



### COHVCO 2024 END OF SESSION REPORT

There were 710 bills introduced this session, larger than the average of about 550. Many environmental; clean air and clean water bills were run. Overall, most negative legislation was stopped or amended.

FYI Postponed Indefinitely is the term used when a bill dies.

Jerry Abboud

#### **Priority Legislation:**

#### **SB24-056 – (Hinrichsen, Will/Snyder, Weinberg) – Out-of-State Snowmobile Permit & Search Rescue Fee**

The bill expands the snowmobile registration exemption to include all snowmobiles use on private property, regardless of whether the snowmobile is being used commercially.

The bill requires an owner or operator of an out-of-state snowmobile to obtain a permit when recreating on public land. Snowmobiles exempt from the permit include those owned by governments, operating in an authorized organized event, or operating for nonrecreational purposes. The Colorado Division of Parks and Wildlife (CPW) in the Department of Natural Resources must begin issuing the permits by January 1, 2025, and establish the fee for a permit, which will be deposited into the snowmobile recreation fund. Permits are valid from April 1 of the current permit year through March 31. The fine for not displaying an out-of-state permit is \$100. Snowmobile program in dire need of additional funds for groomers and grooming

The bill also adds the backcountry search and rescue fee to out-of-state snowmobile and off-highway use permits.

**Position: Support and amend for needed corrections for establishing fees by Parks and Wildlife Commission**

**Outcome: Governor signed on April 11, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.**

#### **SB24-081 – (Cutter/Kipp, Rutinel) – Perfluoroalkyl & Polyfluoroalkyl Chemicals**

The bill updates the Perfluoroalkyl and Polyfluoroalkyl (PFAs) Chemicals Consumer Protection Act and other requirements enacted by [House Bill 22-1345](#). Current law establishes a phase-out timeline for the sale of products that include added PFAS. The bill moves some phase-out deadlines forward and adds additional products to the phase-out, including certain outdoor wear, cookware, and artificial turf.

Background. PFAS chemicals are synthetic chemicals that were developed to coat products to make them resistant to heat, water, and oil. They are prevalent in a variety of products including nonstick cookware, water-repellant clothing, stain-resistant fabrics, and firefighting foams. PFAS break down very slowly in the environment, and current scientific research suggests that exposure may lead to adverse health outcomes. More information about PFAS can be on [the U.S. Environmental Protection Agency website](#).

**Position: Amend. Motorcycle Industry Council claims most OEMs could not meet the deadlines to remove all PFAs in product. PDAC amended out powersports vehicles and motorcycles. Unable to sell such product after 2032 in CO without the amendment.**

**Outcome: Signed by Governor May 1, 2024**

**Effective date: The bill takes effect upon signature of the Governor, or upon becoming law without his signature.**

### **[SB24-079](#) – (Hinrichsen, Smallwood/Mabrey, Weinberg) – Motorcycle Lane Filtering & Passing**

The bill authorizes a two-wheeled motorcycle to pass another vehicle in the same lane if:

- the overtaken vehicle is stopped and the traffic in the adjacent lane to be split is also stopped;
- lanes are wide enough for the motorcycle to pass safely;
- the motorcycle is driving 15 miles per hour or less; and
- conditions allow the motorcycle to pass safely.

The bill prohibits a motorcycle from overtaking or passing a vehicle:

- on the right shoulder;
- to the right of a vehicle on the farthest right-hand lane if the highway is not limited access; or
- in a lane of traffic moving in the opposite direction.

These provisions repeal on September 1, 2027. By January 1, 2027, the Department of Transportation must issue a report to the General Assembly on motorcycle collisions before and after the bill's implementation date.

**Position: Support and make corrective amendments for the safety of motorcyclists.**

**Outcome: Governor signed April 4, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to offenses committed on or after that date.**

### **[HB24-1117](#) – (McCormick, Soper/Marchman) – Invertebrates & Rare Plants Parks & Wildlife Commission**

The bill adds rare plants and invertebrates to the species that can be studied and conserved by Colorado Parks and Wildlife (CPW) in the Department of Natural Resources (DNR) under the “Nongame, Endangered, or Threatened Species Conservation Act,” which is renamed to be the “Nongame, Endangered, or Threatened Wildlife and Rare Plant Conservation Act.” The bill allows

for CPW to conduct investigations and surveys of rare plants and invertebrates to determine any necessary conservation and management measures, and to undertake programs designed to conserve, protect, and perpetuate rare plants and invertebrates. The bill requires that the General Assembly appropriate sufficient funding either from the General Fund or the Wildlife Cash Fund (excluding revenue from the sale of hunting and fishing licenses) for the implementation of the bill. The bill also adds rare plants to the management programs that can be funded with the Species Conservation Trust Fund. The DNR must present on CPW's rare plant and invertebrate investigations at its annual SMART Act hearing beginning January 2026.

