

Colorado Statutes

Title 25

COLORADO HEALTH CODE

25-12-106. Noise restrictions - sale of new vehicles.

(1) Except for such vehicles as are designed exclusively for racing purposes, no person shall sell or offer for sale a new motor vehicle or any self-propelled vehicle designed for off-highway use and for which registration as a motor vehicle is not required which produces a maximum noise exceeding the following noise limit, at a distance of fifty feet from the center of the lane of travel or fifty feet or more from a vehicle designed for off-highway use, under test procedures established by the department of revenue:

(a) Any motorcycle, including a motor-driven cycle, manufactured on or after July 1, 1971, and before January 1, 197388 db(A);

(b) Any motorcycle, including a motor-driven cycle, manufactured on or after January 1, 197386 db(A);

(c) Any motor vehicle with a gross vehicle weight rating of six thousand pounds or more manufactured on or after July 1, 1971, and before January 1, 197388 db(A);

(d) Any motor vehicle with a gross vehicle weight rating of six thousand pounds or more manufactured on or after January 1, 197386 db(A);

(e) Any other motor vehicle manufactured on or after January 1, 1968, and before January 1, 197386 db(A);

(f) Any other motor vehicle manufactured after January 1, 197384 db(A);

(g) Any self-propelled vehicle designed for off-highway use and for which registration as a motor vehicle is not required, as follows:

(I) Manufactured on or after January 1, 1971, and before January 1, 197386 db(A);

(II) Manufactured on or after January 1, 197384 db(A).

(2) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the society of automotive engineers.

(3) Any person selling or offering for sale a motor vehicle or other vehicle in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

25-12-107. Powers of local authorities.

(1) Counties or municipalities may adopt resolutions or ordinances prohibiting the operation of motor vehicles within their respective jurisdictions which produce noise in excess of the sound levels in decibels, measured on the "A" scale on a standard sound level meter having characteristics established by the American National Standards Institute, Publication S1.4 - 1971, and measured at a distance of fifty feet from the center of the lane of travel, or fifty feet or more from a vehicle designed for off-highway use and within the speed limits specified in this section:

	Speed limit of 35 mph or less	Speed limit of more than 35 mph but less than 55 mph
(a) Any motor vehicle with a manufacturer's gross vehicle weight rating of six thousand pounds or more, any combination of vehicles towed by such motor vehicles, and any motorcycle other than a motor-driven cycle:		
(I) Before January 1, 1973	88db(A)	90 db(A)
(II) On and after January 1, 1971	86 db(A)	90db(A)
(b) Any other motor vehicle or self-propelled recreational vehicle primarily designed for off-highway use and for which registration as a motor vehicle is not required, and any combination of vehicles towed by such motor vehicle or self-propelled vehicle	82 db(A)	86 db(A)

(2) The governing board shall adopt resolutions establishing any test procedures deemed necessary.

(3) This section applies to the total noise from a vehicle or combination of vehicles.

(4) For the purpose of this section, a truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of six thousand pounds or more if the unladen weight is more than five thousand pounds.

Title 33

WILDLIFE AND PARKS AND OUTDOOR RECREATION

33-1-112.5. Search and rescue fund.

(1) There is hereby created in the state treasury a search and rescue fund. Such fund is established to assist any agency or political subdivision of the state of Colorado for costs incurred in search and rescue activities involving persons holding hunting or fishing licenses, vessel, snowmobile, or off-highway vehicle registrations, or a Colorado outdoor recreation search and rescue card. Reimbursable costs are limited to actual operational expenses. Reimbursable costs shall not include salaries paid to persons permanently employed by the agency or political subdivision.

(2) (a) A surcharge of twenty-five cents shall be assessed on each hunting and fishing license listed in section 33-4-102 (1) and (1.5) that is sold by the division or one of its license agents pursuant to section 33-4-101. Receipts and interest from the surcharge shall be deposited in the search and rescue fund created in subsection (1) of this section.

(2) (a) A surcharge of twenty-five cents shall be assessed on each license listed in section 33-4-102 (1) and (1.4) that is sold by the division or one of its license agents pursuant to section 33-4-101. Receipts and interest from the surcharge shall be deposited in the search and rescue fund created in subsection (1) of this section.

