

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

101 **CONCERNING THE REGULATION OF OFF-HIGHWAY VEHICLES FOR**
102 **OPERATION ON CERTAIN ROADWAYS, AND, IN CONNECTION**
103 **THEREWITH, AUTHORIZING THE REGISTRATION OF**
104 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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.

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

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

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

6 (4.5) "ENROLLED OFF-HIGHWAY VEHICLE" HAS THE MEANING SET
7 FORTH IN SECTION 42-1-102 (29.5), C.R.S.

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

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

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

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

23 **10-4-608. Exemptions.** (1) This part 6 ~~shall~~ DOES not apply to
24 any policy:

- 25 (b) Insuring more than four ~~automobiles~~ MOTOR VEHICLES;
- 26 (d) Covering a garage, ~~automobile sales agency~~ MOTOR VEHICLE
27 DEALER, AS DEFINED IN SECTION 12-6-102 (13), C.R.S.; USED MOTOR

1 VEHICLE DEALER, AS DEFINED IN SECTION 12-6-102 (17), C.R.S.;
2 POWERSPORTS VEHICLE DEALER, AS DEFINED IN SECTION 12-6-502 (11),
3 C.R.S.; USED POWERSPORTS VEHICLE DEALER, AS DEFINED IN SECTION
4 12-6-502 (19), C.R.S.; OPERATION HAZARD IN A PUBLIC PARKING PLACE,
5 repair shop, OR service station; ~~or public parking place; operation hazard;~~
6 or

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

9 **10-4-609. Insurance protection against uninsured motorists -**
10 **applicability.** (1) (a) ~~No automobile liability or~~ AN INSURER SHALL NOT
11 ISSUE OR DELIVER, A motor vehicle liability policy insuring against loss
12 resulting from liability imposed by law for bodily injury or death suffered
13 by any person arising out of the ownership, maintenance, or use of a
14 motor vehicle ~~shall be delivered or issued for delivery in this state with~~
15 ~~respect to any motor vehicle licensed for highway use in this state unless~~
16 coverage is provided ~~therein~~ IN or supplemental ~~thereto~~ TO THE POLICY,
17 in limits for bodily injury or death set forth in section 42-7-103 (2),
18 C.R.S., under provisions approved by the commissioner, for the
19 protection of persons insured ~~thereunder~~ UNDER THE POLICY who are
20 legally entitled to recover damages from owners or operators of uninsured
21 motor vehicles because of bodily injury, sickness, or disease, including
22 death; ~~resulting therefrom;~~ except that the named insured may reject ~~such~~
23 THE coverage in writing.

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

26 **10-4-613. Glass repair and replacement.** (1) (a) ~~No~~ A
27 DOMESTIC OR FOREIGN insurance company, ~~domestic or foreign,~~ or any

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

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

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

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

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

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

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

23 **10-4-617. Insurers - biannual fee - auto theft prevention**
24 **authority.** (5) As used in this section, "motor vehicle" does not include
25 ~~vehicles~~ A VEHICLE or vehicle ~~combinations~~ COMBINATION with a
26 declared gross weight of more than twenty-six thousand pounds OR A TOY
27 VEHICLE, SNOWMOBILE, OFF-HIGHWAY VEHICLE, OR VEHICLE DESIGNED

1 PRIMARILY FOR USE ON RAILS.

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

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

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

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

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

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

24 **10-4-630. Exclusion of named driver.** (1) ~~In any case where~~ IF
25 an insurer is authorized under this part 6 to cancel, ~~or~~ refuse to renew, or
26 increase the premiums on ~~an automobile liability insurance~~ A policy under
27 which more than one person is insured because of the claim experience

