

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 06-0178.01 Jery Payne

SENATE BILL 06-008

SENATE SPONSORSHIP

May R., and Williams

HOUSE SPONSORSHIP

Pommer, Green, Hefley, Knoedler, Larson, and Ragsdale

Senate Committees
Transportation

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF COMMERCIAL MOTOR VEHICLES**
102 **THAT TRANSPORT HAZARDOUS MATERIALS OVER THE PUBLIC**
103 **HIGHWAYS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Requires motor vehicles that weigh less than 10,000 pounds and transport hazardous materials to meet the minimum standards for commercial vehicles. Repeals a provision prohibiting a peace officer who has not attained level I inspection certification from enforcing the "Hazardous Materials Transportation Act of 1987". Changes the penalty for violating certain

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
Amended 2nd Reading
January 27, 2006

hazardous materials rules from a class 3 misdemeanor criminal offense to a class 2 misdemeanor traffic offense. Sets the penalty for such violation at \$250 with a \$33.30 surcharge. Doubles the penalty for a repeat offense within 12 months.

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

2 **SECTION 1.** 42-4-235 (1) (a), Colorado Revised Statutes, is
3 amended, and the said 42-4-235 (1) (a) is further amended BY THE
4 ADDITION OF A NEW SUBPARAGRAPH, to read:

5 **42-4-235. Minimum standards for commercial vehicles.**

6 (1) As used in this section, unless the context otherwise requires:

7 (a) "Commercial vehicle" means:

8 (I) Any self-propelled or towed vehicle bearing an apportioned
9 plate or having a manufacturer's gross vehicle weight rating or gross
10 combination rating of ten thousand one pounds or more, which vehicle is
11 used in commerce on the public highways of this state or is designed to
12 transport sixteen or more passengers, including the driver, unless such
13 vehicle is a school bus regulated pursuant to section 42-4-1904 or any
14 vehicle that does not have a gross vehicle weight rating of twenty-six
15 thousand one or more pounds and that is owned or operated by a school
16 district so long as such school district does not receive remuneration for
17 the use of such vehicle, not including reimbursement for the use of such
18 vehicle; ~~and~~

19 (II) Any motor vehicle designed or equipped to transport other
20 motor vehicles from place to place by means of winches, cables, pulleys,
21 or other equipment for towing, pulling, or lifting, when such motor
22 vehicle is used in commerce on the public highways of this state; AND

23 (III) A MOTOR VEHICLE THAT IS USED ON THE PUBLIC HIGHWAYS

1 AND TRANSPORTS FOR REMUNERATION MATERIALS DETERMINED BY THE
2 SECRETARY OF TRANSPORTATION TO BE HAZARDOUS UNDER 49 U.S.C.
3 5103 IN SUCH QUANTITIES AS TO REQUIRE PLACARDING UNDER 49 CFR
4 PARTS 172 AND 173.

5 **SECTION 2.** 42-20-105 (1), Colorado Revised Statutes, is
6 amended to read:

7 **42-20-105. Enforcement.** (1) The provisions of parts 1, 2, and
8 3 of this article relating to the transportation of hazardous materials by
9 motor vehicle may only be enforced by an enforcement official. ~~On and~~
10 ~~after September 1, 2003, said provisions may only be enforced by an~~
11 ~~enforcement official who has been certified by the commercial vehicle~~
12 ~~safety alliance, or any successor organization thereto, to perform level I~~
13 ~~inspections.~~

14 **SECTION 3.** 42-20-109 (2), Colorado Revised Statutes, is
15 amended to read:

16 **42-20-109. Penalty for violations.** (2) Any person who violates
17 a rule ~~or regulation~~ promulgated by the chief pursuant to section
18 42-20-108 commits a ~~class 3 misdemeanor~~ CLASS 2 MISDEMEANOR
19 TRAFFIC OFFENSE and shall be punished as provided in section ~~18-1.3-501,~~
20 ~~C.R.S.~~ 42-4-1701.

21 **SECTION 4.** 42-4-1701 (4) (a) (I) (N), Colorado Revised
22 Statutes, is amended, and the said 42-4-1701 (4) (a) is further amended
23 BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

24 **42-4-1701. Traffic offenses and infractions classified -**
25 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (I) Except
26 as provided in paragraph (c) of subsection (5) of this section, every
27 person who is convicted of, who admits liability for, or against whom a

1 judgment is entered for a violation of any provision of this title to which
 2 the provisions of paragraph (a) or (b) of subsection (5) of this section
 3 apply shall be fined or penalized, and have a surcharge levied thereon
 4 pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the
 5 penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P)
 6 of this subparagraph (I); or, if no penalty or surcharge is specified in the
 7 schedule, the penalty for class A and class B traffic infractions shall be
 8 fifteen dollars, and the surcharge shall be two dollars. These penalties
 9 and surcharges shall apply whether the defendant acknowledges the
 10 defendant's guilt or liability in accordance with the procedure set forth by
 11 paragraph (a) of subsection (5) of this section or is found guilty by a court
 12 of competent jurisdiction or has judgment entered against the defendant
 13 by a county court magistrate. Penalties and surcharges for violating
 14 specific sections shall be as follows:

15	Section Violated	Penalty	Surcharge
16	(N) Other offenses:		
17	42-4-1301 (2) (a.5)	\$ 50.00	\$ 7.80
18	42-4-1305	50.00	7.80
19	42-4-1402	50.00	7.80
20	42-4-1403	15.00	2.60
21	42-4-1404	15.00	2.60
22	42-4-1406	35.00	5.20
23	42-4-1407 (3) (a)	35.00	5.20
24	42-4-1407 (3) (b)	100.00	15.00
25	42-4-1407 (3) (c)	500.00	100.00
26	42-4-314	35.00	5.20
27	42-4-1408	15.00	2.60

1	42-4-1414 (2) (a)	500.00	78.00
2	42-4-1414 (2) (b)	1,000.00	156.00
3	42-4-1414 (2) (c)	5,000.00	780.00
4	42-20-109 (2)	250.00	33.30

5 (VII) THE PENALTIES AND SURCHARGES FOR A SECOND OR
6 SUBSEQUENT VIOLATION OF SECTION 42-20-109 (2) WITHIN TWELVE
7 MONTHS SHALL BE DOUBLED.

8 **SECTION 5. Effective date - applicability.** This act shall take
9 effect July 1, 2006, and shall apply to offenses committed on or after said
10 date.

11 **SECTION 6. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.