

CHAPTER 179

MOTOR VEHICLES AND TRAFFIC REGULATION

SENATE BILL 23-012

BY SENATOR(S) Winter F. and Hinrichsen, Hansen, Jaquez Lewis;
 also REPRESENTATIVE(S) Catlin and Froelich, Boesenecker, Lindsay, Bird, Lieder, Michaelson Jenet, Snyder, McCluskie.

AN ACT

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

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

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

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

(c) The Colorado state patrol ~~shall have~~ HAS exclusive enforcement authority to conduct ~~safety~~ compliance reviews, as defined in 49 CFR 385.3, ~~as such section existed on October 1, 2001,~~ and to impose civil penalties pursuant to ~~such~~ THE reviews. ~~Nothing in this paragraph (c) shall~~ THIS SUBSECTION (2)(c) DOES NOT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

expand or limit the ability of local governments to conduct roadside safety inspections.

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

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

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

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

42-3-120. Department may cancel or deny registration. (3) (a) Upon receiving written notice from the Colorado state patrol that a motor carrier has failed to timely pay civil penalties imposed in accordance with section 42-4-235 (2) OR HAS FAILED TO COOPERATE WITH THE COMPLETION OF A SAFETY COMPLIANCE REVIEW PURSUANT TO SECTION 42-4-235 (2)(c), the department shall:

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

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

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

SECTION 3. Appropriation. (1) For the 2023-24 state fiscal year, \$61,110 is appropriated to the department of revenue. This appropriation is from the DRIVES vehicle services account in the highway users tax fund created in section 42-1-211 (2)(b)(I), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$52,200 for DRIVES maintenance and support; and

(b) \$8,910 for the purchase of information technology services.

(2) For the 2023-24 state fiscal year, \$8,910 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

SECTION 4. Act subject to petition - effective date. Section 42-4-235 (2)(d)(I)(B), Colorado Revised Statutes, as enacted in section 1 of this act, and section 42-3-120 (3)(a)(II), Colorado Revised Statutes, as enacted in section 2 of this act take effect April 31, 2024, and the remainder of this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 12, 2023