

CHAPTER 237

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 11-1163

BY REPRESENTATIVE(S) Vaad, Casso, Coram, Jones, Looper, Scott, Wilson, DelGrosso, Priola;
also SENATOR(S) Tochtrop, Williams S.

AN ACT

CONCERNING THE ISSUANCE BY THE DEPARTMENT OF TRANSPORTATION OF PERMITS FOR THE MOVEMENT OF SUPER LOADS ON THE HIGHWAYS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 42-4-510, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-4-510. Permits for excess size and weight and for manufactured homes - rules - repeal. (1.7) (a) THE DEPARTMENT OF TRANSPORTATION MAY ISSUE SUPER-LOAD PERMITS FOR:

(I) A COMBINATION VEHICLE WITH A WEIGHT OF FIVE HUNDRED THOUSAND POUNDS OR MORE THAT OCCUPIES TWO LANES TO HAUL THE LOAD; OR

(II) AN UNLADEN COMBINATION VEHICLE WITH AN EXPANDABLE DUAL-LANE TRANSPORT TRAILER THAT OCCUPIES TWO LANES.

(b)(I) THE DEPARTMENT OF TRANSPORTATION MAY PLACE RESTRICTIONS ON THE USE OF A PERMIT. A PERSON SHALL OBEY THE RESTRICTIONS CONTAINED IN A PERMIT.

(II) (A) THE DEPARTMENT OF TRANSPORTATION MAY REFUSE TO ISSUE A PERMIT TO A PERSON WHO HAS BEEN HELD BY AN ADMINISTRATIVE LAW JUDGE TO HAVE DISOBEYED PERMIT RESTRICTIONS OR TO HAVE VIOLATED THIS SECTION OR RULES PROMULGATED UNDER THIS SECTION IN A HEARING HELD IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

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

(B) THE DEPARTMENT SHALL CREATE A SYSTEM THAT TRACKS THE COMPLIANCE OF PERMIT HOLDERS AND USE THE SYSTEM TO DETERMINE IF A PERMIT HOLDER HAS A PATTERN OF NONCOMPLIANCE. THE DEPARTMENT SHALL PROMULGATE RULES ESTABLISHING STANDARDS TO DENY PERMITS TO PERSONS WHO SHOW A PATTERN OF NONCOMPLIANCE, WHICH STANDARDS INCLUDE THE LENGTH OF TIME A PERMIT IS DENIED BASED UPON THE NUMBER AND TYPE OF NONCOMPLYING EVENTS.

(III) THE DEPARTMENT OF TRANSPORTATION SHALL INCLUDE IN A SUPER-LOAD PERMIT A SPEED RESTRICTION, NOT TO EXCEED TWENTY-FIVE MILES PER HOUR ON THE HIGHWAY AND TEN MILES PER HOUR ON STRUCTURES; EXCEPT THAT THE DEPARTMENT OF TRANSPORTATION MAY MODIFY THE SPEED RESTRICTION WHEN NECESSARY FOR SAFETY OR TO PREVENT STRUCTURAL DAMAGE.

(c) WHEN FILING AN APPLICATION, AN APPLICANT FOR A SUPER-LOAD PERMIT SHALL PROVIDE THE DEPARTMENT OF TRANSPORTATION WITH DOCUMENTATION, ACCEPTABLE TO THE DEPARTMENT OF TRANSPORTATION, FROM A THIRD PARTY ESTABLISHING THE GROSS WEIGHT OF THE LOAD. THE DRIVER SHALL CARRY THE DOCUMENTATION IN THE VEHICLE DURING THE PERMITTED MOVE AND PRODUCE, UPON REQUEST, THE DOCUMENTATION FOR ANY STATE AGENCY OR LAW ENFORCEMENT PERSONNEL.

(d) THE DEPARTMENT OF TRANSPORTATION MAY REFUSE TO ISSUE A SUPER-LOAD PERMIT UNDER THIS SECTION FOR AN UNLADEN COMBINATION VEHICLE UNLESS THE APPLICANT BREAKS THE LOAD DOWN TO THE SMALLEST DIMENSIONS POSSIBLE. THE DEPARTMENT OF TRANSPORTATION MAY REFUSE TO ISSUE A SUPER-LOAD PERMIT UNDER THIS SECTION FOR AN UNLADEN VEHICLE UNLESS THE APPLICANT RENDERS THE DUAL LANE TRAILER INTO LEGAL LOADS.

(e) THE DEPARTMENT OF TRANSPORTATION, COLORADO STATE PATROL, OR PORT OF ENTRY SHALL INSPECT THE LOAD OF A SUPER-LOAD PERMIT HOLDER, AT THE PERMIT HOLDER'S EXPENSE, AT THE NEAREST POINT WHERE THE SHIPMENT ENTERS THE STATE, AT A LOCATION SPECIFIED BY THE DEPARTMENT OF TRANSPORTATION, OR AT THE LOAD'S POINT OF ORIGIN TO ENSURE COMPLIANCE WITH THE PERMIT REQUIREMENTS AND SAFETY STATUTES AND RULES, INCLUDING:

(I) HEIGHT, WIDTH, AND LENGTH;

(II) NUMBER OF AXLES;

(III) DATE OF MOVE;

(IV) CORRECT ROUTE;

(V) DOCUMENTATION OF LOAD WEIGHT;

(VI) USE OF SIGNS AND PILOT CARS; AND

(VII) WEIGHT, IF THE VEHICLE CAN BE WEIGHED WITHIN TWO HOURS.

(f) THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE PORT OF ENTRY OF THE PERMIT'S ISSUANCE AND THE LOCATION AND DATE OF THE MOVE.

(g) UNTIL THE DEPARTMENT OF TRANSPORTATION PROMULGATES RULES TO IMPLEMENT THIS SUBSECTION (1.7), THE DEPARTMENT MAY ISSUE PERMITS CONFORMING TO THE REQUIREMENTS OF THIS SECTION UNDER EXISTING RULES. THIS PARAGRAPH (g) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 2. 42-4-510 (11) (a) (IV), Colorado Revised Statutes, is amended to read:

42-4-510. Permits for excess size and weight and for manufactured homes - rules - repeal. (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:

(IV) Special permits for structural, oversize, or overweight moves requiring extraordinary action or moves involving weight in excess of two hundred thousand pounds, one hundred twenty-five dollars for a permit for a single trip, INCLUDING A SUPER-LOAD PERMIT ISSUED UNDER SUBSECTION (1.7) OF THIS SECTION; EXCEPT THAT A SUPER-LOAD PERMIT FEE IS FOUR HUNDRED DOLLARS;

SECTION 3. 42-4-510 (12), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

42-4-510. Permits for excess size and weight and for manufactured homes - rules - repeal. (12) (d) A DRIVER OR HOLDER OF A PERMIT ISSUED UNDER SUBSECTION (1.7) OF THIS SECTION WHO FAILS TO COMPLY WITH THE TERMS OF THE PERMIT OR SUBSECTION (1.7) OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR TRAFFIC OFFENSE AND SHALL BE PUNISHED AS PROVIDED IN SECTION 42-4-1701 (3) (a) (II).

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the information technology division, for the fiscal year beginning July 1, 2011, the sum of seven hundred forty dollars (\$740) cash funds, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the governor - lieutenant governor - state planning and budgeting, for allocation to the office of information technology, for the fiscal year beginning July 1, 2011, the sum of seven hundred forty dollars (\$740), or so much thereof as may be necessary, for the provision of programming services to the department of revenue related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of revenue out of the appropriation made in subsection (1) of this section.

SECTION 5. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part

of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 27, 2011