

**Summary of Proposed Changes
Rules and Regulations Concerning
Minimum Standards for the Operation of Commercial Vehicles**

Purpose:

This document is developed as a companion to assist in the reading and understanding changes proposed to 8 CCR 1507-1, the Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles. Changes proposed in the redlined rules filed with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies are discussed in the order they appear in the redlined document. Changes are identified by section with a description of the change proposed. Included with each change is an explanation for the change.

Accessibility Editing Note:

The redlined rules include formatting updates and minor edits not affecting the content or interpretation of 8 CCR 1507-1 necessary to comply with the document accessibility standards required by Section 24-34-802, CRS. Changes to these rules to comply with the accessibility standards include changing capitalized text to mixed-case or lower-case text, removing underlined text, increasing font size, exchanging symbols for words throughout the document, enabling hyperlinked text associated with website addresses, and adjustments to the physical paragraph structure of the document to more effectively support bookmarking for electronic reading software.

The Colorado State Patrol Motor Carrier Safety Section is committed to supporting effective communication and access to these rules by all members of the public. If you experience difficulty with or are unable to use this document, please go to <https://publicsafety.colorado.gov/accessibility-interpretation-and-translation-support> or contact the Colorado State Patrol Motor Carrier Safety Section at (303)-273-1875 for assistance.

Page 1: Table of Contents:

The Table of Contents is a new addition and appears in red text. The Table of Contents outlines these rules by section and supports efficient document navigation. Although not required, including a Table of Contents in longer documents is a best practice supported by the state accessibility rules and Section 24-34-802, CRS. The Table of Contents is beneficial to all readers viewing the rules electronically but is especially helpful for those members of the public viewing the document using e-reading programs.

Page 3: MCS 2- grammar correction:

The grammar is corrected in MCS 2, exchanging the word “who” with “that” and eliminating the unnecessary phrase “they are” so that the resulting sentence reads, “These rules and regulations apply to individuals, corporations, Colorado government or governmental subdivisions or agencies, or other legal entities **that** operate commercial vehicles as ~~they are~~ defined in ~~§~~**Section 42-4-235 (1) (a), CRS,**” instead of “These rules and regulations apply to

individuals, corporations, Colorado government or governmental subdivisions or agencies, or other legal entities who operate commercial vehicles as ~~they are~~ defined in ~~§~~**Section 42-4-235 (1) (a), CRS.**"

Page 3: MCS 3- removal of unnecessary phrase:

The word "found" is removed from the second sentence of MCS 3 because it is unnecessary and does not add value to the communication. As updated, the sentence reads, "Definitions relevant to these rules are in Title 49 of the Code of Federal Regulations," instead of "Definitions relevant to these rules are found in Title 49 of the Code of Federal Regulations."

Page 4, Subpart MCS 3.1, punctuation correction:

Subpart MCS 3.1, the definition of Action, is updated to correct for a missing comma after the word "relief" and before the words "or the equivalent thereof." As updated, Subpart MCS 3.1 reads, "**Action:** Consistent with **Section 24-4-102 (1), CRS,** and as used within these rules, an action includes the whole or any part of any agency rule, order, interlocutory order, license, sanction, relief, or the equivalent or the denial thereof, or failure to act," instead of "**Action:** Consistent with **Section 24-4-102 (1), CRS,** and as used within these rules, an action includes the whole or any part of any agency rule, order, interlocutory order, license, sanction, relief or the equivalent or the denial thereof, or failure to act."

Page 4, Subpart MCS 3.3, new definition- Authorized Enforcement Official:

Authorized Enforcement Official is a new definition proposed to be included in this version of the rules and appears in red text. Alphabetically, this new definition fits in after "Aggrieved," which appears in the rules as Subpart MCS 3.2 and before CDL, which was formerly assigned to Subpart MCS 3.3 and is pushed forward to Subpart MCS 3.4 as a result of the insertion of this new definition. As proposed, this definition reads, "**Authorized Enforcement Official: Enforcement Officials, as defined within these rules, who are also certified to complete commercial vehicle inspections under Section 42-4-235 (4) (a), CRS, are authorized to perform commercial vehicle inspections consistent with their certification level. Level I CVSA-certified Colorado State Patrol Troopers assigned to the Motor Carrier Safety Section are the only Colorado law enforcement officials authorized to perform Compliance Reviews on and to assign Safety Ratings for commercial motor carrier operators or drivers.**" This definition is proposed to clarify and identify which law enforcement officials are authorized to complete commercial vehicle inspections and/or compliance reviews and the criteria that officers must satisfy.

