

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0403.01 Debbie Haskins x2045

SENATE BILL 17-083

SENATE SPONSORSHIP

Kagan, Scott

HOUSE SPONSORSHIP

Foote, Willett

Senate Committees
Legal Services

House Committees
Legal Services

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF RECOMMENDATIONS OF THE**
102 **COMMITTEE ON LEGAL SERVICES IN CONNECTION WITH**
103 **LEGISLATIVE REVIEW OF RULES AND REGULATIONS OF STATE**
104 **AGENCIES.**

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/>.)

Committee on Legal Services. Based on the findings and recommendations of the committee on legal services, the bill extends all state agency rules and regulations that were adopted or amended on or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 17, 2017

HOUSE
Amended 2nd Reading
April 13, 2017

SENATE
3rd Reading Unamended
February 13, 2017

SENATE
2nd Reading Unamended
February 10, 2017

after November 1, 2015, and before November 1, 2016, with the exception of the rules and regulations specifically listed in the bill. Those specified rules and regulations will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2017, on the grounds that the rules and regulations either conflict with statute or lack or exceed statutory authority.

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

2 **SECTION 1. Rules and regulations scheduled for expiration**

3 **May 15, 2017 - extension.** (1) Except as indicated, the expiration of all
4 rules and regulations of agencies in the following principal departments,
5 which rules and regulations were adopted or amended on or after
6 November 1, 2015, and before November 1, 2016, and that are therefore
7 scheduled for expiration May 15, 2017, is postponed, and the provisions
8 of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

9 (a) Department of agriculture;

10 (b) Department of corrections;

11 (c) Department of education; except that the following rules of the
12 state board of education concerning the operation, maintenance, and
13 inspection of school transportation vehicles (1 CCR 301-26) are not
14 extended:

15 (I) Rule 4204-R-2.02(d), concerning student transportation under
16 public transportation programs subject to the Code of Federal Regulations
17 49 CFR 390 to 399;

18 (II) Rule 4204-R-5.01(a), concerning the operator shall possess a
19 valid commercial driver's license;

20 (III) Rule 4204-R-5.02(c), concerning the operator shall have a
21 current physical examination;

22 (IV) Rule 4204-R-6.02(b), concerning the school transportation

- 1 annual inspector shall provide a brake inspector qualification certificate;
- 2 (V) Rule 4204-R-11.12, concerning if brake adjustment or repair
- 3 is needed;
- 4 (VI) Rule 4204-R-15.03(e), concerning containers and quantities
- 5 of products are kept to a reasonable size;
- 6 (VII) Rule 4204-R-16.02, concerning the school district or service
- 7 provider may comply with part 395;
- 8 (VIII) Rule 4204-R-17.00, concerning route planning - student
- 9 loading and discharge;
- 10 (IX) Rule 4204-R-17.01, concerning school transportation small
- 11 vehicles;
- 12 (X) Rule 4204-R-17.02, concerning the location of student stops
- 13 shall consider factors including;
- 14 (XI) Rule 4204-R-17.02(a), concerning ages of the students;
- 15 (XII) Rule 4204-R-17.02(b), concerning visibility;
- 16 (XIII) Rule 4204-R-17.02(c), concerning lateral clearance;
- 17 (XIV) Rule 4204-R-17.02(d), concerning student access;
- 18 (XV) Rule 4204-R-17.02(e), control of other motorists;
- 19 (XVI) Rule 4204-R-17.02(e)(1), concerning student stops for
- 20 Type A multifunction buses;
- 21 (XVII) Rule 4204-R-17.03, concerning school transportation
- 22 vehicle operators shall stop at least 10 feet away;
- 23 (XVIII) Rule 4204-R-17.04, concerning the school transportation
- 24 vehicle operator shall stop;
- 25 (XIX) Rule 4204-R-17.04(a), concerning exception: The school
- 26 transportation vehicle operator may block;
- 27 (XX) Rule 4204-R-17.05, concerning student stops shall not be

- 1 located;
- 2 (XXI) Rule 4204-R-17.06, concerning if students are required to
- 3 cross a roadway;
- 4 (XXII) Rule 4204-R-17.07, concerning four-way hazard lamps;
- 5 (XXIII) Rule 4204-R-17.08, concerning alternative flashing red
- 6 warning signals;
- 7 (XXIV) Rule 4204-R-17.09, concerning routes shall be planned;
- 8 (XXV) Rule 4204-R-17.09(a), concerning eliminate, when
- 9 practical, railroad crossings;
- 10 (XXVI) Rule 4204-R-17.09(b), concerning have stops be a
- 11 minimum of 200 feet apart;
- 12 (XXVII) Rule 4204-R-17.09(b)(1), concerning exception: Student
- 13 stops located in areas where wildlife may create a high risk;
- 14 (XXVIII) Rule 4204-R-17.10, concerning pursuant to section
- 15 42-4-1903(2), C.R.S.;
- 16 (XXIX) Rule 4204-R-17.11, concerning school transportation
- 17 vehicle operators shall not relocate a student stop;
- 18 (XXX) Rule 4204-R-17.12, concerning school transportation
- 19 vehicle operators of school buses, multifunction buses, and motor coach
- 20 buses;
- 21 (XXXI) Rule 4204-R-17.12(a), concerning activate the four-way
- 22 hazard lamps;
- 23 (XXXII) Rule 4204-R-17.12(b), concerning stop the bus within
- 24 50 feet;
- 25 (XXXIII) Rule 4204-R-17.12(c), concerning when stopped, the
- 26 bus should;
- 27 (XXXIV) Rule 4204-R-17.2(d), concerning use a prearranged

