

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

**PREAMENDED**

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

LLS NO. 11-0596.01 Duane Gall

**HOUSE BILL 11-1198**

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**HOUSE SPONSORSHIP**

**Kerr J.,**

**SENATE SPONSORSHIP**

**Schwartz,**

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**House Committees**

Transportation  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A REORGANIZATION OF THE STATUTES GOVERNING**  
102           **MOTOR CARRIERS, AND, IN CONNECTION THEREWITH,**  
103           **CONSOLIDATING THE FORMER ARTICLES 10, 11, 13, 14, AND 16**  
104           **OF TITLE 40, COLORADO REVISED STATUTES, INTO A SINGLE**  
105           **ARTICLE AND MAKING SUBSTANTIVE AND NONSUBSTANTIVE**  
106           **AMENDMENTS TO PROVISIONS GRANTING REGULATORY**  
107           **AUTHORITY TO THE PUBLIC UTILITIES COMMISSION.**

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**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*

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.*

*http://www.leg.state.co.us/bills/summaries.)*

The bill creates a new article in title 40, Colorado Revised Statutes, organized as follows:

- ! Part 1, containing general provisions applicable to all motor carriers;
- ! Part 2, governing motor carriers of passengers, including taxicabs, that are required to obtain operating authority;
- ! Part 3, governing motor carriers of passengers that are not required to obtain operating authority;
- ! Part 4, governing towing carriers; and
- ! Part 5, governing carriers of household goods.

In addition to reorganizing existing statutory material, the bill makes the following substantive changes:

- ! Clarifies the services authorized under a children's activity bus permit and a towing permit;
- ! Eliminates duplicative safety oversight by the PUC and the Colorado state patrol;
- ! Standardizes provisions relating to the conduct of fingerprint-based criminal history record checks, both on initial issuance and renewal of a driver's authorization to drive for a motor carrier;
- ! Limits the PUC's regulation of towing carriers to nonconsensual tows and the carriers that perform nonconsensual tows; and
- ! Eliminates overlapping jurisdiction between the PUC and the state patrol regarding household goods carriers (movers) using vehicles between 10,001 pounds and 26,000 pounds.

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

2           **SECTION 1.** Title 40, Colorado Revised Statutes, is amended BY  
3 THE ADDITION OF A NEW ARTICLE to read:

4                           **ARTICLE 10.1**

5                           **Motor Carriers**

6                           PART 1

7                           GENERAL PROVISIONS

8           **40-10.1-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (1) "ADVERTISE" MEANS TO ADVISE, ANNOUNCE, GIVE NOTICE OF,  
3 PUBLISH, OR CALL ATTENTION TO BY USE OF ANY ORAL, WRITTEN, OR  
4 GRAPHIC STATEMENT MADE IN A NEWSPAPER OR OTHER PUBLICATION, ON  
5 RADIO, TELEVISION, OR ANY ELECTRONIC MEDIUM, OR CONTAINED IN ANY  
6 NOTICE, HANDBILL, SIGN, INCLUDING SIGNAGE ON A VEHICLE, FLYER,  
7 CATALOG, OR LETTER, OR PRINTED ON OR CONTAINED IN ANY TAG OR  
8 LABEL ATTACHED TO OR ACCOMPANYING ANY ARTICLE OF PERSONAL  
9 PROPERTY.

10 (2) "CERTIFICATE" MEANS THE CERTIFICATE OF PUBLIC  
11 CONVENIENCE AND NECESSITY ISSUED TO A COMMON CARRIER UNDER  
12 PART 2 OF THIS ARTICLE.

13 (3) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF  
14 THE STATE OF COLORADO.

15 (4) "COMMON CARRIER" MEANS A COMMON CARRIER AS DEFINED  
16 IN SECTION 40-1-102; EXCEPT THAT THE TERM DOES NOT INCLUDE A  
17 CONTRACT CARRIER AS DEFINED IN THIS SECTION OR A MOTOR CARRIER OF  
18 PASSENGERS UNDER PART 3 OF THIS ARTICLE.

19 (5) "COMPENSATION" MEANS ANY MONEY, PROPERTY, SERVICE, OR  
20 THING OF VALUE CHARGED OR RECEIVED OR TO BE CHARGED OR RECEIVED,  
21 WHETHER DIRECTLY OR INDIRECTLY.

22 (6) "CONTRACT CARRIER" MEANS EVERY PERSON, OTHER THAN A  
23 COMMON CARRIER OR A MOTOR CARRIER OF PASSENGERS UNDER PART 3 OF  
24 THIS ARTICLE, WHO, BY SPECIAL CONTRACT, DIRECTLY OR INDIRECTLY  
25 AFFORDS A MEANS OF PASSENGER TRANSPORTATION OVER ANY PUBLIC  
26 HIGHWAY OF THIS STATE.

27 (7) "FIXED POINTS" AND "ESTABLISHED ROUTE" MEAN POINTS OR

1 A ROUTE BETWEEN OR OVER WHICH ANY COMMON CARRIER USUALLY OR  
2 ORDINARILY OPERATES OR HOLDS OUT TO OPERATE ANY MOTOR VEHICLE,  
3 EVEN THOUGH THERE MAY BE DEPARTURES FROM SUCH POINTS OR ROUTE,  
4 WHETHER SUCH DEPARTURES ARE PERIODIC OR IRREGULAR.

5 (8) "HOUSEHOLD GOODS" MEANS THE PERSONAL EFFECTS AND  
6 PROPERTY USED OR TO BE USED IN A DWELLING, WHEN A PART OF THE  
7 EQUIPMENT OR SUPPLY OF SUCH DWELLING, AND SIMILAR PROPERTY IF THE  
8 TRANSPORTATION OF SUCH EFFECTS AND PROPERTY IS:

9 (a) ARRANGED AND PAID FOR BY THE HOUSEHOLDER; EXCEPT THAT  
10 "HOUSEHOLD GOODS" DOES NOT INCLUDE PROPERTY MOVING FROM A  
11 FACTORY OR STORE, OTHER THAN PROPERTY THAT THE HOUSEHOLDER HAS  
12 PURCHASED WITH INTENT TO USE IN HIS OR HER DWELLING AND THAT IS  
13 TRANSPORTED AT THE REQUEST OF, AND THE TRANSPORTATION CHARGES  
14 ARE PAID TO THE MOVER BY, THE HOUSEHOLDER; OR

15 (b) ARRANGED AND PAID FOR BY ANOTHER PARTY.