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

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

11 **10-4-633. Certification of policy and notice forms.** (1) All
12 insurers providing ~~automobile~~ MOTOR VEHICLE insurance and ~~who are~~
13 THAT ARE authorized by the commissioner to conduct business in
14 Colorado shall submit an annual report to the commissioner listing any
15 policy forms, endorsements, cancellation notices, renewal notices,
16 disclosure forms, notices of proposed premium increases, notices of
17 proposed reductions in coverage, and ~~such~~ ANY other forms ~~as may be~~
18 requested by the commissioner THAT THE INSURER issued or delivered to
19 any policyholder in Colorado. ~~Such~~ THE listing ~~shall~~ MUST be submitted
20 no later than July 1 of each year and ~~shall~~ MUST contain a certification by
21 an officer of the organization that, to the best of the officer's knowledge,
22 each policy form, endorsement, or notice form in use complies with
23 Colorado law. THE COMMISSIONER SHALL DETERMINE the necessary
24 elements of the certification. ~~shall be determined by the commissioner.~~

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

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

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

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

22 **10-4-633.5. Insurance policies - plain language required -**
23 **rules.** (1) (a) An insurer issuing or renewing ~~automobile insurance~~
24 policies subject to this part 6 shall not issue or renew a policy unless the
25 text of the policy form does not exceed the tenth-grade level, as measured
26 by the Flesch-Kincaid grade level formula, or does not score less than
27 fifty as measured by the Flesch reading ease formula.

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

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

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

11 **10-4-635. Medical payments coverage - disclosure - definitions.**

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

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

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

1 use off the road or on rails;

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

5 **10-4-636. Disclosure requirements for insurance products**
6 **offered - rules.** (1) (a) An insurer or producer issuing ~~automobile~~
7 ~~insurance~~ policies UNDER THIS PART 6 shall, as a condition of doing
8 business in this state, have on file for public inspection at the division a
9 summary disclosure form that contains an explanation of the major
10 coverages and exclusions of ~~such~~ THE policies of ~~insurance~~ together with
11 a recitation of general factors considered in cancellation, nonrenewal, and
12 increase-in-premium situations. Each summary disclosure form ~~shall~~
13 MUST provide notice, in bold-faced ~~letters~~ TYPE, that the policyholder
14 should read the policy for complete details and ~~such~~ THAT THE disclosure
15 form ~~shall not be construed to~~ DOES NOT replace any provision of the
16 policy itself.

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

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

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

1 insured;

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

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

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

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

14 **10-4-641. Rules - medical payments coverage.** (1) The
15 commissioner shall promulgate any necessary rules for the administration
16 of medical payments coverage and coordination of benefits and the
17 implementation of section 10-4-636 (4) concerning disclosures required
18 to be made regarding medical payments coverage and the definition of
19 commercial ~~automobile~~ VEHICLE insurance policies for purposes of the
20 exception allowed in section 10-4-636 (8). Medical payments coverage
21 ~~shall be~~ IS primary to any health insurance benefit of a person injured in
22 a motor vehicle accident, and medical payments coverage ~~shall apply~~
23 APPLIES to any coinsurance or deductible amount required by the injured
24 person's health coverage plan, as defined in section 10-16-102 (34).

25 **SECTION 13.** In Colorado Revised Statutes, **add** 33-14.5-100.2
26 as follows:

27 **33-14.5-100.2. Legislative declaration.** THE GENERAL ASSEMBLY

1 FINDS, DETERMINES, AND DECLARES THAT A FEE FOR REGISTRATION OF
2 OFF-HIGHWAY VEHICLES UNDER THIS ARTICLE IS SEPARATE FROM A
3 REGISTRATION FEE OR OTHER CHARGE WITH RESPECT TO THE OPERATION
4 OF A MOTOR VEHICLE UPON A PUBLIC HIGHWAY.

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

7 **33-14.5-101. Definitions.** As used in this article, unless the
8 context otherwise requires:

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

15 (d) Golf ~~carts~~ CARS;

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

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

20 **33-14.5-103. Proof of ownership for registration purposes -**
21 **repeal.** (1) The division shall require proof of ownership for an
22 off-highway vehicle prior to the initial registration required under this
23 article, but the division shall not issue a certificate of title for the vehicle.
24 IF THE OFF-HIGHWAY VEHICLE IS REQUIRED TO BE TITLED UNDER ARTICLE
25 6 OF TITLE 42, C.R.S., THE DIVISION SHALL REQUIRE THE OWNER TO
26 EVIDENCE A CERTIFICATE OF TITLE.

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

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

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

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

10 **SECTION 16.** In Colorado Revised Statutes, 33-14.5-108,
11 **amend** (1) introductory portion as follows:

12 **33-14.5-108. Off-highway vehicle operation prohibited on**
13 **streets, roads, and highways.** (1) ~~No~~ A PERSON SHALL NOT DRIVE AN
14 off-highway vehicle ~~may be operated~~ THAT IS NOT REGISTERED UNDER
15 ARTICLE 3 OF TITLE 42, C.R.S., on the public streets, roads, or highways
16 of this state except in the following cases:

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

19 **33-14.5-110. Regulation by political subdivisions.** (1) Any
20 county, city and county, city, or town acting by its governing body may
21 regulate the operation of off-highway vehicles on public lands, waters,
22 and property under its jurisdiction and on streets and highways within its
23 boundaries by resolution or ordinance of the governing body and by
24 giving appropriate notice thereof if ~~such~~ THE regulation is ~~not inconsistent~~
25 CONSISTENT with the provisions of this article, ARTICLES 3 AND 4 OF TITLE
26 42, C.R.S., and the rules ~~and regulations~~ promulgated ~~pursuant thereto~~
27 UNDER THIS ARTICLE.

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

3 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
4 unless the context otherwise requires:

5 (3.5) "ALL-TERRAIN VEHICLE" MEANS A THREE- OR FOUR-WHEELED
6 VEHICLE THAT TRAVELS ON LOW-PRESSURE TIRES WITH A SEAT THAT IS
7 STRADDLED BY THE RIDER AND WITH HANDLEBARS FOR STEERING
8 CONTROL.

9 (29.5) (a) "ENROLLED OFF-HIGHWAY VEHICLE" MEANS AN
10 OFF-HIGHWAY VEHICLE THAT IS REGISTERED UNDER ARTICLE 3 OF THIS
11 TITLE.

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

14 (I) USED PRIMARILY FOR AGRICULTURAL PURPOSES; OR

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

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

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

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

22 (b) "MOTOR VEHICLE" does not include low-power scooters,
23 wheelchairs, or vehicles moved solely by human power. For the purposes
24 of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1,
25 and 42-4-1401, ~~for farm tractors and off-highway vehicles, as defined in~~
26 ~~section 33-14.5-101 (3), C.R.S., operated on streets and highways,~~ "motor
27 vehicle" includes a farm tractor ~~or an off-highway vehicle~~ OPERATED ON

1 STREETS AND HIGHWAYS that is not otherwise classified as a motor
2 vehicle.

3 (c) For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128,
4 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle"
5 includes a low-power scooter.

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

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

16 **42-1-210. County clerk and recorders and manager of revenue**
17 **or other appointed official as agents - legislative declaration - fee.**

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

1 EACH COUNTY; and for the enforcement of ~~the provisions of~~ section
2 38-29-120, C.R.S., ~~relating to~~ CONCERNING the titling of manufactured
3 homes; but any ~~such~~ authorized agent in a county ~~has the power to~~ MAY
4 appoint and employ ~~such motor~~ vehicle registration and license clerks as
5 ~~are actually necessary in the issuance of motor~~ TO ISSUE vehicle licenses.
6 ~~and~~

