

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 24-220

BY SENATOR(S) Pelton R. and Hinrichsen, Mullica, Pelton B., Priola, Will;
also REPRESENTATIVE(S) Winter T. and Lukens, Bacon, Duran, Jodeh, McCluskie.

CONCERNING THE ADMINISTRATION OF PERMITS TO OPERATE EXTRALEGAL
VEHICLE LOAD COMBINATIONS.

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

SECTION 1. In Colorado Revised Statutes, 42-4-510, **amend** (1)(b)(I); and **add** (1)(b)(IV) and (12)(e) as follows:

42-4-510. Permits for excess size and weight and for manufactured homes - rules - definitions. (1) (b) (I) The application for any permit ~~shall~~ **MUST** specifically describe the vehicle and load to be operated or moved; ~~and~~ the particular highways for which the permit to operate is requested; ~~and~~ whether ~~such~~ **THE** permit is for a single trip, a special, or an annual operation; and the time of such movement. All state permits ~~shall be~~ **ARE** issued in the discretion of the department of transportation, subject to rules adopted by the transportation commission in accordance with this section and section 42-4-511. **EXCEPT AS PROVIDED IN**

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.

SECTION 42-4-513, all local permits ~~shall be~~ ARE issued in the discretion of the local authority pursuant to ordinances or resolutions adopted in accordance with section 42-4-511. Any ordinances or resolutions of local authorities ~~shall~~ MUST not conflict with this section.

(IV) AN APPLICANT FOR A PERMIT MUST PROVIDE THE DEPARTMENT OF TRANSPORTATION, THE COLORADO STATE PATROL, OR THE LOCAL AUTHORITY WITH ACCEPTABLE THIRD-PARTY DOCUMENTATION ESTABLISHING THE GROSS WEIGHT OF THE LOAD IF THE PERMIT APPLICATION IS FOR A VEHICLE AND LOAD COMBINATION WEIGHING AT LEAST TWO HUNDRED THOUSAND POUNDS AND LESS THAN FIVE HUNDRED THOUSAND POUNDS. THE DRIVER SHALL CARRY THE DOCUMENTATION IN THE VEHICLE DURING THE PERMITTED MOVE AND PRODUCE, UPON REQUEST, THE DOCUMENTATION FOR ANY STATE AGENCY OR LAW ENFORCEMENT PERSONNEL. ACCEPTABLE THIRD-PARTY DOCUMENTATION INCLUDES:

(A) A MANUFACTURER'S CERTIFICATION OF THE WEIGHT OF THE LOAD;

(B) A CERTIFIED WEIGHT TICKET FROM A CERTIFIED PUBLIC SCALE;

(C) A CLEARANCE CERTIFICATION FROM A LAW ENFORCEMENT AGENCY THAT HAS WEIGHED THE VEHICLE AND LOAD; OR

(D) A THIRD-PARTY BILL OF LADING THAT CLEARLY INDICATES THE WEIGHT OF THE LOAD.

(12) (e) IN ADDITION TO ANY OTHER PENALTY, A CARRIER USING A PERMIT SUBJECT TO SUBSECTION (1)(b)(IV) OF THIS SECTION THAT FAILS TO HAVE THE DOCUMENTATION DESCRIBED IN SUBSECTION (1)(b)(IV) OF THIS SECTION IS SUBJECT TO A PENALTY OF ONE DOLLAR PER POUND IN EXCESS OF THE GROSS WEIGHT AUTHORIZED BY THE PERMIT. A COURT SHALL TRANSFER A PENALTY COLLECTED PURSUANT TO THIS SUBSECTION (12)(e) TO THE STATE TREASURER, WHO SHALL CREDIT THE PENALTY TO THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE SPECIAL REVENUE FUND, CREATED IN SECTION 43-4-805 (3).

SECTION 2. In Colorado Revised Statutes, **add** 42-4-513 as follows:

42-4-513. Overweight and oversize permits in emergencies.

(1) AS USED IN THIS SECTION, "EMERGENCY" MEANS A TEMPORARY CIRCUMSTANCE IN WHICH:

(a) THE PUBLIC SAFETY OR HEALTH IS THREATENED;

(b) CRITICAL INFRASTRUCTURE OR HOMES ARE NOT ABLE TO MAINTAIN HEAT, POWER, OR LIGHT;

(c) PEOPLE ARE UNABLE TO SECURE ADEQUATE FOOD, WATER, OR FUEL; OR

(d) AGRICULTURE OPERATIONS OR PRODUCTION IS THREATENED WITH HAZARD OR HARM, INCLUDING HAZARD OR HARM TO ANIMALS.

(2) SUBJECT TO SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT OF TRANSPORTATION MAY, ON AN EXPEDITED BASIS, ISSUE A SINGLE-USE STATE PERMIT OR LOCAL PERMIT TO MITIGATE THE EFFECTS OF AN EMERGENCY OR TO PROVIDE AID TO PEOPLE AFFECTED BY AN EMERGENCY.

(3)(a) BEFORE APPLYING FOR A LOCAL PERMIT UNDER THIS SECTION, THE APPLICANT MUST MAKE A REASONABLE ATTEMPT TO CONTACT AND OBTAIN THE APPROVAL OF THE LOCAL AUTHORITY WITH JURISDICTION OVER ANY HIGHWAY USED PURSUANT TO THE PERMIT.

(b) IF A PERMIT ISSUED UNDER SUBSECTION (2) OF THIS SECTION IS A LOCAL PERMIT, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR SHALL, PRIOR TO ISSUING THE PERMIT, MAKE A REASONABLE ATTEMPT TO CONTACT AND OBTAIN THE APPROVAL OF THE LOCAL AUTHORITIES WITH JURISDICTION OVER ANY HIGHWAY USED PURSUANT TO THE PERMIT. IF THE DEPARTMENT OF TRANSPORTATION IS UNABLE TO CONTACT OR OBTAIN THE APPROVAL OF THE LOCAL AUTHORITY WITHIN A REASONABLE AMOUNT OF TIME BASED ON THE EMERGENCY SITUATION, THE DEPARTMENT OF TRANSPORTATION MAY ISSUE THE LOCAL PERMIT.

(c) TO ISSUE A SINGLE-USE STATE PERMIT OR LOCAL PERMIT, THE DEPARTMENT OF TRANSPORTATION MUST OBTAIN APPROVAL FROM THE CHIEF OF THE COLORADO STATE PATROL IF A LAW ENFORCEMENT ESCORT IS NEEDED.

(4) IF A PERMIT ISSUED UNDER SUBSECTION (2) OF THIS SECTION IS A LOCAL PERMIT, THE DEPARTMENT OF TRANSPORTATION SHALL COLLECT THE FEE IMPOSED BY THE LOCAL AUTHORITY UNDER SECTION 42-4-510 (11)(b) AND REMIT THE FEE TO THE APPROPRIATE LOCAL AUTHORITY.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2024 and, in such case, will take effect on

the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed or applications submitted on or after the applicable effective date of this act.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO