

COLORADO DEPARTMENT OF REGULATORY AGENCIES
OFFICE OF POLICY AND RESEARCH

COLORADO SNOWMOBILE REGISTRATION PROGRAM

1995 SUNSET REVIEW



***Joint Legislative Sunrise/Sunset Review Committee
1995-1996 Members***

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June 30, 1995

The Honorable Richard Mutzebaugh, Chair
Joint Legislative Sunrise/Sunset Review Committee
State Capitol Building
Denver, Colorado 80203

Dear Senator Mutzebaugh:

The Colorado Department of Regulatory Agencies has completed the evaluation of the **Snowmobile Registration Program**. We are pleased to submit this written report, which will be the basis for my office's oral testimony before the Joint Legislative Sunrise/Sunset Review Committee. The report is submitted pursuant to §24-34-104 (8)(a), of the Colorado Revised Statutes, which states in part:

"The Department of Regulatory Agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section...

The Department of Regulatory Agencies shall submit a report and such supporting materials as may be requested, to the Sunrise and Sunset Review Committee created by joint rule of the Senate and House of Representatives, no later than July 1 of the year preceding the date established for termination..."

The report discusses the question of whether there is a need for the regulation provided under article 14 of title 33, C.R.S. The report also discusses the effectiveness of the division and staff in carrying out the intention of the statutes and makes recommendations for statutory and administrative changes in the event this regulatory program is continued by the General Assembly.

Sincerely,

Joseph A. Garcia
Executive Director

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EXECUTIVE SUMMARY

Agencies has concluded the sunset review of the Snowmobile Registration Program administered by the Division of Parks and Recreation in the Colorado Department of Natural Resources. This review recommends continuation of the existing regulation. Although the regulation provides no significant public protection, it does create an improved environment for snowmobile participants in Colorado. This leads to increased economies in rural areas of the state. The small snowmobile registration fee appears to provide real benefits to the state.

The Department of Regulatory Agencies recognizes the cooperation of the Division of Parks and Recreation and the Colorado Snowmobile Association. Both entities were instrumental in providing background materials for this report.

Typically, a sunset review includes recommendations to amend the regulatory statute to enhance administration and enforcement. Neither the Department of Natural Resources nor other interested parties expressed a need for statutory revision. This may be due to recent legislation amending the statute. That legislation is discussed in this report. The snowmobile registration system is a fairly small level of governmental intrusion and appears to be functioning effectively.

BACKGROUND

The purpose of Colorado's snowmobile program is to register and number snowmobiles in an efficient manner, provide for an effective snowmobile safety certification program, provide for a method to track snowmobile accidents and to work with organized snowmobilers in the state for quality snowmobiling opportunities.

The Colorado Snowmobile Program was created in 1977 after several years of planning by the Colorado Snowmobile Association (CSA). The primary purpose of the CSA was to have the General Assembly strengthen snowmobile opportunities throughout Colorado. CSA believed that the best way to accomplish this was to transfer responsibility for the snowmobile program from the Division of Wildlife to the Division of Parks and Outdoor Recreation (State Parks, DPOR). The CSA felt that State Parks would be the most suitable agency to promote and support snowmobiling in Colorado. CSA felt that State Parks was the appropriate agency for snowmobile registration since vessel (boat) registration was already a responsibility of the agency.

Following the adoption of article 14 into Colorado Revised Statutes, State Parks and CSA worked in partnership to implement the mandates of the new law. This included the development, maintenance and marking of snowmobile trail systems throughout the state, recommendation of rules and regulations to the Parks Board, creation of a snowmobile safety education program and accident reporting system, and the development of a snowmobile registration process.

The board meets bimonthly and attempts to meet in various locations around the state in order to allow for maximum public exposure to its deliberations. During the past five years, the board has not handled any issues in regard to the snowmobile program.

Over the past seventeen years, snowmobile trails systems have been planned, developed and maintained by local snowmobile clubs throughout the state. Supporters of snowmobile regulation believe that these trail systems help maintain viable winter economies for mountain communities that aren't fortunate enough to have a major downhill ski resort nearby. Each year the CSA makes recommendations to DPOR in regard to where and how much should be spent on each trail system. The CSA recommendation for each trail system is derived from a formula that accounts for the type of equipment used to maintain the trail system, total number of miles of trail and the number of trail heads in the system. Each club works closely with the local state park area to make sure that trail maintenance specifications are being met. Invoices for trail maintenance are forwarded through the park to the state's Snowmobile Program Administrator for payment.

Initial regulations governing the program were recommended by the CSA and adopted by the Parks Board in 1978. The CSA has worked closely with State Parks in recommending regulatory amendments as needed.