7 (II) THE AUTHORIZED AGENT shall retain ~~for the purpose of~~
8 ~~defraying such expenses, including mailing, a sum equal to~~ A FEE OF four
9 dollars per paid motor VEHICLE REGISTRATION OR ENROLLED
10 OFF-HIGHWAY vehicle registration and FOR EACH PAID registration
11 requiring a metallic plate, plates, individual temporary registration
12 number plates, or validation tab or sticker as provided in section
13 42-3-201. This fee ~~of four dollars shall apply~~ APPLIES to every registration
14 of a motor VEHICLE OR ENROLLED OFF-HIGHWAY vehicle, ~~that is designed~~
15 ~~primarily to be operated or drawn on any highway of this state, except~~
16 ~~such~~ vehicles as ~~are~~ specifically exempted from payment of any
17 registration fee by ~~the provisions of~~ article 3 of this title, and ~~shall be~~ IS
18 in addition to the annual registration fee prescribed by law for ~~such~~ THE
19 vehicle. The fee ~~of four dollars~~ UNDER THIS SUBPARAGRAPH (II), when
20 collected by the department, shall be credited to the same fund as
21 registration fees collected by the department.

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

1 serve as such authorized agents under the provisions of this part 2 without
2 additional remuneration or fees, except as otherwise provided in articles
3 1 to 6 of this title.

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

6 **42-2-103. Motorcycles - low-power scooters - off-highway**
7 **vehicles - driver's license required.** (1) (c) A person shall not ~~operate~~
8 DRIVE a two-wheel motorcycle OR A TWO-WHEEL OFF-HIGHWAY VEHICLE
9 on a roadway without a general motorcycle endorsement, but a person
10 who possesses a general motorcycle endorsement may ~~operate any~~ DRIVE
11 A motorcycle OR OFF-HIGHWAY VEHICLE on the roadway.

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

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

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

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

24 (b) ~~No~~ A PERSON SHALL NOT DRIVE A low-power scooter ~~shall be~~
25 ~~operated on any~~ ON THE interstate system, as described in section
26 43-2-101 (2), C.R.S., except IN AREAS where a bicycle may be ~~operated~~
27 DRIVEN on ~~such~~ THE interstate system. A PERSON SHALL NOT DRIVE A

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

6 (3) (a) A person who ~~operates~~ DRIVES a motorcycle in violation of
7 subsection (1) of this section commits the offense of driving a motor
8 vehicle without the correct class of license in violation of section
9 42-2-101 (4) and shall be punished as provided in ~~section~~ SECTIONS
10 42-2-101 (10) AND 42-4-1701 (4).

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

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

15 **42-3-103. Registration required - exemptions - rules.**

16 (6) (a) EXCEPT AS AUTHORIZED BY SECTION 33-14.5-108, C.R.S., OR BY
17 PARAGRAPH (b) OF THIS SUBSECTION (6), A PERSON SHALL NOT DRIVE AN
18 OFF-HIGHWAY VEHICLE ON A ROADWAY UNLESS THE OWNER REGISTERS
19 THE VEHICLE WITH THE DEPARTMENT. THE REGISTRATION EXPIRES WHEN
20 OWNERSHIP OF THE OFF-HIGHWAY VEHICLE IS TRANSFERRED TO ANOTHER
21 PERSON.

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

27 (2) (a).

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

4 (d) AN OFF-HIGHWAY VEHICLE IS NOT SUBJECT TO ANY SPECIFIC
5 OWNERSHIP TAX OR MOTOR VEHICLE REGISTRATION FEE UNLESS THE TAX
6 OR FEE IS EXPRESSLY AUTHORIZED FOR AN OFF-HIGHWAY VEHICLE BY
7 ARTICLES 1 TO 3 OF THIS TITLE.

