

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

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**BILL 3**

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LLS NO. 12-0154.01 Jason Gelender x4330

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**SHORT TITLE:** "Transfer Ports Of Entry To State Patrol"

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**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.**

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**Bill Summary**

*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 25** of the bill makes the bill effective July 1, 2012. **Sections 2 to 10 and 12 to 24** of the bill make conforming amendments.

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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 ARE TRANSFERRED TO THE DEPARTMENT  
8 OF REVENUE.

9 (c) ITS POWERS, DUTIES, AND FUNCTIONS RELATING TO THE  
10 INTERNATIONAL REGISTRATION PLAN ARE TRANSFERRED TO THE  
11 DEPARTMENT OF REVENUE.

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

14 **24-1-128.6. Department of public safety - creation - repeal.**

15 (2) The department of public safety shall consist of the following  
16 divisions:

17 (a) Colorado state patrol, the head of which shall be the chief of  
18 the Colorado state patrol. The Colorado state patrol and the office of  
19 chief thereof, created by part 2 of article 33.5 of this title, and their  
20 powers, duties, and functions are transferred by a **type 2** transfer to the  
21 department of public safety. The powers, duties, and functions of the  
22 state department of highways relating to the Colorado state patrol are  
23 transferred by a **type 2** transfer to the department of public safety and  
24 allocated to the Colorado state patrol. THE POWERS, DUTIES, AND  
25 FUNCTIONS OF THE PORTS OF ENTRY SECTION OF THE MOTOR CARRIER  
26 SERVICES DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE  
27 DEPARTMENT OF REVENUE, WHICH MOTOR CARRIER SERVICES DIVISION IS

1 ABOLISHED PURSUANT TO SECTION 24-1-117 (5), ENACTED BY HOUSE BILL  
2 12- \_\_\_\_\_, ENACTED IN 2012, ARE TRANSFERRED BY A **TYPE 3** TRANSFER  
3 TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE  
4 COLORADO STATE PATROL.

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

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

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

27 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-203, **amend**

1 (2) as follows:

2 **24-33.5-203. Duties of executive director and patrol.** (2) The  
3 Colorado state patrol shall enforce or aid in enforcing all state laws  
4 pertaining to motor and all other vehicles, their equipment, weight,  
5 cargoes, and licenses, vehicle operators, and other operations including  
6 checking for brand inspection certificates or official bills of sale or  
7 acceptable trucking waybills on livestock or agricultural products upon  
8 the highways of Colorado and for the use thereof. The Colorado state  
9 patrol shall also aid in the enforcement of the collection of all motor and  
10 other vehicle taxes and license fees, motor fuel taxes, and highway  
11 compensation taxes (with respect to the transportation of persons and  
12 property over public highways) as provided by law and shall otherwise  
13 promote safety, protect human life, and preserve the highways of this  
14 state by the courteous and strict enforcement of laws of this state which  
15 relate to highways and traffic upon such highways, notwithstanding any  
16 provisions of law charging any other department or agency in the state  
17 with the enforcement of such laws. THE COLORADO STATE PATROL SHALL  
18 ALSO ESTABLISH AND OPERATE PORT OF ENTRY WEIGH STATIONS  
19 PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S. The Colorado state patrol  
20 shall also aid in the enforcement of other laws of this state as specifically  
21 authorized by the provisions of this part 2.

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

24 **40-7-116. Enforcement of civil penalties against carriers.**  
25 (1) (a) Investigative personnel of the commission, ~~and personnel of the~~  
26 ~~ports of entry and the~~ Colorado state patrol OFFICERS, AND PORT OF ENTRY  
27 OFFICERS AS DEFINED IN SECTION 42-8-102 (3), C.R.S., have the authority

1 to issue civil penalty assessments for the violations enumerated in  
2 sections 40-7-112 and 40-7-113. When a person is cited for the violation,  
3 the person operating the motor vehicle involved shall be given notice of  
4 the violation in the form of a civil penalty assessment notice.

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

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

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

13 **40-10.1-502. Permit requirements - issuance by ports of entry.**

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

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

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

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

27 **SECTION 8.** In Colorado Revised Statutes, 42-4-235, **amend** (1)

1 (b), (2) (a), (2) (d) (I), (3), (4), and (5) as follows:

2 **42-4-235. Minimum standards for commercial vehicles - rules**

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

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

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

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

26 (3) Any motor carrier operating a commercial vehicle within  
27 Colorado must declare knowledge of the rules ~~and regulations~~ adopted

1 by the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to  
2 subsection (4) of this section. ~~Such~~ THE declaration of knowledge shall  
3 be in writing on a form provided by the ~~department~~. ~~Such~~ COLORADO  
4 STATE PATROL. THE form must be signed and returned by a motor carrier  
5 according to ~~regulations~~ RULES adopted by the ~~department~~ CHIEF.

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

25 (b) The Colorado public utilities commission may enforce safety  
26 rules of the ~~department~~ CHIEF OF THE COLORADO STATE PATROL  
27 governing commercial vehicles described in subparagraphs (I) and (II) of

1 paragraph (a) of subsection (1) of this section pursuant to ~~its~~ HIS OR HER  
2 authority to regulate motor carriers as defined in section 40-10.1-101,  
3 C.R.S., including the issuance of civil penalties for violations of the rules  
4 as provided in section 40-7-113, C.R.S.