16 (9) "INTRASTATE COMMERCE" MEANS TRANSPORTATION FOR  
17 COMPENSATION BY MOTOR VEHICLES OVER THE PUBLIC HIGHWAYS  
18 BETWEEN POINTS IN THIS STATE.

19 (10) "MOTOR CARRIER" MEANS ANY PERSON OWNING,  
20 CONTROLLING, OPERATING, OR MANAGING ANY MOTOR VEHICLE THAT  
21 PROVIDES TRANSPORTATION IN INTRASTATE COMMERCE PURSUANT TO  
22 THIS ARTICLE.

23 (11) "MOTOR VEHICLE" MEANS ANY AUTOMOBILE, TRUCK,  
24 TRACTOR, MOTOR BUS, OR OTHER SELF-PROPELLED VEHICLE OR ANY  
25 TRAILER DRAWN THEREBY.

26 (12) "MOVER" MEANS A MOTOR CARRIER THAT PROVIDES THE  
27 TRANSPORTATION OR SHIPMENT OF HOUSEHOLD GOODS.

1 (13) "NONCONSENSUAL TOWING" OR "NONCONSENSUAL TOW"  
2 MEANS THE TRANSPORTATION OF A MOTOR VEHICLE BY TOW TRUCK IF  
3 SUCH TRANSPORTATION IS PERFORMED WITHOUT THE PRIOR CONSENT OR  
4 AUTHORIZATION OF THE OWNER OR OPERATOR OF THE MOTOR VEHICLE.

5 (14) "PERMIT" MEANS THE PERMIT ISSUED TO A CONTRACT  
6 CARRIER UNDER PART 2 OF THIS ARTICLE OR TO A MOTOR CARRIER UNDER  
7 PART 3, 4, OR 5 OF THIS ARTICLE.

8 (15) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP,  
9 CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR  
10 OTHER LEGAL ENTITY AND ANY PERSON ACTING AS OR IN THE CAPACITY OF  
11 LESSEE, TRUSTEE, OR RECEIVER THEREOF, WHETHER APPOINTED BY A  
12 COURT OR OTHERWISE.

13 (16) "PUBLIC HIGHWAY" MEANS EVERY STREET, ROAD, OR  
14 HIGHWAY IN THIS STATE OVER WHICH THE PUBLIC GENERALLY HAS A  
15 RIGHT TO TRAVEL.

16 (17) "SHIPPER" MEANS A PERSON WHO USES THE SERVICES OF A  
17 MOVER TO TRANSPORT OR SHIP HOUSEHOLD GOODS.

18 (18) "TAXICAB" MEANS A MOTOR VEHICLE WITH A SEATING  
19 CAPACITY OF EIGHT OR LESS, INCLUDING THE DRIVER, OPERATED IN  
20 TAXICAB SERVICE.

21 (19) "TAXICAB SERVICE" MEANS PASSENGER TRANSPORTATION IN  
22 A TAXICAB ON A CALL-AND-DEMAND BASIS, WITH THE FIRST PASSENGER  
23 THEREIN HAVING EXCLUSIVE USE OF THE TAXICAB UNLESS SUCH  
24 PASSENGER AGREES TO MULTIPLE LOADING.

25 (20) "TOWING CARRIER" MEANS A MOTOR CARRIER THAT:

26 (a) PROVIDES, AS ONE OF ITS PRIMARY FUNCTIONS, THE TOWING OF  
27 MOTOR VEHICLES BY USE OF A TOW TRUCK; AND

1 (b) MAY ALSO PROVIDE STORAGE OF TOWED VEHICLES.

2 (21) "TOW TRUCK" MEANS A MOTOR VEHICLE SPECIALLY DESIGNED  
3 OR EQUIPPED FOR TRANSPORTING ANOTHER MOTOR VEHICLE BY MEANS OF  
4 WINCHES, CABLES, PULLEYS, OR OTHER EQUIPMENT FOR TOWING, PULLING,  
5 OR LIFTING SUCH OTHER MOTOR VEHICLE FROM ONE PLACE TO ANOTHER.

6 **40-10.1-102. Powers of the commission.** (1) THE COMMISSION  
7 HAS THE POWER TO AND SHALL ADMINISTER AND ENFORCE THIS ARTICLE,  
8 INCLUDING THE RIGHT TO INSPECT THE MOTOR VEHICLES, FACILITIES, AND  
9 RECORDS AND DOCUMENTS, REGARDLESS OF THE FORMAT, OF THE MOTOR  
10 CARRIERS AND PERSONS INVOLVED.

11 (2) THE COLORADO STATE PATROL AND THE PORTS OF ENTRY  
12 SECTION OF THE DEPARTMENT OF REVENUE HAVE THE POWER TO MONITOR  
13 AND ENFORCE COMPLIANCE WITH THE CERTIFICATE AND PERMIT  
14 REQUIREMENTS OF THIS ARTICLE AND ARTICLE 10.5 OF THIS TITLE.

15 **40-10.1-103. Subject to control by commission.** (1) ALL  
16 COMMON CARRIERS AND CONTRACT CARRIERS ARE DECLARED TO BE  
17 PUBLIC UTILITIES WITHIN THE MEANING OF ARTICLES 1 TO 7 OF THIS TITLE  
18 AND ARE DECLARED TO BE AFFECTED WITH A PUBLIC INTEREST AND  
19 SUBJECT TO THIS ARTICLE AND ARTICLES 1 TO 7 OF THIS TITLE, INCLUDING  
20 THE REGULATION OF ALL RATES AND CHARGES PERTAINING TO PUBLIC  
21 UTILITIES, SO FAR AS APPLICABLE, AND OTHER LAWS OF THIS STATE NOT IN  
22 CONFLICT THEREWITH.

23 (2) EXCEPT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION,  
24 MOTOR CARRIERS ARE NOT PUBLIC UTILITIES UNDER THIS TITLE, BUT ARE  
25 DECLARED TO BE AFFECTED WITH A PUBLIC INTEREST AND ARE SUBJECT TO  
26 REGULATION TO THE EXTENT PROVIDED IN THIS ARTICLE, IN SECTION  
27 40-2-110.5, IN ARTICLE 6 OF THIS TITLE, AND IN ARTICLE 7 OF THIS TITLE

1 EXCEPT SECTIONS 40-7-113.5, 40-7-116.5, AND 40-7-117. THE TERM  
2 "PUBLIC UTILITY", WHEN USED IN ARTICLES 6 AND 7 OF THIS TITLE,  
3 INCLUDES ALL MOTOR CARRIERS.

4 **40-10.1-104. Compliance.** A PERSON SHALL NOT OPERATE OR  
5 OFFER TO OPERATE AS A MOTOR CARRIER IN THIS STATE EXCEPT IN  
6 ACCORDANCE WITH THIS ARTICLE.

7 **40-10.1-105. Transportation not subject to regulation.**

8 (1) THE FOLLOWING TYPES OF TRANSPORTATION ARE NOT SUBJECT TO  
9 REGULATION UNDER THIS ARTICLE:

10 (a) A RIDESHARING ARRANGEMENT, AS DEFINED IN SECTION  
11 39-22-509 (1) (a) (II), C.R.S.;

12 (b) THE TRANSPORTATION OF CHILDREN TO AND FROM SCHOOL,  
13 SCHOOL-RELATED ACTIVITIES, AND SCHOOL-SANCTIONED ACTIVITIES TO  
14 THE EXTENT THAT SUCH TRANSPORTATION IS PROVIDED BY A SCHOOL OR  
15 SCHOOL DISTRICT OR THE SCHOOL OR SCHOOL DISTRICT'S  
16 TRANSPORTATION CONTRACTORS;

17 (c) A PRIVATE INDIVIDUAL WHO TRANSPORTS A NEIGHBOR OR  
18 FRIEND ON A TRIP;

19 (d) TRANSPORTATION BY HEARSEs, AMBULANCES, OR OTHER  
20 EMERGENCY VEHICLES;

21 (e) TRANSPORTATION BY MOTOR VEHICLES DESIGNED AND USED  
22 FOR THE NONEMERGENCY TRANSPORTATION OF INDIVIDUALS WITH  
23 DISABILITIES AS DEFINED IN SECTION 42-7-510 (2) (b), C.R.S.;

24 (f) AN AMUSEMENT RIDE CONSISTING OF A TOWED VEHICLE THAT  
25 IS INCAPABLE OF OPERATING UNDER ITS OWN POWER, THE PRINCIPAL  
26 PURPOSE OF WHICH IS TO CARRY INDIVIDUALS OVER SHORT DISTANCES FOR  
27 THEIR ENJOYMENT AND BY WHICH THE PROVISION OF A TRANSPORTATION

1 SERVICE IS ONLY INCIDENTAL;

2 (g) PEOPLE SERVICE TRANSPORTATION AND VOLUNTEER  
3 TRANSPORTATION PURSUANT TO ARTICLE 1.1 OF THIS TITLE;

4 (h) TRANSPORTATION BY VEHICLES OPERATED UPON FIXED RAILS;

5 (i) TRANSPORTATION OF PROPERTY, EXCEPT TRANSPORTATION  
6 PROVIDED BY A TOWING CARRIER OR A MOVER;

7 (j) TRANSPORTATION PERFORMED BY THE FEDERAL GOVERNMENT,  
8 A STATE, OR ANY AGENCY OR POLITICAL SUBDIVISION OF EITHER, WHETHER  
9 THROUGH AN INTERGOVERNMENTAL AGREEMENT, CONTRACTUAL  
10 ARRANGEMENT, OR OTHERWISE; AND

11 (k) TRANSPORTATION OF REPOSSESSED PROPERTY BY A SECURED  
12 CREDITOR OR ASSIGNEE, OR BY A REPOSSESSOR ON BEHALF OF A SECURED  
13 CREDITOR OR ASSIGNEE, WHEN REPOSSESSING PURSUANT TO SECTION  
14 4-9-629, C.R.S.

15 **40-10.1-106. Commission to make rules and prescribe rates.**

16 (1) THE COMMISSION HAS THE AUTHORITY AND DUTY TO PRESCRIBE SUCH  
17 REASONABLE RULES COVERING THE OPERATIONS OF MOTOR CARRIERS AS  
18 MAY BE NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS  
19 ARTICLE, INCLUDING RULES ON THE FOLLOWING SUBJECTS:

20 (a) ENSURING PUBLIC SAFETY, FINANCIAL RESPONSIBILITY,  
21 CONSUMER PROTECTION, SERVICE QUALITY, AND THE PROVISION OF  
22 SERVICES TO THE PUBLIC;

23 (b) THE CIRCUMSTANCES UNDER WHICH A TOWING CARRIER MAY  
24 PERFORM A NONCONSENSUAL TOW OF A MOTOR VEHICLE, THE  
25 RESPONSIBILITIES AND FACILITIES OF THE TOWING CARRIER FOR THE CARE  
26 OR STORAGE OF THE MOTOR VEHICLE AND ITS CONTENTS, AND THE  
27 MINIMUM AND MAXIMUM RATES AND CHARGES TO BE COLLECTED BY THE



1 TOWING CARRIER FOR THE NONCONSENSUAL TOWING AND STORAGE OF THE  
2 MOTOR VEHICLE. IN SETTING THE RATES AND CHARGES PURSUANT TO THIS  
3 SECTION, THE COMMISSION MAY REQUIRE TOWING CARRIERS PERFORMING  
4 NONCONSENSUAL TOWS TO SUBMIT FINANCIAL STATEMENTS OR OTHER  
5 FINANCIAL INFORMATION TO DETERMINE THE COSTS ASSOCIATED WITH THE  
6 PERFORMANCE OF NONCONSENSUAL TOWING AND ANY MOTOR VEHICLE  
7 STORAGE INCIDENT THERETO.

8 (c) THE ADMINISTRATION OF THE FINGERPRINT-BASED CRIMINAL  
9 HISTORY RECORD CHECKS REQUIRED BY SECTION 40-10.1-110.