(b) A surcharge of twenty-five cents shall be assessed on each vessel, each snowmobile, and each off-highway vehicle registration that is sold by the division or one of its agents pursuant to section 33-13-103, 33-14-102, or 33-14.5-102. Receipts and interest from the surcharge shall be deposited in the search and rescue fund created in subsection (1) of this section. To coincide with annual registration renewal schedules, the surcharge shall be assessed on an annual basis beginning on October 1, 1992, for snowmobile registrations, January 1, 1993, for vessel registrations, and April 1, 1993, for off-highway vehicle registrations.

(c) (I) The general assembly hereby creates the Colorado outdoor recreation search and rescue card program. The department of local affairs shall make a Colorado outdoor recreation search and rescue card available to the public in accordance with this paragraph (c) to backpackers, hikers, mountain and trail bikers, cross country skiers, and other persons who use the Colorado back country for recreation. The department of local affairs shall establish procedures for the licensing of vendors who sell the outdoor recreation search and rescue card, the printing of such cards, and the distribution of such cards to vendors for sale to the public.

(II) The Colorado outdoor recreation search and rescue card shall cost three dollars and shall be valid for one year from the date of purchase. The department shall charge vendors two dollars for each Colorado outdoor recreation search and rescue card, which shall be transmitted to the state treasurer, who shall credit the amount to the search and rescue fund created in subsection (1) of this section. The remaining one dollar shall be retained by the vendor as the vendor's fee.

(III) The department may issue a multi-year Colorado outdoor recreation search and

rescue card that shall be valid for a period not to exceed five years. Such multi-year card may be offered at a reduced rate to vendors with a reduced vendor fee to reflect administrative cost savings and other considerations.

(IV) The general assembly finds and declares that the Colorado outdoor recreation search and rescue card program is a new program. The department of local affairs is therefore authorized to contract, pursuant to section 24-50-504 (2) (b), C.R.S., with a person, corporation, or entity for any elements of the administration of the program created by this paragraph (c).

(3) All agencies and political subdivisions of the state shall have the right to make a claim on the search and rescue fund for reimbursement of costs incurred in the performance of search and rescue activities involving those persons specified in subsection (1) of this section. Such claims shall be submitted to the department of local affairs for immediate consideration. Any reimbursement claims which have been certified by the sheriff of the county in which the search and rescue activity occurred shall be eligible for payment by the department of local affairs. The department of local affairs shall establish rules for the procedure through which claims shall be submitted and for payment of such claims.

(4) The search and rescue fund created in subsection (1) of this section shall be the sole source of funds for the reimbursement of costs incurred under this section in search and rescue activities involving those persons specified in subsection (1) of this section. The wildlife cash fund established in section 33-1-112 and the parks and outdoor recreation cash fund established in section 33-10-111 shall not be used for reimbursement of costs as provided in this section.

(5) The moneys in the search and rescue fund created in subsection (1) of this section shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the administration of this section.

(6) At the close of any fiscal year, all of the moneys remaining in the search and rescue fund and appropriated for search and rescue expenses, after all approved claims and administrative costs have been paid, shall be divided among those counties that have applied to the department of local affairs for year-end grants or reimbursements from the search and rescue fund. The department of local affairs shall divide such moneys among the counties, first making payment for uncompensated searches and rescues of parents, siblings, spouses, children, or grandchildren of persons holding hunting or fishing

licenses, vessel, snowmobile, or off-highway vehicle registrations, or the owner of a Colorado outdoor recreation search and rescue card and second making payment for search and rescue-related training and equipment, and for any other uncompensated searches. The department of local affairs shall establish operating procedures for applying for year-end grants or reimbursements from the moneys remaining in the search and rescue fund.

(7) and (8) (Deleted by amendment, L. 2001, p. 599, § 1, effective July 1, 2001.)

33-12-102. Types of passes and registrations - fees - repeal.

(1) and (1.1) Repealed.

(1.2) (a) The board shall establish by rule the fee for a senior citizen's aspen leaf annual pass in an amount that is discounted at least twenty-five percent off the cost of the regular

comparable parks annual pass, and the board by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the board by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

(b) The charges specified in this subsection (1.2) shall not apply to any person who obtained an "Aspen Leaf Passport" prior to January 1, 1985, pursuant to section 33-4-106

(2) (b), as said section existed prior to January 1, 1985. Any such person may obtain from the division an Aspen Leaf annual pass without charge by presenting the "Aspen Leaf Passport" or by completing an affidavit regarding its purchase on a form approved by the board. Such Aspen Leaf annual pass shall confer the privileges specified in section 33-12-103.

(1.3) (Deleted by amendment, L. 96, p. 779, § 4, effective January 1, 1997.)

(1.5) The board shall establish by rule the fee for a disabled visitor's columbine annual pass in an amount that is discounted at least twenty-five percent off the cost of the regular comparable parks annual pass.

(2) (Deleted by amendment, L. 96, p. 779, § 4, effective January 1, 1997.)

(3) This section is repealed, effective July 1, 2007.

Article 14.5 OFF-HIGHWAY VEHICLE

33-14.5-101. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail in this state.

(2) "Direct services" includes, but is not limited to, the activities and expenses associated with law enforcement, capital equipment, rescue and first aid equipment, off-highway vehicle facilities, and division and contract services related to clearing parking lots and providing trail maintenance.

(3) "Off-highway vehicle" means any self-propelled vehicle which 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:

(a) Vehicles designed and used primarily for travel on, over, or in the water;

(b) Snowmobiles;

(c) Military vehicles;

(d) Golf carts;

(e) Vehicles designed and used to carry disabled persons;

(f) Vehicles designed and used specifically for agricultural, logging, or mining purposes; or

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

(4) "Off-highway vehicle route" means any road, trail, or way owned or managed by the state or any agency or political subdivision thereof or the United States for off-highway vehicle travel.

(5) "Owner" means any person, other than a lienholder, having a property interest in an off-highway vehicle and entitled to the use and possession thereof.

(6) "Possession" means physical custody of an off-highway vehicle by any person or by any owner of a motor vehicle or trailer on or in which an off-highway vehicle is placed for the purpose of transport.

(7) "Staging area" means any parking lot, trail head, or other location to or from which any off-highway vehicle is transported by truck, trailer, or other motor vehicle so that it may be placed into operation or removed from operation. "Staging area" does not include any location to which an off-highway vehicle is transported primarily for the purpose of service, maintenance, repair, storage, or sale.

33-14.5-102. Off-highway vehicle registration -nonresident-owned or -operated off-highway vehicle permits - fees - applications - requirements - exemptions.

(1) (a) Except as provided in subsection (6) of this section, and except as provided for nonresident-owned and -operated off-highway vehicles in subsection (9) of this section, no person shall operate, nor have in his or her possession at any staging area, any off-highway vehicle within the state unless such off-highway vehicle has been registered and numbered in accordance with the provisions of this article. The division is authorized to assign identification numbers and register off-highway vehicles.

(b) The division shall employ off-highway vehicle agents, including dealers and licensing agents serving as such for the division of wildlife, for off-highway vehicle registration pursuant to the provisions of section 33-12-104. Upon receiving a registration application, an agent shall collect the fee specified pursuant to section 33-10-111 (5) and issue a temporary registration and shall forward the application to the division, which shall issue the registration. An agent may retain a commission of not in excess of one dollar, as authorized by the division, for each registration issued. Any off-highway dealer is authorized to issue a temporary registration when a person purchases an off-highway vehicle from such dealer.

(2) (a) Every dealer shall require a purchaser of an off-highway vehicle to complete a registration application and pay the registration fee before the vehicle leaves the dealer's premises, except for those off-highway vehicles purchased for use exclusively outside of this state.

(b) Each off-highway vehicle owned by a lessor for rental purposes shall be registered pursuant to this article upon the payment of a registration fee, as provided in paragraph (a) of subsection (3) of this section.

(3) (a) For each year, or portion thereof, beginning April 1 and ending the following March 31, the original and each renewal registration fee by an owner shall be the fee specified pursuant to section 33-10-111 (5).

(b) The fee for the replacement of a lost, mutilated, or destroyed registration certificate shall be the fee specified in section 33-12-101.

(4) (a) For each year, or portion thereof, beginning April 1 and ending the following March 31, for which such registration is made, the registration fee for all off-highway vehicles

owned by a dealer or manufacturer and operated solely for demonstration or testing purposes shall be a fee specified pursuant to section 33-10-111 (5).

(b) Dealer and manufacturer registrations are not transferable and shall be distinguished from the registration required for owners.

(5) A registration certificate shall be issued without the payment of a fee for any off-highway vehicle owned by the state of Colorado or a political subdivision thereof upon application therefor.

(6) No registration under this article is required for any:

(a) Off-highway vehicle owned by any agency of the United States or another state or a political subdivision thereof when such ownership is clearly displayed on such vehicle;

(b) Off-highway vehicle owned by a resident of another state or country if such off-highway vehicle is covered by a valid license or registration of such other state or country and such off-highway vehicle has not been within this state for more than thirty consecutive days;

(c) Off-highway vehicle used strictly for agricultural purposes;

(d) Off-highway vehicle used strictly on private property;

(e) Off-highway vehicle operated in an organized competitive or noncompetitive event on publicly or privately owned or leased land; except that this exemption shall not apply unless the agency exercising jurisdiction over such land specifically authorizes the organized competitive or noncompetitive event;

(f) Off-highway vehicle used by a dealer or manufacturer, or an authorized designee thereof, for off-highway vehicle operator education or safety programs.

(7) Any person who operates an off-highway vehicle in violation of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

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

(9) (a) Notwithstanding the provisions of subsections (1) to (8) of this section, on and after April 1, 2000, no person shall operate, nor have in his or her possession at any staging area, any nonresident-owned or -operated off-highway vehicle within the state of Colorado unless such off-highway vehicle is covered by a valid license or registration of another state or country and such nonresident-owned or -operated off-highway vehicle has not been within this state for more than thirty consecutive days, or such nonresident-owned or -operated off-highway vehicle has been issued a permit pursuant to this subsection (9).

(b) The division is hereby authorized to issue permits to nonresident-owned or operated off-highway vehicles.

(c) (I) Nonresident off-highway vehicle permits shall be sold by the agents designated pursuant to section 33-12-104, and the fee for said permits shall be the fee provided pursuant to section 33-10-111 (5).

(II) Nonresident off-highway vehicle permits shall be valid for one year or until the following March 31, whichever comes first.

(III) The fee for the replacement of a lost, mutilated, or destroyed nonresident off-highway vehicle permit shall be the fee specified in section 33-12-101 for replacement of passes and registrations.

(d) Nonresident off-highway vehicle permits shall be displayed as required by the

division.

(e) The following nonresident off-highway vehicles shall be exempt from the requirements of this subsection (9):

(I) Vehicles owned by the United States or another state or political subdivision thereof if such ownership is clearly displayed on such vehicles;

(II) Vehicles operated in an organized competitive or noncompetitive event on publicly or privately owned or leased land; except that this exemption shall not apply unless the agency exercising jurisdiction over such land specifically authorizes the organized competitive or noncompetitive event;

(III) Vehicles used strictly on private property.

(f) Any person who violates the provisions of this subsection (9) is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of thirty-five dollars.

33-14.5-103. Proof of ownership for registration purposes.

(1) The division shall require proof of ownership for an off-highway vehicle prior to the initial registration required under this article, but such proof shall not be dependent upon any certificate of title, and no certificate of title shall be issued by the division.

(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.

33-14.5-104. Issuance of registration.

(1) (a) Upon the receipt of a sufficient application for registration of an off-highway vehicle, as required by section 33-14.5-102, the division shall assign a distinctive number to the vehicle and shall enter upon its records the registration of such off-highway vehicle under the distinctive number assigned to it pursuant to this section.

(b) A number assigned to an off-highway vehicle at the time of its original registration shall remain with the off-highway vehicle until such off-highway vehicle is destroyed, abandoned, or permanently removed from the state or until such registration number is changed or terminated by the division.

(2) The division shall, upon assignment of such number, issue and deliver to the owner a registration in such form as the division shall prescribe. In the event of the loss, mutilation, or destruction of any registration, the owner of the registered off-highway vehicle shall file a statement containing such facts as the division shall require for the issuance of a replacement registration, together with the fee specified in section 33-12

101.

(3) At the time of the original registration and at the time of each annual renewal thereof, the division shall issue to said registrant a validation decal indicating the distinctive number assigned to such vehicle, as provided in subsection (1) of this section, and the validity of the current registration and the expiration date thereof, which validation decal shall be affixed to the off-highway vehicle in such manner as the division may prescribe.

Notwithstanding the fact that an off-highway vehicle has been assigned an identifying number,

it shall not be considered as validly registered within the meaning of this article unless a validation decal and current registration have been issued.

(4) In the event that an off-highway vehicle sought to be registered or reregistered does not comply with the provisions respecting equipment established by the regulations of the division, the division may deny the issuance of a current registration.

(5) The registration number assigned to an off-highway vehicle shall be displayed on the vehicle at all times in such manner as the division may, by regulation, prescribe.

(6) Every person, while operating an off-highway vehicle in this state which is required to be registered under this article, shall have on his person or in the off-highway vehicle the registration therefor and shall, upon demand of any peace officer authorized to enforce this article, produce for inspection the registration for such off-highway vehicle.

(7) (a) Any person who violates subsection (5) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of twenty-five dollars.

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

33-14.5-105. Transfer or other termination of ownership.

(1) If there is a change of ownership of an off-highway vehicle for which a registration has been issued, the new owner shall apply for a new registration from a dealer employed as a licensing agent or from the division. Such application shall set forth the original number issued and shall be accompanied by the old registration properly signed by the previous owner and by the required fee for registration, pursuant to section 33-10-111 (5).

(2) In the event that an off-highway vehicle was purchased through a dealer, such application must be accompanied by a dealer's form, as prescribed by the division, numbered, completed, and signed by the dealer or his agent and by the new owner.

33-14.5-106. Off-highway vehicle recreation fund - creation - use of moneys.

(1) All fees collected from the registration of off-highway vehicles and all fees collected from the sale of off-highway use permits, plus all interest earned on such moneys shall be credited to the off-highway vehicle recreation fund, which fund is hereby created, and shall be used for the administration of this article, for information and awareness on the availability of off-highway vehicle recreational opportunities, for the promotion of off-highway vehicle safety, for the establishment and maintenance of off-highway vehicle routes, parking areas, and facilities, and for the purchase or lease of private land for the purposes of access to public land for uses consistent with the provisions of this article; however, any moneys collected in excess of four dollars per original or renewal registration shall be used exclusively for direct services and not administrative costs. The general assembly shall make annual appropriations from the off-highway vehicle recreation fund for the purposes enumerated in this subsection (1).

(2) All moneys collected for fines imposed pursuant to the provisions of this article shall be distributed as follows:

(a) One-half of such amount collected shall be transferred to the state treasurer for credit to the general fund; and

(b) One-half of such amount collected shall be distributed as follows:

(I) If the citing officer is a parks and recreation officer, such amount shall be transferred to the state treasurer and credited to the off-highway vehicle recreation fund; or

(II) If the citing officer is a Colorado wildlife officer or special wildlife officer, such amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

(III) If the citing officer is any other peace officer, such amount shall be transferred to the treasurer of the local jurisdiction in which the violation occurred to be credited to the appropriate fund.

(3) Notwithstanding any provision of this section to the contrary, on January 1, 2004, the state treasurer shall deduct seven hundred thousand dollars from the off-highway vehicle recreation fund and transfer such sum to the general fund.

33-14.5-107. Rules and regulations authorized.

(1) The board shall adopt rules and regulations in the manner provided by article 4 of title 24, C.R.S., concerning the following:

(a) Registration of off-highway vehicles and display of registration numbers;

(b) Procedures and requirements to implement and administer the off-highway use permit program, including guidelines in connection with the exemptions therefrom;

(c) Formulation, in cooperation with appropriate federal agencies, of guidelines for uniform maps and signs for use by the state, counties, cities, city and counties, and towns to control, direct, or regulate the operation and use of off-highway vehicles;

(d) The use of off-highway vehicles, but such regulations shall not be inconsistent with the provisions of this article in any way.

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:

(a) When a street, road, or highway is designated open by the state or any agency or political subdivision thereof;

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

(c) When traversing a bridge or culvert;

(d) During special off-highway vehicle events lawfully conducted pursuant to the authority granted to local political subdivisions in this article;

(e) During emergency conditions declared by the proper state or local authority;

(f) When local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads, but no street or road which is part of the state highway system may be so designated;

(g) When using an off-highway vehicle for agricultural purposes;

(h) (I) When the United States or any agency thereof authorizes by any means such

operation on lands under its jurisdiction.

(II) No action is required to be taken by the United States pursuant to this paragraph

(h) to authorize the use of off-highway vehicles on lands under the jurisdiction of the United States.

(i) When a public utility, as defined in section 40-1-103 (1), C.R.S., or a cooperative electric association, as defined in section 40-9.5-102, C.R.S., or any agent thereof designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

(2) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

33-14.5-109. Required equipment - off-highway vehicles.

(1) No off-highway vehicle shall be operated upon public land unless it is equipped with the following:

(a) At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the division while being operated between the hours of sunset and sunrise;

(b) Brakes and a muffler and spark arrester which conform to the standards prescribed by regulation of the division, which shall be applicable in all cases except for off-highway vehicles being operated in organized competitive events held on private lands with the permission of the landowner, lessee, or custodian of the land, on public lands and waters under the jurisdiction of the division with its permission, or on other public lands with the consent of the public agency owning the land.

(2) Any person who violates subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

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 regulation is not inconsistent with the provisions of this article and the rules and regulations promulgated pursuant thereto.

(2) No county, city and county, city or town acting by its governing body may adopt an ordinance which imposes a fee for the use of public land or water under the jurisdiction of any agency of the state or for the use of any access thereto owned by the

county, city and county, city, or town; nor shall it require an off-highway vehicle to be licensed or registered in such political subdivision.

33-14.5-111. Enforcement - federal, state, and local cooperation.

(1) Every parks and recreation officer, every peace officer of this state and its political subdivisions, and every person commissioned by the division has the authority to enforce the

provisions of this article.

(2) The division is authorized to enter into cooperative agreements with federal land management agencies for the purpose of regulating off-highway vehicle use on federal lands.

33-14.5-112. Off-highway use permit -fees -applications -requirements exemptions.

(1) (a) No later than January 1, 1990, the division of parks and recreation shall devise a plan for implementation of the off-highway use permit program.

(b) On and after January 1, 1991, the owner of every vehicle required to be registered pursuant to article 3 of title 42, C.R.S., and the owner or operator of every motor vehicle and off-highway vehicle from another state or country, when such vehicle is being used for recreational travel upon designated off-highway vehicle routes, shall obtain and display on such vehicle an off-highway use permit.

(2) Off-highway use permits shall be sold by the agents referred to in section 33-12104, and the fee for said permits shall be the fee provided pursuant to section 33-10-111 (5).

(3) Off-highway use permits, when issued on April 1, shall be valid for a one-year period, which runs from April 1 through the following March 31. All permits issued during the year at any time after April 1 shall expire on the following March 31.

(4) Off-highway use permits shall be displayed as required by the division.

(5) The following vehicles shall be exempt from the requirements of this section:

(a) Vehicles owned by the United States or another state or political subdivision thereof if such ownership is clearly displayed on such vehicles;

(b) Vehicles operated in an organized competitive or noncompetitive event on publicly or privately owned or leased land; except that this exemption shall not apply unless the agency exercising jurisdiction over such land specifically authorizes the organized competitive or noncompetitive event;

(c) Vehicles operated on public land for purposes other than recreational use, which purposes shall include but not be limited to logging, mining, grazing of livestock, firewood-cutting, and the taking of trees for noncommercial purposes.

(6) Any person who violates paragraph (b) of subsection (1) of this section is guilty of a class 2 petty offense and, upon conviction, shall be punished by a fine of fifty dollars.

33-14.5-113. Notice of accident.

(1) The operator of an off-highway vehicle involved in an accident resulting in property damage of fifteen hundred dollars or more or injuries resulting in hospitalization or death, or some person acting for the operator, or the owner of the off-highway vehicle having knowledge of the accident shall immediately, by the quickest available means of communication, notify an officer of the Colorado state patrol, the sheriff's office of the county wherein the accident occurred, or the office of the police department of the municipality wherein the accident occurred.

(2) Any law enforcement agency receiving a report of accident under this section shall forward a copy thereof to the division, which shall compile statistics annually based upon such reports.

(3) Within forty-eight hours after an accident involving an off-highway vehicle, the

accident shall be reported to the Denver office of the division. The report shall be made on forms furnished by the division and shall be made by the owner or operator of the vehicle or someone acting for the owner or operator.

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

33-15-103. Disposition of fines - notice of court decisions.

