

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 07-0212.01 Jery Payne

**HOUSE BILL 07-1114**

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**HOUSE SPONSORSHIP**

**Frangas,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Transportation & Energy

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE ISSUANCE OF CERTIFICATES OF PUBLIC**  
102             **CONVENIENCE AND NECESSITY TO OPERATE A MOTOR VEHICLE**  
103             **FOR HIRE AS A TAXICAB.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Declares that competition in the motor vehicle carrier industry will benefit Colorado consumers. Changes the standard for issuing a certificate of public convenience and necessity for a taxi to whether the service meets safety, insurance, and service quality standards.

Requires the principal owners of a taxi service and taxi drivers to have a criminal history record check, and denies a certificate to owners

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.*

who have been convicted of felonies involving dishonesty and drivers who have been convicted of a crime against a person.

Imposes a fee of \$10,000 for issuance of a certificate and \$5,000 annually for holding a certificate. Uses the fees to provide nonemergency transportation to persons who qualify for assistance under the "Children's Basic Health Plan Act", the "Colorado Medical Assistance Act", or the "Colorado Indigent Care Program".

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

2           **SECTION 1.** 40-10-102, Colorado Revised Statutes, is amended  
3 to read:

4           **40-10-102. Subject to control by commission - legislative**  
5 **declaration.** (1) All motor vehicle carriers are declared to be public  
6 utilities within the meaning of articles 1 to 7 of this title and are declared  
7 to be affected with a public interest and subject to this article and to the  
8 laws of this state, including the regulation of all rates and charges  
9 pertaining to public utilities, so far as applicable and not in conflict  
10 therewith.

11           (2) THE GENERAL ASSEMBLY DECLARES THAT COMPETITION IN THE  
12 MOTOR VEHICLE CARRIER INDUSTRY WILL BENEFIT COLORADO  
13 CONSUMERS, MAKING FOR GREATER CHOICE AND CONVENIENCE.

14           **SECTION 2.** 40-10-104 (1), Colorado Revised Statutes, is  
15 amended to read:

16           **40-10-104. Certificate required - exemptions.** (1) No person  
17 shall operate or offer to operate as a motor vehicle carrier for the  
18 transportation of passengers upon the public highways of this state in  
19 intrastate commerce without first having obtained from the commission  
20 a certificate OF PUBLIC CONVENIENCE AND NECESSITY declaring that ~~the~~  
21 ~~present or future public convenience and necessity requires or will require~~  
22 ~~such operation~~ THE OPERATOR MEETS THE REQUIREMENTS OF SAFETY,

1 INSURANCE, AND SERVICE QUALITY IMPOSED BY THIS ARTICLE; except that  
2 this subsection (1) shall not apply to hearses, ambulances, or other  
3 emergency vehicles.

4 **SECTION 3.** 40-10-105 (2) (a), (2) (b), and (2) (c), Colorado  
5 Revised Statutes, are amended, and the said 40-10-105 is further amended  
6 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,  
7 to read:

8 **40-10-105. Rules for issuance of certificates - standing to**  
9 **protest - judicial review.** (2) (a) The granting of any certificate of  
10 public convenience and necessity to operate a motor vehicle for hire as a  
11 taxicab ~~within and between counties with a population of sixty thousand~~  
12 ~~or greater based on the federal census conducted in 1990~~ shall not be  
13 deemed to be an exclusive grant or monopoly. ~~and the doctrine of~~  
14 ~~regulated competition shall prevail~~ THE COMMISSION SHALL NOT LIMIT  
15 THE NUMBER OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY  
16 ISSUED TO OPERATE A MOTOR VEHICLE FOR HIRE AS A TAXICAB.

