

CHAPTER 277

TRANSPORTATION

HOUSE BILL 98-1001

BY REPRESENTATIVES May, Gotlieb, Schauer, Smith, Swenson, and S. Williams;
also SENATORS Mutzebaugh, Chlouber, Norton, Powers, and Tebedo.

AN ACT

CONCERNING TRANSPORTATION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 39-27-301 (2), (5), and (7), Colorado Revised Statutes, are amended, and the said 39-27-301 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-27-301. Definitions. As used in this part 3, unless the context otherwise requires:

(2) "Base ~~state~~ JURISDICTION" means the ~~state~~ JURISDICTION in which the motor carrier is legally domiciled or, in the case of a motor carrier who has no legal domicile, the ~~state~~ JURISDICTION from or in which the motor carrier's vehicles are most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled.

(3.5) "JURISDICTION" MEANS A STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, OR A FOREIGN COUNTRY, INCLUDING A STATE, PROVINCE, TERRITORY, OR POSSESSION OF A FOREIGN COUNTRY.

(5) "Motor carrier" means an individual, limited liability company, partnership, firm, association, or private or public corporation engaged in ~~interstate~~ commercial operation of motor vehicles INVOLVING TWO OR MORE JURISDICTIONS, any part of which is within this state or any other ~~state which~~ JURISDICTION THAT is party to an agreement under this part 3.

(7) "~~State~~" means a state, territory, or possession of the United States and the District of Columbia.

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

SECTION 2. 39-27-302, Colorado Revised Statutes, is amended to read:

39-27-302. Agreements between jurisdictions. The department may enter into a motor fuel tax cooperative agreement with another ~~state~~ JURISDICTION or ~~states~~ ~~which provides~~ JURISDICTIONS THAT PROVIDE for the administration, collection, and enforcement of each ~~state's~~ JURISDICTION'S motor fuel taxes on motor fuel used by motor carriers. The agreement shall not contain any provision ~~which~~ THAT exempts any motor vehicle, owner, or operator from complying with the laws, rules, and regulations pertaining to motor vehicle licensing, size, weight, load, or operation upon the public highways of this state.

SECTION 3. 39-27-304 (1) (b) and (1) (g), Colorado Revised Statutes, are amended to read:

39-27-304. Provisions of agreements. (1) An agreement entered into under this part 3 may provide for:

(b) Establishing methods for base ~~state~~ JURISDICTION fuel tax licensing, license revocation, and tax collection from motor carriers on behalf of the ~~states~~ ~~which~~ JURISDICTIONS THAT are parties to the agreement;

(g) Establishing procedures for the forwarding of fuel taxes, penalties, and interest collected on behalf of another ~~state~~ JURISDICTION to such ~~state~~ JURISDICTION;

SECTION 4. 39-27-306 (1), Colorado Revised Statutes, is amended to read:

39-27-306. Tax collection. (1) The agreement may require the department to perform audits of licensees or persons required to be licensed and who are based in this state to determine whether motor fuel taxes to be collected under the agreement have been reported properly and paid to each ~~state~~ ~~which~~ JURISDICTION THAT is a party to the agreement. The agreement may authorize other ~~states~~ JURISDICTIONS to perform audits on licensees or persons required to be licensed and who are based in such other ~~states~~ JURISDICTIONS on behalf of the state of Colorado and forward the audit findings to the department. Such findings may be served upon the licensee or such other person in the same manner as audits performed by the department.

SECTION 5. 39-27-309, Colorado Revised Statutes, is amended to read:

39-27-309. Exchange of information. The agreement may require each ~~state~~ JURISDICTION to forward to other ~~states~~ JURISDICTIONS that are a party to the agreement any information available ~~which relates~~ RELATING to the acquisition, sales, use, or movement of motor fuels by any licensee or person required to be licensed. The department may further disclose to other ~~states~~ JURISDICTIONS that are a party to the agreement information ~~which relates~~ RELATING to the persons, offices, motor vehicles, and other real and personal property of persons licensed or required to be licensed under the agreement.

