AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Draft Legislation Concerning Off-highway Vehicles

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:
During the 1/13/15 BOCC meeting, the Board asked that a work session be scheduled to discuss this topic. HB 15-1054 and SB 15-023 are attached for discussion.

Fiscal Impact: N/A

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 1/22/2015 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 1/22/2015

○ Consent Agenda ○ Regular Agenda ◉ Worksession Time Allotted:

Agenda Date: 2/3/2015 Follow Up Agenda Date:

Revised April 2013

CCI
COLORADO COUNTIES, INC.
Educate · Advocate · Empower

Please vote YES on HB15-1054

Safe Use of Off-Highway Vehicles on County Roads

Sponsor: Rep. Brown

HB15-1054 is the result of a months-long stakeholder process in Western Colorado to establish standards on the safe use of off-highway vehicles (OHVs) on county roads. This process included CCI, the county sheriffs, the off-highway vehicle coalition and Club 20.

HB15-1054 does the following:

- Establishes a state standard that all OHV users on county roads must have a driver's license and proof of insurance, but permits counties to allow younger users at the county's discretion.
- Improves the titling program for OHVs and establishes a license plate program.
- Retains the agricultural exemption for OHV use on county roads.
- Allows counties to retain control of their county roads and decide where OHV access is appropriate.
- Increases OHV safety by:
  - Requiring that OHV users obey rules of the road
  - Mandating that helmets and eyewear be worn by certain users
  - Mandating that OHV users not exceed 40 mph
  - Mandating certain safety features (headlights, taillights, etc.) on OHVs
- Retains Division of Parks and Wildlife sticker and OHV trails program funding.

Please note that this bill does **not** apply to OHV off-road and trail use. Those are still governed by the various state and federal agencies.

We ask for your YES vote on HB15-1054

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First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0592.02 Jery Payne x2157

HOUSE BILL 15-1054

HOUSE SPONSORSHIP

Brown,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs
Finance

Senate Committees

A BILL FOR AN ACT

CONCERNING THE REGULATION OF OFF-HIGHWAY VEHICLES FOR OPERATION ON CERTAIN ROADWAYS, AND, IN CONNECTION THEREWITH, AUTHORIZING THE REGISTRATION OF OFF-HIGHWAY VEHICLES WITH THE DEPARTMENT OF REVENUE.

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.)

The bill authorizes a person to drive an off-highway vehicle on a county roadway if the person has a driver's license and obeys the rules of the road. Off-highway vehicles are subject to the law against careless

driving and a speed limit of 40 miles per hour unless local authorities raise it.

The bill also authorizes a person to register an off-highway vehicle with the department of revenue, which issues license plates to registered vehicles. If a person registers an off-highway vehicle, the person may drive on county roads, as approved by the board of county commissioners. A person must comply with the following to operate a registered off-highway vehicle on a roadway:

- The vehicle must have insurance;
- The vehicle must display the license plate issued by the department;
- The driver must wear eye glasses or a helmet with eye protection;
- The vehicle must have brakes, a head lamp (if driven at night), and tail lights; and
- The driver and any passenger must wear a helmet if both are under 18 years of age.

To register an off-highway vehicle, a person shall pay:

- The license plate fee;
- The motorist insurance identification fee; and
- A registration fee of $10.

A county may authorize and regulate the use of off-highway vehicles, authorize people to drive on roads without a driver's license, and enter into cooperative agreements with the federal government to enforce off-highway vehicle ordinances. A county must publish a map of all roadways available for off-highway vehicle use.

Violations are classified as class B traffic infractions, with a penalty of $15 to $100 and no license suspension points.

Except for off-highway vehicles used for agriculture, all off-highway vehicles must get a certificate of title by July 1, 2016. The penalties for this requirement are phased in until 2017.

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

SECTION 1. In Colorado Revised Statutes, 10-4-601, **amend** (6), (10) introductory portion, and (10) (b); and **add** (4.5) as follows:

10-4-601. Definitions. As used in this part 6, unless the context otherwise requires:

(4.5) "ENROLLED OFF-HIGHWAY VEHICLE" HAS THE MEANING SET FORTH IN SECTION 42-1-102 (29.5), C.R.S.

(6) "Motor vehicle" OR "AUTOMOBILE" means a motor vehicle, ~~and~~ a low-power scooter, OR AN ENROLLED OFF-HIGHWAY VEHICLE as ~~both terms are~~ defined in section 42-1-102, C.R.S.; except that "motor vehicle" OR "AUTOMOBILE" does not include a toy vehicle, snowmobile, OTHER off-highway vehicle, or vehicle designed primarily for use on rails.

(10) "Policy" means ~~an automobile~~ A MOTOR VEHICLE insurance policy providing coverage for all or any of the following coverages: Collision, comprehensive, bodily injury liability, property damage liability, medical payments, and uninsured motorist coverage, or a combination ~~automobile~~ MOTOR VEHICLE policy providing bodily injury liability, property damage liability, medical payments, uninsured motorist, and physical damage coverage, delivered or issued for delivery in this state, insuring a single individual, or husband and wife, or family members residing in the same household, as named insured, and under which the insured vehicles ~~therein~~ designated IN THE POLICY are of the following types only:

(b) Any other four-wheel motor VEHICLE OR ENROLLED OFF-HIGHWAY vehicle with a load capacity of ~~fifteen~~ TWO THOUSAND FIVE hundred pounds or less that is not used in the occupation, profession, or business of the insured.

SECTION 2. In Colorado Revised Statutes, 10-4-608, **amend** (1) introductory portion, (1) (b), and (1) (d) as follows:

10-4-608. Exemptions. (1) This part 6 ~~shall~~ DOES not apply to any policy:

(b) Insuring more than four ~~automobiles~~ MOTOR VEHICLES;

(d) Covering a garage, ~~automobile sales agency~~ MOTOR VEHICLE DEALER, AS DEFINED IN SECTION 12-6-102 (13), C.R.S.; USED MOTOR

VEHICLE DEALER, AS DEFINED IN SECTION 12-6-102 (17), C.R.S.; POWERSPORTS VEHICLE DEALER, AS DEFINED IN SECTION 12-6-502 (11), C.R.S.; USED POWERSPORTS VEHICLE DEALER, AS DEFINED IN SECTION 12-6-502 (19), C.R.S.; OPERATION HAZARD IN A PUBLIC PARKING PLACE, repair shop, OR service station; ~~or public parking place; operation hazard;~~ or

SECTION 3. In Colorado Revised Statutes, 10-4-609, **amend** (1) (a) as follows:

10-4-609. Insurance protection against uninsured motorists - applicability. (1) (a) ~~No automobile liability or~~ AN INSURER SHLL NOT ISSUE OR DELIVER, A motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle ~~shall be delivered or issued for delivery in this state with respect to any motor vehicle licensed for highway use in this state~~ unless coverage is provided ~~therein~~ IN or supplemental ~~thereto~~ TO THE POLICY, in limits for bodily injury or death set forth in section 42-7-103 (2), C.R.S., under provisions approved by the commissioner, for the protection of persons insured ~~thereunder~~ UNDER THE POLICY who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death; ~~resulting therefrom;~~ except that the named insured may reject ~~such~~ THE coverage in writing.