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

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

12 **42-3-105. Application for registration - tax.** (1) (d) (I) The
13 department or its authorized agents shall not register a motor vehicle, AN
14 OFF-HIGHWAY VEHICLE, or A low-power scooter unless the applicant has
15 a complying motor vehicle insurance policy pursuant to part 6 of article
16 4 of title 10, C.R.S., or a certificate of self-insurance in full force and
17 effect as required by sections 10-4-619 and 10-4-624, C.R.S. The
18 requirements of this paragraph (d) apply only to motor vehicles classified
19 as Class C personal property under section 42-3-106 (2) (c), ~~to~~ light
20 trucks that do not exceed sixteen thousand pounds empty weight, ~~to sports~~
21 SPORT utility vehicles that are classified as Class B personal property
22 under section 42-3-106 (2) (b), OFF-HIGHWAY VEHICLES, or ~~to~~ low-power
23 scooters. The applicant shall provide the department or its authorized
24 agents with the proof of insurance certificate or insurance identification
25 card provided to the applicant by the applicant's insurer pursuant to
26 section 10-4-604.5, C.R.S., or provide proof of insurance in ~~such~~ other
27 media ~~as is~~ authorized by the department. Nothing in this paragraph (d)

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

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

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

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

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

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

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

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

16 **42-3-201. Number plates furnished - style - periodic reissuance**

17 **- tabs - rules.** (8) (a) UPON REGISTRATION OF AN OFF-HIGHWAY VEHICLE,
18 THE DEPARTMENT SHALL ISSUE A LICENSE PLATE FOR THE VEHICLE THAT:

- 19 (I) IS THE SAME SIZE AS A MOTORCYCLE LICENSE PLATE; AND
20 (II) DISPLAYS THE REGISTRATION NUMBER IN NUMERALS OR
21 LETTERS OF AT LEAST ONE AND ONE-HALF INCHES IN HEIGHT.

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

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

- 27 (II) OBTAIN VALIDATING STICKERS OR TABS.

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

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

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

14 **42-3-203. Standardized plates - rules.** (3) (a) (I) The department
15 may issue individual temporary registration number plates, tags, or
16 certificates good for a period not to exceed sixty days upon application by
17 an owner of a motor VEHICLE OR OFF-HIGHWAY vehicle or the owner's
18 agent and the payment of a registration fee of two dollars, one dollar and
19 sixty cents OF WHICH IS to be retained by the authorized agent or
20 department issuing the plates, tags, or certificates and the remainder to be
21 remitted monthly to the department to be transmitted to the state treasurer
22 for credit to the highway users tax fund.

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

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

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

7 **42-3-301. License plate cash fund - license plate fees.** (1) (a) In
8 addition to the payment of any fees for motor vehicle registration or for
9 the issuance of license plates, decals, or validating tabs, each owner of a
10 motor VEHICLE OR ENROLLED OFF-HIGHWAY vehicle issued a license plate,
11 decal, or validating tab ~~for a motor vehicle pursuant to~~ UNDER this article
12 shall ~~also~~ pay a fee to cover the direct costs of ~~such~~ THE plates, decals, or
13 tabs. ~~The amount of the fee imposed pursuant to this section shall be as~~
14 ~~specified in paragraph (b) of subsection (2) of this section.~~

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

17 **42-3-304. Registration fees - passenger and passenger-mile**
18 **taxes - clean screen fund - definitions.** (18) (d) (I) In addition to any
19 other fee imposed by this section, the owner shall pay, at the time of
20 registering a motor vehicle, AN OFF-HIGHWAY VEHICLE, or A low-power
21 scooter, a motorist insurance identification fee. ~~The fee~~ DEPARTMENT
22 ~~shall be adjusted annually by the department~~ ADJUST THE FEE based upon
23 moneys appropriated by the general assembly for the operation of the
24 motorist insurance identification database program. The department shall
25 transmit the fee to the state treasurer, who shall credit it to the Colorado
26 state titling and registration account created in section 42-1-211 (2).

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

1 follows:

2 **42-3-315. Enrolled off-highway vehicle registration fee.**

3 (1) THE OWNER SHALL PAY A TEN-DOLLAR FEE TO REGISTER AN
4 OFF-HIGHWAY VEHICLE WITH THE DEPARTMENT.

