

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

DRAFT  
9.3.15

**BILL 1**

LLS NO. 16-0188.01 Jery Payne x2157

**INTERIM COMMITTEE BILL**

**Off-highway Vehicle Interim Committee**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGISTRATION OF OFF-HIGHWAY VEHICLES WITH**  
102 **THE DIVISION OF PARKS AND WILDLIFE.**

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**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>.)*

**Off-highway Vehicle Interim Committee.** The bill clarifies that local authorities may require drivers of off-highway vehicles to have driver's licenses and insurance. The local authority must act by resolution or ordinance, publish a map available for use by off-highway vehicles,

**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.*

and place appropriate signs giving notice of the regulation. A local authority may also enter into cooperative agreements with federal land management agencies.

The bill adds to the current off-highway vehicle registration program a new part that authorizes a person to register an off-highway vehicle with the division of parks and wildlife. The division sets the fee. If an off-highway vehicle is registered and plated in another state, it is deemed registered in Colorado. The registration expires when the vehicle changes ownership.

Upon registering an off-highway vehicle, the person will be issued a license plate, which must be affixed to the rear of the vehicle. The registration program and its associated statutes generally apply on roads, but not on trails, unless a local authority designates a trail as being a road for the purposes of the part.

The new part adds the following requirements for driving an off-highway vehicle on a road:

- A driver must be licensed unless a local authority waives this requirement, but the driver must be at least 10 years of age and accompanied by a licensed driver.
- A driver must obey the rules of the road.
- Driving on a limited access highway or a road with a speed limit of more than 45 miles per hour is forbidden, but a driver may cross a road as already authorized by statute.
- The driver must wear eye protection unless the vehicle has a windshield.
- Drivers and passengers under 18 years of age must wear helmets.
- The vehicle must have brakes and, if driven at night, have a head lamp and tail lights.
- The vehicle speed limit must not exceed 40 miles per hour.

Violations are class B traffic infractions.

The bill amends the motor vehicle statutes to define an off-highway vehicle as a vehicle, such as a low power scooter or bicycle. The careless driving and reckless driving statutes are amended to include off-highway vehicles.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 33-14.5-100.2  
3 as follows:

4           **33-14.5-100.2. Legislative declaration.** THE GENERAL ASSEMBLY  
5 FINDS, DETERMINES, AND DECLARES THAT A FEE FOR REGISTRATION OF

1 OFF-HIGHWAY VEHICLES UNDER THIS ARTICLE IS SEPARATE FROM A  
2 REGISTRATION FEE OR OTHER CHARGE WITH RESPECT TO THE OPERATION  
3 OF A MOTOR VEHICLE UPON A PUBLIC HIGHWAY.

4 **SECTION 2.** In Colorado Revised Statutes, 33-14.5-101, **amend**  
5 (3) introductory portion, (3) (d), and (3) (g); and **add** (2.5) as follows:

6 **33-14.5-101. Definitions.** As used in this article, unless the  
7 context otherwise requires:

8 (2.5) "LOCAL AUTHORITY" HAS THE MEANING ESTABLISHED IN  
9 SECTION 42-1-102 (48), C.R.S.

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

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

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

19 **SECTION 3.** In Colorado Revised Statutes, 33-14.5-102, **add**  
20 (10) as follows:

21 **33-14.5-102. Off-highway vehicle registration -**  
22 **nonresident-owned or -operated off-highway vehicle permits - fees -**  
23 **applications - requirements - exemptions.** (10) WHEN AN OWNER  
24 REGISTERS AN OFF-HIGHWAY VEHICLE UNDER THIS SECTION FOR THE FIRST  
25 TIME, THE DIVISION SHALL OFFER THE OWNER THE OPPORTUNITY TO ALSO  
26 REGISTER THE VEHICLE UNDER SECTION 33-14.5-205.

