A BILL FOR AN ACT

CONCERNING THE TRANSFER OF THE FUNCTION OF ISSUING PERMITS
FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS BY
MOTOR VEHICLE FROM THE PUBLIC UTILITIES COMMISSION TO
THE DEPARTMENT OF TRANSPORTATION.

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.)

Effective January 1, 2021, the bill transfers the function of issuing permits for the transportation of hazardous materials by motor vehicle from the public utilities commission to the department of transportation.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, amend 42-20-201 as follows:

42-20-201. Hazardous materials transportation permit required. Except as otherwise provided in this part 2, no transportation of hazardous materials by motor vehicle which requires placarding under 49 CFR part 172 or 173 shall take place in, to, from, or through this state until the public utilities commission issues a permit, in accordance with the provisions of this part 2, authorizing the applicant to operate or move upon the public roads of this state a motor vehicle or a combination of motor vehicles which carries hazardous materials. This part 2 does not apply to motor vehicles owned by the federal government, motor vehicles when used to transport to or from the farm or ranch site products used for agricultural production, or farm machinery which is exempted from registration requirements by section 42-3-103, unless such vehicles are used in furtherance of any commercial business other than agriculture. This part 2 applies to motor vehicles owned by the state or any political subdivision thereof; except that such vehicles shall be exempt from the fees provided in section 42-20-202. The requirements of this part 2 shall be in addition to, and not in substitution for, any other provisions of law.

SECTION 2. In Colorado Revised Statutes, 42-20-202, amend (1) and (2)(a) as follows:


(1) (a) Except as otherwise provided in this section, each person desiring
to transport hazardous materials which require placarding under 49 CFR part 172 or 173 in, to, from, or through this state shall submit a permit application for an annual permit to the public utilities commission prior to DEPARTMENT OF TRANSPORTATION BEFORE beginning such transportation. Permit applications shall MUST be in a form designated by the public utilities commission DEPARTMENT, and the public utilities commission DEPARTMENT shall maintain records of all such applications.

(b) Each annual permit shall be IS valid for one year following its issuance and shall be issued after the approval of the permit application by the public utilities commission DEPARTMENT OF TRANSPORTATION and upon the payment of a permit fee, which fee shall MUST be based on the number of motor vehicles the applicant operates within this state, as follows:

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<thead>
<tr>
<th>Number of Motor Vehicles</th>
<th>Permit Fee</th>
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<tbody>
<tr>
<td>1 - 5</td>
<td>$ 10</td>
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<tr>
<td>6 - 10</td>
<td>25</td>
</tr>
<tr>
<td>11 - 50</td>
<td>125</td>
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<tr>
<td>51 - 100</td>
<td>200</td>
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<tr>
<td>101 - 300</td>
<td>350</td>
</tr>
<tr>
<td>over 300</td>
<td>400</td>
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(c) Single trip permits may be obtained at all port of entry weigh stations FROM THE DEPARTMENT OF TRANSPORTATION and from the Colorado state patrol. Each person transporting such hazardous materials in, to, from, or through this state who has not obtained an annual permit from the public utilities commission DEPARTMENT OF TRANSPORTATION shall apply at the closest possible port of entry weigh station, AT A
DEPARTMENT OF TRANSPORTATION OFFICE, or to an officer or office of the Colorado state patrol for a single trip permit. Each single trip permit shall be valid for a single continuous business venture, but in no event shall the permit be valid for more than seventy-two hours, unless extended by any enforcement official for any reason the official deems advisable, including mechanical difficulties and road and weather conditions. The single trip permit shall be issued upon the approval of the permit application and upon the payment of a twenty-five-dollar permit fee.

(d) The public utilities commission shall provide the option to a company filing for a permit under this subsection (1) to file an express consent waiver that enables the company to designate a company representative to be a party of interest for a violation of this section. The appearance of the company representative in a court hearing without the operator when the operator has signed such waiver shall not be deemed the practice of law in violation of article 93 of title 13.

(2) No annual permit application shall be approved unless the applicant:

(a) Supplies proof of having obtained liability insurance as required by the United States department of transportation pursuant to 49 CFR 387. Proof of such liability insurance policy shall be filed with the public utilities commission. The insurance carrier shall give thirty days' written notice for nonpayment of premium and ninety days' notice for nonrenewal of policy to the public utilities commission. At any time that the insurance policy lapses, the permit shall be automatically revoked.
SECTION 3. In Colorado Revised Statutes, 42-20-203, amend (1) as follows:

42-20-203. Carrying of permit and shipping papers. (1) Any person transporting hazardous materials that require placarding under 49 CFR part 172 or 173 in this state shall carry a copy of the shipping papers required in 49 CFR 172.200 and a copy of the hazardous materials transportation permit issued by the public utilities commission DEPARTMENT OF TRANSPORTATION or by the Colorado state patrol OR, BEFORE JANUARY 1, 2021, BY THE PUBLIC UTILITIES COMMISSION at a port of entry weigh station in the transporting motor vehicle while in this state; except that, if a peace officer, as described in section 16-2.5-101, C.R.S., or any other enforcement official may determine DETERMINES that the hazardous materials transportation permit can be electronically verified at the time of contact, a copy of the permit need not be carried by the person transporting hazardous materials. The permit shall be is open to inspection or electronic verification by any enforcement official.

SECTION 4. In Colorado Revised Statutes, amend 42-20-205 as follows:

42-20-205. Permit suspension or revocation - rules. In addition to any other civil or criminal penalties, the public utilities commission DEPARTMENT OF TRANSPORTATION may suspend the hazardous materials transportation annual permit for a period not to exceed six months or may revoke such permit for failure to comply with the terms and conditions of such permit, for failure to pay a civil penalty assessed pursuant to section 42-20-204, or for continuing violations of the rules and regulations promulgated pursuant to part 1, 2, or 3 of this article ARTICLE 20. The permit may be suspended or revoked only for
good cause shown after due notice and an opportunity for a hearing as provided in article 4 of title 24 C.R.S., if requested by the permit holder.

THE DEPARTMENT MAY PROMULGATE RULES, SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF TITLE 24, TO ESTABLISH SPECIFIC PROCEDURES FOR SUSPENSION OR REVOCATION OF PERMITS AND THE CONDUCT OF PERMIT SUSPENSION AND REVOCATION HEARINGS.

SECTION 5. Act subject to petition - effective date. This act takes effect January 1, 2021; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect January 1, 2021, or on the date of the official declaration of the vote thereon by the governor, whichever is later.