SECTION 4. In Colorado Revised Statutes, 10-4-613, **amend** (1) as follows:

10-4-613. Glass repair and replacement. (1) (a) ~~No~~ A DOMESTIC OR FOREIGN insurance company, ~~domestic or foreign,~~ or ~~any~~

ITS agent or employee, ~~of such a company,~~ shall NOT require ~~or permit~~ that ~~automobile~~ MOTOR VEHICLE glass repair or replacement work ~~must~~ be performed by a particular facility, individual, or business establishment as a condition of payment of a claim. However, an insurance company may ~~provide~~ REQUIRE that payments for ~~such~~ THE work ~~shall~~ be limited to a fair, competitive price.

(b) ~~No~~ AN insurance company that issues, delivers, or renews ~~such a~~ THE policy shall NOT:

(I) Fail to pay for the repair or replacement of ~~automobile~~ glass by an insured's chosen vendor; ~~nor shall any such insurance company~~ OR

(II) Engage in any act or practice of intimidation, coercion, or threat for or against ~~any~~ AN insured person or entity to use a particular vendor or location for ~~such~~ glass repair or replacement work.

(c) ~~No~~ AN insurance company shall NOT agree to refund or rebate any applicable deductible or portion ~~thereof~~ OF A DEDUCTIBLE as an incentive or inducement to ~~any~~ AN insured to use a particular vendor or location for glass repair or replacement work. ~~The provisions of~~

(d) This section ~~shall apply~~ APPLIES to all policies of insurance delivered, issued for delivery, or renewed in this state that cover motor vehicles.

SECTION 5. In Colorado Revised Statutes, 10-4-617, **amend** (5) as follows:

10-4-617. Insurers - biannual fee - auto theft prevention authority. (5) As used in this section, "motor vehicle" does not include ~~vehicles~~ A VEHICLE or vehicle ~~combinations~~ COMBINATION with a declared gross weight of more than twenty-six thousand pounds OR A TOY VEHICLE, SNOWMOBILE, OFF-HIGHWAY VEHICLE, OR VEHICLE DESIGNED

PRIMARILY FOR USE ON RAILS.

SECTION 6. In Colorado Revised Statutes, 10-4-621, **amend** (2) and (3) as follows:

10-4-621. Required coverages are minimum. (2) ~~On and after January 1, 2005, all~~ Insurers shall offer collision coverage for damage to insured motor vehicles subject to deductibles of one hundred dollars and two hundred fifty dollars. Insurers may offer such other reasonable deductibles as they deem appropriate. IF THE ACCIDENT OCCURS WITHIN THE UNITED STATES OR ITS TERRITORIES OR POSSESSIONS, collision coverage ~~shall~~ MUST provide insurance without regard to fault against accidental property damage to the insured motor vehicle RESULTING FROM:

(a) PHYSICAL CONTACT with another motor vehicle or ~~motor vehicle caused by physical contact of the insured with~~ another object; or

(b) ~~by~~ THE upset of the insured motor vehicle. ~~if the accident occurs within the United States or its territories or possessions.~~

(3) ~~No~~ AN insurer ~~may~~ SHALL NOT surcharge, refuse to write, cancel, or nonrenew a complying policy ~~of automobile insurance~~ based solely on the method of compliance or level of coverage chosen, as long as the requirements ~~are met~~ under section 42-3-105 (1) (d) (I) or (1) (f), C.R.S., ARE SATISFIED.

SECTION 7. In Colorado Revised Statutes, 10-4-630, **amend** (1) as follows:

10-4-630. Exclusion of named driver. (1) ~~In any case where~~ IF an insurer is authorized under this part 6 to cancel, ~~or~~ refuse to renew, or increase the premiums on ~~an automobile liability insurance~~ A policy under which more than one person is insured because of the claim experience

or driving record of one or more but less than all of the persons insured under the policy, the insurer shall, in lieu of cancellation, nonrenewal, or premium increase, offer to continue or renew the insurance but to exclude from coverage, by name, the person whose claim experience or driving record would have justified the cancellation, ~~or~~ nonrenewal, OR PREMIUM INCREASE. The premiums charged on ~~any such~~ A policy excluding a named driver ~~shall~~ MUST not reflect the claims, experience, or driving record of the excluded named driver.

SECTION 8. In Colorado Revised Statutes, **amend** 10-4-633 as follows:

10-4-633. Certification of policy and notice forms. (1) All insurers providing ~~automobile~~ MOTOR VEHICLE insurance and ~~who are~~ THAT ARE authorized by the commissioner to conduct business in Colorado shall submit an annual report to the commissioner listing any policy forms, endorsements, cancellation notices, renewal notices, disclosure forms, notices of proposed premium increases, notices of proposed reductions in coverage, and ~~such~~ ANY other forms ~~as may be~~ requested by the commissioner THAT THE INSURER issued or delivered to any policyholder in Colorado. ~~Such~~ THE listing ~~shall~~ MUST be submitted no later than July 1 of each year and ~~shall~~ MUST contain a certification by an officer of the organization that, to the best of the officer's knowledge, each policy form, endorsement, or notice form in use complies with Colorado law. THE COMMISSIONER SHALL DETERMINE the necessary elements of the certification. ~~shall be determined by the commissioner.~~

(2) All insurers providing ~~automobile~~ MOTOR VEHICLE insurance ~~and who~~ THAT are authorized by the commissioner to conduct business in Colorado shall also submit to the commissioner a ~~list~~ LISTING of any new

policy form, endorsement, cancellation notice, renewal notice, disclosure form, notice of proposed premium increase, notice of proposed reductions in coverage, and any other form ~~as may be~~ requested by the commissioner at least thirty-one days before using ~~such~~ THE policy form, endorsement, cancellation notice, renewal notice, disclosure form, notice of proposed premium increase, notice of proposed reductions in coverage, ~~and any~~ OR other form. ~~as may be requested by the commissioner. Such~~ THE listing ~~shall~~ MUST also contain a certification by an officer of the organization that, to the best of the officer's knowledge, each new policy form, endorsement, or notice form proposed to be used complies with Colorado law. The COMMISSIONER SHALL DETERMINE THE necessary elements of the certification. ~~shall be determined by the commissioner.~~

(3) The commissioner ~~shall have the power to~~ MAY examine and investigate insurers authorized to conduct business in Colorado to determine whether ~~automobile~~ policy forms, endorsements, cancellation notices, renewal notices, disclosure forms, notices of proposed premium increases, notices of proposed reductions in coverage, and ~~such~~ ANY other forms ~~as may be~~ requested by the commissioner comply with the certification of the organization and statutory mandates.

