

1 Amend printed bill, page 6, after line 6 insert:

2       **"SECTION 5.** In Colorado Revised Statutes, 42-20-402, **repeal**  
3 (2) as follows:

4       **42-20-402. Definitions.** As used in this part 4 and part 5 of this  
5 article, unless the context otherwise requires:

6       (2) "~~Commission~~" means the public utilities commission.

7       **SECTION 6.** In Colorado Revised Statutes, 42-20-405, **amend**  
8 (1) as follows:

9       **42-20-405. Violations - criminal penalties.** (1) Notwithstanding  
10 the provisions of section 40-7-107, ~~C.R.S.~~, any person who violates any  
11 provision of this part 4 or part 5 of this article **20** or rule or regulation  
12 promulgated by the chief pursuant to this part 4 and part 5 of this article  
13 **20** commits a class 2 misdemeanor and shall be punished as provided in  
14 section 18-1.3-501. ~~C.R.S.~~ No conviction pursuant to this section shall  
15 bar enforcement by the PUBLIC UTILITIES commission of any provision of  
16 title 40 ~~C.R.S.~~, with respect to violations by persons subject to said title.

17       **SECTION 7.** In Colorado Revised Statutes, 42-20-406, **amend**  
18 (1), (2), (3) introductory portion, and (3)(e) as follows:

19       **42-20-406. Violations - civil penalties - motor vehicles.** (1) Any  
20 person who violates any provision of this part 4 or part 5 of this article **20**  
21 or a rule or regulation promulgated by the chief pursuant to this part 4 and  
22 part 5 of this article **20**, except for the violations enumerated in subsection  
23 (3) of this section and section 42-20-505, ~~shall be~~ IS subject to a civil  
24 penalty of not more than ten thousand dollars per day for each day during  
25 which ~~such~~ THE violation occurs. The penalty shall be assessed by the  
26 chief upon receipt of a complaint by any ~~investigative personnel of the~~  
27 ~~commission or~~ Colorado state patrol officer and after written notice and  
28 an opportunity for a hearing pursuant to section 24-4-105. ~~C.R.S.~~  
29 Payment of a civil penalty under this section ~~shall~~ DOES not relieve any  
30 person from liability pursuant to article 11 of title 25, part 3 of article 15  
31 of title 25, or article 22 of title 29. ~~C.R.S.~~ Any person who is assessed a  
32 penalty pursuant to this subsection (1) ~~shall have~~ HAS the right to appeal  
33 the chief's decision by filing a notice of appeal with the court of appeals  
34 as specified in section 24-4-106 (11). ~~C.R.S.~~

35       (2) Any person who commits any of the acts enumerated in  
36 subsection (3) of this section ~~shall be~~ IS subject to the civil penalty listed  
37 in said subsection (3). ~~Investigative personnel of the commission, and~~  
38 Officers of the Colorado state patrol ~~shall~~ have the authority to issue civil  
39 penalty assessments for the enumerated violations. At any time that a

1 person is cited for a violation enumerated in subsection (3) of this section,  
2 the person in charge of or operating the motor vehicle involved shall be  
3 given a notice in the form of a civil penalty assessment notice. ~~Such~~ THE  
4 notice shall be tendered by the ~~enforcement official~~ OFFICER OF THE  
5 COLORADO STATE PATROL and ~~shall~~ MUST contain the name and address  
6 of ~~such~~ THE person, the license number of the motor vehicle involved, if  
7 any, the number of ~~such~~ THE person's driver's license, the nature of the  
8 violation, the amount of the penalty prescribed for ~~such~~ THE violation, the  
9 date of the notice, a place for ~~such~~ THE person to execute a signed  
10 acknowledgment of his or her receipt of the civil penalty assessment  
11 notice, a place for ~~such~~ THE person to execute a signed acknowledgment  
12 of liability for the cited violation, and such other information as may be  
13 required by law to constitute ~~such~~ THE notice as a complaint to appear in  
14 court should the prescribed penalty not be paid within ten days. Every  
15 cited person shall execute the signed acknowledgment of his or her  
16 receipt of the civil penalty assessment notice. The acknowledgment of  
17 liability shall be executed at the time the cited person pays the prescribed  
18 penalty. The person cited shall pay the civil penalty specified in  
19 subsection (3) of this section for the violation involved at the office of the  
20 department of revenue either in person or by postmarking such payment  
21 within ten days of the citation. The department of revenue shall accept  
22 late payment of any penalty assessment up to twenty days after ~~such~~ THE  
23 payment becomes due. If the person cited does not pay the prescribed  
24 penalty within ten days of the notice, the civil penalty assessment notice  
25 shall constitute a complaint to appear in court unless payment for ~~such~~  
26 THE penalty assessment has been accepted by the department of revenue  
27 as evidenced by receipt, and the person cited shall, within the time  
28 specified in the civil penalty assessment notice, file an answer to this  
29 complaint with the county court for the county in which the penalty  
30 assessment was issued. The attorney general shall represent the ~~state~~  
31 ~~agency that issued the civil penalty assessment notice~~ COLORADO STATE  
32 PATROL if so requested by the ~~agency~~ COLORADO STATE PATROL.

