

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

BILL C

LLS NO. 12-0154.01 Jason Gelender x4330

HOUSE BILL

HOUSE SPONSORSHIP

Vaad, Barker, Looper, Ramirez, Scott, Tyler

SENATE SPONSORSHIP

King S., Spence, Williams S.

House Committees

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.**

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.

Bill Summary

(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/billsummaries>.)

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~~

1 HOUSE BILL 12- _____, ENACTED IN 2012, IS ABOLISHED, AND ITS
2 POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY **TYPE 3**
3 TRANSFERS AS FOLLOWS:

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

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

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

12 **24-1-128.6. Department of public safety - creation - repeal.**

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

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

1 TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE
2 COLORADO STATE PATROL.

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

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

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

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

27 **24-33.5-203. Duties of executive director and patrol.** (2) The

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

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

22 **40-7-116. Enforcement of civil penalties against carriers.**

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

1 the person operating the motor vehicle involved shall be given notice of
2 the violation in the form of a civil penalty assessment notice.

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

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

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

11 **40-10.1-502. Permit requirements - issuance by ports of entry.**

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

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

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

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

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

27 **42-4-235. Minimum standards for commercial vehicles - rules**

1 - **repeal.** (1) As used in this section, unless the context otherwise
2 requires:

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

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

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

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

1 be in writing on a form provided by the ~~department~~. Such COLORADO
2 STATE PATROL. THE form must be signed and returned by a motor carrier
3 according to ~~regulations~~ RULES adopted by the ~~department~~ CHIEF.

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

23 (b) The Colorado public utilities commission may enforce safety
24 rules of the ~~department~~ CHIEF OF THE COLORADO STATE PATROL
25 governing commercial vehicles described in subparagraphs (I) and (II) of
26 paragraph (a) of subsection (1) of this section pursuant to ~~its~~ HIS OR HER
27 authority to regulate motor carriers as defined in section 40-10.1-101,

1 C.R.S., including the issuance of civil penalties for violations of the rules
2 as provided in section 40-7-113, C.R.S.

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

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

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

24 (3) The department of transportation, ~~the motor carrier services~~
25 ~~division of the department of revenue, or the Colorado state patrol, or any~~
26 local authority is authorized to issue or withhold a permit, as provided in
27 this section, and, if such permit is issued, to limit the number of trips, or

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

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

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

27 (11) (a) The department of transportation ~~the motor carrier~~

1 ~~services division of the department of revenue~~, or the Colorado state
2 patrol may charge permit applicants permit fees as follows:

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

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

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

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

21 **42-8-102. Definitions.** As used in this article, unless the context
22 otherwise requires:

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

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

1 **42-8-103. Ports of entry - operation by Colorado state patrol.**

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

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

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

25 **42-8-104. Powers and duties.** (1) ~~The executive director of the~~
26 ~~department of revenue~~ CHIEF OF THE COLORADO STATE PATROL shall
27 issue such rules ~~and regulations~~ as the ~~executive director~~ CHIEF deems

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

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

1 detain persons or vehicles and may impound any vehicle until any tax or
2 license fee imposed by law is paid or until compliance is had with any tax
3 or regulatory law or ~~regulation~~ RULE issued thereunder.

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

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

1 (c) (I) shall not be required to secure a valid clearance pursuant to this
2 section.

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

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

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

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

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

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

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

1 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE
2 PATROL requesting such work.

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

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

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

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

1 and the commission must hold a hearing within thirty days after filing of
2 a complaint by the ~~said executive director~~ CHIEF. If at the hearing the
3 commission finds that the facts as stated in the complaint by the ~~said~~
4 ~~executive director~~ CHIEF are substantially correct, the commission may
5 immediately revoke all intrastate certificates and permits issued by it to
6 such violator.

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

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

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

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

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

27 **42-20-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

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

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

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

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

1 **42-20-404. Inspections.** All vehicles carrying nuclear materials
2 entering the state on the public highways shall be inspected by A
3 Colorado state patrol ~~officers~~ OFFICER OR A PORT OF ENTRY OFFICER, AS
4 DEFINED IN SECTION 42-8-102 (3), at the nearest point at which the
5 shipment enters the state or at a location specified by the Colorado state
6 patrol. For all shipments originating within the state, inspection shall be
7 made at the point of origination by A Colorado state patrol ~~officers~~. All
8 ~~such~~ OFFICER OR A PORT OF ENTRY OFFICER. Inspections conducted by
9 Colorado state patrol officers OR PORT OF ENTRY OFFICERS shall be in
10 accordance with the rules promulgated pursuant to sections 42-4-235,
11 42-20-108 (2), and 42-20-403.

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

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

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

25 (3) The penalties in subsection (1) of this section shall be assessed
26 upon an action brought by the commission ~~the motor carrier services~~
27 ~~division of the department of revenue~~, or the Colorado state patrol in

1 accordance with the procedure set forth in section 42-20-406.

2 **SECTION 24.** In Colorado Revised Statutes, 43-4-201, **amend**
3 (3) (a) (I) (B), (3) (a) (I.1), and (3) (a) (III) (C); and **add** (3) (a) (I) (C) as
4 follows:

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

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

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

24 (I.1) Commencing with the fiscal year 1995-96, the general
25 assembly shall not make any annual appropriation or statutory
26 distribution from the highway users tax fund pursuant to this paragraph
27 (a), except to the department of public safety for the Colorado state patrol

1 or, THROUGH THE FISCAL YEAR 2011-12 ONLY, to the department of
2 revenue for the ports of entry section, that exceeds the annual
3 appropriation or statutory distribution for all purposes except the
4 Colorado state patrol and the ports of entry division for the fiscal year
5 1994-95.

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

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

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

24 (c) (I) A supplemental oversize and overweight vehicle surcharge
25 in an amount equal to the amount of the fee charged pursuant to section
26 42-4-510 (11) (a), C.R.S., by the department ~~the motor carrier services~~
27 ~~division of the department of revenue~~, or the Colorado state patrol for the

1 issuance of the single trip permit; except that the surcharge shall not be
2 imposed on a vehicle if the single trip permit fee was imposed pursuant
3 to section 42-4-510 (11) (a) (VI) (B), C.R.S.

4 **SECTION 26. Effective date.** This act shall take effect July 1,
5 2012.

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