

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0154.01 Jason Gelender x4330

**HOUSE BILL 12-1019**

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**HOUSE SPONSORSHIP**

**Vaad**, Barker, Looper, Ramirez, Scott, Tyler

**SENATE SPONSORSHIP**

**King S.**, Spence, Williams S.

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**House Committees**

Transportation  
Appropriations

**Senate Committees**

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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**

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.

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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 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, 24-60-2502, **amend**  
19 **section 1 of article 12 as follows:**

20 **24-60-2502. Execution of agreement.** The general assembly  
21 hereby approves and the governor is authorized to enter into an agreement  
22 on behalf of this state with any other state or states legally joining therein  
23 in the form substantially as follows:

24 **ARTICLE 12**

25 **Funding**

26 **SECTION 1.** Funds for the administration of this agreement,  
27 including participation in the cooperating committee and the actual

1 expenses of the designated representatives, SHALL BE PROVIDED FROM THE  
2 FUNDS AVAILABLE TO THE COLORADO STATE PATROL FOR OPERATING  
3 EXPENSES AND MOTOR CARRIER SAFETY AND ASSISTANCE PROGRAM  
4 GRANTS AND shall be budgeted or expensed TO THE COLORADO STATE  
5 PATROL IN FURTHERANCE OF THE ADMINISTRATION OF THIS AGREEMENT  
6 as determined appropriate.

7 **SECTION 6.** In Colorado Revised Statutes, 40-7-116, **amend** (1)  
8 (a) as follows:

9 **40-7-116. Enforcement of civil penalties against carriers.**

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

17 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-102, **amend**  
18 (2) as follows:

19 **40-10.1-102. Powers of commission.** (2) The Colorado state  
20 patrol ~~and the ports of entry section of the department of revenue have~~  
21 HAS the power to monitor and enforce compliance with the certificate and  
22 permit requirements of this article and article 10.5 of this title.

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

25 **40-10.1-502. Permit requirements - issuance by ports of entry.**

26 (5) (a) The ~~motor carrier services division in the department of revenue~~  
27 COLORADO STATE PATROL may issue, through a port of entry weigh

1 station created pursuant to article 8 of title 42, C.R.S., a temporary  
2 household goods mover permit. The temporary permit is valid for fifteen  
3 consecutive days and is not renewable. A mover or its successor who has  
4 been issued a temporary permit is not eligible for a subsequent temporary  
5 permit.

6 (b) A temporary permit shall not be approved until the applicant:  
7 (III) Pays the fees required by section 40-10.1-111 (1) (e) and (1)  
8 (f). ~~The motor carrier services division in the department of revenue~~  
9 COLORADO STATE PATROL shall transmit the fees to the state treasurer,  
10 who shall credit them to the public utilities commission motor carrier  
11 fund pursuant to section 40-10.1-111 (4).

12 **SECTION 9.** In Colorado Revised Statutes, 42-4-235, **amend** (2)  
13 (a), (2) (d) (I), (3), (4), and (5); and **repeal** (1) (b) as follows:

14 **42-4-235. Minimum standards for commercial vehicles - rules**  
15 **- repeal.** (1) As used in this section, unless the context otherwise  
16 requires:

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

18 (2) (a) No person shall operate a commercial vehicle, as defined  
19 in subsection (1) of this section, on any public highway of this state  
20 unless such vehicle is in compliance with the rules adopted by the  
21 ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to  
22 subsection (4) of this section. Any person who violates ~~such~~ THE rules,  
23 including ANY intrastate motor ~~carriers~~ CARRIER, shall be subject to the  
24 civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such  
25 subpart existed on October 1, 2001. Persons who utilize an independent  
26 contractor shall not be liable for penalties imposed on the independent  
27 contractor for equipment, acts, and omissions within the independent

1 contractor's control or supervision. All civil penalties collected pursuant  
2 to this article by a state agency or by a court shall be transmitted to the  
3 state treasurer, who shall credit ~~the same~~ THEM to the highway users tax  
4 fund created in section 43-4-201, C.R.S., for allocation and expenditure  
5 as specified in section 43-4-205 (5.5) (a), C.R.S.

