

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
10.7.19

**BILL 7**

LLS NO. 20-0350.01 Jason Gelender x4330

**INTERIM COMMITTEE BILL**

**Transportation Legislation Review Committee**

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**BILL TOPIC: "Hazardous Materials Transportation Permit Issuance"**

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**A BILL FOR AN ACT**

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

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**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/>.)*

**Transportation Legislation Review Committee.** Effective January 1, 2021, the bill transfers the function of issuing permits for the transportation of hazardous materials by motor vehicle from the public

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

utilities commission to the department of transportation.

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

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

4 **42-20-201. Hazardous materials transportation permit**  
5 **required.** Except as otherwise provided in this part 2, no transportation  
6 of hazardous materials by motor vehicle which requires placarding under  
7 49 CFR part 172 or 173 shall take place in, to, from, or through this state  
8 until the ~~public utilities commission~~ DEPARTMENT OF TRANSPORTATION  
9 issues a permit, in accordance with the provisions of this part 2,  
10 authorizing the applicant to operate or move upon the public roads of this  
11 state a motor vehicle or a combination of motor vehicles which carries  
12 hazardous materials. This part 2 ~~shall~~ DOES not apply to motor vehicles  
13 owned by the federal government, motor vehicles when used to transport  
14 to or from the farm or ranch site products used for agricultural  
15 production, or farm machinery which is exempted from registration  
16 requirements by section 42-3-103, unless such vehicles are used in  
17 furtherance of any commercial business other than agriculture. This part  
18 2 ~~shall apply~~ APPLIES to motor vehicles owned by the state or any political  
19 subdivision thereof; except that such vehicles ~~shall be~~ ARE exempt from  
20 the fees provided in section 42-20-202. The requirements of this part 2  
21 ~~shall be~~ ARE in addition to, and not in substitution for, any other  
22 provisions of law.

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

25 **42-20-202. Transportation permit - application fee.**

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

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

| 15 | <b>Number of</b>      | <b>Permit Fee</b> |
|----|-----------------------|-------------------|
| 16 | <b>Motor Vehicles</b> |                   |
| 17 | 1 - 5                 | \$ 10             |
| 18 | 6 - 10                | 25                |
| 19 | 11 - 50               | 125               |
| 20 | 51 - 100              | 200               |
| 21 | 101 - 300             | 350               |
| 22 | over 300              | 400               |

23 (c) Single trip permits may be obtained at all port of entry weigh  
24 stations and from the Colorado state patrol. Each person transporting such  
25 hazardous materials in, to, from, or through this state who has not  
26 obtained an annual permit from the ~~public utilities commission~~  
27 DEPARTMENT OF TRANSPORTATION shall apply at the closest possible port

1 of entry weigh station or to an officer or office of the Colorado state  
2 patrol for a single trip permit. Each single trip permit ~~shall be~~ is valid for  
3 a single continuous business venture, but in no event shall the permit be  
4 valid for more than seventy-two hours, unless extended by any  
5 enforcement official for any reason the official deems advisable,  
6 including mechanical difficulties and road and weather conditions. ~~The~~  
7 A single trip permit shall be issued upon the approval of the permit  
8 application and upon the payment of a twenty-five-dollar permit fee.

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

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

19 (a) Supplies proof of having obtained liability insurance as  
20 required by the United States department of transportation pursuant to 49  
21 CFR 387. Proof of such liability insurance policy shall be filed with the  
22 ~~public utilities commission~~ DEPARTMENT OF TRANSPORTATION. The  
23 insurance carrier shall give thirty days' written notice for nonpayment of  
24 premium and ninety days' notice for nonrenewal of policy to the ~~public~~  
25 ~~utilities commission~~ DEPARTMENT before the cancellation of such policy.  
26 At any time that the insurance policy lapses, the permit shall be  
27 automatically revoked.

1           **SECTION 3.** In Colorado Revised Statutes, 42-20-203, **amend**  
2 (1) as follows:

3           **42-20-203. Carrying of permit and shipping papers.** (1) Any  
4 person transporting hazardous materials that require placarding under 49  
5 CFR part 172 or 173 in this state shall carry a copy of the shipping papers  
6 required in 49 CFR 172.200 and a copy of the hazardous materials  
7 transportation permit issued by the ~~public utilities commission~~  
8 DEPARTMENT OF TRANSPORTATION or by the Colorado state patrol OR,  
9 BEFORE JANUARY 1, 2021, BY THE PUBLIC UTILITIES COMMISSION at a port  
10 of entry weigh station in the transporting motor vehicle while in this state;  
11 except that, if a peace officer, as described in section 16-2.5-101, ~~C.R.S.~~,  
12 or any other enforcement official ~~may determine~~ DETERMINES that the  
13 hazardous materials transportation permit can be electronically verified  
14 at the time of contact, a copy of the permit need not be carried by the  
15 person transporting hazardous materials. The permit ~~shall be~~ IS open to  
16 inspection or electronic verification by any enforcement official.

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

19           **42-20-205. Permit suspension or revocation.** In addition to any  
20 other civil or criminal penalties, the ~~public utilities commission~~  
21 DEPARTMENT OF TRANSPORTATION may suspend ~~the~~ A hazardous  
22 materials transportation annual permit for a period not to exceed six  
23 months or may revoke ~~such~~ A permit for failure to comply with the terms  
24 and conditions of ~~such~~ THE permit, for failure to pay a civil penalty  
25 assessed pursuant to section 42-20-204, or for continuing violations of the  
26 regulations promulgated pursuant to part 1, 2, or 3 of this ~~article~~ ARTICLE  
27 20. The permit may be suspended or revoked only for good cause shown

1 after due notice and an opportunity for a hearing as provided in article 4  
2 of title 24 ~~C.R.S.~~, if requested by the permit holder.

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