5 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM
6 THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S.,
7 FOR THE ADMINISTRATION OF OFF-HIGHWAY VEHICLE REGISTRATION
8 UNDER THIS ARTICLE, AND THE STATE TREASURER SHALL ALLOCATE THE
9 FEES CREDITED TO THE FUND UNDER SUBSECTION (1) OF THIS SECTION IN
10 EXCESS OF THE AMOUNT OF THE APPROPRIATIONS AS SPECIFIED IN SECTION
11 43-4-205 (5.5) (f), C.R.S.

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

14 **42-4-109.7. Off-highway vehicles.** (1) A PERSON DRIVING AN
15 OFF-HIGHWAY VEHICLE UPON A ROADWAY HAS ALL OF THE RIGHTS AND IS
16 SUBJECT TO ALL OF THE DUTIES OF A DRIVER OF A MOTOR VEHICLE UNDER
17 ARTICLES 1 TO 4 OF THIS TITLE EXCEPT THOSE PROVISIONS OF THIS ARTICLE
18 THAT BY THEIR NATURE HAVE NO APPLICATION. UNLESS THE STATUTE
19 SETTING FORTH A PENALTY FOR VIOLATION OF A DUTY SPECIFIES THAT THE
20 PENALTY APPLIES TO AN OFF-HIGHWAY VEHICLE, A VIOLATION OF ANY
21 DUTY IMPOSED UNDER ARTICLES 1 TO 4 OF THIS TITLE IS A CLASS B
22 TRAFFIC INFRACTION.

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

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

1 AT-GRADE INTERSECTION WITH AN AUTHORIZED ROADWAY.

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

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

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

11 **42-4-111.5. Powers of counties - off-highway vehicles.** (1) A
12 COUNTY OR CITY AND COUNTY MAY:

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

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

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

25 (b) AN ORDINANCE OR RESOLUTION REGULATING THE USE OF
26 ENROLLED OFF-HIGHWAY VEHICLES DOES NOT TAKE EFFECT UNTIL NOTICE
27 OF THE REGULATION IS PLACED AT THE ENTRANCES OF THE ROADWAY BY

1 MEANS OF OFFICIAL SIGNS OR TRAFFIC CONTROL DEVICES.

2 **SECTION 31.** In Colorado Revised Statutes, 42-4-232, **amend**
3 (1) as follows:

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

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

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

21 **42-4-242. Equipment - enrolled off-highway vehicles.** (1) A
22 PERSON SHALL NOT DRIVE AN ENROLLED OFF-HIGHWAY VEHICLE ON A
23 ROADWAY UNLESS THE VEHICLE IS EQUIPPED WITH THE FOLLOWING IN
24 GOOD WORKING ORDER:

25 (a) BRAKES THAT ENABLE THE OPERATOR TO MAKE THE WHEELS
26 SKID ON DRY, LEVEL, AND CLEAN PAVEMENT;

27 (b) IF DRIVEN AT NIGHT:

1 (I) A HEAD LAMP AIMED AND SUFFICIENTLY INTENSE TO REVEAL
2 PERSONS AND VEHICLES AT A DISTANCE OF ONE HUNDRED FEET AHEAD ON
3 A STRAIGHT, LEVEL ROAD; AND

4 (II) A TAIL LIGHT THAT EMITS A RED LIGHT WHEN THE HEAD LAMP
5 IS LIGHTED AND THAT IS:

6 (A) VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE
7 REAR;

8 (B) MOUNTED ON THE REAR OF THE VEHICLE; AND

9 (C) LOCATED AT A HEIGHT OF NOT MORE THAN SEVENTY-TWO
10 INCHES ABOVE THE GROUND NOR LESS THAN TWENTY INCHES ABOVE THE
11 GROUND.

12 (2) IF AN ENROLLED OFF-HIGHWAY VEHICLE HAS A HEAD LAMP
13 WITH A HIGHER AND LOWER BEAM, THE DRIVER SHALL NOT OPERATE THE
14 HIGHER BEAM OR THE HEAD LAMP TO STRIKE THE EYES OF THE DRIVER OF
15 AN APPROACHING VEHICLE.