6 (d) (I) Upon notice from the ~~department of public safety~~  
7 COLORADO STATE PATROL, the department shall, pursuant to section  
8 42-3-120, cancel the registration of a motor carrier who fails to pay in  
9 full a civil penalty imposed pursuant to this subsection (2) within thirty  
10 days after notification of the penalty.

11 (3) Any motor carrier operating a commercial vehicle within  
12 Colorado must declare knowledge of the rules ~~and regulations~~ adopted  
13 by the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to  
14 subsection (4) of this section. ~~Such~~ THE declaration of knowledge shall  
15 be in writing on a form provided by the ~~department~~. ~~Such~~ COLORADO  
16 STATE PATROL. THE form must be signed and returned by a motor carrier  
17 according to ~~regulations~~ RULES adopted by the ~~department~~ CHIEF.

18 (4) (a) The ~~department~~ CHIEF OF THE COLORADO STATE PATROL  
19 shall adopt rules for the operation of all commercial vehicles. In adopting  
20 ~~such~~ THE rules, the ~~department~~ CHIEF shall use as general guidelines the  
21 standards contained in the current rules and regulations of the United  
22 States department of transportation relating to safety regulations,  
23 qualifications of drivers, driving of motor vehicles, parts and accessories,  
24 notification and reporting of accidents, hours of service of drivers,  
25 inspection, repair and maintenance of motor vehicles, financial  
26 responsibility, insurance, and employee safety and health standards;  
27 except that rules regarding financial responsibility and insurance do not



1 apply to a commercial vehicle as defined in subsection (1) of this section  
2 that is also subject to regulation by the public utilities commission under  
3 article 10.1 of title 40, C.R.S. On and after September 1, 2003, all  
4 commercial vehicle safety inspections conducted to determine  
5 compliance with rules promulgated by the ~~department~~ CHIEF pursuant to  
6 this paragraph (a) shall be performed by an enforcement official, as  
7 defined in section 42-20-103 (2), who has been certified by the  
8 commercial vehicle safety alliance, or any successor organization thereto,  
9 to perform level I inspections.

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

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

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

24 **42-4-510. Permits for excess size and weight and for**  
25 **manufactured homes - rules - repeal.** (1) (a) The department of  
26 transportation, ~~the motor carrier services division of the department of~~  
27 ~~revenue, or the Colorado state patrol~~ with respect to highways under its

1 jurisdiction, or any local authority with respect to highways under its  
2 jurisdiction may, upon application in writing and good cause being  
3 shown therefor, issue a single trip, a special, or an annual permit in  
4 writing authorizing the applicant to operate or move a vehicle or  
5 combination of vehicles of a size or weight of vehicle or load exceeding  
6 the maximum specified in this article or otherwise not in conformity with  
7 the provisions of this article upon any highway under the jurisdiction of  
8 the party granting such permit and for the maintenance of which said  
9 party is responsible; except that permits for the movement of any  
10 manufactured home shall be issued as provided in subsection (2) of this  
11 section.

12 (3) The department of transportation, ~~the motor carrier services~~  
13 ~~division of the department of revenue,~~ or the Colorado state patrol, or any  
14 local authority is authorized to issue or withhold a permit, as provided in  
15 this section, and, if such permit is issued, to limit the number of trips, or  
16 to establish seasonal or other time limitations within which the vehicles  
17 described may be operated on the highways indicated, or otherwise to  
18 limit or prescribe conditions of operation of such vehicles, when  
19 necessary to protect the safety of highway users, to protect the efficient  
20 movement of traffic from unreasonable interference, or to protect the  
21 highways from undue damage to the road foundations, surfaces, or  
22 structures and may require such undertaking or other security as may be  
23 deemed necessary to compensate for any injury to any highway or  
24 highway structure.

25 (5) The department of transportation ~~the motor carrier services~~  
26 ~~division of the department of revenue,~~ or the Colorado state patrol shall,  
27 unless such action will jeopardize distribution of federal highway funds

1 to the state, authorize the operation or movement of a vehicle or  
2 combination of vehicles on the interstate highway system of Colorado at  
3 a maximum weight of eighty-five thousand pounds.

