

An Act

HOUSE BILL 12-1019

BY REPRESENTATIVE(S) Vaad, Barker, Looper, Ramirez, Scott, Tyler, Coram, Fischer, Gerou, Jones, Kerr A., Kerr J., Liston, Summers, Vigil, Young, Massey;
also SENATOR(S) King S., Spence, Williams S., Hodge, Jahn, Lambert, Lundberg, Newell, Tochtrop.

CONCERNING THE ABOLITION OF THE MOTOR CARRIER SERVICES DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE MOTOR CARRIER SERVICES DIVISION RELATING TO PORTS OF ENTRY TO THE COLORADO STATE PATROL OF THE DEPARTMENT OF PUBLIC SAFETY, TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE MOTOR CARRIER SERVICES DIVISION RELATING TO COMMERCIAL DRIVER'S LICENSES AND THE INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF REVENUE, AND MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, 24-1-117, **repeal** (4) (a) (III) and (4) (c) (II); and **add** (5) as follows:

24-1-117. Department of revenue - creation. (4) (a) The

department of revenue shall consist of the following divisions:

(III) ~~Motor carrier services division;~~

~~(c) (II) Whenever any law of this state or any rule promulgated under the laws of this state refers to the motor vehicle division or the ports of entry division of the department, such law or rule shall be deemed to refer to the department of revenue.~~

(5) THE MOTOR CARRIER SERVICES DIVISION, CREATED IN SECTION 42-8-103 (1), C.R.S., PRIOR TO THE REPEAL OF SAID SUBSECTION (1) BY HOUSE BILL 12-1019, ENACTED IN 2012, IS ABOLISHED, AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY **TYPE 3** TRANSFERS AS FOLLOWS:

(a) THE POWERS, DUTIES, AND FUNCTIONS OF ITS PORTS OF ENTRY SECTION ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE COLORADO STATE PATROL.

(b) ITS POWERS, DUTIES, AND FUNCTIONS RELATING TO COMMERCIAL DRIVER'S LICENSES AND THE INTERNATIONAL REGISTRATION PLAN ARE TRANSFERRED TO THE DEPARTMENT OF REVENUE.

SECTION 2. In Colorado Revised Statutes, 24-1-128.6, **amend** (2) (a) as follows:

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

(a) Colorado state patrol, the head of which shall be the chief of the Colorado state patrol. The Colorado state patrol and the office of chief thereof, created by part 2 of article 33.5 of this title, and their powers, duties, and functions are transferred by a **type 2** transfer to the department of public safety. The powers, duties, and functions of the state department of highways relating to the Colorado state patrol are transferred by a **type 2** transfer to the department of public safety and allocated to the Colorado state patrol. THE POWERS, DUTIES, AND FUNCTIONS OF THE PORTS OF ENTRY SECTION OF THE MOTOR CARRIER SERVICES DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF REVENUE, WHICH MOTOR CARRIER SERVICES DIVISION IS ABOLISHED PURSUANT TO SECTION 24-1-117 (5),

ENACTED BY HOUSE BILL 12-1019, ENACTED IN 2012, ARE TRANSFERRED BY A **TYPE 3** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY AND ALLOCATED TO THE COLORADO STATE PATROL.

SECTION 3. In Colorado Revised Statutes, **repeal** 24-33.5-111 as follows:

24-33.5-111. Motor carrier safety assistance - study. ~~(1) On August 15, 2010, the motor carrier safety inspection program of the ports of entry section in the department of revenue is hereby transferred to the department of public safety and allocated to the Colorado state patrol.~~

~~(2) The department of public safety, in collaboration with the department of transportation and the department of revenue, shall issue a request for proposal for a performance study to be conducted by an independent private vendor, subject to available appropriations. The departments shall work cooperatively to determine the scope of the study and the independent private vendor shall request and consider input from potentially impacted parties during the course of the study. The study shall include, but not be limited to, an examination of the ports of entry operations, infrastructure, management, potential cost savings or efficiencies, as well as how the port of entry section may maximize resources and technology. The study shall also determine which principal department is most appropriate for operating the ports of entry section in a cost-effective manner. The independent private vendor shall complete the performance review and report its findings to the transportation committees of the senate and the house of representatives no later than June 1, 2011.~~

SECTION 4. In Colorado Revised Statutes, 24-33.5-203, **amend** (2) as follows:

24-33.5-203. Duties of executive director and patrol. (2) The Colorado state patrol shall enforce or aid in enforcing all state laws pertaining to motor and all other vehicles, their equipment, weight, cargoes, and licenses, vehicle operators, and other operations including checking for brand inspection certificates or official bills of sale or acceptable trucking waybills on livestock or agricultural products upon the highways of Colorado and for the use thereof. The Colorado state patrol shall also aid in the enforcement of the collection of all motor and other vehicle taxes and license fees, motor fuel taxes, and highway compensation taxes (with

respect to the transportation of persons and property over public highways) as provided by law and shall otherwise promote safety, protect human life, and preserve the highways of this state by the courteous and strict enforcement of laws of this state which relate to highways and traffic upon such highways, notwithstanding any provisions of law charging any other department or agency in the state with the enforcement of such laws. THE COLORADO STATE PATROL SHALL ALSO ESTABLISH AND OPERATE PORT OF ENTRY WEIGH STATIONS PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S. The Colorado state patrol shall also aid in the enforcement of other laws of this state as specifically authorized by the provisions of this part 2.

SECTION 5. In Colorado Revised Statutes, 24-60-2502, **amend** section 1 of article 12 as follows:

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

ARTICLE 12 Funding

SECTION 1. Funds for the administration of this agreement, including participation in the cooperating committee and the actual expenses of the designated representatives, SHALL BE PROVIDED FROM THE FUNDS AVAILABLE TO THE COLORADO STATE PATROL FOR OPERATING EXPENSES AND MOTOR CARRIER SAFETY AND ASSISTANCE PROGRAM GRANTS AND shall be budgeted or expensed TO THE COLORADO STATE PATROL IN FURTHERANCE OF THE ADMINISTRATION OF THIS AGREEMENT as determined appropriate.

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

40-7-116. Enforcement of civil penalties against carriers.
(1) (a) Investigative personnel of the commission, ~~and personnel of the ports of entry and the~~ Colorado state patrol OFFICERS, AND PORT OF ENTRY OFFICERS AS DEFINED IN SECTION 42-8-102 (3), C.R.S., have the authority to issue civil penalty assessments for the violations enumerated in sections 40-7-112 and 40-7-113. When a person is cited for the violation, the person

operating the motor vehicle involved shall be given notice of the violation in the form of a civil penalty assessment notice.

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

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

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

40-10.1-502. Permit requirements - issuance by ports of entry. (5) (a) The ~~motor carrier services division in the department of revenue~~ COLORADO STATE PATROL may issue, through a port of entry weigh station created pursuant to article 8 of title 42, C.R.S., a temporary household goods mover permit. The temporary permit is valid for fifteen consecutive days and is not renewable. A mover or its successor who has been issued a temporary permit is not eligible for a subsequent temporary permit.

(b) A temporary permit shall not be approved until the applicant:

(III) Pays the fees required by section 40-10.1-111 (1) (e) and (1) (f). The ~~motor carrier services division in the department of revenue~~ COLORADO STATE PATROL shall transmit the fees to the state treasurer, who shall credit them to the public utilities commission motor carrier fund pursuant to section 40-10.1-111 (4).

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

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

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

(2) (a) No person shall operate a commercial vehicle, as defined in subsection (1) of this section, on any public highway of this state unless

such vehicle is in compliance with the rules adopted by the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to subsection (4) of this section. Any person who violates ~~such~~ THE rules, including ANY intrastate motor ~~carriers~~ CARRIER, shall be subject to the civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such subpart existed on October 1, 2001. Persons who utilize an independent contractor shall not be liable for penalties imposed on the independent contractor for equipment, acts, and omissions within the independent contractor's control or supervision. All civil penalties collected pursuant to this article by a state agency or by a court shall be transmitted to the state treasurer, who shall credit ~~the same~~ THEM to the highway users tax fund created in section 43-4-201, C.R.S., for allocation and expenditure as specified in section 43-4-205 (5.5) (a), C.R.S.

