

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0111.01 Brita Darling x2241

SENATE BILL 23-012

SENATE SPONSORSHIP

Winter F. and Hinrichsen, Hansen, Jaquez Lewis

HOUSE SPONSORSHIP

Catlin and Froelich, Boesenecker, Lindsay

Senate Committees

Transportation & Energy
Appropriations

House Committees

Transportation, Housing & Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ENFORCEMENT OF SAFETY REQUIREMENTS FOR**
102 **INTRASTATE MOTOR VEHICLE CARRIERS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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.

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

SENATE
3rd Reading Unamended
February 22, 2023

SENATE
Amended 2nd Reading
February 21, 2023

The bill also authorizes the department of revenue to cancel or 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

1 impose civil penalties pursuant to ~~such~~ THE reviews. ~~Nothing in this~~
2 ~~paragraph (c) shall~~ THIS SUBSECTION (2)(c) DOES NOT expand or limit the
3 ability of local governments to conduct roadside safety inspections.

4 (d) (I) ~~PURSUANT TO SECTION 42-3-120, upon notice from the Colorado~~
5 ~~state patrol, the department shall, pursuant to section 42-3-120, cancel the~~
6 ~~registration of a motor carrier who~~ FOR A CARRIER THAT fails to pay in full a
7 civil penalty imposed pursuant to this subsection (2) within thirty days after
8 notification of the penalty OR FAILS TO COOPERATE WITH THE COMPLETION OF
9 A COMPLIANCE REVIEW WITHIN THIRTY DAYS AFTER NOTIFICATION OF THE
10 FAILURE TO COOPERATE, THE DEPARTMENT SHALL:

11 (A) CANCEL THE MOTOR CARRIER'S REGISTRATION; AND

12 (B) ENTER BOTH THE MOTOR CARRIER AND ITS VEHICLES AS
13 OUT-OF-SERVICE IN THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
14 SYSTEM OF RECORD.

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

17 **42-3-120. Department may cancel or deny registration.**

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

23 (I) Cancel the registration of any vehicle that is owned by the
24 ~~carrier;~~

25 (II) ENTER BOTH THE MOTOR CARRIER AND ITS VEHICLES AS
26 OUT-OF-SERVICE IN THE FEDERAL MOTOR CARRIER SAFETY
27 ADMINISTRATION SYSTEM OF RECORD; and ~~shall~~

1 (III) Deny the registration of any vehicle that is owned by the
2 carrier until the department receives notice from the Colorado state patrol
3 that the penalty has been paid in full OR THAT THE CARRIER HAS
4 COOPERATED WITH THE COMPLETION OF THE SAFETY COMPLIANCE REVIEW,
5 AS APPLICABLE.

6 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal
7 year, \$132,300 is appropriated to the department of revenue. This
8 appropriation is from the DRIVES vehicle services account in the
9 highway users tax fund created in section 42-1-211(2)(b)(I), C.R.S. To
10 implement this act, the department may use this appropriation as follows:

- 11 (a) \$112,500 for DRIVES maintenance and support; and
12 (b) \$19,800 for the purchase of information technology services.

13 (2) For the 2023-24 state fiscal year, \$19,800 is appropriated to
14 the office of the governor for use by the office of information technology.
15 This appropriation is from reappropriated funds received from the
16 department of revenue under subsection (1)(b) of this section. To
17 implement this act, the office may use this appropriation to provide
18 information technology services for the department of revenue.

19 **SECTION 4. Act subject to petition - effective date.** Section
20 42-4-235 (2)(d)(I)(B), Colorado Revised Statutes, as enacted in section
21 1 of this act, and section 42-3-120 (3)(a)(II), Colorado Revised Statutes,
22 as enacted in section 2 of this act take effect April 31, 2024, and the
23 remainder of this act takes effect at 12:01 a.m. on the day following the
24 expiration of the ninety-day period after final adjournment of the general
25 assembly; except that, if a referendum petition is filed pursuant to section
26 1 (3) of article V of the state constitution against this act or an item,
27 section, or part of this act within such period, then the act, item, section,

1 or part will not take effect unless approved by the people at the general
2 election to be held in November 2024 and, in such case, will take effect
3 on the date of the official declaration of the vote thereon by the governor.