

CHAPTER 178

ADMINISTRATIVE RULE REVIEW

SENATE BILL 17-083

BY SENATOR(S) Kagan, Scott, Gardner, Martinez Humenik;
also REPRESENTATIVE(S) Foote, Willett, Singer.**AN ACT****CONCERNING IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMITTEE ON LEGAL SERVICES
IN CONNECTION WITH LEGISLATIVE REVIEW OF RULES AND REGULATIONS OF STATE AGENCIES.***Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. Rules and regulations scheduled for expiration May 15, 2017 - extension. (1) Except as indicated, the expiration of all rules and regulations of agencies in the following principal departments, which rules and regulations were adopted or amended on or after November 1, 2015, and before November 1, 2016, and that are therefore scheduled for expiration May 15, 2017, is postponed, and the provisions of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

(a) Department of agriculture;

(b) Department of corrections;

(c) Department of education; except that the following rules of the state board of education concerning the operation, maintenance, and inspection of school transportation vehicles (1 CCR 301-26) are not extended:

(I) Rule 4204-R-2.02(d), concerning student transportation under public transportation programs subject to the Code of Federal Regulations 49 CFR 390 to 399;

(II) Rule 4204-R-5.01(a), concerning the operator shall possess a valid commercial driver's license;

(III) Rule 4204-R-5.02(c), concerning the operator shall have a current physical

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

examination;

(IV) Rule 4204-R-6.02(b), concerning the school transportation annual inspector shall provide a brake inspector qualification certificate;

(V) Rule 4204-R-11.12, concerning if brake adjustment or repair is needed;

(VI) Rule 4204-R-15.03(e), concerning containers and quantities of products are kept to a reasonable size;

(VII) Rule 4204-R-16.02, concerning the school district or service provider may comply with part 395;

(VIII) Rule 4204-R-17.00, concerning route planning - student loading and discharge;

(IX) Rule 4204-R-17.01, concerning school transportation small vehicles;

(X) Rule 4204-R-17.02, concerning the location of student stops shall consider factors including;

(XI) Rule 4204-R-17.02(a), concerning ages of the students;

(XII) Rule 4204-R-17.02(b), concerning visibility;

(XIII) Rule 4204-R-17.02(c), concerning lateral clearance;

(XIV) Rule 4204-R-17.02(d), concerning student access;

(XV) Rule 4204-R-17.02(e), control of other motorists;

(XVI) Rule 4204-R-17.02(e)(1), concerning student stops for Type A multifunction buses;

(XVII) Rule 4204-R-17.03, concerning school transportation vehicle operators shall stop at least 10 feet away;

(XVIII) Rule 4204-R-17.04, concerning the school transportation vehicle operator shall stop;

(XIX) Rule 4204-R-17.04(a), concerning exception: The school transportation vehicle operator may block;

(XX) Rule 4204-R-17.05, concerning student stops shall not be located;

(XXI) Rule 4204-R-17.06, concerning if students are required to cross a roadway;

(XXII) Rule 4204-R-17.07, concerning four-way hazard lamps;

(XXIII) Rule 4204-R-17.08, concerning alternative flashing red warning signals;

(XXIV) Rule 4204-R-17.09, concerning routes shall be planned;

(XXV) Rule 4204-R-17.09(a), concerning eliminate, when practical, railroad crossings;

(XXVI) Rule 4204-R-17.09(b), concerning have stops be a minimum of 200 feet apart;

(XXVII) Rule 4204-R-17.09(b)(1), concerning exception: Student stops located in areas where wildlife may create a high risk;

(XXVIII) Rule 4204-R-17.10, concerning pursuant to section 42-4-1903(2), C.R.S.;

(XXIX) Rule 4204-R-17.11, concerning school transportation vehicle operators shall not relocate a student stop;

(XXX) Rule 4204-R-17.12, concerning school transportation vehicle operators of school buses, multifunction buses, and motor coach buses;

(XXXI) Rule 4204-R-17.12(a), concerning activate the four-way hazard lamps;

(XXXII) Rule 4204-R-17.12(b), concerning stop the bus within 50 feet;

(XXXIII) Rule 4204-R-17.12(c), concerning when stopped, the bus should;

(XXXIV) Rule 4204-R-17.2(d), concerning use a prearranged signal;

(XXXV) Rule 4204-R-17.13, concerning after quietness aboard the stopped bus has been achieved;

(XXXVI) Rule 4204-R-17.13(a), concerning if the tracks are clear;

(XXXVII) Rule 4204-R-17.13(b), concerning when two or more tracks are to be crossed;

(XXXVIII) Rule 4204-R-17.13(c), concerning before crossing the tracks;

(XXXIX) Rule 4204-R-17.14, concerning school transportation vehicle operators of school buses, multifunction buses and motor coach buses;

(XL) Rule 4204-R-18.01, concerning emergency evacuation drills shall be conducted with students;

(d) Department of health care policy and financing;

(e) Department of higher education;

(f) Department of human services; except that the following rule of the state board of human services concerning other assistance programs (9 CCR 2503-7) is not extended: Rule 3.751.56, concerning penalties for individuals convicted of

fraud;

(g) Department of labor and employment; except that the following rules of the director of the division of oil and public safety concerning underground storage tanks and aboveground storage tanks (7 CCR 1101-14) are not extended:

(I) The definitions of "fire resistant tank" and "protected tank" in Rule 1-5;

(II) Rule 1-7, concerning codes, documents or standards incorporated by reference;

(III) Rule 1-8, concerning inspection of incorporated codes;

(IV) Rule 2-1-1 (d) (2) (A), concerning NACE international standard practice SP 0285;

(V) Rule 2-1-1 (d) (2) (B), concerning NACE international standard practice SP 0169;

(VI) Rule 2-1-1 (d) (2) (D), concerning steel tank institute recommended practice R892;

(VII) Rule 2-2-1 (a) (1) Note, concerning the following codes of practice;

(VIII) Rule 2-2-1 (a) (1) (A), concerning underwriters laboratories standard 1316;

(IX) Rule 2-2-1 (a) (1) (B), concerning underwriter's laboratories of Canada S615;

(X) Rule 2-2-1 (a) (2) (iv) Note, concerning the following codes of practice;

(XI) Rule 2-2-1 (a) (2) (iv) (A), concerning steel tank institute "sti-P3 Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks";

(XII) Rule 2-2-1 (a) (2) (iv) (B), concerning underwriters laboratories standard 1746;

(XIII) Rule 2-2-1 (a) (2) (iv) (C), concerning underwriters laboratories of Canada S603;

(XIV) Rule 2-2-1 (a) (2) (iv) (D), concerning NACE international standard practice SP 0285;

(XV) Rule 2-2-1 (a) (3) Note, concerning the following codes of practice;

(XVI) Rule 2-2-1 (a) (3) (A), concerning underwriters laboratories standard 1746;

(XVII) Rule 2-2-1 (a) (3) (B), concerning steel tank institute ACT-100 specification F894;

(XVIII) Rule 2-2-1 (a) (3) (C), concerning steel tank institute ACT-100-U specification F961;

(XIX) Rule 2-2-1 (a) (3) (D), concerning steel tank institute specification F922;

(XX) Rule 2-2-1 (b) (1) Note, concerning the following codes and standards;

(XXI) Rule 2-2-1 (b) (1) (A), concerning underwriters laboratories standard 971;

(XXII) Rule 2-2-1 (b) (1) (B), concerning underwriters laboratories of Canada standard S660;

(XXIII) Rule 2-2-1 (b) (2) (iv) Note, concerning the following codes and standards;

(XXIV) Rule 2-2-1 (b) (2) (iv) (A), concerning American petroleum institute recommended practice 1632;

(XXV) Rule 2-2-1 (b) (2) (iv) (B), concerning underwriters laboratories subject 971A;

(XXVI) Rule 2-2-1 (b) (2) (iv) (C), concerning steel tank institute recommended practice R892;

(XXVII) Rule 2-2-1 (b) (2) (iv) (D), concerning NACE international standard practice SP 0169;

(XXVIII) Rule 2-2-1 (b) (2) (iv) (E), concerning NACE international standard practice SP 0285;

(XXIX) Rule 2-3-4-1 (a) (2) Note, concerning the following code of practice;

(XXX) Rule 2-3-6-1 (c) Note, concerning the following code of practice;

(XXXI) Rule 2-5-2 (d), concerning in addition to the codes of practice;

(XXXII) Rule 2-5-3 (b) (1) (A), concerning NACE international standard practice SP 0285;

(XXXIII) Rule 2-5-3 (b) (1) (C), concerning national leak prevention association standard 631;

(XXXIV) Rule 2-5-3 (b) (1) (D), concerning American society for testing and materials standard G158;

(XXXV) Rule 2-5-3 (d) (1) (v), concerning perform inventory control;

(XXXVI) Rule 2-5-3 (d) (2) (iii), concerning perform inventory control;

(XXXVII) Rule 3-2-1 (a) (1) (iii), concerning atmospheric tanks shall not be used for the storage of a liquid;

(XXXVIII) Rule 3-2-1 (c) (2) (i), concerning sized in accordance with American petroleum institute standard No. 2000;

(XXXIX) Rule 3-2-1 (d) (2), concerning in a vertical tank;

(XL) Rule 3-2-1 (i) (4), concerning after December 22, 1996, tanks that are not listed;

(XLI) Rule 3-2-2-1 (c), concerning for ASTs installed on or after April 14, 2011, ASTs shall be located in accordance with Table 1 below, and including Table 1, concerning AST separation at motor fuel dispensing facilities, and repair garages;

(XLII) Rule 3-2-2-2 (d) (1) (i), concerning the maximum individual tank capacity and including Table 4, concerning AST separation at fleet motor fuel dispensing facilities;

(XLIII) Rule 3-2-2-5 (f), concerning vaults that contain tanks of class I liquids;

(XLIV) Rule 3-2-3 (c) (1), concerning an AST permit application may be denied or revoked;

(XLV) Rule 3-2-3 (c) (3), concerning an AST permit may be revoked if the AST installation or operation;

(XLVI) Rule 3-2-3 (c) (4), concerning an AST permit may be revoked if an inspection by the director reveals;

(XLVII) Rule 3-3-1 (d) (6), concerning tanks that are not listed as UL 2085 protected tanks;

(h) Department of law;

(i) Department of local affairs;

(j) Department of military and veterans affairs;

(k) Department of natural resources;

(l) Department of personnel;

(m) Department of public health and environment; except that the following rule of the water quality control commission concerning the Colorado discharge permit system (5 CCR 1002-61) is not extended: Rule 61.15 (c), concerning the annual permit fee or interim fee;

(n) Department of public safety;

(o) Department of regulatory agencies;

(p) Department of revenue; except that the following rules are not extended:

(I) The following rules of the division of motor vehicles concerning motor official inspection stations - Rule 2, emissions inspection (1 CCR 204-1):

(A) Rule 1.0, concerning definitions;

(B) Rule 2.0, concerning general licensing requirements;

(C) Rule 3.0, concerning station licenses;

(D) Rule 4.0, concerning inspector licenses;

(E) Rule 5.0, concerning inspection station operations;

(F) Rule 6.0, concerning distribution of compliance documents;

(G) Rule 7.0, concerning verification of vehicle identification number (Form DR 2698);

(H) Rule 8.0, concerning security and retention of documents;

(I) Rule 9.0, concerning use of inspector number and security codes;

(J) Rule 10.0, concerning audits;

(K) Rule 11.0, concerning violations and sanctions;

(L) Rule 12.0, concerning administrative hearings;

(q) Department of state;

(r) Department of transportation;

(s) Department of the treasury.

(2) The expiration of all rules and regulations of the public employees' retirement association, which rules and regulations were adopted or amended on or after November 1, 2015, and before November 1, 2016, and which are therefore scheduled for expiration May 15, 2017, is postponed.

(3) The recommendations of the committee on legal services as reflected in this act apply to the specified rules in the form in which said rules were considered and acted upon by the committee. Any amendments or other changes in the specified rules that became effective before November 1, 2016, that comply with the recommendations of the committee on legal services are not affected by this act. Any subsequent amendments or other changes in the specified rules that became effective on or after November 1, 2016, are not affected by this act.

SECTION 2. 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: April 28, 2017