

## CHAPTER 38

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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## SENATE BILL 03-054

BY SENATOR(S) May R., Entz, Teck, Chlouber, Jones, and Phillips;  
also REPRESENTATIVE(S) Larson, Johnson R., Stafford, and Stengel.

**AN ACT**

**CONCERNING COMMERCIAL VEHICLE PERMITS, AND, IN CONNECTION THEREWITH, ELIMINATING REQUIREMENTS THAT CERTAIN PERMITS BE CARRIED IN THE VEHICLES FOR WHICH THEY ARE ISSUED IF PEACE OFFICERS OR OTHER ENFORCEMENT OFFICIALS MAY DETERMINE THAT THE PERMITS CAN BE ELECTRONICALLY VERIFIED AT THE TIME OF CONTACT AND ALLOWING THE DEPARTMENT OF TRANSPORTATION TO ISSUE ANNUAL FLEET PERMITS FOR EXCESS SIZE AND WEIGHT VEHICLES.**

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

**SECTION 1.** 42-4-505 (1) (a), Colorado Revised Statutes, is amended to read:

**42-4-505. Longer vehicle combinations.** (1) (a) Notwithstanding any other provision of this article to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of longer vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; EXCEPT THAT, IF A PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., OR AN AUTHORIZED AGENT OF THE DEPARTMENT OF TRANSPORTATION MAY DETERMINE THAT THE PERMIT CAN BE ELECTRONICALLY VERIFIED AT THE TIME OF CONTACT, A COPY OF THE PERMIT NEED NOT BE IN EACH VEHICLE. The fee for the permit shall be two hundred fifty dollars per year.

**SECTION 2.** 42-4-510 (2) (b) (I) and (4), Colorado Revised Statutes, are amended, and the said 42-4-510 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-4-510. Permits for excess size and weight and for manufactured homes.** (1.5) (a) THE DEPARTMENT OF TRANSPORTATION MAY, UPON APPLICATION IN

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

WRITING OR ELECTRONICALLY MADE AND GOOD CAUSE BEING SHOWN THEREFOR, ISSUE AN ANNUAL FLEET PERMIT AUTHORIZING THE APPLICANT TO OPERATE OR MOVE ANY TWO OR MORE VEHICLES OWNED BY THE APPLICANT 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.

(b) THE APPLICATION FOR ANY ANNUAL FLEET PERMIT SHALL SPECIFICALLY DESCRIBE THE VEHICLES, LOADS, AND ESTIMATED NUMBER OF LOADS TO BE OPERATED OR MOVED AND THE PARTICULAR HIGHWAYS FOR WHICH THE PERMIT TO OPERATE IS REQUESTED, AS DEFINED BY RULES OF THE DEPARTMENT OF TRANSPORTATION. PERMITS ISSUED PURSUANT TO THIS SUBSECTION (1.5) SHALL NOT AUTHORIZE THE OPERATION OF VEHICLES THAT EXCEED THE MAXIMUM DIMENSIONS ALLOWED FOR VEHICLES OPERATING UNDER ANNUAL PERMITS ISSUED PURSUANT TO THE RULES OF THE DEPARTMENT PERTAINING TO TRANSPORT PERMITS FOR THE MOVEMENT OF EXTRA-LEGAL VEHICLES OR LOADS.

(2) (b) All applications for permits to move manufactured homes over state highways shall comply with the following special provisions:

(I) Each such application shall be for a single trip, a special ~~or~~ PERMIT, an annual permit, OR, SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION, AN ANNUAL FLEET PERMIT. The application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all manufactured homes moved within this state by the permit holder during the effective term of the permit. Each application for a single trip permit shall be accompanied by an authentication of paid ad valorem taxes on the used manufactured home.

(4) THE ORIGINAL OR A COPY OF every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit; ~~and~~ EXCEPT THAT, IF A PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., OR AN AUTHORIZED AGENT OF THE AUTHORITY THAT GRANTED A PERMIT MAY DETERMINE THAT THE PERMIT CAN BE ELECTRONICALLY VERIFIED AT THE TIME OF CONTACT, A COPY OF THE PERMIT NEED NOT BE CARRIED IN THE VEHICLE OR COMBINATION OF VEHICLES TO WHICH IT REFERS. No person shall violate any of the terms or conditions of such ~~special~~ permit.

**SECTION 3.** 42-4-510 (11) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(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:

(V) THE FEE FOR AN ANNUAL FLEET PERMIT ISSUED PURSUANT TO SUBSECTION (1.5) OR (2) OF THIS SECTION IS THREE THOUSAND DOLLARS FOR A FLEET OF FROM TWO TO TEN VEHICLES PLUS THREE HUNDRED DOLLARS FOR EACH ADDITIONAL VEHICLE IN THE FLEET.

**SECTION 4.** 42-20-203 (1), Colorado Revised Statutes, is amended to read:

**42-20-203. Carrying of permit and shipping papers.** (1) Any person transporting hazardous materials ~~which~~ THAT require placarding under 49 CFR 172 or 173 in this state shall carry a copy of the shipping papers required in 49 CFR 172.200 and a copy of the hazardous materials transportation permit issued by the public utilities commission or the port of entry weigh station in the transporting motor vehicle while in this state; EXCEPT THAT, IF A PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., OR ANY OTHER ENFORCEMENT OFFICIAL MAY DETERMINE THAT THE HAZARDOUS MATERIALS TRANSPORTATION PERMIT CAN BE ELECTRONICALLY VERIFIED AT THE TIME OF CONTACT, A COPY OF THE PERMIT NEED NOT BE CARRIED BY THE PERSON TRANSPORTING HAZARDOUS MATERIALS. Such permit shall be open to inspection OR ELECTRONIC VERIFICATION by any enforcement official.

**SECTION 5.** 42-20-204 (2), Colorado Revised Statutes, is amended to read:

**42-20-204. Permit violations - penalties.** (2) Any person who has obtained an annual or a single trip hazardous materials transportation permit but fails to have a copy of said permit in the cab of the motor vehicle while transporting hazardous materials in, to, from, or through this state commits a class B traffic infraction and shall be assessed a penalty of twenty-five dollars in accordance with the procedure set forth in section 42-4-1701 (4) (a) (V); EXCEPT THAT, IF A PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S., OR ANY OTHER ENFORCEMENT OFFICIAL MAY DETERMINE THAT THE PERMIT CAN BE ELECTRONICALLY VERIFIED AT THE TIME OF CONTACT, A COPY OF THE PERMIT NEED NOT BE IN THE CAB OF THE MOTOR VEHICLE.

**SECTION 6. Effective date.** (1) This act shall take effect January 1, 2004.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: March 18, 2003