

DEPARTMENT OF PUBLIC SAFETY

RULES AND REGULATIONS

CONCERNING

THE USE OF SURGE BRAKES

8 CCR 1507-18

STATEMENT OF BASIS, STATUTORY AUTHORITY AND PURPOSE

Pursuant to §42-4-223(2.5), CRS, the Executive Director of the Colorado Department of Public Safety is specifically authorized to adopt rules regulating the use of surge brakes in the State of Colorado.

These rules are being amended to reflect changes in formatting and to correct or updates references to the Code of Federal Regulations, Colorado Revised Statutes and custodial location for these rules. These rules are also being amended to include additional definitions to more clearly communicate their applicability. The brake criteria of these rules remain unchanged.

It has been declared by the General Assembly that the safe use and operation of surge brakes on public roads is an important issue of statewide concern. The absence of rules implemented to carry out the purpose of the aforementioned statute would be contrary to public safety and welfare and therefore the public interest. For these reasons, it is necessary that these rules on the use of surge brakes be adopted.

Stan Hilkey
Executive Director

Date of Adoption

AUTHORITY TO ADOPT RULES RELATING TO THE USE OF SURGE BRAKES

The Colorado Department of Public Safety is **SPECIFICALLY** authorized by ~~the provisions of §42-4-223(2.5), CRS,~~ to adopt rules **REGULATING** ~~relating to~~ the use of surge brakes on trailers in Colorado.

I. APPLICABILITY

- A. These rules shall apply to any ~~individual who operates~~ **PERSON OPERATING** a trailer equipped with surge brakes **WITHIN THE STATE OF COLORADO WITH THE EXCEPTION OF** ~~except as follow:~~
 - 1. Commercial vehicles **OPERATING IN INTERSTATE COMMERCE MEETING THE DEFINITION OF A COMMERCIAL VEHICLE UNDER 49 CFR ;** ~~involved in interstate commerce, as defined in Title 49, Part 390.5.~~
 - i. **COMMERCIAL VEHICLES OPERATING INTERSTATE** ~~Code of Federal Regulations (CFR),~~ are subject to the brake regulations **in OF 49 CFR 393.40 THROUGH 393.55.;** ~~Part 393, Subpart C.~~
 - 2. Commercial vehicles **AS DEFINED IN §42-4-235(1)(a), CRS, OPERATING;** ~~involved in intrastate commerce, as defined in §42-4-235(1)(a),~~ are subject to the **SURGE BRAKE REQUIREMENTS OF** ~~rules 8 CCR 1507-1 adopted pursuant to §42-4-235(4), CRS.~~
 - 3. Trailers ~~not required to be equipped with~~ **EXCEPTED FROM BEING EQUIPPED WITH** brakes pursuant to **BY** §42-4-223(1)(d), CRS.

II. DEFINITIONS

- A. **UNLESS OTHERWISE SPECIFIED, THE FOLLOWING DEFINITIONS APPLY TO THESE RULES.**
 - 1. **SURGE BRAKE: AS DEFINED BY §42-1-102 (102.5), CRS, A SYSTEM WHEREBY THE BRAKES OF A TRAILER ARE ACTUATED AS A RESULT OF THE FORWARD PRESSURE OF THE TRAILER AGAINST THE TOW VEHICLE DURING DECELERATION.**
 - 2. **TRAILER: AS IDENTIFIED BY §42-1-102(105), CRS, A TRAILER SHALL BE ANY WHEELED VEHICLE, WITHOUT MOTIVE POWER, DESIGNED TO BE DRAWN BY A MOTOR VEHICLE AND CARRYING ITS OWN CARGO LOAD WHOLLY UPON ITS OWN STRUCTURE AND USED TO CARRY AND TRANSPORT PROPERTY OVER PUBLIC HIGHWAYS. AS USED WITHIN THESE RULES:**
 - i. **“TRAILER” SHALL ALSO INCLUDE:**
 - a. **CAMPER TRAILER AS DEFINED BY §42-1-102(14), CRS;**
 - b. **MULTI-PURPOSE TRAILER AS DEFINED BY §42-1-102(60.3), CRS;**
 - c. **SEMITRAILER AS DEFINED BY §42-1-102(89), CRS; AND**
 - d. **TRAILER COACH AS DEFINED BY §42-1-102(14), CRS.**
 - ii. **“TRAILER” SHALL NOT INCLUDE:**
 - a. **UTILITY TRAILER AS DEFINED IN §42-1-102(111), CRS.**

~~B. Trailer for purposes of these rules, the term "trailer" shall also include "semi trailer," "utility trailer," "camper trailer," and "trailer coach" as defined in §42-1-102, CRS.~~

III. RULES

- A. Surge brakes may be used on trailers provided they meet all of the following criteria:
1. The Gross Vehicle Weight Rating (GVWR) of the trailer does not exceed 10,000 pounds.
 2. The actual gross weight of the trailer does not exceed the GVWR.
 3. The GVWR of the trailer(s) cannot exceed 1 ½ times the GVWR of the towing vehicle.
 4. **EXCEPT AS EXEMPTED WITHIN §42-4-223 (1)(C), CRS, BTRAILER** brakes must be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.
 5. Brakes must apply to all wheel**S** of the trailer.
 6. ~~Performance ability~~ **AS REQUIRED BY §42-4-223(2), CRS,** the **SERVICE** brakes on the vehicle combination shall be adequate to stop such vehicle when traveling ~~twenty~~ **20** miles per hour within a distance of ~~forty~~ **40** feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one **(1)** percent.
 - a) The braking distance specified shall apply whether such vehicle is not loaded or loaded to its maximum capacity.
 - b) All surge brake systems shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

IV. **MISCELLANEOUS**

- A. ALL COMMUNICATION REGARDING THESE RULES AND/OR THEIR APPLICABILITY SHOULD BE ADDRESSED TO:**

**COLORADO STATE PATROL
MOTOR CARRIER SAFETY SECTION
15075 S. GOLDEN RD.
GOLDEN CO. 80401**

- B. All publications and rules adopted and incorporated by reference in these regulations are on file and available for public inspection by contacting the officer in charge of the **COLORADO STATE PATROL** Motor Carrier Safety Section, ~~Colorado Department of Public Safety, Division of State Patrol, 710 Kipling Street, Suite 309, Denver, Colorado~~ **15075 S. GOLDEN RD., CO., 80401. MATERIALS INCORPORATED BY REFERENCE MAY BE EXAMINED BY ANY STATE PUBLICATION DEPOSITORY LIBRARY. THIS RULE DOES NOT INCLUDE LATER AMENDMENTS TO OR ADDITIONS OF ANY MATERIALS INCORPORATED BY****

REFERENCE. ~~To the extent that any material is incorporated by reference herein, it may be examined at any publication library. This rule does not include later amendments to or additions of any materials incorporated by reference.~~