SECTION 9. In Colorado Revised Statutes, 10-4-633.5, **amend** (1) (a) and (5) as follows:

10-4-633.5. Insurance policies - plain language required - rules. (1) (a) An insurer issuing or renewing ~~automobile insurance~~ policies subject to this part 6 shall not issue or renew a policy unless the text of the policy form does not exceed the tenth-grade level, as measured by the Flesch-Kincaid grade level formula, or does not score less than fifty as measured by the Flesch reading ease formula.

(5) (a) ~~The requirements of~~ This section ~~shall~~ DOES not apply to commercial ~~automobile~~ VEHICLE insurance coverage.

(b) For the purpose of this subsection (5), "commercial ~~automobile~~ VEHICLE insurance coverage" means any insurance coverage provided to an insured, regardless of the number of vehicles or entities covered, under a commercial ~~automobile~~ VEHICLE, garage, motor carrier, or truckers' coverage policy form and rated using either a commercial manual or rating rule.

SECTION 10. In Colorado Revised Statutes, 10-4-635, **amend** (1) (a), (4) introductory portion, and (4) (a) as follows:

10-4-635. Medical payments coverage - disclosure - definitions. (1) (a) Except as otherwise provided in this subsection (1), ~~no automobile liability or motor vehicle liability~~ AN INSURER SHALL NOT DELIVER OR ISSUE FOR DELIVERY IN THIS STATE A policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle ~~shall be delivered or issued for delivery in this state~~ unless coverage is provided in the policy or in a supplemental policy for medical payments with benefits of five thousand dollars for bodily injury, sickness, or disease resulting from the ownership, maintenance, or use of the motor vehicle.

(4) This section ~~shall~~ DOES not apply to:

(a) A ~~person obtaining an automobile liability or motor vehicle~~ policy insuring against loss resulting from the ownership, maintenance, or use of a motorcycle, OFF-HIGHWAY VEHICLE, low-power scooter, or toy vehicle, as defined in section 42-1-102, C.R.S.; a snowmobile, as defined in section 33-14-101 (11), C.R.S.; or any vehicle designed primarily for

use off the road or on rails;

SECTION 11. In Colorado Revised Statutes, 10-4-636, **amend** (1) (a), (2), (4) introductory portion, (4) (a), (4) (b), (4) (d), and (8) as follows:

10-4-636. Disclosure requirements for insurance products offered - rules. (1) (a) An insurer or producer issuing ~~automobile insurance~~ policies UNDER THIS PART 6 shall, as a condition of doing business in this state, have on file for public inspection at the division a summary disclosure form that contains an explanation of the major coverages and exclusions of ~~such~~ THE policies ~~of insurance~~ together with a recitation of general factors considered in cancellation, nonrenewal, and increase-in-premium situations. Each summary disclosure form ~~shall~~ MUST provide notice, in bold-faced ~~letters~~ TYPE, that the policyholder should read the policy for complete details and ~~such~~ THAT THE disclosure form ~~shall not be construed to~~ DOES NOT replace any provision of the policy itself.

(2) In addition to the disclosure required by subsection (1) of this section, any insurer or producer offering motor vehicle coverage ~~pursuant to~~ UNDER this part 6 shall provide a clear explanation to the insured regarding the products purchased, the amount of coverage purchased, and the applicability of the coverage depending on the determination of fault of the insured in ~~an automobile~~ A MOTOR VEHICLE accident.

(4) The disclosure form required by subsection (1) of this section ~~shall~~ MUST include a disclosure specifying that:

(a) Medical payments coverage pays for reasonable health care expenses incurred for bodily injury caused by ~~an automobile~~ A MOTOR VEHICLE accident, regardless of fault, up to the policy limits chosen by the

insured;

(b) Medical payments coverage is primary to any health insurance coverage available to an insured when injured in ~~an automobile~~ A MOTOR VEHICLE accident;

(d) An insured who is injured in ~~an automobile~~ A MOTOR VEHICLE accident will not receive benefits from medical payments coverage for any medical expenses incurred as a result of an accident that is the fault of the insured unless medical payments coverage is purchased.

(8) The disclosures required by this section ~~shall~~ DO not apply to commercial ~~automobile~~ VEHICLE insurance policies, as defined by the commissioner in rules adopted pursuant to section 10-4-641 (1).

SECTION 12. In Colorado Revised Statutes, 10-4-641, **amend** (1) as follows:

10-4-641. Rules - medical payments coverage. (1) The commissioner shall promulgate any necessary rules for the administration of medical payments coverage and coordination of benefits and the implementation of section 10-4-636 (4) concerning disclosures required to be made regarding medical payments coverage and the definition of commercial ~~automobile~~ VEHICLE insurance policies for purposes of the exception allowed in section 10-4-636 (8). Medical payments coverage ~~shall be~~ IS primary to any health insurance benefit of a person injured in a motor vehicle accident, and medical payments coverage ~~shall apply~~ APPLIES to any coinsurance or deductible amount required by the injured person's health coverage plan, as defined in section 10-16-102 (34).

SECTION 13. 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 14. In Colorado Revised Statutes, 33-14.5-101, **amend** (3) introductory portion, (3) (d), and (3) (g) as follows:

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

(3) "Off-highway vehicle" means ~~any~~ A self-propelled vehicle ~~which~~ THAT 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: ~~the following:~~

(d) Golf ~~carts~~ CARS;

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

SECTION 15. In Colorado Revised Statutes, **amend** 33-14.5-103 as follows:

33-14.5-103. Proof of ownership for registration purposes - repeal. (1) The division shall require proof of ownership for an off-highway vehicle prior to the initial registration required under this article, but the division shall not issue a certificate of title for the vehicle. IF THE OFF-HIGHWAY VEHICLE IS REQUIRED TO BE TITLED UNDER ARTICLE 6 OF TITLE 42, C.R.S., THE DIVISION SHALL REQUIRE THE OWNER TO EVIDENCE A CERTIFICATE OF TITLE.

