

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.**

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.

HOUSE
3rd Reading Unamended
April 20, 2015

HOUSE
Amended 2nd Reading
April 17, 2015

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.

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 - legislative declaration.** (2) (b) (II) (A) THE

6 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT

7 HOUSE BILL 15-1316 MAY OPEN THE DOOR TO MULTIPLE TAXICAB

8 COMPANIES ENTERING THE TAXICAB SERVICE MARKET WITHIN THE

9 METROPOLITAN AREAS OF COLORADO AND WILL LEAD TO FREE MARKET

10 COMPETITION, EXPANDED CONSUMER CHOICE, AND IMPROVED QUALITY OF

11 SERVICE.

12 (B) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND

13 DECLARES THAT NOTHING IN THIS SUBPARAGRAPH (II) REQUIRES OR

14 PROHIBITS A TAXICAB COMPANY APPLYING FOR A CERTIFICATE TO FORM

15 A LABOR UNION NOR REQUIRES ANY TAXICAB DRIVER TO JOIN A LABOR

16 UNION.

17 (C) In an application for a certificate to provide taxicab service

1 within and between the counties of Adams, Arapahoe, Boulder,
2 Broomfield, Denver, Douglas, El Paso, and Jefferson,

3 (A) the applicant has the initial burden of proving that it is
4 operationally and financially fit to provide the proposed service. THE
5 COMMISSION SHALL NOT CONSIDER THE APPLICANT'S CORPORATE
6 STRUCTURE WHEN DETERMINING WHETHER TO APPROVE OR DISAPPROVE
7 THE APPLICATION FOR A CERTIFICATE. The applicant need not prove the
8 inadequacy of existing taxicab service, if any, within the applicant's
9 proposed geographic area of operation. IF THE COMMISSION DETERMINES
10 THAT THE APPLICANT HAS PROVED ITS OPERATIONAL AND FINANCIAL
11 FITNESS, THE COMMISSION SHALL GRANT THE APPLICANT A CERTIFICATE.

12 (B) ~~If the applicant sustains the initial burden of proof as set forth~~
13 ~~in sub-subparagraph (A) of this subparagraph (H), there shall be a~~
14 ~~rebuttable presumption of public need for the service, and any party~~
15 ~~opposing the application shall prevail upon proving that the public~~
16 ~~convenience and necessity does not require granting the application or~~
17 ~~that the issuance of the certificate would be detrimental to the public~~
18 ~~interest.~~

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.