Pages 4 – 7, Subparts MCS 3.3 through MCS 3.39- renumbering of subparts as a result of the insertion of "Authorized Enforcement Official":

To preserve the alphabetical nature of the definitions in the rules, the new definition of "Authorized Enforcement Official" must be inserted as existing subpart MCS 3.3, and "CDL" must be renumbered as subpart MCS 3.4. All other definitions throughout MCS 3 must be renumbered one subpart forward, adding new subpart 3.39 for "USDOT Number," previously

numbered as subpart 3.38. All of the renumbered subparts are for definitions previously existing in these rules.

Page 5, Subpart MCS 3.14, deletion of the unnecessary phrase:

The phrase “in place” is deleted as unnecessary and potentially confusing. As revised, the definition reads, **“Conditional Safety Fitness Rating: Indicates that a motor carrier does not have adequate safety management controls to ensure compliance with the safety fitness standards that could result in the occurrences listed in 49 CFR 385.5,”** instead of “Conditional Safety Fitness Rating: Indicates that a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standards that could result in the occurrences listed in 49 CFR 385.5.”

Page 5, Subpart MCS 3.20, deletion of the unnecessary phrase:

The phrase “it is” is deleted as unnecessary. As revised, the definition reads, **“Enforcement Official: The definition of an Enforcement Official will be as defined by Sections 16-2.5-101, 16-2.5-114, 16-2.5-115, and 16-2.5-143, and as outlined in Section 42-20-103 (2), CRS,”** instead of “Enforcement Official: The definition of an Enforcement Official will be as it is defined by Sections 16-2.5-101, 16-2.5-114, 16-2.5-115, and 16-2.5-143, and as outlined in Section 42-20-103 (2), CRS.”

Page 6, Subpart MCS 3.29, deletion of the unnecessary phrase:

The phrase “it is” is deleted as unnecessary. As proposed, the definition reads, **“Motor Carrier: The definition of a motor carrier will be as outlined in Section 42-4-235 (1) (c), CRS,”** instead of “Motor Carrier: The definition of a motor carrier will be as it is outlined in Section 42-4-235 (1) (c), CRS.”

Pages 6 – 7, Subpart MCS 3.34. addition of comma to the second sentence:

A comma is added to the second sentence after “including civil penalties.” As updated, the second sentence reads, **“Sanction also applies to the imposition of any form of penalty or fine, including civil penalties, as they are assessed to be consistent with state statutes and these rules,”** instead of “Sanction also applies to the imposition of any form of penalty or fine, including civil penalties as they are assessed to be consistent with state statutes and these rules.”

Page 7, Subpart MCS 3.38, deletion of the unnecessary phrase:

The phrase “in place” is deleted as unnecessary and potentially confusing. As revised, the definition reads, **“Unsatisfactory Safety Fitness Rating: Indicates a motor carrier does not have adequate safety management controls to ensure compliance with the safety fitness standard, resulting in occurrences as listed in 49 CFR 385.5”** instead of “Unsatisfactory Safety Fitness Rating: Indicates a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard, resulting in occurrences as listed in 49 CFR 385.5.”

Page 7, Subpart MCS 3.39, new subpart MCS 3.39 and grammar correction:

Subpart MCS 3.39 is a new subpart for a preexisting definition, “USDOT Number.” The definition is corrected by removing the word “an” after “time of” and before “application submission.” As corrected, the definition reads, “**USDOT Number: The number assigned to a motor carrier by the FMCSA. The number can be for intrastate or interstate use, depending on the information provided by the motor carrier to the FMCSA at the time of application submission, the biannual update, or any other update to the motor carrier record,**” instead of “USDOT Number: The number assigned to a motor carrier by the FMCSA. The number can be for intrastate or interstate use, depending on the information provided by the motor carrier to the FMCSA at the time of an application submission, the biannual update, or any other update to the motor carrier record.”