Through the registration system, Colorado has the ability to track the ownership of a snowmobile that is involved in an accident, law enforcement incident or is recovered after being stolen from the rightful owner. Although this is an important issue from the Division's standpoint, the snowmobiling public is generally most concerned on how revenue being collected through the registrations process is being used to benefit their sport.

The performance measures for the snowmobile program include registration compliance figures, the number of students certified through the snowmobile certification program, fatality statistics and the number of miles of signed and maintained snowmobile trails in the state.

SUMMARY OF STATUTE

Snowmobile Registration

Except for certain circumstances, any person who operates a snowmobile within the state of Colorado or is in possession of a snowmobile at any staging area within the state must register and number their snowmobile with the Division of Wildlife. §33-14-102(1)(A), C.R.S. Registration applications are obtained from the Division of Wildlife or their agents. These agents include snowmobile dealers and licensing agents. All dealers are required to provide a registration application to each new or used snowmobile sold. §33-14-102(2)(A), C.R.S. Each snowmobile owned by a dealer for rental purposes must be registered. §33-14-102(2)(C), C.R.S. and dealer and manufacturer registrations are not transferable §33-14-102(4)(b), C.R.S.

All registrations expire at the end of the year for which they were issued. Any person who does not register their snowmobile commits a misdemeanor and is subject to a fine of \$25.

Under §33-14-102(6), C.R.S., certain snowmobiles are not required to be registered. They are A) snowmobiles owned by an agency of the United States, another state, or political subdivision, B) snowmobiles owned by a resident of another state and the snowmobile is covered by a valid license from that state, and the snowmobile is not in the state for more than 30 days, C) snowmobiles used strictly on private property for private, noncommercial purposes, and D) snowmobiles used only in sanctioned snowmobile races.

Snowmobile dealers employed as licensing agents for snowmobile registration are authorized to issue special and annual special registrations. §33-14-102(1)(B), C.R.S. Special registrations are available for non-Colorado owners whose residence does not require registration for their snowmobiles and wish to operate their snowmobiles within Colorado. These registrations are limited to a maximum of a 10 day time period. §33-14-102(7), C.R.S.

Proof of ownership of the snowmobile must be included in the application for registration §33-14-103, C.R.S. Upon receipt of the application, the Division will assign a distinct registration number and provide the owner a decal indicating that registration number along with the registration certificate. §33-14-104, C.R.S. The decal must be placed on the snowmobile and every person operating a registered snowmobile is required to have their registration in their possession or carry the registration on their snowmobile. Violation of decal placement or registration possession is a misdemeanor and punishable by a fine between \$5 to \$25. The Division has the authority to deny registration of a snowmobile based on non-compliance with equipment requirements.

If the ownership of the snowmobile is transferred or terminated, the prior owner must notify the Division of Wildlife within 15 days. This includes if the snowmobile was destroyed or permanently removed from use. §33-14-105, C.R.S.

The following terms are defined by the Snowmobile Act under §33-14-101, C.R.S.

Definitions

"Snowmobile" is defined as "a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts or cleats. "Snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes." §33-14-101(11), C.R.S.

"Dealer" is any person "engaged in the business of selling snowmobiles at wholesale or retail" in the state of Colorado. §33-14-101(2), C.R.S.

"Owner" is any person, other than a lienholder, who has title to the snowmobile and is entitled to the use or possession of the snowmobile. §33-14-101(7), C.R.S.

"Operate" means to ride in or on and control the functioning of a snowmobile. §33-14-101(5) C.R.S.

"Staging area" is any "parking lot, trailhead, or other location to or from which any snowmobile is transported by truck, trailer, or other motor vehicle where it is placed into operation or removed from operation . "Staging area" does not include any location to which a snowmobile is transported primarily for the purpose of service, maintenance, repair, storage or sale." §33-14-101(11.5), C.R.S.

Snowmobile Recreation Fund

Except for enforcement expenses by wildlife officers, all fees from the registration of snowmobiles and one-half of all moneys collected for fines, including interest, are credited to the snowmobile recreation fund. The other one-half of the fees is credited to the state general fund. This snowmobile recreation fund is used for the administration of the registration process as well as establishing and maintaining snowmobile trails, vehicle parking areas, and facilities. Any moneys collected in excess of five dollars per original or renewal registration are used exclusively for direct services and not administrative costs. §33-14-106, C.R.S.

Rules and Regulations

Under the snowmobile act, the Board of Parks and Recreation has the authority to adopt rules and regulations for the registration of snowmobiles and display of registration numbers, and the formulation of regulations for uniform maps and signs for use by state and local governments to control, direct or regulate the operation and use of snowmobiles. §33-14-107, C.R.S. The Division must also establish snowmobile training courses. §33-14-108, C.R.S.

