

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0154.01 Jason Gelender x4330

HOUSE BILL 12-1019

HOUSE SPONSORSHIP

Vaad, Barker, Looper, Ramirez, Scott, Tyler

SENATE SPONSORSHIP

King S., Spence, Williams S.

House Committees
Transportation

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABOLITION OF THE MOTOR CARRIER SERVICES
102 DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE
103 DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,
104 TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE
105 MOTOR CARRIER SERVICES DIVISION RELATING TO PORTS OF
106 ENTRY TO THE COLORADO STATE PATROL OF THE DEPARTMENT
107 OF PUBLIC SAFETY AND TRANSFERRING THE POWERS, DUTIES,
108 AND FUNCTIONS OF THE MOTOR CARRIER SERVICES DIVISION
109 RELATING TO COMMERCIAL DRIVER'S LICENSES AND THE
110 INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF
111 REVENUE.

Bill Summary

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.

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)

Transportation Legislation Review Committee. Section 1 of the bill abolishes the motor carrier services division (division) of the division of motor vehicles of the department of revenue (department) and transfers the powers, duties, and functions of the division by **type 3** transfers as follows:

- ! It transfers the ports of entry section of the division to the Colorado state patrol of the department of public safety.
- ! It transfers the powers, duties, and functions of the division relating to commercial driver's licenses to the department.
- ! It transfers the powers, duties, and functions of the division relating to the international registration plan to the department.

Section 11 of the bill defines the term "port of entry officer". **Section 26** of the bill makes the bill effective July 1, 2012. **Sections 2 to 10 and 12 to 25** of the bill make conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-1-117, **repeal** (4)
3 (a) (III) and (4) (c) (II); and **add** (5) as follows:

4 **24-1-117. Department of revenue - creation.** (4) (a) The
5 department of revenue shall consist of the following divisions:

6 (III) ~~Motor carrier services division;~~

7 (c) (II) ~~Whenever any law of this state or any rule promulgated~~
8 ~~under the laws of this state refers to the motor vehicle division or the~~
9 ~~ports of entry division of the department, such law or rule shall be~~
10 ~~deemed to refer to the department of revenue.~~

11 (5) THE MOTOR CARRIER SERVICES DIVISION, CREATED IN SECTION
12 42-8-103 (1), C.R.S., PRIOR TO THE REPEAL OF SAID SUBSECTION (1) BY
13 HOUSE BILL 12- _____, ENACTED IN 2012, IS ABOLISHED, AND ITS POWERS,

1 DUTIES, AND FUNCTIONS ARE TRANSFERRED BY **TYPE 3** TRANSFERS AS
2 FOLLOWS:

3 (a) THE POWERS, DUTIES, AND FUNCTIONS OF ITS PORTS OF ENTRY
4 SECTION ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY AND
5 ALLOCATED TO THE COLORADO STATE PATROL.

6 (b) ITS POWERS, DUTIES, AND FUNCTIONS RELATING TO
7 COMMERCIAL DRIVER'S LICENSES AND THE INTERNATIONAL REGISTRATION
8 PLAN ARE TRANSFERRED TO THE DEPARTMENT OF REVENUE.

9 **SECTION 2.** In Colorado Revised Statutes, 24-1-128.6, **amend**
10 (2) (a) as follows:

11 **24-1-128.6. Department of public safety - creation - repeal.**

12 (2) The department of public safety shall consist of the following
13 divisions:

14 (a) Colorado state patrol, the head of which shall be the chief of
15 the Colorado state patrol. The Colorado state patrol and the office of chief
16 thereof, created by part 2 of article 33.5 of this title, and their powers,
17 duties, and functions are transferred by a **type 2** transfer to the department
18 of public safety. The powers, duties, and functions of the state department
19 of highways relating to the Colorado state patrol are transferred by a **type**
20 **2** transfer to the department of public safety and allocated to the Colorado
21 state patrol. THE POWERS, DUTIES, AND FUNCTIONS OF THE PORTS OF
22 ENTRY SECTION OF THE MOTOR CARRIER SERVICES DIVISION OF THE
23 DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF REVENUE, WHICH
24 MOTOR CARRIER SERVICES DIVISION IS ABOLISHED PURSUANT TO SECTION
25 24-1-117 (5), ENACTED BY HOUSE BILL 12- _____, ENACTED IN 2012, ARE
26 TRANSFERRED BY A **TYPE 3** TRANSFER TO THE DEPARTMENT OF PUBLIC
27 SAFETY AND ALLOCATED TO THE COLORADO STATE PATROL.