Page 8, MCS 4, the addition of the word “all” to the sentence:

MCS 4 is edited to insert the word “all” after “will at” and before “times have” into the sentence where it appeared previously in the rules before last year’s adoptions. The word “all” was edited out of MCS 4 in error. As corrected, MCS 4 reads, “Authorized Enforcement Officials will at **all** times have the authority to inspect commercial vehicles, commercial vehicle drivers, cargo, and any required documents consistent with Part MCS 4 of these rules,” instead of “Authorized Enforcement Officials will at times have the authority to inspect commercial vehicles, commercial vehicle drivers, cargo, and any required documents consistent with Part MCS 4 of these rules.”

Page 8, Sub-subpart MCS 4.1.1, publication date update:

The CVSA Operations Manual is updated annually each April. The most current version of this manual will be published on April 1, 2025, and will be available at the same time these rules become effective. To ensure that these rules reference the CVSA Operations Manual's correct version, the publication year must be updated from 2024 to 2025. As revised, the end of MCS Sub-subpart 4.1.1. is amended to read “...effective April 1, **2025,**” instead of “...effective April 1, **2024.**”

Page 8, Subpart MCS 4.2, publication date update:

The Federal Motor Carrier Safety Regulations (FMCSRs), which appear as part of the Code of Federal Regulations (CFRs), are updated annually every October. The FMCSRs in effect presently at the time of this rulemaking were published October 1, 2024, and are the rules being referenced within this version of the rules. Consequently, it is necessary to update the year of publication appearing in these rules from 2023 to 2024. The end of the sentence for Subpart MCS 4.2. is updated to read, “...as revised October 1, **2024,**” instead of “...as revised October 1, **2023.**”

Page 8, Subpart MCS 4.3, publication date update:

As previously stated, the FMCSRs, which appear as part of the CFRs, are updated annually every October. The FMCSRs in effect presently at the time of this rulemaking were published October 1, 2024, and are the rules being referenced within this version of the rules. Consequently, it is

necessary to update the year of publication appearing in these rules from 2023 to 2024. The end of the sentence for Subpart MCS 4.3 is updated to read, "...revised October 1, **2024**," instead of "revised October 1, **2023**."

Page 8, Subpart MCS 5.1, publication date update:

The CVSA bylaws appear within the CVSA Operations Manual. As stated previously in MCS Sub-subpart 4.1.1, the CVSA Operations Manual referenced inclusive of the CVSA bylaws, inspector level, and methods of inspection guidelines, and the OOS criteria referenced by these rules are those as revised and effective April 1, 2025. To ensure the proper bylaws are referenced, the publication year in subpart MCS 5.1 must be updated from 2024 to 2025. The last part of the sentence in subpart MCS 5.1 is updated to read, "...as they are revised and effective April 1, **2025**," instead of "...as they are revised and effective April 1, **2024**."

Page 9, MCS 3, publication date update:

The FMCSRs, which appear as part of the CFRs, are updated annually every October. The FMCSRs in effect presently at the time of this rulemaking were published October 1, 2024, and are the rules being referenced within this version of the rules. Consequently, it is necessary to update the year of publication appearing in these rules from 2023 to 2024. Following the list of sections appearing in the middle of the paragraph, the sentence is updated in part to read, "of the FMCSA as the same were effective October 1, **2024**," instead of "of the FMCSA as the same were effective October 1, **2023**."

