

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**BILL B**

LLS NO. 14-0230.01 Jery Payne x2157

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Mitsch Bush and Coram**, Fischer, Lee, Primavera, Tyler

**SENATE SPONSORSHIP**

**Todd**,

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**House Committees**

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING OVERWEIGHT VEHICLE PERMITS FOR DIVISIBLE LOADS.**

**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/billssummaries>.)*

**Transportation Legislation Review Committee.** The bill authorizes an overweight permit for vehicles that haul sludge for wastewater purposes or other loads that the Colorado department of transportation deems a public hazard. The bill sets standards for the application and issuance of the permits.

The bill also authorizes issuing an annual fleet permit for 2- or

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.

3-axle group vehicles with divisible loads. The fee for the permit is \$2,000 plus \$35 per vehicle.

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

2           **SECTION 1.** In Colorado Revised Statutes, 42-4-510, **amend** (1)  
3 (b), (11) (a) (VI) introductory portion, and (11) (a) (VII); and **add** (1)  
4 (b.5) as follows:

5           **42-4-510. Permits for excess size and weight and for**  
6 **manufactured homes - rules.** (1) (b) (I) The application for any permit  
7 ~~shall~~ MUST specifically describe the vehicle and load to be operated or  
8 moved; ~~and~~ the particular highways for which the permit to operate is  
9 requested; ~~and whether such permit~~ THE APPLICATION is for a single trip,  
10 a special, or an annual ~~operation~~ PERMIT; and the time of ~~such~~ THE  
11 movement. All state permits ~~shall be~~ ARE issued in the discretion of the  
12 department of transportation, subject to rules adopted by the  
13 transportation commission in accordance with this section and section  
14 42-4-511. All local permits ~~shall be~~ ARE issued in the discretion of the  
15 local authority pursuant to ordinances or resolutions adopted in  
16 accordance with section 42-4-511. THIS SECTION SUPERCEDES any  
17 ordinances or resolutions of local authorities ~~shall not~~ THAT conflict with  
18 this section.

19           ~~(II) An overweight permit issued pursuant to this section shall be~~  
20 ~~available for overweight divisible loads if:~~

21           ~~(A) The vehicle has a quad axle grouping and the maximum gross~~  
22 ~~weight of the vehicle does not exceed one hundred ten thousand pounds;~~  
23 ~~or~~

24           ~~(B) The vehicle is operated in combination with a trailer or~~  
25 ~~semitrailer, the trailer has two or three axles, and the maximum gross~~

1 ~~weight of the vehicle does not exceed ninety-seven thousand pounds; and~~

2 ~~(C) The owner and operator of the motor vehicle are in~~  
3 ~~compliance with the federal "Motor Carrier Safety Improvement Act of~~  
4 ~~1999", Pub.L. 106-159, as amended, as applicable to commercial~~  
5 ~~vehicles; and~~

6 ~~(D) The vehicle complies with rules promulgated by the~~  
7 ~~department of transportation concerning the distribution of the load upon~~  
8 ~~the vehicle's axles.~~

9 ~~(H)~~ A permit issued pursuant to this paragraph (b) ~~shall~~ DOES not  
10 authorize the operation or movement of a motor vehicle on the interstate  
11 highway in violation of federal law.

12 (b.5) A PERSON MAY APPLY FOR AND BE ISSUED AN OVERWEIGHT  
13 PERMIT UNDER THIS SECTION FOR OVERWEIGHT DIVISIBLE LOADS IF:

14 (I) (A) THE VEHICLE HAS A QUAD AXLE GROUPING AND THE  
15 MAXIMUM GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED ONE  
16 HUNDRED TEN THOUSAND POUNDS;

17 (B) THE VEHICLE IS OPERATED IN COMBINATION WITH A TRAILER  
18 OR SEMITRAILER, THE TRAILER HAS TWO OR THREE AXLES, AND THE  
19 MAXIMUM GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED  
20 NINETY-SEVEN THOUSAND POUNDS;