SECTION 6. 39-27-310 (1), Colorado Revised Statutes, is amended to read:

39-27-310. Construction of this part 3 - rules and regulations. (1) This part

3 shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this part 3 among ~~states~~ JURISDICTIONS enacting it for the purpose of participating in a ~~multistate~~ MULTIJURISDICTIONAL motor fuel tax agreement.

SECTION 7. 42-4-505 (2) (b), Colorado Revised Statutes, is amended to read:

42-4-505. Longer vehicle combinations. (2) The permits shall allow operation, over designated highways, of the following vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles:

(b) An unladen truck tractor, a semitrailer, and a single trailer. A semitrailer used with a converter dolly shall be considered a trailer. Semitrailers and trailers shall be of approximately equal lengths not to exceed forty-eight feet in length. NOTWITHSTANDING ANY OTHER RESTRICTION SET FORTH IN THIS SECTION, SUCH COMBINATION MAY HAVE UP TO ELEVEN AXLES WHEN USED TO TRANSPORT EMPTY TRAILERS.

SECTION 8. 42-8-105 (1), (2), (3), and (4), Colorado Revised Statutes, 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 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 having a manufacturer's gross vehicle weight rating or gross combination weight rating of twenty-six thousand one pounds 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 VALID clearance from the first port of entry weigh station located within five road miles of the route ~~which~~ THAT 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 VALID clearance ~~certificate~~ pursuant to this section.

(2) It is unlawful for any owner or operator of a motor vehicle subject to the provisions of ~~section 42-3-134~~ SUBSECTION (1) OF THIS SECTION to permit the travel of such motor vehicle on the public highways of this state without first having secured a valid clearance ~~certificate~~ as provided in SAID subsection (1), ~~of this section~~, and every such owner or operator shall be required to seek out a port of entry weigh station for the purpose of securing such valid clearance, ~~certificate~~, whether or not such port of entry weigh station is located on the route ~~which~~ THAT the owner or operator is following, unless a valid clearance ~~certificate~~ or a special permit in accordance with subsection (4) of this section has previously been secured.

(3) Every owner or operator of a motor vehicle ~~which is~~ subject to the provisions of ~~section 42-3-134~~ SUBSECTION (1) OF THIS SECTION shall ~~stop~~ SECURE A VALID CLEARANCE at each port of entry weigh station located on the route ~~which~~ THAT the owner or operator would normally follow from the point of departure to the point of destination for verification of its previously secured clearance. ~~certificate.~~

(4) The department of revenue may issue a special revocable permit to the owner or operator of any vehicle being operated over a regularly scheduled route waiving the requirement that the owner or operator seek out and ~~stop~~ SECURE A VALID CLEARANCE 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~~ THAT has previously been cleared with the department of revenue.

SECTION 9. 42-8-106, Colorado Revised Statutes, is amended to read:

42-8-106. Issuance of clearance receipts. All owners and operators of motor vehicles subject to the payment of fees, licenses, or taxes imposed by the laws of this state, including foreign vehicles, ~~which~~ THAT have not been properly certificated or permitted by the public utilities commission or ~~which~~ THAT have not been approved by the department of revenue for monthly or periodic payment of such fees, licenses, or taxes shall be issued a clearance ~~certificate~~ RECEIPT at a port of entry weigh station only after such fees, licenses, or taxes ~~which~~ THAT may be due are paid or compliance is had with regulatory acts. A clearance ~~certificate~~ RECEIPT issued under this section shall specify the date upon which issued ~~origin of trip, destination, routes to be traveled within the state,~~ and amounts of fees, licenses, or taxes to be paid. Such ~~certificate~~ RECEIPT shall be valid only for the ~~routes~~ DATES and trips specified thereon and for the length of time specified thereon. The executive director of the department of revenue, through the port of entry weigh stations, may also issue permits for oversize and overweight commercial hauls pursuant to rules and regulations governing such hauls established by the department of transportation. Failure to secure such clearance ~~certificate~~ RECEIPT shall subject the owner or operator to a penalty of double the amount of any tax, license, or fee due ~~which~~ THAT shall be in addition to and distinct from the penalty provided for in section 42-8-109.

SECTION 10. 43-1-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-1-105. Powers and duties of the executive director. (4) THE EXECUTIVE DIRECTOR SHALL HAVE THE POWER TO SOLICIT BIDS USING ELECTRONIC ON-LINE ACCESS, INCLUDING THE INTERNET, FOR PURPOSES OF ACQUIRING CONSTRUCTION CONTRACTS FOR PUBLIC PROJECTS AS PROVIDED IN SECTION 24-92-103, C.R.S.

SECTION 11. 24-92-103 (3), Colorado Revised Statutes, is amended to read:

24-92-103. Construction of public projects - competitive sealed bidding. (3) Adequate public notice of the invitation for bids shall be given at least fourteen days prior to the date set forth therein for the opening of bids, pursuant to rules. Such notice may include publication BY ELECTRONIC ON-LINE ACCESS PURSUANT TO SECTION 24-92-104.5 OR in a newspaper of general circulation at least fourteen days prior to bid opening.

SECTION 12. Article 92 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-92-104.5. Solicitation of bids by electronic on-line access - department of transportation. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION MAY INVITE BIDS USING ELECTRONIC ON-LINE ACCESS, INCLUDING THE INTERNET, FOR PURPOSES OF ACQUIRING CONSTRUCTION CONTRACTS FOR PUBLIC PROJECTS ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION.

SECTION 13. 43-1-210 (2), Colorado Revised Statutes, is amended to read:

43-1-210. Acquisition and disposition of property. (2) The department of transportation may acquire by purchase, exchange, or condemnation excess right-of-way whenever in the opinion of the chief engineer public interest, safety, or convenience will be served by acquiring such excess. In connection with the construction, maintenance, and supervision of the public highways of this state, the department of transportation may also acquire by purchase, exchange, or condemnation strips or parcels of land, or interests therein, adjacent to federal-aid highways necessary for the restoration, preservation, and enhancement of scenic beauty and for the development of rest, recreation, and sanitary areas; but no state funds shall be expended to acquire said strips or parcels of land, or interests therein, necessary for the restoration, preservation, and enhancement of scenic beauty and for the development of rest, recreation, and sanitary areas unless the acquisition and development of land for such purposes is approved by the secretary of ~~commerce~~ TRANSPORTATION to make the state eligible for reimbursement from federal funds.

SECTION 14. The introductory portion to 43-3-212.5 (1), Colorado Revised Statutes, is amended to read:

43-3-212.5. Disposition of tolls - when bonds issued. (1) If any bonds are issued pursuant to this part 2, any fees, fares, and tolls to be charged for the use of any turnpike shall be fixed and adjusted so that the fees, fares, and tolls collected, along with other revenues, if any, are at least sufficient to pay for, AS APPLICABLE:

SECTION 15. 43-3-212.6 (1), Colorado Revised Statutes, is amended to read:

43-3-212.6. Disposition of tolls - when bonds not issued. (1) If bonds are not issued pursuant to this part 2, any fees, fares, and tolls to be charged for the use of any turnpike shall be fixed and adjusted so that the fees, fares, and tolls collected, along with other revenues, if any, are at least sufficient to ensure, AS APPLICABLE:

(a) Reimbursement or payment to the department of transportation for all costs relating to or resulting from the turnpike project, including, but not limited to, costs for the design, finance, construction, operation, maintenance, improvement, and reconstruction of the turnpike, and for all works, facilities, and means necessary or convenient to the full exercise of the powers granted to the department of transportation under this part 2;

(b) THE REASONABLE RETURN ON INVESTMENT OF ANY PRIVATE ENTITY FINANCING THE TURNPIKE PROJECT BY MEANS OF A PUBLIC-PRIVATE INITIATIVE PURSUANT TO SECTION 43-3-202.5 AND PART 12 OF ARTICLE 1 OF THIS TITLE.

SECTION 16. 43-2-120 (1), Colorado Revised Statutes, is amended to read:

43-2-120. Annual county reports. (1) On or before the ~~first day of May~~ THIRTIETH DAY OF JUNE of each year, the board of county commissioners of each county shall cause to be made and filed with the highway operations and maintenance division a complete report of the expenditures of all moneys applied to county road systems during the calendar year ending on the thirty-first day of December next preceding. The highway operations and maintenance division shall prescribe the form and contents of such report.

SECTION 17. 43-2-132 (1), Colorado Revised Statutes, is amended to read:

43-2-132. Annual municipal reports. (1) On or before the ~~first day of May~~ THIRTIETH DAY OF JUNE of each year, every city, city and county, and incorporated town shall cause to be made and filed with the highway operations and maintenance division a complete report of the expenditures of all moneys applied to city street systems during the calendar year ending on the thirty-first day of December next preceding. The highway operations and maintenance division shall prescribe the form and contents of such report.

SECTION 18. 43-1-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-1-105. Powers and duties of the executive director. (1) The executive director shall:

(e) MAINTAIN AND ADMINISTER THE TRANSPORTATION INFRASTRUCTURE REVOLVING FUND PURSUANT TO THE PROVISIONS OF SECTION 43-1-113.5.

SECTION 19. 43-1-106 (8), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43-1-106. Transportation commission - powers and duties. (8) In addition to all other powers and duties imposed upon it by law, the commission has the following powers and duties:

(s) TO PROMULGATE RULES OR GUIDELINES FOR THE MAINTENANCE AND ADMINISTRATION OF THE TRANSPORTATION INFRASTRUCTURE REVOLVING FUND IN ACCORDANCE WITH SECTION 43-1-113.5.

SECTION 20. Part 1 of article 1 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

43-1-113.5. Creation and administration of transportation infrastructure revolving fund. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE TRANSPORTATION INFRASTRUCTURE REVOLVING FUND, REFERRED TO IN THIS SECTION AS THE "REVOLVING FUND", WHICH SHALL BE MAINTAINED AND ADMINISTERED BY THE EXECUTIVE DIRECTOR. THE REVOLVING FUND SHALL CONSIST OF FEDERAL, STATE, OR PRIVATE GRANTS AND ALL MONEYS THAT MAY BE TRANSFERRED OR APPROPRIATED THERETO BY THE GENERAL ASSEMBLY OR THAT MAY OTHERWISE BE MADE AVAILABLE TO THE FUND PURSUANT TO LAW. ALL INTEREST OR OTHER RETURN ON THE

INVESTMENT OF MONEYS IN THE REVOLVING FUND AND ALL PAYMENTS OF PRINCIPAL AND INTEREST CREDITED TO THE REVOLVING FUND AS REPAYMENT OF LOANS AND OTHER FINANCIAL ASSISTANCE PROVIDED FROM THE REVOLVING FUND PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE REVOLVING FUND. THE STATE TREASURER SHALL BE AUTHORIZED TO INVEST MONEYS IN THE REVOLVING FUND IN SUCH MANNER AS ALLOWED BY LAW SO LONG AS SUCH MONEYS ARE NOT NEEDED FOR THE PURPOSE OF THE REVOLVING FUND. MONEYS IN THE REVOLVING FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE PURPOSES SET FORTH IN THIS SECTION. ANY MONEYS CREDITED TO THE REVOLVING FUND SHALL REMAIN IN THE REVOLVING FUND AND SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY GIVEN FISCAL YEAR.

(2) THE REVOLVING FUND SHALL INCLUDE A HIGHWAY ACCOUNT, A TRANSIT ACCOUNT, AN AVIATION ACCOUNT, AND A RAIL ACCOUNT. THE GENERAL ASSEMBLY SHALL, BY APPROPRIATION, DETERMINE HOW STATE GENERAL FUND MONEYS IN THE REVOLVING FUND SHALL BE ALLOCATED TO THE HIGHWAY ACCOUNT.

(3) THE COMMISSION SHALL ADOPT RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT" REGARDING:

(a) THE ELIGIBILITY REQUIREMENTS FOR FINANCIAL ASSISTANCE FROM THE REVOLVING FUND;

(b) THE DISBURSEMENT OF REVOLVING FUND MONEYS;

(c) THE INTEREST RATES TO BE CHARGED ON LOANS MADE FROM THE REVOLVING FUND; AND

(d) THE REPAYMENT OF LOANS MADE FROM THE REVOLVING FUND.

(4) SUBJECT TO THE PROVISIONS OF SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, MONEYS IN THE REVOLVING FUND MAY BE USED FOR THE FOLLOWING PURPOSES:

(a) TO PROVIDE ASSISTANCE TO PUBLIC AND PRIVATE ENTITIES FOR THE ACQUISITION, IMPROVEMENT, OR CONSTRUCTION OF HIGHWAYS, MULTIMODAL TRANSPORTATION, AND INTERMODAL TRANSPORTATION FACILITIES IN THE STATE. SUCH ASSISTANCE INCLUDES, BUT IS NOT LIMITED TO, THE MAKING OF LOANS AND OTHER FORMS OF FINANCIAL ASSISTANCE FOR QUALIFIED PROJECTS.

(b) TO PAY THE COSTS INCURRED BY THE STATE TREASURER AND THE DEPARTMENT IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS SECTION; AND

(c) ANY OTHER PURPOSE CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

(5) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, "QUALIFIED PROJECT" MEANS:

(a) ANY PUBLIC OR PRIVATE TRANSPORTATION PROJECT AS AUTHORIZED BY THE COMMISSION, INCLUDING, BUT NOT LIMITED TO, PLANNING, ENVIRONMENTAL IMPACT STUDIES, FEASIBILITY STUDIES, ENGINEERING, CONSTRUCTION, RECONSTRUCTION,

RESURFACING, RESTORING, REHABILITATION, OR REPLACEMENT OF A PUBLIC OR PRIVATE TRANSPORTATION FACILITY WITHIN THE STATE;

(b) THE ACQUISITION OF REAL OR PERSONAL PROPERTY, OR INTERESTS THEREIN, FOR A PUBLIC OR PRIVATE TRANSPORTATION FACILITY WITHIN THE STATE;

(c) ANY HIGHWAY, TRANSIT, AVIATION, RAIL, OR OTHER TRANSPORTATION PROJECT WITHIN THE STATE THAT IS ELIGIBLE FOR FINANCING OR FINANCIAL ASSISTANCE UNDER STATE OR FEDERAL LAW;

(d) THE MAINTENANCE, REPAIR, IMPROVEMENT, OR CONSTRUCTION OF ANY PUBLIC OR PRIVATE HIGHWAY, ROAD, STREET, PARKWAY, TRANSIT, AVIATION, OR RAIL PROJECT WITHIN THE STATE; AND

(e) THE ACQUISITION, IMPROVEMENT, OR CONSTRUCTION OF RIGHTS-OF-WAY, BRIDGES, TUNNELS, RAILROAD-HIGHWAY CROSSINGS, DRAINAGE STRUCTURES, SIGNS, GUARDRAILS, OR PROTECTIVE STRUCTURES WITHIN THIS STATE.

(6) THE TERM "QUALIFIED PROJECT" SHALL NOT INCLUDE TRANSPORTATION FACILITIES AND OTHER TRANSPORTATION PROJECTS THAT ARE RESTRICTED TO PRIVATE USE.

(7) IN ADDITION TO REQUIRING INTEREST TO BE PAID ON LOANS MADE FROM THE REVOLVING FUND, THE EXECUTIVE DIRECTOR MAY CHARGE TO AND COLLECT FROM PUBLIC AND PRIVATE ENTITIES RECEIVING ASSISTANCE FROM THE REVOLVING FUND FEES AND CHARGES SUFFICIENT TO REIMBURSE THE DEPARTMENT FOR REASONABLE EXPENSES INCURRED IN PROCESSING AND REVIEWING APPLICATIONS AND IN RECOMMENDING LOANS AND FINANCIAL ASSISTANCE PURSUANT TO THE PROVISIONS OF THIS SECTION.

