

HB1327_L.005

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 fee for a permit to operate under part 4 of this
11 article is one 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) BEFORE THE EFFECTIVE DATE OF
15 THIS PARAGRAPH (c), AS AMENDED, IS EXEMPT FROM THE FILING FEE UNTIL
16 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17 (B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1,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 OF THE~~
4 ~~CARRIER'S FACILITIES AND VEHICLES BY ONE OF THE ENTITIES SPECIFIED IN~~
5 ~~PARAGRAPH (c) OF THIS SUBSECTION (3),~~ the filing of proof of workers'
6 compensation insurance coverage in accordance with the "Workers'
7 Compensation Act of Colorado", articles 40 to 47 of title 8, C.R.S., ~~the~~
8 ~~filing of proof of a surety bond in the amount of at least fifty thousand~~
9 ~~dollars. ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION,~~ and
10 compliance with the financial responsibility requirements of this article,
11 and may attach to ~~such~~ THE permit and to the exercise of the rights
12 granted by the permit such restrictions, terms, and conditions, including
13 altering the rates and charges of ~~such~~ THE applicant, as are reasonably
14 deemed necessary for the protection of the property of the public. The
15 surety bond must be made payable to the commission and is for the
16 purpose of paying any civil penalty assessments against the carrier that
17 the carrier fails to pay when due.

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

27 (I) ~~THE COMMISSION SHALL IMMEDIATELY REVOKE THE TOWING~~
28 ~~CARRIER'S OPERATING AUTHORITY; AND~~ MAY

29 (II) ~~THE TOWING CARRIER, ITS OWNERS, PRINCIPALS, OFFICERS,~~
30 ~~MEMBERS, PARTNERS, AND DIRECTORS, AND ANY OTHER ENTITY OWNED~~
31 ~~OR OPERATED BY ONE OR MORE OF THOSE OWNERS, PRINCIPALS, OFFICERS,~~
32 ~~MEMBERS, PARTNERS, OR DIRECTORS, ARE DISQUALIFIED FROM OBTAINING~~ MAY BE
33 ~~OR RENEWING ANY OPERATING AUTHORITY UNDER THIS ARTICLE FOR A~~
34 ~~PERIOD OF FIVE YEARS AFTER THE DATE ON WHICH THE FINE OR CIVIL~~
35 ~~PENALTY WAS DUE. THE PERIOD OF DISQUALIFICATION PURSUANT TO THIS~~
36 ~~SUBPARAGRAPH (II) IS IN ADDITION TO, AND NOT IN LIEU OF, AND DOES~~
37 ~~NOT AFFECT, ANY OTHER PENALTY OR PERIOD OF DISQUALIFICATION,~~
38 ~~INCLUDING THE PERIOD OF DISQUALIFICATION SPECIFIED IN SECTION~~
39 ~~40-10.1-112 (4).~~

40 (c) A TOWING CARRIER'S FACILITIES AND VEHICLES ARE SUBJECT
41 TO INSPECTION BY THE COMMISSION AND BY AUTHORIZED PERSONNEL OF

1 THE FOLLOWING ENTITIES, EACH OF WHICH SHALL PROMPTLY REPORT TO
2 THE COMMISSION CONCERNING ANY VIOLATIONS REVEALED BY AN
3 INSPECTION:

4 (I) THE COLORADO STATE PATROL ^{WHICH SHALL PROMPTLY} ~~IN THE DEPARTMENT OF PUBLIC~~
5 SAFETY; INSPECTOR

6 (II) THE MOTOR CARRIER SERVICES DIVISION IN THE DEPARTMENT
7 OF REVENUE;

8 (III) THE PORT OF ENTRY WEIGH STATIONS CREATED PURSUANT TO
9 SECTION 42-8-103, C.R.S.

10 (4) (a) BY JULY 31, 2012, THE COMMISSION SHALL ESTABLISH THE
11 AMOUNT OF THE SURETY BOND, BASED ON A SLIDING SCALE THAT TAKES
12 INTO ACCOUNT THE NUMBER OF TOW TRUCKS IN A TOWING CARRIER'S
13 FLEET; EXCEPT THAT THE AMOUNT OF THE SURETY BOND MUST NOT
14 EXCEED FIFTY THOUSAND DOLLARS.

15 (b) THE SURETY BOND MUST BE MADE PAYABLE TO THE
16 COMMISSION AND IS FOR THE PURPOSE OF PAYING ANY CIVIL PENALTY
17 ASSESSMENTS AGAINST THE CARRIER THAT THE CARRIER FAILS TO PAY
18 WHEN DUE.