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

15 (11) (a) The department of transportation ~~the motor carrier~~  
16 ~~services division of the department of revenue~~; or the Colorado state  
17 patrol may charge permit applicants permit fees as follows:

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

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

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

7           **SECTION 12.** In Colorado Revised Statutes, 42-8-102, **add** (3)  
8 as follows:

9           **42-8-102. Definitions.** As used in this article, unless the context  
10 otherwise requires:

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

14           **SECTION 13.** In Colorado Revised Statutes, **amend** 42-8-103  
15 as follows:

16           **42-8-103. Ports of entry - operation by Colorado state patrol.**

17 (1) ~~There is hereby created within the department of revenue a motor~~  
18 ~~carrier services division, which, division, acting under the authority and~~  
19 ~~direction of the executive director of the department of revenue, shall be~~  
20 ~~further subdivided into enforcement functions and service functions.~~  
21 ~~Enforcement functions shall include, but need not be limited to, the ports~~  
22 ~~of entry section. Service functions shall include, but need not be limited~~  
23 ~~to, personnel and facilities for dealing with interstate and international~~  
24 ~~motor vehicle registrations.~~

25           (2) ~~The executive director~~ CHIEF OF THE COLORADO STATE  
26 PATROL shall be responsible for establishing and operating port of entry  
27 weigh stations at such points along the public highways of this state as

1 are determined to be necessary to carry out the purposes of this article.  
2 The ~~executive director~~ CHIEF shall authorize permanent port of entry  
3 weigh stations and mobile port of entry weigh stations to be established  
4 and operated by the ~~division~~ COLORADO STATE PATROL. The location or  
5 relocation of ~~such~~ THE stationary or mobile port of entry weigh stations  
6 shall be determined by the ~~executive director~~. ~~Wherever any provision of~~  
7 ~~this article refers to a motor vehicle inspection station or to a motor~~  
8 ~~carrier inspection station, such provision shall be deemed to refer to a~~  
9 ~~port of entry weigh station established and operated by the motor carrier~~  
10 ~~services division~~ CHIEF.

11 **SECTION 14.** In Colorado Revised Statutes, **amend** 42-8-104  
12 as follows:

13 **42-8-104. Powers and duties.** (1) The ~~executive director of the~~  
14 ~~department of revenue~~ CHIEF OF THE COLORADO STATE PATROL shall  
15 issue such rules ~~and regulations~~ as the ~~executive director~~ CHIEF deems  
16 necessary to implement this article and carry out its purposes. ~~Said~~  
17 ~~executive director shall, to the fullest extent possible, house department~~  
18 ~~field offices at such places as port of entry weigh stations are established.~~  
19 All permanent port of entry weigh stations established under the authority  
20 of this article shall be operated ~~on a twenty-four-hour-a-day basis, except~~  
21 ~~for certain holidays or other~~ AT times determined by the ~~executive~~  
22 ~~director of the department of revenue and in such manner~~ CHIEF SO as to  
23 reasonably allow owners and operators of motor vehicles subject to fees,  
24 licenses, or taxes or to ~~regulations~~ RULES imposed by the state of  
25 Colorado to comply with all such laws and ~~regulations issued pursuant~~  
26 ~~thereto~~ RULES by clearance at a port of entry weigh station. All port of  
27 entry weigh stations, either permanent or mobile, shall be equipped with

1 weighing equipment approved as to accuracy by the division of  
2 inspection and consumer services of the department of agriculture.

3 (2) ~~The personnel of a port of entry weigh station~~ A PORT OF  
4 ENTRY OFFICER, during the time that ~~they are~~ HE OR SHE IS actually  
5 engaged in performing ~~their~~ HIS OR HER duties as such and while acting  
6 under proper orders or ~~regulations~~ RULES issued by the ~~executive director~~  
7 ~~of the department of revenue~~, CHIEF OF THE COLORADO STATE PATROL,  
8 shall have and exercise all the powers invested in peace officers in  
9 connection with the enforcement of the provisions of this article, ~~article~~  
10 ~~2~~ ARTICLES 2, 3, AND 20 of this title, ~~parts 2, 3, and 5 of article 20 of this~~  
11 ~~title~~, part 5 of article 4 of this title, and sections ~~42-3-107 (17) and~~  
12 ~~42-4-1409~~ 42-4-209, 42-4-225 (1.5), 42-4-235, 42-4-1407, 42-4-1409,  
13 AND 42-4-1414; except that ~~they~~ AN OFFICER shall not have the power to  
14 serve civil writs and process and, in the exercise of ~~their~~ HIS OR HER  
15 duties, ~~such personnel~~ AN OFFICER shall have the authority to restrain and  
16 detain persons or vehicles and may impound any vehicle until any tax or  
17 license fee imposed by law is paid or until compliance is had with any tax  
18 or regulatory law or ~~regulation~~ RULE issued thereunder.