1 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-33.5-111
2 as follows:

3 **24-33.5-111. Motor carrier safety assistance - study.** ~~(1) On~~
4 ~~August 15, 2010, the motor carrier safety inspection program of the ports~~
5 ~~of entry section in the department of revenue is hereby transferred to the~~
6 ~~department of public safety and allocated to the Colorado state patrol.~~

7 ~~(2) The department of public safety, in collaboration with the~~
8 ~~department of transportation and the department of revenue, shall issue~~
9 ~~a request for proposal for a performance study to be conducted by an~~
10 ~~independent private vendor, subject to available appropriations. The~~
11 ~~departments shall work cooperatively to determine the scope of the study~~
12 ~~and the independent private vendor shall request and consider input from~~
13 ~~potentially impacted parties during the course of the study. The study~~
14 ~~shall include, but not be limited to, an examination of the ports of entry~~
15 ~~operations, infrastructure, management, potential cost savings or~~
16 ~~efficiencies, as well as how the port of entry section may maximize~~
17 ~~resources and technology. The study shall also determine which principal~~
18 ~~department is most appropriate for operating the ports of entry section in~~
19 ~~a cost-effective manner. The independent private vendor shall complete~~
20 ~~the performance review and report its findings to the transportation~~
21 ~~committees of the senate and the house of representatives no later than~~
22 ~~June 1, 2011.~~

23 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-203, **amend**
24 (2) as follows:

25 **24-33.5-203. Duties of executive director and patrol.** (2) The
26 Colorado state patrol shall enforce or aid in enforcing all state laws
27 pertaining to motor and all other vehicles, their equipment, weight,

1 cargoes, and licenses, vehicle operators, and other operations including
2 checking for brand inspection certificates or official bills of sale or
3 acceptable trucking waybills on livestock or agricultural products upon
4 the highways of Colorado and for the use thereof. The Colorado state
5 patrol shall also aid in the enforcement of the collection of all motor and
6 other vehicle taxes and license fees, motor fuel taxes, and highway
7 compensation taxes (with respect to the transportation of persons and
8 property over public highways) as provided by law and shall otherwise
9 promote safety, protect human life, and preserve the highways of this
10 state by the courteous and strict enforcement of laws of this state which
11 relate to highways and traffic upon such highways, notwithstanding any
12 provisions of law charging any other department or agency in the state
13 with the enforcement of such laws. THE COLORADO STATE PATROL SHALL
14 ALSO ESTABLISH AND OPERATE PORT OF ENTRY WEIGH STATIONS
15 PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S. The Colorado state patrol
16 shall also aid in the enforcement of other laws of this state as specifically
17 authorized by the provisions of this part 2.

18 **SECTION 5.** In Colorado Revised Statutes, 40-7-116, **amend** (1)
19 (a) as follows:

20 **40-7-116. Enforcement of civil penalties against carriers.**

21 (1) (a) Investigative personnel of the commission, ~~and personnel of the~~
22 ~~ports of entry and the~~ Colorado state patrol OFFICERS, AND PORT OF ENTRY
23 OFFICERS AS DEFINED IN SECTION 42-8-102 (3), C.R.S., have the authority
24 to issue civil penalty assessments for the violations enumerated in
25 sections 40-7-112 and 40-7-113. When a person is cited for the violation,
26 the person operating the motor vehicle involved shall be given notice of
27 the violation in the form of a civil penalty assessment notice.

1 **SECTION 6.** In Colorado Revised Statutes, 40-10.1-102, **amend**
2 (2) as follows:

3 **40-10.1-102. Powers of commission.** (2) The Colorado state
4 patrol ~~and the ports of entry section of the department of revenue have~~
5 HAS the power to monitor and enforce compliance with the certificate and
6 permit requirements of this article and article 10.5 of this title.

7 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-502, **amend**
8 (5) (a) and (5) (b) (III) as follows:

9 **40-10.1-502. Permit requirements - issuance by ports of entry.**

10 (5) (a) The ~~motor carrier services division in the department of revenue~~
11 COLORADO STATE PATROL may issue, through a port of entry weigh
12 station created pursuant to article 8 of title 42, C.R.S., a temporary
13 household goods mover permit. The temporary permit is valid for fifteen
14 consecutive days and is not renewable. A mover or its successor who has
15 been issued a temporary permit is not eligible for a subsequent temporary
16 permit.

17 (b) A temporary permit shall not be approved until the applicant:

18 (III) Pays the fees required by section 40-10.1-111 (1) (e) and (1)

19 (f). The ~~motor carrier services division in the department of revenue~~
20 COLORADO STATE PATROL shall transmit the fees to the state treasurer,
21 who shall credit them to the public utilities commission motor carrier
22 fund pursuant to section 40-10.1-111 (4).

