



HB21-1138

OHV Use on County Roads

Sponsors: Reps. Catlin & McLachlan, Sen. Hisey

County commissioners may currently designate any county road for recreational use of off-highway vehicles (OHVs). OHVs registered in Colorado are not considered motor vehicles under statute and are therefore not normally permitted to travel on county roads and highways UNLESS those roads have been designated by the county commissioners as allowing OHVs. Decisions to open county roads to OHVs are based on a number of safety and aesthetic concerns and involve deliberation with county residents who live on these roads.

There is some ambiguity, however, as to the rights of OHV owners who register their OHVs *in other states* (such as Arizona) where OHV travel is generally permitted on all roads. Because of this statutory uncertainty, some county sheriffs have said they do not feel comfortable issuing a ticket to these OHV riders from other states and district attorneys are sometimes reluctant to prosecute. As a result, some OHV owners who are Colorado residents have started circumventing state law by registering their OHVs in other states and claiming the right to drive on county roads that are closed to OHV traffic, compromising local control.

HB 1138 closes this “out-of-state OHV” loophole by amending Colorado statutes to clarify that roads closed to recreational OHV use are closed to **all** OHVs, regardless of where the OHV is registered. Please note that the agricultural use of OHVs is permitted on any and all county roads and this bill does nothing to change that exemption. It also does not apply to the off-road and trail use of OHVs, as these are the purview of state and federal agencies.

CCI urges your support of HB21-1138

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