

Basis: The statutory basis for the regulations is Title 42, Article 4 and 8, C.R.S. The regulation series numbers reflect the article numbers of Title 42.

Purpose: The purpose of the rules and regulations is as follows:

- (1) Repeal all regulations currently in effect for the Motor Carrier Services Division of the Colorado Department of Revenue.
- (2) Reimplement rules and regulations for the Motor Carrier Services Division of the Colorado Department of Revenue pursuant to Title 42, Articles 4 and 8, C.R.S.
- (3) Update the rules to include the new name for the Motor Carrier Services division, accommodate statutory citation revisions and changes, remove obsolete ton mile taxation protocol, and utilize gender neutral text.
- (4) Consistent with modern statutory requirements, additions to the rules address the Chief of the Motor Carrier Services Division authority to delegate duties, clarify single and tandem axle configuration and use protocol, with a one year phase in variance, law enforcement detainer request requirements, and special revocable permit issuance, sanction, and regulation.

The authority to issue the rules and regulations is granted to the Executive Director of the Colorado Department of Revenue under 42-1-204 and subsection (1) of 42-8-104, C.R.S.

REGULATION SERIES 100 DEFINITIONS

Regulation 101 (a) Tandem Axle Two or more consecutive axles, the centers of which may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle, all of which are in contact with the ground. If only one of a set of multiple axles is in contact with the ground, the configuration is not a tandem axle until it is actually used as such.

(b) Tandem Axle Weight The total weight transmitted to the road by two or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.

REGULATION SERIES 200 Reserved

REGULATION SERIES 300 Reserved

REGULATION SERIES 400 REGULATION OF VEHICLES

Regulation 401 Drawbar Length

Regulation 401.1 A truck towing a trailer by means of a drawbar or other connection is subject to the fifteen-foot length restriction only if the overall length of the combination exceeds fifty-five feet.

Regulation 401.2 Drawbar or tongue lengths on trailers, where the drawbar or tongue is of rigid construction and part of the frame of the trailer, are to be measured as follows. The measurement will be taken from the rearmost point of the power unit's cargo box to the frontmost point of the trailer's cargo box.

Regulation 401.3 Drawbar or tongue lengths on trailers, where the drawbar or tongue is hinged, are to be measured as follows. The measurement will be taken from the rearmost point of

the power unit's cargo box to the frontmost point of the hinge.

Regulation 401.4 A tool or accessory box welded to or carried on the drawbar or tongue does not factor into the calculation of drawbar or tongue length, due to the fact that a tool or accessory box is not designed to carry cargo.

Regulation 401.5 (a) The provisions of regulations 401.1 thru 401.3 are to become effective on the first day of July, 1997. A variance to this regulation may be granted by the Chief of the Ports of Entry Section, Motor Carrier Services Division, Colorado Department of Revenue. All variance requests must be submitted in writing to the Chief of the Ports of Entry Section, not later than the first day of June, 1997. Requests for variances, at the minimum, must include:

- (1) Company name and D.B.A., if any.
 - (2) Address of principal business location
 - (3) Federal Employer Identification Number (FEIN) Social Security Number (SSN) or other foreign identification number of the owner.
 - (4) A detailed explanation of why it would be an undue hardship for a company to bring its equipment into compliance with this regulation by the first day of July, 1997.
 - (5) A detailed schedule of when these pieces of equipment are to be brought into compliance with this regulation.
 - (6) Vehicle Identification Numbers of all pieces of equipment for which the variance is sought.
- (b) Variances, if granted, will be valid for a maximum of twelve months and must be carried in the cab of the towing vehicle. All variances, granted by the Chief of the Ports of Entry Section, will expire not later than 12:01 AM, July 1, 1998.

Regulation 401.6 Operators of pole trailers, primarily designed for the transportation of cargo, which have a flexible design and are operated without cargo, must reduce the connection between vehicles to fifteen feet or less if the overall length of the vehicle combination exceeds fifty-five feet.

Regulation 402 Wheel and Axle Loads

Regulation 402.1 (a) 42-4-507(3)(a) C.R.S. applies to vehicles using a single axle configuration. Vehicles equipped with a self compactor and used solely for the transporting of trash are not afforded the relief found in 42-4-507(3)(a) C.R.S. if they are equipped with a tandem axle configuration but not using the tandem axle configuration. Vehicles equipped with but not using a tandem axle configuration will be governed by the axle weight limitations provided in 42-4-507(2)(b).

