

University of Denver

Digital Commons @ DU

All Publications (Colorado Legislative Council)

Colorado Legislative Council Research
Publications

1-1990

0346 Highway Legislation Review Committee

Colorado Legislative Council

Follow this and additional works at: https://digitalcommons.du.edu/colc_all

Recommended Citation

Colorado Legislative Council, "0346 Highway Legislation Review Committee" (1990). *All Publications (Colorado Legislative Council)*. 354.

https://digitalcommons.du.edu/colc_all/354

This Article is brought to you for free and open access by the Colorado Legislative Council Research Publications at Digital Commons @ DU. It has been accepted for inclusion in All Publications (Colorado Legislative Council) by an authorized administrator of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

0346 Highway Legislation Review Committee

COLO.
KFC
1820
. L4
no. 346
1990



COLORADO

GENERAL ASSEMBLY

Highway Legislation
Review Committee

Legislative Council
Research Publication No. 346

January 1990

UNIVERSITY OF DENVER COLLEGE OF LAW

COLO. KFC 1820 .L4 no.346 19

Colorado. General Assembly.
Legislative Council.

Colorado General Assembly,
Highway Legislation Review

✓
018600 6468337

COLORADO GENERAL ASSEMBLY

**HIGHWAY LEGISLATION
REVIEW COMMITTEE**

RECOMMENDATIONS FOR 1990

**Report to the
Colorado General Assembly**

**Research Publication No. 346
January 1990**

✓
COLO. KFC 1820 .L4 no.346 19

Colorado. General Assembly.
Legislative Council.

Colorado General Assembly,
Highway Legislation Review

COLORADO GENERAL ASSEMBLY

OFFICERS
Rep. Chris Paulson
Chairman
Sen. Ted L. Strickland
Vice Chairman



STAFF
Charles S. Brown
Director
David Hite
Deputy Director
Stan Eloffson
Assistant Director

LEGISLATIVE COUNCIL
ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
(303) 866-3521

MEMBERS
Sen. Wayne Allard
Sen. Brian McCauley
Sen. Harold McCormick
Sen. Ray Powers
Sen. Larry Trujillo
Sen. Jeffrey Wells
Rep. Chuck Berry
Rep. Carl "Bev" Bledsoe
Rep. Matt Jones
Rep. Paul Schauer
Rep. Carol Taylor-Little
Rep. Ruth Wright

To Members of the Fifty-seventh Colorado General Assembly:

Submitted herewith is the final report of the Highway Legislation Review Committee. The committee was created pursuant to section 43-2-145, C.R.S., (Senate Bill 36, 1986 session). The purpose of the committee is "to give guidance and direction to the state department of highways in the development of the state system of highways, and to provide legislative overview of and input into such development ..."

At its meetings on October 25, 1989, and January 4, 1990, the committee acted to recommend the proposed bills which are detailed herein. These bills were submitted to and approved by the Legislative Council at its meetings on November 9, 1989, and January 10, 1990, except for Bill 10 which was not approved by the Legislative Council.

Respectfully submitted,

/s/ Representative Dan Williams, Chairman
Highway Legislation Review Committee

Members of Committee	1
Summary of Recommendations	3
Activities of Committee	5
Committee Recommendations	13
 I. Concerning the Continuation of the Highway Legislation Review Committee and, in Connection Therewith, Requiring the Committee to Meet at Least Once Each Year -- Bill 1	 13
 II. Other Recommendations	
 A. Longer Vehicle Combinations -- State Department of Highways -- Bill 2	 13
 B. High Occupancy Vehicle Lanes -- State Department of Highways -- Bill 3	 14
 C. Motor Carrier Safety -- State Patrol -- Bill 4	 14

	Page
I. Calculation of Highway Users Tax Fund Distribution -- Colorado Counties, Inc. -- Bill 10	16
APPENDICES	
Appendix A	17

LEGISLATIVE COUNCIL

HIGHWAY LEGISLATION REVIEW COMMITTEE

Members of the Committee

Representative Dan Williams,
Chairman
Senator Dave Wattenberg,
Vice Chairman
Senator Al Meiklejohn
Senator Pat Pascoe

Representative Don Ament
Representative Jim Dyer
Mr. Peter Kenney
Ms. Jumetta Posey
Mr. B. Douglas Quimby
Ms. Peggy Rector
Mr. William Ward

Legislative Council Staff

Dan Chapman
Principal Analyst

Ed Bowditch
Sr. Research Assistant

Office of Legislative Legal Services

Kent Singer
Senior Staff Attorney

Mike Genoways
Staff Attorney

Ken Ogawa
Staff Attorney

Summary of Recommendations

The Highway Legislation Review Committee (HLRC) was created in 1953 (section 43-2-101, et seq., C.R.S.). This part of state law reorganized the state highway system and its relationships to county and city road systems. The committee's charge was to review the implementation and impact of these new relationships. Committee members are appointed by the Governor every five years and include eight members of the General Assembly and seven non-legislative members "from such highway advisory groups as the Governor shall select" (section 43-2-145, C.R.S.).

HLRC was reconstituted in 1986 "to give guidance and direction to the state Department of Highways in the development of the state system of highways and to provide legislative overview of and input into such development." This mandate included consultation with experts in highway construction and planning, review of the highway department's operations and projects, review of department performance audits and recommendations concerning the financing of roads and mass transit in the state. The committee's oversight responsibility also included the activities of public highway authorities (section 43-4-501, et seq., C.R.S.). In accordance with this charge, the committee met frequently during 1987 and 1988 to consider transportation issues. The committee is presently made up of six members of the General Assembly and five non-legislative members.

The Highway Legislation Review Committee addressed the following issues in 1989:

- certification of a plan for director districts for the new Metropolitan Transportation Development Commission (H.B. 1009, 1989 Extraordinary Session);
- initiation of a study of heavy vehicle penalty assessments, as required by H.B. 1012 (1989 Extraordinary Session);
- review of statutorily required reports from: the Regional Transportation District (privatization, farebox recovery ratios); the E-470 Public Highway Authority; and the W-470 Public Highway Authority. The committee also received progress reports from the state Department of Highways and the Metropolitan Transportation Development Commission; and
- review and preparation of recommendations for legislation for introduction in the 1990 legislative session. These recommendations include a proposal to repeal the committee's termination date as well as several proposals from departments and agencies within the committee's oversight (RTD, Highways, State Patrol, Revenue).

Committee Recommendations

The Highway Legislation Review Committee recommends the following 10 bills for consideration during the 1990 legislative session.

- Bill 1 allows the HLRC to continue to meet in 1990 and each year thereafter.

Colorado Department of Highways

- Bill 2 changes existing statute concerning longer vehicle combinations (LCVs) and allows the state highway department to designate which state highways may be used by LCVs.
- Bill 3 allows the state highway commission to adopt rules and regulations concerning High Occupancy Vehicle lanes.

Colorado State Patrol

- Bill 4 makes technical amendments to current statutes governing the safety of trucks.
- Bill 5 authorizes the State Patrol to conduct safety inspections on commercial vehicles used in intrastate commerce.

State Department of Revenue

- Bill 6 applies truck registration fee increases, authorized by House Bill 1012 (1989 special session), to selected classes of vehicles.
- Bill 7 replaces the passenger mile tax with additional registration fees.
- Bill 8 allows the closure of Ports of Entry on selected federal holidays.

Regional Transportation District

- Bill 9 makes technical changes to existing statutes governing RTD's privatization of services.

Colorado Counties, Inc.

- Bill 10 makes technical changes to current statutes concerning the HUTF distribution formula for counties. Bill not approved by Legislative Council.

Activities of the Committee

The Highway Legislation Review Committee met four times between July 1989 and January 1990. The committee considered testimony from various organizations and discussed many transportation related topics. Presented below is a description of the two transportation measures which passed the special session in July 1989 (House Bill 1009 and House Bill 1012) and a discussion of the major topics considered by the committee. Also provided is a listing of the committee's oversight activities.

House Bill 1012

House Bill 1012 (1989 special session) increases funding for state and local roads by raising gasoline and special fuels taxes, driver's license fees, and motor vehicle registration fees. The fees increase incrementally; therefore, the full revenue impact will not be realized until FY 1992. The following table details the expected revenue increase from House Bill 1012.

	FY 1990	FY 1991	FY 1992
Total New Revenues:	\$58.1 M	\$78.5 M	\$97.9 M

After the bridge fund deductions, these new revenues are apportioned 60 percent for state roads, 22 percent to counties, and 18 percent to cities. All new revenues are reserved for highway and bridge construction and maintenance.