**Position: Opposed but supported amendments to change how studies were conducted. Still wanted to kill, but Dem majority easily passed. Governor's agenda.**

**Outcome: Signed by Governor May 17, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.**

#### **HB24-1257 - (Catlin, McLachlan/Will) - Sunset Natural Areas Council**

Under current law, the Natural Areas Council in the Department of Natural Resources (DNR) repeals on September 1, 2024. The bill continues the council until September 1, 2034.

**Position: Monitor: Bill continues status quo. Again this is useless, but Governor's baby.**

**Outcome: Governor signed April 19, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.**

#### **SB24-026 - (Roberts, Will/McLachlin, Catlin) - Agriculture & Natural Resources Public Engagement Requirement**

The bill requires the Governor-appointed members of the Parks and Wildlife Commission, the Colorado Water Conservation Board, and the Colorado Agricultural Commission to participate in two public meetings each year. The Department of Natural Resources (DNR) and the Department of Agriculture (CDA) must track and report the meetings of board members and commissioners, and reimburse members for reasonable costs to conduct public meetings.

**Position: Monitor: At least provides a forum for motorized recreation with a Parks and Wildlife Board member.**

**Outcome: Governor Signed May 1, 2024**

**Effective date: The bill takes effect January 1, 2025, assuming no referendum petition is filed.**

#### **SB24-037 - (Simpson, Bridges/Lynch, McCormick) - Study Green Infrastructure for Water Quality**

The bill requires that the University of Colorado and Colorado State University collaborate with the Colorado Department of Public Health and Environment (CDPHE) to study the feasibility of substituting green infrastructure, a planned and managed network of natural green spaces, for traditional centralized wastewater and drinking water treatment mechanisms. The study must determine if green infrastructure:

- is feasible as an alternative compliance mechanism for water providers that can be aligned with other state and local interests, including wildfire mitigation;
- attracts new sources of environmental-focused funding for water quality compliance and for

water infrastructure projects; and

- creates cost savings for the CDPHE and local water providers.

The feasibility study must begin by October 1, 2024. The universities and CDPHE must complete the study by July 1, 2025, and report findings to the Water Resources and Agriculture Review Committee. Following the study, and with approval of CDPHE, the universities may establish up to three pilot projects to demonstrate the use of green infrastructure as an alternative compliance program supported with environmental-focused funding.

**Position: Monitor Impacts unknowable. Designed to allow small communities that cannot afford large wastewater treatment plants to use alternatives for purification.**

**Outcome: Governor signed May 27th, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.**

### **SB24-058 – (Baisley, Roberts/Titone, Bird) –Landowner Liability Recreational Use Warning Signs**

Under current law, the Colorado Recreational Use Statute (CRUS) serves to limit landowners' liability arising from the recreational use of their land. However, the CRUS does not absolve landowners of liability in cases where death or injury results from their willful or malicious failure to warn against known hazardous conditions. The bill introduces provisions to ensure that a landowner is not deemed to have willfully or maliciously failed to warn of dangerous conditions, provided the following conditions are met:

- a warning sign must be prominently displayed at the primary access point;
- the landowner is required to maintain evidence of each warning sign; and
- any dangerous conditions leading to injury or death must be described on the sign.

Moreover, the bill mandates that individuals accessing the land for recreational purposes must adhere to designated trails, routes, areas, or roadways; failure to do so may result in trespassing charges. The bill also specifies that the CRUS does not curtail a landowner's authority to impose restrictions or prohibitions on the recreational use of their land, including setting times when the land is unavailable for use or seasonal closures.

**Position: Monitor. Better than current landowner liability, but the landowner must install signs on access routes showing potential dangers. If statute and signing followed, landowner pretty much has absolute immunity from liability. The signs create problems of being constantly maintained. May not have much impact unless the landowner has a means of keeping signs up at all times.**

**Outcome: Governor signed on March 15, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.**

### **SB24-065 – (Hansen, Fields/Froelich, Ortiz) – Mobile Electronic Devices & Motor Vehicle Driving**

The bill modifies laws and updates penalties related to the use of a mobile electronic device while driving.