10 **40-10.1-107. Financial responsibility - filing.** (1) EACH MOTOR  
11 CARRIER SHALL MAINTAIN AND FILE WITH THE COMMISSION EVIDENCE OF  
12 FINANCIAL RESPONSIBILITY IN SUCH SUM, FOR SUCH PROTECTION, AND IN  
13 SUCH FORM AS THE COMMISSION MAY BY RULE REQUIRE AS THE  
14 COMMISSION DEEMS NECESSARY TO ADEQUATELY SAFEGUARD THE PUBLIC  
15 INTEREST.

16 (2) THE FINANCIAL RESPONSIBILITY REQUIRED BY SUBSECTION (1)  
17 OF THIS SECTION MUST BE IN THE FORM OF A LIABILITY INSURANCE POLICY  
18 ISSUED BY AN INSURANCE CARRIER OR INSURER AUTHORIZED TO DO  
19 BUSINESS IN THIS STATE, OR A SURETY BOND ISSUED BY A COMPANY  
20 AUTHORIZED TO DO BUSINESS IN THIS STATE, OR PROOF OF  
21 SELF-INSURANCE.

22 (3) AN INSURANCE POLICY, SURETY BOND, OR SELF-INSURANCE  
23 PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL BE KEPT  
24 CONTINUOUSLY EFFECTIVE DURING THE LIFE OF A CERTIFICATE OR PERMIT  
25 AND THE COMMISSION SHALL REQUIRE SUCH EVIDENCE OF CONTINUED  
26 VALIDITY AS THE COMMISSION DEEMS NECESSARY.

27 (4) NO TERMINATION OF AN INSURANCE POLICY OR SURETY BOND

1 IS VALID UNLESS THE INSURER OR SURETY HAS NOTIFIED BOTH THE  
2 HOLDER OF THE POLICY OR BOND AND THE COMMISSION AT LEAST THIRTY  
3 DAYS BEFORE THE EFFECTIVE DATE OF THE TERMINATION.

4 **40-10.1-108. Commission to make safety rules.** (1) THE  
5 COMMISSION HAS THE AUTHORITY AND DUTY TO ESTABLISH, FOR MOTOR  
6 CARRIERS SUBJECT TO PARTS 2 AND 3 OF THIS ARTICLE, REASONABLE  
7 RULES TO PROMOTE SAFETY OF OPERATION.

8 (2) FOR THE PURPOSE OF CARRYING OUT THIS SECTION PERTAINING  
9 TO SAFETY, THE COMMISSION MAY OBTAIN THE ASSISTANCE OF ANY  
10 AGENCY OF THE UNITED STATES OR OF THIS STATE HAVING SPECIAL  
11 KNOWLEDGE OF ANY MATTER NECESSARY TO PROMOTE THE SAFETY OF  
12 OPERATION AND EQUIPMENT OF MOTOR VEHICLES. IN ADOPTING SUCH  
13 RULES, THE COMMISSION SHALL USE AS GENERAL GUIDELINES THE  
14 STANDARDS CONTAINED IN THE CURRENT RULES AND REGULATIONS OF THE  
15 UNITED STATES DEPARTMENT OF TRANSPORTATION RELATING TO SAFETY  
16 REGULATIONS, QUALIFICATIONS OF DRIVERS, DRIVING OF MOTOR  
17 VEHICLES, PARTS AND ACCESSORIES, RECORDING AND REPORTING OF  
18 ACCIDENTS, HOURS OF SERVICE OF DRIVERS, AND INSPECTION AND  
19 MAINTENANCE OF MOTOR VEHICLES.

20 **40-10.1-109. Motor carrier compliance with safety rules.**

21 (1) A MOTOR CARRIER SUBJECT TO PART 2 OR 3 OF THIS ARTICLE SHALL  
22 COMPLY WITH THE SAFETY RULES ADOPTED BY THE COMMISSION  
23 PURSUANT TO SECTION 40-10.1-108.

24 (2) A MOTOR CARRIER OPERATING A MOTOR VEHICLE THAT IS  
25 DEFINED AS A COMMERCIAL VEHICLE IN SECTION 42-4-235 (1) (a), C.R.S.,  
26 SHALL COMPLY WITH THE SAFETY RULES ADOPTED BY THE DEPARTMENT  
27 OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-203 (1) (b), C.R.S., IN

1 ADDITION TO THE RULES ADOPTED BY THE COMMISSION UNDER  
2 SUBSECTION (1) OF THIS SECTION.

3 (3) NOTHING IN SUBSECTION (1) OR (2) OF THIS SECTION  
4 DIMINISHES THE AUTHORITY OF THE COMMISSION, THE DEPARTMENT OF  
5 PUBLIC SAFETY, A PEACE OFFICER, OR ANY OTHER AGENT OF GOVERNMENT  
6 TO ENFORCE THE LAWS OF THIS STATE.

7 **40-10.1-110. Criminal history record check.** (1) AN  
8 INDIVIDUAL WHO WISHES TO DRIVE EITHER A TAXICAB FOR A MOTOR  
9 CARRIER THAT IS THE HOLDER OF A CERTIFICATE TO PROVIDE TAXICAB  
10 SERVICE ISSUED UNDER PART 2 OF THIS ARTICLE OR A MOTOR VEHICLE FOR  
11 A MOTOR CARRIER THAT IS THE HOLDER OF A PERMIT TO OPERATE AS A  
12 CHARTER BUS, CHILDREN'S ACTIVITY BUS, LUXURY LIMOUSINE, OR  
13 OFF-ROAD SCENIC CHARTER UNDER PART 3 OF THIS ARTICLE SHALL SUBMIT  
14 A SET OF HIS OR HER FINGERPRINTS TO THE COMMISSION. THE COMMISSION  
15 SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF  
16 INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
17 CRIMINAL HISTORY RECORD CHECK. UPON RECEIPT OF FINGERPRINTS AND  
18 PAYMENT FOR THE COSTS, THE COLORADO BUREAU OF INVESTIGATION  
19 SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL  
20 HISTORY RECORD CHECK USING RECORDS OF THE COLORADO BUREAU OF  
21 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE  
22 COMMISSION IS THE AUTHORIZED AGENCY TO RECEIVE INFORMATION  
23 REGARDING THE RESULT OF A NATIONAL CRIMINAL HISTORY RECORD  
24 CHECK. THE INDIVIDUAL WHOSE FINGERPRINTS ARE CHECKED SHALL PAY  
25 THE ACTUAL COSTS OF THE STATE AND NATIONAL FINGERPRINT-BASED  
26 CRIMINAL HISTORY RECORD CHECK.

27 (2) AN INDIVIDUAL WHOSE FINGERPRINTS ARE CHECKED PURSUANT

1 TO SUBSECTION (1) OF THIS SECTION MAY, PENDING THE RESULTS OF THE  
2 CRIMINAL HISTORY RECORD CHECK, DRIVE SUCH MOTOR VEHICLES FOR THE  
3 MOTOR CARRIER DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOR UP TO  
4 NINETY DAYS AFTER THE COMMISSION FORWARDS THE FINGERPRINTS TO  
5 THE COLORADO BUREAU OF INVESTIGATION OR UNTIL THE COMMISSION  
6 RECEIVES THE RESULTS OF THE CHECK, WHICHEVER OCCURS FIRST. UPON  
7 THE COMMISSION'S RECEIPT OF THE RESULTS, THE INDIVIDUAL MAY  
8 RESUME DRIVING MOTOR VEHICLES FOR THE MOTOR CARRIER DESCRIBED  
9 IN SUBSECTION (1) OF THIS SECTION, SO LONG AS THE DRIVING DOES NOT  
10 VIOLATE APPLICABLE LAW AND DOES NOT OCCUR WHILE THE INDIVIDUAL  
11 HAS A CRIMINAL CONVICTION ON HIS OR HER RECORD THAT DISQUALIFIES  
12 AND PROHIBITS HIM OR HER FROM DRIVING A MOTOR VEHICLE PURSUANT  
13 TO SUBSECTION (3) OF THIS SECTION.

14 (3) AN INDIVIDUAL WHOSE CRIMINAL HISTORY RECORD IS CHECKED  
15 PURSUANT TO THIS SECTION IS DISQUALIFIED AND PROHIBITED FROM  
16 DRIVING MOTOR VEHICLES FOR THE MOTOR CARRIER DESCRIBED IN  
17 SUBSECTION (1) OF THIS SECTION IF THE CRIMINAL HISTORY RECORD  
18 CHECK REFLECTS THAT:

19 (a) THE INDIVIDUAL IS NOT OF GOOD MORAL CHARACTER, AS  
20 DETERMINED BY THE COMMISSION BASED ON THE RESULTS OF THE CHECK;

21 (b) (I) THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OR  
22 MISDEMEANOR INVOLVING MORAL TURPITUDE.

23 (II) AS USED IN THIS PARAGRAPH (b), "MORAL TURPITUDE"  
24 INCLUDES ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD, AS DEFINED  
25 IN SECTION 18-3-411, C.R.S., OR A COMPARABLE OFFENSE IN ANY OTHER  
26 STATE OR IN THE UNITED STATES.

27 (c) WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE DATE

1 THE CRIMINAL HISTORY RECORD CHECK IS COMPLETED, THE INDIVIDUAL  
2 WAS:

3 (I) CONVICTED IN THIS STATE OF DRIVING UNDER THE INFLUENCE,  
4 AS DEFINED IN SECTION 42-4-1301 (1) (f), C.R.S.; DRIVING WITH  
5 EXCESSIVE ALCOHOLIC CONTENT, AS DESCRIBED IN SECTION 42-4-1301 (2)  
6 (a), C.R.S.; DRIVING WHILE ABILITY IMPAIRED, AS DEFINED IN SECTION  
7 42-4-1301 (1) (g), C.R.S.; OR DRIVING WHILE AN HABITUAL USER OF A  
8 CONTROLLED SUBSTANCE, AS DESCRIBED IN SECTION 42-4-1301 (1) (c),  
9 C.R.S.; OR

10 (II) CONVICTED OF A COMPARABLE OFFENSE IN ANY OTHER STATE  
11 OR IN THE UNITED STATES.

12 (4) THE COMMISSION SHALL CONSIDER THE INFORMATION  
13 RESULTING FROM THE CRIMINAL HISTORY RECORD CHECK IN ITS  
14 DETERMINATION AS TO WHETHER THE INDIVIDUAL HAS MET THE  
15 STANDARDS SET FORTH IN SECTION 24-5-101 (2), C.R.S.

16 (5) AN INDIVIDUAL WHOSE FINGERPRINTS WERE CHECKED  
17 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL, AS A CONDITION OF  
18 CONTINUED QUALIFICATION TO DRIVE A MOTOR VEHICLE FOR A MOTOR  
19 CARRIER, RESUBMIT A SET OF HIS OR HER FINGERPRINTS TO THE  
20 COMMISSION IN ACCORDANCE WITH THE COMMISSION'S RULES.

21 (6) EACH MOTOR CARRIER DESCRIBED IN SUBSECTION (1) OF THIS  
22 SECTION SHALL ENSURE DRIVER COMPLIANCE WITH THIS SECTION AND  
23 WITH COMMISSION RULES PROMULGATED PURSUANT TO THIS SECTION.  
24 NOTHING IN THIS SUBSECTION (6) MAKES A DRIVER AN EMPLOYEE OF THE  
25 MOTOR CARRIER.

26 (7) THE COMMISSION SHALL, CONSISTENT WITH THE  
27 REQUIREMENTS OF THIS SECTION, PROMULGATE RULES CONCERNING THE

1 EMPLOYMENT OF, CONTRACTING WITH, AND RETENTION OF AN INDIVIDUAL  
2 WHOSE CRIMINAL HISTORY RECORD IS CHECKED PURSUANT TO THIS  
3 SECTION, AND THE FREQUENCY AND CIRCUMSTANCES REQUIRING  
4 RESUBMISSION OF FINGERPRINTS.