Page 10, MCS Sub-subpart 6.3.1, added a comma to the sentence:

A comma has been added to MCS Sub-subpart 6.3.1 to improve its readability. As revised, the sentence reads, "49 CFR 385.309 through 385.319 (a), hereafter referred to collectively as the Colorado Intrastate New Entrant Safety Assurance Program, applies to intrastate motor carriers who are beginning intrastate operations and are required to obtain an intrastate USDOT number from the FMCSA," instead of "49 CFR 385.309 through 385.319 (a), hereafter referred to collectively as the Colorado Intrastate New Entrant Safety Assurance Program applies to intrastate motor carriers who are beginning intrastate operations and are required to obtain an intrastate USDOT number from the FMCSA."

Page 10, MCS Sub-subpart 6.3.2., exchanged "at" for an unnecessary phrase:

MCS Sub-subpart 6.3.2. is updated to replace an unnecessary phrase with the word "at" to improve overall message delivery. Revised, the sentence reads, "Intrastate motor carriers can confirm if they need a USDOT number and complete an intrastate application online at <https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number>," instead of "Intrastate motor carriers can confirm if they need a USDOT number and complete an intrastate application only by going to <https://www.fmcsa.dot.gov/registration/do-i-need-usdot-number>."

Page 10, MCS Subpart 6.4, second sentence updated to improve readability:

The second sentence of MCS Subpart 6.4 is updated to improve message delivery and readability. As revised, the sentence reads, "**These** same provisions do not apply to commercial

vehicles operated by river outfitters regulated by the Colorado Department of Natural Resources, Division of Wildlife, under 2 CCR 405-3,” instead of “**Additionally, these** same provisions do not apply to commercial vehicles operated by river outfitters regulated by the Colorado Department of Natural Resources, Division of Wildlife, under 2 CCR 405-3.”

Page 11, MCS Sub-subpart 6.6.2, sentence updated to improve readability:

The sentence is updated to improve message delivery and readability. The phrase “through the addition of” is deleted, and “by adding” is suggested. As revised, the sentence reads, “The definition of an “emergency” is amended **by adding** the following: “A governmental agency has determined that a local emergency requires relief from the maximum driving time in 49 CFR 395.3 or 395.5,” instead of “The definition of an “emergency” is amended **by through the addition of** the following: “A governmental agency has determined that a local emergency requires relief from the maximum driving time in 49 CFR 395.3 or 395.5.”

Page 11, MCS Sub-subpart 6.7.1, sentence updated to improve readability:

The sentence is updated to improve message delivery and readability and to read in the present rather than past tense. As updated, the sentence reads, “**The FMCSA processes** USDOT numbers for intrastate motor carriers,” instead of “USDOT numbers for intrastate motor carriers **are processed by the FMCSA.**”

Page 12, MCS Subpart 6.10, grammar correction:

The grammar in MCS Subpart 6.10 is corrected, and the sentence is updated to read in part “...or local enforcement agencies **with** a signed MOU with the CSP and their authorized personnel” instead of “...or local agencies **who have** a signed MOU with the CSP and their authorized personnel.”

Page 12, MCS Sub-subpart 6.12.2, sentence updated to correct punctuation and improve readability:

The sentence is updated to correct punctuation and to improve readability and message delivery. The word “thereof” after the word “subdivision” is removed, and a comma is removed after the word “Colorado” in exchange for the insertion of the word “and” after the word “Colorado” and before the word “not.” The status of “political subdivision” in the sentence is also clarified through the insertion of “a” in front of “political subdivision.” As revised, the sentence reads, “Vehicles owned and operated by the federal government or state government or **a** political subdivision not domiciled in Colorado **and** not transporting hazardous materials of a type and quantity requiring the vehicle to be marked or placarded under 49 CFR 172.504,” instead of “Vehicles owned and operated by the federal government or state government or political subdivision **thereof** not domiciled in Colorado, not transporting hazardous materials of a type and quantity requiring the vehicle to be marked or placarded under 49 CFR 172.504.”

Page 13, MCS 7, Update of Title Part:

The part title has been updated to read **“Use and Carry of Traction Devices”** instead of **“Traction Devices are Required.”**

Page 13, MCS Subpart 7.1, New Subpart 7.1 “Drivers Must Carry Chains”:

This version of the rules includes a new subpart and subpart title: MCS 7.1. The title **“Drivers Must Carry Chains”** appears in red text.