Prohibition on use of mobile electronic devices while driving. Current law prohibits individuals under 18 years of age (minors) from using a wireless telephone while driving, and prohibits adults from using a wireless telephone for the purpose of text messaging or engaging in data entry while driving. The bill repeals and reenacts this section of law to prohibit everyone from using a mobile electronic device while driving, with exceptions for hands-free accessories,

handheld radios, contacting a public safety entity, emergencies, and certain job requirements. Law enforcement may not stop or cite an individual for a violation of this prohibition unless they see an individual actively using a mobile electronic device while driving and the driver was in a designated zone or if the individual committed certain traffic offenses.

Penalties. The bill also updates penalties. Under current law, minors using a wireless telephone while driving commit a class A traffic infraction, subject to 1 license suspension point and a \$50 penalty for the first violation and a \$100 penalty for subsequent violations. Adults using a wireless telephone for texting or data entry commit a class 2 misdemeanor traffic offense, subject to 4 license suspension points and a \$300 penalty. Under the bill, the offense is classified as a class A traffic infraction for everyone, and the penalties are:

- for a first offense, \$75 fine and 2 license suspension points;
- for a second offense within 24 months, \$150 fine and 3 license suspension points; and,
- for a third/subsequent offense within 24 months, \$250 fine and 4 license suspension points.

A first-time violation will be dismissed if the individual produces a hands-free accessory or proof of purchase of a hands-free accessory, and affirms under penalty of perjury that the individual has not previously had a mobile electronic device charge dismissed. The bill does not authorize the seizure and forfeiture of a mobile electronic device.

The bill also repeals two existing class 1 misdemeanor traffic offenses for adult texting results in injury or death to another.

Awareness campaign. By October 1, 2024, the bill requires the executive director of the Department of Transportation (CDOT), in consultation with the Colorado State Patrol (CSP), to create a culturally and linguistically competent campaign to raise awareness of the bill requirements and the dangers of using mobile electronic devices when driving.

TLRC reporting. By May 15, 2026, and each year thereafter, the CSP and each local law enforcement agency that employs peace officers must submit certain information to the

Transportation Legislation Review Committee (TLRC) on each citation issued as a result of the bill, including demographic information, action taken by the officer, and whether the individual was searched. During the 2029 legislative interim, the TLRC must make a recommendation regarding whether to continue the prohibition on mobile electronic devices while driving.

**Position: Monitor ( improves safety on all streets and roads)**

**Outcome: Sent to Governor May 17, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.**

### **SB24-095 - (Kirkmeyer, Rodriguez/Bacon, Evansl) - Air Quality Ozone Levels**

The bill addresses high ozone levels in the Front Range through a variety of mechanisms, as described below.

High-Emitter Vehicle Program—vouchers. The bill creates the High-Emitter Vehicle Program, operated by the Nonattainment Area Air Pollution Mitigation Enterprise, to provide incentives for the owner of a passenger car or light-duty truck to voluntarily repair their vehicle in order to reduce emissions of ozone precursors. Under current law, vehicles that fail an emissions test must be repaired, and if they subsequently fail another emissions test they may receive a certificate of emissions waiver. The program identifies vehicles that have received a waiver or

which have been identified as having high emissions from the Clean Screen Program and provides a voucher to offset the cost of additional repairs to the vehicle's owner if they reside in an ozone nonattainment area. The rebates are funded from revenue generated by vehicle registration fees. The program repeals if Colorado achieves attainment of federal ozone standards.

Electric lawn equipment rebate program. The bill provides \$100,000 to the Regional Air Quality Commission to be used for a rebate program for the replacement of gas-powered lawn equipment with electric lawn equipment.

Clean Fleet Enterprise expansion. Under current law, the Clean Fleet Enterprise operates a grant program that includes promoting the adoption of electric vehicles in fleets. The program considers fleets primarily composed of heavy-duty vehicles, medium-duty vehicles, and refrigerated trailers. The bill adds light-duty vehicles to this list. It also directs the enterprise to prioritize awarding fleet electrification grants to local governments.

Photochemical modeling. When CDPHE revises the State Implementation Plan (SIP) in 2026, it must contract a research institution for photochemical modeling and data analysis as the basis for the revision.

Motor vehicle emissions inspections. Under current law, a emissions testing facility can charge a fee of no more than \$25. The bill raises the fee maximum to \$35, which is adjusted annually for inflation, and directs CDPHE to renegotiate or renew existing contracts in FY 2024-25 to incorporate the new fee maximum, increase testing stations, and expand Clean Screen inspection units.

In addition, under current law, a vehicle fails its emissions test if the check engine light is illuminated. In FY 2024-25, the bill directs CDPHE to submit, following a stakeholder meeting, a SIP revision to the Environment Protection Agency for approval that would replace current onboard emissions testing based on the check engine list with an IM240 tailpipe emissions test.

**Position: Monitor (licensed motorcycles and OHVs exempt.)**

**Outcome: House Committee on Finance Postponed Indefinitely May 7, 2024**

### **SB24-133 – (Baisley) – Motor Vehicle Insurance & Registration Enforcement**

The bill creates the Insurance and Registration Reform Task Force to study motor vehicle Insurance (no fault) requirements and enforcement. The task force is composed of five members representing the Department of Revenue (DOR), the Colorado State Patrol, district attorneys, the motor vehicle insurance industry, and the public. The task force will hold its first meeting by September 15, 2024, will meet at least once every month, and will issue a final report to relevant legislative committees by January 3, 2025.

**Position: Opposed: No fault discussion could kill motorcycle and possibly OHV use if no fault medical insurance is a part of any no fault vehicle insurance laws. Premiums for no fault medical are astronomical)**

**Outcome: Senate Committee on Transportation & Energy Postponed Indefinitely February 26, 2024**

### **SB24-165 – (Priola, Cutter, Rutinel, Garcia) – Air Quality Improvements**

The bill establishes a variety of programs and reports to reduce emissions of ozone precursors in the ozone nonattainment area.

Indirect emissions sources. The bill authorizes CDPHE to adopt rules limiting emissions in the

nonattainment area from indirect sources, which are sites that generate or attract mobile sources of emissions including roads, parking facilities, and buildings. CDPHE may approve alternative compliance proposals from the owner or operator on an indirect source, and it may establish a fee on indirect sources to cover its direct and indirect costs.

Ozone season pause of preproduction activities. The bill prohibits preproduction activities of oil and gas operators in the nonattainment area during the implementation season beginning in 2025 until the area meets federal air quality standards. This restriction does not apply to preproduction activities powered from the electric grid.

Emissions reports. The bill requires oil and gas operators and CDPHE to publish annual reports about emissions from oil and gas operations beginning in 2024.

By June 30, operators must report on emissions of greenhouse gases, hazardous air pollutants, and ozone precursors. By October 1, CDPHE must publish an emissions inventory report that includes an evaluation of progress towards the goals in the state's Greenhouse Gas Pollution Reduction Roadmap, descriptions of initiatives taken to reduce emissions, the impacts of oil and gas operations on federal air quality standards, and opportunities for interagency coordination on air quality.

By November 30, operators in the nonattainment area must estimate their nitrogen oxide emissions for the subsequent ozone season. By February 1, CDPHE must publish a nitrogen oxides report that includes the estimates. The Energy and Carbon Management Commission in the Department of Natural Resources must create a nitrogen oxides emission budget and use information in the report to limit emissions from oil and gas operations.

Vehicle emission budgets. CDPHE must develop annual budgets for nitrogen oxides and volatile organic compounds from 2026 through 2050 for on- and off-road vehicles in the ozone nonattainment area. The budgets must decrease every five years and the department must report on the budgets in its annual SMART Act hearing.

**Position: Oppose. Would have allowed the state to close certain roads and highways from operation of any vehicle, street or OHV, during the week on the front range in cities and counties. Terrible for all retail businesses and anyone traveling to ride or drive in the mountains on or off road.**

**Outcome: Senate Committee on Finance Postponed Indefinitely May 2, 2024**

### **SB24-171 – (Will, Roberts/McLachlan, Mauro) –Restoration of Wolverines**

The bill authorizes Colorado Parks and Wildlife (CPW) to reintroduce the North American wolverine in Colorado. As long as the wolverine remains on the list of threatened or endangered species under federal law, CPW may not reintroduce the wolverine until the species is designated as a nonessential experimental population by rule established by the U.S. Fish and Wildlife Services. If CPW reintroduces the wolverine, it must create rules for providing payment of fair compensation to owners of livestock for losses caused by wolverines.

The bill also authorizes \$750,000 from the Species Conservation Trust Fund for implementing the reintroduction beginning in FY 2024-25, which remains available until fully expended.

**Position: Monitor ( impact to OHV recreation will be minimal, snowmobile use may run into some issues(unknow) and introduction will be the opposite of wolves, there**

**will be full transparency)**

**Outcome: Signed by Governor May 20, 2024**

**Effective date: The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.**