

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

INTRODUCED

LLS NO. 23-0111.01 Brita Darling x2241

SENATE BILL 23-012

SENATE SPONSORSHIP

Winter F.,

HOUSE SPONSORSHIP

Catlin and Froelich, Boesenecker, Lindsay

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF SAFETY REQUIREMENTS FOR**
102 **INTRASTATE MOTOR VEHICLE CARRIERS.**

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/>.)

Transportation Legislation Review Committee. The bill changes the amount of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the amount of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers.

The bill also authorizes the department of revenue to cancel or

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.

deny registration of a commercial motor carrier that fails to cooperate with the completion of a safety compliance review within 30 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-235, **amend**
3 (2)(a), (2)(c), and (2)(d)(I) as follows:

4 **42-4-235. Minimum standards for commercial vehicles - motor**
5 **carrier safety fund - created - definitions - rules - penalties.** (2) (a) ~~No~~
6 A person shall NOT operate a commercial vehicle as defined in subsection
7 (1) of this section on any public highway of this state unless ~~such~~ THE
8 vehicle is in compliance with the rules adopted by the chief of the
9 Colorado state patrol pursuant to subsection (4) of this section. ~~Any~~ A
10 person ~~who~~ THAT violates the rules, including any intrastate motor carrier,
11 ~~shall be~~ IS subject to the civil penalties authorized pursuant to 49 CFR
12 ~~part 386, subpart G. as such subpart existed on October 1, 2001. Persons~~
13 ~~who utilize~~ A PERSON THAT USES an independent contractor ~~shall not be~~
14 IS NOT liable for penalties imposed on the independent contractor for
15 equipment, acts, and omissions within the independent contractor's
16 control or supervision. ~~All~~ A STATE AGENCY OR COURT COLLECTING civil
17 penalties ~~collected pursuant to this article by a state agency or by a court~~
18 ~~shall be transmitted~~ ARTICLE 4 SHALL TRANSMIT THE CIVIL PENALTIES to
19 the state treasurer, who shall credit them to the highway users tax fund
20 created in section 43-4-201, ~~C.R.S.~~, for allocation and expenditure as
21 specified in section 43-4-205 (5.5)(a). ~~C.R.S.~~

22 (c) The Colorado state patrol ~~shall have~~ HAS exclusive
23 enforcement authority to conduct ~~safety~~ compliance reviews, as defined
24 in 49 CFR 385.3, ~~as such section existed on October 1, 2001,~~ and to
25 impose civil penalties pursuant to ~~such~~ THE reviews. ~~Nothing in this~~

1 ~~paragraph (c) shall~~ THIS SUBSECTION (3)(c) DOES NOT expand or limit the
2 ability of local governments to conduct roadside safety inspections.

3 (d) (I) Upon notice from the Colorado state patrol, the department
4 shall, pursuant to section 42-3-120, cancel the registration of a motor
5 carrier ~~who~~ THAT:

6 (A) Fails to pay in full a civil penalty imposed pursuant to this
7 subsection (2) within thirty days after notification of the penalty; OR

8 (B) FAILS TO COOPERATE WITH THE COMPLETION OF A
9 COMPLIANCE REVIEW WITHIN THIRTY DAYS AFTER NOTIFICATION OF THE
10 FAILURE TO COOPERATE.

11 **SECTION 2.** In Colorado Revised Statutes, 42-3-120, **amend**
12 (3)(a) as follows:

13 **42-3-120. Department may cancel or deny registration.**

14 (3) (a) Upon receiving written notice from the Colorado state patrol that
15 a motor carrier has failed to timely pay civil penalties imposed in
16 accordance with section 42-4-235 (2) OR HAS FAILED TO COOPERATE WITH
17 THE COMPLETION OF A SAFETY COMPLIANCE REVIEW PURSUANT TO
18 SECTION 42-4-235 (2)(c), the department shall:

19 (I) Cancel the registration of any vehicle that is owned by the
20 carrier; and ~~shall~~

21 (II) Deny the registration of any vehicle that is owned by the
22 carrier until the department receives notice from the Colorado state patrol
23 that the penalty has been paid in full OR THAT THE CARRIER HAS
24 COOPERATED WITH THE COMPLETION OF THE SAFETY COMPLIANCE REVIEW,
25 AS APPLICABLE.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect October 1, 2023; except that, if a referendum petition is filed

1 pursuant to section 1 (3) of article V of the state constitution against this
2 act or an item, section, or part of this act within the ninety-day period
3 after final adjournment of the general assembly, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2024 and, in such case, will take
6 effect on the date of the official declaration of the vote thereon by the
7 governor.