23 **SECTION 8.** In Colorado Revised Statutes, 42-4-235, **amend** (2)
24 (a), (2) (d) (I), (3), (4), and (5); and **repeal** (1) (b) as follows:

25 **42-4-235. Minimum standards for commercial vehicles - rules**
26 **- repeal.** (1) As used in this section, unless the context otherwise
27 requires:

1 (b) ~~"Department" means the department of public safety.~~

2 (2) (a) No person shall operate a commercial vehicle, as defined
3 in subsection (1) of this section, on any public highway of this state
4 unless such vehicle is in compliance with the rules adopted by the
5 ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to
6 subsection (4) of this section. Any person who violates ~~such~~ THE rules,
7 including ANY intrastate motor ~~carriers~~ CARRIER, shall be subject to the
8 civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such
9 subpart existed on October 1, 2001. Persons who utilize an independent
10 contractor shall not be liable for penalties imposed on the independent
11 contractor for equipment, acts, and omissions within the independent
12 contractor's control or supervision. All civil penalties collected pursuant
13 to this article by a state agency or by a court shall be transmitted to the
14 state treasurer, who shall credit ~~the same~~ THEM to the highway users tax
15 fund created in section 43-4-201, C.R.S., for allocation and expenditure
16 as specified in section 43-4-205 (5.5) (a), C.R.S.

17 (d) (I) Upon notice from the ~~department of public safety~~
18 COLORADO STATE PATROL, the department shall, pursuant to section
19 42-3-120, cancel the registration of a motor carrier who fails to pay in
20 full a civil penalty imposed pursuant to this subsection (2) within thirty
21 days after notification of the penalty.

22 (3) Any motor carrier operating a commercial vehicle within
23 Colorado must declare knowledge of the rules ~~and regulations~~ adopted
24 by the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to
25 subsection (4) of this section. ~~Such~~ THE declaration of knowledge shall
26 be in writing on a form provided by the ~~department~~. ~~Such~~ COLORADO
27 STATE PATROL. THE form must be signed and returned by a motor carrier

1 according to ~~regulations~~ RULES adopted by the ~~department~~ CHIEF.

2 (4) (a) The ~~department~~ CHIEF OF THE COLORADO STATE PATROL
3 shall adopt rules for the operation of all commercial vehicles. In adopting
4 ~~such~~ THE rules, the ~~department~~ CHIEF shall use as general guidelines the
5 standards contained in the current rules and regulations of the United
6 States department of transportation relating to safety regulations,
7 qualifications of drivers, driving of motor vehicles, parts and accessories,
8 notification and reporting of accidents, hours of service of drivers,
9 inspection, repair and maintenance of motor vehicles, financial
10 responsibility, insurance, and employee safety and health standards;
11 except that rules regarding financial responsibility and insurance do not
12 apply to a commercial vehicle as defined in subsection (1) of this section
13 that is also subject to regulation by the public utilities commission under
14 article 10.1 of title 40, C.R.S. On and after September 1, 2003, all
15 commercial vehicle safety inspections conducted to determine
16 compliance with rules promulgated by the ~~department~~ CHIEF pursuant to
17 this paragraph (a) shall be performed by an enforcement official, as
18 defined in section 42-20-103 (2), who has been certified by the
19 commercial vehicle safety alliance, or any successor organization thereto,
20 to perform level I inspections.

21 (b) The Colorado public utilities commission may enforce safety
22 rules of the ~~department~~ CHIEF OF THE COLORADO STATE PATROL
23 governing commercial vehicles described in subparagraphs (I) and (II) of
24 paragraph (a) of subsection (1) of this section pursuant to ~~its~~ HIS OR HER
25 authority to regulate motor carriers as defined in section 40-10.1-101,
26 C.R.S., including the issuance of civil penalties for violations of the rules
27 as provided in section 40-7-113, C.R.S.

1 (5) Any person who violates a rule ~~or regulation~~ promulgated by
2 the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to this
3 section or fails to comply with subsection (3) of this section commits a
4 class 2 misdemeanor traffic offense.

5 **SECTION 9.** In Colorado Revised Statutes, 42-4-510, **amend** (1)
6 (a), (3), (5), (8) (b), (11) (a) introductory portion, and (12) (c) as follows:

7 **42-4-510. Permits for excess size and weight and for**
8 **manufactured homes - rules - repeal.** (1) (a) The department of
9 transportation, ~~the motor carrier services division of the department of~~
10 ~~revenue, or the Colorado state patrol~~ with respect to highways under its
11 jurisdiction, or any local authority with respect to highways under its
12 jurisdiction may, upon application in writing and good cause being
13 shown therefor, issue a single trip, a special, or an annual permit in
14 writing authorizing the applicant to operate or move a vehicle or
15 combination of vehicles of a size or weight of vehicle or load exceeding
16 the maximum specified in this article or otherwise not in conformity with
17 the provisions of this article upon any highway under the jurisdiction of
18 the party granting such permit and for the maintenance of which said
19 party is responsible; except that permits for the movement of any
20 manufactured home shall be issued as provided in subsection (2) of this
21 section.

22 (3) The department of transportation, ~~the motor carrier services~~
23 ~~division of the department of revenue, or the Colorado state patrol, or any~~
24 local authority is authorized to issue or withhold a permit, as provided in
25 this section, and, if such permit is issued, to limit the number of trips, or
26 to establish seasonal or other time limitations within which the vehicles
27 described may be operated on the highways indicated, or otherwise to

1 limit or prescribe conditions of operation of such vehicles, when
2 necessary to protect the safety of highway users, to protect the efficient
3 movement of traffic from unreasonable interference, or to protect the
4 highways from undue damage to the road foundations, surfaces, or
5 structures and may require such undertaking or other security as may be
6 deemed necessary to compensate for any injury to any highway or
7 highway structure.

8 (5) The department of transportation ~~the motor carrier services~~
9 ~~division of the department of revenue~~, or the Colorado state patrol shall,
10 unless such action will jeopardize distribution of federal highway funds
11 to the state, authorize the operation or movement of a vehicle or
12 combination of vehicles on the interstate highway system of Colorado at
13 a maximum weight of eighty-five thousand pounds.

14 (8) (b) ~~Effective July 1, 1996, the motor carrier services division~~
15 ~~in the department of revenue~~ THE COLORADO STATE PATROL shall have
16 available for issuance at each fixed port of entry weigh station permits for
17 extralegal vehicles or loads; except that special permits for extralegal
18 vehicles or loads that are considered extraordinary in dimensions or
19 weight, or both, and that require additional safety precautions while in
20 transit shall be issued only by the department of transportation. A port of
21 entry may issue such special permits if authorized to do so by the
22 department of transportation and under such rules as the department of
23 transportation may establish, and may deliver from a fixed port of entry
24 weigh station any permit issued by the department of transportation.

25 (11) (a) The department of transportation ~~the motor carrier~~
26 ~~services division of the department of revenue~~, or the Colorado state
27 patrol may charge permit applicants permit fees as follows:

1 (12) (c) The department of transportation ~~or the Colorado state~~
2 ~~patrol~~ with regard to any state permit and the local authority with regard
3 to a local permit may, after a hearing under section 24-4-105, C.R.S.,
4 revoke, suspend, refuse to renew, or refuse to issue any permit authorized
5 by this section upon a finding that the holder of the permit has violated
6 the provisions of this section, any ordinance or resolution of a local
7 authority, or any standards or rules ~~or regulations~~ promulgated pursuant
8 to this section.

9 **SECTION 10.** In Colorado Revised Statutes, 42-4-511, **amend**
10 (2) (c) as follows:

11 **42-4-511. Permit standards - state and local.** (2) (c) ~~Effective~~
12 ~~July 1, 1996, any~~ A local authority that adopts or has adopted an
13 ordinance or resolution governing permits for the movement of oversize
14 or overweight vehicles or loads shall file a copy of ~~such~~ THE ordinance
15 or resolution with the department of transportation. ~~and the motor carrier~~
16 ~~services division of the department of revenue.~~

17 **SECTION 11.** In Colorado Revised Statutes, 42-8-102, **add** (3)
18 as follows:

19 **42-8-102. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (3) "PORT OF ENTRY OFFICER" MEANS A UNIFORMED MEMBER OF
22 THE COLORADO STATE PATROL WHO IS NOT A PATROLMAN AND WHOSE
23 POWERS AND DUTIES ARE DESCRIBED IN SECTION 42-8-104 (2).

24 **SECTION 12.** In Colorado Revised Statutes, **amend** 42-8-103
25 as follows:

26 **42-8-103. Ports of entry - operation by Colorado state patrol.**
27 (1) ~~There is hereby created within the department of revenue a motor~~

1 ~~carrier services division, which, division, acting under the authority and~~
2 ~~direction of the executive director of the department of revenue, shall be~~
3 ~~further subdivided into enforcement functions and service functions.~~
4 ~~Enforcement functions shall include, but need not be limited to, the ports~~
5 ~~of entry section. Service functions shall include, but need not be limited~~
6 ~~to, personnel and facilities for dealing with interstate and international~~
7 ~~motor vehicle registrations.~~

8 (2) ~~The executive director~~ CHIEF OF THE COLORADO STATE
9 PATROL shall be responsible for establishing and operating port of entry
10 weigh stations at such points along the public highways of this state as
11 are determined to be necessary to carry out the purposes of this article.
12 ~~The executive director~~ CHIEF shall authorize permanent port of entry
13 weigh stations and mobile port of entry weigh stations to be established
14 and operated by the ~~division~~ COLORADO STATE PATROL. The location or
15 relocation of ~~such~~ THE stationary or mobile port of entry weigh stations
16 shall be determined by the ~~executive director~~. ~~Wherever any provision of~~
17 ~~this article refers to a motor vehicle inspection station or to a motor~~
18 ~~carrier inspection station, such provision shall be deemed to refer to a~~
19 ~~port of entry weigh station established and operated by the motor carrier~~
20 ~~services division~~ CHIEF.

21 **SECTION 13.** In Colorado Revised Statutes, **amend** 42-8-104
22 as follows:

23 **42-8-104. Powers and duties.** (1) ~~The executive director of the~~
24 ~~department of revenue~~ CHIEF OF THE COLORADO STATE PATROL shall
25 issue such rules ~~and regulations~~ as the ~~executive director~~ CHIEF deems
26 necessary to implement this article and carry out its purposes. ~~Said~~
27 ~~executive director shall, to the fullest extent possible, house department~~

1 ~~field offices at such places as port of entry weigh stations are established.~~
2 All permanent port of entry weigh stations established under the authority
3 of this article shall be operated ~~on a twenty-four-hour-a-day basis, except~~
4 ~~for certain holidays or other~~ AT times determined by the ~~executive~~
5 ~~director of the department of revenue and in such manner~~ CHIEF SO as to
6 reasonably allow owners and operators of motor vehicles subject to fees,
7 licenses, or taxes or to ~~regulations~~ RULES imposed by the state of
8 Colorado to comply with all such laws and ~~regulations issued pursuant~~
9 ~~thereto~~ RULES by clearance at a port of entry weigh station. All port of
10 entry weigh stations, either permanent or mobile, shall be equipped with
11 weighing equipment approved as to accuracy by the division of
12 inspection and consumer services of the department of agriculture.

13 (2) ~~The personnel of a port of entry weigh station~~ A PORT OF
14 ENTRY OFFICER, during the time that ~~they are~~ HE OR SHE IS actually
15 engaged in performing ~~their~~ HIS OR HER duties as such and while acting
16 under proper orders or ~~regulations~~ RULES issued by the ~~executive director~~
17 ~~of the department of revenue,~~ CHIEF OF THE COLORADO STATE PATROL,
18 shall have and exercise all the powers invested in peace officers in
19 connection with the enforcement of the provisions of this article, ~~article~~
20 ~~2~~ ARTICLES 2, 3, AND 20 of this title, ~~parts 2, 3, and 5 of article 20 of this~~
21 ~~title,~~ part 5 of article 4 of this title, and sections ~~42-3-107 (17) and~~
22 ~~42-4-1409~~ 42-4-209, 42-4-225 (1.5), 42-4-235, 42-4-1407, 42-4-1409,
23 AND 42-4-1414; except that ~~they~~ AN OFFICER shall not have the power to
24 serve civil writs and process and, in the exercise of ~~their~~ HIS OR HER
25 duties, ~~such personnel~~ AN OFFICER shall have the authority to restrain and
26 detain persons or vehicles and may impound any vehicle until any tax or
27 license fee imposed by law is paid or until compliance is had with any tax

1 or regulatory law or ~~regulation~~ RULE issued thereunder.

2 **SECTION 14.** In Colorado Revised Statutes, 42-8-105, **amend**
3 (1) and (4); and **repeal** (6) as follows:

4 **42-8-105. Clearance of motor vehicles at port of entry weigh**
5 **stations.** (1) Every owner or operator of a motor vehicle that is subject
6 to payment of registration fees under the provisions of section 42-3-306
7 (5) (b) and every owner or operator of a motor vehicle or combination of
8 vehicles having a manufacturer's gross vehicle weight rating or gross
9 combination weight rating of twenty-six thousand one pounds or more
10 shall secure a valid clearance ~~from an office of the department of~~
11 ~~revenue~~, from an officer of the Colorado state patrol, or from a port of
12 entry weigh station before operating ~~such~~ THE vehicle or combination of
13 vehicles or causing ~~such~~ THE vehicle or combination of vehicles to be
14 operated on the public highways of this state, but an owner or operator
15 shall be deemed to have complied with the provisions of this subsection
16 (1) if the owner or operator secures a valid clearance from the first port
17 of entry weigh station located within five road miles of the route that the
18 owner or operator would normally follow from the point of departure to
19 the point of destination. An owner or operator shall not be required to
20 seek out a port of entry weigh station not located on the route such owner
21 or operator is following if the owner or operator secures a special
22 revocable permit from the ~~department of revenue~~ COLORADO STATE
23 PATROL in accordance with the provisions of subsection (4) of this
24 section. A vehicle with a seating capacity of fourteen or more passengers
25 registered under the provisions of section 42-3-304 (13) or 42-3-306 (2)
26 (c) (I) shall not be required to secure a valid clearance pursuant to this
27 section.