House Bill 1012 requires efficiency and accountability measures from the Colorado Department of Highways by authorizing legislative appropriation of the department's administrative budget for fiscal years 1989-90 and 1990-91.

Additionally, House Bill 1012 revises the local government contracting statutes and requires continued maintenance of local government funding effort. The bill allows for intergovernmental agreements for state and local highway projects, including reimbursement of local governments for participation in state highway projects.

House Bill 1012 directs the HLRC to study the rate of compliance with regulations applicable to heavy vehicles, including an evaluation of current penalties and whether they are being effectively collected. The HLRC is required to make its recommenda-

tions on this topic by February 1, 1990. (For more information on this topic, see "Heavy Vehicle Penalty Assessment Study" later in this section.)

Metropolitan Transportation Development Commission

House Bill 1009 (1989 special session) created the Metropolitan Transportation Development Commission (MTDC). The MTDC is directed to formulate a plan for the financing, governance, and construction of a transportation system for the metropolitan area. The plan is to be submitted to the General Assembly by January 31, 1990. If approved by the General Assembly, the plan will be placed on the ballot for voter approval in the 1990 general election. If necessary, the MTDC can submit an additional plan to the General Assembly by January 31, 1992. The MTDC receives its funding from local governments and the Regional Transportation District.

The MTDC is governed by a nine-member board with one additional non-voting member. The board, appointed by the Governor and confirmed by the Senate, is made up as follows.

- Five locally elected officials are chosen from population-based districts, with no more than three of the members representing municipalities, including Denver, and one from a municipality of less than 10,000.
- One member is selected from the Board of Directors of the Regional Transportation District.
- Three members are selected on an at-large basis, and one of these members shall represent the "general taxpayers' point of view."
- The non-voting member shall be a member of the planning agency for air quality.

Each of the six metropolitan counties are represented on the commission.

The five population-based districts were drawn by Legislative Council staff and approved by the HLRC. The committee completed this function at the July meeting and forwarded its recommendation to the Governor.

The MTDC has provided monthly activity reports to the HLRC concerning the formulation of a transportation plan for the metropolitan area. The final recommendations were presented to the committee in January, 1990.

The MTDC recommends establishing a Metropolitan Transportation Authority (MTA) to plan, design, construct, and operate transportation projects. The MTA would be governed by a nine member board of advisors, similar to the governing board of the MTDC.

The MTDC recommends spending an additional \$117 million annually for metropolitan area transportation projects. Revenue would be generated from the following sources:

- a \$10 automobile registration fee increase;
- a sales tax of four-tenths of one percent;
- an excise tax of five cents per gallon on gasoline; and
- a five percent sales tax on car rentals.

These revenue sources are to be approved by the voters in the district. Revenue will be used for regional roadway projects, state highway projects, and rapid transit corridors. The MTDC plan contains an allocation provision whereby revenue is expended proportionally among those counties from which it is raised.

Oversight Activities

The Highway Legislation Review Committee is charged with reviewing selected transportation functions of different agencies. A summary of the oversight activities is provided below.

Regional Transportation District

Privatization. In 1988, with the passage of Senate Bill 164, RTD was directed to privatize a portion of its bus service. The committee is recommending a bill that makes technical changes to current law concerning the contracting and procurement language of the privatization statute (Bill 9).

Farebox Recovery and Mass Transit. The HLRC also reviewed the farebox recovery issue with RTD. Legislation was enacted in 1989 requiring RTD to recover a portion of its revenues through fares (Senate Bill 154). The RTD is required to report to the HLRC concerning the progress on raising its farebox recovery ratio, as well as any other improvements in its transportation service. RTD testimony addressed the following issues:

- offering recommendations concerning farebox recovery ratios. Representatives from RTD indicated that the farebox recovery ratios of 27.5 percent in 1990 and 30 percent in 1993 (as required under Senate Bill 154) are attainable.
- making transportation services more responsive. This includes establishing standards in the following areas:

- fixed route productivity, including minimum passenger boarding levels and maximum operating costs per passenger;
 - productivity for route segments, including minimum boarding levels;
 - route design;
 - productivity of non-fixed route services; and
 - contracted services.
- demonstrating that RTD has considered least cost alternatives to its service. This includes reviewing all routes to determine the level of productivity and any possible cost saving measures which can be implemented.
- demonstrating improved commuter service. Included in this area are improvements for the bus/High Occupancy Vehicle lanes, as well as studying the feasibility of constructing a rapid transit line to the new airport.

Public Highway Authorities

The state's two public highway authorities, E-470 and W-470, are required to provide progress reports to the HLRC. Representatives from the E-470 Authority outlined the group's activities during the past year, and noted that the highway's first segment from I-25 south to Parker Road will be completed by the end of 1990.

Representatives from W-470 reported on their activities during the preceding year. The mechanism to provide initial financing for the project (a \$10 per vehicle registration fee increase) was rejected by voters of the authority in February 1989. In spite of this, the W-470 board will continue to study the feasibility of constructing the highway and indicated that it intends to work closely with the MTDC during the coming year concerning the feasibility of that highway project.

Status Reports

Colorado Department of Highways

The Executive Director of the Colorado Department of Highways presented testimony concerning the allocation of funds raised from House Bill 1012. Dr. Ray Chamberlain provided the committee with a listing of projects which were funded by the \$31.4 million state share for FY 1989-90. (This list is on file with Legislative Council Staff.) At least 10 percent of the funds will be used for resurfacing projects in the Denver metropolitan area, and the remainder will be allocated across the state's

six engineering districts. Dr. Chamberlain reported that as a result of the increased funding, the highway commission has been able to accelerate 42 projects from the state's five-year plan.

Heavy Vehicle Penalty Assessment Study

House Bill 1012 (1989 Extraordinary Session) directed the Highway Legislation Review Committee to study the rate of compliance of heavy vehicles with state regulations. Specifically, the bill required the following considerations:

The committee shall examine methods to increase the rate of compliance with regulations applicable to heavy vehicles with a gross vehicle weight in excess of ten thousand pounds. Such analysis shall include an evaluation of the current penalties to determine whether such penalties are collected and whether a different level of penalties would be more effective. The committee shall make recommendations to the General Assembly regarding its study no later than February 1, 1990.

This directive reflected a concern among some legislators that the current penalty assessment process was either ineffective or not adequately enforced. The key questions addressed by the study were:

- After penalty assessment is issued, are fines being collected at the expected level? Does some "slippage" occur between the time a ticket is written and when a court reaches final disposition on the charges?
- Would a different level of penalties be more effective in increasing compliance with state regulations? For purposes of this study, the penalty areas reviewed included overweight, oversize, and safety violations.

Methodology

In order to address this change, staff contacted the following agencies and departments concerning their understanding of current collection practices and possible compliance problems.

- State Department of Revenue -- Ports of Entry Division
- Department of Public Safety -- State Patrol
- State Highway Department
- Judicial Department -- Office of the State Court Administrator

- Colorado District Attorneys Council
- Colorado Motor Carriers Association

A critical piece of this study was performed by the Internal Audit Unit of the state Judicial Department, under the direction of Mr. Ed Zimny, Director of Court Services. Mr. Zimny and his staff conducted an audit of citations issued between January 1, 1988 and March 31, 1989. The statistical findings of their audit are summarized below.

Also of assistance in conducting this study were Mr. Phil Vasquez, Director of the Ports Division of the Department of Revenue; Lt. Dar Martens and Sgt. Guy King of the Colorado State Patrol; Mr. Ray Slaughter, Colorado District Attorneys Council; and Mr. Don Coleman, Colorado Motor Carriers Association.

Current Statutory Provisions

Currently, weight limitations for interstate/intrastate trucks are set in statute (42-4-1501 (3) (a) (II), C.R.S., 1989 Repl. Vol.). The penalty schedule is:

Excess Weight Above Maximum Permitted Weight - Pounds	Penalty	Surcharge
1 - 2,500	\$ 50.00	\$ 18.00
2,500 - 5,000	100.00	37.00
5,001 - 7,500	200.00	74.00
7,501 - 10,000	400.00	148.00
Over 10,000	\$150.00 for each 1,000 pounds additional overweight plus \$400.00	\$55.00 for each 1,000 pounds additional overweight plus \$148.00

Committee Recommendations

Concerning the Continuation of the Highway Legislation Review Committee and, in Connection Therewith, Requiring the Committee to Meet at Least Once Each Year -- Bill 1

Bill 1 addresses the ability of the HLRC to continue meeting during 1990 and each year thereafter. Currently, the law authorizes the committee to meet in 1987, 1988, 1989, and "every other year" thereafter, with the termination of the committee on July 1, 1991. The bill removes the provision to meet "every other year" and replaces it with a requirement to meet at least once each year. The bill also repeals the sunset provision, extending the committee indefinitely.

Committee members expressed concern that the state's transportation issues will not be resolved by the committee's termination date. The HLRC provides a valuable forum for reviewing transportation issues.

Colorado Department of Highways

Concerning Longer Vehicle Combinations -- Bill 2

Bill 2 performs three major functions in the area of longer vehicle combinations (LVCs):

- provides for issuance of annual fleet permits to owners of long vehicle combinations.
- permits the state Highway Department to designate which state highways may be used by LVCs, acting by rule or regulation. Currently, LVCs can only travel on those routes specified in statute; and
- removes the overall length limitation of LVCs, but specifies the length limitation for each individual semitrailer and trailer.

LVCs are defined to be "vehicle combinations of not more than three cargo units and neither fewer than six axles nor more than nine axles" (42-4-404.5 (2), C.R.S.).

This bill brings Colorado into conformity with federal standards which prohibit states from imposing overall length limits on longer combination vehicles.

Concerning the Authority of the State Highway Commission to Adopt Rules and Regulations Relating to Diamond Traffic Lanes for the Use of Multi-Occupant Vehicles -- Bill 3

This bill clarifies current law concerning High Occupancy Vehicles (HOV) lanes. The amendments ensure that carpools, in addition to vanpools, are allowed to use HOV lanes. The State Highway Commission is empowered to adopt rules and regulations concerning HOV lanes as follows:

- to designate portions of state highways as diamond traffic lanes;
- to make provisions for use of such lanes by vanpools or carpools and to determine the number of persons who would constitute a carpool or vanpool; and
- to set the conditions under which vanpools or carpools could use such diamond traffic lanes.

In addition, Bill 3 authorizes the State Highway Commission to study the feasibility of charging tolls to single occupant vehicles using high-occupancy vehicle lanes. The power to toll HOVs would be discretionary and subject to rules and regulations promulgated by the commission.

Colorado State Patrol

Concerning Motor Vehicle Safety Standards -- Bill 4

Bill 4 updates the statutes concerning truck safety regulations. Some of these changes, such as front brakes for trucks and the declaration of knowledge for safety requirements, are in response to federal mandates. The bill addresses the following issues:

- a new requirement concerning emergency lighting: current law allows carriers to use flares, lanterns, or reflectors. This bill mandates that motor carriers have emergency bidirectional reflective triangles. The placement of the triangles in case of a breakdown is also specified.
- a change in the length allowed for truck loads to project in front of the truck. Traditionally, truck loads have been measured from the headlights, but many of the newer model trucks have different designs in which the headlights are set back. This change in truck design is addressed by the bill.
- compliance with federal statutes on front brakes for trucks;
- a new definition of commercial vehicles, also to comply with new statutory weight provisions;

- a more comprehensive definition of "motor carrier" to update the Colorado statutes; and
- a requirement for a "declaration of knowledge" for each driver concerning state and federal safety requirements.

Concerning Enforcement of Minimum Standards for Commercial Vehicles -- Bill 5

Bill 5 authorizes the Colorado State Patrol to perform on-site inspections of commercial vehicles used in intrastate commerce. Currently, the patrol is empowered to perform such inspections for interstate carriers but is restricted from entering the premises or inspecting the records of carriers doing business wholly within the state.

Approximately 6,000 vehicles are intrastate carriers in Colorado. The majority of these are commercial carriers. The Public Utilities Commission has the authority to impose civil penalties on selected types of intrastate carriers which do not meet safety requirements. These carriers include motor vehicle carriers, contract carriers, towing carriers, and carriers of household goods. This bill allows the State Patrol to inspect commercial carriers and their records.

State Department of Revenue

Concerning Changes in the Classifications to Which Certain Truck Registration Fee Increases Imposed by House Bill 1012 Enacted in the First Extraordinary Session of the Fifty-Seventh General Assembly of the State of Colorado Apply -- Bill 6

This bill applies truck registration fee increases in House Bill 1012 (1989 Special Session) to classes of vehicles not specifically named in that legislation. Included are noncommercial vehicles and recreational vehicles which were omitted in the earlier legislation. The bill specifies the types of truck registration fees which are to be adjusted to generate revenues sufficient to replace the reduction in diesel fuel tax also contemplated under H.B. 1012.

Concerning Replacement of the Passenger-Mile Tax with an Additional Fee on High-Occupancy Vehicles Operated for the Transportation of Passengers for Compensation -- Bill 7

The Department of Revenue is recommending this bill to simplify the tax structure for non-commuter buses. The bill eliminates the passenger-mile tax and replaces it with additional registration fees for this class of motor vehicle, similar to the elimination of the gross ton-mile tax enacted under Senate Bill 159 (1989 Session). The Department of Revenue will maintain all passenger tax liabilities and penalties relating to the passenger-mile tax. The bill takes effect January 1, 1991.

Concerning the Operations of Port of Entry Weigh Stations -- Bill 8

Bill 8 permits the Executive Director of the Department of Revenue to authorize closure of Ports of Entry facilities on certain federal holidays. The bill also applies current weighing equipment accuracy standards to equipment used at mobile ports. This bill is recommended because it allows ports to be closed on days when traffic is light and it is not cost efficient to have them open.

Regional Transportation District

Concerning the Use of Private Business to Provide Public Transportation Within the Regional Transportation District -- Bill 9

Bill 9 makes technical changes to the existing statutes governing RTD's privatization of service efforts. The bill changes certain terms to allow the correct use of technical contracts and procurement terminology. Other changes include the extension of the initial contract period from one year to three years and an alteration in the time allowed for disadvantaged business enterprises to respond to requests for proposals.

Colorado Counties, Inc.

Concerning a Clarification of the Manner in Which the Calculation of Lane Miles of County Roads is Made for Purposes of Determining Each County's Allocation of Highway Users Tax Fund Revenues -- Bill 10.

Bill 10 would correct a technical omission from the 1989 county allocation bill (House Bill 1272) by inserting language requiring that county roads be "open, used, and maintained" to be counted in the allocation formula.

In addition, the bill also changes the measurement of a "lane-mile" to correspond to the traveled roadway surface. The new language will allow for easier measurement of fractional lane miles.

This bill was not recommended by Legislative Council.

COLORADO JUDICIAL DEPARTMENT
DIVISION OF COURT SERVICES
INTERNAL AUDIT UNIT

FINAL REPORT

PORT OF ENTRY VIOLATIONS

DECEMBER 5, 1989

James D. Thomas
State Court Administrator

Edwin T. Zimny, Jr.
Director of Court Services

OFFICE OF THE STATE COURT ADMINISTRATOR
1301 Pennsylvania Street, Suite 300
Denver, Colorado 80203
(303) 861-1111

COLORADO JUDICIAL DEPARTMENT
AUDIT - PORT OF ENTRY VIOLATIONS
JANUARY 1, 1988 - MARCH 31, 1989

The internal audit staff of the Colorado Judicial Department performed an audit of overweight and safety violations cited by the port of entry division. This audit was conducted at the request of the legislative council for the purpose of updating a previous audit performed in 1987, and to help meet a requirement of H.B. 1012 (1989). The scope of the audit included citations issued between January 1, 1988 and March 31, 1989.

The Judicial Department auditors were:

Louis D. Fisher, Jr., CPA,
John P. Doerner, CIA, CPA, and
Cynthia L. Hauber, and
Zelda M. DeBoyes

The auditors reviewed port of entry violations to determine the disposition of all charges in the sample. In addition, the auditors reviewed charges that were dismissed to determine the reasons for dismissals. Finally, the auditors compared the fine amounts actually assessed by the county courts with the statutory fine that could have been imposed, and then determined the fine amounts actually collected.

The results of the audit are divided into three sections:

Section A - Disposition of Charges
Section B - Dismissal of Charges
Section C - Assessment and Collection of Fines

A. DISPOSITION OF CHARGES

The auditors analyzed a sample of port of entry violations for calendar year 1988 and the first quarter of calendar year 1989. Port of entry division officers issue penalty assessments for overweight and safety violations. The violator has 20 days in which to mail the amount assessed to the department of revenue. If the fine has not been paid within 20 days, the penalty assessment becomes a summons and is filed with the county court. The total sample population included summonses issued during the audit period. The auditors did not test penalty assessments that were issued prior to the audit period, but which were mailed in during the audit period. The total sample of summonses during the audit period was 181. Thirty-six out of 63 county courts were represented in the sample.

There were 216 charges on the 181 summonses in the sample, because some of the tickets had multiple charges.

