

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0179.02 Jery Payne x2157

HOUSE BILL 17-1061

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A BILL FOR AN ACT

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

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 increases the minimum weight for classification as a commercial vehicle subject to the statutory and regulatory standards for commercial vehicles from 10,001 pounds to 16,001 pounds unless the vehicle is registered for use in interstate commerce. With respect to vehicles that would be classified as commercial vehicles but for the fact that they weigh between

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

SENATE
2nd Reading Unamended
March 3, 2017

HOUSE
3rd Reading Unamended
February 15, 2017

HOUSE
2nd Reading Unamended
February 13, 2017

10,001 and 16,000 pounds, the chief of the Colorado state patrol is authorized to adopt rules that authorize the Colorado state patrol to:

- ! Annually inspect these vehicles;
- ! Enforce with respect to these vehicles all requirements for the securing of loads that apply to commercial vehicles; and
- ! Enforce with respect to these vehicles all requirements relating to the use of coupling devices for commercial vehicles.

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 (1)(a)(I) and (4)(a) as follows:

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

7 (a) "Commercial vehicle" means:

8 ~~(I) Any self-propelled or towed vehicle bearing an apportioned~~
9 ~~plate or having a manufacturer's gross vehicle weight rating or gross~~
10 ~~combination rating of ten thousand one pounds or more, which vehicle is~~
11 ~~used in commerce on the public highways of this state or is designed to~~
12 ~~transport sixteen or more passengers, including the driver, unless such~~
13 ~~vehicle is a school bus regulated pursuant to section 42-4-1904 or any~~
14 ~~vehicle that does not have a gross vehicle weight rating of twenty-six~~
15 ~~thousand one or more pounds and that is owned or operated by a school~~
16 ~~district so long as such school district does not receive remuneration for~~
17 ~~the use of such vehicle, not including reimbursement for the use of such~~
18 ~~vehicle~~ A SELF-PROPELLED OR TOWED VEHICLE:

19 (A) BEARING AN APPORTIONED PLATE;

20 (B) HAVING A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING

1 OR GROSS COMBINATION RATING OF AT LEAST SIXTEEN THOUSAND ONE
2 POUNDS AND USED IN COMMERCE ON PUBLIC HIGHWAYS; OR

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

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

1 (1) of this section that is also subject to regulation by the public utilities
2 commission under article 10.1 of title 40. ~~C.R.S.~~ On and after September
3 1, 2003, all commercial vehicle safety inspections conducted to determine
4 compliance with rules promulgated by the chief pursuant to this
5 paragraph (a) ~~shall~~ MUST be performed by an enforcement official, as
6 defined in section 42-20-103 (2), who has been certified by the
7 commercial vehicle safety alliance, or any successor organization thereto,
8 to perform level I inspections.

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

16 (A) ANNUALLY INSPECT THESE VEHICLES;

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

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

23 **SECTION 2. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.