

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 12-0154.01 Jason Gelender x4330

HOUSE BILL 12-1019

HOUSE SPONSORSHIP

Vaad, Barker, Looper, Ramirez, Scott, Tyler

SENATE SPONSORSHIP

King S., Spence, Williams S.

House Committees

Transportation
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABOLITION OF THE MOTOR CARRIER SERVICES**
102 **DIVISION OF THE DIVISION OF MOTOR VEHICLES OF THE**
103 **DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,**
104 **TRANSFERRING THE POWERS, DUTIES, AND FUNCTIONS OF THE**
105 **MOTOR CARRIER SERVICES DIVISION RELATING TO PORTS OF**
106 **ENTRY TO THE COLORADO STATE PATROL OF THE DEPARTMENT**
107 **OF PUBLIC SAFETY AND TRANSFERRING THE POWERS, DUTIES,**
108 **AND FUNCTIONS OF THE MOTOR CARRIER SERVICES DIVISION**
109 **RELATING TO COMMERCIAL DRIVER'S LICENSES AND THE**
110 **INTERNATIONAL REGISTRATION PLAN TO THE DEPARTMENT OF**
111 **REVENUE, AND IN CONNECTION THEREWITH, MAKING AND**
112 **REDUCING APPROPRIATIONS.**

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.

HOUSE
Amended 2nd Reading
March 16, 2012

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://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. Section 1 of the bill abolishes the motor carrier services division (division) of the division of motor vehicles of the department of revenue (department) and transfers the powers, duties, and functions of the division by **type 3** transfers as follows:

- ! It transfers the ports of entry section of the division to the Colorado state patrol of the department of public safety.
- ! It transfers the powers, duties, and functions of the division relating to commercial driver's licenses to the department.
- ! It transfers the powers, duties, and functions of the division relating to the international registration plan to the department.

Section 11 of the bill defines the term "port of entry officer". **Section 26** of the bill makes the bill effective July 1, 2012. **Sections 2 to 10 and 12 to 25** of the bill make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-1-117, **repeal** (4)

3 (a) (III) and (4) (c) (II); and **add** (5) as follows:

4 **24-1-117. Department of revenue - creation.** (4) (a) The
5 department of revenue shall consist of the following divisions:

6 (III) ~~Motor carrier services division;~~

7 (c) (II) ~~Whenever any law of this state or any rule promulgated~~
8 ~~under the laws of this state refers to the motor vehicle division or the~~
9 ~~ports of entry division of the department, such law or rule shall be~~
10 ~~deemed to refer to the department of revenue.~~

11 (5) THE MOTOR CARRIER SERVICES DIVISION, CREATED IN SECTION

1 42-8-103 (1), C.R.S., PRIOR TO THE REPEAL OF SAID SUBSECTION (1) BY
2 HOUSE BILL 12- _____, ENACTED IN 2012, IS ABOLISHED, AND ITS POWERS,
3 DUTIES, AND FUNCTIONS ARE TRANSFERRED BY **TYPE 3** TRANSFERS AS
4 FOLLOWS:

5 (a) THE POWERS, DUTIES, AND FUNCTIONS OF ITS PORTS OF ENTRY
6 SECTION ARE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY AND
7 ALLOCATED TO THE COLORADO STATE PATROL.

8 (b) ITS POWERS, DUTIES, AND FUNCTIONS RELATING TO
9 COMMERCIAL DRIVER'S LICENSES AND THE INTERNATIONAL REGISTRATION
10 PLAN ARE TRANSFERRED TO THE DEPARTMENT OF REVENUE.

11 **SECTION 2.** In Colorado Revised Statutes, 24-1-128.6, **amend**
12 (2) (a) as follows:

13 **24-1-128.6. Department of public safety - creation - repeal.**

14 (2) The department of public safety shall consist of the following
15 divisions:

16 (a) Colorado state patrol, the head of which shall be the chief of
17 the Colorado state patrol. The Colorado state patrol and the office of chief
18 thereof, created by part 2 of article 33.5 of this title, and their powers,
19 duties, and functions are transferred by a **type 2** transfer to the department
20 of public safety. The powers, duties, and functions of the state department
21 of highways relating to the Colorado state patrol are transferred by a **type**
22 **2** transfer to the department of public safety and allocated to the Colorado
23 state patrol. THE POWERS, DUTIES, AND FUNCTIONS OF THE PORTS OF
24 ENTRY SECTION OF THE MOTOR CARRIER SERVICES DIVISION OF THE
25 DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF REVENUE, WHICH
26 MOTOR CARRIER SERVICES DIVISION IS ABOLISHED PURSUANT TO SECTION
27 24-1-117 (5), ENACTED BY HOUSE BILL 12- _____, ENACTED IN 2012, ARE

1 TRANSFERRED BY A **TYPE 3** TRANSFER TO THE DEPARTMENT OF PUBLIC
2 SAFETY AND ALLOCATED TO THE COLORADO STATE PATROL.

3 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-33.5-111
4 as follows:

5 **24-33.5-111. Motor carrier safety assistance - study.** ~~(1) On~~
6 ~~August 15, 2010, the motor carrier safety inspection program of the ports~~
7 ~~of entry section in the department of revenue is hereby transferred to the~~
8 ~~department of public safety and allocated to the Colorado state patrol.~~

9 ~~(2) The department of public safety, in collaboration with the~~
10 ~~department of transportation and the department of revenue, shall issue~~
11 ~~a request for proposal for a performance study to be conducted by an~~
12 ~~independent private vendor, subject to available appropriations. The~~
13 ~~departments shall work cooperatively to determine the scope of the study~~
14 ~~and the independent private vendor shall request and consider input from~~
15 ~~potentially impacted parties during the course of the study. The study~~
16 ~~shall include, but not be limited to, an examination of the ports of entry~~
17 ~~operations, infrastructure, management, potential cost savings or~~
18 ~~efficiencies, as well as how the port of entry section may maximize~~
19 ~~resources and technology. The study shall also determine which principal~~
20 ~~department is most appropriate for operating the ports of entry section in~~
21 ~~a cost-effective manner. The independent private vendor shall complete~~
22 ~~the performance review and report its findings to the transportation~~
23 ~~committees of the senate and the house of representatives no later than~~
24 ~~June 1, 2011.~~

25 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-203, **amend**
26 (2) as follows:

27 **24-33.5-203. Duties of executive director and patrol.** (2) The

1 Colorado state patrol shall enforce or aid in enforcing all state laws
2 pertaining to motor and all other vehicles, their equipment, weight,
3 cargoes, and licenses, vehicle operators, and other operations including
4 checking for brand inspection certificates or official bills of sale or
5 acceptable trucking waybills on livestock or agricultural products upon
6 the highways of Colorado and for the use thereof. The Colorado state
7 patrol shall also aid in the enforcement of the collection of all motor and
8 other vehicle taxes and license fees, motor fuel taxes, and highway
9 compensation taxes (with respect to the transportation of persons and
10 property over public highways) as provided by law and shall otherwise
11 promote safety, protect human life, and preserve the highways of this
12 state by the courteous and strict enforcement of laws of this state which
13 relate to highways and traffic upon such highways, notwithstanding any
14 provisions of law charging any other department or agency in the state
15 with the enforcement of such laws. THE COLORADO STATE PATROL SHALL
16 ALSO ESTABLISH AND OPERATE PORT OF ENTRY WEIGH STATIONS
17 PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S. The Colorado state patrol
18 shall also aid in the enforcement of other laws of this state as specifically
19 authorized by the provisions of this part 2.

20 **SECTION 5.** In Colorado Revised Statutes, 24-60-2502, **amend**
21 section 1 of article 12 as follows:

22 **24-60-2502. Execution of agreement.** The general assembly
23 hereby approves and the governor is authorized to enter into an agreement
24 on behalf of this state with any other state or states legally joining therein
25 in the form substantially as follows:

26 **ARTICLE 12**

27 **Funding**

1 **SECTION 1.** Funds for the administration of this agreement,
2 including participation in the cooperating committee and the actual
3 expenses of the designated representatives, SHALL BE PROVIDED FROM THE
4 FUNDS AVAILABLE TO THE COLORADO STATE PATROL FOR OPERATING
5 EXPENSES AND MOTOR CARRIER SAFETY AND ASSISTANCE PROGRAM
6 GRANTS AND shall be budgeted or expensed TO THE COLORADO STATE
7 PATROL IN FURTHERANCE OF THE ADMINISTRATION OF THIS AGREEMENT
8 as determined appropriate.

9 **SECTION 6.** In Colorado Revised Statutes, 40-7-116, **amend** (1)
10 (a) as follows:

11 **40-7-116. Enforcement of civil penalties against carriers.**

12 (1) (a) Investigative personnel of the commission, ~~and personnel of the~~
13 ~~ports of entry and the~~ Colorado state patrol OFFICERS, AND PORT OF ENTRY
14 OFFICERS AS DEFINED IN SECTION 42-8-102 (3), C.R.S., have the authority
15 to issue civil penalty assessments for the violations enumerated in
16 sections 40-7-112 and 40-7-113. When a person is cited for the violation,
17 the person operating the motor vehicle involved shall be given notice of
18 the violation in the form of a civil penalty assessment notice.

19 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-102, **amend**
20 (2) as follows:

21 **40-10.1-102. Powers of commission.** (2) The Colorado state
22 patrol ~~and the ports of entry section of the department of revenue have~~
23 HAS the power to monitor and enforce compliance with the certificate and
24 permit requirements of this article and article 10.5 of this title.

25 **SECTION 8.** In Colorado Revised Statutes, 40-10.1-502, **amend**
26 (5) (a) and (5) (b) (III) as follows:

27 **40-10.1-502. Permit requirements - issuance by ports of entry.**

1 (5) (a) ~~The motor carrier services division in the department of revenue~~
2 COLORADO STATE PATROL may issue, through a port of entry weigh
3 station created pursuant to article 8 of title 42, C.R.S., a temporary
4 household goods mover permit. The temporary permit is valid for fifteen
5 consecutive days and is not renewable. A mover or its successor who has
6 been issued a temporary permit is not eligible for a subsequent temporary
7 permit.

8 (b) A temporary permit shall not be approved until the applicant:

9 (III) Pays the fees required by section 40-10.1-111 (1) (e) and (1)

10 (f). ~~The motor carrier services division in the department of revenue~~
11 COLORADO STATE PATROL shall transmit the fees to the state treasurer,
12 who shall credit them to the public utilities commission motor carrier
13 fund pursuant to section 40-10.1-111 (4).

14 **SECTION 9.** In Colorado Revised Statutes, 42-4-235, **amend** (2)
15 (a), (2) (d) (I), (3), (4), and (5); and **repeal** (1) (b) as follows:

16 **42-4-235. Minimum standards for commercial vehicles - rules**
17 **- repeal.** (1) As used in this section, unless the context otherwise
18 requires:

19 (b) ~~"Department" means the department of public safety.~~

20 (2) (a) No person shall operate a commercial vehicle, as defined
21 in subsection (1) of this section, on any public highway of this state
22 unless such vehicle is in compliance with the rules adopted by the
23 ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to
24 subsection (4) of this section. Any person who violates ~~such~~ THE rules,
25 including ANY intrastate motor ~~carriers~~ CARRIER, shall be subject to the
26 civil penalties authorized pursuant to 49 CFR part 386, subpart G, as such
27 subpart existed on October 1, 2001. Persons who utilize an independent

1 contractor shall not be liable for penalties imposed on the independent
2 contractor for equipment, acts, and omissions within the independent
3 contractor's control or supervision. All civil penalties collected pursuant
4 to this article by a state agency or by a court shall be transmitted to the
5 state treasurer, who shall credit ~~the same~~ THEM to the highway users tax
6 fund created in section 43-4-201, C.R.S., for allocation and expenditure
7 as specified in section 43-4-205 (5.5) (a), C.R.S.

8 (d) (I) Upon notice from the ~~department of public safety~~
9 COLORADO STATE PATROL, the department shall, pursuant to section
10 42-3-120, cancel the registration of a motor carrier who fails to pay in
11 full a civil penalty imposed pursuant to this subsection (2) within thirty
12 days after notification of the penalty.

13 (3) Any motor carrier operating a commercial vehicle within
14 Colorado must declare knowledge of the rules ~~and regulations~~ adopted
15 by the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to
16 subsection (4) of this section. ~~Such~~ THE declaration of knowledge shall
17 be in writing on a form provided by the ~~department~~. ~~Such~~ COLORADO
18 STATE PATROL. THE form must be signed and returned by a motor carrier
19 according to ~~regulations~~ RULES adopted by the ~~department~~ CHIEF.

20 (4) (a) The ~~department~~ CHIEF OF THE COLORADO STATE PATROL
21 shall adopt rules for the operation of all commercial vehicles. In adopting
22 ~~such~~ THE rules, the ~~department~~ CHIEF shall use as general guidelines the
23 standards contained in the current rules and regulations of the United
24 States department of transportation relating to safety regulations,
25 qualifications of drivers, driving of motor vehicles, parts and accessories,
26 notification and reporting of accidents, hours of service of drivers,
27 inspection, repair and maintenance of motor vehicles, financial

1 responsibility, insurance, and employee safety and health standards;
2 except that rules regarding financial responsibility and insurance do not
3 apply to a commercial vehicle as defined in subsection (1) of this section
4 that is also subject to regulation by the public utilities commission under
5 article 10.1 of title 40, C.R.S. On and after September 1, 2003, all
6 commercial vehicle safety inspections conducted to determine
7 compliance with rules promulgated by the ~~department~~ CHIEF pursuant to
8 this paragraph (a) shall be performed by an enforcement official, as
9 defined in section 42-20-103 (2), who has been certified by the
10 commercial vehicle safety alliance, or any successor organization thereto,
11 to perform level I inspections.

12 (b) The Colorado public utilities commission may enforce safety
13 rules of the ~~department~~ CHIEF OF THE COLORADO STATE PATROL
14 governing commercial vehicles described in subparagraphs (I) and (II) of
15 paragraph (a) of subsection (1) of this section pursuant to ~~its~~ HIS OR HER
16 authority to regulate motor carriers as defined in section 40-10.1-101,
17 C.R.S., including the issuance of civil penalties for violations of the rules
18 as provided in section 40-7-113, C.R.S.

19 (5) Any person who violates a rule ~~or regulation~~ promulgated by
20 the ~~department~~ CHIEF OF THE COLORADO STATE PATROL pursuant to this
21 section or fails to comply with subsection (3) of this section commits a
22 class 2 misdemeanor traffic offense.

23 **SECTION 10.** In Colorado Revised Statutes, 42-4-510, **amend**
24 (1) (a), (3), (5), (8) (b), (11) (a) introductory portion, and (12) (c) as
25 follows:

26 **42-4-510. Permits for excess size and weight and for**
27 **manufactured homes - rules - repeal.** (1) (a) The department of

1 transportation, ~~the motor carrier services division of the department of~~
2 ~~revenue, or the Colorado state patrol~~ with respect to highways under its
3 jurisdiction, or any local authority with respect to highways under its
4 jurisdiction may, upon application in writing and good cause being
5 shown therefor, issue a single trip, a special, or an annual permit in
6 writing authorizing the applicant to operate or move a vehicle or
7 combination of vehicles of a size or weight of vehicle or load exceeding
8 the maximum specified in this article or otherwise not in conformity with
9 the provisions of this article upon any highway under the jurisdiction of
10 the party granting such permit and for the maintenance of which said
11 party is responsible; except that permits for the movement of any
12 manufactured home shall be issued as provided in subsection (2) of this
13 section.

14 (3) The department of transportation, ~~the motor carrier services~~
15 ~~division of the department of revenue, or the Colorado state patrol~~, or any
16 local authority is authorized to issue or withhold a permit, as provided in
17 this section, and, if such permit is issued, to limit the number of trips, or
18 to establish seasonal or other time limitations within which the vehicles
19 described may be operated on the highways indicated, or otherwise to
20 limit or prescribe conditions of operation of such vehicles, when
21 necessary to protect the safety of highway users, to protect the efficient
22 movement of traffic from unreasonable interference, or to protect the
23 highways from undue damage to the road foundations, surfaces, or
24 structures and may require such undertaking or other security as may be
25 deemed necessary to compensate for any injury to any highway or
26 highway structure.

27 (5) The department of transportation ~~the motor carrier services~~

1 ~~division of the department of revenue~~, or the Colorado state patrol shall,
2 unless such action will jeopardize distribution of federal highway funds
3 to the state, authorize the operation or movement of a vehicle or
4 combination of vehicles on the interstate highway system of Colorado at
5 a maximum weight of eighty-five thousand pounds.

6 (8) (b) ~~Effective July 1, 1996, the motor carrier services division~~
7 ~~in the department of revenue~~ THE COLORADO STATE PATROL shall have
8 available for issuance at each fixed port of entry weigh station permits for
9 extralegal vehicles or loads; except that special permits for extralegal
10 vehicles or loads that are considered extraordinary in dimensions or
11 weight, or both, and that require additional safety precautions while in
12 transit shall be issued only by the department of transportation. A port of
13 entry may issue such special permits if authorized to do so by the
14 department of transportation and under such rules as the department of
15 transportation may establish, and may deliver from a fixed port of entry
16 weigh station any permit issued by the department of transportation.

17 (11) (a) The department of transportation ~~the motor carrier~~
18 ~~services division of the department of revenue~~, or the Colorado state
19 patrol may charge permit applicants permit fees as follows:

20 (12) (c) The department of transportation ~~or the Colorado state~~
21 ~~patrol~~ with regard to any state permit and the local authority with regard
22 to a local permit may, after a hearing under section 24-4-105, C.R.S.,
23 revoke, suspend, refuse to renew, or refuse to issue any permit authorized
24 by this section upon a finding that the holder of the permit has violated
25 the provisions of this section, any ordinance or resolution of a local
26 authority, or any standards or rules ~~or regulations~~ promulgated pursuant
27 to this section.

1 **SECTION 11.** In Colorado Revised Statutes, 42-4-511, **amend**
2 (2) (c) as follows:

3 **42-4-511. Permit standards - state and local.** (2) (c) Effective
4 ~~July 1, 1996, any~~ A local authority that adopts or has adopted an
5 ordinance or resolution governing permits for the movement of oversize
6 or overweight vehicles or loads shall file a copy of ~~such~~ THE ordinance
7 or resolution with the department of transportation. ~~and the motor carrier~~
8 ~~services division of the department of revenue.~~

9 **SECTION 12.** In Colorado Revised Statutes, 42-8-102, **add** (3)
10 as follows:

11 **42-8-102. Definitions.** As used in this article, unless the context
12 otherwise requires:

13 (3) "PORT OF ENTRY OFFICER" MEANS A UNIFORMED MEMBER OF
14 THE COLORADO STATE PATROL WHO IS NOT A PATROLMAN AND WHOSE
15 POWERS AND DUTIES ARE DESCRIBED IN SECTION 42-8-104 (2).

16 **SECTION 13.** In Colorado Revised Statutes, **amend** 42-8-103
17 as follows:

18 **42-8-103. Ports of entry - operation by Colorado state patrol.**

19 (1) ~~There is hereby created within the department of revenue a motor~~
20 ~~carrier services division, which, division, acting under the authority and~~
21 ~~direction of the executive director of the department of revenue, shall be~~
22 ~~further subdivided into enforcement functions and service functions.~~
23 ~~Enforcement functions shall include, but need not be limited to, the ports~~
24 ~~of entry section. Service functions shall include, but need not be limited~~
25 ~~to, personnel and facilities for dealing with interstate and international~~
26 ~~motor vehicle registrations.~~

27 (2) ~~The executive director~~ CHIEF OF THE COLORADO STATE

1 PATROL shall be responsible for establishing and operating port of entry
2 weigh stations at such points along the public highways of this state as
3 are determined to be necessary to carry out the purposes of this article.
4 The ~~executive director~~ CHIEF shall authorize permanent port of entry
5 weigh stations and mobile port of entry weigh stations to be established
6 and operated by the ~~division~~ COLORADO STATE PATROL. The location or
7 relocation of ~~such~~ THE stationary or mobile port of entry weigh stations
8 shall be determined by the ~~executive director~~. ~~Wherever any provision of~~
9 ~~this article refers to a motor vehicle inspection station or to a motor~~
10 ~~carrier inspection station, such provision shall be deemed to refer to a~~
11 ~~port of entry weigh station established and operated by the motor carrier~~
12 ~~services division~~ CHIEF.

13 **SECTION 14.** In Colorado Revised Statutes, **amend** 42-8-104
14 as follows:

15 **42-8-104. Powers and duties.** (1) The ~~executive director of the~~
16 ~~department of revenue~~ CHIEF OF THE COLORADO STATE PATROL shall
17 issue such rules ~~and regulations~~ as the ~~executive director~~ CHIEF deems
18 necessary to implement this article and carry out its purposes. ~~Said~~
19 ~~executive director shall, to the fullest extent possible, house department~~
20 ~~field offices at such places as port of entry weigh stations are established.~~
21 All permanent port of entry weigh stations established under the authority
22 of this article shall be operated ~~on a twenty-four-hour-a-day basis, except~~
23 ~~for certain holidays or other~~ AT times determined by the ~~executive~~
24 ~~director of the department of revenue and in such manner~~ CHIEF SO as to
25 reasonably allow owners and operators of motor vehicles subject to fees,
26 licenses, or taxes or to ~~regulations~~ RULES imposed by the state of
27 Colorado to comply with all such laws and ~~regulations~~ issued pursuant

1 ~~thereto~~ RULES by clearance at a port of entry weigh station. All port of
2 entry weigh stations, either permanent or mobile, shall be equipped with
3 weighing equipment approved as to accuracy by the division of
4 inspection and consumer services of the department of agriculture.

5 (2) ~~The personnel of a port of entry weigh station~~ A PORT OF
6 ENTRY OFFICER, during the time that ~~they are~~ HE OR SHE IS actually
7 engaged in performing ~~their~~ HIS OR HER duties as such and while acting
8 under proper orders or ~~regulations~~ RULES issued by the ~~executive director~~
9 ~~of the department of revenue~~, CHIEF OF THE COLORADO STATE PATROL,
10 shall have and exercise all the powers invested in peace officers in
11 connection with the enforcement of the provisions of this article, ~~article~~
12 ~~2~~ ARTICLES 2, 3, AND 20 of this title, ~~parts 2, 3, and 5 of article 20 of this~~
13 ~~title~~, part 5 of article 4 of this title, and sections ~~42-3-107 (17) and~~
14 ~~42-4-1409~~ 42-4-209, 42-4-225 (1.5), 42-4-235, 42-4-1407, 42-4-1409,
15 AND 42-4-1414; except that ~~they~~ AN OFFICER shall not have the power to
16 serve civil writs and process and, in the exercise of ~~their~~ HIS OR HER
17 duties, ~~such personnel~~ AN OFFICER shall have the authority to restrain and
18 detain persons or vehicles and may impound any vehicle until any tax or
19 license fee imposed by law is paid or until compliance is had with any tax
20 or regulatory law or ~~regulation~~ RULE issued thereunder.

21 **SECTION 15.** In Colorado Revised Statutes, 42-8-105, **amend**
22 (1) and (4); and **repeal** (6) as follows:

23 **42-8-105. Clearance of motor vehicles at port of entry weigh**
24 **stations.** (1) Every owner or operator of a motor vehicle that is subject
25 to payment of registration fees under the provisions of section 42-3-306
26 (5) (b) and every owner or operator of a motor vehicle or combination of
27 vehicles having a manufacturer's gross vehicle weight rating or gross

1 combination weight rating of twenty-six thousand one pounds or more
2 shall secure a valid clearance ~~from an office of the department of~~
3 ~~revenue~~, from an officer of the Colorado state patrol, or from a port of
4 entry weigh station before operating ~~such~~ THE vehicle or combination of
5 vehicles or causing ~~such~~ THE vehicle or combination of vehicles to be
6 operated on the public highways of this state, but an owner or operator
7 shall be deemed to have complied with the provisions of this subsection
8 (1) if the owner or operator secures a valid clearance from the first port
9 of entry weigh station located within five road miles of the route that the
10 owner or operator would normally follow from the point of departure to
11 the point of destination. An owner or operator shall not be required to
12 seek out a port of entry weigh station not located on the route such owner
13 or operator is following if the owner or operator secures a special
14 revocable permit from the ~~department of revenue~~ COLORADO STATE
15 PATROL in accordance with the provisions of subsection (4) of this
16 section. A vehicle with a seating capacity of fourteen or more passengers
17 registered under the provisions of section 42-3-304 (13) or 42-3-306 (2)
18 (c) (I) shall not be required to secure a valid clearance pursuant to this
19 section.

20 (4) The ~~department of revenue~~ COLORADO STATE PATROL may
21 issue a special revocable permit to the owner or operator of any vehicle
22 being operated over a regularly scheduled route waiving the requirement
23 that the owner or operator seek out and secure a valid clearance at a port
24 of entry weigh station not located directly on the route being followed.
25 In order for the permit to be effective, the vehicle must be operating over
26 a regularly scheduled route that has previously been cleared with the
27 ~~department of revenue~~ COLORADO STATE PATROL.

1 (6) ~~To facilitate the proper identification and handling of all~~
2 ~~motor vehicles requiring clearance through the port of entry weigh~~
3 ~~stations of the state, every vehicle requiring such clearance shall have~~
4 ~~affixed to it a distinct marking conforming to specifications set by the~~
5 ~~executive director. Such marking shall include the name or company logo~~
6 ~~of the owner or operator of the motor vehicle and such other information~~
7 ~~as the executive director shall require.~~

8 **SECTION 16.** In Colorado Revised Statutes, **amend** 42-8-106
9 as follows:

10 **42-8-106. Issuance of clearance receipts.** All owners and
11 operators of motor vehicles subject to the payment of fees, licenses, or
12 taxes imposed by the laws of this state, including foreign vehicles, that
13 have not been properly certificated or permitted by the public utilities
14 commission or that have not been approved by the department of revenue
15 for monthly or periodic payment of such fees, licenses, or taxes shall be
16 issued a clearance receipt at a port of entry weigh station only after such
17 fees, licenses, or taxes that may be due are paid or compliance is had with
18 regulatory acts. A clearance receipt issued under this section shall specify
19 the date upon which issued and amounts of fees, licenses, or taxes to be
20 paid. ~~Such~~ THE receipt shall be valid only for the dates and trips specified
21 thereon and for the length of time specified thereon. The ~~executive~~
22 ~~director of the department of revenue~~ COLORADO STATE PATROL, through
23 the port of entry weigh stations, may also issue permits for oversize and
24 overweight commercial hauls pursuant to rules and regulations governing
25 such hauls established by the department of transportation. Failure to
26 secure such clearance receipt shall subject the owner or operator to a
27 penalty of double the amount of any tax, license, or fee due that shall be

1 in addition to and distinct from the penalty provided for in section
2 42-8-109.

3 **SECTION 17.** In Colorado Revised Statutes, **amend** 42-8-107
4 as follows:

5 **42-8-107. Construction and rights-of-way.** Within thirty days
6 after receiving notification from the ~~executive director of the department~~
7 ~~of revenue~~ CHIEF OF THE COLORADO STATE PATROL, the department of
8 transportation shall make available without charge to the ~~department of~~
9 ~~revenue~~ COLORADO STATE PATROL such rights-of-way upon or adjacent
10 to the public highways of this state as are needed for the construction or
11 reconstruction of port of entry weigh stations. If such rights-of-way are
12 not available, the department of transportation shall acquire such
13 rights-of-way as are needed to carry out the purposes of this article out
14 of money in the state highway fund provided for right-of-way acquisition.
15 If possible, the construction, reconstruction, and maintenance of port of
16 entry weigh stations shall be accomplished with forces of the department
17 of transportation within thirty days after notification by the ~~executive~~
18 ~~director of the department of revenue~~ CHIEF OF THE COLORADO STATE
19 PATROL requesting such work.

20 **SECTION 18.** In Colorado Revised Statutes, **amend** 42-8-108
21 as follows:

22 **42-8-108. Cooperation among departments.** The governor of
23 Colorado shall require ~~the executive director of the department of~~
24 ~~revenue~~, the chief of the Colorado state patrol, the chief engineer of the
25 ~~division of highways~~ DEPARTMENT OF TRANSPORTATION, the
26 commissioner of agriculture, the director of the division of commerce and
27 development, and the ~~chairman~~ CHAIR of the public utilities commission

1 to cooperate to the fullest extent possible to the end that port of entry
2 weigh stations established under authority of this article shall serve the
3 broadest possible functions.

4 **SECTION 19.** In Colorado Revised Statutes, 42-8-109, **amend**
5 (3) as follows:

6 **42-8-109. Fines and penalties.** (3) In addition to the penalties
7 imposed pursuant to subsection (1) of this section, the ~~executive director~~
8 ~~of the department of revenue~~ CHIEF OF THE COLORADO STATE PATROL
9 shall, upon the conviction of any owner or operator or of any agent,
10 officer, or employee, after a third offense within one calendar year, notify
11 the public utilities commission of such conviction, and the commission
12 may suspend any license or permit for a period not to exceed six months
13 or revoke all such certificates and permits issued to the owner or operator
14 of such vehicles by the public utilities commission. Such certificate or
15 permit can be suspended or revoked only after due notice and hearing and
16 for good cause shown. The ~~executive director of the department of~~
17 ~~revenue~~ CHIEF shall file a complaint with the public utilities commission,
18 and the commission must hold a hearing within thirty days after filing of
19 a complaint by the ~~said executive director~~ CHIEF. If at the hearing the
20 commission finds that the facts as stated in the complaint by the ~~said~~
21 ~~executive director~~ CHIEF are substantially correct, the commission may
22 immediately revoke all intrastate certificates and permits issued by it to
23 such violator.

24 **SECTION 20.** In Colorado Revised Statutes, 42-8-111, **amend**
25 (1), (4), and (5) as follows:

26 **42-8-111. Cooperative agreements with contiguous states for**
27 **operations of ports of entry - rules.** (1) In addition to any other powers

1 granted by law, the ~~executive director of the department of revenue~~ CHIEF
2 OF THE COLORADO STATE PATROL is hereby authorized to negotiate and
3 enter into cooperative agreements with the designated representatives of
4 contiguous states for the operations of ports of entry at the borders
5 between Colorado and such contiguous states.

6 (4) The ~~executive director of the department of revenue~~ CHIEF OF
7 THE COLORADO STATE PATROL is hereby authorized to appoint employees
8 and officials of a contiguous state as agents of the ~~ports of entry section~~
9 ~~of the department of revenue~~ COLORADO STATE PATROL with the powers
10 to enforce the laws of Colorado under the terms of cooperative
11 agreements entered into under the provisions of this section.

12 (5) The ~~executive director of the department of revenue~~ CHIEF OF
13 THE COLORADO STATE PATROL may promulgate such ~~regulations~~ RULES
14 as are necessary for the implementation of the provisions of this section.

15 **SECTION 21.** In Colorado Revised Statutes, 42-20-103, **amend**
16 (2) as follows:

17 **42-20-103. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (2) "Enforcement official" means, and is limited to, a peace
20 officer who is an officer of the Colorado state patrol as described in
21 sections 16-2.5-101 and 16-2.5-114, C.R.S., ~~a certified peace officer who~~
22 ~~is a certified port of entry officer as described in sections 16-2.5-101 and~~
23 ~~16-2.5-115, C.R.S.~~ A PORT OF ENTRY OFFICER, AS DEFINED IN SECTION
24 42-8-102 (3), a peace officer who is an investigating official of the
25 transportation section of the public utilities commission as described in
26 sections 16-2.5-101 and 16-2.5-143, C.R.S., or any other peace officer as
27 described in section 16-2.5-101, C.R.S.

1 **SECTION 22.** In Colorado Revised Statutes, 42-20-203, **amend**
2 (1) as follows:

3 **42-20-203. Carrying of permit and shipping papers.** (1) Any
4 person transporting hazardous materials that require placarding under 49
5 CFR 172 or 173 in this state shall carry a copy of the shipping papers
6 required in 49 CFR 172.200 and a copy of the hazardous materials
7 transportation permit issued by the public utilities commission or ~~the~~ BY
8 THE COLORADO STATE PATROL AT A port of entry weigh station in the
9 transporting motor vehicle while in this state; except that, if a peace
10 officer, as described in section 16-2.5-101, C.R.S., or any other
11 enforcement official may determine that the hazardous materials
12 transportation permit can be electronically verified at the time of contact,
13 a copy of the permit need not be carried by the person transporting
14 hazardous materials. ~~Such~~ THE permit shall be open to inspection or
15 electronic verification by any enforcement official.

16 **SECTION 23.** In Colorado Revised Statutes, **amend** 42-20-404
17 as follows:

18 **42-20-404. Inspections.** All vehicles carrying nuclear materials
19 entering the state on the public highways shall be inspected by A
20 Colorado state patrol ~~officers~~ OFFICER OR A PORT OF ENTRY OFFICER, AS
21 DEFINED IN SECTION 42-8-102 (3), at the nearest point at which the
22 shipment enters the state or at a location specified by the Colorado state
23 patrol. For all shipments originating within the state, inspection shall be
24 made at the point of origination by A Colorado state patrol ~~officers~~. All
25 ~~such~~ OFFICER OR A PORT OF ENTRY OFFICER. Inspections conducted by
26 Colorado state patrol officers OR PORT OF ENTRY OFFICERS shall be in
27 accordance with the rules promulgated pursuant to sections 42-4-235,

1 42-20-108 (2), and 42-20-403.

2 **SECTION 24.** In Colorado Revised Statutes, **amend** 42-20-505
3 as follows:

4 **42-20-505. Penalties - permit system.** (1) The investigative
5 personnel of the commission, ~~the ports of entry personnel, and the~~
6 ~~officers of the~~ A Colorado state patrol OFFICER, OR A PORT OF ENTRY
7 OFFICER, AS DEFINED IN SECTION 42-8-102 (3), may assess a civil penalty
8 of one thousand dollars against ~~every~~ A carrier who transports nuclear
9 materials without first obtaining a nuclear materials transportation permit.

10 (2) ~~Every~~ A carrier who misrepresents information in the carrier's
11 application for a nuclear materials transportation permit, violates the
12 terms of the permit, or commits a second violation of subsection (1) of
13 this section within one calendar year shall be assessed a civil penalty of
14 not less than five hundred dollars nor more than three thousand dollars.

15 (3) The penalties in subsection (1) of this section shall be assessed
16 upon an action brought by the commission ~~the motor carrier services~~
17 ~~division of the department of revenue,~~ or the Colorado state patrol in
18 accordance with the procedure set forth in section 42-20-406.

19 **SECTION 25.** In Colorado Revised Statutes, 43-4-201, **amend**
20 (3) (a) (I) (B), (3) (a) (I.1), and (3) (a) (III) (C); and **add** (3) (a) (I) (C) as
21 follows:

22 **43-4-201. Highway users tax fund - created.** (3) (a) (I) The
23 general assembly shall not make any annual appropriation (whether by
24 regular, special, or supplementary appropriation) or any statutory
25 distribution from the highway users tax fund for any purpose or purposes
26 in a total amount that is:

27 (B) Commencing in the fiscal year 1995-96, AND ENDING IN THE

1 FISCAL YEAR 2012-13, more than a six percent increase over ~~such~~ THE
2 appropriation to the department of public safety for the Colorado state
3 patrol and to the department of revenue for the ports of entry division for
4 the prior fiscal year; except in fiscal years 2009-10, 2010-11, and
5 2011-12, more than a six percent increase over ~~such~~ THE appropriation
6 to the department of public safety for the Colorado state patrol, to the
7 department of revenue for the ports of entry division, and to the
8 department of revenue for the division of motor vehicles pursuant to
9 sub-subparagraph (C) of subparagraph (III) of this paragraph (a) for the
10 prior fiscal year.

11 (C) COMMENCING IN THE FISCAL YEAR 2013-14, MORE THAN A SIX
12 PERCENT INCREASE OVER THE APPROPRIATION TO THE COLORADO STATE
13 PATROL FOR THE PRIOR FISCAL YEAR.

14 (I.1) Commencing with the fiscal year 1995-96, the general
15 assembly shall not make any annual appropriation or statutory
16 distribution from the highway users tax fund pursuant to this paragraph
17 (a), except to the department of public safety for the Colorado state patrol
18 or, THROUGH THE FISCAL YEAR 2011-12 ONLY, to the department of
19 revenue for the ports of entry section, that exceeds the annual
20 appropriation or statutory distribution for all purposes except the
21 Colorado state patrol and the ports of entry division for the fiscal year
22 1994-95.

23 (III) (C) The general assembly shall not make any annual
24 appropriation or statutory distribution from the highway users tax fund
25 for the fiscal year 1997-98 or for any succeeding fiscal year authorized
26 by subparagraph (II) of this paragraph (a), excluding the annual
27 appropriation or statutory distribution to the Colorado state patrol and,

1 THROUGH THE FISCAL YEAR 2011-12 ONLY, the ports of entry section and
2 excluding any appropriation to the department of revenue for the fiscal
3 years 2008-09, 2009-10, 2010-11, and 2011-12, for expenses incurred in
4 connection with the administration of article 2 of title 42, C.R.S., by the
5 division of motor vehicles within the department.

6 **SECTION 26.** In Colorado Revised Statutes, 43-4-804, **amend**
7 (1) (c) (I) as follows:

8 **43-4-804. Highway safety projects - surcharges and fees -**
9 **crediting of moneys to highway users tax fund.** (1) On and after July
10 1, 2009, the following surcharges, fees, and fines shall be collected and
11 credited to the highway users tax fund created in section 43-4-201 (1) (a)
12 and allocated to the state highway fund, counties, and municipalities as
13 specified in section 43-4-205 (6.3):

14 (c) (I) A supplemental oversize and overweight vehicle surcharge
15 in an amount equal to the amount of the fee charged pursuant to section
16 42-4-510 (11) (a), C.R.S., by the department ~~the motor carrier services~~
17 ~~division of the department of revenue,~~ or the Colorado state patrol for the
18 issuance of the single trip permit; except that the surcharge shall not be
19 imposed on a vehicle if the single trip permit fee was imposed pursuant
20 to section 42-4-510 (11) (a) (VI) (B), C.R.S.

21 **SECTION 27. Appropriation.** (1) In addition to any other
22 appropriation, there is hereby appropriated, out of any moneys in the
23 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
24 Colorado Revised Statutes, not otherwise appropriated, to the department
25 of revenue, for the fiscal year beginning July 1, 2011, the sum of
26 \$156,124, or so much thereof as may be necessary, for allocation to the
27 information technology division, for the implementation of this act.

1 (2) In addition to any other appropriation, there is hereby
2 appropriated to the governor - lieutenant governor - state planning and
3 budgeting, for the fiscal year beginning July 1, 2011, the sum of
4 \$156,124, or so much thereof as may be necessary, for allocation to the
5 office of information technology for the provision of programming
6 services to the department of revenue related to the implementation of
7 this act. Said sum is from reappropriated funds received from the
8 department of revenue out of the appropriation made in subsection (1) of
9 this section.

10 **SECTION 28. Appropriation - adjustments in 2012 long bill.**

11 (1) For the implementation of this act, appropriations made in the annual
12 general appropriation act to the department of public safety for the fiscal
13 year beginning July 1, 2012, are adjusted as follows:

14 (a) The general fund appropriation for the executive director's
15 office is decreased by \$283,704.

16 (b) The cash funds appropriation for the executive director's office
17 is increased by \$1,977,056. Of this amount, \$1,938,360 is from the
18 highway users tax fund pursuant to section 43-4-201 (3) (a) (I) (B),
19 Colorado Revised Statutes, and \$38,696 is from the hazardous materials
20 safety fund pursuant to section 42-20-107 (1), Colorado Revised Statutes.

21 (c) The reappropriated funds appropriation for the executive
22 director's office is increased by \$601,394 and 4.5 FTE.

23 (d) The cash funds appropriation for the Colorado state patrol,
24 ports of entry, is increased by \$8,496,667 and 117.8 FTE. Of this amount,
25 \$8,286,457 is from the highway users tax fund pursuant to section
26 43-4-201 (3) (a) (I) (B), Colorado Revised Statutes, and \$210,210 is from
27 the hazardous materials safety fund pursuant to section 42-20-107 (1),

1 Colorado Revised Statutes.

2 (2) In addition to any other appropriation, there is hereby
3 appropriated, to the department of public safety, for the fiscal year
4 beginning July 1, 2012, the sum of \$2,263,218, or so much thereof as
5 may be necessary, capital construction, for the Colorado state patrol, for
6 the Fort Morgan eastbound scale pit replacement, the Fort Collins
7 parking lot repair, the monument southbound building replacement, and
8 the monument northbound scale pit replacement related to the
9 implementation of this act. Said sum is from the highway users tax fund
10 pursuant to section 43-4-201 (3) (a) (I) (B), Colorado Revised Statutes.

11 (3) For the implementation of this act, appropriations made in the
12 annual general appropriation act to the department of revenue for the
13 fiscal year beginning July 1, 2012, are adjusted as follows:

14 (a) The general fund appropriation to the executive director's
15 office is increased by \$283,349.

16 (b) The cash funds appropriation to the executive director's office
17 is decreased by \$2,289,184 and 2.0 FTE. Of said sum, \$2,250,488 is from
18 the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
19 Colorado Revised Statutes, and \$38,696 is from the hazardous materials
20 safety fund created in section 42-20-107 (1), Colorado Revised Statutes.

21 (c) The cash funds appropriation to the executive director's office
22 is increased by \$99,983. Of said sum, \$5,420 is from the AIR account of
23 the highway users tax fund created in section 42-3-304 (18) (c), Colorado
24 Revised Statutes, \$8,364 is from the auto dealers license fund created in
25 section 12-6-123 (1), Colorado Revised Statutes, \$12,883 is from the
26 Colorado state titling and registration account of the highway users tax
27 fund, created in section 42-1-211 (2), Colorado Revised Statutes, \$9,732

1 is from the driver's license administrative revocation account of the
2 highway users tax fund created in section 42-2-132 (4) (b) (I) (A),
3 Colorado Revised Statutes, \$1,594 is from the first time drunk driving
4 offender account of the highway users tax fund created in section
5 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, \$430 is from the
6 highway users tax fund exempt from the statutory limit pursuant to
7 section 42-4-201 (3) (a) (V), Colorado Revised Statutes, \$22,853 is from
8 the licensing services cash fund created in section 42-2-114.5 (1),
9 Colorado Revised Statutes, \$6,095 is from the liquor enforcement
10 division and state licensing authority cash fund created in section
11 24-35-401, Colorado Revised Statutes, \$5,658 is from the limited gaming
12 fund created in section 12-47.1-701 (1), Colorado Revised Statutes,
13 \$16,207 is from the medical marijuana license cash fund created in
14 section 12-43.3-501 (1), Colorado Revised Statutes, \$319 is from the
15 motorist insurance identification account of the highway users tax fund
16 created in section 42-3-304 (18) (d) (I), Colorado Revised Statutes,
17 \$2,788 is from the racing cash fund created in section 12-60-205 (1),
18 Colorado Revised Statutes, and \$7,640 is from the state lottery fund
19 created in section 24-35-210 (1), Colorado Revised Statutes.

20 (d) The reappropriated funds appropriation to the executive
21 director's office is increased by \$24,700. Of said sum, \$16,563 is from
22 moneys appropriated from the state lottery division in subsection (p) of
23 this section and \$8,137 is from moneys appropriated from the
24 enforcement business group, limited gaming division in subsection (o) of
25 this section.

26 (e) The general fund appropriation to the central department
27 operations division is increased by \$75,927.

1 (f) The cash funds appropriation to the central department
2 operations division is decreased by \$136,659. Said sum is from the
3 highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
4 Colorado Revised Statutes.

5 (g) The cash funds appropriation to the central department
6 operations division is increased by \$34,921. Of said sum, \$1,972 is from
7 the AIR account of the highway users tax fund created in section
8 42-3-304 (18) (c), Colorado Revised Statutes, \$3,039 is from the auto
9 dealers license fund created in section 12-6-123 (1), Colorado Revised
10 Statutes, \$4,582 is from the Colorado state titling and registration account
11 of the highway users tax fund, created in section 42-1-211 (2), Colorado
12 Revised Statutes, \$3,733 is from the driver's license administrative
13 revocation account of the highway users tax fund created in section
14 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes, \$580 is from the first
15 time drunk driving offender account of the highway users tax fund
16 created in section 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes,
17 \$174 is from the highway users tax fund exempt from the statutory limit
18 pursuant to section 42-4-201 (3) (a) (V), Colorado Revised Statutes,
19 \$11,646 is from the licensing services cash fund created in section
20 42-2-114.5 (1), Colorado Revised Statutes, \$2,262 is from the liquor
21 enforcement division and state licensing authority cash fund created in
22 section 24-35-401, Colorado Revised Statutes, \$5,808 is from the
23 medical marijuana license cash fund created in section 12-43.3-501 (1),
24 Colorado Revised Statutes, \$116 is from the motorist insurance
25 identification account of the highway users tax fund created in section
26 42-3-304 (18) (d) (I), Colorado Revised Statutes, and \$1,009 is from the
27 racing cash fund created in section 12-60-205 (1), Colorado Revised

1 Statutes.

2 (h) The reappropriated funds appropriation to the central
3 department operations division is increased by \$11,373. Said sum is from
4 moneys appropriated to the enforcement business group, limited gaming
5 division in subsection (o) of this section.

6 (i) The general fund appropriation to the division of motor
7 vehicles, administration, is increased by \$20,124.

8 (j) The cash funds appropriation to the division of motor vehicles,
9 administration, is decreased by \$207,087 and 2.5 FTE. Said sum is from
10 the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),
11 Colorado Revised Statutes.

12 (k) The cash funds appropriation to the division of motor
13 vehicles, administration, is increased by \$35,461. Of said sum, \$3,177 is
14 from the AIR account of the highway users tax fund created in section
15 42-3-304 (18) (c), Colorado Revised Statutes, \$8,764 is from the
16 Colorado state titling and registration account of the highway users tax
17 fund, created in section 42-1-211 (2), Colorado Revised Statutes, \$1,336
18 is from the driver's license administrative revocation account of the
19 highway users tax fund created in section 42-2-132 (4) (b) (I) (A),
20 Colorado Revised Statutes, \$1,215 is from the first time drunk driving
21 offender account of the highway users tax fund created in section
22 42-2-132 (4) (b) (II) (A), Colorado Revised Statutes, \$20,726 is from the
23 licensing services cash fund created in section 42-2-114.5 (1), Colorado
24 Revised Statutes, and \$243 is from the motorist insurance identification
25 account of the highway users tax fund created in section 42-3-304 (18)
26 (d) (I), Colorado Revised Statutes.

27 (l) The general fund appropriation to the division of motor

1 vehicles, driver and vehicle services, is increased by \$597,101 and 10.0
2 FTE, for the commercial driver's license and international registry
3 programs.

4 (m) The cash funds appropriation to the motor carrier services
5 division is decreased by \$7,470,440 and 117.8. Of said sum, \$7,260,230
6 is from the highway users tax fund pursuant to section 43-4-201 (3) (a)
7 (III) (C), Colorado Revised Statutes, and \$210,210 is from the hazardous
8 materials safety fund created in section 42-20-107 (1), Colorado Revised
9 Statutes.

10 (n) The general fund appropriation to the motor carrier services
11 division is decreased by \$597,101 and 10.0 FTE, for the commercial
12 driver's license and international registry programs.

13 (o) The cash funds appropriation to the enforcement business
14 group, limited gaming division, is increased by \$19,510. Said sum is from
15 the limited gaming fund created in section 12-47.1-701 (1), Colorado
16 Revised Statutes.

17 (p) The cash funds appropriation to the state lottery division is
18 increased by \$16,563. Said sum is from the state lottery fund created in
19 section 24-35-210 (1), Colorado Revised Statutes.

20 (4) For the implementation of this act, capital construction
21 appropriations made in the annual general appropriation act to the
22 department of revenue for the fiscal year beginning July 1, 2012, are
23 decreased by \$2,263,218 for the fort morgan eastbound scale pit
24 replacement, the fort collins parking lot repair, the monument southbound
25 building replacement, and the monument northbound scale pit
26 replacement related to the implementation of this act. Said sum is from
27 the highway users tax fund pursuant to section 43-4-201 (3) (a) (III) (C),

1 Colorado Revised Statutes.

2 **SECTION 29. Effective date.** This act takes effect July 1, 2012;
3 except that section 26 of this act takes effect upon passage.

4 **SECTION 30. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.