

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Transportation

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.**

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

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.*

SENATE
3rd Reading Unamended
April 19, 2007

SENATE
2nd Reading Unamended
April 18, 2007

HOUSE
3rd Reading Unamended
March 30, 2007

HOUSE
Amended 2nd Reading
March 29, 2007

Makes conforming amendments.

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

2 **SECTION 1.** 40-16-101 (3) and (6.3), Colorado Revised Statutes,
3 are amended to read:

4 **40-16-101. Definitions.** As used in this article, unless the context
5 otherwise requires:

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

10 ~~(I) Is not identified by exterior signs or graphics other than license~~
11 ~~plates;~~

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

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

17 ~~(IV) In addition, qualifies for inclusion in one of the following~~
18 ~~categories:~~

19 ~~(A) Stretched limousine, which is a motor vehicle, originally~~
20 ~~designed as a luxury motor-driven passenger vehicle, whose wheelbase~~
21 ~~has been lengthened beyond the manufacturer's original specifications,~~
22 ~~whether at the manufacturer's factory or otherwise, and that meets~~
23 ~~applicable standards of the federal department of transportation.~~

24 ~~(B) Executive sedan, which is a full-size, four-door, luxury sedan~~
25 ~~or sports utility vehicle with a seating capacity of at least five, not~~

1 including the driver, that has not been altered from the manufacturer's
2 original specifications.

3 ~~(C) Executive van, which is a van with a rear seating capacity of
4 seven or more that may be of standard manufacturer's specifications, but
5 may have been altered from the manufacturer's original specifications,
6 and that meets applicable standards of the federal department of
7 transportation.~~

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

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

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

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

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

1 statistics.

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

3 (d) ~~If the commission questions whether a specific vehicle is a~~
4 ~~luxury limousine, it may determine if such vehicle is a luxury limousine~~
5 ~~when application is made for vehicle identification as required by section~~
6 ~~40-2-110.5.~~

7 (6.3) ~~"Prearranged", in reference to a transportation service,~~
8 ~~means that the transportation has been arranged or reserved by mail,~~
9 ~~telephone, telefacsimile, or computer before the carrier begins to render~~
10 ~~the transportation service or any service ancillary to the transportation,~~
11 ~~such as loading of baggage.~~

12 **SECTION 2. Repeal.** 40-16-102.5, Colorado Revised Statutes,
13 is repealed as follows:

14 **40-16-102.5. Luxury limousines - operational requirements.**

15 ~~Luxury limousine service shall be provided on a prearranged basis only.~~
16 ~~A luxury limousine company shall, at all times when providing service,~~
17 ~~carry in each vehicle a manifest or charter order containing the name and~~
18 ~~pickup address of the passengers who have arranged for use of the~~
19 ~~vehicle. Such manifest or charter order shall be made available~~
20 ~~immediately upon request to any authorized representative of the~~
21 ~~commission, a law enforcement agency, or an airport authority. The fact~~
22 ~~that a luxury limousine operator stations equipment at an airport, in front~~
23 ~~of or across the street from a hotel or motel, or within one hundred feet~~
24 ~~of a recognized taxicab stand without a completed charter order in the~~
25 ~~vehicle shall constitute prima facie evidence that the operator is operating~~
26 ~~an illegal taxicab service.~~

27

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

3 **40-16-103.8. Rules.** The commission shall promulgate such rules
4 governing the operations [REDACTED] of motor vehicle carriers exempt from
5 regulation as public utilities as may be necessary ~~for the effective~~
6 ~~administration of this article~~ TO ENSURE PUBLIC SAFETY, CONSUMER
7 PROTECTION, AND THE PROVISION OF SERVICES TO THE PUBLIC.

8 [REDACTED]

9 **SECTION 4. Effective date.** This act shall take effect July 1,
10 2007.

11 **SECTION 5. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.