21 (C) THE VEHICLE IS EQUIPPED WITH LARGE FLOATATION-TYPE  
22 TIRES ON THE STEERING AXLE AND VACUUM OR JET EQUIPMENT TO LOAD  
23 OR UNLOAD SOLID, SEMISOLID, OR LIQUID WASTE FOR WATER OR  
24 WASTEWATER TREATMENT OR TRANSPORTATION SYSTEMS OR FOR THE  
25 REMOVAL OF STORM WATER; OR

26 (D) THE VEHICLE HANDLES LOADS THAT, IF NOT PROPERLY  
27 CONTAINED, MAY BE HAZARDOUS TO THE PUBLIC SAFETY, AS DETERMINED

1 BY RULES PROMULGATED BY THE COLORADO DEPARTMENT OF  
2 TRANSPORTATION;

3 (II) THE VEHICLE IS NOT OPERATED AT MORE THAN ITS GROSS  
4 VEHICLE WEIGHT RATING;

5 (III) THE OWNER AND OPERATOR OF THE VEHICLE IS IN  
6 COMPLIANCE WITH THE FEDERAL "MOTOR CARRIER SAFETY  
7 IMPROVEMENT ACT OF 1999", PUB.L. 106-159, AS AMENDED, AS  
8 APPLICABLE TO COMMERCIAL VEHICLES; AND

9 (IV) THE VEHICLE COMPLIES WITH RULES PROMULGATED BY THE  
10 DEPARTMENT OF TRANSPORTATION CONCERNING THE DISTRIBUTION OF  
11 THE LOAD UPON THE VEHICLE'S AXLES.

12 (11) (a) The department of transportation or the Colorado state  
13 patrol may charge permit applicants permit fees as follows:

14 (VI) For overweight permits for vehicles that have a quad axle  
15 grouping for divisible vehicles or loads exceeding legal weight limits  
16 issued pursuant to ~~subparagraph (H) of paragraph (b)~~ (b.5) of subsection  
17 (1) of this section:

18 (VII) For overweight permits for vehicle combinations with a  
19 trailer that has two or three axles for divisible vehicles or loads exceeding  
20 legal weight limits established pursuant to ~~sub-subparagraph (B) of~~  
21 ~~subparagraph (H) of paragraph (b)~~ (b.5) of subsection (1) of this section:

22 (A) Annual permit, five hundred dollars;

23 (B) Six-month permit, two hundred fifty dollars; ~~and~~

24 (C) Single trip permit, fifteen dollars plus ten dollars per axle;

25 AND

26 (D) ANNUAL FLEET PERMITS, TWO THOUSAND DOLLARS PLUS  
27 THIRTY-FIVE DOLLARS PER VEHICLE TO BE PERMITTED.

1           **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend**  
2 (4) (a) (III) (D) as follows:

3           **42-4-1701. Traffic offenses and infractions classified -**  
4 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (III) Any  
5 person convicted of violating any of the rules promulgated pursuant to  
6 section 42-4-510, except section 42-4-510 (2) (b) (IV), shall be fined as  
7 follows, whether the violator acknowledges the violator's guilt pursuant  
8 to the procedure set forth in paragraph (a) of subsection (5) of this section  
9 or is found guilty by a court of competent jurisdiction:

10           (D) The fines for a person who violates the maximum permitted  
11 weight on an axle or on gross weight under a permit issued pursuant to  
12 section 42-4-510 (1) ~~(b) (II) shall be~~ (b.5) ARE doubled.

13           **SECTION 3. Act subject to petition - effective date -**  
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
15 the expiration of the ninety-day period after final adjournment of the  
16 general assembly (August 6, 2014, if adjournment sine die is on May 7,  
17 2014); except that, if a referendum petition is filed pursuant to section 1  
18 (3) of article V of the state constitution against this act or an item, section,  
19 or part of this act within such period, then the act, item, section, or part  
20 will not take effect unless approved by the people at the general election  
21 to be held in November 2014 and, in such case, will take effect on the  
22 date of the official declaration of the vote thereon by the governor.

23           (2) This act applies to applications submitted on or after the  
24 applicable effective date of this act.