

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

PREAMENDED

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

LLS NO. 07-0064.01 Jery Payne

HOUSE BILL 07-1019

HOUSE SPONSORSHIP

Green, Borodkin, Kerr J., McFadyen, Pommer, and Rose

SENATE SPONSORSHIP

Hagedorn, Isgar, May R., Spence, Takis, and Williams

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PUBLIC UTILITIES COMMISSION'S DUTY TO**
102 **PROMULGATE RULES REGULATING CARRIERS EXEMPT FROM**
103 **REGULATION AS A PUBLIC UTILITY, AND MAKING AN**
104 **APPROPRIATION THEREFOR.**

Bill Summary

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

Transportation Legislation Review Committee. Requires the public utilities commission to promulgate rules governing:

The standards used to define a luxury limousine;

The operational requirements of luxury limousines; and

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.

Insurance requirements for carriers exempt from regulation
as a public utility.
Makes conforming amendments.

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

2 **SECTION 1.** The introductory portion to 40-16-101 (3) (a),
3 40-16-101 (3) (a) (I), (3) (a) (II), and (3) (a) (III), the introductory portion
4 to 40-16-101 (3) (a) (IV), and 40-16-101 (3) (a) (IV) (C), (3) (a) (IV) (D),
5 (3) (a) (IV) (E), (3) (b), (3) (c), (3) (d), and (6.3), Colorado Revised
6 Statutes, are amended to read:

7 **40-16-101. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (3) (a) "Luxury limousine" means a chauffeur-driven, luxury
10 motor vehicle with a rear seating capacity of three or more, for hire on a
11 prearranged, charter basis to transport passengers in luxury limousine
12 service, that: AS DEFINED BY THE COMMISSION AND THAT:

13 (I) Is not identified by exterior signs or graphics other than license
14 plates;

15 (II) Is not equipped with a taxicab meter or other device for
16 measuring time or mileage other than a factory-installed odometer;

17 (III) Offers luxury features that shall include, but need not be
18 limited to, television, telephone, and beverages as specified by rules of
19 the commission; and

20 (IV) In addition, Qualifies for inclusion in one of the following
21 categories:

22 (C) Executive van, which is a van with a rear seating capacity of
23 seven FOUR or more that may be of standard manufacturer's
24 specifications, but may have been altered from the manufacturer's original

1 specifications, and that meets applicable standards of the federal
2 department of transportation.

3 (D) ~~Luxury vehicle, which is a luxury motor vehicle with a seating
4 capacity of no more than five, not including the driver, that either has a
5 National Automobile Dealers' Association (NADA) "blue book" retail
6 value exceeding fifty thousand dollars at the time of registration or has a
7 manufacturer's suggested retail price exceeding fifty thousand dollars and
8 was purchased new during the current model year by a luxury limousine
9 registrant.~~

10 (E) ~~Discretionary vehicle, which is any other luxury motor vehicle
11 that, in the commission's discretion, qualifies as a luxury limousine.~~

12 (b) ~~An applicant for a luxury vehicle registration pursuant to
13 sub-subparagraph (D) of subparagraph (IV) of paragraph (a) of this
14 subsection (3) shall supply proof of the value of the vehicle in the form
15 of either:~~

16 (I) ~~Reference to the most recent available edition of the NADA
17 "blue book", where applicable; or~~

18 (H) ~~A sales receipt and affidavit confirming the actual price of the
19 vehicle, where applicable. The fifty-thousand-dollar threshold value set
20 forth in said sub-subparagraph (D) shall be adjusted annually, on July 1
21 of each year, based upon the consumer price index for the
22 Denver-Boulder-Greeley area as published by the federal bureau of labor
23 statistics.~~

24 (c) ~~"Luxury limousine" does not include a taxicab.~~

25 (d) ~~If the commission questions whether a specific vehicle is a
26 luxury limousine, it may determine if such vehicle is a luxury limousine
27 when application is made for vehicle identification as required by section~~

1 40-2-110.5:

2 (6.3) "Prearranged", in reference to a transportation service,
3 means that the transportation has been arranged or reserved by mail,
4 telephone, telefacsimile, or computer before the carrier begins to render
5 the transportation service or any service ancillary to the transportation,
6 such as loading of baggage.

7 SECTION 2. 40-16-102.5, Colorado Revised Statutes, is
8 amended to read:

9 **40-16-102.5. Luxury limousines - operational requirements.**

10 (1) Luxury limousine service shall be provided on a prearranged basis
11 only. A luxury limousine company shall, at all times when providing
12 service, carry in each vehicle a manifest or charter order containing the
13 name and pickup address of the passengers who have arranged for use of
14 the vehicle. Such A manifest or charter order shall be made available
15 immediately upon request to BY any authorized representative of the
16 commission, a law enforcement agency, or an airport authority. A
17 CHARTER ORDER OR MANIFEST MAY BE TYPED, HANDWRITTEN, COMPUTER
18 GENERATED, OR A TEXT MESSAGE, OR MAY USE ANY OTHER ELECTRONIC
19 FORM THAT IS REPRODUCIBLE UPON REQUEST.

20 (2) The fact that a luxury limousine operator stations equipment
21 at an airport, in front of or across the street from a hotel or motel, or
22 within one TWO hundred feet of a recognized taxicab stand without a
23 completed charter order in the vehicle shall constitute prima facie
24 evidence that the operator is operating an illegal taxicab service.

25 (3) THE COMMISSION SHALL, NOT LESS THAN MONTHLY,
26 RANDOMLY SELECT AT LEAST THREE LUXURY LIMOUSINES AT THE
27 CURBSIDE AWAITING PASSENGERS. THE COMMISSION SHALL VERIFY THAT

1 EACH LIMOUSINE HAS A CHARTER ORDER OR MANIFEST THAT COMPLIES
2 WITH SUBSECTION (1) OF THIS SECTION.

3 **SECTION 3.** 40-16-103.8, Colorado Revised Statutes, is
4 amended to read:

5 **40-16-103.8. Rules.** (1) The commission shall promulgate ~~such~~
6 rules governing the operations of motor vehicle carriers exempt from
7 regulation as public utilities as may be necessary ~~for the effective~~
8 ~~administration of this article~~ TO ENSURE PUBLIC SAFETY, CONSUMER
9 PROTECTION, AND THE PROVISION OF SERVICES TO THE PUBLIC. ~~THE~~
10 COMMISSION SHALL NOT DEFINE A LUXURY LIMOUSINE TO INCLUDE A
11 MINIMUM SEATING REQUIREMENT; EXCEPT THAT THE COMMISSION MAY
12 INCLUDE A MINIMUM SEATING REQUIREMENT FOR A STRETCHED
13 LIMOUSINE.

14 (2) THE COMMISSION SHALL PROMULGATE RULES THAT:

15 (a) REQUIRE A LUXURY LIMOUSINE DRIVER TO OBTAIN A MEDICAL
16 EXAMINER'S CERTIFICATE THAT IS REQUIRED TO OPERATE A COMMERCIAL
17 MOTOR VEHICLE BY 49 CFR 391.41;

18 (b) IMPOSE A NONREFUNDABLE REGISTRATION FEE OF FIVE
19 THOUSAND DOLLARS, WHICH SHALL BE TRANSFERRED TO THE STATE
20 TREASURER AND CREDITED TO THE PUBLIC UTILITIES COMMISSION MOTOR
21 CARRIER ENFORCEMENT FUND, ESTABLISHED IN SECTION 40-2-110.5 (10);

22 (c) ENFORCE SECTION 40-16-102.5, WHICH SHALL INCLUDE
23 WITHOUT LIMITATION:

24 (I) SUSPENDING THE VIOLATOR'S REGISTRATION FOR AT LEAST SIX
25 MONTHS BUT NO MORE THAN TWO YEARS FOR THE FIRST OFFENSE; AND

26 (II) SUSPENDING THE VIOLATOR'S REGISTRATION FOR AT LEAST
27 TWO YEARS BUT NO MORE THAN FIVE YEARS FOR A SECOND OR

1 SUBSEQUENT OFFENSE WITHIN FIVE YEARS; AND

2 (d) PROVIDE FOR TIMELY NOTICE TO REGISTRANTS OF A SUSPECTED
3 VIOLATION OF SECTION 40-16-104 AND DELAY SUSPENSION OR
4 REVOCATION OF A REGISTRATION UNTIL AT LEAST THIRTY DAYS AFTER
5 SUCH NOTICE IS DELIVERED OR MAILED.