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

21 **40-10.1-402. Verification of authority - notice of requirement**
22 **for designated license plates - rules - repeal.** (1) (a) THE COMMISSION
23 SHALL EITHER:

24 (I) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO
25 OPERATE AS A TOWING CARRIER UNDER THIS ARTICLE MAY USE TO VERIFY
26 TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED
27 AGENT THAT THE PERSON IS SO AUTHORIZED; OR

28 (II) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE
29 DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED AGENT
30 THAT THE PERSON IS AUTHORIZED TO PROVIDE TOWING SERVICES UNDER
31 THIS PART 4.

32 (b) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE
33 DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC
34 VERIFICATION TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S
35 AUTHORIZED AGENT.

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

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

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



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

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

8 (2) A PERSON WHO IS AUTHORIZED TO OPERATE AS A TOWING
9 CARRIER UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., SHALL REGISTER A
10 MOTOR VEHICLE USED FOR TOWING PURPOSES UNDER THIS ARTICLE AND
11 DISPLAY EITHER TOW TRUCK LICENSE PLATES OR APPORTIONED PLATES ON
12 THE VEHICLE. UPON REGISTRATION, THE DEPARTMENT SHALL ISSUE TOW
13 TRUCK LICENSE PLATES FOR THE VEHICLE IN ACCORDANCE WITH THIS
14 SECTION. THE DEPARTMENT SHALL NOT ISSUE TOW TRUCK LICENSE PLATES
15 UNLESS THE PERSON EITHER SUBMITS A VERIFICATION DOCUMENT OR THE
16 PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES THE
17 AUTHORIZATION AS PROVIDED IN SECTION 40-10.1-402, C.R.S.

18 (3) (a) A PERSON PROVIDING TOWING CARRIER SERVICES USING A
19 MOTOR VEHICLE THAT WAS REGISTERED ON JANUARY 1, 2013, IS NOT
20 REQUIRED TO OBTAIN TOW TRUCK LICENSE PLATES UNTIL THE VEHICLE IS
21 SCHEDULED FOR RENEWAL OF THE CURRENT REGISTRATION. UPON
22 RENEWING A REGISTRATION FOR A TOW TRUCK REGISTERED UNDER THIS
23 ARTICLE, THE DEPARTMENT SHALL ISSUE TOW TRUCK LICENSE PLATES FOR
24 THE VEHICLE IN ACCORDANCE WITH THIS SECTION.

25 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1,
26 2014.

27 (4) A PERSON SHALL NOT OPERATE A MOTOR VEHICLE WITH TOW
28 TRUCK LICENSE PLATES OR TEMPORARY TOW TRUCK LICENSE PLATES
29 UNLESS THE MOTOR VEHICLE TO WHICH THE PLATES ARE ATTACHED IS
30 REQUIRED BY SUBSECTION (2) OF THIS SECTION TO BEAR TOW TRUCK
31 LICENSE PLATES.

32 (5) IF THE PERSON WHO OWNS THE MOTOR VEHICLE WITH TOW
33 TRUCK LICENSE PLATES IS NOT THE PERSON UNDER WHOSE AUTHORITY THE
34 MOTOR VEHICLE OPERATES UNDER ARTICLE 10.1 OF TITLE 40, C.R.S., THE
35 PERSON WITH THE AUTHORITY MAY REQUEST THAT THE DEPARTMENT
36 REQUIRE THE PLATES TO BE REPLACED. WITHIN THIRTY DAYS AFTER
37 RECEIVING THE REQUEST, THE DEPARTMENT SHALL REQUIRE THE OWNER
38 OF THE MOTOR VEHICLE TO RETURN THE TOW TRUCK LICENSE PLATES AND
39 BE ISSUED NEW LICENSE PLATES. THE OWNER OF THE MOTOR VEHICLE
40 SHALL SURRENDER THE TOW TRUCK LICENSE PLATES TO THE DEPARTMENT
41 WITHIN TEN DAYS AFTER RECEIVING NOTICE FROM THE DEPARTMENT

1 UNLESS THE OWNER OF THE MOTOR VEHICLE OBTAINS AUTHORITY TO
2 OPERATE A TOW TRUCK UNDER PART 4 OF ARTICLE 10.1 OF TITLE 40,
3 C.R.S., EITHER DIRECTLY OR AS AN AGENT, AND EITHER THE PERSON
4 SUBMITS A VERIFICATION DOCUMENT OR THE PUBLIC UTILITIES
5 COMMISSION ELECTRONICALLY VERIFIES THE AUTHORIZATION AS
6 PROVIDED IN SECTION 40-10.1-402, C.R.S.

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

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

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

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

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

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

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