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

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

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

26 (3) The department of transportation, ~~the motor carrier services~~  
27 ~~division of the department of revenue,~~ or the Colorado state patrol, or any

1 local authority is authorized to issue or withhold a permit, as provided in  
2 this section, and, if such permit is issued, to limit the number of trips, or  
3 to establish seasonal or other time limitations within which the vehicles  
4 described may be operated on the highways indicated, or otherwise to  
5 limit or prescribe conditions of operation of such vehicles, when  
6 necessary to protect the safety of highway users, to protect the efficient  
7 movement of traffic from unreasonable interference, or to protect the  
8 highways from undue damage to the road foundations, surfaces, or  
9 structures and may require such undertaking or other security as may be  
10 deemed necessary to compensate for any injury to any highway or  
11 highway structure.

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

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

1 weigh station any permit issued by the department of transportation.

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

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

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

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

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

23 **42-8-102. Definitions.** As used in this article, unless the context  
24 otherwise requires:

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

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

3           **42-8-103. Ports of entry - operation by Colorado state patrol.**

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

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

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

27           **42-8-104. Powers and duties.** (1) The ~~executive director of the~~

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

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

1 serve civil writs and process and, in the exercise of ~~their~~ HIS OR HER  
2 duties, ~~such personnel~~ AN OFFICER shall have the authority to restrain and  
3 detain persons or vehicles and may impound any vehicle until any tax or  
4 license fee imposed by law is paid or until compliance is had with any tax  
5 or regulatory law or ~~regulation~~ RULE issued thereunder.

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

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

1 section. A vehicle with a seating capacity of fourteen or more passengers  
2 registered under the provisions of section 42-3-304 (13) or 42-3-306 (2)  
3 (c) (I) shall not be required to secure a valid clearance pursuant to this  
4 section.

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

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

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

22 **42-8-106. Issuance of clearance receipts.** All owners and  
23 operators of motor vehicles subject to the payment of fees, licenses, or  
24 taxes imposed by the laws of this state, including foreign vehicles, that  
25 have not been properly certificated or permitted by the public utilities  
26 commission or that have not been approved by the department of revenue  
27 for monthly or periodic payment of such fees, licenses, or taxes shall be

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

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

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

1 entry weigh stations shall be accomplished with forces of the department  
2 of transportation within thirty days after notification by the ~~executive~~  
3 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE  
4 PATROL requesting such work.

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

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

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

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

1 for good cause shown. The ~~executive director of the department of~~  
2 ~~revenue~~ CHIEF shall file a complaint with the public utilities commission,  
3 and the commission must hold a hearing within thirty days after filing of  
4 a complaint by the ~~said executive director~~ CHIEF. If at the hearing the  
5 commission finds that the facts as stated in the complaint by the ~~said~~  
6 ~~executive director~~ CHIEF are substantially correct, the commission may  
7 immediately revoke all intrastate certificates and permits issued by it to  
8 such violator.

9 **SECTION 19.** In Colorado Revised Statutes, 42-8-111, **amend**  
10 (1), (4), and (5) as follows:

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

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

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

27 **SECTION 20.** In Colorado Revised Statutes, 42-20-103, **amend**

1 (2) as follows:

2 **42-20-103. Definitions.** As used in this article, unless the context  
3 otherwise requires:

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

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

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

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

3           **42-20-404. Inspections.** All vehicles carrying nuclear materials  
4 entering the state on the public highways shall be inspected by A  
5 Colorado state patrol ~~officers~~ OFFICER OR A PORT OF ENTRY OFFICER, AS  
6 DEFINED IN SECTION 42-8-102 (3), at the nearest point at which the  
7 shipment enters the state or at a location specified by the Colorado state  
8 patrol. For all shipments originating within the state, inspection shall be  
9 made at the point of origination by A Colorado state patrol ~~officers~~. ~~All~~  
10 ~~such~~ OFFICER OR A PORT OF ENTRY OFFICER. Inspections conducted by  
11 Colorado state patrol officers OR PORT OF ENTRY OFFICERS shall be in  
12 accordance with the rules promulgated pursuant to sections 42-4-235,  
13 42-20-108 (2), and 42-20-403.

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

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

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

27           (3) The penalties in subsection (1) of this section shall be assessed

1 upon an action brought by the commission ~~the motor carrier services~~  
2 ~~division of the department of revenue~~, or the Colorado state patrol in  
3 accordance with the procedure set forth in section 42-20-406.

4 **SECTION 24.** In Colorado Revised Statutes, 43-4-804, **amend**  
5 (1) (c) (I) as follows:

6 **43-4-804. Highway safety projects - surcharges and fees -**  
7 **crediting of moneys to highway users tax fund.** (1) On and after July  
8 1, 2009, the following surcharges, fees, and fines shall be collected and  
9 credited to the highway users tax fund created in section 43-4-201 (1) (a)  
10 and allocated to the state highway fund, counties, and municipalities as  
11 specified in section 43-4-205 (6.3):

12 (c) (I) A supplemental oversize and overweight vehicle surcharge  
13 in an amount equal to the amount of the fee charged pursuant to section  
14 42-4-510 (11) (a), C.R.S., by the department ~~the motor carrier services~~  
15 ~~division of the department of revenue~~, or the Colorado state patrol for the  
16 issuance of the single trip permit; except that the surcharge shall not be  
17 imposed on a vehicle if the single trip permit fee was imposed pursuant  
18 to section 42-4-510 (11) (a) (VI) (B), C.R.S.

19 **SECTION 25. Effective date.** This act shall take effect July 1,  
20 2012.

21 **SECTION 26. Safety clause.** The general assembly hereby  
22 finds, determines, and declares that this act is necessary for the  
23 immediate preservation of the public peace, health, and safety.