(8) (a) IF A RECIPIENT OF FINANCIAL ASSISTANCE FROM THE REVOLVING FUND FAILS TO MEET ANY OF THE TERMS OR CONDITIONS OF THE LOAN OR OTHER FORM OF ASSISTANCE, THE DEPARTMENT MAY BRING A RIGHT OF ACTION THROUGH THE STATE ATTORNEY GENERAL PURSUANT TO SECTION 43-1-112 AGAINST SUCH RECIPIENT IN DISTRICT COURT TO SEEK ANY APPLICABLE LEGAL OR EQUITABLE REMEDY, INCLUDING REASONABLE ATTORNEYS FEES.

(b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (8), IN ADDITION TO THE REMEDIES PROVIDED UNDER PARAGRAPH (a) OF THIS SUBSECTION (8), IF THE RECIPIENT IS A MUNICIPALITY OR COUNTY AND SUCH RECIPIENT DEFAULTS ON THE REPAYMENT OF ANY LOAN MADE FROM THE REVOLVING FUND, THE DEPARTMENT MAY WITHHOLD FUNDS THAT IT WOULD OTHERWISE DISBURSE TO THE RECIPIENT. IN NO EVENT SHALL THE AMOUNT WITHHELD EXCEED THE AMOUNT THAT A RECIPIENT OWES TO THE REVOLVING FUND. FUNDS WITHHELD FROM A DEFAULTING RECIPIENT SHALL BE DEPOSITED IN THE ACCOUNT OF THE REVOLVING FUND FROM WHICH THE RECIPIENT RECEIVED FINANCIAL ASSISTANCE AND CREDITED TOWARDS THE AMOUNT DUE TO SUCH FUND FROM THE RECIPIENT.

(c) FOR PURPOSES OF PARAGRAPH (b) OF THIS SUBSECTION (8), THE DEPARTMENT MAY ONLY WITHHOLD FUNDS IT WOULD OTHERWISE DISBURSE TO A MUNICIPALITY OR COUNTY FROM THE HIGHWAY USERS TAX FUND IF SUCH MUNICIPALITY OR COUNTY

DEFAULTS ON THE REPAYMENT OF A LOAN MADE FROM THE REVOLVING FUND FOR THE CONSTRUCTION, MAINTENANCE, OR SUPERVISION OF A PUBLIC HIGHWAY IN THIS STATE.

SECTION 21. 42-2-114, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-2-114. License issued - fees. (2.5) THE DEPARTMENT SHALL CHARGE A FEE FOR ISSUING ANY PROBATIONARY LICENSE. SUCH FEE SHALL BE SET BY RULE BY THE DEPARTMENT.

SECTION 22. 42-4-1407, Colorado Revised Statutes, is amended to read:

42-4-1407. Spilling loads on highways prohibited. (1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. Any person who violates any provision of this section commits a class B traffic infraction.

(2) (a) NO VEHICLE SHALL BE DRIVEN OR MOVED ON ANY HIGHWAY FOR A DISTANCE OF MORE THAN TWO MILES IF THE VEHICLE IS TRANSPORTING AGGREGATE MATERIAL, UNLESS THE VEHICLE IS EQUIPPED WITH REAR FLAPS THAT PROVIDE SUFFICIENT PROTECTION AGAINST SUCH AGGREGATE MATERIAL FROM SPRAYING ON OTHER VEHICLES.

(b) NOTHING IN THIS SUBSECTION (2) SHALL APPLY TO SAND DROPPED FOR THE PURPOSE OF SECURING TRACTION OR WATER OR OTHER SUBSTANCES THAT MAY BE SPRINKLED ON A ROADWAY IN CLEANING OR MAINTAINING SUCH ROADWAY.

(c) FOR THE PURPOSES OF THIS SUBSECTION (2), "AGGREGATE MATERIAL" MEANS ANY ROCK, CLAY, SILTS, GRAVEL, LIMESTONE, DIMENSION STONE, MARBLE, AND SHALE.

