

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-1018.01 Jery Payne x2157

SENATE BILL 18-197

SENATE SPONSORSHIP

Sonnenberg and Crowder,

HOUSE SPONSORSHIP

Lewis,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXCEPTION TO THE REQUIREMENT THAT A MOTOR**
102 **VEHICLE CLEAR A PORT OF ENTRY FOR VEHICLES**
103 **TRANSPORTING AGRICULTURAL COMMODITIES.**

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>.)

Current law requires motor vehicles having an empty weight of 16,000 or more pounds or a motor vehicle that weighs 26,001 or more pounds fully loaded to clear a port of entry within 5 miles of its route. The bill exempts motor vehicles hauling only agricultural products.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-8-105, **amend** (1)
3 and (2) as follows:

4 **42-8-105. Clearance of motor vehicles at port of entry weigh**
5 **stations.** (1) (a) Every owner or operator of a motor vehicle that is
6 subject to payment of registration fees under ~~the provisions of~~ section
7 42-3-306 (5)(b) and every owner or operator of a motor vehicle or
8 combination of vehicles having a manufacturer's gross vehicle weight
9 rating or gross combination weight rating of twenty-six thousand one
10 pounds or more shall secure a valid clearance from an officer of the
11 Colorado state patrol, or from a port of entry weigh station before
12 operating the vehicle or combination of vehicles or causing the vehicle or
13 combination of vehicles to be operated on the public highways of this
14 state.

15 (b) ~~but~~ EXCEPT AS PROVIDED IN SUBSECTION (1)(c) OF THIS
16 SECTION, an owner or operator ~~shall be deemed to have complied with the~~
17 ~~provisions of~~ COMPLIES WITH this subsection (1) if the owner or operator
18 secures a valid clearance from the first port of entry weigh station located
19 within five road miles of the route that the owner or operator would
20 normally follow from the point of departure to the point of destination.

21 (c) (I) An owner or operator ~~shall not be required to~~ NEED NOT
22 seek out a port of entry weigh station not located on the route ~~such~~ THE
23 owner or operator is following if:

24 (A) The owner or operator secures a special revocable permit
25 from the Colorado state patrol in accordance with the provisions of
26 subsection (4) of this section; OR

1 (B) ANY OWNER OR OPERATOR UTILIZING A TRAILER SUCH AS A
2 HOPPER BOTTOM, FLAT BED, LIVE BOTTOM, LIVESTOCK, OR ANY TRAILER
3 PRIMARILY USED IN THE TRANSPORT OF AGRICULTURE COMMODITIES OR
4 LIVESTOCK.

5 (II) A vehicle with a seating capacity of fourteen or more
6 passengers registered under ~~the provisions of~~ section 42-3-304 (13) or
7 42-3-306 (2)(c)(I), ~~shall not be required to~~ NEED NOT secure a valid
8 clearance pursuant to this section.

9 (2) It is unlawful for any owner or operator of a motor vehicle
10 subject to ~~the provisions of~~ subsection (1) of this section to permit the
11 travel of ~~such~~ THE motor vehicle on the public highways of this state
12 without first having secured a valid clearance as provided in said
13 subsection (1), and every such owner or operator shall ~~be required to~~ seek
14 out a port of entry weigh station for the purpose of securing such valid
15 clearance, whether or not such port of entry weigh station is located on
16 the route that the owner or operator is following, unless:

17 (a) A valid clearance or a special permit in accordance with
18 subsection (4) of this section has previously been secured; OR

19 (b) THE OWNER OR OPERATOR IS EXEMPTED UNDER SUBSECTION
20 (1)(c) OF THIS SECTION.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.