose the identity~~

~~of a person involved in an accident when such identity is not otherwise known or when such person denies his involvement in the accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of the accident; except that the division shall furnish, upon demand of any person who has made or who claims to have made such report or upon demand of any court, a certificate showing that a specified report has or has not been made to the division, solely to prove a compliance with or a failure to comply with the reporting requirements of this section.~~

~~(5) Notwithstanding the provisions of subsection (4) of this section, in accordance with any request duly made by an authorized official or agency of the United States government, any information compiled by or otherwise available to the division pursuant to this article shall be made available to the official or agency of the United States government making such request.~~

~~(6) Any person who violates subsection (1) or (3) of this section is guilty of a class 2 petty offense and, upon conviction, thereof, shall be punished by a fine of twenty-five SEVENTY-FIVE dollars.~~

SECTION 23. 33-13-110 (1) (c), (2) (d), and (3) (b), Colorado Revised Statutes, are amended to read:

33-13-110. Water skis, aquaplanes, surfboards, innertubes, and similar devices. (1) (c) Any person who violates this subsection (1) is guilty of a class 2 petty offense and, upon conviction, ~~thereof,~~ shall be punished by a fine of ~~twenty-five~~ **fifty** ONE HUNDRED dollars.

(2) (d) Any person who violates this subsection (2) is guilty of a class 2 petty offense and, upon conviction, ~~thereof,~~ shall be punished by a fine of ~~twenty-five~~ **FIFTY** dollars.

(3) (b) Any person who violates this subsection (3) is guilty of a misdemeanor and, upon conviction, ~~thereof,~~ shall be punished by a fine of not less than ~~one~~ **two** hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 24. 33-13-111 (1) and (3), Colorado Revised Statutes, are amended to read:

33-13-111. Authority to close waters. (1) (a) The board shall promulgate rules ~~and regulations~~ to prohibit the operation of vessels on any waters of the state and ordering the removal of vessels from any waters of the state when such operation constitutes or may constitute a hazard to human life or safety. ~~For the purposes of this subsection (1), "vessel" shall not include white water canoes and kayaks. Nothing in this section shall be construed as to exempt white water canoes and kayaks from any other provisions of this article.~~

(b) FOR PURPOSES OF THIS SUBSECTION (1), "VESSELS" SHALL NOT INCLUDE WHITE WATER CANOES AND KAYAKS EXCEPT IN THE CASE OF:

(I) A STATE OF DISASTER EMERGENCY PURSUANT TO SECTION 24-32-2104 OR 24-32-2109, C.R.S.;

(II) DISASTER RELIEF EFFORTS THAT ARE UNDERWAY AND THAT MAY INCLUDE DEBRIS REMOVAL;

(III) AN ACCIDENT OR OTHER EMERGENCY OCCURS IN OR IMMEDIATELY ADJACENT TO THE WATER BODY;

(IV) RESCUE EFFORTS FOR VICTIMS ARE ACTIVELY UNDERWAY AND SUCH EFFORTS WOULD BE HINDERED BY ADDITIONAL WATERWAY TRAFFIC; OR

(V) ACTIVE CONSTRUCTION OR TRANSPORTATION PROJECTS AUTHORIZED UNDER STATE OR FEDERAL LAW.

(3) Any person who fails to obey an order issued under this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

SECTION 25. Repeal. 33-13-114, Colorado Revised Statutes, is repealed as follows:

33-13-114. Copies of laws and regulations furnished. ~~Upon the purchase or renewal of any registration required under this article, the owner of the vessel shall be furnished with a copy of the laws and rules and regulations affecting vessels. The expense of printing and distributing such laws and rules and regulations shall be borne by the division.~~

SECTION 26. 33-14-102 (2) (a) and (9), Colorado Revised Statutes, are amended to read:

33-14-102. Snowmobile registration - fees - applications - requirements - penalties - exemptions. (2) (a) Every dealer shall require a purchaser of a new or used snowmobile sold at retail from the dealer's inventory to complete a registration application and pay the registration fee before the snowmobile leaves the dealer's premises, except for those snowmobiles purchased for use exclusively outside of this state. Any dealer who does not comply with this paragraph (a) is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

(9) Any person who operates a snowmobile in violation of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~thirty-five~~ FIFTY dollars.

