

**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**

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**HOUSE SPONSORSHIP**

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

**SENATE SPONSORSHIP**

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

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**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

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**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.**

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**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.

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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 - motor carriers - enforcement fund.**

22 (10) THERE IS HEREBY ESTABLISHED THE MOTOR CARRIER ENFORCEMENT  
23 FUND IN THE STATE TREASURY. THE MONEYS IN THE FUND SHALL BE  
24 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE  
25 ENFORCEMENT OF ARTICLES 10 AND 16 OF THIS TITLE. ANY UNEXPENDED  
26 BALANCE REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL  
27 REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR

1 ANY OTHER FUND.

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

10           **SECTION 6. Effective date.** This act shall take effect July 1,  
11 2007.

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