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

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

(4) (a) The ~~department~~ CHIEF OF THE COLORADO STATE PATROL shall adopt rules for the operation of all commercial vehicles. In adopting ~~such~~ THE rules, the ~~department~~ CHIEF shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40, C.R.S. On and after September 1, 2003, all commercial vehicle safety inspections

conducted to determine compliance with rules promulgated by the ~~department~~ CHIEF pursuant to this paragraph (a) shall be performed by an enforcement official, as defined in section 42-20-103 (2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

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

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

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

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

(3) The department of transportation, ~~the motor carrier services division of the department of revenue,~~ or the Colorado state patrol, or any local authority is authorized to issue or withhold a permit, as provided in

this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any highway or highway structure.

(5) The department of transportation ~~the motor carrier services division of the department of revenue~~, or the Colorado state patrol shall, unless such action will jeopardize distribution of federal highway funds to the state, authorize the operation or movement of a vehicle or combination of vehicles on the interstate highway system of Colorado at a maximum weight of eighty-five thousand pounds.

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

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

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

section.

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

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

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

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

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

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

42-8-103. Ports of entry - operation by Colorado state patrol.
(1) ~~There is hereby created within the department of revenue a motor carrier services division, which, division, acting under the authority and direction of the executive director of the department of revenue, shall be further subdivided into enforcement functions and service functions. Enforcement functions shall include, but need not be limited to, the ports of entry section. Service functions shall include, but need not be limited to, personnel and facilities for dealing with interstate and international motor vehicle registrations.~~

(2) ~~The executive director~~ CHIEF OF THE COLORADO STATE PATROL shall be responsible for establishing and operating port of entry weigh stations at such points along the public highways of this state as are determined to be necessary to carry out the purposes of this article. ~~The executive director~~ CHIEF shall authorize permanent port of entry weigh

stations and mobile port of entry weigh stations to be established and operated by the ~~division~~ COLORADO STATE PATROL. The location or relocation of ~~such~~ THE stationary or mobile port of entry weigh stations shall be determined by the ~~executive director~~. Wherever any provision of this article refers to a motor vehicle inspection station or to a motor carrier inspection station, such provision shall be deemed to refer to a port of entry weigh station established and operated by the motor carrier services ~~division~~ CHIEF.

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

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

(2) ~~The personnel of a port of entry weigh station~~ A PORT OF ENTRY OFFICER, during the time that ~~they are~~ HE OR SHE IS actually engaged in performing ~~their~~ HIS OR HER duties as such and while acting under proper orders or ~~regulations~~ RULES issued by the ~~executive director of the department of revenue,~~ CHIEF OF THE COLORADO STATE PATROL, shall have and exercise all the powers invested in peace officers in connection with the enforcement of the provisions of this article, ~~article 2~~ ARTICLES 2, 3, AND 20 of this title, ~~parts 2, 3, and 5 of article 20 of this title,~~ part 5 of article 4 of this title, and sections ~~42-3-107 (17) and 42-4-1409~~ 42-4-209, 42-4-225 (1.5), 42-4-235, 42-4-1407, 42-4-1409, AND 42-4-1414; except

that ~~they~~ AN OFFICER shall not have the power to serve civil writs and process and, in the exercise of ~~their~~ HIS OR HER duties, ~~such personnel~~ AN OFFICER shall have the authority to restrain and detain persons or vehicles and may impound any vehicle until any tax or license fee imposed by law is paid or until compliance is had with any tax or regulatory law or ~~regulation~~ RULE issued thereunder.

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

42-8-105. Clearance of motor vehicles at port of entry weigh stations. (1) Every owner or operator of a motor vehicle that is subject to payment of registration fees under the provisions of section 42-3-306 (5) (b) and every owner or operator of a motor vehicle or combination of vehicles having a manufacturer's gross vehicle weight rating or gross combination weight rating of twenty-six thousand one pounds or more shall secure a valid clearance ~~from an office of the department of revenue~~, from an officer of the Colorado state patrol, or from a port of entry weigh station before operating ~~such~~ THE vehicle or combination of vehicles or causing ~~such~~ THE vehicle or combination of vehicles to be operated on the public highways of this state, but an owner or operator shall be deemed to have complied with the provisions of this subsection (1) if the owner or operator secures a valid clearance from the first port of entry weigh station located within five road miles of the route that the owner or operator would normally follow from the point of departure to the point of destination. An owner or operator shall not be required to seek out a port of entry weigh station not located on the route such owner or operator is following if the owner or operator secures a special revocable permit from the ~~department of revenue~~ COLORADO STATE PATROL in accordance with the provisions of subsection (4) of this section. A vehicle with a seating capacity of fourteen or more passengers registered under the provisions of section 42-3-304 (13) or 42-3-306 (2) (c) (I) shall not be required to secure a valid clearance pursuant to this section.

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

scheduled route that has previously been cleared with the ~~department of revenue~~ COLORADO STATE PATROL.

~~(6) To facilitate the proper identification and handling of all motor vehicles requiring clearance through the port of entry weigh stations of the state, every vehicle requiring such clearance shall have affixed to it a distinct marking conforming to specifications set by the executive director. Such marking shall include the name or company logo of the owner or operator of the motor vehicle and such other information as the executive director shall require.~~

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

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

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

42-8-107. Construction and rights-of-way. Within thirty days after receiving notification from the ~~executive director of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL, the department of

transportation shall make available without charge to the ~~department of revenue~~ COLORADO STATE PATROL such rights-of-way upon or adjacent to the public highways of this state as are needed for the construction or reconstruction of port of entry weigh stations. If such rights-of-way are not available, the department of transportation shall acquire such rights-of-way as are needed to carry out the purposes of this article out of money in the state highway fund provided for right-of-way acquisition. If possible, the construction, reconstruction, and maintenance of port of entry weigh stations shall be accomplished with forces of the department of transportation within thirty days after notification by the ~~executive director of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL requesting such work.

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

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

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

42-8-109. Fines and penalties. (3) In addition to the penalties imposed pursuant to subsection (1) of this section, the ~~executive director of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL shall, upon the conviction of any owner or operator or of any agent, officer, or employee, after a third offense within one calendar year, notify the public utilities commission of such conviction, and the commission may suspend any license or permit for a period not to exceed six months or revoke all such certificates and permits issued to the owner or operator of such vehicles by the public utilities commission. Such certificate or permit can be suspended or revoked only after due notice and hearing and for good cause shown. The ~~executive director of the department of revenue~~ CHIEF

shall file a complaint with the public utilities commission, and the commission must hold a hearing within thirty days after filing of a complaint by the ~~said executive director~~ CHIEF. If at the hearing the commission finds that the facts as stated in the complaint by the ~~said executive director~~ CHIEF are substantially correct, the commission may immediately revoke all intrastate certificates and permits issued by it to such violator.

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

42-8-111. Cooperative agreements with contiguous states for operations of ports of entry - rules. (1) In addition to any other powers granted by law, the ~~executive director of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL is hereby authorized to negotiate and enter into cooperative agreements with the designated representatives of contiguous states for the operations of ports of entry at the borders between Colorado and such contiguous states.

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

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

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

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

(2) "Enforcement official" means, and is limited to, a peace officer who is an officer of the Colorado state patrol as described in sections 16-2.5-101 and 16-2.5-114, C.R.S., ~~a certified peace officer who is a certified port of entry officer as described in sections 16-2.5-101 and~~

~~16-2.5-115, C.R.S.~~ A PORT OF ENTRY OFFICER, AS DEFINED IN SECTION 42-8-102 (3), a peace officer who is an investigating official of the transportation section of the public utilities commission as described in sections 16-2.5-101 and 16-2.5-143, C.R.S., or any other peace officer as described in section 16-2.5-101, C.R.S.

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

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

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

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

SECTION 24. In Colorado Revised Statutes, **amend** 42-20-505 as follows:

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

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

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

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

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

(B) Commencing in the fiscal year 1995-96, AND ENDING IN THE FISCAL YEAR 2012-13, more than a six percent increase over ~~such~~ THE appropriation to the department of public safety for the Colorado state patrol and to the department of revenue for the ports of entry division for the prior fiscal year; except in fiscal years 2009-10, 2010-11, and 2011-12, more than a six percent increase over ~~such~~ THE appropriation to the department of public safety for the Colorado state patrol, to the department of revenue for the ports of entry division, and to the department of revenue for the division of motor vehicles pursuant to sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the prior fiscal year.

(C) COMMENCING IN THE FISCAL YEAR 2013-14, MORE THAN A SIX

PERCENT INCREASE OVER THE APPROPRIATION TO THE COLORADO STATE PATROL FOR THE PRIOR FISCAL YEAR.

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

(III) (C) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1997-98 or for any succeeding fiscal year authorized by subparagraph (II) of this paragraph (a), excluding the annual appropriation or statutory distribution to the Colorado state patrol and, THROUGH THE FISCAL YEAR 2011-12 ONLY, the ports of entry section and excluding any appropriation to the department of revenue for the fiscal years 2008-09, 2009-10, 2010-11, and 2011-12, for expenses incurred in connection with the administration of article 2 of title 42, C.R.S., by the division of motor vehicles within the department.

SECTION 26. In Colorado Revised Statutes, 43-4-804, **amend** (1) (c) (I) as follows:

43-4-804. Highway safety projects - surcharges and fees - crediting of moneys to highway users tax fund. (1) On and after July 1, 2009, the following surcharges, fees, and fines shall be collected and credited to the highway users tax fund created in section 43-4-201 (1) (a) and allocated to the state highway fund, counties, and municipalities as specified in section 43-4-205 (6.3):

(c) (I) A supplemental oversize and overweight vehicle surcharge in an amount equal to the amount of the fee charged pursuant to section 42-4-510 (11) (a), C.R.S., by the department ~~the motor carrier services division of the department of revenue~~, or the Colorado state patrol for the issuance of the single trip permit; except that the surcharge shall not be imposed on a vehicle if the single trip permit fee was imposed pursuant to section 42-4-510 (11) (a) (VI) (B), C.R.S.

SECTION 27. Appropriation - adjustments in 2012 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of public safety for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation for the executive director's office is decreased by \$283,704.

(b) The cash funds appropriation for the executive director's office is increased by \$1,945,348. Of this amount, \$1,906,652 is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (I) (B), Colorado Revised Statutes, and \$38,696 is from the hazardous materials safety fund created in section 42-20-107 (1), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for the executive director's office is increased by \$601,394 and 4.5 FTE.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for the fiscal year beginning July 1, 2012, the sum of \$8,629,442 and 117.8 FTE, or so much thereof as may be necessary, for allocation to the Colorado state patrol for ports of entry for the implementation of this act. Of said sum, \$8,419,232 is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (I) (B), Colorado Revised Statutes, and \$210,210 is from the hazardous materials safety fund pursuant to section 42-20-107 (1), Colorado Revised Statutes.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of public safety for capital construction, for the fiscal year beginning July 1, 2012, the sum of \$2,263,218, or so much thereof as may be necessary, for the Colorado state patrol, for the Fort Morgan eastbound scale pit replacement, the Fort Collins parking lot repair, the Monument southbound building replacement, and the Monument northbound scale pit replacement related to the implementation of this act. Said sum is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (I) (B), Colorado Revised Statutes.

(4) For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2012, are adjusted as follows:

(a) The general fund appropriation to the executive director's office is increased by \$283,349.

(b) The cash funds appropriation to the executive director's office is decreased by \$2,636,427 and 2.0 FTE. Of said sum, \$2,597,731 is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, and \$38,696 is from the hazardous materials safety fund created in section 42-20-107 (1), Colorado Revised Statutes.

(c) The cash funds appropriation to the executive director's office is increased by \$99,983. Of said sum, \$5,420 is from the AIR account of the highway users tax fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, \$8,364 is from the auto dealers license fund created in section 12-6-123 (1), Colorado Revised Statutes, \$12,883 is from the Colorado state titling and registration account of the highway users tax fund, created in section 42-1-211 (2), Colorado Revised Statutes, \$9,732 is from the driver's license administrative revocation account of the highway users tax fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, \$1,594 is from the first time drunk driving offender account of the highway users tax fund created in section 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, \$430 is from the highway users tax fund exempt from the statutory limit pursuant to section 43-4-201 (3) (a) (V), Colorado Revised Statutes, \$22,853 is from the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes, \$6,095 is from the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, Colorado Revised Statutes, \$5,658 is from the limited gaming fund created in section 12-47.1-701 (1), Colorado Revised Statutes, \$16,207 is from the medical marijuana license cash fund created in section 12-43.3-501 (1), Colorado Revised Statutes, \$319 is from the motorist insurance identification account of the highway users tax fund created in section 42-3-304 (18) (d) (I), Colorado Revised Statutes, \$2,788 is from the racing cash fund created in section 12-60-205 (1), Colorado Revised Statutes, and \$7,640 is from the lottery fund created in section 24-35-210 (1), Colorado Revised Statutes.