SECTION 27. 33-14-104 (8), Colorado Revised Statutes, is amended to read:

33-14-104. Issuance of registration. (8) (a) Any person who violates subsection (5) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~ten~~ TWENTY-FIVE dollars.

(b) Any person who violates subsection (6) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 28. 33-14-109 (3), Colorado Revised Statutes, is amended to read:

33-14-109. Restrictions on young operators. (3) Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 29. 33-14-111 (3), Colorado Revised Statutes, is amended to read:

33-14-111. Snowmobile operation on right-of-way of streets, roads, or highways. (3) Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifteen~~ FIFTY dollars.

SECTION 30. 33-14-112 (3), Colorado Revised Statutes, is amended to read:

33-14-112. Crossing roads, highways, and railroad tracks. (3) Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 31. 33-14-113, Colorado Revised Statutes, is amended to read:

33-14-113. Operation of snowmobiles on private property. No snowmobile shall be operated on private property other than that owned or leased by the operator or except when prior permission has been obtained from the owner, lessee, or agent of the owner or lessee. Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

SECTION 32. 33-14-114 (3), Colorado Revised Statutes, is amended to read:

33-14-114. Required equipment - snowmobiles. (3) Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 33. 33-14-115 (4), Colorado Revised Statutes, is amended to read:

33-14-115. Notice of accident. (4) Any person who violates subsection (1) or (3) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ SEVENTY-FIVE dollars.

SECTION 34. 33-14-116 (5), (6), and (7), Colorado Revised Statutes, are amended to read:

33-14-116. Other operating restrictions. (5) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

(6) Any person who violates subsection (2) or (3) of this section is guilty of a misdemeanor and, upon conviction, ~~thereof~~, shall be punished by a fine of not less than ~~one~~ TWO hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and

imprisonment.

(7) Any person who violates subsection (4) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 35. 33-14-117 (3), Colorado Revised Statutes, is amended to read:

33-14-117. Hunting, carrying weapons on snowmobiles - prohibitions.

(3) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty dollars~~ AS FOLLOWS:

(a) FOR A VIOLATION OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, TWO HUNDRED DOLLARS;

(b) FOR A VIOLATION OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, FIFTY DOLLARS; AND

(c) FOR A VIOLATION OF PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, TWO HUNDRED DOLLARS.

SECTION 36. 33-14.5-102 (7) and (8), Colorado Revised Statutes, are amended to read:

33-14.5-102. Off-highway vehicle registration - nonresident-owned or -operated off-highway vehicle permits - fees - applications - requirements - exemptions. (7) Any person who operates an off-highway vehicle in violation of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~thirty-five~~ FIFTY dollars.

(8) Any dealer who does not comply with paragraph (a) of subsection (2) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

SECTION 37. 33-14.5-104 (7), Colorado Revised Statutes, is amended to read:

33-14.5-104. Issuance of registration. (7) (a) Any person who violates ~~either~~ subsection (5) ~~or subsection (6)~~ of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of twenty-five dollars.

(b) ANY PERSON WHO VIOLATES SUBSECTION (6) OF THIS SECTION IS GUILTY OF A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF FIFTY DOLLARS.

SECTION 38. 33-14.5-108 (2), Colorado Revised Statutes, is amended to read:

33-14.5-108. Off-highway vehicle operation prohibited on streets, roads, and highways. (2) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 39. 33-14.5-109 (2), Colorado Revised Statutes, is amended to read:

33-14.5-109. Required equipment - off-highway vehicles. (2) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 40. 33-14.5-112 (6), Colorado Revised Statutes, is amended to read:

33-14.5-112. Off-highway use permit - fees - applications - requirements - exemptions. (6) Any person who violates paragraph (b) of subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 41. 33-14.5-113 (4), Colorado Revised Statutes, is amended to read:

33-14.5-113. Notice of accident. (4) Any person who violates subsection (1) or (3) of this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ SEVENTY-FIVE dollars.

