

CHAPTER 274

PUBLIC UTILITIES

HOUSE BILL 96-1114

BY REPRESENTATIVES Schwarz, Chlouber, Entz, Foster, Nichol, Reeser, and Young;
also SENATORS Bishop and Tebedo.

AN ACT

CONCERNING REGULATION OF MOTOR CARRIERS, AND, IN CONNECTION THEREWITH, TRANSFERRING CERTAIN SAFETY REGULATION RESPONSIBILITIES TO THE STATE PATROL AND CONSOLIDATING RESPONSIBILITIES RELATED TO THE ISSUANCE OF STATE PERMITS FOR OVERSIZE AND OVERWEIGHT VEHICLES.

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

SECTION 1. 24-1-117 (4) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-1-117. Department of revenue - creation. (4) (a) The department of revenue shall consist of the following divisions:

- (I) Division of enforcement;
- (II) Motor vehicle division;
- (III) ~~Ports of entry~~ MOTOR CARRIER SERVICES division;
- (IV) Liquor enforcement division;
- (V) State lottery division;
- (VI) Division of racing events, including the Colorado racing commission;
- (VII) Division of gaming, including the Colorado limited gaming control commission; and

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(VIII) Such other divisions, sections, and units as the executive director of the department of revenue may create pursuant to section 24-35-103.

SECTION 2. 40-2-116, Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-2-116. Motor carriers - motor vehicle carriers exempt from regulation as public utilities - safety regulations. (1) The commission has the duty to establish, for motor carriers subject to article 10 or 11 of this title, ~~and for motor vehicle carriers exempt from regulation as public utilities subject to article 16 of this title,~~ reasonable requirements to promote safety of operation and, to that end, to prescribe qualifications and maximum hours of service of employees and minimum standards of equipment and for the operation thereof. WITH THE EXCEPTION OF PROPERTY CARRIERS OPERATING VEHICLES WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF TWENTY-SIX THOUSAND ONE POUNDS OR MORE, THE COMMISSION ALSO HAS THE DUTY TO ESTABLISH SUCH REQUIREMENTS FOR MOTOR VEHICLE CARRIERS EXEMPT FROM REGULATION AS PUBLIC UTILITIES AS DEFINED IN SECTION 40-16-101.

(2) For the purpose of carrying out the provisions of this section pertaining to safety, the commission may avail itself of the assistance of any agency of the United States or of this state having special knowledge of any such matter as may be necessary to promote the safety of operation and equipment of motor vehicles as provided in this section. In adopting such rules and regulations, the commission shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to explosives and other dangerous articles, safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, recording and reporting of accidents, hours of service of drivers, and inspection and maintenance of motor vehicles.

SECTION 3. 24-33.5-203 (1), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-33.5-203. Duties of executive director and patrol. (1) (a) The executive director has the power, authority, and responsibility to approve policies governing the activities of the Colorado state patrol so as to secure the proper and efficient enforcement of all laws of the state delegating enforcement, authority, and responsibility to the Colorado state patrol.

(b) EXCEPT AS OTHERWISE PROVIDED IN SECTION 40-16-105 (1), C.R.S., THE EXECUTIVE DIRECTOR HAS THE DUTY TO ESTABLISH, FOR MOTOR VEHICLE CARRIERS NOT SUBJECT TO ECONOMIC REGULATION BY THE COLORADO PUBLIC UTILITIES COMMISSION, REASONABLE REQUIREMENTS TO PROMOTE SAFETY OF OPERATION AND, TO THAT END, TO PRESCRIBE QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES AND MINIMUM STANDARDS OF EQUIPMENT AND FOR THE OPERATION THEREOF. FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS SECTION PERTAINING TO SAFETY, THE EXECUTIVE DIRECTOR MAY ENLIST THE ASSISTANCE OF ANY AGENCY OF THE UNITED STATES OR OF THIS STATE HAVING SPECIAL KNOWLEDGE OF ANY SUCH MATTER AS MAY BE NECESSARY TO PROMOTE THE SAFETY OF OPERATION AND EQUIPMENT OF MOTOR VEHICLES AS PROVIDED IN THIS SECTION. IN ADOPTING SUCH RULES, THE EXECUTIVE DIRECTOR SHALL USE AS GENERAL GUIDELINES THE