33 (3) The following penalties ~~shall~~ apply only to the transportation  
34 of nuclear materials by motor vehicle and shall be assessed against  
35 drivers, shippers, carriers, operators, brokers, and other persons, as  
36 appropriate:

37 (e) Any person who fails to produce his or her driver's log book  
38 on demand of any law enforcement official OR port of entry personnel ~~or~~  
39 ~~investigative personnel of the commission~~ in violation of 49 CFR 395.8  
40 shall be assessed a civil penalty of two hundred fifty dollars.

41 **SECTION 8.** In Colorado Revised Statutes, ~~amend~~ 42-20-501 as  
42 follows:

43 **42-20-501. Nuclear materials transportation permit required**

1   **- application.** (1) No transportation of nuclear materials shall take place  
2   in, to, from, or through this state until the ~~commission~~ DEPARTMENT OF  
3   TRANSPORTATION issues a permit, in accordance with the provisions of  
4   this section, which is not inconsistent with federal law, authorizing the  
5   applicant to operate or move upon public roads of this state a motor  
6   vehicle or combination of motor vehicles which carry nuclear materials.

7                   (2) Each carrier desiring to transport nuclear materials shall  
8   submit a permit application, in the form designated by the ~~commission~~  
9   DEPARTMENT OF TRANSPORTATION, to the ~~commission~~ prior to  
10   DEPARTMENT BEFORE beginning such transportation.

11                  **SECTION 9.** In Colorado Revised Statutes, 42-20-505, **amend**  
12   (1) and (3) as follows:

13                  **42-20-505. Penalties - permit system.** (1) ~~The investigative~~  
14   ~~personnel of the commission~~, A Colorado state patrol officer or a port of  
15   entry officer, as defined in section 42-8-102 (3), may assess a civil  
16   penalty of one thousand dollars against a carrier who transports nuclear  
17   materials without first obtaining a nuclear materials transportation permit.

18                  (3) The penalties in subsection (1) of this section shall be assessed  
19   upon an action brought by ~~the commission~~ or the Colorado state patrol in  
20   accordance with the procedure set forth in section 42-20-406.

21                  **SECTION 10.** In Colorado Revised Statutes, **amend** 42-20-506  
22   as follows:

23                  **42-20-506. Permit suspension and revocation.** In addition to any  
24   other civil or criminal penalties, the ~~commission~~ DEPARTMENT OF  
25   TRANSPORTATION may suspend the nuclear materials transportation  
26   permit of any carrier for a period not to exceed six months or revoke such  
27   THE permit for failure to comply with the permit terms, misrepresentation  
28   of information in the permit application, failure to pay a civil penalty  
29   assessed pursuant to section 42-20-406, or failure to comply with the  
30   regulations promulgated pursuant to parts 4 and 5 of this article **20**. The  
31   permit may be suspended or revoked only for good cause shown after due  
32   notice and opportunity for a hearing pursuant to section 24-4-105, ~~C.R.S.~~,  
33   if requested by the carrier.

34                  **SECTION 11.** In Colorado Revised Statutes, **amend** 42-20-511  
35   as follows:

36                  **42-20-511. Nuclear materials transportation fund.** All ~~moneys~~  
37   MONEY collected pursuant to parts 4 and 5 of this article **20** shall be  
38   transmitted to the state treasurer, who ~~in addition to any excess moneys~~  
39   ~~transferred from the motor carrier fund pursuant to section 40-2-110.5~~  
40   ~~(9), C.R.S.~~, shall credit the ~~same~~ MONEY to the nuclear materials  
41   transportation fund, which fund is hereby created. The ~~moneys~~ MONEY in  
42   the fund ~~shall be~~ IS subject to annual appropriation by the general  
43   assembly for the direct and indirect costs of the administration of parts 4

1 and 5 of this article **20.**".

2 Renumber succeeding section accordingly.

\*\*\* \*\*\* \*\*\* \*\*\* \*\*\*