1 (4) The ~~department of revenue~~ COLORADO STATE PATROL may
2 issue a special revocable permit to the owner or operator of any vehicle
3 being operated over a regularly scheduled route waiving the requirement
4 that the owner or operator seek out and secure a valid clearance at a port
5 of entry weigh station not located directly on the route being followed.
6 In order for the permit to be effective, the vehicle must be operating over
7 a regularly scheduled route that has previously been cleared with the
8 ~~department of revenue~~ COLORADO STATE PATROL.

9 (6) ~~To facilitate the proper identification and handling of all~~
10 ~~motor vehicles requiring clearance through the port of entry weigh~~
11 ~~stations of the state, every vehicle requiring such clearance shall have~~
12 ~~affixed to it a distinct marking conforming to specifications set by the~~
13 ~~executive director. Such marking shall include the name or company logo~~
14 ~~of the owner or operator of the motor vehicle and such other information~~
15 ~~as the executive director shall require.~~

16 **SECTION 15.** In Colorado Revised Statutes, **amend** 42-8-106
17 as follows:

18 **42-8-106. Issuance of clearance receipts.** All owners and
19 operators of motor vehicles subject to the payment of fees, licenses, or
20 taxes imposed by the laws of this state, including foreign vehicles, that
21 have not been properly certificated or permitted by the public utilities
22 commission or that have not been approved by the department of revenue
23 for monthly or periodic payment of such fees, licenses, or taxes shall be
24 issued a clearance receipt at a port of entry weigh station only after such
25 fees, licenses, or taxes that may be due are paid or compliance is had with
26 regulatory acts. A clearance receipt issued under this section shall specify
27 the date upon which issued and amounts of fees, licenses, or taxes to be

1 paid. ~~Such~~ THE receipt shall be valid only for the dates and trips specified
2 thereon and for the length of time specified thereon. The ~~executive~~
3 ~~director of the department of revenue~~ COLORADO STATE PATROL, through
4 the port of entry weigh stations, may also issue permits for oversize and
5 overweight commercial hauls pursuant to rules and regulations governing
6 such hauls established by the department of transportation. Failure to
7 secure such clearance receipt shall subject the owner or operator to a
8 penalty of double the amount of any tax, license, or fee due that shall be
9 in addition to and distinct from the penalty provided for in section
10 42-8-109.

11 **SECTION 16.** In Colorado Revised Statutes, **amend** 42-8-107
12 as follows:

13 **42-8-107. Construction and rights-of-way.** Within thirty days
14 after receiving notification from the ~~executive director of the department~~
15 ~~of revenue~~ CHIEF OF THE COLORADO STATE PATROL, the department of
16 transportation shall make available without charge to the ~~department of~~
17 ~~revenue~~ COLORADO STATE PATROL such rights-of-way upon or adjacent
18 to the public highways of this state as are needed for the construction or
19 reconstruction of port of entry weigh stations. If such rights-of-way are
20 not available, the department of transportation shall acquire such
21 rights-of-way as are needed to carry out the purposes of this article out
22 of money in the state highway fund provided for right-of-way acquisition.
23 If possible, the construction, reconstruction, and maintenance of port of
24 entry weigh stations shall be accomplished with forces of the department
25 of transportation within thirty days after notification by the ~~executive~~
26 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE
27 PATROL requesting such work.

1 **SECTION 17.** In Colorado Revised Statutes, **amend** 42-8-108
2 as follows:

3 **42-8-108. Cooperation among departments.** The governor of
4 Colorado shall require ~~the executive director of the department of~~
5 ~~revenue~~, the chief of the Colorado state patrol, the chief engineer of the
6 ~~division of highways~~ DEPARTMENT OF TRANSPORTATION, the
7 commissioner of agriculture, the director of the division of commerce and
8 development, and the ~~chairman~~ CHAIR of the public utilities commission
9 to cooperate to the fullest extent possible to the end that port of entry
10 weigh stations established under authority of this article shall serve the
11 broadest possible functions.

12 **SECTION 18.** In Colorado Revised Statutes, 42-8-109, **amend**
13 (3) as follows:

14 **42-8-109. Fines and penalties.** (3) In addition to the penalties
15 imposed pursuant to subsection (1) of this section, the ~~executive director~~
16 ~~of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL
17 shall, upon the conviction of any owner or operator or of any agent,
18 officer, or employee, after a third offense within one calendar year, notify
19 the public utilities commission of such conviction, and the commission
20 may suspend any license or permit for a period not to exceed six months
21 or revoke all such certificates and permits issued to the owner or operator
22 of such vehicles by the public utilities commission. Such certificate or
23 permit can be suspended or revoked only after due notice and hearing and
24 for good cause shown. The ~~executive director of the department of~~
25 ~~revenue~~ CHIEF shall file a complaint with the public utilities commission,
26 and the commission must hold a hearing within thirty days after filing of
27 a complaint by the ~~said executive director~~ CHIEF. If at the hearing the

1 commission finds that the facts as stated in the complaint by the ~~said~~
2 ~~executive director~~ CHIEF are substantially correct, the commission may
3 immediately revoke all intrastate certificates and permits issued by it to
4 such violator.