Of the 216 charges, 156, or 72%, resulted in a guilty final disposition; 53, or 25%, were dismissed; and 7, or 3%, were defaults or defendants failing to appear. (See Exhibit A.)

EXHIBIT A

PORT OF ENTRY VIOLATIONS
DISPOSITION OF CHARGES

County	Guilty Dispositions	Dismissed	Defendant Failed to Appear	Total Charges
Adams	7	4		11
Arapahoe	1			1
Baca	2			2
Boulder	1	1		2
Cheyenne	1			1
Clear Creek	18	6		24
Conejos		1	1	2
Costilla	5			5
Denver	3	4		7
Douglas	6	5		11
El Paso	16	9		25
Elbert	1			1
Garfield	5	1		6
Grand			2	2
Jefferson	2	2		4
Kiowa	6	1		7
Kit Carson	3	1		4
Larimer	14	3		17
Las Animas	2	2		4
Lincoln	15	1		16
Logan	3	3		6
Mesa	10			10
Moffat			1	1
Montezuma		1		1
Montrose	2			2
Morgan	12		1	13
Park	2			2
Phillips	2			2
Pitkin	2			2
Prowers	5		2	7
Pueblo	3	2		5
Rio Grande		1		1
Summit	1	3		4
Washington	3			3
Weld	2	2		4
Yuma	1			1
Total	156 (72%)	53 (25%)	7 (3%)	216

B. DISMISSAL OF CHARGES

Of the 53 charges in the sample that were dismissed, 38, or 72%, were dismissed upon motion of the district attorney. A total of 4, or 8%, were dismissed by the court. No reason was provided for 11, or 20%, of the dismissals tested. (See Exhibit B.)

EXHIBIT B

PORT OF ENTRY VIOLATIONS
DISMISSAL OF CHARGES

County	Dismissed by D.A.	Dismissed by the Court	No Reason Provided	Total Dismissals
Adams	2		2	4
Boulder	1			1
Clear Creek	2	1	3	6
Conejos	1			1
Denver	3		1	4
Douglas	5			5
El Paso	8	1		9
Garfield	1			1
Jefferson		2		2
Kiowa			1	1
Kit Carson	1			1
Larimer	1		2	3
Las Animas	2			2
Lincoln	1			1
Logan	3			3
Montezuma	1			1
Pueblo	1		1	2
Rio Grande	1			1
Summit	3			3
Weld	1		1	2
Total	38 (72%)	4 (8%)	11 (20%)	53

C. ASSESSMENT AND COLLECTION OF FINES

The port of entry division indicates the amount of the fine on the penalty assessment form when it is issued. The defendant has the option of paying this fine by mail within 20 days or appearing in court to contest the charges and fine amount. The auditors compared the fines initially assessed by port of entry division officers on the penalty assessment form with those assessed by the county courts after plea bargaining or a hearing. The fines assessed by the port of entry division for the 216 charges tested totalled \$44,458. The fines assessed by the county courts for the same charges totalled \$16,149, or 37% of the original assessment. However, excluding charges that were dismissed and counting only those that resulted in a guilty disposition provides a significantly different outcome. The fines assessed by the port of entry division for the 156 charges resulting in a guilty disposition totalled \$27,278. The fines assessed by the county courts for the same charges totalled \$16,149, or 59% of the original assessment. Exhibit C-1 illustrates the effect that the original fine amount assessed by the port of entry division has upon the court.

The 156 charges that resulted in a guilty disposition consisted of a total of 147 cases. Of these 147 cases, 142, or 97%, have been paid in full as of November, 1989. Only 5 remain unpaid. (See Exhibit C-2.)

EXHIBIT C-1

PORT OF ENTRY VIOLATIONS
DISTRIBUTION OF PORT OF ENTRY (POE) AND COURT FINES

Initial Charges and POE Fines, Prior to
Court Proceeding; Actual Court Fines for Guilty Disposition

Fine Amount	Under \$100	\$101- \$500	\$501- \$1000	\$1001- \$2000	Over \$2000	Total
Total Initial Charges	164	23	16	10	3	216
Initial POE Fines	\$6620	\$5113	\$11,300	\$12,290	\$9135	\$44,458
Actual Court Fines	\$4937	\$1929	\$ 5,049	\$ 3,298	\$ 936	\$16,149
Actual Court Fines as a Percentage of Initial POE Fines	74.6%	37.7%	44.7%	26.8%	10.2%	36.3%

Actual Charges and Fines Following Court Proceeding
(Guilty Dispositions Only)

Fine Amount	Under \$100	\$101- \$500	\$501- \$1000	\$1001- \$2000	Over \$2000	Total
Charges Resulting in a Guilty Disposition	125	14	9	6	2	156
Initial POE Fines for Guilty Charges	\$5020	\$2963	\$ 6,625	\$ 7,440	\$5230	\$27,278
Actual Court Fines	\$4937	\$1929	\$ 5,049	\$ 3,298	\$ 936	\$16,149
Actual Court Fines as a Percentage of POE Fines for Guilty Dispositions	98.3%	65.1%	76.2%	44.3%	17.9%	59.2%

1 1987, 1988, and 1989, and every other year thereafter, AT
2 LEAST ONCE EACH YEAR to review all highway legislation and may
3 consult with experts in the field of highway construction and
4 planning or with personnel of the state department of
5 highways, as may be necessary. All personnel of the state
6 department of highways shall cooperate with the committee and
7 with any persons assisting the committee in carrying out its
8 duties pursuant to this section. The committee may review any
9 phase of state department of highways operations, including
10 planning and construction of highway projects, prior to and
11 during the completion of such projects. The committee may
12 also conduct a postoperation review of such projects to
13 determine whether the project was completed in the most
14 cost-effective and efficient manner. The committee may
15 require the state department of highways to prepare and adopt
16 five-, ten-, and fifteen-year plans for the development of the
17 state highway system, and the committee shall monitor the
18 progress of such plans. The committee may also require
19 financial or performance audits to be conducted. Upon
20 completion of its review of the highway laws, the committee
21 shall make recommendations to the governor and to the general
22 assembly for such additional legislation as it deems
23 necessary. The committee shall also develop and make
24 recommendations concerning the financing of streets, roads,
25 and mass transit. Legislation recommended by the committee
26 shall be treated as legislation recommended by an interim
27 legislative committee for purposes of any introduction

1 deadlines or bill limitations imposed by the joint rules of
2 the general assembly.

3 SECTION 2. Repeal. 43-2-145 (6), Colorado Revised
4 Statutes, 1984 Repl. Vol., as amended, is repealed.

5 SECTION 3. Safety clause. The general assembly hereby
6 finds, determines, and declares that this act is necessary
7 for the immediate preservation of the public peace, health,
8 and safety.

BILL 2

1 CONCERNING LONGER VEHICLE COMBINATIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Removes the overall length limitation on longer vehicle combinations, but clarifies the length limitations on the individual semitrailers and trailers. Allows the state department of highways to designate routes for longer vehicle combinations by rule and regulation.

Provides for annual fleet permits for longer vehicle combinations which exceed legal weight limits.

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

3 SECTION 1. 42-4-404.5 (1), (2) (a), (2) (b), (2) (c),
4 and (3), Colorado Revised Statutes, 1984 Repl. Vol., are
5 amended to read:

6 42-4-404.5. Longer vehicle combinations.

7 (1) Notwithstanding any other provision of this article to
8 the contrary, the state department of highways, in the
9 exercise of its discretion, may issue permits for the use of
10 longer vehicle combinations. ~~over-selected-segments-of-the~~

1 interstate-highway-system. An annual permit for such use may
2 be issued to each qualified carrier company. The carrier
3 company shall maintain a copy of such annual permit in each
4 vehicle operating as a longer vehicle combination. The fee
5 for the permit shall be two hundred fifty dollars per year.

6 (2) (a) A truck tractor, a semitrailer, and two
7 trailers. ~~having--an--overall--combination--length--of--not--more~~
8 ~~than--one--hundred--five--feet.~~ A semitrailer used with a
9 converter dolly shall be considered a trailer. Semitrailers
10 and trailers shall be of approximately equal lengths NOT TO
11 EXCEED TWENTY-EIGHT FEET SIX INCHES IN LENGTH.

12 (b) A truck tractor, semitrailer, and single trailer.
13 ~~having--an--overall--length--of--not--more--than--one--hundred--five~~
14 ~~feet.~~ A semitrailer used with a converter dolly shall be
15 considered a trailer. Semitrailers and trailers shall be of
16 approximately equal lengths NOT TO EXCEED FORTY-EIGHT FEET IN
17 LENGTH.