SECTION 23. 42-2-119 (1), Colorado Revised Statutes, is amended to read:

42-2-119. Notices - change of address or name. (1) (a) Whenever any person, after applying for or receiving a driver's license or motor registration number, moves from the address named in such application or in the license or registration issued to such person or when the name of the licensee is changed by marriage or otherwise, such person shall within ten days thereafter notify the department in writing of such person's old and new address, or of such former and new name, and the number of any license or registration held by such person.

(b) IF A MOTOR VEHICLE IS NEWLY REGISTERED ON OR AFTER JULY 1, 1999, AND THE PRIMARY BODY COLOR OF THE MOTOR VEHICLE IS SUBSEQUENTLY CHANGED FROM THE PRIMARY BODY COLOR THAT IS IDENTIFIED IN THE APPLICATION FOR REGISTRATION FOR THE MOTOR VEHICLE, THE OWNER OF THE MOTOR VEHICLE SHALL NOTIFY THE DEPARTMENT IN WRITING WITHIN THIRTY DAYS AFTER THE COLOR OF SUCH MOTOR VEHICLE IS CHANGED REGARDING THE NEW PRIMARY BODY COLOR OF

THE MOTOR VEHICLE. THE PRIMARY BODY COLOR OF ANY MOTOR VEHICLE SHALL BE IDENTIFIED USING THE STANDARD COLOR DESCRIPTIONS OF THE DEPARTMENT THAT ARE ESTABLISHED PURSUANT TO SECTION 42-3-105 (1) (d).

SECTION 24. 42-4-1204, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-1204. Stopping, standing, or parking prohibited in specified places.

(8) A POLITICAL SUBDIVISION MAY NOT ADOPT OR ENFORCE AN ORDINANCE OR REGULATION THAT PROHIBITS THE PARKING OF MORE THAN ONE MOTORCYCLE WITHIN A SPACE SERVED BY A SINGLE PARKING METER.

SECTION 25. 42-3-105 (1) (a), Colorado Revised Statutes, is amended, and the said 42-3-105 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-3-105. Application for registration - tax. (1) (a) Application for the registration of a vehicle required to be registered under this article shall be made by the owner or the owner's agent, and if applicable, simultaneously with the application for certificate of title, as required by this section. The application for registration, which shall be in writing and signed by the owner of such vehicle or the owner's duly authorized agent, shall include: The name of the applicant; the name and correct address of the owner determined pursuant to section 42-6-139, designating the county, school district, and city or town within the limits of which the owner resides; a description of the motor vehicle in such form as shall be required by the department; the purpose for which the vehicle is used; the notice described in subsection (2) of this section; and such other pertinent information as may be required by the department. IN ADDITION, ON OR AFTER JULY 1, 1999, ANY APPLICATION FOR NEW REGISTRATION OF A VEHICLE SHALL INCLUDE THE PRIMARY BODY COLOR OF THE MOTOR VEHICLE.

(d) THE DEPARTMENT SHALL ESTABLISH A SET OF STANDARD COLOR DESCRIPTIONS FOR USE IN IDENTIFYING THE PRIMARY BODY COLOR OF A MOTOR VEHICLE. ANY APPLICANT APPLYING FOR THE NEW REGISTRATION OF A MOTOR VEHICLE OR PROVIDING NOTICE OF ANY CHANGE IN THE PRIMARY BODY COLOR OF A MOTOR VEHICLE SHALL USE THE STANDARD COLOR DESCRIPTIONS OF THE DEPARTMENT TO IDENTIFY THE PRIMARY BODY COLOR OF THE MOTOR VEHICLE.

SECTION 26. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the distributive data processing fund not otherwise appropriated, to the department of revenue for allocation to the division of motor vehicles, for the fiscal year beginning July 1, 1998, the sum of sixty-three thousand five hundred dollars (\$63,500), or so much thereof as may be necessary, for the implementation of this act.

SECTION 27. 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, 1998