

CHAPTER 316

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 09-1318

BY REPRESENTATIVE(S) Sonnenberg and McFadyen, Baumgardner, Gardner C., Rice;
also SENATOR(S) Brophy and Shaffer B., Gibbs, Hodge, Kester, Kopp, Penry, Schultheis.

AN ACT

CONCERNING THE ISSUANCE OF OVERWEIGHT PERMITS BASED ON AXLE CONFIGURATION FOR VEHICLES WEIGHING MORE THAN THE EIGHTY-FIVE THOUSAND POUND NONOVERWEIGHT VEHICLE GROSS VEHICLE WEIGHT LIMIT, AND, IN CONNECTION THEREWITH, REPEALING BEFORE IT TAKES EFFECT A NEWLY ENACTED INCREASE IN THE LIMIT FROM EIGHTY-FIVE THOUSAND POUNDS TO NINETY-TWO THOUSAND POUNDS, MAKING AN OVERWEIGHT VEHICLE PERMIT AVAILABLE FOR A VEHICLE THAT IS OPERATED IN COMBINATION WITH A TRAILER OR SEMITRAILER IF THE TRAILER HAS A TANDEM OR TRIPLE AXLE GROUPING AND THE VEHICLE WEIGHS UP TO NINETY-SEVEN THOUSAND POUNDS, AND SPECIFYING OVERWEIGHT VEHICLE PERMIT FEES FOR SUCH A VEHICLE OF FIVE HUNDRED DOLLARS FOR AN ANNUAL PERMIT, TWO HUNDRED FIFTY DOLLARS FOR A SIX-MONTH PERMIT, AND FIFTEEN DOLLARS PLUS TEN DOLLARS PER AXLE FOR A SINGLE TRIP PERMIT.

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

SECTION 1. 42-4-508 (1) (b), Colorado Revised Statutes, as amended by Senate Bill 09-108, is amended to read:

42-4-508. Gross weight of vehicles and loads. (1) Except as provided in subsection (1.5) of this section, no vehicle or combination of vehicles shall be moved or operated on any highway or bridge when the gross weight thereof exceeds the limits specified below:

(b) Subject to the limitations prescribed in section 42-4-507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula W equals $1,000(L + 40)$, W = the gross weight in pounds, L = the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles, but in computation of this formula no gross vehicle weight shall exceed ~~ninety-two~~ EIGHTY-FIVE thousand pounds. For the purposes of this section, where a combination of vehicles is used, no vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of

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

vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section shall be strictly construed and enforced.

SECTION 2. 42-4-510 (1) (b) (II) (B) and (5), as amended by Senate Bill 09-108, the introductory portion to 42-4-510 (11) (a) (VI), 42-4-510 (11) (a) (VI) (B), as amended by Senate Bill 09-108, and 42-4-510 (11) (a) (VI) (D), as enacted by Senate Bill 09-108, Colorado Revised Statutes, are amended, and the said 42-4-510 (11) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

42-4-510. Permits for excess size and weight and for manufactured homes - rules. (1) (b) (II) An overweight permit issued pursuant to this section shall be available for overweight divisible loads if:

(B) The vehicle ~~has a tandem axle grouping on the power unit and the trailer~~ IS OPERATED IN COMBINATION WITH A TRAILER OR SEMITRAILER, WHICH IS COMMONLY REFERRED TO AS A TRACTOR-TRAILER, THE TRAILER HAS A TANDEM OR TRIPLE AXLE GROUPING, and the maximum gross weight of the vehicle does not exceed ~~ninety-two~~ NINETY-SEVEN thousand pounds; and

(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 ~~ninety-two~~ EIGHTY-FIVE thousand pounds.

(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:

(VI) For overweight permits for VEHICLES THAT HAVE A QUAD AXLE GROUPING FOR divisible vehicles or loads exceeding legal weight limits issued pursuant to subparagraph (II) of paragraph (b) of subsection (1) of this section:

(B) Single trip permit, ~~for a vehicle that has a quad axle grouping,~~ thirty dollars plus ten dollars per axle;

(D) Single trip permit for a vehicle that has a tandem axle grouping on the power unit and the trailer, fifteen dollars plus ten dollars per axle;

(VII) FOR OVERWEIGHT PERMITS FOR VEHICLE COMBINATIONS WITH A TANDEM OR TRIPLE AXLE GROUPING FOR DIVISIBLE VEHICLES OR LOADS EXCEEDING LEGAL WEIGHT LIMITS ESTABLISHED PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION:

(A) ANNUAL PERMIT, FIVE HUNDRED DOLLARS;

(B) SIX-MONTH PERMIT, TWO HUNDRED FIFTY DOLLARS; AND

(C) SINGLE TRIP PERMIT, FIFTEEN DOLLARS PLUS TEN DOLLARS PER AXLE.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act shall take effect January 1, 2010.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to overweight permits issued on or after the applicable effective date of this act.

Approved: June 1, 2009