17 (b) ~~The commission has authority to grant more than one~~  
18 ~~certificate of public convenience and necessity to operate motor vehicles~~  
19 ~~as taxicabs within and between counties with a population of sixty~~  
20 ~~thousand or greater based on the federal census conducted in 1990 if the~~  
21 ~~commission finds that the present or future public convenience and~~  
22 ~~necessity requires or will require such operation.~~ THE COMMISSION SHALL  
23 ISSUE A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO  
24 OPERATE A MOTOR VEHICLE FOR HIRE AS A TAXICAB TO AN APPLICANT  
25 THAT:

26 (I) HAS PAID AN INITIAL CERTIFICATION FEE AS SPECIFIED BY  
27 SECTION 40-10-109 (3);

1 (II) HAS AN INSURANCE POLICY OR OTHER SECURITY OR BOND AS  
2 REQUIRED BY THE COMMISSION;

3 (III) HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NOLO  
4 CONTENDERE TO A FELONY INVOLVING FRAUD, DECEIT, MATERIAL  
5 MISREPRESENTATION, THEFT, OR BREACH OF A FIDUCIARY DUTY;

6 (IV) MEETS THE SAFETY AND SERVICE QUALITY REQUIREMENTS  
7 SET BY THE COMMISSION;

8 (V) HAS, OR, IF THE APPLICANT IS AN ENTITY, EACH PRINCIPAL  
9 OWNER OF THE APPLICANT HAS, OWNED AND OPERATED A MOTOR VEHICLE  
10 FOR AT LEAST TWO YEARS AS AN INDEPENDENT CONTRACTOR OF A  
11 TAXICAB COMPANY IN COLORADO THAT HOLDS A CERTIFICATE OF PUBLIC  
12 CONVENIENCE AND NECESSITY TO OPERATE A MOTOR VEHICLE FOR HIRE AS  
13 A TAXICAB; AND

14 (VI) DOES NOT EMPLOY ANY DRIVER THAT HAS BEEN CONVICTED  
15 OF OR PLED NOLO CONTENDERE TO A CRIME DEFINED IN ARTICLE 3 OF TITLE  
16 18, C.R.S.

17 (c) The commission has the authority and duty to adopt rules  
18 ~~which~~ THAT are in the public interest to regulate matters of safety,  
19 insurance, and service quality for taxicab service in the state.

20 (5) AN APPLICANT FOR A CERTIFICATE OF PUBLIC CONVENIENCE  
21 AND NECESSITY TO OPERATE A MOTOR VEHICLE FOR HIRE AS A TAXICAB,  
22 OR EACH PRINCIPAL OWNER OF THE APPLICANT IF IT IS AN ENTITY, UPON  
23 ISSUANCE OF THE CERTIFICATE, SHALL HAVE EACH OWNER'S FINGERPRINTS  
24 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF  
25 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.  
26 WHEN THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
27 INVESTIGATION, THE APPLICANT OR OWNER SHALL SUBMIT PAYMENT TO

1 THE LOCAL LAW ENFORCEMENT AGENCY FOR THE FINGERPRINTS AND TO  
2 THE COLORADO BUREAU OF INVESTIGATION FOR THE ACTUAL COSTS OF  
3 THE CRIMINAL HISTORY RECORD CHECK. UPON RECEIPT OF THE  
4 FINGERPRINTS AND THE PAYMENT, THE COLORADO BUREAU OF  
5 INVESTIGATION SHALL CONDUCT A STATE AND FEDERAL  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING  
7 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
8 FEDERAL BUREAU OF INVESTIGATION.

9 (6) (a) THE HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE  
10 AND NECESSITY TO OPERATE A MOTOR VEHICLE FOR HIRE AS A TAXICAB  
11 SHALL, WITHIN TEN DAYS AFTER EMPLOYING OR CONTRACTING WITH AN  
12 INDIVIDUAL TO DRIVE A MOTOR VEHICLE, HAVE THE INDIVIDUAL'S  
13 FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE  
14 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
15 CHECK. WHEN THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO  
16 BUREAU OF INVESTIGATION, THE HOLDER SHALL SUBMIT PAYMENT TO THE  
17 LOCAL LAW ENFORCEMENT AGENCY FOR THE FINGERPRINTS AND TO THE  
18 COLORADO BUREAU OF INVESTIGATION FOR THE ACTUAL COSTS OF THE  
19 CRIMINAL HISTORY RECORD CHECK. UPON RECEIPT OF THE FINGERPRINTS  
20 AND THE PAYMENT, THE COLORADO BUREAU OF INVESTIGATION SHALL  
21 CONDUCT A STATE AND FEDERAL FINGERPRINT-BASED CRIMINAL HISTORY  
22 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF  
23 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

24 (b) A PERSON WHO HAS BEEN CONVICTED OF OR PLED NOLO  
25 CONTENDERE TO A CRIME DEFINED IN ARTICLE 3 OF TITLE 18, C.R.S.,  
26 SHALL NOT BE EMPLOYED AS A DRIVER BY A HOLDER OF A CERTIFICATE OF  
27 PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A MOTOR VEHICLE FOR

1 HIRE AS A TAXICAB.

2 **SECTION 4.** 40-10-109, Colorado Revised Statutes, is amended  
3 to read:

4 **40-10-109. Filing and issuance fees for certificates.** (1) (a) The  
5 commission shall collect from all motor vehicle carriers the following  
6 fees:

7 (I) Filing fee for application for certificate of public convenience  
8 and necessity to operate in intrastate commerce, thirty-five dollars;

9 (II) Filing fee for application to register interstate operating rights  
10 as set out in section 40-10-120, fifteen dollars;

11 (III) Filing fee for transfer or lease of a certificate of public  
12 convenience and necessity in intrastate commerce, thirty-five dollars; and

13 (IV) Filing fee for transfer of a registration of interstate operating  
14 rights, five dollars.

15 (b) ~~In addition,~~ The commission shall charge a fee of five dollars  
16 for issuing a certificate of public convenience and necessity in intrastate  
17 commerce or a registration in interstate commerce, or both.

18 (c) All fees collected under this ~~section~~ SUBSECTION (1) shall be  
19 transmitted to the state treasurer, who shall credit the same to the public  
20 utilities commission motor carrier fund.

21 (2) Notwithstanding the amount specified for any fee in  
22 subsection (1) of this section, the commission by rule or as otherwise  
23 provided by law may reduce the amount of one or more of the fees if  
24 necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the  
25 uncommitted reserves of the fund to which all or any portion of one or  
26 more of the fees is credited. After the uncommitted reserves of the fund  
27 are sufficiently reduced, the commission by rule or as otherwise provided

1 by law may increase the amount of one or more of the fees as provided in  
2 section 24-75-402 (4), C.R.S.

3 (3) (a) UPON ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE  
4 AND NECESSITY TO OPERATE A MOTOR VEHICLE FOR HIRE AS A TAXICAB,  
5 THE HOLDER OF THE CERTIFICATE SHALL PAY AN ADDITIONAL FEE OF TEN  
6 THOUSAND DOLLARS TO THE COMMISSION. THE HOLDER OF THE  
7 CERTIFICATE SHALL ALSO PAY TO THE COMMISSION AN ANNUAL FEE OF  
8 FIVE THOUSAND DOLLARS.

9 (b) THE FEE IMPOSED BY THIS SUBSECTION (3) SHALL BE  
10 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE  
11 MEDICAID NONEMERGENCY TRANSPORTATION FUND CREATED IN SECTION  
12 25.5-1-123, C.R.S.

13 **SECTION 5.** Part 1 of article 1 of title 25.5, Colorado Revised  
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
15 read:

16 **25.5-1-123. Nonemergency transportation cash fund.** THERE  
17 IS HEREBY CREATED IN THE STATE TREASURY THE NONEMERGENCY  
18 TRANSPORTATION CASH FUND, WHICH SHALL CONSIST OF FEES COLLECTED  
19 PURSUANT TO SECTION 40-10-109 (3), C.R.S. MONEYS IN THE FUND SHALL  
20 BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND  
21 SHALL BE USED TO PROVIDE FOR NONEMERGENCY TRANSPORTATION TO  
22 PERSONS WHO QUALIFY FOR ASSISTANCE PURSUANT TO THE "CHILDREN'S  
23 BASIC HEALTH PLAN ACT", ARTICLE 8 OF THIS TITLE; THE "COLORADO  
24 MEDICAL ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF THIS TITLE; OR THE  
25 "COLORADO INDIGENT CARE PROGRAM", PART 1 OF ARTICLE 3 OF THIS  
26 TITLE.

27 **SECTION 6. Applicability.** This act shall apply to applications

1 for certificates of public convenience and necessity submitted on or after  
2 the effective date of this act.

3 **SECTION 7. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.