

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-1024.01 Jennifer Berman x3286

HOUSE BILL 15-1316

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**A BILL FOR AN ACT**

101      **CONCERNING A SIMPLIFICATION OF THE PROCESS BY WHICH THE**  
102           **PUBLIC UTILITIES COMMISSION MAY ISSUE A CERTIFICATE TO**  
103           **PROVIDE TAXICAB SERVICE IN CERTAIN METROPOLITAN**  
104           **COUNTIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

In current law, an applicant seeking a certificate from the public utilities commission (commission) authorizing the applicant's operation of a taxicab service within and between Adams, Arapahoe, Boulder,

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.*

Broomfield, Denver, Douglas, El Paso, and Jefferson counties must initially prove that the applicant is operationally and financially fit to provide the proposed taxicab service to create a rebuttable presumption that there is a public need for the taxicab service. If a party opposing the application then presents sufficient evidence to overcome the presumption, the commission shall deny the application for a certificate.

The bill simplifies the process by no longer requiring the commission to consider whether there is a public need for the service; instead it considers only whether the applicant is operationally and financially fit to provide the proposed taxicab service. Instead of creating a presumption that another party may rebut with evidence that there is not a public need for the proposed taxicab service, the commission's finding that an applicant is operationally and financially fit to provide the proposed taxicab service requires the commission to issue a certificate to the applicant.

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

2           **SECTION 1.** In Colorado Revised Statutes, 40-10.1-203, **amend**  
3 (2) (b) (II) as follows:

4           **40-10.1-203. Rules for issuance of certificate - standing to**  
5 **protest - judicial review.** (2) (b) (II) In an application for a certificate  
6 to provide taxicab service within and between the counties of Adams,  
7 Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson,  
8           (A) the applicant has the ~~initial~~ burden of proving that it is  
9 operationally and financially fit to provide the proposed service. The  
10 applicant need not prove the inadequacy of existing taxicab service, if  
11 any, within the applicant's proposed geographic area of operation. IF THE  
12 COMMISSION DETERMINES THAT THE APPLICANT HAS PROVED ITS  
13 OPERATIONAL AND FINANCIAL FITNESS, THE COMMISSION SHALL GRANT  
14 THE APPLICANT A CERTIFICATE.

15           ~~(B) If the applicant sustains the initial burden of proof as set forth~~  
16 ~~in sub-subparagraph (A) of this subparagraph (II), there shall be a~~  
17 ~~rebuttable presumption of public need for the service, and any party~~

1 ~~opposing the application shall prevail upon proving that the public~~  
2 ~~convenience and necessity does not require granting the application or~~  
3 ~~that the issuance of the certificate would be detrimental to the public~~  
4 ~~interest.~~

5           **SECTION 2. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly (August  
8 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
9 referendum petition is filed pursuant to section 1 (3) of article V of the  
10 state constitution against this act or an item, section, or part of this act  
11 within such period, then the act, item, section, or part will not take effect  
12 unless approved by the people at the general election to be held in  
13 November 2016 and, in such case, will take effect on the date of the  
14 official declaration of the vote thereon by the governor.