1 signal;

2 (XXXV) Rule 4204-R-17.13, concerning after quietness aboard

3 the stopped bus has been achieved;

4 (XXXVI) Rule 4204-R-17.13(a), concerning if the tracks are

5 clear;

6 (XXXVII) Rule 4204-R-17.13(b), concerning when two or more

7 tracks are to be crossed;

8 (XXXVIII) Rule 4204-R-17.13(c), concerning before crossing the

9 tracks;

10 (XXXIX) Rule 4204-R-17.14, concerning school transportation

11 vehicle operators of school buses, multifunction buses and motor coach

12 buses;

13 (XL) Rule 4204-R-18.01, concerning emergency evacuation drills

14 shall be conducted with students;

15 (d) Department of health care policy and financing;

16 (e) Department of higher education;

17 (f) Department of human services; except that the following rule

18 of the state board of human services concerning other assistance programs

19 (9 CCR 2503-7) is not extended: Rule 3.751.56, concerning penalties for

20 individuals convicted of fraud;

21 (g) Department of labor and employment; except that the

22 following rules of the director of the division of oil and public safety

23 concerning underground storage tanks and aboveground storage tanks (7

24 CCR 1101-14) are not extended:

25 (I) The definitions of "fire resistant tank" and "protected tank" in

26 Rule 1-5;

27 (II) Rule 1-7, concerning codes, documents or standards

- 1 incorporated by reference;
- 2 (III) Rule 1-8, concerning inspection of incorporated codes;
- 3 (IV) Rule 2-1-1 (d) (2) (A), concerning NACE international
4 standard practice SP 0285;
- 5 (V) Rule 2-1-1 (d) (2) (B), concerning NACE international
6 standard practice SP 0169;
- 7 (VI) Rule 2-1-1 (d) (2) (D), concerning steel tank institute
8 recommended practice R892;
- 9 (VII) Rule 2-2-1 (a) (1) Note, concerning the following codes of
10 practice;
- 11 (VIII) Rule 2-2-1 (a) (1) (A), concerning underwriters laboratories
12 standard 1316;
- 13 (IX) Rule 2-2-1 (a) (1) (B), concerning underwriter's laboratories
14 of Canada S615;
- 15 (X) Rule 2-2-1 (a) (2) (iv) Note, concerning the following codes
16 of practice;
- 17 (XI) Rule 2-2-1 (a) (2) (iv) (A), concerning steel tank institute
18 "sti-P3 Specification and Manual for External Corrosion Protection of
19 Underground Steel Storage Tanks";
- 20 (XII) Rule 2-2-1 (a) (2) (iv) (B), concerning underwriters
21 laboratories standard 1746;
- 22 (XIII) Rule 2-2-1 (a) (2) (iv) (C), concerning underwriters
23 laboratories of Canada S603;
- 24 (XIV) Rule 2-2-1 (a) (2) (iv) (D), concerning NACE international
25 standard practice SP 0285;
- 26 (XV) Rule 2-2-1 (a) (3) Note, concerning the following codes of
27 practice;

1 (XVI) Rule 2-2-1 (a) (3) (A), concerning underwriters laboratories
2 standard 1746;

3 (XVII) Rule 2-2-1 (a) (3) (B), concerning steel tank institute
4 ACT-100 specification F894;

5 (XVIII) Rule 2-2-1 (a) (3) (C), concerning steel tank institute
6 ACT-100-U specification F961;

7 (XIX) Rule 2-2-1 (a) (3) (D), concerning steel tank institute
8 specification F922;

9 (XX) Rule 2-2-1 (b) (1) Note, concerning the following codes and
10 standards;

11 (XXI) Rule 2-2-1 (b) (1) (A), concerning underwriters laboratories
12 standard 971;

13 (XXII) Rule 2-2-1 (b) (1) (B), concerning underwriters
14 laboratories of Canada standard S660;

15 (XXIII) Rule 2-2-1 (b) (2) (iv) Note, concerning the following
16 codes and standards;

17 (XXIV) Rule 2-2-1 (b) (2) (iv) (A), concerning American
18 petroleum institute recommended practice 1632;

19 (XXV) Rule 2-2-1 (b) (2) (iv) (B), concerning underwriters
20 laboratories subject 971A;

21 (XXVI) Rule 2-2-1 (b) (2) (iv) (C), concerning steel tank institute
22 recommended practice R892;

23 (XXVII) Rule 2-2-1 (b) (2) (iv) (D), concerning NACE
24 international standard practice SP 0169;

25 (XXVIII) Rule 2-2-1 (b) (2) (iv) (E), concerning NACE
26 international standard practice SP 0285;

27 (XXIX) Rule 2-3-4-1 (a) (2) Note, concerning the following code

- 1 of practice;
- 2 (XXX) Rule 2-3-6-1 (c) Note, concerning the following code of
3 practice;
- 4 (XXXI) Rule 2-5-2 (d), concerning in addition to the codes of
5 practice;
- 6 (XXXII) Rule 2-5-3 (b) (1) (A), concerning NACE international
7 standard practice SP 0285;
- 8 (XXXIII) Rule 2-5-3 (b) (1) (C), concerning national leak
9 prevention association standard 631;
- 10 (XXXIV) Rule 2-5-3 (b) (1) (D), concerning American society for
11 testing and materials standard G158;
- 12 (XXXV) Rule 2-5-3 (d) (1) (v), concerning perform inventory
13 control;
- 14 (XXXVI) Rule 2-5-3 (d) (2) (iii), concerning perform inventory
15 control;
- 16 (XXXVII) Rule 3-2-1 (a) (1) (iii), concerning atmospheric tanks
17 shall not be used for the storage of a liquid;
- 18 (XXXVIII) Rule 3-2-1 (c) (2) (i), concerning sized in accordance
19 with American petroleum institute standard No. 2000;
- 20 (XXXIX) Rule 3-2-1 (d) (2), concerning in a vertical tank;
- 21 (XL) Rule 3-2-1 (i) (4), concerning after December 22, 1996,
22 tanks that are not listed;
- 23 (XLI) Rule 3-2-2-1 (c), concerning for ASTs installed on or after
24 April 14, 2011, ASTs shall be located in accordance with Table 1 below,
25 and including Table 1, concerning AST separation at motor fuel
26 dispensing facilities, and repair garages;
- 27 (XLII) Rule 3-2-2-2 (d) (1) (i), concerning the maximum

1 individual tank capacity and including Table 4, concerning AST
2 separation at fleet motor fuel dispensing facilities;

3 (XLIII) Rule 3-2-2-5 (f), concerning vaults that contain tanks of
4 class I liquids;

5 (XLIV) Rule 3-2-3 (c) (1), concerning an AST permit application
6 may be denied or revoked;

7 (XLV) Rule 3-2-3 (c) (3), concerning an AST permit may be
8 revoked if the AST installation or operation;

9 (XLVI) Rule 3-2-3 (c) (4), concerning an AST permit may be
10 revoked if an inspection by the director reveals;

11 (XLVII) Rule 3-3-1 (d) (6), concerning tanks that are not listed as
12 UL 2085 protected tanks;

13 (h) Department of law;

14 (i) Department of local affairs;

15 (j) Department of military and veterans affairs;

16 (k) Department of natural resources;

17 (l) Department of personnel;

18 (m) Department of public health and environment; except that the
19 following rule of the water quality control commission concerning the
20 Colorado discharge permit system (5 CCR 1002-61) is not extended: Rule
21 61.15 (c), concerning the annual permit fee or interim fee;

22 (n) Department of public safety;

23 (o) Department of regulatory agencies;

24 (p) Department of revenue; except that the following rules are not
25 extended:

26 

27 (I) The following rules of the division of motor vehicles

1 concerning motor official inspection stations - Rule 2, emissions
2 inspection (1 CCR 204-1):

- 3 (A) Rule 1.0, concerning definitions;
- 4 (B) Rule 2.0, concerning general licensing requirements;
- 5 (C) Rule 3.0, concerning station licenses;
- 6 (D) Rule 4.0, concerning inspector licenses;
- 7 (E) Rule 5.0, concerning inspection station operations;
- 8 (F) Rule 6.0, concerning distribution of compliance documents;
- 9 (G) Rule 7.0, concerning verification of vehicle identification
10 number (Form DR 2698);
- 11 (H) Rule 8.0, concerning security and retention of documents;
- 12 (I) Rule 9.0, concerning use of inspector number and security
13 codes;
- 14 (J) Rule 10.0, concerning audits;
- 15 (K) Rule 11.0, concerning violations and sanctions;
- 16 (L) Rule 12.0, concerning administrative hearings;
- 17 (q) Department of state;
- 18 (r) Department of transportation;
- 19 (s) Department of the treasury.

20 (2) The expiration of all rules and regulations of the public
21 employees' retirement association, which rules and regulations were
22 adopted or amended on or after November 1, 2015, and before November
23 1, 2016, and which are therefore scheduled for expiration May 15, 2017,
24 is postponed.

25 (3) The recommendations of the committee on legal services as
26 reflected in this act apply to the specified rules in the form in which said
27 rules were considered and acted upon by the committee. Any amendments

1 or other changes in the specified rules that became effective before
2 November 1, 2016, that comply with the recommendations of the
3 committee on legal services are not affected by this act. Any subsequent
4 amendments or other changes in the specified rules that became effective
5 on or after November 1, 2016, are not affected by this act.

6 **SECTION 2. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.