

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 23-0111.01 Brita Darling x2241

**SENATE BILL 23-012**

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**SENATE SPONSORSHIP**

**Winter F.,**

**HOUSE SPONSORSHIP**

**Catlin and Froelich, Boesenecker, Lindsay**

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**Senate Committees**

Transportation & Energy  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ENFORCEMENT OF SAFETY REQUIREMENTS FOR**  
102 **INTRASTATE MOTOR VEHICLE CARRIERS.**

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**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://leg.colorado.gov/>.)*

**Transportation Legislation Review Committee.** The bill changes the amount of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the amount of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers.

The bill also authorizes the department of revenue to cancel or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

deny registration of a commercial motor carrier that fails to cooperate with the completion of a safety compliance review within 30 days.

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

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

4 **42-4-235. Minimum standards for commercial vehicles - motor**  
5 **carrier safety fund - created - definitions - rules - penalties.** (2) (a) ~~No~~  
6 A person shall NOT operate a commercial vehicle as defined in subsection  
7 (1) of this section on any public highway of this state unless ~~such~~ THE  
8 vehicle is in compliance with the rules adopted by the chief of the  
9 Colorado state patrol pursuant to subsection (4) of this section. ~~Any~~ A  
10 person ~~who~~ THAT violates the rules, including any intrastate motor carrier,  
11 ~~shall be~~ IS subject to the civil penalties authorized pursuant to 49 CFR  
12 ~~part 386, subpart G. as such subpart existed on October 1, 2001. Persons~~  
13 ~~who utilize~~ A PERSON THAT USES an independent contractor ~~shall not be~~  
14 IS NOT liable for penalties imposed on the independent contractor for  
15 equipment, acts, and omissions within the independent contractor's  
16 control or supervision. ~~All~~ A STATE AGENCY OR COURT COLLECTING civil  
17 penalties ~~collected pursuant to this article by a state agency or by a court~~  
18 ~~shall be transmitted~~ ARTICLE 4 SHALL TRANSMIT THE CIVIL PENALTIES to  
19 the state treasurer, who shall credit them to the highway users tax fund  
20 created in section 43-4-201, ~~C.R.S.~~, for allocation and expenditure as  
21 specified in section 43-4-205 (5.5)(a). ~~C.R.S.~~

22 (c) The Colorado state patrol ~~shall have~~ HAS exclusive  
23 enforcement authority to conduct ~~safety~~ compliance reviews, as defined  
24 in 49 CFR 385.3, ~~as such section existed on October 1, 2001,~~ and to  
25 impose civil penalties pursuant to ~~such~~ THE reviews. ~~Nothing in this~~

1 ~~paragraph (c) shall~~ THIS SUBSECTION (2)(c) DOES NOT expand or limit the  
2 ability of local governments to conduct roadside safety inspections.

3 (d) (I) Upon notice from the Colorado state patrol, the department  
4 shall, pursuant to section 42-3-120, ENTER BOTH THE MOTOR CARRIER AND  
5 ITS VEHICLES AS OUT-OF-SERVICE IN THE FEDERAL MOTOR CARRIER  
6 SAFETY ADMINISTRATION SYSTEM OF RECORD AND cancel the registration  
7 of a motor carrier ~~who~~ THAT:

8 (A) Fails to pay in full a civil penalty imposed pursuant to this  
9 subsection (2) within thirty days after notification of the penalty; OR

10 (B) FAILS TO COOPERATE WITH THE COMPLETION OF A  
11 COMPLIANCE REVIEW WITHIN THIRTY DAYS AFTER NOTIFICATION OF THE  
12 FAILURE TO COOPERATE.

13 **SECTION 2.** In Colorado Revised Statutes, 42-3-120, **amend**  
14 (3)(a) as follows:

15 **42-3-120. Department may cancel or deny registration.**

16 (3) (a) Upon receiving written notice from the Colorado state patrol that  
17 a motor carrier has failed to timely pay civil penalties imposed in  
18 accordance with section 42-4-235 (2) OR HAS FAILED TO COOPERATE WITH  
19 THE COMPLETION OF A SAFETY COMPLIANCE REVIEW PURSUANT TO  
20 SECTION 42-4-235 (2)(c), the department shall:

21 (I) Cancel the registration of any vehicle that is owned by the  
22 carrier AND ENTER BOTH THE MOTOR CARRIER AND ITS VEHICLES AS  
23 OUT-OF-SERVICE IN THE FEDERAL MOTOR CARRIER SAFETY  
24 ADMINISTRATION SYSTEM OF RECORD; and ~~shall~~

25 (II) Deny the registration of any vehicle that is owned by the  
26 carrier until the department receives notice from the Colorado state patrol  
27 that the penalty has been paid in full OR THAT THE CARRIER HAS

1 COOPERATED WITH THE COMPLETION OF THE SAFETY COMPLIANCE REVIEW,  
2 AS APPLICABLE.

3           **SECTION 3. Act subject to petition - effective date.** This act  
4 takes effect October 1, 2023; except that, if a referendum petition is filed  
5 pursuant to section 1 (3) of article V of the state constitution against this  
6 act or an item, section, or part of this act within the ninety-day period  
7 after final adjournment of the general assembly, then the act, item,  
8 section, or part will not take effect unless approved by the people at the  
9 general election to be held in November 2024 and, in such case, will take  
10 effect on the date of the official declaration of the vote thereon by the  
11 governor.