6 (e) REQUIRE PERSONS REGISTERED UNDER THIS ARTICLE TO
7 PROVIDE THE FOLLOWING TO THE COMMISSION IF THE VEHICLE'S
8 WHEELBASE IS ALTERED FROM THE ORIGINAL FACTORY CONFIGURATION:

9 (I) A VEHICLE WEIGHT SLIP, DATED WITHIN TWO WEEKS AFTER
10 INSPECTION; AND

11 (II) EVIDENCE ACCEPTABLE TO THE COMMISSION THAT THE BODY
12 OF THE MOTOR VEHICLE HAS BEEN REGISTERED WITH THE DEPARTMENT OF
13 REVENUE AS A LIMOUSINE;

14 (f) REQUIRE A MOTOR VEHICLE WITH A WHEELBASE THAT IS
15 ALTERED FROM THE ORIGINAL FACTORY CONFIGURATION TO USE TIRES
16 WITH A MAXIMUM LOAD RATING THAT EXCEEDS, BY AT LEAST TEN
17 PERCENT, THE WEIGHT OF THE VEHICLE AND ONE HUNDRED AND FIFTY
18 POUNDS PER PASSENGER, INCLUDING THE DRIVER.

19 **SECTION 4.** 40-2-110.5, Colorado Revised Statutes, is amended
20 BY THE ADDITION OF A NEW SUBSECTION to read:

21 **40-2-110.5. Annual fees - limousine enforcement fund.**

22 (10) THERE IS HEREBY ESTABLISHED THE LIMOUSINE ENFORCEMENT FUND
23 IN THE STATE TREASURY. THE MONEYS IN THE FUND SHALL BE SUBJECT TO
24 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE
25 ENFORCEMENT OF ARTICLE 16 OF THIS TITLE IN THE OPERATION OF LUXURY
26 LIMOUSINES, INCLUDING, WITHOUT LIMITATION, SECTIONS 40-16-102.5,
27 40-16-103, AND 40-16-104. TO THE EXTENT IT IS REASONABLE TO DO SO,

1 EACH LUXURY LIMOUSINE OPERATOR SHALL BE INSPECTED AT LEAST ONCE
2 PER YEAR FOR COMPLIANCE WITH ARTICLE 16 OF THIS TITLE AND RULES
3 PROMULGATED PURSUANT TO ARTICLE 16 OF THIS TITLE.
4 NOTWITHSTANDING THE AMOUNT SPECIFIED IN SECTION 40-16-103.8 (2)
5 (b), THE COMMISSION BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY
6 REDUCE THE AMOUNT OF SUCH FEE IF NECESSARY PURSUANT TO SECTION
7 24-75-402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE
8 FUND TO WHICH ALL OR ANY PORTION OF ONE OR MORE OF THE FEES IS
9 CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE
10 SUFFICIENTLY REDUCED, THE COMMISSION BY RULE OR AS OTHERWISE
11 PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE
12 FEES NOT TO EXCEED FIVE THOUSAND DOLLARS AS PROVIDED IN SECTION
13 24-75-402 (4), C.R.S.

14 **SECTION 5. Appropriation.** In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 limousine enforcement fund created in section 40-2-110.5, Colorado
17 Revised Statutes, not otherwise appropriated, to the department of
18 regulatory agencies, for allocation to the public utilities commission, for
19 the fiscal year beginning July 1, 2007, the sum of sixteen thousand six
20 hundred eighty-one dollars (\$16,681) and 0.1 FTE, or so much thereof as
21 may be necessary, for the implementation of this act.

22 **SECTION 6. Effective date.** This act shall take effect July 1,
23 2007.

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