The act also provides restrictions on who may operate a snowmobile. No person under the age of 10 may operate a snowmobile except upon lands owned or leased by his parent or guardian unless accompanied by or under the supervision of someone 16 years or older or someone 14 years or older if they have successfully completed a Division snowmobile safety education and training course and hold a valid certificate. §33-14-109, C.R.S.

The snowmobile act provides restrictions on how a snowmobile may be operated. These restrictions include how snowmobiles may be operated on streets and highways, right-of-ways of streets, roads and highways, §33-14-110, C.R.S., how snowmobiles may be operated when crossing roads, highways, and railroad tracks, §33-14-111-112, C.R.S., and the operation of snowmobiles on private property, §33-14-113, C.R.S. Additionally, the act specifies required equipment for snowmobiles operating on streets and highways, §33-14-114, C.R.S., as well as notice procedure to be followed in the event of an accident, §33-14-115, C.R.S. Finally the act prohibits hunting on snowmobiles and the carrying of weapons on snowmobiles except for special permits issued by the Division of Wildlife. §33-14-117, C.R.S.

Recent Legislation

On April 27, 1995, the Governor signed SB 44 into law. SB 44, a coordinated effort between Colorado State Parks, the Colorado Snowmobilers Association and the Colorado Off Highway Vehicle Coalition, made the following changes in Colorado's regulation of snowmobiles:

- Increased the registration fee from \$10 to \$15.
- Requires that snowmobiles be registered by dealers at the time of purchase.
- Updates accident reporting requirements and increases fines for the unlawful use of snowmobiles.

PROGRAM DESCRIPTION AND ADMINISTRATION

Regulatory Efforts and Enforcement

The total budget for the snowmobile program for FY 94-95 is \$196,000. The Division reports that no FTE are associated with the program except that \$45,000 is allocated to the Division's personnel line annually to accommodate staff time spent on the program.

The Division's Field Services Section also administers the campground reservation system, the River Outfitter Licensing Program, the Boat Safety Program, and houses a Law Enforcement Unit. The absence of a specific FTE allocation to the snowmobile program makes sense because of the seasonal nature of the activity as well as the seasonal nature of the other programs administered by the agency.

The Division provided total budget figures for the snowmobile program since the program's inception. The budget history (in thousands of dollars) is reflected in the graph below.

1978*	1979*	1980	1981*	1982	1983	1984	1985	1986
51.08	74.626	91.634	108.03	88	140	100	185	165
1987	1988	1989	1990	1991	1992	1993	1994	1995
145	145	175	175	220	185	185	183	196

Taking the long term view, snowmobile registrations have increased consistently over the life of the program. The following chart from the Division shows the number of registrations issued from 1985 (when there were 13,190 registered snowmobiles) through 1994 (when there were 22,115 registered snowmobiles.)

Snowmobile Registrations Sold			
Year	# Sold	Increase/ Decrease from Previous Year	% of Increase or Decrease
1985	13190	-598	-4.34
1986	14309	1119	8.48
1987	13570	-739	-5.16
1988	14561	991	7.30
1989	15149	588	4.04
1990	15726	577	3.81
1991	17568	1842	11.71
1992	18852	1284	7.31
1993	20438	1586	8.41
1994	22115	1677	8.21

The administering agency is part of the Field Services Section that is housed in Littleton, Colorado near Chatfield Reservoir. Registration outlets are also located at the division's region offices in Grand Junction, Colorado Springs, and Fort Collins. Selected park areas and registration agents also provide registration services.

Per the provisions of §33-13-112 and §33-14-110, CRS, every parks and recreation officer, every peace officer of the state and its political subdivisions and every person commissioned by the division (seasonal offices) shall have the authority to enforce the provisions of the snowmobile article.

In 1994, 136 snowmobile citations were issued in Colorado. Citations might include anything prohibited by article 14 of title 33 including hunting from a snowmobile, unregistered snowmobile or improper operation of a snowmobile. The chart below depicts the field activities of the program.

	1993	1994	1995 (thru 3/15)
Total hours of patrol / grooming inspections	n/a	1207	1447
Total field contacts	n/a	4868	4677
Total citations issued	86	136	219

SUNSET ANALYSIS

The regulation of snowmobiles in Colorado is a rather unusual regulatory scheme that creates a win-win relationship between users and state government. In strict terms, their program fails to meet the sunset criteria (or at least two of them) because the regulation's effectiveness in protecting the public's safety and health is not readily demonstrable. It is only through expanding the definition of protecting the public welfare that a case for snowmobile regulation can be made.