Page 13, MCS Subpart 7.1 (inclusive of sub-subparts 7.1.1 through 7.1.7), legislative and statutory update revising existing rules:

During the 2024 Legislative Session, the Colorado Legislature passed SB 24-100, which amended 42-4-106, CRS, and Governor Polis signed it into law. This legislation updates the commercial vehicle chain law, extending its geographic and physical impact on commercial vehicle operations within Colorado. The rules must be updated to remain consistent with the statutory changes resulting from this legislation. The sentences that appeared as part of MCS 7 are now divided into MCS Sub-subparts 7.1 and 7.2, with the text of each sub-subpart including some of the language that made up the former MCS 7. Much of the text from former MCS 7 appearing in MCS Subpart 7.1 is superseded and marked as strike out for deletion.

As inserted, the new MCS Subpart 7.1 (inclusive of sub-subparts 7.1.1 through 7.1.7) reads, **“Drivers must carry chains consistent with Section 42-4-106 (5) (a) (I), CRS, when operating vehicles in commerce designed to carry 16 or more passengers (including the driver) or having a combined weight of 16,001 lbs. or more (except for mobile cranes) on the following public highways between September 1st and May 31st:**

7.1.1. I-70 West of milepost 259 in Morrison, Colorado.

7.1.2. Colorado Highway 9, from milepost 63 to milepost 97, between Frisco and Fairplay, Colorado.

7.1.3. US Route 40 West of milepost 259 in Empire, Colorado.

7.1.4. US Route 50 West of milepost 225 in Salida, Colorado.

7.1.5. US Route 160 West of milepost 250 in Morrison, Colorado.

7.1.6. US Route 550 between mileposts 0 and 130,

Instead of “Drivers operating a commercial vehicle as defined in CDOT Rule 2 CCR 601-14, except for mobile cranes, operating on Interstate 70 between mileposts 133 and 259 between September 1st and May 31st must carry tire chains consistent with the requirements detailed within Section 42-4-106 (5) (a) (I), CRS.”

Page 13, New Subpart MCS 7.2 “Use of Chains and Alternative Traction Devices”:

This version of the rules includes a new subpart and subpart title: MCS 7.2. The title **“Use of Chains and Alternative Traction Devices”** appears in red text.

Page 13, MCS Subpart 7.2, legislative and statutory update revising existing rules:

Again, in response to statutory changes prompted by SB 24-100, Subpart 7.2 updates the rules to remain consistent with the state statute concerning the use of chains and alternative traction devices. Language from MCS 7 is retained as part of the new MCS subpart 7.2 and appears in the standard text; language added to achieve statutory compliance appears in bold red font. As proposed, MCS Subpart 7.2 reads, **“The use of chains by drivers of commercial vehicles must occur consistent with the requirements set forth within Section 42+-4-106 (5) (a) (I), CRS. Drivers of commercial vehicles may use** Alternative Traction Devices (ATDs), including tire cables, **auto socks, or sanders,** as **each is** defined and as **their** use is consistent with 2 CCR 601-14.” Previously, the phrase **“may also be used”** appeared in the text when discussing the use of ATDs, but this has been deleted for this version.

Pages 13 -14, MCS Subpart 8.1, grammar correction:

The grammar in the second half of the sentence in MCS Subpart 8.1. is corrected to exchange the word “which” appearing after the word “standards” with the word “that.” As revised, the second part of the sentence reads in part, “...combined with the satisfaction of any applicable performance standards **that** support a decision that a medical condition has no adverse impact on safety,” instead of “...combined with the satisfaction of any applicable performance standards **which** support a decision that a medical condition has no adverse impact on safety.”

Page 15, MCS Subpart 8.6, sentence updated to improve readability:

The sentence is updated to improve message delivery and readability. As revised, the sentence reads, “A medical waiver may be revoked **if** the CSP determines that **issuing** a waiver to a driver does not promote safety, protect human life, or preserve the highways of this state,” instead of “A medical waiver may be revoked **where** the CSP determines that **issue of** a waiver to a driver does not promote safety, protect human life, or preserve the highways of this state.”

Page 15, MCS Sub-subpart 8.6.1, sentence updated to improve readability:

The sentence is updated to improve message delivery and readability and to revise it to read in the present tense. As updated, the sentence reads, **“The CSP may revoke a medical waiver** when a waiver holder fails to comply with the applicable terms and conditions of the CSP Medical Waiver Program,” instead of **“A medical waiver may be revoked by the** CSP when a waiver holder fails to comply with the applicable terms and conditions of the CSP Medical Waiver Program.”

Page 15, MCS Subpart 8.7, sentence updated to improve readability and correct punctuation:

The second sentence of MCS Subpart 8.7 is updated to improve readability and correct punctuation errors. As updated, the sentence reads, “Notice of this hearing will be in writing and will **give** the waiver applicant at least 30 days’-notice of the time, date, place, and nature of the hearing,” instead of “Notice of this hearing will be in writing and will **provide** the waiver applicant at least 30 **days’ notice** of the time, date, place and nature of the hearing.”

Page 15, MCS Subpart 8.8, sentence updated to improve readability:

The first two sentences of MCS Subpart 8.8 are updated to improve their readability and message delivery by removing unnecessary phrases. As proposed, the sentences are revised to read, “Within 30 days of the completion of a hearing or the failure of the waiver holder to file a written answer in response **to it**, the Chief or his or her designee will issue a decision either affirming the revocation or reinstating the medical waiver. Within 30 days of receiving written notice from the MCSS revoking a medical waiver, the aggrieved holder may submit an exception or appeal” instead of “Within 30 days of the completion of a hearing or the failure of the waiver holder to file a written answer in response **thereto**, the Chief or his or her designee will issue a decision either affirming the revocation or reinstating the medical waiver. Within 30 days of receiving written notice from the MCSS revoking a medical waiver, the aggrieved holder **of a medical waiver** may submit an exception or appeal.

Page 16, MCS Sub-sub-subpart 8.8.4.1, grammar correction:

The grammar in MCS Sub-subpart 8.8.4.1 is corrected so that the sentence reads, “If the Chief finds by **a** preponderance of the evidence that evidence of non-compliance and/or ineligibility is sufficient, revocation of the medical waiver will be sustained,” instead of “if the Chief finds by preponderance of the evidence that evidence of non-compliance and/or ineligibility is sufficient, revocation of the medical waiver will be sustained.”

Page 16, MCS Sub-sub-subpart 8.8.4.2, grammar correction:

The grammar in MCS Sub-subpart 8.8.4.2 is corrected so that the sentence reads, “If the Chief finds by **a** preponderance of the evidence that evidence of non-compliance and/or ineligibility is sufficient, revocation of the medical waiver will be sustained,” instead of “if the Chief finds by preponderance of the evidence that evidence of non-compliance and/or ineligibility is sufficient, revocation of the medical waiver will be sustained.”

Page 17, MCS Subpart 9.4, grammar correction:

The grammar is corrected to update the pronoun usage in the first sentence of MCS Subpart 9.4. The sentence is revised to read, “An intrastate motor carrier may request a change to **its**’ Safety Fitness Rating based on corrective actions completed by the motor carrier,” instead of “An intrastate motor carrier may request a change to **their** Safety Fitness Rating based on corrective actions completed by the motor carrier.”

Page 19, MCS Subpart 9.6, punctuation correction:

The punctuation in the second sentence is updated by adding a comma after “under Parts 9.3 or 9.5” and before “nor will an initial request.” As revised, the second sentence reads, “Conversely, a request to review initially under Part 9.4 will not preempt subsequent requests under Parts 9.3 or 9.5, nor will an initial request to review under Part 9.5 prohibit subsequent requests to review under Parts 9.3 or 9.4,” instead of “Conversely, a request to review initially under Part 9.4 will not preempt subsequent requests under Parts 9.3 or 9.5 nor will an initial request to review under Part 9.5 prohibit subsequent requests to review under Parts 9.3 or 9.4.”

Page 20, MCS Sub-sub-subpart 10.1.2.2, sentence updated to correct readability:

The second sentence of MCS Sub-sub-subpart 10.1.2.2 is updated to correct readability and deliver the sentence's message in the active tense. As updated, the sentence reads, "These fine schedules provide guidance and support for **determining** and **calculating** Civil Penalty Assessments," instead of "These fine schedules provide guidance and support for **the determination** and **calculation of** Civil Penalty Assessments."

Page 20, MCS Sub-sub-subpart 10.1.2.3, updated to improve readability:

MCS Sub-sub-subpart 10.1.2.3 is updated from a single sentence into two sentences, and the word "and" is deleted to separate the sentences. As revised, MCS Sub-sub-subpart 10.1.2.3 reads, "Provisions of 49 CFR 386 Subpart G relating the amount of a Civil Penalty Assessment to the ability of a motor carrier to pay the assessment are explicitly excluded. **They** are not considered when determining or assessing a Civil Penalty against an intrastate motor carrier," instead of "Provisions of 49 CFR 386 Subpart G relating the amount of a Civil Penalty Assessment to the ability of a motor carrier to pay the assessment to the ability of a motor carrier to pay the assessment are explicitly excluded **and they** are not considered when determining or assessing a Civil Penalty against an intrastate motor carrier."

Page 20, MCS Sub-sub-subpart 10.1.2.4, grammar correction:

The first sentence of MCS Sub-sub-subpart 10.1.2.4 is updated to correct the grammar, exchanging "are" for "is." As revised, the sentence reads, "The intrastate operation of implements of husbandry is exempted from and **is** not subject to the Civil Penalties that may be assessed under Section 42-4-235 (2) (a), CRS," instead of "The intrastate operation of implements of husbandry **are** exempted from and is not subject to the Civil Penalties that may be assessed under Section 42-4-235 (2) (a), CRS."

Page 20, MCS Sub-subpart 10.3.3, updated to improve readability:

MCS Sub-subpart 10.3.3 is updated to improve its readability. The phrase "By submitting" is deleted from the beginning of the sentence, and "Submitting" begins the sentence. Updated, MCS Sub-subpart 10.3.3 reads, "**Submitting** a written response requesting an administrative review of a Civil Penalty Assessment," instead of "**By submitting** a written response requesting an administrative review of the Civil Penalty Assessment."

Pages 20 – 21, MCS Subpart 10.4, updated to improve readability:

The first sentence of MCS Subpart 10.4 is updated to improve its readability and deliver the message in an active tense. The first sentence is revised to read, "If a motor carrier believes the CSP committed an error **determining** or **assessing** a Civil Penalty, a motor carrier may request an administrative review," instead of "If a motor carrier believes the CSP committed an error in **the determination** or **assessment of** a Civil Penalty, a motor carrier may request an administrative review."

Page 21, MCS Sub-subpart 10.4.3, updated to improve readability:

The last sentence of MCS Sub-subpart 10.4.3 is updated to improve readability. As revised, the sentence reads, “Notice will be in person, by certified mail, or upon the parties’ **agreement**, by email,” instead of “Notice will be in person, by certified mail, or upon the **agreement of the parties**, by email.”

Page 21 – 22, MCS Sub-sub-sub-subpart 10.4.5.2 (as duplicated) through 10.4.5.7, updated to correct numbering sequence:

The numbering sequence is in error. MCS Sub-sub-subpart 10.4.5.2 is duplicated, appearing twice. The duplicate 10.4.5.2 is renumbered by one to 10.4.5.3, 10.4.5.3 is renumbered to 10.4.5.4, 10.4.5.5 is renumbered to 10.4.5.6, and 10.4.5.6 is renumbered to new sub-sub-subpart 10.4.5.7.

Page 21, MCS Sub-sub-sub-subpart (duplicate) 10.4.5.2 (as renumbered to 10.4.5.3, updated to improve readability:

MCS Sub-sub-subpart 10.4.5.2, duplicated and renumbered as 10.4.5.3, has been updated to improve readability and deliver the message in an active tense. As updated, the sentence reads in part, “...either in **determining** the violations or **assessing** the Civil Penalty,” instead of “either in **the determination of** the violations or **the assessment of** the Civil Penalty.”

Page 22, MCS Sub-subpart 10.4.7, updated to improve readability:

The second sentence of MCS Sub-subpart 10.4.7 has been updated to improve readability and message delivery. Revised, it reads, “**Upon agreement of the parties, the** notice will be in writing **by certified mail or by email**, and **will also** be made in person,” instead of “Notice will be in writing, and be made in person, or by certified mail, or by email upon agreement of the parties.”

Page 23, MCS Subpart 12.1, grammar correction:

The grammar in the second sentence of MCS 12.1 is corrected, exchanging the word “are” for the word “is.” As corrected, the second sentence reads, “The following publications, standards, guidelines, and rules are adopted as each is amended by and within these rules and as **is** consistent with Section 24-4-103 (12.5), CRS,” instead of “The following publications, standards, guidelines, and rules are adopted as each is amended by and within these rules and as **are** consistent with Section 24-4-103 (12.5), CRS.”

Page 23, MCS Sub-sub-subpart 12.1.1, date of publication update:

The year and date of publication for the CVSA North American Standard Out-of-Service Criteria (OOSC) must be updated to be consistent with the version referenced within these redlined rules. The version referenced within these rules is the version that will be effective April 1, 2025. The year 2024 in MCS Sub-subpart 12.1.1 must be updated to 2025. As updated, MCS Sub-subpart 12.1.1 reads, “Commercial Vehicle Safety Alliance (**2025**), North American Standard Out-of-Service Criteria (OOSC). April 1, **2025**. Greenbelt, MD: Author,” instead of

“Commercial Vehicle Safety Alliance (2024), North American Standard Out-of-Service Criteria (OOSC). April 1, 2024. Greenbelt, MD: Author.”

Page 23, MCS Sub-subpart 12.1.2, date of publication update:

The year and date of publication for the Federal Motor Carrier Safety Regulations (FMCSRs) referenced within these redlined rules must be updated to reference the correct version. The version referenced throughout these redlined rules has a publication date of October 1, 2024. The year in MCS Sub-subpart 12.1.2 must be updated from 2023 to 2024. As updated, the first sentence of MCS Sub-subpart 12.1.2 reads, “Federal Motor Carrier Safety Regulations, 49 CFR 40, 380, 382, 383, 385, 387, 390, 391-397, 399, and Appendix A (October 1, 2024),” instead of “Federal Motor Carrier Safety Regulations, 49 CFR 40, 380, 382, 383, 385, 387, 390, 391-397, 399, and Appendix A (October 1, 2023).”

Page 23, MCS Sub-subpart 12.1.3, updated to improve readability:

The first sentence of MCS Sub-subpart 12.1.3 is updated to improve readability by deleting the word “thereto.” As revised, the sentence reads, “Federal Motor Carrier Safety Regulations, 49 CFR 386, Subpart G, and Appendices A and B as codified by Section 42-4-235 (2) (a), CRS,” instead of “Federal Motor Carrier Safety Regulations, 49 CFR 386, Subpart G, and Appendices A and B **thereto** as codified by Section 42-4-235 (2) (a), CRS.”

Pages 23 – 24, MCS Subpart 12.3, updated to improve readability:

The first sentence of MCS Subpart 12.3 is updated to improve readability. As updated, the sentence reads, “Interested parties may access information about referenced documents **online** free of charge,” instead of “Interested parties may access information about referenced documents free of charge **online**.”

Page 24, MCS 14, Effective Date updated.

These rules are updated annually, and the effective date of these rules must be updated to reflect that they will become effective in 2025. The year of 2024 must be changed to 2025. The sentence is revised to read, “The effective date of these rules is April 1, 2025,” instead of “The effective date of these rules is April 1, 2024.”