SECTION 42. 33-15-102 (1), Colorado Revised Statutes, is amended to read:

33-15-102. Imposition of penalty - procedures. (1) Any person who violates any of the provisions of articles 10 to 15 ~~and~~ OR 32 of this title or any rule of the board that does not have a specific penalty listed is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 43. 33-15-107, Colorado Revised Statutes, is amended to read:

33-15-107. Camping. It is unlawful for any person to camp on land or water under the control of the division unless such area is so designated and posted pursuant to rule of the board. Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 44. 33-15-110 (2), Colorado Revised Statutes, is amended to read:

33-15-110. Vehicles and vessels - operation on state property. (2) Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~twenty-five~~ FIFTY dollars.

SECTION 45. 33-15-112, Colorado Revised Statutes, is amended to read:

33-15-112. Motor vehicles - careless operation. It is unlawful for any person to operate a motor vehicle on any property under the control of the division in a careless or imprudent manner without due regard for the width, grade, corners, or curves of, the traffic on, or the traffic regulations governing public roads and without due regard for all other attendant circumstances. Any person who violates this section is guilty of a class 2 petty offense and, upon conviction, ~~thereof~~, shall be punished by a fine of ~~fifty~~ ONE HUNDRED dollars.

SECTION 46. Article 15 of title 33, Colorado Revised Statutes, is amended BY

THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

33-15-113. Unattended vehicles without valid pass. (1) IF AN UNATTENDED VEHICLE IS PARKED WITHIN AN AREA WHERE A VALID PARKS PASS IS REQUIRED AND DOES NOT DISPLAY A VALID PARKS PASS, A PEACE OFFICER MAY PLACE UPON THE VEHICLE A NOTICE OF SUMMONS AND COMPLAINT PURSUANT TO SECTION 33-15-102 (2). SUCH NOTICE SHALL CONTAIN THE LICENSE PLATE NUMBER AND STATE OF REGISTRATION OF THE VEHICLE BUT DOES NOT NEED TO CONTAIN THE IDENTIFICATION OF THE ALLEGED OFFENDER.

(2) THE NOTICE OF SUMMONS AND COMPLAINT SHALL DIRECT THE OWNER OR OPERATOR OF THE VEHICLE TO REMIT A PENALTY ASSESSMENT PURSUANT TO SECTION 33-15-102 TO THE DIVISION WITHIN TEN DAYS AFTER THE ISSUANCE OF SUCH NOTICE UNLESS THE PERSON WISHES TO APPEAR BEFORE A COURT OF COMPETENT JURISDICTION. IF THE PENALTY ASSESSMENT IS NOT PAID WITHIN TEN DAYS AFTER ISSUANCE, THE PEACE OFFICER SHALL MAIL A NOTICE TO THE REGISTERED OWNER OF THE VEHICLE, SETTING FORTH THE OFFENSE AND THE TIME AND PLACE WHERE SUCH OFFENSE OCCURRED AND DIRECTING THE PAYMENT OF THE PENALTY ASSESSMENT WITHIN TWENTY DAYS AFTER THE ISSUANCE OF THE NOTICE UNLESS THE PERSON WISHES TO APPEAR BEFORE A COURT OF COMPETENT JURISDICTION. IF THE PENALTY ASSESSMENT IS NOT PAID WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OF THE SECOND NOTICE, THE PEACE OFFICER WHO ISSUED THE ORIGINAL PENALTY ASSESSMENT NOTICE SHALL FILE A COMPLAINT WITH A COURT OF COMPETENT JURISDICTION AND ISSUE AND SERVE UPON THE REGISTERED OWNER OF THE VEHICLE A SUMMONS TO APPEAR IN COURT AT A TIME AND PLACE SPECIFIED IN THE SUMMONS AND TO SHOW CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED PURSUANT TO SECTION 33-15-110.

(3) PAYMENT OF A PENALTY ASSESSMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION BY THE DIVISION SHALL BE DEEMED TO BE RECEIVED ON THE DATE IT IS POSTMARKED.

(4) THE REGISTERED OWNER OF A MOTOR VEHICLE IS LIABLE FOR PAYMENT OF A PENALTY ASSESSMENT REGARDLESS OF WHETHER THE OWNER KNEW OR SHOULD HAVE KNOWN THAT THE VEHICLE WOULD BE OR WAS PARKED OR LEFT UNATTENDED IN A MANNER THAT VIOLATED SECTION 33-15-110.

33-15-114. Commercial use of state property. IT IS UNLAWFUL TO OPERATE ANY COMMERCIAL BUSINESS OR TO SOLICIT BUSINESS ON ANY PROPERTY OWNED OR MANAGED BY THE DIVISION WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE DIVISION OR THE BOARD AS PROVIDED BY THIS TITLE OR PURSUANT TO ANY APPLICABLE RULES PROMULGATED BY THE BOARD. ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE YEAR OR BY BOTH SUCH FINE AND IMPRISONMENT.

SECTION 47. 33-1-110 (5), Colorado Revised Statutes, as amended by House Bill 03-1266, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

33-1-110. Duties of the director of the division. (5) The director shall appoint Colorado wildlife officers and may appoint special wildlife officers to serve without pay, who shall have the same powers as a Colorado wildlife officer AND AUTHORITY DESIGNATED BY THE DIRECTOR. A special wildlife officer commission shall not be issued until the applicant has submitted to the division an application setting forth his or her qualifications to act as such an officer. SUCH QUALIFICATIONS SHALL INCLUDE A MINIMUM OF FORTY HOURS OF CONTINUING LAW ENFORCEMENT EDUCATION PER CALENDAR YEAR. The director may revoke the special wildlife officer commission of any such person at his or her pleasure.

SECTION 48. 33-1-113 (2), Colorado Revised Statutes, as amended by House Bill 03-1266, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

33-1-113. Expenses of employees. (2) In addition to the compensation paid employees of the division and in addition to reimbursement for expenses as provided in subsection (1) of this section, each employee of the division who is vested with the rights and powers of a Colorado wildlife officer, including and limited to area wildlife managers and Colorado wildlife officers DISTRICT WILDLIFE MANAGERS, shall, because of the number of hours and the extraordinary service performed by such employees and the requirement of purchasing necessary uniform items, be further reimbursed for maintenance and ordinary expenses incurred in the performance of their duties in such amount as shall be determined by the commission, but the amount authorized under this subsection (2) for any such employee of the division shall not exceed the sum of fifty dollars per month.

SECTION 49. Repeal. 33-6-101 (4), Colorado Revised Statutes, as amended by House Bill 03-1266, enacted at the First Regular Session of the Sixty-fourth General Assembly, is repealed as follows:

33-6-101. Powers and duties of officers. (4) ~~Every Colorado wildlife officer must obtain basic certification from the peace officer standards and training board no later than July 1, 1998, pursuant to part 3 of article 31 of title 24, C.R.S.~~

SECTION 50. 16-2.5-116 (2), Colorado Revised Statutes, as enacted by House Bill 03-1266, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

16-2.5-116. Colorado wildlife officer - special wildlife officer. (2) A special wildlife officer is a peace officer whose authority is limited as defined by the director of the division of wildlife pursuant to section ~~33-1-102 (4.3)~~ 33-1-110 (5), C.R.S.

SECTION 51. 16-2.5-117 (2), Colorado Revised Statutes, as enacted by House Bill 03-1266, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

16-2.5-117. Colorado parks and recreation officer - special parks and recreation officer. (2) A special parks and recreation officer is a peace officer whose authority is limited as defined by the director of the division of parks and outdoor recreation pursuant to section ~~33-10-102 (15)~~ 33-10-109 (1) (f), C.R.S.

SECTION 52. 33-1-102 (4.3), Colorado Revised Statutes, as enacted by House Bill 03-1266, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

33-1-102. Definitions. As used in this title, unless the context otherwise requires:

(4.3) "Colorado wildlife officer" or "~~special wildlife officer~~" means an employee of the division of wildlife, or any other person who is commissioned by the director of the division to enforce the wildlife statutes and rules and regulations of the commission and all laws of the state of Colorado, who is recognized as a peace officer in section 16-2.5-116, C.R.S.

SECTION 53. Effective date. Sections 47, 48, 49, 50, 51, and 52 of this act shall take effect on August 6, 2003; except that, if a referendum petition is filed against House Bill 03-1266, enacted at the First Regular Session of the Sixty-fourth General Assembly, or an item, section, or part of House Bill 03-1266 within such period, then sections 47, 48, 49, 50, 51, and 52 of this act, if House Bill 03-1266 is approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

SECTION 54. Applicability. This act shall apply to acts committed on or after the effective date of this act.

SECTION 55. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 2003