STANDARDS CONTAINED IN THE CURRENT RULES OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION RELATING TO EXPLOSIVES AND OTHER DANGEROUS ARTICLES, SAFETY REGULATIONS, QUALIFICATIONS OF DRIVERS, DRIVING OF MOTOR VEHICLES, PARTS AND ACCESSORIES, RECORDING AND REPORTING OF ACCIDENTS, HOURS OF SERVICE OF DRIVERS, AND INSPECTION AND MAINTENANCE OF MOTOR VEHICLES. THE STATE PATROL SHALL ENFORCE OR AID IN ENFORCING ALL OF SUCH RULES.

SECTION 4. 40-10-105 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

40-10-105. Rules for issuance of certificates - standing to protest - judicial review. (2) (d) (I) THE HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THAT CONTAINS AUTHORITY TO OPERATE AS A TAXICAB BETWEEN POINTS IN THE CITY AND COUNTY OF DENVER SHALL ALSO BE DEEMED TO HOLD TAXICAB AUTHORITY FROM POINTS IN THE CITY AND COUNTY OF DENVER TO ALL POINTS IN THE STATE OF COLORADO.

(II) THE HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THAT CONTAINS AUTHORITY TO OPERATE AS A TAXICAB TO POINTS IN THE CITY AND COUNTY OF DENVER SHALL ALSO BE DEEMED TO HOLD TAXICAB AUTHORITY FROM POINTS IN THE CITY AND COUNTY OF DENVER TO ALL POINTS WITHIN THE MOTOR CARRIER'S BASE AREA, DEFINED AS THAT GEOGRAPHIC AREA IN WHICH SUCH CARRIER MAY PROVIDE POINT-TO-POINT TAXICAB SERVICE.

(III) THE COMMISSION SHALL FORTHWITH AMEND, BY ORDER AND WITHOUT NOTICE OR HEARING, ANY EXISTING TAXICAB CERTIFICATE AS DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (d) TO ALLOW SERVICE FROM POINTS IN THE CITY AND COUNTY OF DENVER TO EITHER ALL POINTS IN THE STATE OF COLORADO OR ALL POINTS WITHIN THE MOTOR CARRIER'S BASE AREA TO CONFORM WITH THE DIRECTIVES CONTAINED IN SAID SUBPARAGRAPH (I) OR (II).

SECTION 5. 40-16-105, Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-16-105. Safety requirements. (1) ~~A motor vehicle carrier exempt from regulation as a public utility shall comply with motor carrier safety rules promulgated by the public utilities commission pursuant to section 40-2-116.~~ MOTOR VEHICLE CARRIERS EXEMPT FROM REGULATION AS PUBLIC UTILITIES, EXCEPT PROPERTY CARRIERS OPERATING VEHICLES WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF TWENTY-SIX THOUSAND ONE POUNDS OR MORE, SHALL COMPLY WITH SAFETY RULES ADOPTED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO SECTION 40-2-116. THE COMMISSION SHALL HAVE THE PRIMARY RESPONSIBILITY FOR ENFORCEMENT, INSPECTION OF VEHICLES, AND SUPERVISION OF DRIVERS UNDER THIS SUBSECTION (1). NOTHING IN THIS SUBSECTION (1) SHALL BE CONSTRUED TO DIMINISH THE AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY, ANY PEACE OFFICER, OR ANY OTHER AGENT OF GOVERNMENT TO ENFORCE THE LAWS OF THIS STATE.

(2) PROPERTY CARRIERS OPERATING VEHICLES WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF TWENTY-SIX THOUSAND ONE POUNDS OR MORE SHALL COMPLY WITH SAFETY RULES ADOPTED BY THE

DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-203 (1) (b), C.R.S. THE DEPARTMENT OF PUBLIC SAFETY SHALL HAVE THE PRIMARY RESPONSIBILITY FOR ENFORCEMENT, INSPECTION OF VEHICLES, AND SUPERVISION OF DRIVERS UNDER THIS SUBSECTION (2). NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO DIMINISH THE AUTHORITY OF THE PUBLIC UTILITIES COMMISSION, ANY PEACE OFFICER, OR ANY OTHER AGENT OF GOVERNMENT TO ENFORCE THE LAWS OF THIS STATE.