18 (c) A truck tractor, semitrailer, and single trailer,
19 one trailer of which is not more than forty-eight feet long,
20 the other trailer of which is not more than twenty-eight feet
21 SIX INCHES long. ~~not--less--than--twenty--six--feet--long,--and--the~~
22 ~~entire--combination--of--which--is--not--more--than--ninety--five--feet~~
23 ~~long.~~ A semitrailer used with a converter dolly shall be
24 considered a trailer. The shorter trailer shall be operated
25 as the rear trailer.

26 (3) ~~The--long--combinations--shall--be--limited--to--interstate~~
27 ~~highway--25,--interstate--highway--76,--interstate--highway--70--west~~

1 of-its-intersection-with-state-highway-65-in-Mesa-county,--and
2 interstate--highway--70--east-of-interstate-highway-25-and-the
3 circumferential-highways--designated--I-225--and--I-270. The
4 state department of highways shall promulgate rules and
5 regulations to THAT DESIGNATE WHICH STATE HIGHWAYS SHALL BE
6 USED BY LONGER VEHICLE COMBINATIONS. THESE RULES AND
7 REGULATIONS SHALL ALSO provide carriers with reasonable
8 ingress to and egress from the interstate DESIGNATED highway
9 system. to-their-terminals.

10 SECTION 2. 42-4-409 (11) (a) (II), Colorado Revised
11 Statutes, 1984 Repl. Vol., is amended BY THE ADDITION OF A NEW
12 SUB-SUBPARAGRAPH to read:

13 42-4-409. Permits for excess size and weight and for
14 mobile homes. (11) (a) (II) (C) Annual fleet permits, one
15 thousand five hundred dollars plus twenty-five dollars per
16 vehicle to be permitted. For purposes of this
17 sub-subparagraph (C), "fleet" means any group of two or more
18 vehicles owned by one person. This sub-subparagraph (C) shall
19 apply only to longer vehicle combinations as defined in
20 section 42-4-404.5.

21 SECTION 3. Safety clause. The general assembly hereby
22 finds, determines, and declares that this act is necessary
23 for the immediate preservation of the public peace, health,
24 and safety.

BILL 3

1 CONCERNING THE AUTHORITY OF THE STATE HIGHWAY COMMISSION TO
2 ADOPT RULES AND REGULATIONS RELATING TO HIGH-OCCUPANCY
3 VEHICLE TRAFFIC LANES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Allows the state highway commission to adopt rules and regulations providing for the use of diamond traffic lanes by buses, vanpools, and carpools and to determine the number of passengers that constitutes a vanpool or carpool. Requires the commission to review the feasibility of charging tolls on single-occupant vehicles using the diamond lanes.

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

5 SECTION 1. 43-1-105 (1.5), Colorado Revised Statutes,
6 1984 Repl. Vol., is amended to read:

7 43-1-105. Powers and duties of the commission.

8 ~~(1.5) The--commission--shall--provide--that--all--traffic--lanes--of~~
9 ~~state--highways--designated--as--diamond--lanes--for--preferential~~
10 ~~treatment--of--buses--shall--also--be--available--for--use--by--vanpools~~
11 ~~of--no--less--than--eight--persons,--and--such--vanpools--of--eight--or~~

1 ~~more persons shall not be denied the use of diamond lanes~~
2 ~~during the time periods when they are designated for~~
3 ~~preferential treatment of buses.~~ THE COMMISSION MAY ADOPT
4 RULES AND REGULATIONS TO PROVIDE THAT TRAFFIC LANES OF STATE
5 HIGHWAYS, OR PORTIONS THEREOF, MAY BE DESIGNATED AS DIAMOND
6 LANES FOR THE PREFERENTIAL TREATMENT OF BUSES. THE COMMISSION
7 MAY ALSO BY RULE AND REGULATION PROVIDE THAT DIAMOND LANES, OR
8 PORTIONS THEREOF, MAY ALSO BE AVAILABLE FOR USE BY VANPOOLS
9 AND CARPOOLS. SUCH RULES AND REGULATIONS MAY INCLUDE, BUT
10 SHALL NOT BE LIMITED TO, THE MINIMUM NUMBER OF PERSONS THAT
11 WOULD CONSTITUTE A VANPOOL OR CARPOOL, THE CONDITIONS UNDER
12 WHICH SUCH VANPOOLS AND CARPOOLS MAY USE SUCH DIAMOND LANES,
13 TIME RESTRICTIONS, IF ANY, CONFORMANCE WITH EXISTING
14 INTERGOVERNMENTAL AGREEMENTS, AND VARIANCES BETWEEN HIGHWAYS.
15 THE COMMISSION SHALL REVIEW THE FEASIBILITY OF CHARGING
16 SINGLE-OCCUPANT VEHICLES TOLLS FOR THE PRIVILEGE OF USING
17 DIAMOND LANES. AFTER SUCH REVIEW, THE COMMISSION MAY, IN ITS
18 DISCRETION, ADOPT RULES AND REGULATIONS FOR THE ESTABLISHMENT
19 OF A TOLL SYSTEM FOR THE USE OF DIAMOND LANES BY
20 SINGLE-OCCUPANT VEHICLES. ANY HEARINGS HELD PURSUANT TO
21 ARTICLE 4 OF TITLE 24, C.R.S., SHALL BE PRESIDED OVER BY THE
22 COMMISSION, ITS DESIGNEE FOR RULE-MAKING, OR AN ADMINISTRATIVE
23 LAW JUDGE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE
24 24, C.R.S.

25 SECTION 2. Effective date. This act shall take effect
26 July 1, 1990.

27 SECTION 3. Safety clause. The general assembly hereby

1 finds, determines, and declares that this act is necessary
2 for the immediate preservation of the public peace, health,
3 and safety.

BILL 4

1 CONCERNING MOTOR VEHICLE SAFETY STANDARDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Limits an exemption allowing trucks and truck tractors with more than two axles to not have brakes on certain wheels to vehicles manufactured before a certain date.

Replaces various optional combinations of emergency lighting equipment with required bidirectional reflective triangles. Specifies how and when such reflective triangles are to be used. Changes or eliminates certain provisions concerning use of emergency lighting equipment.

Eliminates the requirement that vehicles used in commerce to transport cargo be defined as commercial vehicles for purposes of establishing minimum standards for such vehicles. Requires a motor carrier operating a commercial vehicle in Colorado to declare in writing knowledge of safety standards established by the department of public safety for such vehicles. Defines "motor carrier". Makes failure to comply with such declaration requirement a traffic offense.

Increases the length which trailers and semitrailers may be to be exempt from vehicle combination length limitations. Changes the point on a vehicle beyond which a load may not project from the head lamp to the grill of the vehicle.

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

3 SECTION 1. 42-4-220 (1) (d) (II), Colorado Revised

4 Statutes, 1984 Repl. Vol., is amended to read:

1 42-4-220. Brakes. (1) (d) (II) Any truck or truck
2 tractor, MANUFACTURED BEFORE JULY 25, 1980, AND having three
3 or more axles, need not have brakes on the wheels of the front
4 or tandem steering axles if the brakes on the other wheels
5 meet the performance requirements of subsection (2) of this
6 section.

7 SECTION 2. 42-4-227 (1), (2), and (3), Colorado Revised
8 Statutes, 1984 Repl. Vol., are amended to read:

9 42-4-227. Emergency lighting equipment - who must carry.
10 (1) No motor vehicle carrying a truck license and weighing
11 six thousand pounds or more, no service car used as a wrecker,
12 and no passenger bus shall be operated over the highways of
13 this state at any time without carrying in an accessible place
14 inside or on the outside of the vehicle ~~one-of-the-following~~
15 ~~combinations--of--emergency--equipment~~ THREE BIDIRECTIONAL
16 EMERGENCY REFLECTIVE TRIANGLES OF A TYPE APPROVED BY THE
17 DEPARTMENT, but the use of such equipment is not required in
18 municipalities where there are street lights within not more
19 than one hundred feet.

20 ~~(a)--Three-liquid-burning-flares-of-a-type--approved--by~~
21 ~~the--department--and-three-fusees,-capable-of-burning-at-least~~
22 ~~twenty-minutes,-and-two-red-flags-with-suitable-standards;~~

23 ~~(b)--Three-electric-emergency-lanterns-of-a-type-approved~~
24 ~~by-the-department-and-two-red-flags-with--suitable--standards;~~

25 ~~(c)--Three-red-emergency-reflectors-of-a-type-approved-by~~
26 ~~the-department-and-two-red-flags-with-suitable-standards;~~

27 ~~(d)--Three--red--emergency-reflective-triangles-of-a-type~~

1 approved-by-the-department.

2 (2) In-the-case-of-a-breakdown-or-stop, other-than-stops
3 required-by-law, upon-paved-or-traveled-portion-of-the-highway
4 between-sundown-and--sunrise,--the--driver--shall--immediately
5 display--either--a-lighted-fusee-or-torch-or-a-flare-of-a-type
6 approved-by-the-department-at-the-side-of-the-vehicle--nearest
7 traffic-and-then-proceed-forthwith-to-place-a-torch-or-a-flare
8 not--less--than--two--hundred--feet-directly-behind-said-motor
9 vehicle-and-one-torch-or-flare-not-less-than-two-hundred--feet
10 directly--in--front-of-said-motor-vehicle.--The-distance-shall
11 be-left-to-the-discretion-of-the-driver-to-place--the--torches
12 or--flares-as-he-sees-fit-to-insure-safety-in-case-the-vehicle
13 should-be-stopped-on-a--curve--or--in--any--manner--where--the
14 distance-of-two-hundred-feet-is-not-ample-warning.--During-any
15 kind--of-weather, such-as-rain, snow, or-fog, where-torches-or
16 flares-cannot-be-seen-at-a--distance--ample--to--give--proper
17 warning, the-fusee-or-electric-type-flare-may-be-used-in-place
18 of-torches-and-displayed-in-the-front-and-rear-of-said-vehicle
19 between-sunrise-and-sunset.--The-provisions-of-this-section-do
20 not--apply-to-passenger-carrying-vehicles-operated-exclusively
21 over-lighted-streets-and-highways. WHENEVER A MOTOR VEHICLE
22 REFERRED TO IN SUBSECTION (1) OF THIS SECTION IS STOPPED UPON
23 THE TRAVELED PORTION OF A HIGHWAY OR THE SHOULDER OF A HIGHWAY
24 FOR ANY CAUSE OTHER THAN NECESSARY TRAFFIC STOPS, THE DRIVER
25 OF THE STOPPED MOTOR VEHICLE SHALL IMMEDIATELY ACTIVATE THE
26 VEHICULAR HAZARD WARNING SIGNAL FLASHERS AND CONTINUE THE
27 FLASHING UNTIL THE DRIVER PLACES THE BIDIRECTIONAL EMERGENCY

1 REFLECTIVE TRIANGLES AS DIRECTED IN SUBSECTION (3) OF THIS
2 SECTION.

3 (3) ~~in case any vehicle referred to in subsection (1) of~~
4 ~~this section becomes stalled upon any railroad crossing~~
5 ~~between sundown and sunrise, the operator thereof shall, after~~
6 ~~placing adequate warning devices upon the highway, cause to be~~
7 ~~displayed a lighted fusee at least five hundred feet down the~~
8 ~~railroad track in each direction from said crossing so long as~~
9 ~~fusees are available; otherwise any other available warning~~
10 ~~device shall be so displayed.~~ EXCEPT AS PROVIDED IN
11 SUBSECTION (2) OF THIS SECTION, WHENEVER A MOTOR VEHICLE
12 REFERRED TO IN SUBSECTION (1) OF THIS SECTION IS STOPPED UPON
13 THE TRAVELED PORTION OF A HIGHWAY OR THE SHOULDER OF A HIGHWAY
14 FOR ANY CAUSE OTHER THAN NECESSARY TRAFFIC STOPS THE DRIVER
15 SHALL, AS SOON AS POSSIBLE, BUT IN ANY EVENT WITHIN TEN
16 MINUTES, PLACE THE EMERGENCY BIREFLECTIVE TRIANGLES IN THE
17 FOLLOWING MANNER:

18 (a) ONE AT THE TRAFFIC SIDE OF THE STOPPED VEHICLE,
19 WITHIN TEN FEET OF THE FRONT OR REAR OF THE VEHICLE;

20 (b) ONE AT A DISTANCE OF APPROXIMATELY ONE HUNDRED FEET
21 FROM THE STOPPED VEHICLE IN THE CENTER OF THE TRAFFIC LANE OR
22 SHOULDER OCCUPIED BY THE VEHICLE AND IN THE DIRECTION TOWARD
23 TRAFFIC APPROACHING IN THAT LANE; AND

24 (c) ONE AT A DISTANCE OF APPROXIMATELY ONE HUNDRED FEET
25 FROM THE STOPPED VEHICLE IN THE OPPOSITE DIRECTION FROM THOSE
26 PLACED IN ACCORDANCE WITH SUBSECTIONS (3)(a) AND (3)(b) OF
27 THIS SECTION IN THE CENTER OF THE TRAFFIC LANE OR SHOULDER

1 OCCUPIED BY THE VEHICLE; OR

2 (d) IF THE VEHICLE IS STOPPED WITHIN FIVE HUNDRED FEET
3 OF A CURVE, CREST OF A HILL, OR OTHER OBSTRUCTION TO VIEW, THE
4 DRIVER SHALL PLACE THE EMERGENCY EQUIPMENT REQUIRED BY
5 SUBSECTION (3) OF THIS SECTION IN THE DIRECTION OF THE
6 OBSTRUCTION TO VIEW AT A DISTANCE OF ONE HUNDRED FEET TO FIVE
7 HUNDRED FEET FROM THE STOPPED VEHICLE SO AS TO AFFORD AMPLE
8 WARNING TO OTHER USERS OF THE HIGHWAY; OR

9 (e) IF THE VEHICLE IS STOPPED UPON THE TRAVELED PORTION
10 OR THE SHOULDER OF A DIVIDED OR ONE-WAY HIGHWAY, THE DRIVER
11 SHALL PLACE THE EMERGENCY EQUIPMENT REQUIRED BY SUBSECTION (3)
12 OF THIS SECTION, ONE AT A DISTANCE OF TWO HUNDRED FEET AND ONE
13 AT A DISTANCE OF ONE HUNDRED FEET IN A DIRECTION TOWARD
14 APPROACHING TRAFFIC IN THE CENTER OF THE LANE OR SHOULDER
15 OCCUPIED BY THE VEHICLE, AND ONE AT THE TRAFFIC SIDE OF THE
16 VEHICLE WITHIN TEN FEET OF THE REAR OF THE VEHICLE.

17 SECTION 3. 42-4-234 (1) (a) and (4), Colorado Revised
18 Statutes, 1984 Repl. Vol., as amended, are amended, and the
19 said 42-4-234 (1) is further amended BY THE ADDITION OF A NEW
20 PARAGRAPH, to read:

21 42-4-234. Minimum standards for commercial vehicles.

22 (1) (a) "Commercial vehicle" means any self-propelled or
23 towed vehicle bearing an apportioned plate or having a
24 manufacturer's recommended gross vehicle weight of ten
25 thousand ONE pounds or more, which vehicle is used in commerce
26 on the public highways of this state ~~to transport cargo~~ or is
27 used to transport more than ten passengers, including the

1 driver.

2 (c) "Motor carrier" means every person, lessee,
3 receiver, or trustee appointed by any court whatsoever owning,
4 controlling, operating, or managing any commercial vehicle as
5 defined in paragraph (a) of this subsection (1).

6 (4) Any person who violates a rule or regulation
7 promulgated by the department pursuant to this section OR
8 FAILS TO COMPLY WITH SUBSECTION (2.5) OF THIS SECTION commits
9 a class 2 misdemeanor traffic offense.

10 SECTION 4. 42-4-234, Colorado Revised Statutes, 1984
11 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW
12 SUBSECTION to read:

13 42-4-234. Minimum standards for commercial vehicles.

14 (2.5) Any motor carrier operating a commercial vehicle within
15 Colorado must declare knowledge of the safety standards and
16 specifications adopted by the department pursuant to
17 subsection (3) of this section. Such declaration of knowledge
18 shall be in writing on a form provided by the department.
19 Such form must be signed and returned by a motor carrier
20 according to regulations adopted by the department.

21 SECTION 5. 42-4-404 (4) and (5), Colorado Revised
22 Statutes, 1984 Repl. Vol., as amended, are amended to read:

23 42-4-404. Height and length of vehicles. (4) No
24 combination of vehicles coupled together shall consist of more
25 than four units, and no such combination of vehicles shall
26 exceed a total overall length of seventy feet. Said length
27 limitation shall not apply to truck tractor-semitrailer

1 combinations when the semitrailer is fifty-seven feet four
2 inches or less in length or to truck
3 tractor-semitrailer-trailer combinations when both the
4 semitrailer and the trailer are twenty-eight feet SIX INCHES
5 or less in length. Said length limitations shall also not
6 apply to vehicles operated by a public utility when required
7 for emergency repair of public service facilities or
8 properties or when operated under special permit as provided
9 in section 42-4-409, but, in respect to night transportation,
10 every such vehicle and the load thereon shall be equipped with
11 a sufficient number of clearance lamps on both sides and
12 marker lamps upon the extreme ends of any projecting load to
13 clearly mark the dimensions of such load. Said length
14 limitations shall also not apply to specialized equipment used
15 in combination for transporting automobiles or boats when such
16 specialized equipment is stinger-steered, as defined in
17 section 42-1-102 (76.3), and the combination does not exceed
18 seventy-five feet in length exclusive of safety devices, which
19 safety devices shall not be designed or used for carrying
20 cargo. The limitations provided in this section shall be
21 strictly construed and enforced.

22 (5) The load upon any vehicle operated alone or the load
23 upon the front vehicle of a combination of vehicles shall not
24 extend beyond the front wheels of such vehicles or vehicle or
25 the ~~head-lamp-lenses~~ FRONT MOST POINT OF THE GRILL of such
26 vehicle; but a load may project not more than four feet beyond
27 the ~~front--head--lamp--lenses~~ FRONT MOST POINT OF THE GRILL

1 ASSEMBLY OF THE VEHICLE ENGINE COMPARTMENT of such a vehicle
2 at a point above the cab of the driver's compartment so long
3 as that part of any load projecting ahead of the rear of the
4 cab or driver's compartment shall be so loaded as not to
5 obscure the vision of the driver to the front or to either
6 side, except for the provisions of subsection (4) of this
7 section.

8 SECTION 6. Repeal. 42-4-227 (4), Colorado Revised
9 Statutes, 1984 Repl. Vol., is repealed.

10 SECTION 7. Safety clause. The general assembly hereby
11 finds, determines, and declares that this act is necessary
12 for the immediate preservation of the public peace, health,
13 and safety.

BILL 5

1 CONCERNING ENFORCEMENT OF MINIMUM STANDARDS FOR COMMERCIAL
2 VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes officers of the Colorado state patrol to enter any premises to inspect commercial vehicles and records related to such vehicles. Makes refusal to comply with such inspection a misdemeanor.

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

4 SECTION 1. 24-33.5-212 (1), Colorado Revised Statutes,
5 1988 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH
6 to read:

7 24-33.5-212. Powers and duties of officers.

8 (1) (j) Enter upon any premises and inspect and examine
9 commercial vehicles and equipment and parts and accessories
10 used to maintain or repair those vehicles and equipment
11 subject to the safety standards and specifications adopted by
12 the department of public safety pursuant to section 42-4-234,

1 C.R.S., and to inspect and examine vehicle maintenance
2 records, driver log books, hours of service records, and other
3 related documents. Commercial carriers and other persons
4 subject to the safety standards and specifications adopted by
5 the department of public safety shall consent to such
6 examinations after reasonable notice has been given by an
7 officer presenting identifying credentials as an officer of
8 the Colorado state patrol.

9 SECTION 2. Article 13 of title 18, Colorado Revised
10 Statutes, 1986 Repl. Vol., as amended, is amended BY THE
11 ADDITION OF A NEW SECTION to read:

12 18-13-122. Compliance with Colorado state patrol
13 regulations. Any commercial carrier or person subject to the
14 safety standards and specifications adopted by the department
15 of public safety pursuant to section 42-4-234, C.R.S., who
16 fails to comply with the provisions of section 24-33.5-212 (1)
17 (j), C.R.S., allowing the Colorado state patrol to enter upon
18 any premises and inspect and examine commercial vehicles and
19 equipment, parts and accessories of such vehicles, vehicle
20 maintenance records, driver log books, hours of service
21 records, and other related documents, is guilty of a
22 misdemeanor and, upon conviction thereof, shall be punished by
23 a fine of not less than fifty dollars nor more than one
24 thousand dollars, or by imprisonment in the county jail for
25 not more than one year, or by both such fine and imprisonment.

26 SECTION 3. Effective date - applicability. This act
27 shall take effect July 1, 1989, and shall apply to offenses

1 committed on or after said date.

2 SECTION 4. Safety clause. The general assembly hereby
3 finds, determines, and declares that this act is necessary
4 for the immediate preservation of the public peace, health,
5 and safety.

BILL 6

1 CONCERNING CHANGES IN THE CLASSIFICATIONS TO WHICH CERTAIN
2 TRUCK REGISTRATION FEE INCREASES IMPOSED BY HOUSE BILL
3 1012 ENACTED IN THE FIRST EXTRAORDINARY SESSION OF THE
4 FIFTY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF COLORADO
5 APPLY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Imposes an additional registration fee on certain noncommercial and recreational trucks and other special types of trucks equal to such fees imposed in 1989 on other trucks of the same age. Clarifies which registration fees the department of revenue is to adjust in order to generate funds which approximate a specified difference in the per gallon excise tax on special fuels and gasoline.

6 Be it enacted by the General Assembly of the State of Colorado:
7 SECTION 1. The introductory portion to 42-3-123 (13) (d)
8 and 42-3-123 (13) (e) and (13) (f), Colorado Revised Statutes,
9 1984 Repl. Vol., as amended, are amended to read:
10 42-3-123. Registration fees - passenger and

1 passenger-mile taxes. (13) (d) In addition to the
2 registration fees imposed by paragraph (a) of this subsection
3 (13) AND BY SUBSECTION (22) OF THIS SECTION, for motor
4 vehicles described in said paragraph (a) AND IN SAID
5 SUBSECTION (22), an additional registration fee, which
6 additional registration fee shall be imposed and based on the
7 age of the vehicle, as follows:

8 (e) Effective January 1, 1990, in addition to the
9 registration fees imposed by paragraphs (b), and (b.3), AND
10 (b.5) of this subsection (13), AND BY SUBPARAGRAPH (19) (a)
11 (IV) OF THIS SECTION, an additional registration fee of ten
12 dollars.

13 (f) Effective January 1, 1990, the fees provided for in
14 PARAGRAPHS (b), (b.3), (b.5), AND (c) OF this subsection (13)
15 and in subsections (13.2) and (19) (a) (IV) of this section
16 shall be proportionately adjusted by the department to
17 increase the fees in an amount that will generate funds equal
18 to the amount of revenue that the department estimates would
19 have been earned by an additional two-cent excise tax imposed
20 in accordance with section 39-27-202 (1) (c), C.R.S. The
21 purpose of this increase is to raise revenue sufficient to
22 approximate the difference between an excise tax of eighteen
23 cents per gallon and an excise tax of twenty cents per gallon
24 on special fuels.

25 SECTION 2. Safety clause. The general assembly hereby
26 finds, determines, and declares that this act is necessary

1 for the immediate preservation of the public peace, health,
2 and safety.

BILL 7

1 CONCERNING REPLACEMENT OF THE PASSENGER-MILE TAX WITH AN
2 ADDITIONAL FEE ON PASSENGER-CARRYING MOTOR VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Replaces the passenger-mile tax with a registration fee for high-occupancy vehicles. Eliminates certain reporting provisions relating to passenger-mile taxes. Provides that the department of revenue continues to have the ability to enforce liabilities and penalties relating to passenger-mile taxes.

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

4 SECTION 1. 42-3-123 (18) (a) and (18) (c), Colorado
5 Revised Statutes, 1984 Repl. Vol., as amended, are amended to
6 read:

7 42-3-123. Registration fees. (18) (a) In addition to
8 the annual registration fees prescribed in this section for
9 vehicles with a seating capacity of more than fourteen and
10 operated for the transportation of passengers for
11 compensation, there is assessed and shall be paid by the owner

1 or operator of every such vehicle operated over the public
2 highways of this state ~~a passenger-mile tax equal to one mill~~
3 ~~for each passenger transported for a distance of one mile~~ AN
4 ADDITIONAL FEE WHICH SHALL BE PAID TOGETHER WITH ANNUAL
5 REGISTRATION FEES. SUCH FEE SHALL BE COMPUTED ACCORDING TO
6 THE SCHEDULE PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH
7 (a). ~~The tax-assessed~~ FEE IMPOSED by this subsection (18)
8 shall not apply to passenger service rendered within the
9 boundaries of a city, city and county, or incorporated town by
10 a company engaged in the mass transportation of persons by
11 buses or trolley coaches. THE DEPARTMENT OF REVENUE SHALL
12 CONTINUE TO HAVE THE ABILITY TO ENFORCE ALL PASSENGER-MILE TAX
13 LIABILITIES AND PENALTIES PURSUANT TO ARTICLE 21 OF TITLE 39,
14 C.R.S.

15 (c) The owner or operator of any passenger bus, which is
16 registered in another state OR THE OWNER OR OPERATOR OF ANY
17 PASSENGER BUS EXEMPTED FROM PROVISIONS OF PARAGRAPH (a) OF
18 THIS SUBSECTION, and which owner or operator desires to make
19 an occasional trip ~~into this state~~ OVER THE PUBLIC HIGHWAYS OF
20 THIS STATE, ~~need not obtain a permit from the public utilities~~
21 ~~commission as provided in sections 40-10-104 and 40-11-103,~~
22 ~~G.R.S.,~~ but may instead apply to the department for the
23 issuance of a trip permit and shall pay to the department for
24 the issuance of such trip permit a fee of twenty-five dollars
25 ~~or the amount of passenger-mile tax becoming due and payable~~
26 ~~under the provisions of paragraph (a) of this subsection (18),~~
27 ~~by reason of such trip, whichever is greater~~ PLUS ONE DOLLAR

1 FOR EACH PASSENGER CARRIED ON SUCH TRIP IN EXCESS OF FOURTEEN.
2 OWNERS OR OPERATORS OF VEHICLES REGISTERED IN ANOTHER STATE
3 NEED NOT OBTAIN A PERMIT FROM THE PUBLIC UTILITIES COMMISSION
4 AS PROVIDED IN SECTION 40-10-104 AND 40-11-103, C.R.S.

5 SECTION 2. Repeal. 40-2-109, 42-3-126 (1) and (4) (a),
6 Colorado Revised Statutes, 1984 Repl. Vol., as amended, are
7 repealed.

8 SECTION 3. This act shall take effect January 1, 1991.

9 SECTION 4. Safety clause. The general assembly hereby
10 finds, determines, and declares that this act is necessary
11 for the immediate preservation of the public peace, health,
12 and safety.

BILL 8

1 CONCERNING THE OPERATIONS OF PORT OF ENTRY WEIGH STATIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the executive director of the department of revenue to close certain port of entry weigh stations on certain federal holidays. Requires that mobile port of entry weigh stations be equipped with weighing equipment.

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

3 SECTION 1. 42-8-104 (1), Colorado Revised Statutes, 1984
4 Repl. Vol., is amended to read:

5 42-8-104. Powers and duties. (1) The executive
6 director of the department of revenue shall issue such rules
7 and regulations as are deemed by him to be necessary to
8 implement this article and carry out its purposes. Said
9 executive director shall, to the fullest extent possible,
10 house department field offices at such places as port of entry
11 weigh stations are established. All permanent port of entry
12 weigh stations established under the authority of this article

1 shall be operated continuously ~~and~~ on a twenty-four-hour-a-day
2 basis, EXCEPT FOR CERTAIN FEDERAL HOLIDAYS DETERMINED BY THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE, and in such
4 manner as to reasonably allow owners and operators of motor
5 vehicles subject to fees, licenses, or taxes or to regulations
6 imposed by the state of Colorado to comply with all such laws
7 and regulations issued pursuant thereto by clearance at a port
8 of entry weigh station. All ~~permanent~~ port of entry weigh
9 stations, EITHER PERMANENT OR MOBILE, shall be equipped with
10 weighing equipment approved as to accuracy by the division of
11 inspection and consumer services of the department of
12 agriculture.

13 SECTION 2. Safety clause. The general assembly hereby
14 finds, determines, and declares that this act is necessary
15 for the immediate preservation of the public peace, health,
16 and safety.

BILL 9

1 CONCERNING THE USE OF PRIVATE BUSINESS TO PROVIDE PUBLIC
2 TRANSPORTATION WITHIN THE REGIONAL TRANSPORTATION
3 DISTRICT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires that contracts with the regional transportation district for the provision of bus services by private providers be competitively negotiated rather than competitively bid. Extends the possible term of such contracts. Allows the regional transportation district to specify the time within which proposals for private provision of bus services must be received by the district.

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

5 SECTION 1. 32-9-119.5 (2) (a), (2) (d) (X), (3) (c), (3)
6 (d), and (3) (e), Colorado Revised Statutes, as amended, are
7 amended to read:

8 32-9-119.5. Competition to provide bus service within
9 the regional transportation district. (2) (a) The district
10 shall implement a system whereby at least twenty percent of

1 the bus service determined by the district to be in the public
2 interest shall be provided by qualified private businesses
3 pursuant to competitively bid NEGOTIATED contracts.

4 (d) (X) An initial term of one-year UP TO THREE YEARS,
5 with options for the provider to extend the contract for four
6 A TOTAL OF UP TO FIVE years, unless the district and the
7 provider shall mutually agree to a lesser initial term or
8 extension; and

9 (3) (c) Each individual request for proposals shall
10 reflect the district's determination as to the appropriate
11 size for each such request in order to maximize the number of
12 qualified bidders PROVIDERS SUBMITTING PROPOSALS without
13 causing undue operating inefficiencies.

14 (d) Any qualified provider may respond to any request
15 for proposals. The district shall ensure that disadvantaged
16 business enterprises, as defined in part 23 of title 49 of the
17 code of federal regulations, as amended, have the greatest
18 possible opportunity to respond. Any response shall be timely
19 if received by the district within ninety--days--of THE TIME
20 SPECIFIED IN its request for proposals, WHICH SHALL NOT EXCEED
21 NINETY DAYS NOR BE LESS THAN FORTY-FIVE DAYS. Each response
22 shall specify the least subsidy COST TO THE DISTRICT required
23 by the bidder PROVIDER SUBMITTING THE PROPOSAL to provide the
24 services described in the request for proposals. If it
25 determines the public interest requires such, the district
26 retains the right to enter into noncompetitively awarded
27 contracts on an interim basis for the time needed to implement

1 the request for proposal process.

2 (e) With respect to each request for proposals, the
3 district shall award the contract to the TECHNICALLY qualified
4 provider whose responsive bid PROPOSAL offers the lowest cost
5 to the district; except that no one provider shall receive
6 contracts covering more than fifty percent of the vehicle
7 hours subject to such requests, and, with respect to awards
8 made after January 1, 1994, the district shall accept no bid
9 PROPOSAL from a bidder PROVIDER providing fifty percent or
10 more of the vehicle hours contracted by the district. Each
11 contract shall be effective not later than ninety days after
12 its award. If the district determines that no responsive bids
13 PROPOSALS are received for a request for proposals or that the
14 bids PROPOSALS submitted would not be in the best interest of
15 the district to accept, the district may solicit new bids
16 PROPOSALS for such--request--for--proposals THE DESIGNATED
17 SERVICE in accordance with the provisions of this section.

18 SECTION 2. Safety clause. The general assembly hereby
19 finds, determines, and declares that this act is necessary
20 for the immediate preservation of the public peace, health,
21 and safety.

BILL 10

This bill was submitted to, but not approved by, the Legislative Council on January 10, 1990.

1 CONCERNING A CLARIFICATION OF THE MANNER IN WHICH THE
2 CALCULATION OF LANE MILES OF COUNTY ROADS IS MADE FOR
3 PURPOSES OF DETERMINING EACH COUNTY'S ALLOCATION OF
4 HIGHWAY USERS TAX FUND REVENUES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Requires that county roads be open, used, and maintained before such roads may be included for purposes of determining the proper allocation of highway users tax fund revenues to counties. Clarifies how lane miles are to be measured in making the calculation of adjusted lane miles in each county.

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

6 SECTION 1. 43-4-207 (2) (b) (III), Colorado Revised
7 Statutes, 1984 Repl. Vol., as amended, is amended to read:

8 43-4-207. County allocation. (2) (b) (III) Sixty
9 percent shall be allocated to counties in proportion to the
10 adjusted lane miles of OPEN, USED, AND MAINTAINED county roads
11 in each county, excepting mileage of state highways and

1 municipal streets. A lane mile shall be measured by each
2 ten-foot width of ~~road--from-the-center-lane-of-each-county~~
3 ~~road~~ TRAVELED ROADWAY SURFACE, OR PORTION THEREOF. The
4 adjusted lane miles shall be determined by applying to the
5 existing lane miles of county roads in each county a factor of
6 difficulty. The lane miles, the adjusted lane miles, and the
7 factor representing the difficulty of construction and
8 maintenance in the various counties in the state by reason of
9 terrain shall be determined by the state department of
10 highways as provided in paragraphs (c), (d), and (e) of this
11 subsection (2).

12 SECTION 2. Safety clause. The general assembly hereby
13 finds, determines, and declares that this act is necessary
14 for the immediate preservation of the public peace, health,
15 and safety.