

CHAPTER 232

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 06-008

BY SENATOR(S) May R., Williams, and Spence;
also REPRESENTATIVE(S) Pommer, Green, Hefley, Knoedler, Larson, Ragsdale, Berens, Borodkin, Butcher, and Decker.

AN ACT

CONCERNING THE REGULATION OF COMMERCIAL MOTOR VEHICLES THAT TRANSPORT HAZARDOUS MATERIALS OVER THE PUBLIC HIGHWAYS.

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

SECTION 1. 42-4-235 (1) (a), Colorado Revised Statutes, is 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, unless such vehicle is a school bus regulated pursuant to section 42-4-1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle; ~~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; AND

(III) A MOTOR VEHICLE THAT IS USED ON THE PUBLIC HIGHWAYS AND TRANSPORTS MATERIALS DETERMINED BY THE SECRETARY OF TRANSPORTATION TO BE

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

HAZARDOUS UNDER 49 U.S.C. 5103 IN SUCH QUANTITIES AS TO REQUIRE PLACARDING UNDER 49 CFR PARTS 172 AND 173.

SECTION 2. 42-20-105 (1), Colorado Revised Statutes, is amended to read:

42-20-105. Enforcement. (1) The provisions of parts 1, 2, and 3 of this article relating to the transportation of hazardous materials by motor vehicle may only be enforced by an enforcement official. ~~On and after September 1, 2003, said provisions may only be enforced by an enforcement official who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.~~

SECTION 3. 42-20-109 (2), Colorado Revised Statutes, is amended to read:

42-20-109. Penalty for violations. (2) Any person who violates a rule or regulation promulgated by the chief pursuant to section 42-20-108 commits a ~~class 3 misdemeanor~~ CLASS 2 MISDEMEANOR TRAFFIC OFFENSE and shall be punished as provided in section ~~18-1.3-501, C.R.S.~~ 42-4-1701.

SECTION 4. 42-4-1701 (4) (a) (I) (N), Colorado Revised Statutes, is amended, and the said 42-4-1701 (4) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal. (4) (a) (I) Except as provided in paragraph (c) of subsection (5) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this title to which the provisions of paragraph (a) or (b) of subsection (5) of this section apply shall be fined or penalized, and have a surcharge levied thereon pursuant to section 24-4.2-104 (1) (b) (I), C.R.S., in accordance with the penalty and surcharge schedule set forth in sub-subparagraphs (A) to (P) of this subparagraph (I); or, if no penalty or surcharge is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars, and the surcharge shall be two dollars. These penalties and surcharges shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction or has judgment entered against the defendant by a county court magistrate. Penalties and surcharges for violating specific sections shall be as follows:

Section Violated	Penalty	Surcharge
(N) Other offenses:		
42-4-1301 (2) (a.5)	\$ 50.00	\$ 7.80
42-4-1305	50.00	7.80
42-4-1402	50.00	7.80
42-4-1403	15.00	2.60
42-4-1404	15.00	2.60
42-4-1406	35.00	5.20
42-4-1407 (3) (a)	35.00	5.20

42-4-1407 (3) (b)	100.00	15.00
42-4-1407 (3) (c)	500.00	100.00
42-4-314	35.00	5.20
42-4-1408	15.00	2.60
42-4-1414 (2) (a)	500.00	78.00
42-4-1414 (2) (b)	1,000.00	156.00
42-4-1414 (2) (c)	5,000.00	780.00
42-20-109 (2)	250.00	33.30

(VII) THE PENALTIES AND SURCHARGES FOR A SECOND OR SUBSEQUENT VIOLATION OF SECTION 42-20-109 (2) WITHIN TWELVE MONTHS SHALL BE DOUBLED.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2006, and shall apply to offenses committed on or after said date.

SECTION 6. 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: May 25, 2006