19 **SECTION 15.** In Colorado Revised Statutes, 42-8-105, **amend**  
20 (1) and (4); and **repeal** (6) as follows:

21 **42-8-105. Clearance of motor vehicles at port of entry weigh**  
22 **stations.** (1) Every owner or operator of a motor vehicle that is subject  
23 to payment of registration fees under the provisions of section 42-3-306  
24 (5) (b) and every owner or operator of a motor vehicle or combination of  
25 vehicles having a manufacturer's gross vehicle weight rating or gross  
26 combination weight rating of twenty-six thousand one pounds or more  
27 shall secure a valid clearance ~~from an office of the department of~~

1 ~~revenue~~, from an officer of the Colorado state patrol, or from a port of  
2 entry weigh station before operating ~~such~~ THE vehicle or combination of  
3 vehicles or causing ~~such~~ THE vehicle or combination of vehicles to be  
4 operated on the public highways of this state, but an owner or operator  
5 shall be deemed to have complied with the provisions of this subsection  
6 (1) if the owner or operator secures a valid clearance from the first port  
7 of entry weigh station located within five road miles of the route that the  
8 owner or operator would normally follow from the point of departure to  
9 the point of destination. An owner or operator shall not be required to  
10 seek out a port of entry weigh station not located on the route such owner  
11 or operator is following if the owner or operator secures a special  
12 revocable permit from the ~~department of revenue~~ COLORADO STATE  
13 PATROL in accordance with the provisions of subsection (4) of this  
14 section. A vehicle with a seating capacity of fourteen or more passengers  
15 registered under the provisions of section 42-3-304 (13) or 42-3-306 (2)  
16 (c) (I) shall not be required to secure a valid clearance pursuant to this  
17 section.

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

26 (6) ~~To facilitate the proper identification and handling of all~~  
27 ~~motor vehicles requiring clearance through the port of entry weigh~~

1 ~~stations of the state, every vehicle requiring such clearance shall have~~  
2 ~~affixed to it a distinct marking conforming to specifications set by the~~  
3 ~~executive director. Such marking shall include the name or company logo~~  
4 ~~of the owner or operator of the motor vehicle and such other information~~  
5 ~~as the executive director shall require.~~

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

8 **42-8-106. Issuance of clearance receipts.** All owners and  
9 operators of motor vehicles subject to the payment of fees, licenses, or  
10 taxes imposed by the laws of this state, including foreign vehicles, that  
11 have not been properly certificated or permitted by the public utilities  
12 commission or that have not been approved by the department of revenue  
13 for monthly or periodic payment of such fees, licenses, or taxes shall be  
14 issued a clearance receipt at a port of entry weigh station only after such  
15 fees, licenses, or taxes that may be due are paid or compliance is had with  
16 regulatory acts. A clearance receipt issued under this section shall specify  
17 the date upon which issued and amounts of fees, licenses, or taxes to be  
18 paid. ~~Such~~ THE receipt shall be valid only for the dates and trips specified  
19 thereon and for the length of time specified thereon. The ~~executive~~  
20 ~~director of the department of revenue~~ COLORADO STATE PATROL, through  
21 the port of entry weigh stations, may also issue permits for oversize and  
22 overweight commercial hauls pursuant to rules and regulations governing  
23 such hauls established by the department of transportation. Failure to  
24 secure such clearance receipt shall subject the owner or operator to a  
25 penalty of double the amount of any tax, license, or fee due that shall be  
26 in addition to and distinct from the penalty provided for in section  
27 42-8-109.



1           **SECTION 17.** In Colorado Revised Statutes, **amend** 42-8-107  
2 as follows:

3           **42-8-107. Construction and rights-of-way.** Within thirty days  
4 after receiving notification from the ~~executive director of the department~~  
5 ~~of revenue~~ CHIEF OF THE COLORADO STATE PATROL, the department of  
6 transportation shall make available without charge to the ~~department of~~  
7 ~~revenue~~ COLORADO STATE PATROL such rights-of-way upon or adjacent  
8 to the public highways of this state as are needed for the construction or  
9 reconstruction of port of entry weigh stations. If such rights-of-way are  
10 not available, the department of transportation shall acquire such  
11 rights-of-way as are needed to carry out the purposes of this article out  
12 of money in the state highway fund provided for right-of-way acquisition.  
13 If possible, the construction, reconstruction, and maintenance of port of  
14 entry weigh stations shall be accomplished with forces of the department  
15 of transportation within thirty days after notification by the ~~executive~~  
16 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE  
17 PATROL requesting such work.

18           **SECTION 18.** In Colorado Revised Statutes, **amend** 42-8-108  
19 as follows:

20           **42-8-108. Cooperation among departments.** The governor of  
21 Colorado shall require ~~the executive director of the department of~~  
22 ~~revenue~~, the chief of the Colorado state patrol, the chief engineer of the  
23 ~~division of highways~~ DEPARTMENT OF TRANSPORTATION, the  
24 commissioner of agriculture, the director of the division of commerce and  
25 development, and the ~~chairman~~ CHAIR of the public utilities commission  
26 to cooperate to the fullest extent possible to the end that port of entry  
27 weigh stations established under authority of this article shall serve the

1     broadest possible functions.

2             **SECTION 19.** In Colorado Revised Statutes, 42-8-109, **amend**  
3     (3) as follows:

4             **42-8-109. Fines and penalties.** (3) In addition to the penalties  
5     imposed pursuant to subsection (1) of this section, the ~~executive director~~  
6     ~~of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL  
7     shall, upon the conviction of any owner or operator or of any agent,  
8     officer, or employee, after a third offense within one calendar year, notify  
9     the public utilities commission of such conviction, and the commission  
10    may suspend any license or permit for a period not to exceed six months  
11    or revoke all such certificates and permits issued to the owner or operator  
12    of such vehicles by the public utilities commission. Such certificate or  
13    permit can be suspended or revoked only after due notice and hearing and  
14    for good cause shown. The ~~executive director of the department of~~  
15    ~~revenue~~ CHIEF shall file a complaint with the public utilities commission,  
16    and the commission must hold a hearing within thirty days after filing of  
17    a complaint by the ~~said executive director~~ CHIEF. If at the hearing the  
18    commission finds that the facts as stated in the complaint by the ~~said~~  
19    ~~executive director~~ CHIEF are substantially correct, the commission may  
20    immediately revoke all intrastate certificates and permits issued by it to  
21    such violator.

22             **SECTION 20.** In Colorado Revised Statutes, 42-8-111, **amend**  
23     (1), (4), and (5) as follows:

24             **42-8-111. Cooperative agreements with contiguous states for**  
25     **operations of ports of entry - rules.** (1) In addition to any other powers  
26     granted by law, the ~~executive director of the department of revenue~~ CHIEF  
27     OF THE COLORADO STATE PATROL is hereby authorized to negotiate and

1 enter into cooperative agreements with the designated representatives of  
2 contiguous states for the operations of ports of entry at the borders  
3 between Colorado and such contiguous states.

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

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

13 **SECTION 21.** In Colorado Revised Statutes, 42-20-103, **amend**  
14 (2) as follows:

15 **42-20-103. Definitions.** As used in this article, unless the context  
16 otherwise requires:

17 (2) "Enforcement official" means, and is limited to, a peace  
18 officer who is an officer of the Colorado state patrol as described in  
19 sections 16-2.5-101 and 16-2.5-114, C.R.S., ~~a certified peace officer who~~  
20 ~~is a certified port of entry officer as described in sections 16-2.5-101 and~~  
21 ~~16-2.5-115, C.R.S.~~ A PORT OF ENTRY OFFICER, AS DEFINED IN SECTION  
22 42-8-102 (3), a peace officer who is an investigating official of the  
23 transportation section of the public utilities commission as described in  
24 sections 16-2.5-101 and 16-2.5-143, C.R.S., or any other peace officer as  
25 described in section 16-2.5-101, C.R.S.

26 **SECTION 22.** In Colorado Revised Statutes, 42-20-203, **amend**  
27 (1) as follows:

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

14           **SECTION 23.** In Colorado Revised Statutes, **amend** 42-20-404  
15 as follows:

16           **42-20-404. Inspections.** All vehicles carrying nuclear materials  
17 entering the state on the public highways shall be inspected by A  
18 Colorado state patrol ~~officers~~ OFFICER OR A PORT OF ENTRY OFFICER, AS  
19 DEFINED IN SECTION 42-8-102 (3), at the nearest point at which the  
20 shipment enters the state or at a location specified by the Colorado state  
21 patrol. For all shipments originating within the state, inspection shall be  
22 made at the point of origination by A Colorado state patrol ~~officers.~~ All  
23 ~~such~~ OFFICER OR A PORT OF ENTRY OFFICER. Inspections conducted by  
24 Colorado state patrol officers OR PORT OF ENTRY OFFICERS shall be in  
25 accordance with the rules promulgated pursuant to sections 42-4-235,  
26 42-20-108 (2), and 42-20-403.

27           **SECTION 24.** In Colorado Revised Statutes, **amend** 42-20-505

1 as follows:

2 **42-20-505. Penalties - permit system.** (1) The investigative  
3 personnel of the commission, ~~the ports of entry personnel, and the~~  
4 ~~officers of the~~ A Colorado state patrol OFFICER, OR A PORT OF ENTRY  
5 OFFICER, AS DEFINED IN SECTION 42-8-102 (3), may assess a civil penalty  
6 of one thousand dollars against every A carrier who transports nuclear  
7 materials without first obtaining a nuclear materials transportation permit.

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

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

17 **SECTION 25.** In Colorado Revised Statutes, 43-4-201, **amend**  
18 (3) (a) (I) (B), (3) (a) (I.1), and (3) (a) (III) (C); and **add** (3) (a) (I) (C) as  
19 follows:

20 **43-4-201. Highway users tax fund - created.** (3) (a) (I) The  
21 general assembly shall not make any annual appropriation (whether by  
22 regular, special, or supplementary appropriation) or any statutory  
23 distribution from the highway users tax fund for any purpose or purposes  
24 in a total amount that is:

25 (B) Commencing in the fiscal year 1995-96, AND ENDING IN THE  
26 FISCAL YEAR 2012-13, more than a six percent increase over ~~such~~ THE  
27 appropriation to the department of public safety for the Colorado state

1 patrol and to the department of revenue for the ports of entry division for  
2 the prior fiscal year; except in fiscal years 2009-10, 2010-11, and  
3 2011-12, more than a six percent increase over ~~such~~ THE appropriation  
4 to the department of public safety for the Colorado state patrol, to the  
5 department of revenue for the ports of entry division, and to the  
6 department of revenue for the division of motor vehicles pursuant to  
7 sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the  
8 prior fiscal year.

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

12 (I.1) Commencing with the fiscal year 1995-96, the general  
13 assembly shall not make any annual appropriation or statutory  
14 distribution from the highway users tax fund pursuant to this paragraph  
15 (a), except to the department of public safety for the Colorado state patrol  
16 or, THROUGH THE FISCAL YEAR 2011-12 ONLY, to the department of  
17 revenue for the ports of entry section, that exceeds the annual  
18 appropriation or statutory distribution for all purposes except the  
19 Colorado state patrol and the ports of entry division for the fiscal year  
20 1994-95.

21 (III) (C) The general assembly shall not make any annual  
22 appropriation or statutory distribution from the highway users tax fund  
23 for the fiscal year 1997-98 or for any succeeding fiscal year authorized  
24 by subparagraph (II) of this paragraph (a), excluding the annual  
25 appropriation or statutory distribution to the Colorado state patrol and,  
26 THROUGH THE FISCAL YEAR 2011-12 ONLY, the ports of entry section and  
27 excluding any appropriation to the department of revenue for the fiscal

1 years 2008-09, 2009-10, 2010-11, and 2011-12, for expenses incurred in  
2 connection with the administration of article 2 of title 42, C.R.S., by the  
3 division of motor vehicles within the department.

4 **SECTION 26.** 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 27. Effective date.** This act takes effect July 1, 2012.

20 **SECTION 28. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.