5 **40-10.1-111. Filing, issuance, and annual fees.** (1) A MOTOR  
6 CARRIER SHALL PAY THE COMMISSION THE FOLLOWING FEES IN AMOUNTS  
7 PRESCRIBED IN THIS SECTION OR, IF NOT SO PRESCRIBED, AS SET  
8 ADMINISTRATIVELY BY THE COMMISSION WITH APPROVAL OF THE  
9 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES:

10 (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS  
11 SUBSECTION (1), THE FILING FEE FOR AN APPLICATION FOR A TEMPORARY  
12 AUTHORITY, CERTIFICATE, OR PERMIT UNDER PART 2 OF THIS ARTICLE OR  
13 FOR AN EXTENSION, AMENDMENT, TRANSFER, OR LEASE OF A TEMPORARY  
14 AUTHORITY, CERTIFICATE, OR PERMIT IS THIRTY-FIVE DOLLARS, AND THE  
15 FEE FOR ISSUANCE OF A TEMPORARY AUTHORITY, CERTIFICATE, OR PERMIT  
16 UNDER PART 2 OF THIS ARTICLE IS FIVE DOLLARS.

17 (b) THE COMMISSION SHALL ADMINISTRATIVELY SET THE FILING  
18 FEE FOR AN APPLICATION UNDER PART 2 OF THIS ARTICLE TO PROVIDE  
19 TAXICAB SERVICE WITHIN AND BETWEEN THE COUNTIES OF ADAMS,  
20 ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, AND  
21 JEFFERSON.

22 (c) THE FILING FEE FOR A PERMIT TO OPERATE UNDER PART 4 OF  
23 THIS ARTICLE IS ONE HUNDRED FIFTY DOLLARS.

24 (d) THE COMMISSION SHALL ADMINISTRATIVELY SET THE ANNUAL  
25 FILING FEE FOR A PERMIT TO OPERATE UNDER PART 5 OF THIS ARTICLE;  
26 EXCEPT THAT THE FEE MAY NOT EXCEED THREE HUNDRED DOLLARS.

27 (e) THE FILING FEE FOR A TEMPORARY PERMIT TO OPERATE AS A

1 MOVER PURSUANT TO SECTION 40-10.1-502 (5) (a) IS ONE HUNDRED FIFTY  
2 DOLLARS.

3 (f) THE COMMISSION SHALL ADMINISTRATIVELY SET THE ANNUAL  
4 FEE FOR EACH MOTOR VEHICLE A MOTOR CARRIER OWNS, CONTROLS,  
5 OPERATES, OR MANAGES.

6 (2) EXCEPT FOR A MOTOR CARRIER THAT HAS PAID A FEE  
7 PURSUANT TO ARTICLE 10.5 OF THIS TITLE, A MOTOR CARRIER SHALL NOT  
8 OPERATE ANY MOTOR VEHICLE IN INTRASTATE COMMERCE UNLESS THE  
9 ANNUAL FEES REQUIRED BY PARAGRAPH (f) OF SUBSECTION (1) OF THIS  
10 SECTION HAVE BEEN PAID. SUCH FEES APPLY ON A CALENDAR YEAR BASIS  
11 AND ARE CREDITABLE ONLY TO THE SPECIFIC VEHICLES FOR WHICH THE  
12 FEES HAVE BEEN PAID.

13 (3) ADMINISTRATIVELY SET FEES MUST BE BASED ON THE  
14 APPROPRIATION MADE FOR THE PURPOSES SPECIFIED IN SECTION 40-2-110  
15 (2) (a) (I), SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR OF  
16 THE DEPARTMENT OF REGULATORY AGENCIES, SUCH THAT THE REVENUE  
17 GENERATED FROM ALL MOTOR CARRIER FEES APPROXIMATES THE DIRECT  
18 AND INDIRECT COSTS OF THE COMMISSION IN THE SUPERVISION AND  
19 REGULATION OF MOTOR CARRIERS.

20 (4) THE COMMISSION SHALL TRANSMIT ALL FEES COLLECTED  
21 UNDER THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THEM  
22 TO THE PUBLIC UTILITIES COMMISSION MOTOR CARRIER FUND CREATED IN  
23 SECTION 40-2-110.5.

24 **40-10.1-112. Commission may take action against a certificate**  
25 **or permit.** (1) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION,  
26 THE COMMISSION, AT ANY TIME, BY ORDER DULY ENTERED, AFTER  
27 HEARING UPON NOTICE TO THE MOTOR CARRIER AND UPON PROOF OF

1 VIOLATION, MAY ISSUE AN ORDER TO CEASE AND DESIST OR MAY SUSPEND,  
2 REVOKE, ALTER, OR AMEND ANY CERTIFICATE OR PERMIT ISSUED TO THE  
3 MOTOR CARRIER UNDER THIS ARTICLE FOR THE FOLLOWING REASONS:

4 (a) A VIOLATION OF THIS ARTICLE OR OF ANY TERM OR CONDITION  
5 OF THE MOTOR CARRIER'S CERTIFICATE OR PERMIT;

6 (b) EXCEEDING THE AUTHORITY GRANTED BY A CERTIFICATE OR  
7 PERMIT;

8 (c) A VIOLATION OR REFUSAL TO OBSERVE ANY OF THE PROPER  
9 ORDERS OR RULES OF THE COMMISSION;

10 (d) FOR A TOWING CARRIER, A VIOLATION OF ANY OF THE  
11 PROVISIONS SET FORTH IN PART 18 OR 21 OF ARTICLE 4 OF TITLE 42,  
12 C.R.S., OR A CONVICTION, GUILTY PLEA, OR PLEA OF NOLO CONTENDERE  
13 TO A FELONY;

14 (e) FOR A MOVER, FAILURE OR REFUSAL TO ABIDE BY THE TERMS  
15 OF AN ARBITRATOR'S AWARD UNDER SECTION 40-10.1-507, OR FAILURE TO  
16 SATISFY THE REQUIREMENTS FOR A NEW OR RENEWED PERMIT UNDER  
17 SECTION 40-10.1-502.

18 (2) ANY PERSON MAY FILE A COMPLAINT AGAINST A MOTOR  
19 CARRIER FOR A VIOLATION OF THIS ARTICLE OR A RULE ADOPTED UNDER  
20 THIS ARTICLE. THE COMPLAINANT MAY REQUEST ANY RELIEF THAT THE  
21 COMMISSION, IN ITS AUTHORITY, MAY GRANT, INCLUDING AN ORDER TO  
22 CEASE AND DESIST, SUSPENSION OR REVOCATION OF THE MOTOR CARRIER'S  
23 CERTIFICATE OR PERMIT, OR ASSESSMENT OF CIVIL PENALTIES. UPON  
24 PROOF OF VIOLATION, THE COMMISSION MAY ISSUE AN ORDER TO CEASE  
25 AND DESIST, SUSPEND OR REVOKE THE MOTOR CARRIER'S CERTIFICATE OR  
26 PERMIT, ASSESS CIVIL PENALTIES AS PROVIDED IN ARTICLE 7 OF THIS TITLE,  
27 OR TAKE ANY OTHER ACTION WITHIN THE COMMISSION'S AUTHORITY. IN



1 ASSESSING CIVIL PENALTIES UNDER THIS SUBSECTION (2), THE COMMISSION  
2 IS NOT CONSTRAINED BY THE PROCEDURAL REQUIREMENTS OF SECTION  
3 40-7-116.

4 (3) NOTWITHSTANDING THE NOTICE AND HEARING PROVISIONS OF  
5 SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL SUMMARILY  
6 SUSPEND THE CERTIFICATE OR PERMIT OF ANY MOTOR CARRIER FOR  
7 FAILURE TO MAINTAIN EFFECTIVE INSURANCE OR SURETY BOND COVERAGE  
8 AND FILE EVIDENCE OF THE SAME IN ACCORDANCE WITH SECTION  
9 40-10.1-107 AND RULES ADOPTED PURSUANT THERETO. THE COMMISSION  
10 SHALL REINSTATE SUCH SUMMARILY SUSPENDED CERTIFICATE OR PERMIT  
11 WITHIN A TIME PERIOD SPECIFIED IN, AND IN ACCORDANCE WITH, THE  
12 RULES OF THE COMMISSION.

13 (4) A MOTOR CARRIER WHOSE CERTIFICATE OR PERMIT HAS BEEN  
14 REVOKED FOR CAUSE MORE THAN TWICE IS NOT ELIGIBLE FOR ANOTHER  
15 SUCH CERTIFICATE OR PERMIT FOR AT LEAST TWO YEARS AFTER THE DATE  
16 OF THE THIRD SUCH REVOCATION. IN THE CASE OF AN ENTITY, THE  
17 TWO-YEAR PERIOD OF INELIGIBILITY ALSO APPLIES TO ALL PRINCIPALS,  
18 OFFICERS, AND DIRECTORS OF THE ENTITY, WHETHER OR NOT ANY SUCH  
19 PRINCIPAL, OFFICER, OR DIRECTOR APPLIES INDIVIDUALLY OR AS A  
20 PRINCIPAL, OFFICER, OR DIRECTOR OF THE SAME OR A DIFFERENT ENTITY.  
21 AS USED IN THIS SUBSECTION (4), "REVOKED FOR CAUSE" DOES NOT  
22 INCLUDE A REVOCATION FOR FAILURE TO CARRY THE REQUIRED  
23 INSURANCE UNLESS IT IS SHOWN THAT THE PERSON KNOWINGLY OPERATED  
24 WITHOUT INSURANCE.

25 (5) ANY COMMISSION ACTION UNDER SUBSECTION (1) OR (2) OF  
26 THIS SECTION MUST CONFORM TO THE PROVISIONS AND PROCEDURES  
27 SPECIFIED IN ARTICLE 6 OF THIS TITLE. THE MOTOR CARRIER HAS ALL THE

1 RIGHTS TO THE OPPORTUNITY FOR A HEARING, REVIEW, AND APPEAL AS TO  
2 SUCH ORDER OR RULING OF THE COMMISSION AS ARE NOW PROVIDED BY  
3 ARTICLES 1 TO 7 OF THIS TITLE. NO APPEAL FROM OR REVIEW OF ANY  
4 ORDER OR RULING OF THE COMMISSION SUPERSEDES OR SUSPENDS SUCH  
5 ORDER OR RULINGS UNLESS SPECIFICALLY ORDERED BY THE PROPER  
6 COURT.

7 **40-10.1-113. Penalty for violations.** ANY PERSON WHO PROVIDES  
8 TRANSPORTATION IN INTRASTATE COMMERCE WITHOUT FIRST OBTAINING  
9 A CERTIFICATE OR PERMIT, VIOLATES ANY OF THE TERMS THEREOF, FAILS  
10 OR REFUSES TO MAKE ANY RETURN OR REPORT REQUIRED BY THE  
11 COMMISSION, DENIES TO THE COMMISSION ACCESS TO THE BOOKS AND  
12 RECORDS OF SUCH PERSON, OR MAKES ANY FALSE RETURN OR REPORT  
13 COMMITS A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE  
14 PUNISHED AS PROVIDED IN SECTION 40-10.1-114.

15 **40-10.1-114. Penalty for violation of article.** (1) EVERY MOTOR  
16 CARRIER AND EVERY OFFICER, AGENT, OR EMPLOYEE OF A MOTOR CARRIER  
17 AND EVERY OTHER PERSON WHO VIOLATES OR FAILS TO COMPLY WITH OR  
18 WHO PROCURES, AIDS, OR ABETS IN THE VIOLATION OF THIS ARTICLE, WHO  
19 FAILS TO OBEY, OBSERVE, OR COMPLY WITH ANY ORDER, DECISION, OR  
20 RULE OF THE COMMISSION ADOPTED UNDER THIS ARTICLE, OR WHO  
21 PROCURES, AIDS, OR ABETS ANY PERSON IN SUCH FAILURE TO OBEY OR  
22 OBSERVE SUCH ORDER, DECISION, OR RULE COMMITS A CLASS 2  
23 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
24 18-1.3-501, C.R.S.

25 (2) AN INDIVIDUAL WHO IS EMPLOYED BY OR WHO CONTRACTS  
26 WITH A MOTOR CARRIER AND WHO OPERATES A MOTOR VEHICLE FOR THE  
27 MOTOR CARRIER'S BUSINESS IN VIOLATION OF SECTION 40-10.1-110

1       COMMITTS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED  
2       IN SECTION 18-1.3-501, C.R.S.

3               (3) EACH DAY OF A CONTINUING VIOLATION OF THIS ARTICLE  
4       CONSTITUTES A SEPARATE OFFENSE.