(1) (a) All moneys collected for fines under this article and articles 10 to 13 and 32 of this title, either by payment of a penalty assessment or assessed by a court upon conviction, shall be transmitted to the state treasurer, who shall credit one-half to the general fund and one-half to the parks and outdoor recreation cash fund; except that, when an arrest has been made or the citation for any offense, including those committed under article 14 of this title, has been issued by an officer of the division of wildlife, all moneys collected for the fine shall be transmitted to the state treasurer, who shall credit one-half to the wildlife cash fund and one-half to the general fund.

(b) All moneys collected for fines imposed pursuant to the provisions of article 14.5 of this title shall be distributed as follows:

(I) One-half of such amount collected shall be transferred to the state treasurer for credit to the general fund; and

(II) One-half of such amount collected shall be distributed as follows:

(A) If the citing officer is a parks and recreation officer such amount shall be transferred to the state treasurer and credited to the off-highway vehicle recreation fund; or

(B) If the citing officer is a Colorado wildlife officer or special wildlife officer, such amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

(C) If the citing officer is any other peace officer, such amount shall be transferred to the treasurer of the local jurisdiction in which the violation occurred to be credited to the appropriate fund.

(2) The provisions of the "Colorado Crime Victim Compensation Act", article 4.1 of title 24, C.R.S., shall not apply to articles 10 to 15 or 32 of this title, and the costs imposed by said act shall not be levied on criminal actions for violations of articles 10 to 15 or 32 of this title.

(3) It is the duty of every clerk of a court before whom prosecutions and appeals of violators of articles 10 to 15 and 32 of this title are heard, within twenty days after any such trial, appeal, or dismissal thereof, to notify the division in writing of the result thereof and the amount of fine collected, if any, and the disposition of such fine.

(4) No fine, penalty, or judgment assessed or rendered under the provisions of articles 10 to 15 or 32 of this title shall be suspended, reduced, or remitted otherwise than as expressly provided by law.

Title 42 VEHICLES AND TRAFFIC

42-1-102. Definitions - repeal.

(63) "Off-highway vehicle" shall have the same meaning as set forth in section 3314.5-101 (3), C.R.S.

42-2-138. Driving under restraint - penalty.

(1) (a) Any person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that such person's license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of an alcohol-related driving offense pursuant to section 42-4-1301 (1) or (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than five days nor more than six months, and, in the discretion of the court, a fine of not less than fifty dollars nor more than five hundred dollars may be imposed. The minimum sentence imposed by this paragraph (a) shall be mandatory, and the court shall not grant probation or a suspended sentence, in whole or in part, or reduce or suspend the fine under this paragraph (a); but, in a case where the defendant is convicted although the defendant established that he or she had to

drive the motor vehicle in violation of this paragraph (a) because of an emergency, the mandatory jail sentence or the fine, if any, shall not apply, and the court may impose a sentence of imprisonment in the county jail for a period of not more than six months and a fine of not more than five hundred dollars. Such minimum sentence need not be five consecutive days but may be served during any thirty-day period.

(d) (I) A person who drives a motor vehicle or off-highway vehicle upon any highway of this state with knowledge that such person's license or privilege to drive, either as a resident or nonresident, is restrained under section 42-2-126 (2) (a), is restrained solely or partially because of a conviction of a driving offense pursuant to section 42-4-1301 (1) or (2), or is restrained in another state solely or partially because of an alcohol-related driving offense is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days nor more than one year and, in the discretion of the court, by a fine of not less than five hundred dollars nor more than one thousand dollars. Upon a second or subsequent conviction, such person shall be punished by imprisonment in the county jail for not less than ninety days nor more than two years and, in the discretion of the court, by a fine of not less than five hundred dollars nor more than three thousand dollars. The minimum county jail sentence imposed by this subparagraph (I) shall be mandatory, and the court shall not grant probation or a suspended sentence thereof; but, in a case where the defendant is convicted although the defendant established that he or she had to drive the motor vehicle in violation of this subparagraph (I) because of an emergency, the mandatory jail sentence, if any, shall not apply, and, for a first conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than one year and, in the discretion of the court, a fine of not more than one thousand dollars, and, for a second or subsequent conviction, the court may impose a sentence of imprisonment in the county jail for a period of not more than two years and, in the discretion of the court, a fine of not more than three thousand dollars.