27 **SECTION 4.** In Colorado Revised Statutes, 33-14.5-108, **amend**

1 (1) introductory portion as follows:

2 **33-14.5-108. Off-highway vehicle operation prohibited on**  
3 **streets, roads, and highways.** (1) ~~No~~ A PERSON SHALL NOT DRIVE AN  
4 off-highway vehicle ~~may be operated on the public streets, roads, or~~  
5 ~~highways of this state~~ A PUBLICLY MAINTAINED RIGHT-OF-WAY USED  
6 PRIMARILY BY MOTOR VEHICLES ~~except in the following cases:~~

7 **SECTION 5.** In Colorado Revised Statutes, 33-14.5-108.5,  
8 **amend** (1) as follows:

9 **33-14.5-108.5. Crossing roads, highways, and railroad tracks.**  
10 (1) The driver of an off-highway vehicle may directly cross a roadway,  
11 including a state highway, at an at-grade crossing to continue using the  
12 off-highway vehicle on the other side; except that a person shall not cross  
13 a state highway within the jurisdiction of a municipality UNLESS THE  
14 MUNICIPALITY AUTHORIZES A PERSON TO CROSS THE STATE HIGHWAY ON  
15 AN OFF-HIGHWAY VEHICLE.

16 **SECTION 6.** In Colorado Revised Statutes, 33-14.5-110, **amend**  
17 (1) as follows:

18 **33-14.5-110. Regulation by political subdivisions.**  
19 (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1),  
20 any county, city and county, city, or town acting by its governing body  
21 may regulate the operation of off-highway vehicles on public lands,  
22 waters, and property under its jurisdiction and on streets and highways  
23 within its boundaries by resolution or ordinance of the governing body  
24 and by giving appropriate notice ~~thereof~~ OF THE REGULATION if ~~such~~ THE  
25 regulation:

26 (I) ~~is not inconsistent~~ DOES NOT CONFLICT with ~~the provisions of~~  
27 this article, and the rules ~~and regulations~~ promulgated ~~pursuant thereto~~

1 UNDER THIS ARTICLE; AND

2 (II) DOES NOT EXCEED THE POWERS GRANTED TO LOCAL  
3 AUTHORITIES TO REGULATE MOTOR VEHICLES AND TRAFFIC UNDER  
4 SECTIONS 42-4-110 AND 42-4-111, C.R.S., FOR THE REGULATION OF  
5 TRAFFIC AND ROADWAYS.

6 (b) (I) A LOCAL AUTHORITY MAY REQUIRE THE DRIVER OF AN  
7 OFF-HIGHWAY VEHICLE TO HAVE A DRIVER'S LICENSE.

8 (II) A LOCAL AUTHORITY MAY AUTHORIZE A PERSON WHO HAS NOT  
9 BEEN ISSUED A DRIVER'S LICENSE UNDER ARTICLE 2 OF TITLE 42, C.R.S.,  
10 TO DRIVE AN OFF-HIGHWAY VEHICLE. TO AUTHORIZE A PERSON WITHOUT  
11 A DRIVER'S LICENSE TO DRIVE AN OFF-HIGHWAY VEHICLE, THE RESOLUTION  
12 OR ORDINANCE MUST REQUIRE THE DRIVER TO BE AT LEAST TEN YEARS OF  
13 AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF A LICENSED DRIVER.

14 (III) A LOCAL AUTHORITY MAY REQUIRE A DRIVER OF AN  
15 OFF-HIGHWAY VEHICLE TO CARRY LIABILITY INSURANCE.

16 (IV) A LOCAL AUTHORITY MAY REQUIRE AN OFF-HIGHWAY  
17 VEHICLE TO BE REGISTERED UNDER SECTION 33-14.5-205 TO OPERATE ON  
18 A ROADWAY.

19 (c) TO EXERCISE THE POWERS GRANTED LOCAL AUTHORITIES  
20 UNDER THIS SECTION, THE GOVERNING BODY OF THE LOCAL AUTHORITY  
21 MUST:

22 (I) ACT BY ORDINANCE OR RESOLUTION; AND

23 (II) PUBLISH A MAP OF ALL ROADS AVAILABLE FOR USE BY  
24 OFF-HIGHWAY VEHICLES.

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

1 OF OFFICIAL SIGNS OR TRAFFIC CONTROL DEVICES.

2 **SECTION 7.** In Colorado Revised Statutes, 33-14.5-111, **amend**  
3 (2) as follows:

4 **33-14.5-111. Enforcement - federal, state, and local**  
5 **cooperation.** (2) The division ~~is authorized to~~ AND A LOCAL AUTHORITY  
6 MAY enter into cooperative agreements with federal land management  
7 agencies for the purpose of regulating off-highway vehicle use on federal  
8 lands.

9 **SECTION 8.** In Colorado Revised Statutes, **add** part 2 to article  
10 14.5 of title 33 as follows:

11 PART 2

12 REGISTRATION AND ROAD USE

13 **33-14.5-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE  
14 "REGISTRATION INCREASES DRIVING ENTHUSIASM FOR OFF-HIGHWAY  
15 VEHICLES ACT".

16 **33-14.5-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
17 CONTEXT OTHERWISE REQUIRES:

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

22 (2) "CLASS B TRAFFIC INFRACTION" HAS THE SAME MEANING AS  
23 SET FORTH IN SECTION 42-4-1701, C.R.S.

24 (3) "DRIVE" MEANS TO OPERATE AN OFF-HIGHWAY VEHICLE TO  
25 CAUSE IT TO CHANGE GEOGRAPHIC LOCATION.

26 (4) "MOTORCYCLE" HAS THE SAME MEANING AS SET FORTH IN  
27 SECTION 42-1-102, C.R.S.

1 (5) "GOVERNING BODY" MEANS THE STATE OF COLORADO, THE  
2 AGENCIES OF THE STATE OF COLORADO, A COUNTY, A MUNICIPALITY, A  
3 CITY, OR A CITY AND COUNTY.

4 (6) "ROAD" MEANS A PUBLICLY MAINTAINED RIGHT-OF-WAY USED  
5 PRIMARILY BY MOTOR VEHICLES, AS THAT TERM IS DEFINED BY SECTION  
6 42-1-102, C.R.S.

7 (7) "TRAIL" MEANS:

8 (a) A ROUTE ESTABLISHED PRIMARILY FOR OFF-HIGHWAY VEHICLE  
9 USE; OR

10 (b) IF ESTABLISHED OR MAINTAINED IN CONNECTION WITH THIS  
11 ARTICLE, EACH OF THE FOLLOWING:

12 (I) ROUTES;

13 (II) PARKING AREAS; AND

14 (III) FACILITIES.

15 **33-14.5-203. Applicability. (1) Registration.** THIS PART 2  
16 APPLIES ONLY TO OFF-HIGHWAY VEHICLES REGISTERED FOR ROAD USE  
17 UNDER SECTION 33-14.5-205.

18 (2) **Roads - exceptions.** (a) EXCEPT AS PROVIDED IN PARAGRAPH  
19 (b) OF THIS SUBSECTION (2), THIS PART 2 APPLIES TO DRIVING AN  
20 OFF-HIGHWAY VEHICLE ON A ROAD.

21 (b) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION  
22 (2), THIS PART 2 DOES NOT APPLY TO TRAILS.

23 (c) EXCEPT AS LIMITED BY SECTION 33-14.5-208, A GOVERNING  
24 BODY MAY DESIGNATE A TRAIL OVER WHICH THE BODY HAS JURISDICTION  
25 AS A ROAD THAT IS SUBJECT TO THIS PART 2.

26 **33-14.5-204. Driver's licenses requirements. (1) Licenses.** THE  
27 DRIVER OF AN OFF-HIGHWAY VEHICLE ON A ROAD SHALL POSSESS A VALID

1 DRIVER'S LICENSE OR MINOR DRIVER'S LICENSE ISSUED UNDER ARTICLE 2  
2 OF TITLE 42, C.R.S., UNLESS A GOVERNING BODY HAS AUTHORIZED A  
3 PERSON TO DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD WITHOUT A  
4 LICENSE BY ORDINANCE, RESOLUTION, OR RULE. THE ORDINANCE,  
5 RESOLUTION, OR RULE MUST REQUIRE AN UNLICENSED DRIVER TO BE AT  
6 LEAST TEN YEARS OF AGE AND BE UNDER THE IMMEDIATE SUPERVISION OF  
7 A LICENSED DRIVER.

8 (2) **Motorcycle endorsements.** IF AN OFF-HIGHWAY VEHICLE IS  
9 ALSO A MOTORCYCLE, THE DRIVER OF THE VEHICLE ON A ROAD SHALL  
10 POSSESS A GENERAL MOTORCYCLE ENDORSEMENT ISSUED UNDER ARTICLE  
11 2 OF TITLE 42, C.R.S.

12 **33-14.5-205. Registration - rules - fees.** (1) **Voluntary**  
13 **registration.** AN OWNER MAY REGISTER AN OFF-HIGHWAY VEHICLE WITH  
14 THE DIVISION. THE REGISTRATION EXPIRES WHEN OWNERSHIP OF THE  
15 OFF-HIGHWAY VEHICLE IS TRANSFERRED TO ANOTHER PERSON.

16 (2) **Foreign registration.** FOR THE PURPOSES OF THIS SECTION,  
17 REGISTRATION OF AN OFF-HIGHWAY VEHICLE IN A FOREIGN JURISDICTION  
18 IS DEEMED REGISTRATION UNDER THIS SECTION IF:

19 (a) THE FOREIGN JURISDICTION HAS ISSUED THE OFF-HIGHWAY  
20 VEHICLE EITHER:

21 (I) A FORM OF IDENTIFICATION THAT IS AFFIXED TO THE VEHICLE  
22 AND IS AT LEAST AS VISIBLE AS A LICENSE PLATE; OR

23 (II) A LICENSE PLATE; AND

24 (b) THE LICENSE PLATE OR IDENTIFICATION MEETING THE  
25 STANDARD OF PARAGRAPH (a) OF THIS SUBSECTION (2) IS AFFIXED TO THE  
26 VEHICLE.

27 (3) **Registration under part 1 not superseded.** REGISTERING AN

1 OFF-HIGHWAY VEHICLE UNDER THIS PART 2 DOES NOT SUPERSEDE THE  
2 REQUIREMENT TO REGISTER AN OFF-HIGHWAY VEHICLE UNDER SECTION  
3 33-14.5-102.

4 (4) **Fees.** THE DIVISION MAY COLLECT A FEE FOR REGISTERING AN  
5 OFF-HIGHWAY VEHICLE THAT IS SET BY RULE TO OFFSET THE DIRECT AND  
6 INDIRECT COST UNDER THIS PART 2 OF REGISTERING OFF-HIGHWAY  
7 VEHICLES, AND ISSUING LICENSE PLATES TO OFF-HIGHWAY VEHICLES.

8 **33-14.5-206. Identification issued.** (1) **License plates.** UPON  
9 REGISTRATION OF AN OFF-HIGHWAY VEHICLE UNDER THIS PART 2, THE  
10 DIVISION SHALL ISSUE A LICENSE PLATE FOR THE VEHICLE THAT: <{*There*  
11 *was some talk about calling it some type of vehicle identification. For*  
12 *simplicity, I am calling it a license plate until a decision is made as to*  
13 *what to call it.*}>

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

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

17 (2) **Reregistration.** THE OWNER OF AN OFF-HIGHWAY VEHICLE  
18 NEED NOT:

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

22 (b) OBTAIN VALIDATING STICKERS OR TABS.

23 (3) **Plates affixed to vehicle.** THE OWNER OF AN OFF-HIGHWAY  
24 VEHICLE SHALL AFFIX THE LICENSE PLATE TO THE REAR OF THE VEHICLE  
25 SO IT IS:

26 (a) HORIZONTAL;

27 (b) CLEARLY READABLE;

1 (c) AT LEAST TWELVE INCHES FROM THE GROUND; AND

2 (d) FREE FROM FOREIGN MATERIALS OR COVERINGS.

3 (4) **Corrections.** THE DIVISION SHALL OBTAIN LICENSE PLATES TO  
4 ISSUE UNDER THIS SECTION DIRECTLY FROM THE DEPARTMENT OF  
5 CORRECTIONS.

6 **33-14.5-207. Rules of the road.** (1) A PERSON DRIVING AN  
7 OFF-HIGHWAY VEHICLE UPON A ROAD SHALL OBEY THE RULES OF THE  
8 ROAD AS DEFINED BY SECTION 42-4-110 (1) (c), C.R.S., AND TRAFFIC  
9 CONTROL DEVICES; EXCEPT THAT:

10 (a) THIS SECTION DOES NOT LIMIT AUTHORITY TO USE OR CROSS A  
11 ROAD AS OTHERWISE GRANTED BY THIS ARTICLE; AND

12 (b) A DRIVER IS NOT SUBJECT TO THOSE PROVISIONS OF ARTICLE 4  
13 OF TITLE 42, C.R.S., THAT BY THEIR NATURE HAVE NO APPLICATION,  
14 INCLUDING PARTS 2 AND 3 OF ARTICLE 4 OF TITLE 42, C.R.S.

15 **33-14.5-208. Prohibited roads.** (1) **Limited access highways -**  
16 **speed limit of roads.** A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY  
17 VEHICLE UPON:

18 (a) A LIMITED ACCESS HIGHWAY; OR

19 (b) A ROAD WITH A SPEED LIMIT EQUAL TO OR MORE THAN  
20 FORTY-FIVE MILES PER HOUR.

21 (2) **Crossing allowed.** PROHIBITING A PERSON FROM DRIVING ON  
22 A ROAD DOES NOT PROHIBIT THE PERSON FROM DRIVING ACROSS THE ROAD  
23 IN ACCORDANCE WITH SECTION 33-14.5-108.5.

24 **33-14.5-209. Eye protection required.** A PERSON SHALL NOT  
25 DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD UNLESS THE PERSON AND  
26 ANY PASSENGER ARE WEARING GOGGLES OR EYEGASSES WITH LENSES  
27 MADE OF SAFETY GLASS OR PLASTIC; EXCEPT THAT A DRIVER OR

1 PASSENGER NEED NOT WEAR SAFETY GLASS OR PLASTIC IF THE PERSON IS  
2 WEARING A HELMET CONTAINING EYE PROTECTION MADE OF SAFETY  
3 GLASS OR PLASTIC OR DRIVING AN OFF-HIGHWAY VEHICLE WITH A  
4 WINDSHIELD.

5 **33-14.5-210. Protective helmets. (1) Requirements for people**  
6 **under eighteen.** TO DRIVE OR BE A PASSENGER ON AN ALL-TERRAIN  
7 VEHICLE OR TWO-WHEELED VEHICLE ON A ROAD, A PERSON UNDER  
8 EIGHTEEN YEARS OF AGE SHALL WEAR A PROTECTIVE HELMET THAT  
9 CONFORMS TO SUBSECTION (2) OF THIS SECTION AND THAT IS SECURED  
10 PROPERLY ON THE PERSON'S HEAD WITH A CHIN STRAP.

11 (2) **Helmet standards.** A PROTECTIVE HELMET REQUIRED BY THIS  
12 SECTION MUST:

13 (a) BE DESIGNED TO REDUCE INJURIES TO THE USER RESULTING  
14 FROM HEAD IMPACTS AND PROTECT THE USER BY REMAINING ON THE  
15 USER'S HEAD, DEFLECTING BLOWS, RESISTING PENETRATION, AND  
16 SPREADING THE FORCE OF IMPACT;

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

18 (c) MEET OR EXCEED THE STANDARDS ESTABLISHED IN THE  
19 UNITED STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL MOTOR  
20 VEHICLE SAFETY STANDARD NO. 218, 49 CFR 571.218, FOR MOTORCYCLE  
21 HELMETS.

22 **33-14.5-211. Equipment. (1) Requirements.** A PERSON SHALL  
23 NOT DRIVE AN OFF-HIGHWAY VEHICLE ON A ROAD UNLESS THE VEHICLE IS  
24 EQUIPPED WITH THE FOLLOWING IN 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) **High beam.** IF AN 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 **33-14.5-212. Speed limits.** NOTWITHSTANDING PART 11 OF  
17 ARTICLE 4 OF TITLE 42, C.R.S., A PERSON SHALL NOT DRIVE AN  
18 OFF-HIGHWAY VEHICLE ON A ROAD AT A SPEED IN EXCESS OF FORTY MILES  
19 PER HOUR UNLESS A GOVERNING BODY AUTHORIZES A HIGHER SPEED FOR  
20 A SPECIFIC ROAD.

21 **33-14.5-213. Violations.** (1) **Traffic infractions.** A PERSON WHO  
22 VIOLATES THIS PART 2 COMMITS A CLASS B TRAFFIC INFRACTION.

23 (2) **Procedures.** THE PROCEDURES FOR PUNISHING A VIOLATION OF  
24 THIS PART 2 ARE GOVERNED BY PART 17 OF ARTICLE 4 OF TITLE 42, C.R.S.

25 (3) **Penalties.** NOTWITHSTANDING THE PENALTIES IMPOSED BY  
26 ARTICLE 4 OF TITLE 42, C.R.S., A VIOLATION OF ANY DUTY IMPOSED  
27 UNDER ARTICLE 4 OF TITLE 42, C.R.S., BY A DRIVER OF AN OFF-HIGHWAY

1 VEHICLE THAT IS CURRENTLY REGISTERED PURSUANT TO THIS PART 2 IS A  
2 CLASS B TRAFFIC INFRACTION UNLESS THE STATUTE SETTING FORTH THE  
3 PENALTY FOR THE VIOLATION EXPRESSLY SPECIFIES THAT THE PENALTY  
4 APPLIES TO AN OFF-HIGHWAY VEHICLE.

5 **SECTION 9.** In Colorado Revised Statutes, 42-1-102, **amend**  
6 (58) (a), (58) (b), and (112) as follows:

7 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,  
8 unless the context otherwise requires:

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

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

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

14 (b) "MOTOR VEHICLE" does not include low-power scooters,  
15 wheelchairs, or vehicles moved solely by human power. For the purposes  
16 of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1,  
17 and 42-4-1401, ~~for farm tractors and off-highway vehicles, as defined in~~  
18 ~~section 33-14.5-101 (3), C.R.S., operated on streets and highways,~~ "motor  
19 vehicle" includes a farm tractor ~~or an off-highway vehicle~~ OPERATED ON  
20 STREETS AND HIGHWAYS that is not otherwise classified as a motor  
21 vehicle.

22 (112) "Vehicle" means a device that is capable of moving itself,  
23 or of being moved, from place to place upon wheels or endless tracks.  
24 "Vehicle" includes, without limitation, a bicycle, electrical assisted  
25 bicycle, or EPAMD, but does not include a wheelchair, ~~off-highway~~  
26 ~~vehicle~~, snowmobile, farm tractor, or implement of husbandry designed  
27 primarily ~~or exclusively~~ for use and used in agricultural operations or any

1 device moved exclusively over stationary rails or tracks or designed to  
2 move primarily through the air.

3 **SECTION 10.** In Colorado Revised Statutes, 42-4-1402, **amend**  
4 (1) as follows:

5 **42-4-1402. Careless driving - penalty.** (1) A person who drives  
6 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
7 OR VEHICLE in a careless and imprudent manner, without due regard for  
8 the width, grade, curves, corners, traffic, and use of the streets and  
9 highways and all other attendant circumstances, is guilty of careless  
10 driving. A person convicted of careless driving of a bicycle, EPAMD,  
11 OFF-HIGHWAY VEHICLE, or electrical assisted bicycle ~~shall not be~~ IS NOT  
12 subject to ~~the provisions of~~ section 42-2-127.

13 **SECTION 11.** In Colorado Revised Statutes, 42-4-1401, **amend**  
14 (1) as follows:

15 **42-4-1401. Reckless driving - penalty.** (1) A person who drives  
16 a motor vehicle ~~bicycle, electrical assisted bicycle, or low-power scooter~~  
17 OR VEHICLE in such a manner as to indicate either a wanton or a willful  
18 disregard for the safety of persons or property is guilty of reckless  
19 driving. A person convicted of reckless driving of a bicycle, EPAMD,  
20 OFF-HIGHWAY VEHICLE, OR electrical assisted bicycle ~~shall not be~~ IS NOT  
21 subject to ~~the provisions of~~ section 42-2-127.

22 **SECTION 12. Act subject to petition - effective date -**  
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
24 the expiration of the ninety-day period after final adjournment of the  
25 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
26 2016); except that, if a referendum petition is filed pursuant to section 1  
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part  
2 will not take effect unless approved by the people at the general election  
3 to be held in November 2016 and, in such case, will take effect on the  
4 date of the official declaration of the vote thereon by the governor.

5 (2) This act applies to offenses committed on or after the  
6 applicable effective date of this act.