

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 08-0190.02 Thomas Morris

HOUSE BILL 08-1069

HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits a person from operating a motor vehicle on public lands, trails, or roads unless the land is signed or otherwise authorized for such use by the controlling land management agency. Makes violation of the

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.

HOUSE
Amended 2nd Reading
January 29, 2008

prohibition a misdemeanor and establishes a fine of \$100, and, if the person was engaged in hunting, fishing, trapping, or a related activity, a penalty of 10 hunting license suspension points. If the violation takes place in a federal wilderness area, establishes a fine of \$200, and, if the person was engaged in hunting, fishing, trapping, or a related activity, a penalty of 15 hunting license suspension points. Specifies that the unauthorized removal, defacing, or destruction of a motor vehicle travel authorization sign installed by the controlling land management agency, or the unauthorized installation of a motor vehicle travel authorization sign, is a misdemeanor punishable by a fine of \$100, and, if the person was engaged in hunting, fishing, or trapping, or a related activity, a penalty of 5 hunting license suspension points.

Allows peace officers to enforce the prohibition. Exempts from the prohibition a peace officer in the performance of his or her official duties, a person acting at the direction of a peace officer, or a person otherwise authorized to operate a motor vehicle on the public land, trail, or road by legal right or the controlling land management agency, including, but not limited to, agricultural producers acting within the terms of a lease with such an agency.

Requires the director of the division of wildlife in the department of natural resources to prepare an annual report to the chairs of the senate committee on agriculture, natural resources, and energy and the house committee on agriculture, livestock, and natural resources, or their successors, concerning the number of citations issued, the number of final convictions for violations, and the status of controlling land management agencies' efforts to notify the public of travel restrictions. Repeals the law on July 1, 2013.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** 33-6-124, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:
4 **33-6-124. Use of a motor vehicle or aircraft - rules - repeal.**
5 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS
6 SUBSECTION (4) OR BY RULE OF THE COMMISSION, IT IS UNLAWFUL FOR A
7 PERSON TO OPERATE A MOTOR VEHICLE ON ANY PUBLIC LAND, TRAIL, OR
8 ROAD UNLESS THE PUBLIC LAND, TRAIL, OR ROAD IS SIGNED OR OTHERWISE
9 AUTHORIZED FOR SUCH USE. FOR PURPOSES OF ENFORCEMENT, ROUTES
10 AVAILABLE FOR MOTORIZED TRAVEL SHALL BE IDENTIFIED BY MAPS,

1 ROUTE MARKERS, OR SIGNS THAT ARE AVAILABLE TO THE PUBLIC AND
2 PROVIDE INFORMATION TO DETERMINE WHETHER THE ROUTE IS
3 AUTHORIZED. EXCEPT FOR VIOLATIONS OCCURRING WITHIN A FEDERAL
4 WILDERNESS AREA, A PERSON WHO VIOLATES THIS PARAGRAPH (a) IS
5 GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE
6 PUNISHED BY A FINE OF ONE HUNDRED DOLLARS AND, IF THE PERSON WAS
7 ENGAGED IN THE ACT OF HUNTING, FISHING, TRAPPING, OR A RELATED
8 ACTIVITY AT THE TIME OF THE UNLAWFUL ACTIVITY, BY A PENALTY OF TEN
9 LICENSE SUSPENSION POINTS. A PERSON WHO VIOLATES THIS PARAGRAPH
10 (a) WITHIN A FEDERAL WILDERNESS AREA IS GUILTY OF A MISDEMEANOR
11 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO
12 HUNDRED DOLLARS AND, IF THE PERSON WAS ENGAGED IN THE ACT OF
13 HUNTING, FISHING, TRAPPING, OR A RELATED ACTIVITY AT THE TIME OF
14 THE UNLAWFUL ACT, BY A PENALTY OF FIFTEEN LICENSE SUSPENSION
15 POINTS.

16 (b) A PERSON WHO, WITHOUT AUTHORIZATION, REMOVES,
17 DEFACES, OR DESTROYS ANY MOTOR VEHICLE TRAVEL AUTHORIZATION
18 SIGN INSTALLED BY THE CONTROLLING LAND MANAGEMENT AGENCY OR
19 INSTALLS A MOTOR VEHICLE TRAVEL AUTHORIZATION SIGN IS GUILTY OF
20 A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED
21 BY A FINE OF ONE HUNDRED DOLLARS AND, IF THE PERSON WAS ENGAGED
22 IN THE ACT OF HUNTING, FISHING, OR TRAPPING, OR A RELATED ACTIVITY
23 AT THE TIME OF THE UNLAWFUL ACTIVITY, BY A PENALTY OF FIVE LICENSE
24 SUSPENSION POINTS.

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

26 (d) THE PROHIBITION AND PENALTIES EXPRESSED IN PARAGRAPHS
27 (a) AND (b) OF THIS SUBSECTION (4) SHALL NOT APPLY TO A PEACE

1 OFFICER IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, A PERSON
2 ACTING AT THE DIRECTION OF A PEACE OFFICER, OR A PERSON OTHERWISE
3 AUTHORIZED TO OPERATE A MOTOR VEHICLE ON THE PUBLIC LAND, TRAIL,
4 OR ROAD BY LEGAL RIGHT OR THE CONTROLLING LAND MANAGEMENT
5 AGENCY, INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE AND
6 EMERGENCY ACCESS, FACILITY MAINTENANCE, AND MOTOR VEHICLE USE
7 THAT IS SPECIFICALLY AUTHORIZED UNDER PERMITS, INCLUDING FOR
8 SPECIAL EVENTS, RECREATIONAL USES, FIREWOOD GATHERING, AND
9 LIVESTOCK OPERATIONS AND ACTIVITIES.

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

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

20 **SECTION 2. Effective date - applicability.** This act shall take
21 effect July 1, 2008, and shall apply to acts occurring on or after said date.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.