The Division reports that the purpose of Colorado's snowmobile program is to register and number snowmobiles in an efficient manner, provide for an effective snowmobile safety certification program, provide for a method to track snowmobile accidents, and to work with organized snowmobilers in the state for quality snowmobiling opportunities. However, the Division recognizes that snowmobile users are most concerned about the manner in which the sport benefits from the collection and distribution of fees.

This perception is accurate. Contact with the Colorado Snowmobile Association reveals that the deterioration of groomed and marked trails, which would be expected subsequent to deregulation, top the list of priorities of the Association. At first glance, this argument may appear to be lacking in persuasion but proponents of the existing regulatory scheme believe that this function is also related to user safety. This is so, proponents state, because local snowmobile clubs would be unable to meet the financial burden of marking and grooming trails without the state support.

It is reasonable to conclude that the potential for snowmobilers to become lost with greater frequency rises with the lack of signage. Signage is more than simple directions, however, as the term also encompasses warning signs (high avalanche danger, alternate route advised, for example). Even grooming may have an impact on user safety if one assumes that many users will stick to using groomed trails. It is probable that danger increases as users stray from established trails and packed terrain.

Mandatory Safety Certification Eliminated With Deregulation

Anyone who is between the ages of 10 and 16 who operates a snowmobile in Colorado must complete the Snowmobile Safety Certification Course. In addition, any other operator may also take the course.

The Division reports that Colorado's accident and fatality rate is consistently below the national average. Given the fact that young, inexperienced snowmobile operators may be operating (often at high speeds) near other snowmobiles and skiers, and given that approximately 800-1000 operators are certified annually, this certification program appears to be an important argument in favor of continuing regulation.

Deregulation Could Impact Local Economies

As noted earlier in this report, there were 22,115 registered snowmobiles in Colorado in 1994. The Colorado Snowmobile Association reports that most of its members will tend to stay in an area for a weekend or longer. Of course, this involves lodging and food for the users. There are also other expenditures associated with snowmobiling such as fuel, trailers, vehicles capable of towing and a host of other expenses.

A 1989 Colorado State University study indicated that snowmobilers in the state spent an average of \$7.5 million each season on snowmobiling. Snowmobile registrations have increased each year since 1989 including an 11.71% increase from 1990 to 1991 although the last two years have produced a registration increase of 8.41% and 8.21%. It seems reasonable to conclude, then, that economic benefit of snowmobiling is sizable and expanding.

No direct correlation between Colorado's snowmobile regulation and increased snowmobile registrations (and therefore, presumably, snowmobile sales) can be shown. Growth in popularity of snowmobiles may be more a function of higher wages of Colorado snowmobilers, the number of retirees in the state, or marketing and product development by snowmobile manufacturers. Still, the fact that the state's regulation directly impacts the maintenance of approximately 3,000 miles of marked/groomed trails would seem to establish at least a common-sense correlation to growth of the activity in Colorado.

It then could be reasonably assumed that decreased amounts of trail maintenance and the subsequent increase in difficult and dangerous snowmobile terrain would drive some participants out of the sport or to neighboring states of New Mexico or Wyoming.

Other Benefits of Regulation

The snowmobile registration system enables the Division to determine ownership of a snowmobile that may have been stolen, involved in an accident or otherwise involved with law enforcement. This benefit is secondary to the primary goals and objectives of the program but does provide a measure of protection to Colorado snowmobilers.

Additionally, the statute addresses a variety of topics that enhance safe snowmobile operations throughout Colorado. Areas include operation on streets and highway roadways, laws pertaining to crossing roads, highways and railroad tracks, required equipment and notice of accidents, among other areas.

Alternatives To Existing Regulation

It would be difficult to argue that the health, safety and welfare of the Colorado public would be seriously compromised by the elimination of this regulation. There are only some 22,000 snowmobiles registered in Colorado; very small compared to the state population. This number is even small when compared to 87,000+ boats registered in Colorado.

It can further be argued that some groomed and signed trails would remain in the state, probably a sizable percentage of what now exists in fact. This argument is based on a theory of ingenuity that if the government fee collection and distribution mechanism is removed, local economies will figure out ways to fill the void.

Some states distribute a percentage of gasoline taxes to be used for snowmobile regulation. This theory holds that since some gasoline is used for snowmobiling, off-road recreation, and boating, it makes sense to "pay at the pump."

Completion of the state's Snowmobile Safety Certification Course is mandated for snowmobile operators between the ages of 10 and 16 years of age that wish to ride on public land without adult supervision. The CSA has traditionally supplied the bulk of the volunteer instructors. Each year approximately 800-1000 operators are certified through the course. This training has been very important in maintaining an accident and fatality rate that is consistently below the national average. In 1993, six snowmobile fatalities occurred in Colorado. During 1994, several safety campaigns were undertaken through the help of the CSA, the Anheuser-Busch Brewing Company and the international "Steer Clear" campaign sponsored by snowmobile manufacturers.

A priority behind any registration process is to establish a system that is efficient. Colorado maintains a 7-12 day turn-around on registrations. In other words, a snowmobiler that places their registration in the mail can expect to have his current registration certificate and validation decals back in their mailbox in seven to twelve days.

RECOMMENDATIONS

This review concludes that this regulatory program should be continued. Although no significant risk to the public exists absent the regulation, the program appears to offer significant benefits to Colorado snowmobilers and to a number of communities throughout the state.

The regulatory scheme illustrates the benefit of government/private sector cooperation. In thinking of snowmobile registration, one should remember that the citizens approached the legislature for regulation and helped design the scheme. The payment of a rather small fee (\$10.25 until the signing of SB 95-44 increasing the fee to \$15.25) provides that all snowmobilers share in the costs of an improved snowmobiling resource in the state.

It could be argued that the state regulation should be eliminated and local governments, private business, and local snowmobile clubs would step in to fill the gap. However, there is no way to prevent metro area participants who do not belong to a mountain snowmobile club from driving to an area and using the groomed trails because they are often on state or federal lands.

More than likely, a local club could not afford such upkeep because the cost of grooming is expensive. It is through this reasoning that it becomes apparent that all but a few large snowmobile clubs would cease grooming and signing, rugged terrain would proliferate, and participants would cease the sport or go elsewhere.

Operator Safety Enhanced

Sections 33-14-108 and 33-14-109, C.R.S. speak to the establishment of training programs that include training of snowmobile operators. In particular, no person under the age of 10 may operate a snowmobile unless he/she has received a snowmobile safety certificate after successful completion of the Division's course. There are certain exemptions to this requirement but, in general, operators between the ages of 10 and 16 are required to comply with this safety provision.

Continuation of the snowmobile registration system, then, contributes to safer operation of snowmobiles comparable to Colorado's hunter safety training, contributing to safer hunting. Of course, certification and training requirements are not dependent on actual registration of the snowmobile. In other words, training requirements could be administered and enforced independent of any other regulation. It is reasonable to conclude though, that an overall better level of regulatory enforcement and administration exists because of the two regulatory components augmenting each other.

APPENDICES

Sunset Statutory Evaluation Criteria

- (I) Whether regulation by the agency is necessary to protect the public health, safety and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation;
- (II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms and whether agency rules enhance the public interest and are within the scope of legislative intent;
- (III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices of the Department of Regulatory Agencies and any other circumstances, including budgetary, resource and personnel matters;
- (IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;
- (V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;
- (VI) The economic impact of regulation and, if national economic information is available, whether the agency stimulates or restricts competition;
- (VII) Whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;
- (VIII) Whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action;
- (IX) Whether administrative and statutory changes are necessary to improve agency operations to enhance public interest.

Snowmobile Registration Statute

33-14-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Administrative costs" includes, but is not limited to, printing, postage, mailing, and personnel related to registration processing.

(2) "Dealer" means a person engaged in the business of selling snowmobiles at wholesale or retail in this state.

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

(4) "Manufacturer" means a person engaged in the business of manufacturing snowmobiles in this state.

(5) "Operate" means to ride in or on and control the operation of a snowmobile.

(6) "Operator" means every person who operates or is in actual physical control of a snowmobile.

(7) "Owner" means a person, other than a lienholder, having title to a snowmobile and entitled to the use or possession thereof.

(8) "Person" means any individual, association, partnership, or public or private corporation, any municipal corporation, county, city, city and county, or other political subdivision of the state, or any other public or private organization of any character.

(8.5) "Possession" means physical custody of a snowmobile by any owner of a snowmobile or by any owner of a motor vehicle or trailer on or in which a snowmobile is placed for the purpose of transport.

(9) "Renter" means a person primarily engaged in the business of renting snowmobiles.

(10) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

(11) "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats. "Snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

(11.5) "Staging area" means any parking lot, trailhead, or other location to or from which any snowmobile is transported by truck, trailer, or other motor vehicle where it is placed into operation or removed from operation. "Staging area" does not include any location to which a snowmobile is transported primarily for the purpose of service, maintenance, repair, storage, or sale.

(12) "Street", "road", "freeway", or "highway" means the entire right-of-way between boundary lines of any of such public ways when any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel.

33-14-102. Snowmobile registration - fees - applications - requirements - exemptions. (1) (a) Except as provided in subsection (6) of this section, no person shall operate, nor have in his possession at any staging area, any snowmobile within the state unless such snowmobile has been registered and numbered in accordance with the provisions of this article. The division is authorized to assign identification numbers and register snowmobiles.

(b) The division shall employ snowmobile agents, including dealers and licensing agents serving as such for the division of wildlife, for snowmobile registration pursuant to the provisions of section 33-12-104. Such agents shall take the registration application and issue a temporary registration and shall forward the application to the division, which shall issue the registration. Snowmobile dealers employed as licensing agents for snowmobile registration shall be authorized to issue special and annual special registrations and shall retain a commission of up to one dollar, as authorized by the division, for each registration or special registration issued.

(2) (a) Every dealer shall require a registration application for each new or used snowmobile sold at retail from his inventory, except for those snowmobiles purchased for use exclusively outside of this state.

(b) The owner of each snowmobile requiring registration under this section shall present to the division an application for registration on a form prepared and furnished by the division for that purpose. The application shall be accompanied by a dated bill of sale as evidence of ownership on all snowmobiles purchased after July 1, 1976.

(c) Each snowmobile owned by a dealer for rental purposes shall be registered pursuant to this section upon payment of an owner's fee as provided in paragraph (a) of subsection (3) of this section.

(3) (a) For all or any part of a year beginning October 1 and ending September 30, the original and each renewal registration fee by an owner shall be as specified in section 33-12-102.

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

(4) (a) For each year beginning October 1 and ending September 30 or portion thereof for which such registration is made, the registration fee for all snowmobiles owned by a dealer or manufacturer which are operated for demonstration or testing purposes only shall be as specified in section 33-12-102.

(b) Dealer and manufacturer registrations are not transferable and shall be distinguished by appropriate means by the division from the registration required for owners other than dealers and manufacturers.

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

(6) No registration under this section is required for the following snowmobiles:

(a) Snowmobiles owned by any agency of the United States, another state, or a political subdivision of either, when such ownership is clearly displayed on the machine;

(b) Snowmobiles owned by a resident of another state or country if such snowmobiles are covered by a valid license of such other state or country and such snowmobiles have not been within this state for more than thirty consecutive days;

(c) Snowmobiles used strictly on private property for private, noncommercial purposes.

(d) Snowmobiles used only in sanctioned snowmobile races, including any racing snowmobile brought into the state which is exempt from registration in the state where the owner of said snowmobile resides.

(7) A special registration to operate a snowmobile in Colorado for a limited period of time, not to exceed ten days, is required for snowmobiles owned by persons from a state or country where registration is not required. In lieu thereof, an annual special registration may be issued to such a nonresident owner for the operation of a snowmobile during any year beginning October 1 and ending September 30. Applications for such registrations shall contain such information as the division may require. The fee for such a special registration shall be as specified in section 33-12-102.

(8) All registrations shall expire at the end of the year for which issued. Application for renewal of registration for the succeeding year shall be made at such time and in such manner as the division shall prescribe.

(9) Any person who violates paragraph (a) of subsection (1) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

33-14-103. Proof of ownership for registration purposes. (1) The division shall require proof of ownership for snowmobiles purchased on or after July 1, 1976, prior to the registration of a snowmobile under this article, but such proof shall not be dependent upon any certificate of title, and no such certificate shall be issued by the division.

(2) The division shall keep a record of the manufacturer's number of all snowmobiles 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 snowmobiles.

33-14-104. Issuance of registration. (1) (a) Upon receipt of a sufficient application for registration of a snowmobile, as required by section 33-14-102, the division shall enter upon its records the registration of such vehicle under the distinctive number assigned to it pursuant to this section.

(b) A number assigned to a snowmobile at the time of its original registration shall remain with the snowmobile until the machine 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. A registration shall not be valid unless it is signed by the person who signed the application for registration. In the event of the loss, mutilation, or destruction of any registration, the owner of the registered snowmobile may file such statement and proof of such facts as the division shall require for the issuance of a replacement registration.

(3) (a) 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 snowmobile in such manner as the division may prescribe.

(b) Notwithstanding the fact that a snowmobile has been assigned an identifying number, it shall not be considered as validly registered within the meaning of this section unless a validation decal and current registration have been issued.

(4) In the event that a snowmobile 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 validation decal and current registration.

(5) The registration number assigned to a snowmobile shall be displayed on the vehicle at all times in such manner as the division may, by regulation, prescribe. No number other than the number assigned to a snowmobile or the identification number of the registration in another state shall be painted, attached, or otherwise displayed on either side of the cowling; except that racing numbers on a snowmobile being operated in a prearranged organized special event may be temporarily displayed for the duration of the race.

(6) Every person, while operating a snowmobile in this state which is required to be registered under this article, shall have in his possession or carry in the snowmobile the registration therefor and shall, upon demand of any peace officer authorized to enforce this article, produce for inspection the registration for such snowmobile and furnish to such officer any information necessary for the identification of such snowmobile and its owner.

(7) It is the duty of every owner holding a registration to notify the division, in writing, of any change of residence of such person within fifteen days after such change occurs and to inscribe on the registration, in the place provided, a record of such change of residence.

(8) (a) Any person who violates subsection (5) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of ten dollars.

(b) Any person who violates subsection (6) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

33-14-105. Transfer or other termination of ownership. (1) When the use of a snowmobile for which a registration has already been issued is permanently discontinued, the old registration shall be properly signed and returned to the division within fifteen days after discontinuance.

(2) (a) If there is a change of ownership of a snowmobile 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 as specified in section 33-12-102.

(b) In the event that such snowmobile was purchased through a bona fide dealer, said 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.

(3) It is the duty of every owner of a snowmobile registered pursuant to the provisions of this article to notify the division, in writing, of the destruction, theft, or permanent removal of such snowmobile from the state within fifteen days thereafter, and, in the event of destruction or theft, he shall surrender the registration with such notice.

33-14-106. Snowmobile recreation fund - creation - use of moneys. Except as provided in section 33-15-103 (1) when enforcement is by a wildlife officer, all fees from the registration of snowmobiles and one-half of all moneys collected for fines under this article, and all interest earned on such moneys, shall be credited to the snowmobile recreation fund, hereby created, and shall be used for the administration of this article and for the establishment and maintenance of snowmobile trails, vehicle parking areas, and facilities. However, any moneys collected in excess of five dollars per original or renewal registration shall be used exclusively for direct services and not administrative costs. The remaining one-half of all fines collected shall be credited to the state general fund.

33-14-107. 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., for the following purposes:

- (a) Registration of snowmobiles and display of registration numbers;
- (b) Formulation, in cooperation with appropriate federal agencies, of regulations 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 snowmobiles;
- (c) Formulation of other regulations concerning the use of snowmobiles, but not in any way inconsistent with the provisions of this article.

33-14-108. Training courses. (1) The division shall establish snowmobile information, safety, education, and training programs, including, but not limited to, the training of snowmobile operators, and shall issue snowmobile safety certificates and insignia to snowmobile operators who successfully complete the snowmobile safety education and training course.

(2) The division shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the programs established under this section.

33-14-109. Restrictions on young operators. (1) No person under the age of ten years may operate a snowmobile, except upon lands owned or leased by his parent or guardian, unless he is accompanied by or under the immediate supervision of a person sixteen years of age or over or by a person over fourteen years of age who holds a snowmobile safety certificate issued by the division for the successful completion of a snowmobile safety education and training course conducted by the division.

(2) Except when accompanied or supervised in the manner provided in subsection (1) of this section, no person ten years of age or over who has not reached his sixteenth birthday shall operate a snowmobile in this state, except upon lands of his parent or guardian, unless he has received a snowmobile safety certificate for the successful completion of a snowmobile safety education and training course conducted by the division.

(3) Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

33-14-110. Snowmobile operation on roadway of streets and highways.

(1) A snowmobile may be operated on the roadway of a street or highway in this state only as provided in this section.

(2) No snowmobile may be operated on the roadway of an interstate highway or freeway except during emergency conditions declared by the proper state authority.

(3) A snowmobile may be operated on other streets and highways under the following restrictions:

- (a) To cross a street or highway in the manner provided in section 33-14-112;
- (b) To traverse a bridge or culvert on such street or highway;
- (c) During special snowmobile events lawfully conducted pursuant to the authority granted to local subdivisions in this article;
- (d) During emergency conditions declared by proper state authority;
- (e) On the roadway of streets and highways which are not maintained for winter motor vehicle traffic;

(f) When local subdivisions have authorized by ordinance or resolution the establishment of snowmobile routes to permit the operation of snowmobiles on city streets or county roads. No street or road which is part of the state highway system may be so designated.

(g) When crossing railroad tracks.

33-14-111. Snowmobile operation on right-of-way of streets, roads, or highways. (1) Except as provided in section 33-14-110 (2), no snowmobile shall be operated on the right-of-way of any interstate highway or freeway.

(2) (a) A snowmobile may be operated on the right-of-way of other roads, streets, and highways as far as practicable from the roadway thereof.

(b) When operating on the right-of-way of a road, street, or highway as authorized by this section during hours of darkness, a snowmobile shall be operated only in conformity with the flow of traffic on the nearest lane of the adjacent roadway.

(3) Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifteen dollars.

33-14-112. Crossing roads, highways, and railroad tracks. (1) The crossing of a road or highway by a snowmobile operator, when not prohibited by this article, shall be made only in accordance with the following provisions:

(a) The crossing shall be made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(b) The snowmobile shall be brought to a complete stop before crossing the shoulder or, if none, the roadway, before proceeding.

(c) The operator shall yield the right-of-way to all motor vehicle traffic on such road or highway which constitutes an immediate hazard to such crossing.

(d) The crossing of a divided highway, when permitted under this article, shall be made only at an intersection of such highway with another road or highway.

(2) No snowmobile may be driven upon the right-of-way of any operating railroad, except for the crossing of the tracks at their intersection with a road or highway.

(3) Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

33-14-113. Operation of snowmobiles on private property. No snowmobile shall be operated on private property other than that owned or leased by the operator or except when prior permission has been obtained from the owner, lessee, or agent of the owner or lessee. Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars.

33-14-114. Required equipment - snowmobiles. (1) No snowmobile shall be operated upon a public street or highway unless it is equipped with the following:

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

(b) Brakes and a muffler which conform to the standards prescribed by regulation of the division, which shall be applicable in all cases, except for snowmobiles being operated in organized races or similar competitive events held on private lands with the permission of the owner, 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) No person shall sell or offer for sale in this state any snowmobile that is not equipped pursuant to the provisions of this section.

(3) Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

33-14-115. Notice of accident. (1) The operator of a snowmobile involved in an accident resulting in death, personal injury, or damage to property, or some person acting for him, or the owner of the snowmobile 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 a snowmobile, 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 of the vehicle or someone acting for him.

(4) Any person who violates subsection (1) or (3) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

33-14-116. Other operating restrictions. (1) No person shall operate a snowmobile in a careless or imprudent manner without due regard for width, grade, corners, curves, or traffic of trails, the requirements of section 33-14-110 (3), and all other attendant circumstances.

(2) No person shall operate a snowmobile in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property.

(3) No person shall operate a snowmobile while under the influence of alcohol, a controlled substance, as defined in section 12-22-303 (7), C.R.S., or any other drug, or any combination thereof, which renders him incapable of the safe operation of a snowmobile.

(4) No owner shall permit such snowmobile, while under his control, to be operated in violation of the provisions of this article.

(5) Any person who violates subsection (1) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars.

(6) Any person who violates subsection (2) or (3) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

(7) Any person who violates subsection (4) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars.

33-14-117. Hunting, carrying weapons on snowmobiles - prohibitions.

(1) It is unlawful for any person to:

(a) Hunt any wildlife from a snowmobile;

(b) Operate or ride on any snowmobile with any firearm in his possession, unless such firearm is unloaded and enclosed in a carrying case or inserted in a scabbard, or with any bow unless it is unstrung or cased, but this paragraph (b) shall not apply to any person to whom the division of wildlife has issued a permit for the control of predators such as coyotes, foxes, bobcats, and the like;

(c) Pursue, drive, or otherwise intentionally disturb or harass any wildlife by use of a snowmobile, but this paragraph (c) shall not prevent any person from using a snowmobile to protect his crops and other property.

(2) Permits to use snowmobiles for the control of predators such as coyotes, foxes, bobcats, and the like may be issued by the division of wildlife or its district wildlife managers at no charge to persons applying therefor whose purpose is to protect livestock and other wildlife. A notice of issuance of any such permit shall be given to the division by the division of wildlife.

(3) Any person who violates subsection (1) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty dollars.

33-14-118. Regulation by political subdivisions. (1) Any county, city and county, city, or town acting by its governing body may regulate the operation of snowmobiles 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 such political subdivision 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 state, county, city and county, city, or town; nor shall it require a snowmobile to be licensed or registered in such political subdivision.

33-14-119. Enforcement - federal cooperation. (1) Every parks and recreation officer, every peace officer of this state and its political subdivisions, and every person commissioned by the division shall have the authority to enforce the provisions of this article.

(2) The division, with the advice and consent of the board, is authorized to enter into cooperative agreements with federal land management agencies for the purpose of regulating snowmobile use on federal lands.

33-14-120. Repeal of sections. Sections 33-14-102 to 33-14-106 and section 33-14-107 (1) (a) are repealed, effective July 1, 1996. Prior to such repeal, the registration function of the division shall be reviewed as provided for in section 24-34-104, C.R.S.