(2) The division shall keep a record of the manufacturer's numbers

of all off-highway vehicles registered pursuant to this article. ~~and shall provide the department of revenue with a copy of said record monthly. The department of revenue shall maintain a computerized list of such record in order to aid in the recovery of stolen off-highway vehicles.~~

(3) (a) THE DIVISION SHALL NOTIFY EACH OWNER WITH THE INITIAL REGISTRATION OR REREGISTRATION OF AN OFF-HIGHWAY VEHICLE THAT COLORADO LAW REQUIRES OFF-HIGHWAY VEHICLES TO HAVE A CERTIFICATE OF TITLE ISSUED UNDER ARTICLE 6 OF TITLE 42, C.R.S.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2019.

SECTION 16. 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~~ THAT IS NOT REGISTERED UNDER ARTICLE 3 OF TITLE 42, C.R.S., on the public streets, roads, or highways of this state except in the following cases:

SECTION 17. In Colorado Revised Statutes, 33-14.5-110, **amend** (1) as follows:

33-14.5-110. Regulation by political subdivisions. (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 if ~~such~~ THE regulation is ~~not inconsistent~~ CONSISTENT with ~~the provisions of~~ this article, ARTICLES 3 AND 4 OF TITLE 42, C.R.S., and the rules ~~and regulations~~ promulgated ~~pursuant thereto~~ UNDER THIS ARTICLE.

SECTION 18. In Colorado Revised Statutes, 42-1-102, **amend** (58) and (112); and **add** (3.5) and (29.5) as follows:

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

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

(29.5) (a) "ENROLLED OFF-HIGHWAY VEHICLE" MEANS AN OFF-HIGHWAY VEHICLE THAT IS REGISTERED UNDER ARTICLE 3 OF THIS TITLE.

(b) "ENROLLED OFF-HIGHWAY VEHICLE" DOES NOT MEAN AN OFF-HIGHWAY VEHICLE:

(I) USED PRIMARILY FOR AGRICULTURAL PURPOSES; OR

(II) THAT IS NOT REGISTERED AND IS BEING DRIVEN AS AUTHORIZED BY SECTION 33-14.5-108 (1), C.R.S.

(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.

(c) 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 19. In Colorado Revised Statutes, 42-1-210, **amend** (1) (a) as follows:

42-1-210. County clerk and recorders and manager of revenue or other appointed official as agents - legislative declaration - fee. (1) (a) (I) The county clerk and recorder in each county in the state of Colorado, the clerk and recorder in the city and county of Broomfield, and, in the city and county of Denver, the manager of revenue or such other official of the city and county of Denver as may be appointed by the mayor to perform functions related to the registration of ~~motor~~ vehicles, are hereby designated as the authorized agents of the department for the administration of ~~the provisions of~~ articles 3 and 6 of this title relating to registrations of ~~motor~~ vehicles in ~~such counties; and~~ EACH COUNTY; for the enforcement of ~~the provisions of~~ section 42-6-139 ~~relating to~~ CONCERNING the registering and titling of ~~motor~~ vehicles in ~~such counties~~

EACH COUNTY; and for the enforcement of ~~the provisions of~~ section 38-29-120, C.R.S., ~~relating to~~ CONCERNING the titling of manufactured homes; but any ~~such~~ authorized agent in a county ~~has the power to~~ MAY appoint and employ ~~such motor~~ vehicle registration and license clerks as ~~are actually~~ necessary ~~in the issuance of motor~~ TO ISSUE vehicle licenses. ~~and~~

(II) THE AUTHORIZED AGENT shall retain ~~for the purpose of defraying such expenses, including mailing, a sum equal to~~ A FEE OF four dollars per paid motor VEHICLE REGISTRATION OR ENROLLED OFF-HIGHWAY vehicle registration and FOR EACH PAID registration requiring a metallic plate, plates, individual temporary registration number plates, or validation tab or sticker as provided in section 42-3-201. This fee ~~of four dollars shall apply~~ APPLIES to every registration of a motor VEHICLE OR ENROLLED OFF-HIGHWAY vehicle, ~~that is designed primarily to be operated or drawn on any highway of this state,~~ except ~~such~~ vehicles ~~as are~~ specifically exempted from payment of any registration fee by ~~the provisions of~~ article 3 of this title, and ~~shall be~~ IS in addition to the annual registration fee prescribed by law for ~~such~~ THE vehicle. The fee ~~of four dollars~~ UNDER THIS SUBPARAGRAPH (II), when collected by the department, shall be credited to the same fund as registration fees collected by the department.

(III) ~~The county clerk and recorders, the clerk and recorder in the city and county of Broomfield, and the manager of revenue or such other official of the city and county of Denver as may be appointed by the mayor to perform functions related to the registration of motor vehicles in the city and county of Denver so designated as the authorized agents of the department, as provided in this section,~~ AUTHORIZED AGENTS shall

serve ~~as such authorized agents~~ under ~~the provisions of~~ this part 2 without additional remuneration or fees, except as otherwise provided in articles 1 to 6 of this title.

SECTION 20. In Colorado Revised Statutes, 42-2-103, **amend** (1) (c), (2), and (3) as follows:

42-2-103. Motorcycles - low-power scooters - off-highway vehicles - driver's license required. (1) (c) A person shall not ~~operate~~ DRIVE a two-wheel motorcycle OR A TWO-WHEEL OFF-HIGHWAY VEHICLE on a roadway without a general motorcycle endorsement, but a person who possesses a general motorcycle endorsement may ~~operate any~~ DRIVE A motorcycle OR OFF-HIGHWAY VEHICLE on the roadway.

(2) (a) (I) ~~An operator~~ A DRIVER of a low-power scooter shall possess a valid driver's license or minor driver's license.

(II) THE DRIVER OF AN OFF-HIGHWAY VEHICLE ON A ROADWAY SHALL POSSESS A VALID DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE UNLESS:

(A) THE OFF-HIGHWAY VEHICLE IS BEING DRIVEN ON A ROADWAY AS AUTHORIZED BY SECTION 33-14.5-108 (1), C.R.S.; OR

(B) A LOCAL AUTHORITY HAS PASSED AN ORDINANCE AUTHORIZING A PERSON TO DRIVE AN OFF-HIGHWAY VEHICLE WITHOUT A LICENSE, BUT THE ORDINANCE MUST REQUIRE AN UNLICENSED DRIVER TO BE AT LEAST TEN YEARS OF AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF A LICENSED DRIVER.