5 **SECTION 19.** In Colorado Revised Statutes, 42-8-111, **amend**
6 (1), (4), and (5) as follows:

7 **42-8-111. Cooperative agreements with contiguous states for**
8 **operations of ports of entry - rules.** (1) In addition to any other powers
9 granted by law, the ~~executive director of the department of revenue~~ CHIEF
10 OF THE COLORADO STATE PATROL is hereby authorized to negotiate and
11 enter into cooperative agreements with the designated representatives of
12 contiguous states for the operations of ports of entry at the borders
13 between Colorado and such contiguous states.

14 (4) The ~~executive director of the department of revenue~~ CHIEF OF
15 THE COLORADO STATE PATROL is hereby authorized to appoint employees
16 and officials of a contiguous state as agents of the ~~ports of entry section~~
17 ~~of the department of revenue~~ COLORADO STATE PATROL with the powers
18 to enforce the laws of Colorado under the terms of cooperative
19 agreements entered into under the provisions of this section.

20 (5) The ~~executive director of the department of revenue~~ CHIEF OF
21 THE COLORADO STATE PATROL may promulgate such ~~regulations~~ RULES
22 as are necessary for the implementation of the provisions of this section.

23 **SECTION 20.** In Colorado Revised Statutes, 42-20-103, **amend**
24 (2) as follows:

25 **42-20-103. Definitions.** As used in this article, unless the context
26 otherwise requires:

27 (2) "Enforcement official" means, and is limited to, a peace

1 officer who is an officer of the Colorado state patrol as described in
2 sections 16-2.5-101 and 16-2.5-114, C.R.S., ~~a certified peace officer who~~
3 ~~is a certified port of entry officer as described in sections 16-2.5-101 and~~
4 ~~16-2.5-115, C.R.S.~~ A PORT OF ENTRY OFFICER, AS DEFINED IN SECTION
5 42-8-102 (3), a peace officer who is an investigating official of the
6 transportation section of the public utilities commission as described in
7 sections 16-2.5-101 and 16-2.5-143, C.R.S., or any other peace officer as
8 described in section 16-2.5-101, C.R.S.

9 **SECTION 21.** In Colorado Revised Statutes, 42-20-203, **amend**
10 (1) as follows:

11 **42-20-203. Carrying of permit and shipping papers.** (1) Any
12 person transporting hazardous materials that require placarding under 49
13 CFR 172 or 173 in this state shall carry a copy of the shipping papers
14 required in 49 CFR 172.200 and a copy of the hazardous materials
15 transportation permit issued by the public utilities commission or ~~the~~ BY
16 THE COLORADO STATE PATROL AT A port of entry weigh station in the
17 transporting motor vehicle while in this state; except that, if a peace
18 officer, as described in section 16-2.5-101, C.R.S., or any other
19 enforcement official may determine that the hazardous materials
20 transportation permit can be electronically verified at the time of contact,
21 a copy of the permit need not be carried by the person transporting
22 hazardous materials. ~~Such~~ THE permit shall be open to inspection or
23 electronic verification by any enforcement official.

24 **SECTION 22.** In Colorado Revised Statutes, **amend** 42-20-404
25 as follows:

26 **42-20-404. Inspections.** All vehicles carrying nuclear materials
27 entering the state on the public highways shall be inspected by A

1 Colorado state patrol ~~officers~~ OFFICER OR A PORT OF ENTRY OFFICER, AS
2 DEFINED IN SECTION 42-8-102 (3), at the nearest point at which the
3 shipment enters the state or at a location specified by the Colorado state
4 patrol. For all shipments originating within the state, inspection shall be
5 made at the point of origination by A Colorado state patrol ~~officers~~. All
6 ~~such~~ OFFICER OR A PORT OF ENTRY OFFICER. Inspections conducted by
7 Colorado state patrol officers OR PORT OF ENTRY OFFICERS shall be in
8 accordance with the rules promulgated pursuant to sections 42-4-235,
9 42-20-108 (2), and 42-20-403.

10 **SECTION 23.** In Colorado Revised Statutes, **amend** 42-20-505
11 as follows:

12 **42-20-505. Penalties - permit system.** (1) The investigative
13 personnel of the commission, ~~the ports of entry personnel, and the~~
14 ~~officers of the~~ A Colorado state patrol OFFICER, OR A PORT OF ENTRY
15 OFFICER, AS DEFINED IN SECTION 42-8-102 (3), may assess a civil penalty
16 of one thousand dollars against ~~every~~ A carrier who transports nuclear
17 materials without first obtaining a nuclear materials transportation permit.

18 (2) ~~Every~~ A carrier who misrepresents information in the carrier's
19 application for a nuclear materials transportation permit, violates the
20 terms of the permit, or commits a second violation of subsection (1) of
21 this section within one calendar year shall be assessed a civil penalty of
22 not less than five hundred dollars nor more than three thousand dollars.

23 (3) The penalties in subsection (1) of this section shall be assessed
24 upon an action brought by the commission ~~the motor carrier services~~
25 ~~division of the department of revenue~~, or the Colorado state patrol in
26 accordance with the procedure set forth in section 42-20-406.

27 **SECTION 24.** In Colorado Revised Statutes, 43-4-201, **amend**

1 (3) (a) (I) (B), (3) (a) (I.1), and (3) (a) (III) (C); and **add** (3) (a) (I) (C) as
2 follows:

3 **43-4-201. Highway users tax fund - created.** (3) (a) (I) The
4 general assembly shall not make any annual appropriation (whether by
5 regular, special, or supplementary appropriation) or any statutory
6 distribution from the highway users tax fund for any purpose or purposes
7 in a total amount that is:

8 (B) Commencing in the fiscal year 1995-96, AND ENDING IN THE
9 FISCAL YEAR 2012-13, more than a six percent increase over ~~such~~ THE
10 appropriation to the department of public safety for the Colorado state
11 patrol and to the department of revenue for the ports of entry division for
12 the prior fiscal year; except in fiscal years 2009-10, 2010-11, and
13 2011-12, more than a six percent increase over ~~such~~ THE appropriation
14 to the department of public safety for the Colorado state patrol, to the
15 department of revenue for the ports of entry division, and to the
16 department of revenue for the division of motor vehicles pursuant to
17 sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the
18 prior fiscal year.

19 (C) COMMENCING IN THE FISCAL YEAR 2013-14, MORE THAN A SIX
20 PERCENT INCREASE OVER THE APPROPRIATION TO THE COLORADO STATE
21 PATROL FOR THE PRIOR FISCAL YEAR.

22 (I.1) Commencing with the fiscal year 1995-96, the general
23 assembly shall not make any annual appropriation or statutory
24 distribution from the highway users tax fund pursuant to this paragraph
25 (a), except to the department of public safety for the Colorado state patrol
26 or, THROUGH THE FISCAL YEAR 2011-12 ONLY, to the department of
27 revenue for the ports of entry section, that exceeds the annual

1 appropriation or statutory distribution for all purposes except the
2 Colorado state patrol and the ports of entry division for the fiscal year
3 1994-95.

4 (III) (C) The general assembly shall not make any annual
5 appropriation or statutory distribution from the highway users tax fund
6 for the fiscal year 1997-98 or for any succeeding fiscal year authorized
7 by subparagraph (II) of this paragraph (a), excluding the annual
8 appropriation or statutory distribution to the Colorado state patrol and,
9 THROUGH THE FISCAL YEAR 2011-12 ONLY, the ports of entry section and
10 excluding any appropriation to the department of revenue for the fiscal
11 years 2008-09, 2009-10, 2010-11, and 2011-12, for expenses incurred in
12 connection with the administration of article 2 of title 42, C.R.S., by the
13 division of motor vehicles within the department.

14 **SECTION 25.** In Colorado Revised Statutes, 43-4-804, **amend**
15 (1) (c) (I) as follows:

16 **43-4-804. Highway safety projects - surcharges and fees -**
17 **crediting of moneys to highway users tax fund.** (1) On and after July
18 1, 2009, the following surcharges, fees, and fines shall be collected and
19 credited to the highway users tax fund created in section 43-4-201 (1) (a)
20 and allocated to the state highway fund, counties, and municipalities as
21 specified in section 43-4-205 (6.3):

22 (c) (I) A supplemental oversize and overweight vehicle surcharge
23 in an amount equal to the amount of the fee charged pursuant to section
24 42-4-510 (11) (a), C.R.S., by the department ~~the motor carrier services~~
25 ~~division of the department of revenue~~, or the Colorado state patrol for the
26 issuance of the single trip permit; except that the surcharge shall not be
27 imposed on a vehicle if the single trip permit fee was imposed pursuant

1 to section 42-4-510 (11) (a) (VI) (B), C.R.S.

2 **SECTION 26. Effective date.** This act takes effect July 1, 2012.

3 **SECTION 27. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.