

## CHAPTER 17

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 93-1018**

BY REPRESENTATIVES Entz, Chlouber, Eisenach, Lyle, May, Moellenberg, Salaz, Schauer, Shoemaker, Snyder, Taylor, and Williams;  
also SENATOR Meiklejohn.

**AN ACT****CONCERNING PORT OF ENTRY WEIGH STATIONS.**

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

**SECTION 1.** 42-4-408 (1), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**42-4-408. Vehicles weighed - excess removed.** (1) Any police OR PEACE officer, AS DEFINED IN SECTION 18-1-901 (3) (1) (IV), C.R.S., having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

**SECTION 2.** 42-8-104 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**42-8-104. Powers and duties.** (2) The personnel of a port of entry weigh station, during the time that they are actually engaged in performing their duties as such and while acting under proper orders or regulations issued by the executive director of the department of revenue, shall have and exercise all the powers invested in peace officers in connection with the enforcement of the provisions of this article, ARTICLE 2 OF THIS TITLE, part 4 of article 4 of this title, and section 42-4-234 and article 6 of title 43, C.R.S.; except that they shall not have the power to serve civil writs and process and, in the exercise of their duties, such personnel 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 issued thereunder.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3.** 18-11-205 (4), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

**18-11-205. Unlawful to display flag - exceptions.** (4) This section does not apply to display of the flag of the United Nations or the flag of a foreign nation displayed to identify persons officially representing such foreign nation or the property or premises of the person or nation. Neither does it apply to the display of an appropriate flag upon ceremonial or commemorative occasions proclaimed by the president of the United States, the governor of the state of Colorado, the board of county commissioners of any county, or the mayor or other chief executive officer of a city or town within this state. NEITHER DOES IT APPLY TO THE DISPLAY OF THE FLAG OF ANY ADJACENT STATE WITH THE FLAG OF THE STATE OF COLORADO AT THE PORTS OF ENTRY WEIGH STATIONS, IN RECOGNITION OF THE JOINT STATE PORT OPERATION. This subsection (4) shall be an affirmative defense.

**SECTION 4. Effective date.** This act shall take effect July 1, 1993.

**SECTION 5. 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.

Approved: March 18, 1993