

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1180.01 Jery Payne x2157

SENATE BILL 24-220

SENATE SPONSORSHIP

Pelton R. and Hinrichsen,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ADMINISTRATION OF PERMITS TO OPERATE
102 EXTRALEGAL VEHICLE LOAD COMBINATIONS.

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>.)

The bill requires an applicant for an overweight motor vehicle permit to provide third-party documentation establishing the gross weight of the load if the permit application is for a vehicle and load combination that weighs at least 200,000 pounds and less than 500,000 pounds. The carrier is required to carry the documentation in the vehicle during the permitted move and produce the documentation for any state agency or

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.

law enforcement personnel. In addition to any other penalty, a driver who violates this provision is subject to a penalty of one dollar per pound in excess of the gross weight authorized by the permit.

The bill authorizes the department of transportation or the Colorado state patrol to issue a single-use overweight or oversize state permit or local permit on an expedited basis to help in an emergency. If the permit is a local permit, the applicant and the executive director of the department of transportation or the chief of the Colorado state patrol is required to make a reasonable attempt to contact and obtain the approval of the local authorities. If the department of transportation or the Colorado state patrol is unable to contact or obtain the approval of the local authority within a reasonable amount of time, the department of transportation or the Colorado state patrol may issue the local permit. The local permit fees must be collected and remitted to the local authorities.

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-510, **amend**
3 (1)(b)(I); and **add** (1)(b)(IV) and (12)(e) as follows:

4 **42-4-510. Permits for excess size and weight and for**
5 **manufactured homes - rules - definitions.** (1) (b) (I) The application
6 for any permit ~~shall~~ MUST specifically describe the vehicle and load to be
7 operated or moved; ~~and~~ the particular highways for which the permit to
8 operate is requested; ~~and~~ whether ~~such~~ THE permit is for a single trip, a
9 special, or an annual operation; and the time of such movement. All state
10 permits ~~shall be~~ ARE issued in the discretion of the department of
11 transportation, subject to rules adopted by the transportation commission
12 in accordance with this section and section 42-4-511. EXCEPT AS
13 PROVIDED IN SECTION 42-4-513, all local permits ~~shall be~~ ARE issued in
14 the discretion of the local authority pursuant to ordinances or resolutions
15 adopted in accordance with section 42-4-511. Any ordinances or
16 resolutions of local authorities ~~shall~~ MUST not conflict with this section.

17 (IV) AN APPLICANT FOR A PERMIT MUST PROVIDE THE

1 DEPARTMENT OF TRANSPORTATION, THE COLORADO STATE PATROL, OR
2 THE LOCAL AUTHORITY WITH ACCEPTABLE THIRD-PARTY DOCUMENTATION
3 ESTABLISHING THE GROSS WEIGHT OF THE LOAD IF THE PERMIT
4 APPLICATION IS FOR A VEHICLE AND LOAD COMBINATION WEIGHING AT
5 LEAST TWO HUNDRED THOUSAND POUNDS AND LESS THAN FIVE HUNDRED
6 THOUSAND POUNDS. THE DRIVER SHALL CARRY THE DOCUMENTATION IN
7 THE VEHICLE DURING THE PERMITTED MOVE AND PRODUCE, UPON
8 REQUEST, THE DOCUMENTATION FOR ANY STATE AGENCY OR LAW
9 ENFORCEMENT PERSONNEL. ACCEPTABLE THIRD-PARTY DOCUMENTATION
10 INCLUDES:

11 (A) A MANUFACTURER'S CERTIFICATION OF THE WEIGHT OF THE
12 LOAD;

13 (B) A CERTIFIED WEIGHT TICKET FROM A CERTIFIED PUBLIC SCALE;

14 (C) A CLEARANCE CERTIFICATION FROM A LAW ENFORCEMENT
15 AGENCY THAT HAS WEIGHED THE VEHICLE AND LOAD; OR

16 (D) A THIRD-PARTY BILL OF LADING THAT CLEARLY INDICATES THE
17 WEIGHT OF THE LOAD.

18 (12) (e) IN ADDITION TO ANY OTHER PENALTY, A CARRIER USING
19 A PERMIT SUBJECT TO SUBSECTION (1)(b)(IV) OF THIS SECTION THAT FAILS
20 TO HAVE THE DOCUMENTATION DESCRIBED IN SUBSECTION (1)(b)(IV) OF
21 THIS SECTION IS SUBJECT TO A PENALTY OF ONE DOLLAR PER POUND IN
22 EXCESS OF THE GROSS WEIGHT AUTHORIZED BY THE PERMIT. A COURT
23 SHALL TRANSFER A PENALTY COLLECTED PURSUANT TO THIS SUBSECTION
24 (12)(e) TO THE STATE TREASURER, WHO SHALL CREDIT THE PENALTY TO
25 THE STATEWIDE BRIDGE AND TUNNEL ENTERPRISE SPECIAL REVENUE FUND,
26 CREATED IN SECTION 43-4-805 (3).

27 **SECTION 2.** In Colorado Revised Statutes, **add** 42-4-513 as

1 follows:

2 **42-4-513. Overweight and oversize permits in emergencies.**

3 (1) AS USED IN THIS SECTION, "EMERGENCY" MEANS A TEMPORARY
4 CIRCUMSTANCE IN WHICH:

5 (a) THE PUBLIC SAFETY OR HEALTH IS THREATENED;

6 (b) CRITICAL INFRASTRUCTURE OR HOMES ARE NOT ABLE TO
7 MAINTAIN HEAT, POWER, OR LIGHT;

8 (c) PEOPLE ARE UNABLE TO SECURE ADEQUATE FOOD, WATER, OR
9 FUEL; OR

10 (d) AGRICULTURE OPERATIONS OR PRODUCTION IS THREATENED
11 WITH HAZARD OR HARM, INCLUDING HAZARD OR HARM TO ANIMALS.

12 (2) SUBJECT TO SUBSECTION (3) OF THIS SECTION, THE
13 DEPARTMENT OF TRANSPORTATION OR THE COLORADO STATE PATROL
14 MAY, ON AN EXPEDITED BASIS, ISSUE A SINGLE-USE STATE PERMIT OR
15 LOCAL PERMIT TO MITIGATE THE EFFECTS OF AN EMERGENCY OR TO
16 PROVIDE AID TO PEOPLE AFFECTED BY AN EMERGENCY.

17 (3) (a) BEFORE APPLYING FOR A LOCAL PERMIT UNDER THIS
18 SECTION, THE APPLICANT MUST MAKE A REASONABLE ATTEMPT TO
19 CONTACT AND OBTAIN THE APPROVAL OF THE LOCAL AUTHORITY WITH
20 JURISDICTION OVER ANY HIGHWAY USED PURSUANT TO THE PERMIT.

21 (b) IF A PERMIT ISSUED UNDER SUBSECTION (2) OF THIS SECTION IS
22 A LOCAL PERMIT, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
23 TRANSPORTATION, THE CHIEF OF THE COLORADO STATE PATROL, OR THE
24 DESIGNEE OF THE EXECUTIVE DIRECTOR OR CHIEF, SHALL, PRIOR TO
25 ISSUING THE PERMIT, MAKE A REASONABLE ATTEMPT TO CONTACT AND
26 OBTAIN THE APPROVAL OF THE LOCAL AUTHORITIES WITH JURISDICTION
27 OVER ANY HIGHWAY USED PURSUANT TO THE PERMIT. IF THE DEPARTMENT

1 OF TRANSPORTATION OR THE COLORADO STATE PATROL IS UNABLE TO
2 CONTACT OR OBTAIN THE APPROVAL OF THE LOCAL AUTHORITY WITHIN A
3 REASONABLE AMOUNT OF TIME BASED ON THE EMERGENCY SITUATION,
4 THE DEPARTMENT OF TRANSPORTATION OR THE COLORADO STATE PATROL
5 MAY ISSUE THE LOCAL PERMIT.

6 (4) IF A PERMIT ISSUED UNDER SUBSECTION (2) OF THIS SECTION IS
7 A LOCAL PERMIT, THE DEPARTMENT OF TRANSPORTATION OR THE
8 COLORADO STATE PATROL SHALL COLLECT THE FEE IMPOSED BY THE
9 LOCAL AUTHORITY UNDER SECTION 42-4-510 (11)(b) AND REMIT THE FEE
10 TO THE APPROPRIATE LOCAL AUTHORITY.

11 **SECTION 3. Act subject to petition - effective date -**
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
13 the expiration of the ninety-day period after final adjournment of the
14 general assembly; except that, if a referendum petition is filed pursuant
15 to section 1 (3) of article V of the state constitution against this act or an
16 item, section, or part of this act within such period, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2024 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by the
20 governor.

21 (2) This act applies to offenses committed or applications
22 submitted on or after the applicable effective date of this act.