

HB1327_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation.

HB12-1327 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 40-10.1-111, amend
4 (1) (c) as follows:

5 **40-10.1-111. Filing, issuance, and annual fees - repeal.** (1) A
6 motor carrier shall pay the commission the following fees in amounts
7 prescribed in this section or, if not so prescribed, as set administratively
8 by the commission with approval of the executive director of the
9 department of regulatory agencies:

10 (c) (I) The filing INITIAL APPLICATION fee for a permit to operate
11 under part 4 of this article is ~~one~~ TWO hundred fifty dollars.

12 (II) (A) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
13 PARAGRAPH (c), A TOWING CARRIER THAT FILED PROOF OF A SURETY BOND
14 AS REQUIRED BY SECTION 40-10.1-401 (3) PRIOR TO THE EFFECTIVE DATE
15 OF THIS PARAGRAPH (c), AS AMENDED, IS EXEMPT FROM THE INITIAL
16 APPLICATION FEE AND ANY RENEWAL FEES UNTIL THE BOND EXPIRES.

17 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,
18 2014.

19 SECTION 2. In Colorado Revised Statutes, amend 40-10.1-401
20 as follows:

21 **40-10.1-401. Permit requirements.** (1) (a) A person shall not
22 operate or offer to operate as a towing carrier in intrastate commerce
23 without first having obtained a permit therefor from the commission in
24 accordance with this article.

25 (b) A person may apply for a permit under this part 4 to the
26 commission in such form and with such information as the commission
27 may require. PERMITS ARE VALID FOR ONE YEAR AFTER THE DATE OF
28 ISSUANCE.

29 (2) The commission may deny an application under this part 4 of
30 a person who has, within the immediately preceding five years, been
31 convicted of, or pled guilty or nolo contendere to, a felony. THE
32 COMMISSION MAY ALSO DENY AN APPLICATION UNDER THIS PART 4 OR
33 REFUSE TO RENEW THE PERMIT OF A TOWING CARRIER BASED UPON A
34 DETERMINATION THAT THE TOWING CARRIER OR ANY OF ITS OWNERS,
35 PRINCIPALS, OFFICERS, MEMBERS, PARTNERS, OR DIRECTORS HAS NOT
36 SATISFIED A CIVIL PENALTY ARISING OUT OF ANY ADMINISTRATIVE OR
37 ENFORCEMENT ACTION BROUGHT BY THE COMMISSION.



1 (3) (a) Except as otherwise provided in subsection (2) of this
2 section and section 40-10.1-112 (4), the commission shall issue a permit
3 to a towing carrier upon completion of the application, INSPECTION BY
4 THE COMMISSION OF THE CARRIER'S FACILITIES AND VEHICLES, the filing
5 of proof of workers' compensation insurance coverage in accordance with
6 the "Workers' Compensation Act of Colorado", articles 40 to 47 of title
7 8, C.R.S., ~~the filing of proof of a surety bond in the amount of at least~~
8 ~~fifty thousand dollars;~~ and compliance with the financial responsibility
9 requirements of this article, and may attach to ~~such~~ THE permit and to the
10 exercise of the rights granted by the permit such restrictions, terms, and
11 conditions, including altering the rates and charges of ~~such~~ THE applicant,
12 as are reasonably deemed necessary for the protection of the property of
13 the public. ~~The surety bond must be made payable to the commission and~~
14 ~~is for the purpose of paying any civil penalty assessments against the~~
15 ~~carrier that the carrier fails to pay when due.~~

16 (b) ~~A towing carrier that held a current and valid permit on~~
17 ~~August 10, 2011, must file proof of workers' compensation insurance~~
18 ~~coverage and of the surety bond as required by paragraph (a) of this~~
19 ~~subsection (3) on or before December 31, 2011. IF A TOWING CARRIER~~
20 ~~VIOLATES THIS ARTICLE, ANY OTHER APPLICABLE PROVISION OF LAW, OR~~
21 ~~ANY RULE OR ORDER OF THE COMMISSION ISSUED UNDER THIS ARTICLE~~
22 ~~AND AS A RESULT IS ORDERED BY A COURT OR BY THE COMMISSION TO PAY~~
23 ~~A FINE OR CIVIL PENALTY THAT THE TOWING CARRIER SUBSEQUENTLY~~
24 ~~FAILS TO PAY IN FULL WITHIN THE TIME PRESCRIBED FOR PAYMENT, THEN:~~

25 (I) THE COMMISSION SHALL IMMEDIATELY REVOKE THE TOWING
26 CARRIER'S OPERATING AUTHORITY; AND

27 (II) THE TOWING CARRIER, ITS OWNERS, PRINCIPALS, OFFICERS,
28 MEMBERS, PARTNERS, AND DIRECTORS, AND ANY OTHER ENTITY OWNED
29 OR OPERATED BY ONE OR MORE OF THOSE OWNERS, PRINCIPALS, OFFICERS,
30 MEMBERS, PARTNERS, OR DIRECTORS, ARE DISQUALIFIED FROM OBTAINING
31 OR RENEWING ANY OPERATING AUTHORITY UNDER THIS ARTICLE FOR A
32 PERIOD OF FIVE YEARS AFTER THE DATE ON WHICH THE FINE OR CIVIL
33 PENALTY WAS DUE. THE PERIOD OF DISQUALIFICATION PURSUANT TO THIS
34 SUBPARAGRAPH (II) IS IN ADDITION TO AND NOT IN LIEU OF, AND DOES NOT
35 AFFECT, ANY OTHER PENALTY OR PERIOD OF DISQUALIFICATION,
36 INCLUDING THE PERIOD OF DISQUALIFICATION SPECIFIED IN SECTION
37 40-10.1-112 (4).

38 **SECTION 3.** In Colorado Revised Statutes, **add** 40-10.1-402 as
39 follows:

40 **40-10.1-402. Verification of authority - notice of requirement**
41 **for designated license plates - rules - repeal.** (1) (a) THE COMMISSION



1 SHALL EITHER:

2 (I) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO
3 OPERATE AS A TOWING CARRIER UNDER THIS ARTICLE MAY USE TO VERIFY
4 TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED
5 AGENT THAT THE PERSON IS SO AUTHORIZED; OR

6 (II) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE
7 DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT
8 THAT THE PERSON IS AUTHORIZED TO PROVIDE TOWING SERVICES UNDER
9 THIS PART 4.

10 (b) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE
11 DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC
12 VERIFICATION TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S
13 AUTHORIZED AGENT.

14 (2) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
15 THIS SECTION AND TO ENFORCE SECTION 42-3-235.5, C.R.S.

16 (3)(a) BY JANUARY 1, 2013, THE COMMISSION SHALL NOTIFY EACH
17 PERSON AUTHORIZED TO PROVIDE TOWING SERVICES UNDER THIS ARTICLE
18 OF THE REQUIREMENTS OF SECTION 42-3-235.5, C.R.S.

19 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2013.

20 **SECTION 4.** In Colorado Revised Statutes, **add** 42-3-235.5 as
21 follows:

22 **42-3-235.5. Tow truck license plates - conditions for use -**
23 **transitional provisions - repeal.** (1) THE TOW TRUCK LICENSE PLATE IS
24 HEREBY ESTABLISHED. THE PLATE CONSISTS OF BLACK LETTERS ON A
25 YELLOW BACKGROUND AND FEATURES THE WORDS "COLORADO" ACROSS
26 THE TOP AND "TOW TRUCK" ACROSS THE BOTTOM OF THE PLATE.

27 (2) A PERSON WHO IS AUTHORIZED TO OPERATE AS A TOWING
28 CARRIER UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., SHALL REGISTER A
29 MOTOR VEHICLE USED FOR TOWING PURPOSES UNDER THIS ARTICLE AND
30 DISPLAY EITHER TOW TRUCK LICENSE PLATES OR APPORTIONED PLATES ON
31 THE VEHICLE. UPON REGISTRATION, THE DEPARTMENT SHALL ISSUE TOW
32 TRUCK LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS
33 SECTION. THE DEPARTMENT SHALL NOT ISSUE TOW TRUCK LICENSE PLATES
34 UNLESS THE PERSON EITHER SUBMITS A VERIFICATION DOCUMENT OR THE
35 PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE
36 AUTHORIZATION AS PROVIDED IN SECTION 40-10.1-402, C.R.S.

37 (3) (a) A PERSON PROVIDING TOWING CARRIER SERVICES USING A
38 MOTOR VEHICLE THAT WAS REGISTERED ON JANUARY 1, 2013, IS NOT
39 REQUIRED TO OBTAIN TOW TRUCK LICENSE PLATES UNTIL THE VEHICLE IS
40 SCHEDULED FOR RENEWAL OF THE CURRENT REGISTRATION. UPON
41 RENEWING A REGISTRATION FOR A TOW TRUCK REGISTERED UNDER THIS



1 ARTICLE, THE DEPARTMENT SHALL ISSUE TOW TRUCK LICENSE PLATES FOR
2 THE VEHICLE IN ACCORDANCE WITH THIS SECTION.

3 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,
4 2014.

5 (4) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE WITH TOW
6 TRUCK LICENSE PLATES OR TEMPORARY TOW TRUCK LICENSE PLATES
7 UNLESS THE MOTOR VEHICLE TO WHICH THE PLATES ARE ATTACHED IS
8 REQUIRED BY SUBSECTION (2) OF THIS SECTION TO BEAR TOW TRUCK
9 LICENSE PLATES.

10 (5) IF THE PERSON WHO OWNS THE MOTOR VEHICLE WITH TOW
11 TRUCK LICENSE PLATES IS NOT THE PERSON UNDER WHOSE AUTHORITY THE
12 MOTOR VEHICLE OPERATES UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., THE
13 PERSON WITH THE AUTHORITY MAY REQUEST THAT THE DEPARTMENT
14 REQUIRE THE PLATES TO BE REPLACED. WITHIN THIRTY DAYS AFTER
15 RECEIVING THE REQUEST, THE DEPARTMENT SHALL REQUIRE THE OWNER
16 OF THE MOTOR VEHICLE TO RETURN THE TOW TRUCK LICENSE PLATES AND
17 BE ISSUED NEW LICENSE PLATES. THE OWNER OF THE MOTOR VEHICLE
18 SHALL SURRENDER THE TOW TRUCK LICENSE PLATES TO THE DEPARTMENT
19 WITHIN TEN DAYS AFTER RECEIVING NOTICE FROM THE DEPARTMENT
20 UNLESS THE OWNER OF THE MOTOR VEHICLE OBTAINS AUTHORITY TO
21 OPERATE A TOW TRUCK UNDER PART 4 OF ARTICLE 10.1 OF TITLE 40,
22 C.R.S., EITHER DIRECTLY OR AS AN AGENT, AND EITHER THE PERSON
23 SUBMITS A VERIFICATION DOCUMENT OR THE PUBLIC UTILITIES
24 COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION AS
25 PROVIDED IN SECTION 40-10.1-402, C.R.S.

26 (6) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B
27 TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS.

28 (7) THIS SECTION IS EFFECTIVE JANUARY 1, 2013.

29 **SECTION 5. Effective date - applicability.** This act takes effect
30 upon passage and applies to towing carriers that applied for permits on,
31 before, or after said date.

32 **SECTION 6. Safety clause.** The general assembly hereby finds,
33 determines, and declares that this act is necessary for the immediate
34 preservation of the public peace, health, and safety."

35 Page 1, line 103, strike "CARRIERS AND" and substitute "CARRIERS,".

36 Page 1, line 107, strike "PROVISIONS." and substitute "PROVISIONS, AND
37 CREATING A DESIGNATED TOW TRUCK LICENSE PLATE.".

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