

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 17-1061

BY REPRESENTATIVE(S) Becker J. and Melton, Buck, Carver, Esgar, Kraft-Tharp, Mitsch Bush, Neville P., Nordberg, Winter, Arndt, Lawrence, Lundeen, McKean, McLachlan, Saine, Van Winkle, Duran;
also SENATOR(S) Scott and Todd, Baumgardner, Cooke, Coram, Moreno, Neville T., Sonnenberg, Grantham.

CONCERNING MODIFICATION OF THE CLASS OF VEHICLES THAT IS SUBJECT TO REGULATION AS COMMERCIAL VEHICLES.

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

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

42-4-235. Minimum standards for commercial vehicles - motor carrier safety fund - created - definition - rules. (1) As used in this section, unless the context otherwise requires:

(a) "Commercial vehicle" means:

(I) ~~Any self-propelled or towed vehicle bearing an apportioned plate or having a manufacturer's gross vehicle weight rating or gross combination rating of ten thousand one pounds or more, which vehicle is~~

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

~~used in commerce on the public highways of this state or is designed to transport sixteen or more passengers, including the driver, unless such vehicle is a school bus regulated pursuant to section 42-4-1904 or any vehicle that does not have a gross vehicle weight rating of twenty-six thousand one or more pounds and that is owned or operated by a school district so long as such school district does not receive remuneration for the use of such vehicle, not including reimbursement for the use of such vehicle~~ A SELF-PROPELLED OR TOWED VEHICLE:

(A) BEARING AN APPORTIONED PLATE;

(B) HAVING A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF AT LEAST SIXTEEN THOUSAND ONE POUNDS AND USED IN COMMERCE ON PUBLIC HIGHWAYS; OR

(C) HAVING A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF AT LEAST SIXTEEN THOUSAND ONE POUNDS AND USED TO TRANSPORT SIXTEEN OR MORE PASSENGERS, INCLUDING THE DRIVER, UNLESS THE VEHICLE IS A SCHOOL BUS REGULATED IN ACCORDANCE WITH SECTION 42-4-1904 OR A VEHICLE THAT DOES NOT HAVE A GROSS VEHICLE WEIGHT RATING OF TWENTY-SIX THOUSAND ONE OR MORE POUNDS AND THAT IS OWNED OR OPERATED BY A SCHOOL DISTRICT SO LONG AS THE SCHOOL DISTRICT DOES NOT RECEIVE REMUNERATION, OTHER THAN REIMBURSEMENT OF THE SCHOOL DISTRICT'S COSTS, FOR THE USE OF THE VEHICLE;

(4)(a)(I) The chief of the Colorado state patrol shall adopt rules for the operation of all commercial vehicles AND, AS SPECIFIED IN SUBSECTION (4)(a)(II) OF THIS SECTION, VEHICLES THAT WOULD BE COMMERCIAL VEHICLES BUT FOR THE FACT THAT THEY HAVE A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF TEN THOUSAND ONE POUNDS OR MORE BUT NOT MORE THAN SIXTEEN THOUSAND POUNDS. In adopting the rules, the chief shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; except that rules regarding financial responsibility and insurance do not apply to a commercial vehicle as

defined in subsection (1) of this section that is also subject to regulation by the public utilities commission under article 10.1 of title 40. ~~C.R.S.~~ On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the chief pursuant to this paragraph (a) ~~shall~~ MUST be performed by an enforcement official, as defined in section 42-20-103 (2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(II) WITH RESPECT TO THE OPERATION OF ALL VEHICLES THAT WOULD BE COMMERCIAL VEHICLES BUT FOR THE FACT THAT THEY HAVE A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF TEN THOUSAND ONE POUNDS OR MORE BUT NOT MORE THAN SIXTEEN THOUSAND POUNDS, THE CHIEF OF THE COLORADO STATE PATROL MAY ADOPT RULES THAT AUTHORIZE THE COLORADO STATE PATROL TO:

(A) ANNUALLY INSPECT THESE VEHICLES;

(B) ENFORCE WITH RESPECT TO THESE VEHICLES ALL REQUIREMENTS FOR THE SECURING OF LOADS THAT APPLY TO COMMERCIAL VEHICLES; AND

(C) ENFORCE WITH RESPECT TO THESE VEHICLES ALL REQUIREMENTS RELATING TO THE USE OF COUPLING DEVICES FOR COMMERCIAL VEHICLES.

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.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO