

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 22-017

BY SENATOR(S) Scott and Zenzinger, Coram, Donovan, Hisey, Cooke, Gardner, Kirkmeyer, Kolker, Lundeen, Priola, Rankin, Simpson, Sonnenberg, Winter, Woodward, Garcia;  
also REPRESENTATIVE(S) Boesenecker and Catlin, Exum, Froelich, Gray, Hooton, Pico, Rich, Sullivan, Valdez D., Van Winkle, Bockenfeld, Caraveo, Duran, Lindsay, Lontine, Lynch, McCluskie, McCormick, McLachlan, Mullica, Soper, Titone, Van Beber, Woodrow, Young, Pelton.

CONCERNING THE DETERMINATION THAT A LOAD OF FLUID MILK PRODUCTS  
HAULED BY A VEHICLE IS NOT A DIVISIBLE LOAD UNDER THE VEHICLE  
WEIGHT LIMITS PERMITTED BY LAW.

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) In 2015, the United States Congress passed the "Fixing America's Surface Transportation Act", Pub.L. 114-94, also known as the "FAST Act";

(b) The "FAST Act" includes a provision in 23 U.S.C. sec. 127

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(a)(13) that reads "A vehicle carrying fluid milk products shall be considered a load that cannot be easily dismantled or divided [nondivisible].";

(c) Congress designated fluid milk as a nondivisible load because milk drivers must pick up the entire stock of milk that a dairy farm produces every day and deliver it to the dairy;

(d) The Colorado department of transportation promulgated a rule to conform with the provision in the "FAST Act", but the rule was inconsistent with and narrower than the provision; and

(e) With respect to the provision in the "FAST Act", this act merely harmonizes Colorado law with the "FAST Act".

**SECTION 2.** In Colorado Revised Statutes, 42-4-510, **add** (1)(d) as follows:

**42-4-510. Permits for excess size and weight and for manufactured homes - rules - definitions.** (1) (d) FOR THE PURPOSES OF THIS SECTION, SECTION 42-4-511, AND ANY RULE PROMULGATED UNDER THIS SECTION OR SECTION 42-4-511, A LOAD OF FLUID MILK PRODUCTS CARRIED BY A VEHICLE IS DEEMED TO NOT BE A DIVISIBLE LOAD.

**SECTION 3. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO