

CHAPTER 414

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 08-1257

BY REPRESENTATIVE(S) Vaad, Gardner C., Garza-Hicks, Kerr J., McFadyen, Rice, Scanlan, and Summers;
also SENATOR(S) Williams.**AN ACT****CONCERNING THE ISSUANCE OF A PERMIT TO OPERATE A MOTOR VEHICLE WITH AN OVERWEIGHT
DIVISIBLE LOAD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 42-4-510 (1) (b) and (5), Colorado Revised Statutes, are amended to read:

42-4-510. Permits for excess size and weight and for manufactured homes - rules. (1) (b) (I) 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.

(II) AN OVERWEIGHT PERMIT ISSUED PURSUANT TO THIS SECTION SHALL BE AVAILABLE FOR OVERWEIGHT DIVISIBLE LOADS IF:

(A) THE VEHICLE HAS A QUAD AXLE GROUPING;

(B) THE MAXIMUM GROSS WEIGHT DOES NOT EXCEED ONE HUNDRED TEN THOUSAND POUNDS;

(C) THE OWNER AND OPERATOR OF THE MOTOR VEHICLE ARE IN COMPLIANCE

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

WITH THE FEDERAL "MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999", PUB.L. 106-159, AS AMENDED, AS APPLICABLE TO COMMERCIAL VEHICLES; AND

(D) THE VEHICLE COMPLIES WITH RULES PROMULGATED BY THE DEPARTMENT OF TRANSPORTATION CONCERNING THE DISTRIBUTION OF THE LOAD UPON THE VEHICLE'S AXLES.

(III) A PERMIT ISSUED PURSUANT TO THIS PARAGRAPH (b) SHALL NOT AUTHORIZE THE OPERATION OR MOVEMENT OF A MOTOR VEHICLE ON THE INTERSTATE HIGHWAY IN VIOLATION OF FEDERAL LAW.

(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~~ AUTHORIZE THE OPERATION OR MOVEMENT OF 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.~~

SECTION 2. 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 - rules. (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:

(VI) FOR OVERWEIGHT PERMITS FOR DIVISIBLE VEHICLES OR LOADS EXCEEDING LEGAL WEIGHT LIMITS ISSUED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION:

(A) ANNUAL PERMIT, FIVE HUNDRED DOLLARS;

(B) SINGLE TRIP PERMIT, THIRTY DOLLARS PLUS TEN DOLLARS PER AXLE; AND

(C) ANNUAL FLEET PERMITS, TWO THOUSAND DOLLARS PLUS THIRTY-FIVE DOLLARS PER VEHICLE TO BE PERMITTED.

SECTION 3. The introductory portion to 42-4-1701 (4) (a) (III) and 42-4-1701 (4) (a) (III) (A), Colorado Revised Statutes, are amended, and the said 42-4-1701 (4) (a) (III) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule. (4) (a) (III) Any person convicted of violating any of the rules ~~and regulations~~ promulgated pursuant to section 42-4-510, except section 42-4-510 (2) (b) (IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (D) OF THIS SUBPARAGRAPH (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by a fine and surcharge as follows:

Excess Weight Above Maximum Permitted Weight - Pounds	Penalty	Surcharge
1 - 2,500	\$ 50.00	\$ 46.00
2,501 - 5,000	100.00	96.00
5,001 - 7,500	200.00	192.00
7,501 - 10,000	400.00	384.00
Over 10,000	\$ 150.00	\$ 144.00
	for each 1,000	for each 1,000
	pounds additional	pounds additional
	overweight, plus	overweight, plus
	\$ 400.00	\$ 296.00

(D) THE FINES FOR A PERSON WHO VIOLATES THE MAXIMUM PERMITTED WEIGHT ON AN AXLE OR ON GROSS WEIGHT UNDER A PERMIT ISSUED PURSUANT TO SECTION 42-4-510 (1) (b) (II) SHALL BE DOUBLED.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of ten thousand eight hundred ninety dollars (\$10,890), or so much thereof as may be necessary, for the provision of legal services to the department of transportation related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of transportation.

SECTION 5. 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 3, 2008