

**Summary of Proposed Changes
Port of Entry Rules
for Commercial Motor Carrier
Size, Weight and Clearance**

Purpose:

This document is developed as a companion to assist in the reading and understanding of changes proposed to 8 CCR 1507-28, the Port of Entry Rules for Commercial Motor Carrier Size, Weight and Clearance. Each of the 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. Changes are identified by section number 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 1507-28 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 Port of Entry Section is committed to supporting effective communication and access to the rules by all members of the public. If you experience any 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 Port of Entry Section at (303)-273-1870.

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 6: Part 3.3, discussing the authority of POE Officers (Legislative Update):

The sections of the Colorado Revised Statutes (CRS) referenced by Part 3.3 must be updated. Colorado Senate Bill 24-100, passed by the General Assembly and signed into law by Governor Polis, updates Section 42-4-106, CRS, effectively amending the scope of authority for POE Officers to specifically include enforcement of the state commercial

motor vehicle chain laws. The rules must be consistent with the state statutes. As updated, Part 3.3. is amended to include reference to Section 42-4-106 (5), CRS, after “Articles 2, 3, and 20 of Title 42, CRS;” and before “Section 42-8-101 et. al.”, and a comma after “while acting under proper orders or rules issued by the Chief,”. As amended, the sentence is updated to read, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-8-101, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (15), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS,”.

Page 6: Part 3.3, discussing the authority of POE Officers (addressing statutory consistency):

The last part of the paragraph after “and Section 42-4-1414, CRS,” is amended by adding “except that a POE officer cannot serve civil writs and process.” Part 3.3. discusses the scope of authority for POE Officers, and inadvertently, this critical limitation on POE Officer authority scope has been omitted from Part 3.3. The statement in Part 3.3. is consistent with the POE's scope of authority as outlined within the CRS; this additional information concerning a POE officer's scope of authority is necessary to ensure complete consistency with the statutes. As updated, the entirety of Part 3.3. reads “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief, will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et.al., CRS; Articles 2, 3, and 20 of Title 42, CRS; **Section 42-4-106 (5), CRS;** Section 42-4-501, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (1.5), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS, **except that a POE cannot serve civil writs and process.”** This is different from the sentence before edits, which reads instead, “A POE officer, during the time he or she is engaged in performing his or her duties and while acting under proper orders or rules issued by the Chief will have and exercise all powers invested in peace officers in connection with the direction of traffic and the enforcement of Section 42-8-101, et al., CRS; Articles 2, 3, and 20 of Title 42, CRS; Section 42-4-501, et.al., CRS; Section 42-4-209, CRS; section 42-4-225 (1.5), CRS; Section 42-4-235, CRS; Section 42-4-1407, CRS; Section 42-4-1409, CRS; and Section 42-4-1414, CRS.”

Page 16: Subpart 5.5.9, add a comma to the sentence.

A comma is added to the sentence in Part 5.5.9. Subpart 5.5.9 now reads, “A permit holder is identified as a “High-Risk Motor Carrier,” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating;” instead of “A permit holder is identified as a “High-Risk Motor Carrier” and their FMCSA SAFER Company Snapshot does not have a carrier rating or reports an “unsatisfactory” carrier rating.

Page 17: Sub-subpart 5.9.2.2, add a comma to the sentence.

A comma is added to the sentence in Sub-subpart 5.9.2.2. Sub-subpart 5.9.2.2. as proposed, reads, “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned, and the SRP or previous SRPs will be issued or reinstated,” instead of “If the OSB Major finds that evidence of compliance and ineligibility is insufficient, the SRP application denial, suspension, or revocation will be immediately overturned and the SRP or previous SRPs will be issued or reinstated.”

Page 18: Part 6.2, correction merging two sentences into one to correct grammar.

To improve message communication and correct a grammatical error, Part 6.2 is updated to read, “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by **Section** 24-4-103 (12.5), CRS, **or** inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>,” instead of “All publications, standards, or guidelines adopted and incorporated by reference in these rules are on file with and available upon request for public examination at any state publication depository library as required by ~~§~~ **Section** 24-4-103 (12.5), CRS. Inspection by contacting the CSP POE Section at 15075 S. Golden Rd., Golden, CO., 80401-3990. These rules are available online through the CDPS Rulemaking website at <https://publicsafety.colorado.gov/get-involved/rules-and-regulations>.”

Page 18: Sub-sub-subpart 6.2.1.1, update to website access date.

Due diligence requires that resources referenced by these rules be verified as necessary. For this redlined document, the website hosting the FMCSA High Risk Carriers Investigations Report was last accessed on November 11, 2024. The date of website access must be updated from November 30, 2023, to November 11, 2024. With this update, Sub-subpart 6.2.1.1 reads, “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November **11, 2024**. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>,” instead of “United States Department of Transportation, Federal Motor Carrier Safety Administration (2021). High Risk Carriers Investigations Report. Status of High-Risk Carrier Investigations (Last updated August 3, 2021). Accessed November 30, 2023. <https://www.fmcsa.dot.gov/mission/policy/high-risk-carriers-investigation-report>.”

Pages 18-19: Subpart 6.2.2, correction to syntax in the second sentence.

The syntax in the second sentence of Subpart 6.2.2 is incorrect and must be corrected. As updated, the sentence reads, “Interested parties may access these documents online **free**

of charge,” instead of “Interested parties may access these documents free of charge online.”