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

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

20 **42-4-1101. Speed limits.** (8) (h) NOTWITHSTANDING ANY OTHER
21 PROVISION OF THIS SECTION, A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY
22 VEHICLE ON A ROADWAY AT A SPEED IN EXCESS OF FORTY MILES PER HOUR
23 UNLESS A LOCAL AUTHORITY AUTHORIZES A HIGHER SPEED FOR A SPECIFIC
24 ROAD.

25 **SECTION 34.** In Colorado Revised Statutes, 42-4-1401, **amend**
26 (1) as follows:

27 **42-4-1401. Reckless driving - penalty.** (1) A person who drives

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

7 **SECTION 35.** In Colorado Revised Statutes, 42-4-1402, **amend**
8 (1) as follows:

9 **42-4-1402. Careless driving - penalty.** (1) A person who drives
10 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~
11 OR VEHICLE in a careless and imprudent manner, without due regard for
12 the width, grade, curves, corners, traffic, and use of the streets and
13 highways and all other attendant circumstances, is guilty of careless
14 driving. A person convicted of careless driving of a bicycle, EPAMD,
15 OFF-HIGHWAY VEHICLE, or electrical assisted bicycle ~~shall not be~~ IS NOT
16 subject to ~~the provisions of~~ section 42-2-127.

17 **SECTION 36.** In Colorado Revised Statutes, 42-4-1409, **amend**
18 (2), (3) (a), and (5) as follows:

19 **42-4-1409. Compulsory insurance - penalty - legislative intent.**
20 (2) (a) ~~No~~ A person shall ~~operate~~ NOT DRIVE a motor vehicle or
21 low-power scooter on the public highways of this state without a
22 complying policy or certificate of self-insurance in full force and effect
23 as required by law.

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

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

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

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

18 **42-4-1505. Enrolled off-highway vehicles - protective helmet**
19 **required.** (1) A PERSON UNDER EIGHTEEN YEARS OF AGE SHALL WEAR A
20 PROTECTIVE HELMET THAT CONFORMS TO SUBSECTION (2) OF THIS SECTION
21 AND THAT IS SECURED PROPERLY ON THE PERSON'S HEAD WITH A CHIN
22 STRAP IN ORDER TO DRIVE OR BE A PASSENGER ON AN ALL-TERRAIN
23 VEHICLE OR TWO-WHEEL VEHICLE THAT IS AN ENROLLED OFF-HIGHWAY
24 VEHICLE ON A ROADWAY.

25 (2) A PROTECTIVE HELMET REQUIRED BY THIS SECTION MUST:
26 (a) BE DESIGNED TO REDUCE INJURIES TO THE USER RESULTING
27 FROM HEAD IMPACTS AND PROTECT THE USER BY REMAINING ON THE

1 USER'S HEAD, DEFLECTING BLOWS, RESISTING PENETRATION, AND
2 SPREADING THE FORCE OF IMPACT;

3 (b) HAVE A LINING, PADDING, AND CHIN STRAP; AND

4 (c) MEET OR EXCEED THE STANDARDS ESTABLISHED IN THE
5 UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR
6 VEHICLE SAFETY STANDARD NO. 218, 49 CFR 571.218, FOR MOTORCYCLE
7 HELMETS.

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

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

12 **42-6-103. Application - repeal.** (2) This part 1 does not apply to
13 an off-highway vehicle that:

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

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

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

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

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

26 **42-6-148. Off-highway vehicles - sales.** (2) (a) A current
27 off-highway vehicle registration issued under article 14.5 of title 33,

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

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

8 (I) A SIGNED AFFIDAVIT ATTESTING TO OWNERSHIP;

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

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

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

14 **42-4-1701. Traffic offenses and infractions classified -**
15 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
16 as provided in paragraph (c) of subsection (5) of this section, every
17 person who is convicted of, who admits liability for, or against whom a
18 judgment is entered for a violation of any provision of this title to which
19 paragraph (a) or (b) of subsection (5) of this section apply shall be fined
20 or penalized, and have a surcharge levied in accordance with sections
21 24-4.1-119 (1) (f) and 24-4.2-104 (1) (b) (I), C.R.S., in accordance with
22 the penalty and surcharge schedule set forth in sub-subparagraphs (A) to
23 (P) of this subparagraph (I); or, if no penalty or surcharge is specified in
24 the schedule, the penalty for class A and class B traffic infractions is
25 fifteen dollars, and the surcharge is four dollars. These penalties and
26 surcharges apply whether the defendant acknowledges the defendant's
27 guilt or liability in accordance with the procedure set forth by paragraph

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

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

6	42-3-103	\$ 50.00	\$ 16.00
7	42-3-103 (1) (a) AND (6)	50.00	16.00
8	42-3-113	15.00	6.00
9	42-3-202	15.00	6.00
10	42-3-116	50.00	16.00
11	42-3-121 (1) (a)	75.00	24.00
12	42-3-121 (1) (c)	35.00	10.00
13	42-3-121 (1) (f), (1) (g),		
14	and (1) (h)	75.00	24.00
15	42-3-304 to 42-3-306	50.00	16.00

16 (L) **Speeding violations:**

17	42-4-1101 (1) or (8) (b) (1 to 4 miles		
18	per hour over the reasonable and		
19	prudent speed or over the maximum		
20	lawful speed limit of 75 miles		
21	per hour)	\$ 30.00	\$ 6.00
22	42-4-1101 (1) or (8) (b) (5 to 9 miles		
23	per hour over the reasonable and		
24	prudent speed or over the maximum		
25	lawful speed limit of 75 miles		
26	per hour)	70.00	10.00
27	42-4-1101 (1) or (8) (b) (10 to 19 miles		

1	per hour over the reasonable and		
2	prudent speed or over the maximum		
3	lawful speed limit of 75 miles		
4	per hour)	135.00	16.00
5	42-4-1101 (1) or (8) (b) (20 to 24 miles		
6	per hour over the reasonable and		
7	prudent speed or over the maximum		
8	lawful speed limit of 75 miles		
9	per hour)	200.00	32.00
10	42-4-1101 (8) (g) (1 to 4 miles per		
11	hour over the maximum lawful		
12	speed limit of 40 miles per hour		
13	driving a low-power scooter)	50.00	6.00
14	42-4-1101 (8) (g) (5 to 9 miles per		
15	hour over the maximum lawful		
16	speed limit of 40 miles per hour		
17	driving a low-power scooter)	75.00	10.00
18	42-4-1101 (8) (g) (greater than 9		
19	miles per hour over the maximum		
20	lawful speed limit of 40 miles per		
21	hour driving a low-power scooter)	100.00	16.00
22	42-4-1101 (3)	100.00	10.00
23	42-4-1101 (8) (h)	25.00	3.00
24	42-4-1103	50.00	6.00
25	42-4-1104	30.00	6.00

26 **SECTION 41.** In Colorado Revised Statutes, 43-4-205, **amend**
27 (5.5) (f) as follows:

1 **43-4-205. Allocation of funds.** (5.5) The following highway
2 users tax fund revenues shall be allocated and expended in accordance
3 with the formula specified in subsection (5) of this section:

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

9 **SECTION 42. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly (August 5, 2015, if adjournment sine die is on May 6,
13 2015); except that, if a referendum petition is filed pursuant to section 1
14 (3) of article V of the state constitution against this act or an item, section,
15 or part of this act within such period, then the act, item, section, or part
16 will not take effect unless approved by the people at the general election
17 to be held in November 2016 and, in such case, will take effect on the
18 date of the official declaration of the vote thereon by the governor.

19 (2) Sections 1 to 14, 16 to 19, 21 to 28, 30 to 32, 36, 37, 40, and
20 41 of this act apply to:

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

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