SECTION 6. 40-16-106, Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-16-106. Enforcement. The public utilities commission of this state, the Colorado state patrol, and the ports of entry ~~division~~ SECTION of the department of revenue shall monitor the compliance of persons offering services pursuant to this article with the requirements of this article and shall enforce such requirements.

SECTION 7. 42-4-235 (1) (a) and (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-235. Minimum standards for commercial vehicles. (1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver; AND

(II) ANY MOTOR VEHICLE DESIGNED OR EQUIPPED TO TRANSPORT OTHER MOTOR VEHICLES FROM PLACE TO PLACE BY MEANS OF WINCHES, CABLES, PULLEYS, OR OTHER EQUIPMENT FOR TOWING, PULLING, OR LIFTING, WHEN SUCH MOTOR VEHICLE IS USED IN COMMERCE ON THE PUBLIC HIGHWAYS OF THIS STATE.

(4) (a) The department shall adopt rules and regulations for the operation of all commercial vehicles. In adopting such rules and regulations, the department shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair, and maintenance of motor vehicles and employee safety and health standards.

(b) THE COLORADO PUBLIC UTILITIES COMMISSION MAY ENFORCE SAFETY RULES OF THE DEPARTMENT GOVERNING COMMERCIAL VEHICLES DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION PURSUANT TO ITS AUTHORITY TO REGULATE TOWING CARRIERS, INCLUDING WITHOUT LIMITATION THE ISSUANCE OF CIVIL PENALTIES FOR VIOLATIONS OF SUCH RULES AS PROVIDED IN SECTION 40-7-113, C.R.S.

SECTION 8. 40-7-113 (1) (g), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-7-113. Civil penalties - fines. (1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of this section, any person who violates any provision of article 10, 11, 13, or 16 of this title or any rule or regulation promulgated by the commission pursuant to such articles, which provision or rule or regulation is applicable to such person, may be subject to fines as specified in the following paragraphs:

(g) Any person who operates a motor vehicle as defined in section 40-10-101 (3) or 40-11-101 (4) who intentionally violates any provision of articles 10, 11, 13, 14, and 16 of this title not enumerated in paragraphs (a) to (f) of this subsection (1), ~~or~~ any rule or regulation promulgated by the commission pursuant to this title, ~~OR ANY SAFETY RULE ADOPTED BY THE DEPARTMENT OF PUBLIC SAFETY RELATING TO TOWING CARRIERS~~ may be assessed a civil penalty of not more than four hundred dollars.

SECTION 9. 42-4-510 (1), (3), (5), and (8) and the introductory portion to 42-4-510 (11) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-4-510. Permits for excess size and weight and for manufactured homes.

(1) (a) The department of transportation, THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE, or the Colorado state patrol with respect to highways under its jurisdiction or any local authority with respect to highways under its jurisdiction may, upon application in writing and good cause being shown therefor, issue a single trip, a special, or an annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this article or otherwise not in conformity with the provisions of this article upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible; except that permits for the movement of any manufactured home shall be issued as provided in subsection (2) of this section.

(b) The application for any permit shall 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 permit is for a single trip, a special, or an annual operation, and the time of such movement. All state permits shall be issued in the discretion of the department of transportation, subject to rules and regulations adopted by the transportation commission in accordance with this section and section 42-4-511. All local permits shall be 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 not conflict with this section.

(3) The department of transportation, THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE, or the Colorado state patrol or any local authority is authorized to issue or withhold a permit, as provided in this section, and, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicles, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures and may require such undertaking or other security as may be deemed necessary to compensate for any

injury to any highway or highway structure.

(5) The department of transportation, THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE, or the Colorado state patrol shall, unless such action will jeopardize distribution of federal highway funds to the state, upon application in writing, issue a special annual permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles on the interstate highway system of Colorado at a maximum weight of eighty-five thousand pounds. The special annual permit shall be issued at a charge of twenty-five dollars for each power unit.

(8) (a) The department of transportation shall have a procedure to allow those persons who are transporting loads from another state into Colorado and who would require a permit under the provisions of this section to make advance arrangements by telephone or other means of communication for the issuance of a permit if the load otherwise complies with the requirements of this section.

(b) EFFECTIVE JULY 1, 1996, THE MOTOR CARRIER SERVICES DIVISION IN THE DEPARTMENT OF REVENUE SHALL HAVE AVAILABLE FOR ISSUANCE AT EACH FIXED PORT OF ENTRY WEIGH STATION PERMITS FOR EXTRALEGAL VEHICLES OR LOADS; EXCEPT THAT SPECIAL PERMITS FOR EXTRALEGAL VEHICLES OR LOADS THAT ARE CONSIDERED EXTRAORDINARY IN DIMENSIONS OR WEIGHT, OR BOTH, AND THAT REQUIRE ADDITIONAL SAFETY PRECAUTIONS WHILE IN TRANSIT SHALL BE ISSUED ONLY BY THE DEPARTMENT OF TRANSPORTATION. A PORT OF ENTRY MAY ISSUE SUCH SPECIAL PERMITS IF AUTHORIZED TO DO SO BY THE DEPARTMENT OF TRANSPORTATION AND UNDER SUCH RULES AS THE DEPARTMENT OF TRANSPORTATION MAY ESTABLISH, AND MAY DELIVER FROM A FIXED PORT OF ENTRY WEIGH STATION ANY PERMIT ISSUED BY THE DEPARTMENT OF TRANSPORTATION.

(c) ON OR BEFORE JULY 1, 1997, THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF REVENUE SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE REGARDING:

(I) SUCH DEPARTMENTS' PROGRESS IN IMPLEMENTING ELECTRONIC PERMITTING SYSTEMS THAT WOULD FURTHER THE CONVENIENCE AND EFFICIENCY OF ADMINISTERING PERMIT APPLICATIONS BY THE TRUCKING INDUSTRY; AND

(II) WHETHER THE IMPLEMENTATION OF ELECTRONIC PERMITTING SYSTEMS ENABLES ANY ORGANIZATIONAL OR ADMINISTRATIVE CHANGES BY THE STATE OR BY LOCAL GOVERNMENTS IN THE ISSUANCE OF PERMITS.

(11) (a) The department of transportation, THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE, or the Colorado state patrol may charge permit applicants permit fees as follows:

SECTION 10. 42-4-511 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-511. Permit standards - state and local. (2) (c) EFFECTIVE JULY 1, 1996, ANY LOCAL AUTHORITY THAT ADOPTS OR HAS ADOPTED AN ORDINANCE OR RESOLUTION GOVERNING PERMITS FOR THE MOVEMENT OF OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS SHALL FILE A COPY OF SUCH ORDINANCE OR RESOLUTION WITH

THE DEPARTMENT OF TRANSPORTATION AND THE MOTOR CARRIER SERVICES DIVISION OF THE DEPARTMENT OF REVENUE.

SECTION 11. 42-8-103, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-8-103. Motor carrier services division. (1) There is hereby created within the department of revenue a ~~ports of entry~~ MOTOR CARRIER SERVICES division, which division, acting under the authority and direction of the executive director of the department of revenue, shall be FURTHER SUBDIVIDED INTO ENFORCEMENT FUNCTIONS AND SERVICE FUNCTIONS. ENFORCEMENT FUNCTIONS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE PORTS OF ENTRY SECTION. SERVICE FUNCTIONS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, PERSONNEL AND FACILITIES FOR DEALING WITH INTERSTATE AND INTERNATIONAL MOTOR VEHICLE REGISTRATIONS.

(2) THE EXECUTIVE DIRECTOR SHALL BE responsible for establishing and operating port of entry weigh stations at such points along the public highways of this state as are determined to be necessary to carry out the purposes of this article. The executive director shall authorize ~~not less than ten~~ permanent port of entry weigh stations and ~~not less than four~~ mobile port of entry weigh stations to be established and operated by the division. ~~and such additional stations as the executive director may from time to time determine to be necessary.~~ The location or relocation of such stationary or mobile port of entry weigh stations shall be determined by the executive director. Wherever any provision of this article refers to a motor vehicle inspection station or to a motor carrier inspection station, such provision shall be deemed to refer to a port of entry weigh station established and operated by the ~~ports of entry~~ MOTOR CARRIER SERVICES division.

SECTION 12. 42-8-105 (1), (4), and (6), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

42-8-105. Clearance of motor vehicles at port of entry weigh stations. (1) Every owner or operator of a motor vehicle ~~which~~ THAT is subject to payment of registration fees under the provisions of section 42-3-134 (13) (b) and every owner or operator of a motor vehicle or combination of vehicles ~~exceeding sixteen~~ HAVING A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION WEIGHT RATING OF TWENTY-SIX thousand ONE pounds ~~empty weight~~ OR MORE, shall secure a valid clearance from an office of the department of revenue, from an officer of the Colorado state patrol, or from a port of entry weigh station before operating such vehicle or combination of vehicles or causing such vehicle or combination of vehicles to be operated on the public highways of this state, but an owner or operator shall be deemed to have complied with the provisions of this subsection (1) if the owner or operator secures a clearance from the first port of entry weigh station located within five road miles of the route which the owner or operator would normally follow from the point of departure to the point of destination. An owner or operator shall not be required to seek out a port of entry weigh station not located on the route such owner or operator is following if the owner or operator secures a special revocable permit from the department of revenue in accordance with the provisions of subsection (4) of this section. A vehicle of a seating capacity of fourteen or more passengers registered under the provisions of section 42-3-134 (4) (c) (I) or (21) (a) shall not be required to secure a clearance certificate pursuant to this section.

(4) The department of revenue may issue a special revocable permit to the owner or operator of any vehicle ~~using a negotiated average weight factor or~~ being operated over a regularly scheduled route waiving the requirement that the owner or operator seek out and stop at a port of entry weigh station not located directly on the route being followed. In order for the permit to be effective, the vehicle must be operating over a regularly scheduled route which has previously been cleared with the department of revenue.

(6) To facilitate the proper identification and handling of all motor vehicles requiring clearance through the port of entry weigh stations of the state, ~~every owner or operator of a motor vehicle for which the executive director of the department of revenue has determined an average weight factor pursuant to section 42-3-134 shall~~ affix EVERY VEHICLE REQUIRING SUCH CLEARANCE SHALL HAVE AFFIXED TO IT a distinct marking ~~on such vehicle~~ CONFORMING to specifications set by the executive director. Such marking shall include the name or company logo of the owner or operator of the motor vehicle and such other information as the executive director shall require.

SECTION 13. The introductory portion to 42-8-109 (2), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-8-109. Fines and penalties. (2) Any person violating or permitting the violation of any of the provisions of this article OTHER THAN SECTION 42-8-105 (6) is guilty of a misdemeanor and, upon conviction thereof, shall be punished according to the following schedule of fines and penalties:

SECTION 14. 43-4-201 (3) (a) (I.1), (3) (a) (III) (B), and (3) (a) (III) (C), Colorado Revised Statutes, 1993 Repl. Vol., as amended, are amended to read:

43-4-201. Funds created. (3) (a) (I.1) Commencing with the fiscal year 1995-96, the general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund pursuant to this paragraph (a), except to the department of public safety for the Colorado state patrol or to the department of revenue for the ports of entry ~~division~~ SECTION, that exceeds the annual appropriation or statutory distribution for all purposes except the Colorado state patrol and the ports of entry division for the fiscal year 1994-95.

(III) (B) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1996-97 authorized by subparagraph (II) of this paragraph (a), excluding the annual appropriation or statutory distribution to the Colorado state patrol and the ports of entry ~~division~~ SECTION, that exceeds thirty-three and one-third percent of the fiscal year 1994-95 annual appropriation or statutory distribution.

(C) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund for the fiscal year 1997-98 or for any succeeding fiscal year authorized by subparagraph (II) of this paragraph (a), excluding the annual appropriation or statutory distribution to the Colorado state patrol and the ports of entry ~~division~~ SECTION.

SECTION 15. Effective date. This act shall take effect July 1, 1996.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1996