

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 10-0405.01 Troy Bratton

**HOUSE BILL 10-1113**

---

**HOUSE SPONSORSHIP**

**McFadyen**, Sonnenberg, Vaad

**SENATE SPONSORSHIP**

**Hodge**, Kester

---

**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE MODIFICATION OF AGENCIES THAT PERFORM**  
102              **OVERSIGHT OF THE COMMERCIAL VEHICLE INDUSTRY THROUGH**  
103              **A TRANSFER OF THE PORTS OF ENTRY SECTION IN THE**  
104              **DEPARTMENT OF REVENUE TO THE COLORADO STATE PATROL**  
105              **IN THE DEPARTMENT OF PUBLIC SAFETY BY A TYPE 2 TRANSFER.**

---

**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>.)*

Currently, port of entry weigh stations are operated by the

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.*

department of revenue. The bill transfers the ports of entry section by a **type 2** transfer from the department of revenue to the Colorado state patrol in the department of public safety.

The **type 2** transfer will transfer all port of entry statutory authority, powers, duties, personnel, property, funding, budgeting, purchasing, and planning from the department of revenue to the Colorado state patrol.

The motor carrier services division of the department of revenue remains responsible for personnel and facilities dealing with motor vehicle registrations, while the Colorado state patrol is responsible for enforcement-related and certain permit-related functions at port of entry weigh stations.

---

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

2 **SECTION 1.** 16-2.5-115, Colorado Revised Statutes, is amended  
3 to read:

4 **16-2.5-115. Port of entry officer.** A port of entry officer WHO IS  
5 NOT A COLORADO STATE PATROL OFFICER is a peace officer while engaged  
6 in the performance of his or her duties, ~~whose~~ AND THE OFFICER'S  
7 authority shall be limited pursuant to section 42-8-104, C.R.S.

8 **SECTION 2.** 24-1-117 (4) (c) (II), Colorado Revised Statutes, is  
9 amended to read:

10 **24-1-117. Department of revenue - creation.**  
11 (4) (c) (II) Whenever any law of this state or any rule promulgated under  
12 the laws of this state refers to the motor vehicle division ~~or the ports of~~  
13 ~~entry division~~ of the department, such law or rule shall be deemed to refer  
14 to the department of revenue.

15 **SECTION 3.** 24-1-128.6 (2) (a), Colorado Revised Statutes, is  
16 amended to read:

17 **24-1-128.6. Department of public safety - creation - repeal.**  
18 (2) The department of public safety shall consist of the following  
19 divisions:

1 (a) (I) Colorado state patrol, the head of which shall be the chief  
2 of the Colorado state patrol. The Colorado state patrol and the office of  
3 chief thereof, created by part 2 of article 33.5 of this title, and their  
4 powers, duties, and functions are transferred by a **type 2** transfer to the  
5 department of public safety.

6 (II) The powers, duties, and functions of the state department of  
7 highways relating to the Colorado state patrol are transferred by a **type 2**  
8 transfer to the department of public safety and allocated to the Colorado  
9 state patrol.

10 (III) (A) THE POWERS, DUTIES, AND FUNCTIONS OF THE PORTS OF  
11 ENTRY SECTION IN THE DEPARTMENT OF REVENUE ARE TRANSFERRED BY  
12 A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY AND  
13 ALLOCATED TO THE COLORADO STATE PATROL. THE PORT OF ENTRY  
14 SAFETY PROGRAM AND THE COMMERCIAL VEHICLE SAFETY PROGRAM,  
15 WHICH PROGRAMS ARE OPERATED BY THE DEPARTMENT OF REVENUE,  
16 SHALL BE TRANSFERRED TO THE COLORADO STATE PATROL AS DIRECTED  
17 BY THE CHIEF OF THE COLORADO STATE PATROL. WHENEVER ANY LAW OF  
18 THIS STATE OR ANY RULE PROMULGATED UNDER THE LAWS OF THIS STATE  
19 REFERS TO THE PORTS OF ENTRY SECTION OF THE DEPARTMENT OF PUBLIC  
20 SAFETY, SUCH LAW OR RULE SHALL BE DEEMED TO REFER TO THE  
21 DEPARTMENT OF PUBLIC SAFETY. THE DEPARTMENT OF PUBLIC SAFETY,  
22 THROUGH THE COLORADO STATE PATROL, SHALL CONDUCT A THOROUGH  
23 PERFORMANCE REVIEW OF: THE TRANSFER OF STATIONARY AND MOBILE  
24 PORT OF ENTRY OPERATIONS; SUPPORT FUNCTIONS; FLEET ISSUES;  
25 OPERATIONAL INFORMATION TECHNOLOGY PROGRAMS; CAPITAL  
26 CONSTRUCTION AND CONTROL MAINTENANCE REQUESTS, INCLUDING A  
27 PLAN FOR FUTURE REQUESTS; STAFFING NEEDS; CHANGES IN OPERATIONS;

1 HOURS OF PORT OF ENTRY OPERATIONS STATEWIDE; EFFICIENCIES TO BE  
2 GAINED BY THE TRANSFER; AND OTHER TASKS AS NEEDED. AS PART OF  
3 THE PERFORMANCE REVIEW, THE EXECUTIVE DIRECTOR OF THE  
4 DEPARTMENT OF PUBLIC SAFETY SHALL MEET WITH ANY CERTIFIED  
5 EMPLOYEE ORGANIZATIONS THAT REPRESENT STAFF WHO ARE IMPACTED  
6 BY THE OPERATIONAL TRANSFER. THE REVIEW SHALL BE COMPLETED NO  
7 LATER THAN JULY 1, 2011. THE CHIEF OF THE COLORADO STATE PATROL,  
8 IN CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
9 OF PUBLIC SAFETY, SHALL HAVE THE AUTHORITY TO IMPLEMENT ANY  
10 CHANGES TO THE OPERATION OF PORT OF ENTRY WEIGH STATIONS AS A  
11 RESULT OF THE PERFORMANCE REVIEW.

12 (B) ANY EMPLOYEES TRANSFERRED TO THE DEPARTMENT OF  
13 PUBLIC SAFETY AND ALLOCATED TO THE COLORADO STATE PATROL  
14 PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) WHO  
15 ARE CLASSIFIED IN THE STATE PERSONNEL SYSTEM SHALL RETAIN ALL  
16 RIGHTS TO THE PERSONNEL SYSTEM AND RETIREMENT BENEFITS PURSUANT  
17 TO THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO  
18 HAVE BEEN CONTINUOUS. ALL TRANSFERS IN THE STATE PERSONNEL  
19 SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE  
20 PERSONNEL LAWS AND REGULATIONS. ANY EMPLOYEE TRANSFERRED TO  
21 THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE COLORADO  
22 STATE PATROL PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS  
23 SUBPARAGRAPH (III) SHALL MAINTAIN THE DUTIES AND RESPONSIBILITIES  
24 RELATED TO THE EMPLOYEE'S POSITION. NO POSITION SHALL BE  
25 ABOLISHED BASED SOLELY ON A CHANGE IN QUALIFICATIONS AS A RESULT  
26 OF THE TRANSFER.

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

1 amended BY THE ADDITION OF A NEW SUBSECTION to read:

2 **24-33.5-203. Duties of executive director and patrol.** (3) THE  
3 COLORADO STATE PATROL SHALL BE RESPONSIBLE FOR ESTABLISHING AND  
4 OPERATING PORT OF ENTRY WEIGH STATIONS PURSUANT TO ARTICLE 8 OF  
5 TITLE 42, C.R.S.

6 **SECTION 5.** 40-14-103 (6) (a), Colorado Revised Statutes, is  
7 amended to read:

8 **40-14-103. Requirements for issuance of a mover registration.**  
9 (6) (a) The motor carrier services division created in section 42-8-103,  
10 C.R.S., IN COOPERATION WITH THE COLORADO STATE PATROL, may issue,  
11 through a port of entry weigh station created pursuant to article 8 of title  
12 42, C.R.S., a temporary household mover registration. The temporary  
13 registration shall be valid for fifteen consecutive days. A temporary  
14 registration shall not be renewed. A mover or a mover's successor who  
15 has been issued a temporary registration shall not be eligible for a  
16 subsequent temporary registration.

17 **SECTION 6.** 40-14-111, Colorado Revised Statutes, is amended  
18 to read:

19 **40-14-111. Enforcement.** The commission ~~the Colorado state~~  
20 ~~patrol~~, and the ports of entry section of the ~~department of revenue~~  
21 COLORADO STATE PATROL IN THE DEPARTMENT OF PUBLIC SAFETY shall  
22 monitor the compliance of persons offering services pursuant to this  
23 article with the requirements of this article and shall enforce such  
24 requirements.

25 **SECTION 7.** 40-16-106, Colorado Revised Statutes, is amended  
26 to read:

27 **40-16-106. Enforcement.** The ~~public utilities~~ commission of this

1 ~~state, the Colorado state patrol,~~ and the ports of entry section of the  
2 ~~department of revenue~~ COLORADO STATE PATROL IN THE DEPARTMENT OF  
3 PUBLIC SAFETY shall monitor the compliance of persons offering services  
4 pursuant to this article with the requirements of this article and shall  
5 enforce such requirements.

6 **SECTION 8.** 40-16-110 (5) (a), Colorado Revised Statutes, is  
7 amended to read:

8 **40-16-110. Legislative declaration - federal preemption -**  
9 **property carriers to surrender certificates and permits - issuance by**  
10 **ports of entry.** (5) (a) The commission may, in its discretion, authorize  
11 the Colorado motor carrier services division in the department of revenue  
12 to issue, IN COOPERATION WITH THE COLORADO STATE PATROL, temporary  
13 registrations to property carriers by motor vehicle for the seasonal  
14 operation of motor vehicles for the purpose of transporting unprocessed  
15 agricultural produce to market or to places of storage. The duration of  
16 such temporary registrations shall be ninety consecutive days. An  
17 applicant shall present evidence of insurance to the port of entry at the  
18 time of application or sign an affidavit attesting to the fact that the person  
19 making application is insured in accordance with the requirements of this  
20 article. Upon presentation of such evidence and payment of a fee of  
21 twenty dollars per vehicle, the port of entry shall issue said temporary  
22 registrations as designated by the commission. The commission shall  
23 subsequently verify the accuracy of said affidavit by requiring that proper  
24 proof of liability insurance be filed with the commission after the  
25 issuance of the temporary registration. An applicant's failure to comply  
26 with this section shall be grounds for the refusal of the commission to  
27 issue any further temporary registrations to the applicant unless the

1 applicant furnishes proof of currently effective insurance in the amounts  
2 required by this article and in a form satisfactory to the commission.

3 **SECTION 9.** 42-4-510 (1) (a) and (8) (b), Colorado Revised  
4 Statutes, are amended to read:

5 **42-4-510. Permits for excess size and weight and for**  
6 **manufactured homes - rules.** (1) (a) The department of transportation  
7 ~~the motor carrier services division of the department of revenue,~~ or the  
8 Colorado state patrol with respect to PORTS OF ENTRY OR highways under  
9 its jurisdiction or any local authority with respect to highways under its  
10 jurisdiction may, upon application in writing and good cause being shown  
11 therefor, issue a single trip, a special, or an annual permit in writing  
12 authorizing the applicant to operate or move a vehicle or combination of  
13 vehicles of a size or weight of vehicle or load exceeding the maximum  
14 specified in this article or otherwise not in conformity with the provisions  
15 of this article upon any highway under the jurisdiction of the party  
16 granting such permit and for the maintenance of which said party is  
17 responsible; except that permits for the movement of any manufactured  
18 home shall be issued as provided in subsection (2) of this section.

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

1 transportation may establish, and may deliver from a fixed port of entry  
2 weigh station any permit issued by the department of transportation.

3 **SECTION 10.** 42-8-103, Colorado Revised Statutes, is amended  
4 to read:

5 **42-8-103. Motor carrier services division.** (1) There is hereby  
6 created within the department of revenue a motor carrier services  
7 division, which division, acting under the authority and direction of the  
8 executive director of the department of revenue, shall ~~be further~~  
9 ~~subdivided into enforcement functions and service functions.~~

10 ~~Enforcement functions shall include, but need not be limited to, the ports~~  
11 ~~of entry section. Service functions shall include~~ CARRY OUT SERVICE  
12 FUNCTIONS INCLUDING, but need not be limited to, personnel and facilities  
13 for dealing with interstate and international motor vehicle registrations.  
14 SUCH PERSONNEL OF THE DIVISION MAY, IN COOPERATION WITH THE  
15 COLORADO STATE PATROL, PERFORM REGISTRATION DUTIES AT PORT OF  
16 ENTRY WEIGH STATIONS.

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



1           **SECTION 11.** Article 8 of title 42, Colorado Revised Statutes, is  
2 amended BY THE ADDITION OF A NEW SECTION to read:

3           **42-8-103.5. Port of entry weigh stations - establishment and**  
4 **operation.** THE CHIEF OF THE COLORADO STATE PATROL, IN  
5 CONSULTATION WITH THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
6 PUBLIC SAFETY, SHALL BE RESPONSIBLE FOR ESTABLISHING AND  
7 OPERATING PORT OF ENTRY WEIGH STATIONS AT SUCH POINTS ALONG THE  
8 PUBLIC HIGHWAYS OF THIS STATE AS ARE DETERMINED TO BE NECESSARY  
9 TO CARRY OUT THE PURPOSES OF THIS ARTICLE. THE CHIEF SHALL  
10 AUTHORIZE PERMANENT PORT OF ENTRY WEIGH STATIONS AND MOBILE  
11 PORT OF ENTRY WEIGH STATIONS TO BE ESTABLISHED AND OPERATED BY  
12 THE COLORADO STATE PATROL. THE LOCATION OR RELOCATION OF SUCH  
13 STATIONARY OR MOBILE PORT OF ENTRY WEIGH STATIONS SHALL BE  
14 DETERMINED BY THE CHIEF. **THE CHIEF SHALL PROMULGATE ANY NEW**  
15 **REGULATORY, POLICY, OR OPERATIONAL INTERPRETATIONS DEEMED**  
16 **NECESSARY TO THE EFFICIENT OPERATION OF THE PORTS OF ENTRY**  
17 **SECTION.**

18           **SECTION 12.** 42-8-104, Colorado Revised Statutes, is amended  
19 to read:

20           **42-8-104. Powers and duties.** (1) The executive director of the  
21 ~~department of revenue~~ DEPARTMENT OF PUBLIC SAFETY shall issue such  
22 rules and regulations as the executive director deems necessary to  
23 implement this article and carry out its purposes. ~~Said~~ THE executive  
24 director shall, to the fullest extent possible, ~~house department~~ COLORADO  
25 STATE PATROL field offices at such places as port of entry weigh stations  
26 are established. All permanent port of entry weigh stations established  
27 under the authority of this article shall be operated on a

1 twenty-four-hour-a-day basis, except for certain holidays or other times  
2 determined by the executive director, ~~of the department of revenue~~; and  
3 in such manner as to reasonably allow owners and operators of motor  
4 vehicles subject to fees, licenses, or taxes or to regulations imposed by the  
5 state of Colorado to comply with all such laws and regulations issued  
6 pursuant thereto by clearance at a port of entry weigh station. All port of  
7 entry weigh stations, either permanent or mobile, shall be equipped with  
8 weighing equipment approved as to accuracy by the division of inspection  
9 and consumer services of the department of agriculture.

