

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0302.01 Jery Payne

HOUSE BILL 11-1163

HOUSE SPONSORSHIP

Vaad,

SENATE SPONSORSHIP

Tochtrop,

House Committees

Transportation
Appropriations

Senate Committees

Transportation
Appropriations

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, AND MAKING AN APPROPRIATION IN
104 CONNECTION THEREWITH.

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

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.*

SENATE
Am ended 2nd Reading
April 28, 2011

HOUSE
3rd Reading Unam ended
March 17, 2011

HOUSE
Am ended 2nd Reading
March 15, 2011

occupy 2 lanes. Safety and documentation standards are set. The department is directed to establish a system for tracking noncompliance 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 AN EXPANDABLE
11 DUAL-LANE TRANSPORT TRAILER THAT 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 BEEN HELD BY AN ADMINISTRATIVE
17 LAW JUDGE TO HAVE DISOBEYED PERMIT RESTRICTIONS OR TO HAVE
18 VIOLATED THIS SECTION OR RULES PROMULGATED UNDER THIS SECTION IN
19 A HEARING HELD IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

20 (B) THE DEPARTMENT SHALL CREATE A SYSTEM THAT TRACKS THE
21 COMPLIANCE OF PERMIT HOLDERS AND USE THE SYSTEM TO DETERMINE IF
22 A PERMIT HOLDER HAS A PATTERN OF NONCOMPLIANCE. THE DEPARTMENT
23 SHALL PROMULGATE RULES ESTABLISHING STANDARDS TO DENY PERMITS

1 TO PERSONS WHO SHOW A PATTERN OF NONCOMPLIANCE, WHICH
2 STANDARDS INCLUDE THE LENGTH OF TIME A PERMIT IS DENIED BASED
3 UPON THE NUMBER AND TYPE OF NONCOMPLYING EVENTS.

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

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

18 (d) THE DEPARTMENT OF TRANSPORTATION MAY REFUSE TO ISSUE
19 A SUPER-LOAD PERMIT UNDER THIS SECTION FOR AN UNLADEN
20 COMBINATION VEHICLE UNLESS THE APPLICANT BREAKS THE LOAD DOWN
21 TO THE SMALLEST DIMENSIONS POSSIBLE. THE DEPARTMENT OF
22 TRANSPORTATION MAY REFUSE TO ISSUE A SUPER-LOAD PERMIT UNDER
23 THIS SECTION FOR AN UNLADEN VEHICLE UNLESS THE APPLICANT RENDERS
24 THE DUAL LANE TRAILER INTO LEGAL LOADS.

25 (e) THE DEPARTMENT OF TRANSPORTATION, COLORADO STATE
26 PATROL, OR PORT OF ENTRY SHALL INSPECT THE LOAD OF A SUPER-LOAD
27 PERMIT HOLDER, AT THE PERMIT HOLDER'S EXPENSE, AT THE NEAREST

1 POINT WHERE THE SHIPMENT ENTERS THE STATE, AT A LOCATION SPECIFIED
2 BY THE DEPARTMENT OF TRANSPORTATION, OR AT THE LOAD'S POINT OF
3 ORIGIN TO ENSURE COMPLIANCE WITH THE PERMIT REQUIREMENTS AND
4 SAFETY STATUTES AND RULES, INCLUDING:

- 5 (I) HEIGHT, WIDTH, AND LENGTH;
- 6 (II) NUMBER OF AXLES;
- 7 (III) DATE OF MOVE;
- 8 (IV) CORRECT ROUTE;
- 9 (V) DOCUMENTATION OF LOAD WEIGHT;
- 10 (VI) USE OF SIGNS AND PILOT CARS; AND
- 11 (VII) WEIGHT, IF THE VEHICLE CAN BE WEIGHED WITHIN TWO
12 HOURS.

13 (f) THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE
14 PORT OF ENTRY OF THE PERMIT'S ISSUANCE AND THE LOCATION AND DATE
15 OF THE MOVE.

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

21 **SECTION 2.** 42-4-510 (11) (a) (IV), Colorado Revised Statutes,
22 is amended to read:

23 **42-4-510. Permits for excess size and weight and for**
24 **manufactured homes - rules - repeal.** (11) (a) The department of
25 transportation, the motor carrier services division of the department of
26 revenue, or the Colorado state patrol may charge permit applicants permit
27 fees as follows:

1 (IV) Special permits for structural, oversize, or overweight moves
2 requiring extraordinary action or moves involving weight in excess of two
3 hundred thousand pounds, one hundred twenty-five dollars for a permit
4 for a single trip, INCLUDING A SUPER-LOAD PERMIT ISSUED UNDER
5 SUBSECTION (1.7) OF THIS SECTION; EXCEPT THAT A SUPER-LOAD PERMIT
6 FEE IS FOUR HUNDRED DOLLARS;

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

9 **42-4-510. Permits for excess size and weight and for**
10 **manufactured homes - rules - repeal.** (12) (d) A DRIVER OR HOLDER OF
11 A PERMIT ISSUED UNDER SUBSECTION (1.7) OF THIS SECTION WHO FAILS TO
12 COMPLY WITH THE TERMS OF THE PERMIT OR SUBSECTION (1.7) OF THIS
13 SECTION COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE AND SHALL
14 BE PUNISHED AS PROVIDED IN SECTION 42-4-1701 (3) (a) (II).

15 SECTION 4. Appropriation. (1) In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys in the
17 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
18 Colorado Revised Statutes, not otherwise appropriated, to the department
19 of revenue, for allocation to the information technology division, for the
20 fiscal year beginning July 1, 2011, the sum of seven hundred forty dollars
21 (\$740) cash funds, or so much thereof as may be necessary, for the
22 implementation of this act.

23 (2) In addition to any other appropriation, there is hereby
24 appropriated to the governor - lieutenant governor - state planning and
25 budgeting, for allocation to the office of information technology, for the
26 fiscal year beginning July 1, 2011, the sum of seven hundred forty dollars
27 (\$740), or so much thereof as may be necessary, for the provision of

1 programming services to the department of revenue related to the
2 implementation of this act. Said sum shall be from reappropriated funds
3 received from the department of revenue out of the appropriation made
4 in subsection (1) of this section.

5 **SECTION 5. 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.