

CHAPTER 54

NATURAL RESOURCES

HOUSE BILL 08-1069

BY REPRESENTATIVE(S) Curry, Fischer, Gallegos, Green, Labuda, McGihon, Merrifield, Scanlan, Solano, King, and Soper; also SENATOR(S) Tochtrop, Gibbs, Penry, Schwartz, and Williams.

AN ACT

CONCERNING A PROHIBITION AGAINST OPERATING A MOTOR VEHICLE ON PUBLIC LAND UNLESS THE PUBLIC LAND IS AUTHORIZED FOR SUCH USE BY THE CONTROLLING LAND MANAGEMENT AGENCY, AND, IN CONNECTION THEREWITH, AUTHORIZING PEACE OFFICERS TO ENFORCE THE PROHIBITION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby:

(a) Finds that federal land management agencies are in the process of reversing their long-standing practice regarding motor vehicle travel restrictions on federal public land so that, instead of being authorized except where restricted, motor vehicle travel will be prohibited unless explicitly authorized, either by maps, signs, or route markers;

(b) Determines that state peace officers ought to be able to enforce motor vehicle travel restrictions on federal public land, but that substantial discretion will be required in carrying out that enforcement due to the fact that the new federal policy will most likely take some time to fully implement and should involve the installation of route markers on roads and trails; and

(c) Declares that the new state law prohibitions enacted by this act are not intended to restrict or inhibit either:

(I) The wildlife commission's authority to regulate motor vehicle traffic on lands subject to the commission's jurisdiction; or

(II) Any valid motor vehicle travel authorizations that Colorado businesses or individuals may currently have or may acquire in the future.

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

SECTION 2. 33-6-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-6-124. Use of a motor vehicle or aircraft - rules - repeal. (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (4), IT IS UNLAWFUL FOR A PERSON TO OPERATE A MOTOR VEHICLE ON ANY FEDERAL PUBLIC LAND, TRAIL, OR ROAD UNLESS THE FEDERAL PUBLIC LAND, TRAIL, OR ROAD IS SIGNED OR OTHERWISE AUTHORIZED FOR SUCH USE. ENFORCEMENT OF THIS SECTION WITHIN AN ADMINISTRATIVE UNIT OF FEDERAL PUBLIC LAND SHALL NOT COMMENCE UNTIL THE CONTROLLING LAND MANAGEMENT AGENCY IDENTIFIES WHETHER A ROUTE IS AVAILABLE FOR MOTORIZED TRAVEL BY MAPS, ROUTE MARKERS, OR SIGNS THAT ARE AVAILABLE TO THE PUBLIC AND PROVIDE INFORMATION TO DETERMINE WHETHER THE ROUTE IS AUTHORIZED. EXCEPT FOR VIOLATIONS OCCURRING WITHIN A FEDERAL WILDERNESS AREA, A PERSON WHO VIOLATES THIS PARAGRAPH (a) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS AND, IF THE PERSON WAS ENGAGED IN THE ACT OF HUNTING, FISHING, TRAPPING, OR A RELATED ACTIVITY AT THE TIME OF THE UNLAWFUL ACTIVITY, BY A PENALTY OF TEN LICENSE SUSPENSION POINTS. A PERSON WHO VIOLATES THIS PARAGRAPH (a) WITHIN A FEDERAL WILDERNESS AREA IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO HUNDRED DOLLARS AND, IF THE PERSON WAS ENGAGED IN THE ACT OF HUNTING, FISHING, TRAPPING, OR A RELATED ACTIVITY AT THE TIME OF THE UNLAWFUL ACT, BY A PENALTY OF FIFTEEN LICENSE SUSPENSION POINTS.

(b) A PERSON WHO, WITHOUT AUTHORIZATION, REMOVES, DEFACES, OR DESTROYS ANY SIGN THAT IS LOCATED ON FEDERAL PUBLIC LAND THAT AFFECTS WHETHER MOTOR VEHICLE TRAVEL IS AUTHORIZED THAT WAS INSTALLED BY THE CONTROLLING LAND MANAGEMENT AGENCY OR INSTALLS A SIGN LOCATED ON FEDERAL PUBLIC LAND THAT AFFECTS WHETHER MOTOR VEHICLE TRAVEL IS AUTHORIZED IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF ONE HUNDRED DOLLARS AND, IF THE PERSON WAS ENGAGED IN THE ACT OF HUNTING, FISHING, OR TRAPPING, OR A RELATED ACTIVITY AT THE TIME OF THE UNLAWFUL ACTIVITY, BY A PENALTY OF FIVE LICENSE SUSPENSION POINTS.

(c) A PEACE OFFICER MAY ENFORCE THIS SUBSECTION (4).

(d) (I) THE PROHIBITION AND PENALTIES EXPRESSED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (4) SHALL NOT APPLY TO A PEACE OFFICER IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, A PERSON ACTING AT THE DIRECTION OF A PEACE OFFICER, OR A PERSON OTHERWISE AUTHORIZED TO OPERATE A MOTOR VEHICLE ON THE FEDERAL PUBLIC LAND, TRAIL, OR ROAD BY LEGAL RIGHT OR BY PERMISSION OF THE CONTROLLING LAND MANAGEMENT AGENCY, INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE AND EMERGENCY ACCESS, FACILITY MAINTENANCE, SKI AREA OPERATIONS, OIL AND GAS OPERATIONS, LOGGING OPERATIONS, AND MOTOR VEHICLE USE THAT IS AUTHORIZED UNDER PERMITS, INCLUDING FOR SPECIAL EVENTS, RECREATIONAL USES, FIREWOOD GATHERING, AND LIVESTOCK OPERATIONS AND ACTIVITIES.

(II) NOTHING IN THIS SUBSECTION (4) SHALL AFFECT ANY AUTHORITY THAT THE

COMMISSION HAS PURSUANT TO LAW OTHER THAN THIS SUBSECTION (4) TO REGULATE MOTOR VEHICLE TRAVEL ON LANDS SUBJECT TO THE COMMISSION'S JURISDICTION.

(III) IF CONDUCT VIOLATES BOTH THIS SUBSECTION (4) AND SECTION 33-14.5-108 (1) (h), ENFORCEMENT SHALL OCCUR ONLY PURSUANT TO THIS SUBSECTION (4).

(e) THE DIRECTOR SHALL PREPARE AN ANNUAL REPORT TO THE MEMBERS OF THE SENATE COMMITTEE ON AGRICULTURE, NATURAL RESOURCES, AND ENERGY AND THE HOUSE COMMITTEE ON AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES, OR THEIR SUCCESSOR COMMITTEES, CONCERNING THE NUMBER OF CITATIONS ISSUED FOR A VIOLATION OF THIS SUBSECTION (4), THE NUMBER OF FINAL CONVICTIONS FOR A VIOLATION OF THIS SUBSECTION (4), AND THE STATUS OF THE CONTROLLING LAND MANAGEMENT AGENCIES' EFFORTS TO NOTIFY THE PUBLIC OF TRAVEL RESTRICTIONS.

(f) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 3. 33-14.5-108 (1) (h), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH 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:

(h) (III) IF CONDUCT VIOLATES BOTH THIS PARAGRAPH (h) AND SECTION 33-6-124 (4), ENFORCEMENT SHALL OCCUR ONLY PURSUANT TO SECTION 33-6-124 (4).

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2008, and shall apply to acts occurring on or after said date.

SECTION 5. 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: March 20, 2008