(b) ~~No~~ A PERSON SHALL NOT DRIVE A low-power scooter ~~shall be operated on any~~ ON THE interstate system, as described in section 43-2-101 (2), C.R.S., except IN AREAS where a bicycle may be ~~operated~~ DRIVEN on ~~such~~ THE interstate system. A PERSON SHALL NOT DRIVE A

LOW-POWER SCOOTER on any limited-access road of the state highway system, as described in section 43-2-101 (1), C.R.S., or on ~~any~~ A sidewalk unless ~~such~~ THE operation is specifically designated. Low-power scooters may be ~~operated~~ DRIVEN upon roadways, except as provided in this section, and in bicycle lanes included within ~~such~~ roadways.

(3) (a) A person who ~~operates~~ DRIVES a motorcycle in violation of subsection (1) of this section commits the offense of driving a motor vehicle without the correct class of license in violation of section 42-2-101 (4) and shall be punished as provided in ~~section~~ SECTIONS 42-2-101 (10) AND 42-4-1701 (4).

(b) A VIOLATION OF SUBSECTION (2) OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION.

SECTION 21. In Colorado Revised Statutes, 42-3-103, **add** (6) as follows:

42-3-103. Registration required - exemptions - rules. (6) (a) EXCEPT AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S., OR BY PARAGRAPH (b) OF THIS SUBSECTION (6), A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A ROADWAY UNLESS THE OWNER REGISTERS THE VEHICLE WITH THE DEPARTMENT. THE REGISTRATION EXPIRES WHEN OWNERSHIP OF THE OFF-HIGHWAY VEHICLE IS TRANSFERRED TO ANOTHER PERSON.

(b) A PERSON OR OWNER WHO RESIDES IN A FOREIGN JURISDICTION AND OWNS AN OFF-HIGHWAY VEHICLE THAT IS NORMALLY STORED IN A FOREIGN JURISDICTION NEED NOT REGISTER THE OFF-HIGHWAY VEHICLE WITH THE DEPARTMENT TO OPERATE THE VEHICLE ON A COUNTY ROAD AUTHORIZED FOR OFF-HIGHWAY VEHICLE USE UNDER SECTION 42-4-109.7 (2) (a).

(c) REGISTERING AN OFF-HIGHWAY VEHICLE UNDER THIS ARTICLE DOES NOT SUPERCEDE OR CHANGE THE REQUIREMENT TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER SECTION 33-14.5-102, C.R.S.

(d) 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 ARTICLES 1 TO 3 OF THIS TITLE.

(e) A VIOLATION OF THIS SUBSECTION (6) IS A CLASS B TRAFFIC INFRACTION.

SECTION 22. In Colorado Revised Statutes, 42-3-105, **amend** (1) (d), (2) introductory portion, and (4) as follows:

42-3-105. Application for registration - tax. (1) (d) (I) The department or its authorized agents shall not register a motor vehicle, AN OFF-HIGHWAY VEHICLE, or A low-power scooter unless the applicant has a complying motor vehicle insurance policy pursuant to part 6 of article 4 of title 10, C.R.S., or a certificate of self-insurance in full force and effect as required by sections 10-4-619 and 10-4-624, C.R.S. The requirements of this paragraph (d) apply only to motor vehicles classified as Class C personal property under section 42-3-106 (2) (c), ~~to~~ light trucks that do not exceed sixteen thousand pounds empty weight, ~~to sports~~ SPORT utility vehicles that are classified as Class B personal property under section 42-3-106 (2) (b), OFF-HIGHWAY VEHICLES, or ~~to~~ low-power scooters. The applicant shall provide the department or its authorized agents with the proof of insurance certificate or insurance identification card provided to the applicant by the applicant's insurer pursuant to section 10-4-604.5, C.R.S., or provide proof of insurance in ~~such~~ other media ~~as is~~ authorized by the department. Nothing in this paragraph (d)

~~shall be interpreted to preclude~~ PRECLUDES the department from electronically transmitting insurance information to designated agents ~~pursuant to~~ IN ACCORDANCE WITH section 42-7-604 for the purpose of ensuring compliance with mandatory insurance requirements.

(II) Any person who knowingly provides fraudulent information or documents under subparagraph (I) of this paragraph (d) to obtain registration of a motor vehicle, AN OFF-HIGHWAY VEHICLE, or A low-power scooter is guilty of a misdemeanor and is subject to the criminal and civil penalties provided under section 42-6-139 (3) and (4).

(2) Upon applying for registration, the owner of a motor vehicle, AN OFF-HIGHWAY VEHICLE, or A low-power scooter shall receive a written notice printed on the application for registration in type that is larger than the other information contained on the application for registration. The department shall advise the applicant in the notice that motor vehicle insurance or operator's coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty is a five-hundred-dollar fine, that the maximum penalty is one year's imprisonment and a one-thousand-dollar fine, and that the owner is required as a condition of registering the vehicle to either:

(4) (a) A motor vehicle dealer, ~~or~~ used motor vehicle dealer, OR POWERSPORTS VEHICLE DEALER licensed under article 6 of this title may act as an authorized agent of the department for the purposes of compliance with this section and collection of fees required for the registration of low-power scooters OR OFF-HIGHWAY VEHICLES required by this article. When the owner ~~of the low-power scooter~~ complies with this section, the dealer shall forward to the department an affidavit swearing that the owner has insurance, the statement required by

subsection (2) of this section, and the fees required by part 3 of this article for the registration of a low-power scooter OR AN OFF-HIGHWAY VEHICLE.

(b) Notwithstanding any provision of law to the contrary, in a civil action for damages or indemnification resulting from the operation of a motor vehicle, a motor vehicle dealer, used motor vehicle dealer, POWERSPORTS VEHICLE DEALER, or employee thereof ~~shall~~ IS not ~~be~~ liable for an act or omission arising as a result of the dealer or employee performing the functions of an agent pursuant to this subsection (4).

(c) Upon finding a pattern of failure to comply with the requirements of paragraph (a) of this subsection (4), the department may withdraw a motor vehicle dealer's, ~~or~~ used motor vehicle dealer's, OR POWERSPORTS VEHICLE DEALER'S authorization to act as an agent of the department.