- (b) Vehicles equipped with a self compactor and used solely for the transporting of trash that are equipped with and using a tandem axle must comply with 42-4-507(2)(c) C.R.S.

REGULATION SERIES 500 Reserved

REGULATION SERIES 600 Reserved

REGULATION SERIES 700 Reserved

REGULATION SERIES 800 PORT ADMINISTRATION AND OPERATIONS

Regulation 801 The Director of the Motor Carrier Services Division may delegate in writing, any responsibility, held by the position of the Director, to any employee of the division.

Regulation 802 Mobile Ports of Entry

Regulation 802.1 Mobile ports of entry weigh stations may be operated at any appropriate location on any road or highway of this state by officers of the Ports of Entry Section, Motor Carrier Services Division, of the Department of Revenue. Mobile port of entry weigh stations shall be posted so as to inform owners and operators of vehicles subject to the provisions of Article 8, of Title 42, C.R.S., of the necessity of stopping to procure a clearance certificate at said mobile weigh stations.

Regulation 802.2 Mobile ports of entry weigh stations do not constitute permanent ports of entry weigh stations.

Regulation 803 Detaining Vehicles and Operators

Regulation 803.1 (a) Ports of entry officers are duly appointed peace officers and representatives of the State of Colorado. They may restrain and detain persons or vehicles and impound any motor vehicle on the lawful request from any division of the Department of Revenue or any other law enforcement agency recognized by this state.

(b) At the minimum, sufficient information must be given by the requesting agency, that can be readily used to identify the person or vehicle to be restrained, detained or impounded and a reasonable basis by rule of law for the detention or impoundment.

(c) Information supplied for the detention or impoundment of a person or vehicle may be verbal or in writing and must include:

- (1) The name of the agency requesting the detention or impoundment.
- (2) The name of the agency official requesting the detention or impoundment.
- (3) The rule of law that is being violated.
- (4) The maximum time that a vehicle or operator is to be detained.

Regulation 803.2 (a) Motor vehicles detained or impounded by Ports of Entry officers at the request of the Department of Revenue, may be released promptly upon payment of taxes and fees due or the making of a deposit sufficient to pay the same in full, after proper computations and adjustments have been made.

(b) The cargo of any impounded vehicle may be transferred to any properly licensed and qualified motor vehicle and be permitted to proceed.

Regulation 804 Duty to Stop And Weigh

Regulation 804.1 For the purposes of administering subsection (3) of 42-8-105, C.R.S., "the route which would normally be traveled from the point of departure to the point of destination" is deemed to be the route which a reasonably prudent professional truck driver would take from the same points of departure and destination. If the owner or

operator has not secured a previous clearance, or a revocable permit under subsection (4) of 42-8-105, C.R.S., the vehicle operator must seek out the first permanent port of entry weigh station located within five road miles of the above described route before proceeding to the point of destination, or prior to removing the load from the vehicle.

An owner or operator will not be considered in violation of this section unless the owner or operator has failed to seek out a permanent port of entry weigh station which is located within five road miles of the route which the owner or operator would normally follow. In the event an owner or operator travels a route that does not come within five road miles of a permanent port of entry, the requirement to seek out and obtain clearance is rescinded for that trip.

[Regulation 804.2](#) Subsection (3) of 42-8-105, C.R.S., requires that every owner or operator of a motor vehicle must stop at every port of entry weigh station located directly on the route of travel, notwithstanding the fact that the owner or operator has secured a previous clearance or has obtained a special revocable permit, as provided in subsection (4) of 42-8-105, C.R.S.

[Regulation 805](#) Special Revocable Permits

[Regulation 805.1](#) Subsection(4) of 42-8-105, C.R.S. provides for the issuance of special revocable permits under certain circumstances. The owner or operator must operate over a regularly scheduled, specific and exactly defined route. The route must originate in or service enterprises in the five road mile radius of the affected permanent port of entry weigh station. The Motor Carrier Services Division shall have the right and discretion to assign special conditions upon the issuance or use of a special revocable permit whenever it deems such conditions to be necessary or advisable.

[Regulation 805.2](#) The special revocable permit is to be issued by the Motor Carrier Services Division upon the recommendation and with the approval of the Director of the Motor Carrier Services Division or designee.

[Regulation 805.3](#) Application for special revocable permits shall be made on Department of Revenue forms and shall include the following:

- (a) Full name, address, and signature of the applicant.
- (b) The number of vehicles the applicant intends to operate under the special revocable permit.
- (c) The point of departure, the point of destination, and a complete description of the route, including the directions of travel and the highways to be traveled under the special revocable permit, and the port of entry weigh station located within five road miles of the specific route to be traveled.
- (d) Copies of the following, where applicable:
 - (1) Property Carrier Registration permit issued by the Colorado Public Utilities Commission
 - (2) The applicant's Single State Registration Receipt
 - (3) Valid vehicle registrations of vehicles that will be operating under the special revocable permit.

[Regulation 805.4](#) Each such permit shall contain the name of the holder, a description of the

route to be traveled within the purview of the permit, and brief instructions concerning the authority and use of the permit, and the name of the permanent port of entry weigh station located within five road miles of the route traveled. The Motor Carrier Services Division will furnish each revocable permit holder with a sufficient number of copies of the permit in accordance with the number of vehicles which such holder indicates will be operated under the authority of the permit over the prescribed route.

Regulation 805.5 The permit must be carried at all times in any authorized vehicle operated over the approved route and upon demand it must be submitted for inspection by the Colorado state patrol, port of entry personnel, and other state and local law enforcement officers. The permit is not transferable and copies are not to be made. Issuance of the permit does not affect the right of any lawful authority to stop a vehicle and check for operating credentials, oversize, overweight, or violation of the motor vehicle laws.

Regulation 805.6 If the approved route is altered or discontinued, the special revocable permit is automatically revoked, and must be returned to the Motor Carrier Services Division, along with all duplicates within ten days. The issuance of a revocable permit is based in the Department of Revenue's trust of the holder of the permit to comport transportation operations in compliance with the law. Accordingly, permits may be denied or revoked by the department if:

- (a) The holder or applicant fails to pay taxes or registration fees when due.
- (b) The holder or applicant is subject to the payment of recurrent distraint penalties as provided in subsection (7) of 39-21-114, C.R.S.,
- (c) The department finds that the holder or applicant is utilizing or will utilize the permit for the purpose of evading any law.
- (d) The department finds that such holder or applicant does not qualify for or has violated the conditions of the special revocable permit.
- (e) The applicant has been convicted of a violation of either subsection (3) of 42-4-509, C.R.S., or subsection (1) of 42-8-105 through subsection (3) of 42-8-105, C.R.S., within a twenty-four month period prior to the application for the special revocable permit.
- (f) The holder has been convicted of a violation of either subsection (3) of 42-4-509, C.R.S., or subsection (1) of 42-8-105 through subsection (3) of 42-8-105, C.R.S., while conducting operations under the special revocable permit.
- (g) The holder or applicant misuses, or uses in a fraudulent manner, any valid or invalid permit or license.

Regulation 805.7 The holder of a Special Revocable Permit who is found in violation of the provisions of Regulation 805.6 will be subject to the suspension and cancellation of the Special Revocable Permit. The holder will be afforded the opportunity to petition the Motor Carrier Services Division to conduct a Show Cause hearing within 20 days of the mailing date of the suspension notice. The holder at the time of the hearing may submit documents, written or oral testimony and witnesses to support the holders position that the Special Revocable Permit should remain in effect. The hearing will be conducted in accordance with the provisions of 24-4-105 C.R.S. In the event the holder remains silent, the Special Revocable Permit will be canceled on the 20th day following the date of mailing of the notice of suspension.

Regulation 806 Distinct Marking Requirements

Regulation 806.1 (a) For the purposes of administering subsection(6) of 42-8-105, C.R.S., the distinct marking shall consist of highly visible alpha and numeric characters, which are to be at the minimum 2 inches in height and of a color that contrasts with the color of the vehicle cab. These alpha and numeric characters are to be affixed to the right side of the cab of each truck tractor and each truck that is subject to the payment of registration fees under the provisions of subsection(13)(b) of 42-3-134, C.R.S., and vehicles having a manufacturers gross weight rating or gross combination weight rating of twenty-six thousand one pounds or more.

(b) The marking shall consist of either: (1) alpha and numeric characters to be comprised of not more than the last eight alpha or numeric characters of the vehicle identification number; or (2) a departmentally assigned alpha indicator combined with a vehicle unit number of not less than three digits nor more than six digits.

(c) Vehicles that are not subject to the clearance requirements of 42-8-105 C.R.S., or operating on a "72 hour Laden Weight Permit", are excluded from the provisions of this regulation.

Regulation 806.2 (a) Upon application to the division, an alpha indicator will be assigned and such indicator shall be affixed in a location immediately in front of or above the vehicle unit number. An operator seeking the issuance of an alpha numeric designator must have and maintain a minimum one hundred power units under it's control at the time of application and during normal operations.

(b) The alpha numeric characters shall be affixed to the right side of the vehicle cab in contrasting colors of a size at the minimum of 2 inches in height and easily readable from a distance of fifty feet while the vehicle is at rest.

SPECIAL MOBILE MACHINERY PRO-RATED SPECIFIC OWNERSHIP TAX

Statutory Basis:

The statutory basis of these rules is section 42-3-107(16.5), C.R.S.

Purpose:

The purpose of these rules is to provide a procedure by which owners of special mobile machinery (SMM) may pay a pro-rated specific ownership tax in lieu of payment of the annual specific ownership tax in accordance with section 42-3-107(15), C.R.S.

REGULATION SERIES 900

Regulation 901 Eligibility

To be eligible for prorated specific ownership tax an owner shall have entered into a written contract to perform a service requiring use of the SMM for which specific ownership tax under section 42-3-107(15), C.R.S. is required. For purposes of this rule, SMM is defined in section 42-1-102(54), C.R.S., and shall include load transference devices. Such device(s) shall be permanently attached to the rear of another vehicle. No such vehicle shall carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles. Such vehicle shall not be capable of hauling any portion of a load upon itself but shall be designed and utilized for transference of a portion of the total gross weight of another vehicle/load onto itself.

Regulation 902 Validation Requirement

Equipment owners shall provide sufficient documentation to substantiate the validity of the written contract. Documentation shall include:

- Identification of the scope of work to be completed
- The estimated time frame of the project
- The location of the project
- Date of agreement
- Signature of an authorized agent of both parties.
- Description and model and serial number of the equipment to be used

Or,

Proof that such owner is an established business in Colorado, as shown by registration with secretary of state or the department of revenue as required by law.

Regulation 903 Open to Inspection

The above documentation shall be open to inspection by any peace officer upon request.

Regulation 904 Temporary Travel Permit Issued In Lieu Of Documentation

In lieu of the above documentation, a temporary travel permit issued by the Colorado port of entry will substantiate the carrier's compliance with the validation requirement above. Temporary travel permits shall be issued in accordance with Colorado port of entry policy.

Regulation 905 Non-Colorado Based SMM

For the purpose of this section "arrival" shall be defined as:

1. The first Colorado port of entry weigh station located within five road miles of the route that the owner or operator would normally follow from the point of departure to the point of destination

Or,

2. Upon arrival at the site where the contractual work is to be completed if no Colorado port of entry has been encountered while traveling to the job site.

An owner of SMM that is not registered in Colorado shall submit an application for prorated specific ownership tax upon arrival in Colorado.

The owner shall, upon arriving at the first port of entry in Colorado along the route to be traveled either:

1. Apply and register the SMM at the port of entry, or
2. If the owner chooses to register the SMM at a location other than the first port of entry along the route, the first port of entry will issue a temporary travel permit. The owner must register the SMM before operation.

Regulation 906 Colorado registered SMM equipment used outside Colorado in previous registration period

In addition to information required by all other applicants, the prorated application of the Colorado registered SMM shall include acceptable company documentation of the duration the SMM was used outside Colorado during the past registration year.

An owner of Colorado registered SMM equipment that was used outside Colorado during the previous registration period may apply for an apportioned registration credit when renewing registration for the current registration year. In no event shall the owner be entitled to a refund of the difference between the specific ownership tax and the credit if the credit is more than the specific ownership tax due for the current registration year.

Regulation 907 Apportionment in Increments of Full Calendar Months

Apportioned mobile machinery registration shall be accomplished in increments of full calendar months

Regulation 908 Adjustment Period

An owner may request to have the prorated specific ownership tax assessment period adjusted for between two and eleven months at the time of the initial application. Extension(s) shall not be issued without proof of a contract extension.