10 (2) ~~The personnel of a port of entry weigh station~~ PURSUANT TO  
11 SECTION 16-2.5-115, C.R.S., ANY PORT OF ENTRY OFFICER WHO IS NOT A  
12 COLORADO STATE PATROL OFFICER during the time that ~~they are~~ SUCH  
13 OFFICER IS actually engaged in ~~performing their~~ THE PERFORMANCE OF  
14 duties as ~~such~~ A PORT OF ENTRY OFFICER and while acting under proper  
15 orders, RULES, or regulations issued by ~~the executive director of the~~  
16 ~~department of revenue~~ THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
17 PUBLIC SAFETY shall have and exercise all the powers invested in peace  
18 officers in connection with the enforcement of the provisions of this  
19 article, articles 2 and 20 of this title, part 5 of article 4 of this title, and  
20 sections 42-3-107 (17), 42-4-225 (1.5), and 42-4-235; except that ~~they~~  
21 SUCH OFFICER shall not have the power to serve civil writs and process  
22 and, in the exercise of ~~their~~ HIS OR HER duties, such ~~personnel~~ OFFICER  
23 shall have the authority to restrain and detain persons or vehicles and may  
24 impound any vehicle until any tax or license fee imposed by law is paid  
25 or until compliance is had with any tax or regulatory law or regulation  
26 issued thereunder.

27 **SECTION 13.** 42-8-105 (4), Colorado Revised Statutes, is

1 amended to read:

2 **42-8-105. Clearance of motor vehicles at port of entry weigh**  
3 **stations.** (4) ~~The department of revenue~~ THE COLORADO STATE PATROL  
4 may issue a special revocable permit to the owner or operator of any  
5 vehicle being operated over a regularly scheduled route waiving the  
6 requirement that the owner or operator seek out and secure a valid  
7 clearance at a port of entry weigh station not located directly on the route  
8 being followed. In order for the permit to be effective, the vehicle must  
9 be operating over a regularly scheduled route that has previously been  
10 cleared with the department of revenue.

11 **SECTION 14.** 42-8-107, Colorado Revised Statutes, is amended  
12 to read:

13 **42-8-107. Construction and rights-of-way.** Within thirty days  
14 after receiving notification from the ~~executive director of the department~~  
15 ~~of revenue~~ CHIEF OF THE COLORADO STATE PATROL, the department of  
16 transportation shall make available without charge to the ~~department of~~  
17 ~~revenue~~ COLORADO STATE PATROL OR THE DEPARTMENT OF PUBLIC  
18 SAFETY such rights-of-way upon or adjacent to the public highways of  
19 this state as are needed for the construction or reconstruction of port of  
20 entry weigh stations. If such rights-of-way are not available, the  
21 department of transportation shall acquire such rights-of-way as are  
22 needed to carry out the purposes of this article out of money in the state  
23 highway fund provided for right-of-way acquisition. If possible, the  
24 construction, reconstruction, and maintenance of port of entry weigh  
25 stations shall be accomplished with forces of the department of  
26 transportation within thirty days after notification by the ~~executive~~  
27 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE

1 PATROL requesting such work.

2 **SECTION 15.** 42-8-108, Colorado Revised Statutes, is amended  
3 to read:

4 **42-8-108. Cooperation among departments.** The governor of  
5 Colorado shall require the executive director of the department of  
6 revenue, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
7 SAFETY, the chief of the Colorado state patrol, the chief engineer of the  
8 ~~division of highways~~ IN THE DEPARTMENT OF TRANSPORTATION, the  
9 commissioner of agriculture, the director of ~~the division of~~ commerce and  
10 development, and the ~~chairman~~ CHAIR of the public utilities commission  
11 to cooperate to the fullest extent possible to the end that port of entry  
12 weigh stations established under authority of this article shall serve the  
13 broadest possible functions.

14 **SECTION 16.** 42-8-109 (3), Colorado Revised Statutes, is  
15 amended to read:

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

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

7 **SECTION 17.** 42-8-111 (1), (4), and (5), Colorado Revised  
8 Statutes, are amended to read:

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

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

23 (5) The executive director of the ~~department of revenue~~  
24 DEPARTMENT OF PUBLIC SAFETY may promulgate such regulations as are  
25 necessary for the implementation of the provisions of this section.

26 **SECTION 18.** 42-20-203 (1), Colorado Revised Statutes, is  
27 amended to read:

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 BY  
6 DEPARTMENT OF REVENUE OR COLORADO STATE PATROL PERSONNEL AT  
7 the port of entry weigh station in the transporting motor vehicle while in  
8 this state; except that, if a ~~peace officer, as described in section~~  
9 ~~16-2.5-101, C.R.S.~~ PORT OF ENTRY OFFICER OR COLORADO STATE PATROL  
10 OFFICER, or any other enforcement official, ~~may determine~~ DETERMINES  
11 that the hazardous materials transportation permit can be electronically  
12 verified at the time of contact, a copy of the permit need not be carried by  
13 the person transporting hazardous materials. Such permit shall be open  
14 to inspection or electronic verification by any enforcement official.

15           **SECTION 19.** 42-20-404, Colorado Revised Statutes, is amended  
16 to read:

17           **42-20-404. Inspections.** All vehicles carrying nuclear materials  
18 entering the state on the public highways shall be inspected ~~by port of~~  
19 ~~entry personnel or Colorado state patrol officers~~ at the port of entry weigh  
20 station nearest the point at which the shipment enters the state or at a  
21 location specified by the Colorado state patrol. For all shipments  
22 originating within the state, inspection shall be made at the point of  
23 origination by Colorado state patrol officers. All such inspections  
24 ~~conducted by port of entry weigh station personnel and Colorado state~~  
25 ~~patrol officers~~ shall be in accordance with the rules promulgated pursuant  
26 to sections 42-4-235, 42-20-108 (2), and 42-20-403.

27           **SECTION 20.** 43-4-201 (3) (a) (I) (B), (3) (a) (I.1), and (3) (a)

1 (III) (C), Colorado Revised Statutes, are amended to read:

2 **43-4-201. Funds created.** (3) (a) (I) The general assembly shall  
3 not make any annual appropriation (whether by regular, special, or  
4 supplementary appropriation) or any statutory distribution from the  
5 highway users tax fund for any purpose or purposes in a total amount that  
6 is:

7 (B) Commencing in the fiscal year 1995-96, more than a six  
8 percent increase over such appropriation to the department of public  
9 safety for the Colorado state patrol and to the department of revenue for  
10 the ~~ports of entry division~~ MOTOR CARRIER SERVICES DIVISION for the  
11 prior fiscal year; except in fiscal years 2009-10 and 2010-11, more than  
12 a six percent increase over such appropriation to the department of public  
13 safety for the Colorado state patrol, to the department of revenue for the  
14 ~~ports of entry division~~ MOTOR CARRIER SERVICES DIVISION, and to the  
15 department of revenue for the division of motor vehicles pursuant to  
16 sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the  
17 prior fiscal year.

18 (I.1) Commencing with the fiscal year 1995-96, the general  
19 assembly shall not make any annual appropriation or statutory distribution  
20 from the highway users tax fund pursuant to this paragraph (a), except to  
21 the department of public safety for the Colorado state patrol or to the  
22 department of revenue for the ~~ports of entry section~~ MOTOR CARRIER  
23 SERVICES DIVISION, that exceeds the annual appropriation or statutory  
24 distribution for all purposes except the Colorado state patrol ~~and the ports~~  
25 ~~of entry division~~ for the fiscal year 1994-95.

26 (III) (C) The general assembly shall not make any annual  
27 appropriation or statutory distribution from the highway users tax fund for

1 the fiscal year 1997-98 or for any succeeding fiscal year authorized by  
2 subparagraph (II) of this paragraph (a), excluding the annual  
3 appropriation or statutory distribution to the Colorado state patrol ~~and the~~  
4 ~~ports of entry section~~ and excluding any appropriation to the department  
5 of revenue for the fiscal years 2008-09 and 2009-10 for expenses incurred  
6 in connection with the administration of article 2 of title 42, C.R.S., by  
7 the division of motor vehicles within the department.

8 **SECTION 21. Specified effective date.** This act shall take effect  
9 July 1, 2010.

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