SECTION 23. In Colorado Revised Statutes, 42-3-201, **add** (8) as follows:

42-3-201. Number plates furnished - style - periodic reissuance - tabs - rules. (8) (a) UPON REGISTRATION OF AN OFF-HIGHWAY VEHICLE, THE DEPARTMENT SHALL ISSUE A LICENSE PLATE FOR THE VEHICLE THAT:

(I) IS THE SAME SIZE AS A MOTORCYCLE LICENSE PLATE; AND

(II) DISPLAYS THE REGISTRATION NUMBER IN NUMERALS OR LETTERS OF AT LEAST ONE AND ONE-HALF INCHES IN HEIGHT.

(b) THE OWNER OF AN ENROLLED OFF-HIGHWAY VEHICLE NEED NOT:

(I) REREGISTER THE VEHICLE SO LONG AS THE ENROLLED OFF-HIGHWAY VEHICLE IS NOT SOLD OR TRANSFERRED TO ANOTHER OWNER; OR

(II) OBTAIN VALIDATING STICKERS OR TABS.

SECTION 24. In Colorado Revised Statutes, 42-3-202, **amend** (1) (a) as follows:

42-3-202. Number plates to be attached. (1) (a) The owner shall attach the number plates assigned to a self-propelled vehicle, other than a motorcycle, autocycle, ENROLLED OFF-HIGHWAY VEHICLE, or street rod vehicle, to the vehicle with one in the front and the other in the rear. The owner shall attach the number plate assigned to a motorcycle, autocycle, ENROLLED OFF-HIGHWAY VEHICLE, street rod vehicle, trailer, semitrailer, other vehicle drawn by a motor vehicle, or special mobile machinery to the rear of the vehicle. The owner shall display number plates during the current registration year, except as otherwise provided in this article.

SECTION 25. In Colorado Revised Statutes, 42-3-203, **amend** (3) (a) (I) and (3) (b) as follows:

42-3-203. Standardized plates - rules. (3) (a) (I) The department may issue individual temporary registration number plates, tags, or certificates good for a period not to exceed sixty days upon application by an owner of a motor VEHICLE OR OFF-HIGHWAY vehicle or the owner's agent and the payment of a registration fee of two dollars, one dollar and sixty cents OF WHICH IS to be retained by the authorized agent or department issuing the plates, tags, or certificates and the remainder to be remitted monthly to the department to be transmitted to the state treasurer for credit to the highway users tax fund.

(b) The department may issue to licensed motor vehicle dealers AND POWERSPORTS VEHICLE DEALERS temporary registration number plates, tags, or certificates in blocks of twenty-five upon payment of a fee of twelve dollars and fifty cents for each block of twenty-five. ~~fifty percent thereof to be retained by~~ The county clerk and recorder SHALL

RETAIN ONE-HALF OF THIS AMOUNT AND SHALL FORWARD ~~and~~ the remainder ~~to be remitted~~ monthly to the department to be transmitted to the state treasurer for credit to the highway users tax fund and allocation and expenditure as specified in section 43-4-205 (5.5) (b), C.R.S.

SECTION 26. In Colorado Revised Statutes, 42-3-301, **amend** (1) (a) as follows:

42-3-301. License plate cash fund - license plate fees. (1) (a) In addition to the payment of any fees for motor vehicle registration or for the issuance of license plates, decals, or validating tabs, each owner of a motor VEHICLE OR ENROLLED OFF-HIGHWAY vehicle issued a license plate, decal, or validating tab ~~for a motor vehicle pursuant to~~ UNDER this article shall ~~also~~ pay a fee to cover the direct costs of ~~such~~ THE plates, decals, or tabs. ~~The amount of the fee imposed pursuant to this section shall be as specified in paragraph (b) of subsection (2) of this section.~~

SECTION 27. In Colorado Revised Statutes, 42-3-304, **amend** (18) (d) (I) as follows:

42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - definitions. (18) (d) (I) In addition to any other fee imposed by this section, the owner shall pay, at the time of registering a motor vehicle, AN OFF-HIGHWAY VEHICLE, or A low-power scooter, a motorist insurance identification fee. The ~~fee~~ DEPARTMENT shall ~~be adjusted~~ annually ~~by the department~~ ADJUST THE FEE based upon moneys appropriated by the general assembly for the operation of the motorist insurance identification database program. The department shall transmit the fee to the state treasurer, who shall credit it to the Colorado state titling and registration account created in section 42-1-211 (2).

SECTION 28. In Colorado Revised Statutes, **add** 42-3-315 as

follows:

42-3-315. Enrolled off-highway vehicle registration fee. (1) THE OWNER SHALL PAY A TEN-DOLLAR FEE TO REGISTER AN OFF-HIGHWAY VEHICLE WITH THE DEPARTMENT.

(2) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., FOR THE ADMINISTRATION OF OFF-HIGHWAY VEHICLE REGISTRATION UNDER THIS ARTICLE, AND THE STATE TREASURER SHALL ALLOCATE THE FEES CREDITED TO THE FUND UNDER SUBSECTION (1) OF THIS SECTION IN EXCESS OF THE AMOUNT OF THE APPROPRIATIONS AS SPECIFIED IN SECTION 43-4-205 (5.5) (f), C.R.S.

SECTION 29. In Colorado Revised Statutes, **add** 42-4-109.7 as follows:

42-4-109.7. Off-highway vehicles. (1) A PERSON DRIVING AN OFF-HIGHWAY VEHICLE UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS SUBJECT TO ALL OF THE DUTIES OF A DRIVER OF A MOTOR VEHICLE UNDER ARTICLES 1 TO 4 OF THIS TITLE EXCEPT THOSE PROVISIONS OF THIS ARTICLE THAT BY THEIR NATURE HAVE NO APPLICATION. UNLESS THE STATUTE SETTING FORTH A PENALTY FOR VIOLATION OF A DUTY SPECIFIES THAT THE PENALTY APPLIES TO AN OFF-HIGHWAY VEHICLE, A VIOLATION OF ANY DUTY IMPOSED UNDER ARTICLES 1 TO 4 OF THIS TITLE IS A CLASS B TRAFFIC INFRACTION.

(2) (a) (I) A PERSON MAY DRIVE AN ENROLLED OFF-HIGHWAY VEHICLE ON COUNTY ROADS THAT HAVE BEEN AUTHORIZED FOR OPERATION BY THE COUNTY.

(II) PROHIBITING A PERSON FROM DRIVING ON A ROADWAY DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE ROADWAY AT AN

AT-GRADE INTERSECTION WITH AN AUTHORIZED ROADWAY.

(b) A PERSON SHALL NOT DRIVE AN ENROLLED OFF-HIGHWAY VEHICLE ON A STATE HIGHWAY; EXCEPT THAT A PERSON MAY DRIVE AN ENROLLED OFF-HIGHWAY VEHICLE TO DIRECTLY CROSS A STATE HIGHWAY AT AN AT-GRADE CROSSING TO CONTINUE TRAVELING ALONG A ROADWAY THAT IS NOT A STATE HIGHWAY.

(3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION.

SECTION 30. In Colorado Revised Statutes, **add** 42-4-111.5 as follows:

42-4-111.5. Powers of counties - off-highway vehicles. (1) A COUNTY OR CITY AND COUNTY MAY:

(a) AUTHORIZE OR REGULATE THE USE OF ENROLLED OFF-HIGHWAY VEHICLES CONSISTENT WITH THIS ARTICLE, BUT THE REGULATION MUST NOT EXCEED THE AUTHORITY GRANTED TO LOCAL AUTHORITIES CONCERNING MOTOR VEHICLES BY SECTION 42-4-111 OR 42-2-103 AND MUST BE MADE BY AN ORDINANCE OR RESOLUTION DULY ADOPTED BY THE COUNTY'S GOVERNING BODY.

(b) ENTER INTO A COOPERATIVE AGREEMENT WITH A FEDERAL LAND MANAGEMENT AGENCY TO ENFORCE AN OFF-HIGHWAY VEHICLE ORDINANCE ON COUNTY ROADS WITHIN FEDERAL LANDS.

(2) (a) A COUNTY OR CITY AND COUNTY SHALL PUBLISH A MAP OF ALL ROADWAYS AVAILABLE FOR USE BY ENROLLED OFF-HIGHWAY VEHICLES.

(b) AN ORDINANCE OR RESOLUTION REGULATING THE USE OF ENROLLED 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 31. In Colorado Revised Statutes, 42-4-232, **amend** (1) as follows:

42-4-232. Minimum safety standards for motorcycles, low-power scooters, and enrolled off-highway vehicles. (1) (a) ~~No~~ A person shall ~~operate any~~ NOT DRIVE A motorcycle or low-power scooter on ~~any~~ A public highway in this state unless ~~such~~ THE person and any passenger ~~thereon~~ is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that ~~this subsection (1) shall not apply to~~ a person wearing a helmet containing eye protection made of safety glass or plastic NEED NOT WEAR GOGGLES OR EYEGLASSES.

(b) A PERSON SHALL NOT DRIVE AN ENROLLED OFF-HIGHWAY VEHICLE ON A PUBLIC HIGHWAY IN THIS STATE UNLESS THE PERSON AND ANY PASSENGER IS WEARING GOGGLES OR EYEGLASSES WITH LENSES MADE OF SAFETY GLASS OR PLASTIC; EXCEPT THAT A PERSON WEARING A HELMET CONTAINING EYE PROTECTION MADE OF SAFETY GLASS OR PLASTIC OR DRIVING AN ENROLLED OFF-HIGHWAY VEHICLE WITH A WINDSHIELD NEED NOT WEAR GOGGLES OR EYEGLASSES.

SECTION 32. In Colorado Revised Statutes, **add** 42-4-242 as follows:

42-4-242. Equipment - enrolled off-highway vehicles. (1) A PERSON SHALL NOT DRIVE AN ENROLLED OFF-HIGHWAY VEHICLE ON A ROADWAY 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) IF AN ENROLLED 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.

(3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION.

SECTION 33. In Colorado Revised Statutes, 42-4-1101, **add** (8) (h) as follows:

42-4-1101. Speed limits. (8) (h) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A ROADWAY AT A SPEED IN EXCESS OF FORTY MILES PER HOUR UNLESS A LOCAL AUTHORITY AUTHORIZES A HIGHER SPEED FOR A SPECIFIC ROAD.

SECTION 34. 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~~ IS NOT subject to ~~the provisions of~~ section 42-2-127.

SECTION 35. 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~~ IS NOT subject to ~~the provisions of~~ section 42-2-127.

SECTION 36. In Colorado Revised Statutes, 42-4-1409, **amend** (2), (3) (a), and (5) as follows:

42-4-1409. Compulsory insurance - penalty - legislative intent. (2) (a) ~~No~~ A person shall ~~operate~~ NOT DRIVE a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

(b) A PERSON SHALL NOT DRIVE AN ENROLLED OFF-HIGHWAY VEHICLE ON A PUBLIC HIGHWAY UNDER THE AUTHORITY GRANTED IN SECTION 42-4-109.7 WITHOUT A COMPLYING POLICY OR CERTIFICATE OF SELF-INSURANCE IN FULL FORCE AND EFFECT AS REQUIRED BY LAW.

(3) (a) When an accident occurs or when requested to do so following ~~any lawful~~ A traffic contact or during ~~any~~ A traffic investigation by a peace officer, ~~an owner or operator~~ THE DRIVER of a motor vehicle, ENROLLED OFF-HIGHWAY VEHICLE, or low-power scooter shall IMMEDIATELY present to the requesting officer ~~immediate~~ evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(5) Testimony of the failure of ~~any~~ AN owner or operator of a motor vehicle, ~~or~~ low-power scooter, OR ENROLLED OFF-HIGHWAY VEHICLE to present ~~immediate~~ evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, ~~shall constitute~~ IS prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that ~~such~~ THE owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

SECTION 37. In Colorado Revised Statutes, **add** 42-4-1505 as follows:

42-4-1505. Enrolled off-highway vehicles - protective helmet required. (1) 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 IN ORDER TO DRIVE OR BE A PASSENGER ON AN ALL-TERRAIN VEHICLE OR TWO-WHEEL VEHICLE THAT IS AN ENROLLED OFF-HIGHWAY VEHICLE ON A ROADWAY.

(2) 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 FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 218, 49 CFR 571.218, FOR MOTORCYCLE HELMETS.

(3) A VIOLATION OF THIS SECTION IS A CLASS B TRAFFIC INFRACTION.

SECTION 38. In Colorado Revised Statutes, 42-6-103, **amend** (2) (b); and **add** (3) as follows:

42-6-103. Application - repeal. (2) This part 1 does not apply to an off-highway vehicle that:

(b) Is used ~~exclusively~~ PRIMARILY for agricultural purposes on private land.

(3) (a) PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AND THIS PARAGRAPH (a) ARE REPEALED, EFFECTIVE JANUARY 1, 2016.

