

CHAPTER 45

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 94-1012

BY REPRESENTATIVES June, Anderson, Hernandez, Nichol, and Snyder;
also SENATOR Ruddick.

AN ACT

**CONCERNING COOPERATIVE AGREEMENTS WITH OTHER STATES RELATING TO THE REGULATION OF
OVERSIZE AND OVERWEIGHT VEHICLES.**

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

SECTION 1. Part 4 of article 4 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-409.2. Authority for cooperative agreements with regional states on excess size or weight vehicles - regulations. (1) **Purpose.** THE PURPOSE OF THIS SECTION IS TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF AGREEMENTS IN COOPERATION WITH OTHER STATES TO:

(a) ESTABLISH A REGIONAL PERMIT SYSTEM TO ALLOW NONDIVISIBLE OVERSIZE OR OVERWEIGHT VEHICLES TO OPERATE BETWEEN AND AMONG TWO OR MORE STATES UNDER ONE SINGLE TRIP PERMIT, INSTEAD OF REQUIRING SUCH VEHICLES TO STOP AND OBTAIN A SEPARATE PERMIT BEFORE ENTERING EACH STATE;

(b) PROMOTE UNIFORMITY CONCERNING ADMINISTRATIVE AND ENFORCEMENT PROCEDURES FOR APPLICABLE VEHICLE SIZE AND WEIGHT STANDARDS TO FACILITATE REGIONAL MOVEMENT OF SUCH VEHICLES, TO ELIMINATE UNNECESSARY BUREAUCRATIC BARRIERS, AND TO IMPROVE THE HIGHWAY OPERATING ENVIRONMENT AND VEHICLE SAFETY UNDER THE APPLICABLE LAWS OF THE RESPECTIVE STATES; AND

(c) ENCOURAGE AND UTILIZE RESEARCH THAT WILL FACILITATE THE ACHIEVEMENT OF THE PURPOSES DESCRIBED IN THIS SUBSECTION (1).

(2) **Authority.** (a) IN ADDITION TO ANY OTHER POWERS GRANTED BY LAW, THE

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, IS HEREBY AUTHORIZED TO NEGOTIATE AND ENTER INTO APPROPRIATE AGREEMENTS WITH OTHER STATES CONCERNING THE REGIONAL OPERATION OR MOVEMENT OF NONDIVISIBLE OVERSIZE OR OVERWEIGHT VEHICLES AND TO FACILITATE THE UNIFORM APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF APPLICABLE LAWS CONCERNING SUCH VEHICLES.

(b) A COOPERATIVE AGREEMENT UNDER THIS SECTION MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, THE ESTABLISHMENT OF A REGIONAL PERMIT SYSTEM AUTHORIZING THE OPERATION OR MOVEMENT OF NONDIVISIBLE OVERSIZE OR OVERWEIGHT VEHICLES FROM ONE STATE IN THE REGION TO OR THROUGH ANOTHER STATE OR STATES IN THE REGION UNDER A SINGLE TRIP PERMIT IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF EACH OF THE STATES.

(c) FOR THE PURPOSES OF A REGIONAL PERMIT AGREEMENT, THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO:

(I) DELEGATE TO OTHER STATES ITS AUTHORITY UNDER SECTION 42-4-409 (1) TO ISSUE PERMITS FOR NONDIVISIBLE OVERSIZE OR OVERWEIGHT VEHICLES TO OPERATE ON COLORADO STATE HIGHWAYS; EXCEPT THAT ANY SUCH ISSUANCE BY ANOTHER STATE SHALL CONFORM, AT A MINIMUM, TO THE APPLICABLE COLORADO PERMIT STANDARDS AND LEGAL REQUIREMENTS AS DESCRIBED IN THIS PART 4 AND TO THE REGULATIONS IMPLEMENTING THIS PART 4. THE DEPARTMENT OF TRANSPORTATION MAY ALSO IMPOSE ADDITIONAL STANDARDS CONCERNING SUCH REGIONAL PERMITS AS IT DEEMS APPROPRIATE.

(II) ACCEPT A DELEGATION OF AUTHORITY FROM OTHER STATES TO ISSUE PERMITS FOR THE OPERATION OF VEHICLES ON THE HIGHWAYS OF SUCH STATES IN ACCORDANCE WITH THE APPLICABLE STANDARDS AND REQUIREMENTS OF SUCH STATES, PURSUANT TO THE TERMS OF THE REGIONAL PERMIT AGREEMENT; AND

(III) COLLECT ANY FEES, TAXES, AND PENALTIES ON BEHALF OF OTHER STATES THAT ARE PARTIES TO THE REGIONAL PERMIT AGREEMENT AND TO REMIT SUCH FEES, TAXES, AND PENALTIES TO SUCH STATES. SUCH FEES, TAXES, AND PENALTIES SHALL NOT BE CONSIDERED TAXES OR FUNDS OF THE STATE OF COLORADO FOR ANY PURPOSE.

(d) FOR THE PURPOSES OF A REGIONAL PERMIT AGREEMENT, THE COLORADO STATE PATROL, PORTS OF ENTRY, AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE AUTHORIZED TO ENFORCE THE TERMS OF ANY REGIONAL PERMIT CONCERNING THE OPERATION OF THE PERMITTED VEHICLE ON STATE HIGHWAYS IN COLORADO. THE COLORADO STATE PATROL, PORTS OF ENTRY, AND LOCAL LAW ENFORCEMENT AUTHORITIES ARE ALSO PERMITTED TO TAKE NECESSARY ACTIONS IN COLORADO TO ENFORCE THE APPLICABLE REQUIREMENTS OF THE PERMITTING STATE OR STATES WHICH SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, MONITORING LICENSES AND OTHER CREDENTIAL USAGE; ENFORCING TAX RESTRAINT, DISTRAINT, OR LEVY ORDERS; ISSUING CIVIL CITATIONS; AND CONDUCTING NECESSARY SAFETY AND EQUIPMENT INSPECTIONS.

(e) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, IS HEREBY AUTHORIZED TO APPOINT EMPLOYEES

AND OFFICIALS OF OTHER STATES AS AGENTS OF THE DEPARTMENT FOR THE LIMITED PURPOSE OF ENFORCING THE LAWS OF COLORADO UNDER THE TERMS OF THE COOPERATIVE AGREEMENTS ENTERED INTO UNDER THE PROVISIONS OF THIS SECTION. THE EXECUTIVE DIRECTOR OR THE DESIGNEE MAY PROMULGATE SUCH REGULATIONS AS ARE NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

(f) ANY AGREEMENT ENTERED INTO UNDER THE PROVISIONS OF THIS SECTION SHALL CONTAIN PROVISIONS THAT EXPRESS THE UNDERSTANDING THAT ANY EMPLOYEES AND OFFICIALS OF ANY OTHER STATE WHO ENFORCE THE LAWS OF COLORADO UNDER THE TERMS OF SUCH AGREEMENT, OR WHO OTHERWISE ACT UNDER THE TERMS OF SUCH AGREEMENT, SHALL NOT BE ELIGIBLE FOR COMPENSATION, EMPLOYEE RIGHTS, OR BENEFITS FROM THE STATE OF COLORADO AND SHALL NOT BE CONSIDERED TO BE EMPLOYEES OR OFFICIALS OF THE STATE OF COLORADO.

(g) A COOPERATIVE AGREEMENT UNDER THIS SECTION MAY ALSO PROVIDE FOR UNIFORMITY CONCERNING ENFORCEMENT PROCEDURES, SAFETY INSPECTION STANDARDS, OPERATIONAL STANDARDS, PERMIT AND APPLICATION FORM PROCEDURES, DRIVER QUALIFICATIONS, AND SUCH OTHER MATTERS THAT MAY BE PERTINENT TO SAID MATTERS.

(h) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ALL EXISTING STATUTES AND RULES AND REGULATIONS PRESCRIBING SIZE OR WEIGHT VEHICLE REQUIREMENTS, OR RELATING TO PERMITS FOR SUCH VEHICLES, SHALL CONTINUE TO BE IN FULL FORCE AND EFFECT UNTIL AMENDED OR REPEALED BY LAW, AND ANY COOPERATIVE AGREEMENT MUST COMPLY WITH SUCH STATUTES AND RULES AND REGULATIONS. THE TRANSPORTATION COMMISSION SHALL RATIFY ANY COOPERATIVE AGREEMENT ENTERED INTO UNDER THE PROVISIONS OF THIS SECTION.

SECTION 2. 43-1-106 (8), Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-1-106. Transportation commission - powers and duties. (8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(q) (I) TO COOPERATE OR CONTRACT WITH THE DEPARTMENT OF TRANSPORTATION OF ONE OR MORE STATES, REGIONAL OR NATIONAL ASSOCIATIONS, OR NOT-FOR-PROFIT ORGANIZATIONS TO PROVIDE ANY FUNCTION, SERVICE, OR FACILITY LAWFULLY AUTHORIZED TO EACH, INCLUDING THE SHARING OF COSTS, CONCERNING THE RESEARCH, DEVELOPMENT, IMPLEMENTATION, OR UTILIZATION OF TRANSPORTATION STUDIES, ISSUES, AND NEW TRANSPORTATION TECHNOLOGY. SAID STUDIES, ISSUES, AND TECHNOLOGY SHALL INCLUDE INTELLIGENT VEHICLE HIGHWAY SYSTEMS ONLY IF SUCH COOPERATION OR CONTRACTS ARE AUTHORIZED BY EACH PARTY WITH THE APPROVAL OF ITS LEGISLATIVE BODY OR OTHER AUTHORITY.

(II) ANY SUCH CONTRACT SHALL SET FORTH FULLY THE PURPOSES, POWERS, RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES, FINANCIAL AND OTHERWISE, OF THE CONTRACTING PARTIES.

(III) WHERE OTHER PROVISIONS OF LAW PROVIDE REQUIREMENTS FOR SPECIAL TYPES OF INTERGOVERNMENTAL CONTRACTING OR COOPERATION, THOSE SPECIAL

PROVISIONS SHALL CONTROL.

(IV) ANY SUCH CONTRACT MAY PROVIDE FOR THE JOINT EXERCISE OF ANY FUNCTION, SERVICE, OR FACILITY, AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (q) INCLUDING THE ESTABLISHMENT OF A SEPARATE LEGAL ENTITY TO DO SO.

SECTION 3. 42-4-407 (1) (c) (III) (B), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

42-4-407. Gross weight of vehicles and loads. (1) (c) Notwithstanding any other provisions of this section, except as may be authorized under section 42-4-409, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge which is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the following specified limits:

(III) (B) In using the formula in sub-subparagraph (A) of this subparagraph (III), W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet between ~~first and last axles of such vehicle or combination of vehicles~~ THE EXTREME OF ANY GROUP OF TWO OR MORE CONSECUTIVE AXLES, and N equals number of axles IN THE GROUP UNDER CONSIDERATION; but, in computations of this formula, no gross vehicle weight shall exceed eighty thousand pounds, except as may be authorized under section 42-4-409.

SECTION 4. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

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 22, 1994