COLORADO REGULATIONS

BOARD OF PARKS AND OUTDOOR RECREATION

ARTICLE I - Pursuant to the authority vested in the Parks and Outdoor Recreation Board

by Article 14.5 of Title 33, C.R.S., the following regulations concerning required equipment, off-highway use permits, and the registration of off-highway vehicles are hereby adopted:

#500 - Registration information required on the application:

- a. Information to be furnished by the applicant:
 - 1 Vehicle make
 - 1 Vehicle model
 - 1 Vehicle identification number
 - 1 Model year
 - 1 Cubic centimeters displacement
 - 1 Date purchased
 - 1 Proof of ownership or valid transfer registration certificate
 - 1 Name and address of applicant
 - 1 Date of birth
 - 1 How the machine is used
- b. Additional information set forth on the registration certificate:
 - 1 Registration number
 - 1 Expiration date of registration
 - 1 Notice to owner of procedure to follow when owner changes address
 - 1 Notice to owner of procedure to follow when the machine is transferred, destroyed, abandoned or permanently removed from the state
- 1 Notice to owner that the operator must carry the certificate of registration while operating the off-highway vehicle.
- c. Pending registration of an off-highway vehicle, a temporary registration or possession of a dated bill of sale on the person permits the operator of the newly purchased off-highway vehicle to operate in the State of Colorado for a period not to exceed thirty

(30) days from the date of purchase.

#501 -Display of validation decals

- a. Validation decals shall be permanently affixed in a location on the upper forward half of the off-highway vehicle to assure good visibility of the decals.
- b. Dealers and manufacturers may display validation decals on a detachable plate.
- c. Prior to issuing validation decals, the distinctive registration number assigned by the Division shall be permanently marked upon the validation decal.

#502 - Display of Off-Highway Use Permits

- A. When owners or operators of vehicles identified in C.R.S. 33-14.5-112 are required to obtain and display off-highway use permits, such permits shall be displayed as

follows:

- 1 Off-highway use permits shall be permanently affixed to the extreme lower right-hand corner of the windshield of the vehicle in a position where the permit may be observed and identified.
- 2 Any vehicle without a windshield shall be treated as a special case and the operator of such vehicle shall have on his person or in the vehicle the off-highway use permit and shall, upon demand of any peace officer authorized to enforce this law, produce the off-highway use permit for inspection.

#503 - Safety Equipment

- A. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a muffler in constant operation and properly maintained. A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and is effective in reducing noise.
- B. Except as provided in section 33-14.5-109 C.R.S., no person shall operate an off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by the bona fide permanent marking of "qualified" or "approved" on the spark arrestor. A spark arrestor is a device which traps or pulverizes exhaust particles as they are expelled from an internal combustion engine exhaust system and is effective in reducing exhaust sparks and protecting against exhaust spark fires.
- C. No off-highway vehicle shall be operated upon public land in this state between the hours of sunset and sunrise unless it is equipped with at least one headlamp having minimum candlepower of sufficient intensity to reveal persons or objects at a distance of at least 100 feet ahead under normal atmospheric conditions. Such headlamp shall be aimed so that glaring rays are not projected into the eyes of operators in oncoming vehicles when operated on a straight level surface.
- D. No off-highway vehicle shall be operated upon public land in this state between the hours of sunset and sunrise unless it is equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.
- E. Except as provided in section 33-14.5-109 C.R.S., no person shall operate any off-highway vehicle upon public land in this state unless the off-highway vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour. The braking system must be adequate to control the movement of, and to stop and to hold the off-highway vehicle stationary on any grade upon which operated.

#504 - Operation of Off-Highway Vehicles

- A. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city

streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), or upon public land in this state, no person shall operate an off-highway vehicle while carrying any person or riding in any position that will interfere with the operation or control of an off-highway vehicle or the view of the operator.

B. Where the State, the United States, or any agency thereof, has designated any public street, road, or highway of this state open to off-highway vehicles or where local political subdivisions have authorized by ordinance or resolution the establishment of off-highway vehicle routes to permit the operation of off-highway vehicles on city streets or county roads pursuant to the authority granted in C.R.S. 33-14.5-108(1), no person under the age of ten years may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road. No person ten years of age or older may operate an off-highway vehicle on such public street, road, or highway of this state or on such city street or county road unless:

1 The person has in his possession a valid driver's license issued by the State of Colorado or another state; or

2 The person is accompanied by and under the immediate supervision of a person who has in his possession a valid driver's license issued by the State of Colorado or another state. The phrase "under immediate supervision" shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor.