

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0302.01 Jery Payne

HOUSE BILL 11-1163

HOUSE SPONSORSHIP

Vaad,

SENATE SPONSORSHIP

Tochtrop,

House Committees
Transportation

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ISSUANCE BY THE DEPARTMENT OF
102 TRANSPORTATION OF PERMITS FOR THE MOVEMENT OF SUPER
103 LOADS ON THE HIGHWAYS.

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>.)

The bill authorizes the department of transportation to issue super-load permits to vehicles that weigh over 500,000 pounds or that occupy 2 lanes. Safety and documentation standards are set. The department is directed to establish a system for tracking noncompliance

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.

and to deny permits based on the level of noncompliance. A violation of the terms of a permit is a class 1 misdemeanor traffic offense.

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

2 **SECTION 1.** 42-4-510, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **42-4-510. Permits for excess size and weight and for**
5 **manufactured homes - rules - repeal.** (1.7) (a) THE DEPARTMENT OF
6 TRANSPORTATION MAY ISSUE SUPER-LOAD PERMITS FOR:

7 (I) A COMBINATION VEHICLE WITH A WEIGHT OF FIVE HUNDRED
8 THOUSAND POUNDS OR MORE THAT OCCUPIES TWO LANES TO HAUL THE
9 LOAD; OR

10 (II) AN UNLADEN COMBINATION VEHICLE WITH A TRAILER THAT
11 OCCUPIES TWO LANES.

12 (b) (I) THE DEPARTMENT OF TRANSPORTATION MAY PLACE
13 RESTRICTIONS ON THE USE OF A PERMIT. A PERSON SHALL OBEY THE
14 RESTRICTIONS CONTAINED IN A PERMIT.

15 (II) (A) THE DEPARTMENT OF TRANSPORTATION MAY REFUSE TO
16 ISSUE A PERMIT TO A PERSON WHO HAS DISOBEYED PERMIT RESTRICTIONS
17 OR WHO HAS VIOLATED THIS SECTION OR RULES PROMULGATED UNDER
18 THIS SECTION.

19 (B) THE DEPARTMENT SHALL CREATE A SYSTEM THAT TRACKS THE
20 COMPLIANCE OF PERMIT HOLDERS AND USE THE SYSTEM TO DETERMINE IF
21 A PERMIT HOLDER HAS A PATTERN OF NONCOMPLIANCE. THE DEPARTMENT
22 SHALL PROMULGATE RULES ESTABLISHING STANDARDS TO DENY PERMITS
23 TO PERSONS WHO SHOW A PATTERN OF NONCOMPLIANCE, WHICH
24 STANDARDS INCLUDE THE LENGTH OF TIME A PERMIT IS DENIED BASED
25 UPON THE NUMBER AND TYPE OF NONCOMPLYING EVENTS.

1 (III) THE DEPARTMENT OF TRANSPORTATION SHALL INCLUDE IN A
2 SUPER-LOAD PERMIT A SPEED RESTRICTION, NOT TO EXCEED TWENTY-FIVE
3 MILES PER HOUR ON THE HIGHWAY AND TEN MILES PER HOUR ON
4 STRUCTURES; EXCEPT THAT THE DEPARTMENT OF TRANSPORTATION MAY
5 MODIFY THE SPEED RESTRICTION WHEN NECESSARY FOR SAFETY OR TO
6 PREVENT STRUCTURAL DAMAGE.

7 (c) WHEN FILING AN APPLICATION, AN APPLICANT FOR A
8 SUPER-LOAD PERMIT SHALL PROVIDE THE DEPARTMENT OF
9 TRANSPORTATION WITH DOCUMENTATION, ACCEPTABLE TO THE
10 DEPARTMENT OF TRANSPORTATION, FROM A THIRD PARTY ESTABLISHING
11 THE GROSS WEIGHT OF THE LOAD. THE DRIVER SHALL CARRY THE
12 DOCUMENTATION IN THE VEHICLE DURING THE PERMITTED MOVE AND
13 PRODUCE, UPON REQUEST, THE DOCUMENTATION FOR ANY STATE AGENCY
14 OR LAW ENFORCEMENT PERSONNEL.

15 (d) THE DEPARTMENT OF TRANSPORTATION MAY REFUSE TO ISSUE
16 A SUPER-LOAD PERMIT UNDER THIS SECTION FOR AN UNLADEN
17 COMBINATION VEHICLE UNLESS THE APPLICANT BREAKS THE LOAD DOWN
18 TO THE LOWEST SIZE AND WEIGHT POSSIBLE. THE DEPARTMENT OF
19 TRANSPORTATION MAY REFUSE TO ISSUE A SUPER-LOAD PERMIT UNDER
20 THIS SECTION FOR AN UNLADEN VEHICLE UNLESS THE APPLICANT RENDERS
21 THE DUAL LANE TRAILER INTO LEGAL LOADS.

22 (e) THE DEPARTMENT OF TRANSPORTATION, COLORADO STATE
23 PATROL, OR PORT OF ENTRY SHALL INSPECT THE LOAD OF A SUPER-LOAD
24 PERMIT HOLDER, AT THE PERMIT HOLDER'S EXPENSE, UPON ENTERING
25 COLORADO OR AT THE LOAD'S POINT OF ORIGIN TO ENSURE COMPLIANCE
26 WITH THE PERMIT REQUIREMENTS AND SAFETY STATUTES AND RULES,
27 INCLUDING:

- 1 (I) HEIGHT, WIDTH, AND LENGTH;
- 2 (II) NUMBER OF AXLES;
- 3 (III) DATE OF MOVE;
- 4 (IV) CORRECT ROUTE;
- 5 (V) DOCUMENTATION OF LOAD WEIGHT;
- 6 (VI) USE OF SIGNS AND PILOT CARS; AND
- 7 (VII) WEIGHT, IF THE VEHICLE CAN BE WEIGHED WITHIN TWO
- 8 HOURS AFTER THE INTENDED START TIME.

9 (f) THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE
10 PORT OF ENTRY OF THE PERMIT'S ISSUANCE AND THE LOCATION AND DATE
11 OF THE MOVE.

12 (g) UNTIL THE DEPARTMENT OF TRANSPORTATION PROMULGATES
13 RULES TO IMPLEMENT THIS SUBSECTION (1.7), THE DEPARTMENT MAY
14 ISSUE PERMITS CONFORMING TO THE REQUIREMENTS OF THIS SECTION
15 UNDER EXISTING RULES. THIS PARAGRAPH (g) IS REPEALED, EFFECTIVE
16 JULY 1, 2012.

17 **SECTION 2.** 42-4-510 (11), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19 **42-4-510. Permits for excess size and weight and for**
20 **manufactured homes - rules - repeal.** (11) (c) THE DEPARTMENT OF
21 TRANSPORTATION MAY CHARGE A PERMIT APPLICANT A PERMIT FEE OF
22 FOUR HUNDRED DOLLARS FOR A PERMIT ISSUED UNDER SUBSECTION (1.7)
23 OF THIS SECTION.

24 **SECTION 3.** 42-4-510 (12), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **42-4-510. Permits for excess size and weight and for**
27 **manufactured homes - rules - repeal.** (12) (d) A DRIVER OR HOLDER OF

1 A PERMIT ISSUED UNDER SUBSECTION (1.7) OF THIS SECTION WHO FAILS TO
2 COMPLY WITH THE TERMS OF THE PERMIT OR SUBSECTION (1.7) OF THIS
3 SECTION COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE AND SHALL
4 BE PUNISHED AS PROVIDED IN SECTION 42-4-1701 (3) (a) (II).

5 **SECTION 4. Act subject to petition - effective date.** This act
6 shall take effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part shall not take effect
12 unless approved by the people at the general election to be held in
13 November 2012 and shall take effect on the date of the official
14 declaration of the vote thereon by the governor.