(b) UPON DISCOVERING THAT AN OFF-HIGHWAY VEHICLE HAS NOT BEEN ISSUED A CERTIFICATE OF TITLE THAT IS REQUIRED BY THIS ARTICLE, A PEACE OFFICER SHALL NOT CITE THE DRIVER OR OWNER FOR THE VIOLATION BUT SHALL NOTIFY THE DRIVER THAT COLORADO LAW REQUIRES OFF-HIGHWAY VEHICLES TO BE ISSUED CERTIFICATES OF TITLE.

(c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2017.

SECTION 39. In Colorado Revised Statutes, 42-6-148, **amend** (2) as follows:

42-6-148. Off-highway vehicles - sales. (2) (a) A current off-highway vehicle registration issued under article 14.5 of title 33,

C.R.S., is sufficient evidence of ownership to issue a certificate of title under this part 1.

(b) IF AN OFF-HIGHWAY VEHICLE IS PERMANENTLY MOVED TO COLORADO FROM A FOREIGN JURISDICTION THAT DOES NOT ISSUE A CERTIFICATE OF TITLE TO AN OFF-HIGHWAY VEHICLE, THE FOLLOWING IS SUFFICIENT EVIDENCE OF OWNERSHIP TO ISSUE A CERTIFICATE OF TITLE UNDER THIS PART 1:

(I) A SIGNED AFFIDAVIT ATTESTING TO OWNERSHIP;

(II) A BILL OF SALE OR OTHER EVIDENCE OF OWNERSHIP; AND

(III) A PHYSICAL INSPECTION, MADE IN ACCORDANCE WITH SECTION 42-6-107 (1) (b).

SECTION 40. In Colorado Revised Statutes, 42-4-1701, **amend** (4) (a) (I) (B) and (4) (a) (I) (L) as follows:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied in accordance with sections 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions is fifteen dollars, and the surcharge is four dollars. These penalties and surcharges apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph

(a) of subsection (5) of this section, is found guilty by a court of competent jurisdiction, or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections are as follows:

(B) **Registration and taxation violations:**

~~42-3-103~~	~~$ 50.00~~	~~$ 16.00~~
42-3-103 (1) (a) AND (6)	50.00	16.00
42-3-113	15.00	6.00
42-3-202	15.00	6.00
42-3-116	50.00	16.00
42-3-121 (1) (a)	75.00	24.00
42-3-121 (1) (c)	35.00	10.00
42-3-121 (1) (f), (1) (g), and (1) (h)	75.00	24.00
42-3-304 to 42-3-306	50.00	16.00

(L) **Speeding violations:**

42-4-1101 (1) or (8) (b) (1 to 4 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	$ 30.00	$ 6.00
42-4-1101 (1) or (8) (b) (5 to 9 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	70.00	10.00
42-4-1101 (1) or (8) (b) (10 to 19 miles		

per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	135.00	16.00
42-4-1101 (1) or (8) (b) (20 to 24 miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of 75 miles per hour)	200.00	32.00
42-4-1101 (8) (g) (1 to 4 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	50.00	6.00
42-4-1101 (8) (g) (5 to 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	75.00	10.00
42-4-1101 (8) (g) (greater than 9 miles per hour over the maximum lawful speed limit of 40 miles per hour driving a low-power scooter)	100.00	16.00
42-4-1101 (3)	100.00	10.00
42-4-1101 (8) (h)	25.00	3.00
42-4-1103	50.00	6.00
42-4-1104	30.00	6.00

SECTION 41. In Colorado Revised Statutes, 43-4-205, **amend** (5.5) (f) as follows:

43-4-205. Allocation of funds. (5.5) The following highway users tax fund revenues shall be allocated and expended in accordance with the formula specified in subsection (5) of this section:

(f) Revenues from fees that are credited to the fund ~~pursuant to section~~ UNDER SECTIONS 42-3-311 (1) AND 42-3-315 (2), C.R.S., and that exceed the amount of appropriations made from the fund pursuant to those sections for the purpose of defraying specified administrative expenses;

SECTION 42. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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) Sections 1 to 14, 16 to 19, 21 to 28, 30 to 32, 36, 37, 40, and 41 of this act apply to:

(a) Off-highway vehicles registered with the department of revenue on or after July 1, 2016; and

(b) Applications for off-highway vehicle registration with the department of revenue made on or after July 1, 2016.

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0089.01 Jery Payne x2157 **SENATE BILL 15-023**

SENATE SPONSORSHIP

Crowder,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

CONCERNING THE USE OF AN OFF-HIGHWAY VEHICLE TO CROSS A ROADWAY.

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.)

Currently, off-highway vehicles may cross streets, roads, or highways if the driver complies with certain snowmobile statutory standards. The bill imports the snowmobile standards into the off-highway vehicle statutes. The bill also clarifies that a driver may cross a state highway if the driver complies with these standards.

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

SECTION 1. In Colorado Revised Statutes, 33-14.5-108, **amend** (1) (b) as follows:

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:

(b) When crossing streets or when crossing roads, highways, or railroad tracks ~~in the manner provided~~ in ACCORDANCE WITH section ~~33-14-112~~ 33-14.5-108.5;

SECTION 2. In Colorado Revised Statutes, **add** 33-14.5-108.5 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.

(2) A PERSON SHALL NOT CROSS A HIGHWAY WHILE DRIVING AN OFF-HIGHWAY VEHICLE UNLESS THE CROSSING IS MADE IN ACCORDANCE WITH THE FOLLOWING:

(a) THE CROSSING MUST BE MADE AT AN ANGLE OF APPROXIMATELY NINETY DEGREES TO THE DIRECTION OF THE HIGHWAY AND AT A PLACE WHERE NO OBSTRUCTION PREVENTS A QUICK AND SAFE CROSSING.

(b) THE OFF-HIGHWAY VEHICLE MUST BE BROUGHT TO A COMPLETE STOP BEFORE CROSSING THE SHOULDER OR, IF NONE, THE ROADWAY BEFORE PROCEEDING.

(c) THE DRIVER MUST YIELD THE RIGHT-OF-WAY TO ALL MOTOR VEHICLE TRAFFIC ON THE ROADWAY THAT CONSTITUTES AN IMMEDIATE HAZARD TO THE CROSSING.

(d) A DRIVER OF AN OFF-HIGHWAY VEHICLE MUST CROSS A DIVIDED HIGHWAY AT AN INTERSECTION OF THE HIGHWAY WITH ANOTHER ROAD OR HIGHWAY.

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

SECTION 3. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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.