(d) The reappropriated funds appropriation to the executive director's office is increased by \$24,700. Of said sum, \$16,563 is from moneys appropriated from the state lottery division in paragraph (p) of this subsection and \$8,137 is from moneys appropriated from the enforcement business group, limited gaming division in paragraph (o) of this subsection.

(e) The general fund appropriation to the central department operations division is increased by \$75,927.

(f) The cash funds appropriation to the central department operations division is decreased by \$127,789. Said sum is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(g) The cash funds appropriation to the central department operations division is increased by \$34,921. Of said sum, \$1,972 is from the AIR account of the highway users tax fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, \$3,039 is from the auto dealers license fund created in section 12-6-123 (1), Colorado Revised Statutes, \$4,582 is from the Colorado state titling and registration account of the highway users tax fund, created in section 42-1-211 (2), Colorado Revised Statutes, \$3,733 is from the driver's license administrative revocation account of the highway users tax fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, \$580 is from the first time drunk driving offender account of the highway users tax fund created in section 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, \$174 is from the highway users tax fund exempt from the statutory limit pursuant to section 43-4-201 (3) (a) (V), Colorado Revised Statutes, \$11,646 is from the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes, \$2,262 is from the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, Colorado Revised Statutes, \$5,808 is from the medical marijuana license cash fund created in section 12-43.3-501 (1), Colorado Revised Statutes, \$116 is from the motorist insurance identification account of the highway users tax fund created in section 42-3-304 (18) (d) (I), Colorado Revised Statutes, and \$1,009 is from the racing cash fund created in section 12-60-205 (1), Colorado Revised Statutes.

(h) The reappropriated funds appropriation to the central department operations division is increased by \$11,373. Said sum is from moneys appropriated to the enforcement business group, limited gaming division in paragraph (o) of this subsection.

(i) The general fund appropriation to the division of motor vehicles, administration, is increased by \$20,124.

(j) The cash funds appropriation to the division of motor vehicles, administration, is decreased by \$207,882 and 2.5 FTE. Said sum is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes.

(k) The cash funds appropriation to the division of motor vehicles, administration, is increased by \$35,461. Of said sum, \$3,177 is from the AIR account of the highway users tax fund created in section 42-3-304 (18) (c), Colorado Revised Statutes, \$8,764 is from the Colorado state titling and registration account of the highway users tax fund, created in section 42-1-211 (2), Colorado Revised Statutes, \$1,336 is from the driver's license administrative revocation account of the highway users tax fund created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, \$1,215 is from the first time drunk driving offender account of the highway users tax fund created in section 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, \$20,726 is from the licensing services cash fund created in section 42-2-114.5 (1), Colorado Revised Statutes, and \$243 is from the motorist insurance identification account of the highway users tax fund created in section 42-3-304 (18) (d) (I), Colorado Revised Statutes.

(l) The general fund appropriation to the division of motor vehicles, driver and vehicle services, is increased by \$597,101 and 10.0 FTE, for the commercial driver's license and international registry programs.

(m) The cash funds appropriation to the motor carrier services division is decreased by \$7,407,914 and 117.8 FTE. Of said sum, \$7,197,704 is from the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, and \$210,210 is from the hazardous materials safety fund created in section 42-20-107 (1), Colorado Revised Statutes.

(n) The general fund appropriation to the motor carrier services division is decreased by \$597,101 and 10.0 FTE, for the commercial driver's license and international registry programs.

(o) The cash funds appropriation to the enforcement business group, limited gaming division, is increased by \$19,510. Said sum is from the limited gaming fund created in section 12-47.1-701 (1), Colorado Revised Statutes.

(p) The cash funds appropriation to the state lottery division is increased by \$16,563. Said sum is from the lottery fund created in section 24-35-210 (1), Colorado Revised Statutes.

(5) For the implementation of this act, capital construction appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2012, are decreased by \$2,263,218 for the Fort Morgan eastbound scale pit replacement, the Fort Collins parking lot repair, the Monument southbound building replacement, and the Monument northbound scale pit replacement related to the implementation of this act. Said sum is from the highway users tax fund created in section 43-4-201 (1) (a), Colorado Revised Statutes.

SECTION 28. Effective date. This act takes effect July 1, 2012.

SECTION 29. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO