

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0657.01 Jery Payne x2157

SENATE BILL 19-038

SENATE SPONSORSHIP

Sonnenberg, Crowder

HOUSE SPONSORSHIP

Pelton,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXCEPTION TO THE REQUIREMENT THAT A MOTOR**
102 **VEHICLE CLEAR A PORT OF ENTRY FOR VEHICLES**
103 **TRANSPORTING AGRICULTURAL COMMODITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires motor vehicles having an empty weight of 16,000 or more pounds or a motor vehicle that weighs 26,001 or more pounds fully loaded to clear a port of entry within 5 miles of its route. The bill exempts motor vehicles hauling trailers used primarily for agricultural commodities, including livestock.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-8-105, **amend** (1)
3 and (2) as follows:

4 **42-8-105. Clearance of motor vehicles at port of entry weigh**
5 **stations.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTION (1)(c) OF THIS
6 SECTION, every owner or operator of a motor vehicle that is subject to
7 payment of registration fees under ~~the provisions of~~ section 42-3-306
8 (5)(b) and every owner or operator of a motor vehicle or combination of
9 vehicles having a manufacturer's gross vehicle weight rating or gross
10 combination weight rating of twenty-six thousand one pounds or more
11 shall secure a valid clearance from an officer of the Colorado state patrol
12 or from a port of entry weigh station before operating the vehicle or
13 combination of vehicles or causing the vehicle or combination of vehicles
14 to be operated on the public highways of this state.

15 (b) ~~but An owner or operator shall be deemed to have complied~~
16 ~~with the provisions of this subsection (1)~~ COMPLIES WITH SUBSECTION
17 (1)(a) OF THIS SECTION if the owner or operator secures a valid clearance
18 from the first port of entry weigh station located within five road miles of
19 the route that the owner or operator would normally follow from the point
20 of departure to the point of destination.

21 (c) (I) An owner or operator ~~shall not be required to~~ NEED NOT
22 seek out a port of entry weigh station not located on the route ~~such~~ THE
23 owner or operator is following if:

24 (A) The owner or operator secures a special revocable permit
25 from the Colorado state patrol in accordance with ~~the provisions of~~
26 subsection (4) of this section; OR

1 (B) THE OWNER OR OPERATOR IS TRANSPORTING A TRAILER
2 PRIMARILY USED IN THE TRANSPORT OF AGRICULTURAL COMMODITIES OR
3 LIVESTOCK, INCLUDING A HOPPER BOTTOM, FLATBED, LIVE BOTTOM, OR
4 LIVESTOCK TRAILER.

5 (II) A vehicle with a seating capacity of fourteen or more
6 passengers registered under ~~the provisions of~~ section 42-3-304 (13) or
7 42-3-306 (2)(c)(I) ~~shall not be required to~~ NEED NOT secure a valid
8 clearance pursuant to this section.

9 (2) It is unlawful for any owner or operator of a motor vehicle
10 subject to ~~the provisions of~~ subsection ~~(1)~~ (1)(a) of this section to permit
11 the travel of ~~such~~ THE motor vehicle on the public highways of this state
12 without first having secured a valid clearance as provided in said
13 subsection ~~(1)~~ (1)(a), and every such owner or operator shall ~~be required~~
14 ~~to~~ seek out a port of entry weigh station for the purpose of securing such
15 valid clearance, whether or not ~~such~~ THE port of entry weigh station is
16 located on the route that the owner or operator is following, unless:

17 (a) A valid clearance or a special permit in accordance with
18 subsection (4) of this section has previously been secured; OR

19 (b) THE OWNER OR OPERATOR IS EXEMPTED UNDER SUBSECTION
20 (1)(c) OF THIS SECTION.

21 **SECTION 2. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 2, 2019, if adjournment sine die is on May 3,
25 2019); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2020 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (2) This act applies to offenses committed on or after the
5 applicable effective date of this act.