5               **40-10.1-115. Jurisdiction of courts.** (1) THE DISTRICT COURT  
6       OR, WITHIN ITS JURISDICTION, THE COUNTY COURT OF ANY COUNTY IN OR  
7       THROUGH WHICH A MOTOR CARRIER OPERATES HAS JURISDICTION IN ALL  
8       MATTERS ARISING UNDER THIS ARTICLE ON ACCOUNT OF THE OPERATIONS  
9       OF SUCH MOTOR CARRIER.

10              (2) IT IS THE DUTY OF THE DISTRICT ATTORNEY FOR THE COUNTY  
11       HAVING JURISDICTION TO PROSECUTE ALL VIOLATIONS OF THIS ARTICLE.

12              **40-10.1-116. Commission to notify local authorities -**  
13       **procedure.** (1) WHENEVER THE COMMISSION IS OF THE OPINION THAT A  
14       MOTOR CARRIER IS FAILING OR OMITTING TO DO ANYTHING REQUIRED OF  
15       IT BY LAW OR BY ANY ORDER, DECISION, RULE, DIRECTION, OR  
16       REQUIREMENT OF THE COMMISSION OR IS ACTING OR IS ABOUT TO ACT OR  
17       PERMITTING AN ACT OR ABOUT TO PERMIT AN ACT IN VIOLATION OF THE  
18       LAW OR OF ANY ORDER, DECISION, RULE, DIRECTION, OR REQUIREMENT OF  
19       THE COMMISSION, THE COMMISSION SHALL REQUEST THE ATTORNEY  
20       GENERAL OF THE STATE OR THE DISTRICT ATTORNEY OF ANY DISTRICT TO  
21       COMMENCE AN ACTION OR PROCEEDING IN THE DISTRICT COURT IN AND  
22       FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE CAUSE OR SOME  
23       PART THEREOF AROSE OR IN WHICH THE MOTOR CARRIER COMPLAINED OF  
24       MAINTAINS A PRINCIPAL PLACE OF BUSINESS OR RESIDES. SUCH ACTION OR  
25       PROCEEDING MUST BE CONDUCTED IN ACCORDANCE WITH SECTION  
26       40-7-104; EXCEPT THAT REFERENCES IN SECTION 40-7-104 TO THE  
27       ATTORNEY GENERAL INCLUDE ANY DISTRICT ATTORNEY BRINGING THE

1 ACTION OR PROCEEDING.

2 (2) APPELLATE REVIEW MAY BE OBTAINED IN THE SUPREME COURT  
3 CONCERNING A FINAL JUDGMENT IN AN ACTION OR PROCEEDING UNDER  
4 THIS SECTION IN THE SAME MANNER AND WITH THE SAME EFFECT, SUBJECT  
5 TO THIS ARTICLE, AS APPELLATE REVIEW OF JUDGMENTS OF THE DISTRICT  
6 COURT IN OTHER ACTIONS FOR MANDAMUS OR INJUNCTION.

7 (3) A PERSON INJURED BY THE NONCOMPLIANCE OF A MOTOR  
8 CARRIER WITH THIS ARTICLE OR ANY OTHER PROVISION OF LAW OR AN  
9 ORDER, DECISION, RULE, DIRECTION, OR REQUIREMENT OF THE  
10 COMMISSION MAY APPLY TO A COURT OF COMPETENT JURISDICTION FOR  
11 THE ENFORCEMENT THEREOF, AND THE COURT HAS JURISDICTION TO  
12 ENFORCE OBEDIENCE THERETO BY INJUNCTION OR OTHER PROPER PROCESS,  
13 MANDATORY OR OTHERWISE, AND TO RESTRAIN THE MOTOR CARRIER AND  
14 ITS OFFICERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES FROM FURTHER  
15 DISOBEDIENCE THEREOF, OR TO ENJOIN UPON THEM OBEDIENCE TO THE  
16 SAME, AND ANY PERSON SO INJURED HAS CAUSE OF ACTION IN DAMAGES  
17 AND IS PRIVILEGED TO PURSUE THE USUAL AND PROPER REMEDIES AS IN  
18 ANY OTHER CASE.

19 PART 2

20 MOTOR CARRIERS OF PASSENGERS -

21 COMMON CARRIERS AND CONTRACT CARRIERS

22 **40-10.1-201. Certificate required.** (1) A PERSON SHALL NOT  
23 OPERATE OR OFFER TO OPERATE AS A COMMON CARRIER IN INTRASTATE  
24 COMMERCE WITHOUT FIRST HAVING OBTAINED FROM THE COMMISSION A  
25 CERTIFICATE DECLARING THAT THE PRESENT OR FUTURE PUBLIC  
26 CONVENIENCE AND NECESSITY REQUIRES OR WILL REQUIRE SUCH  
27 OPERATION.

1           (2) THE FACT THAT A PERSON CARRIES ON OPERATIONS, IN WHOLE  
2 OR IN PART, BETWEEN SUBSTANTIALLY FIXED POINTS OR OVER  
3 ESTABLISHED ROUTES, OR UNDER CONTRACTS WITH MORE THAN ONE  
4 PERSON, OR BY MAKING REPEATED OR PERIODIC TRIPS IS PRIMA FACIE  
5 EVIDENCE THAT THE PERSON IS A COMMON CARRIER AND SUBJECT TO THIS  
6 PART 2 AND PART 1 OF THIS ARTICLE.

7           **40-10.1-202. Permit required - legislative declaration.**

8           (1) (a) A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE AS A  
9 CONTRACT CARRIER IN INTRASTATE COMMERCE WITHOUT FIRST OBTAINING  
10 A PERMIT FOR SUCH OPERATION FROM THE COMMISSION. AS USED IN THIS  
11 PART 2, "PERMIT" DOES NOT INCLUDE A PERMIT UNDER PARTS 3, 4, OR 5 OF  
12 THIS ARTICLE.

13           (b) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE  
14 BUSINESS OF CONTRACT CARRIERS IS AFFECTED WITH A PUBLIC INTEREST  
15 AND THAT THE SAFETY AND WELFARE OF THE PUBLIC TRAVELING UPON  
16 THE HIGHWAYS, THE PRESERVATION AND MAINTENANCE OF THE  
17 HIGHWAYS, AND THE PROPER REGULATION OF COMMON CARRIERS USING  
18 THE HIGHWAYS REQUIRE THE REGULATION OF CONTRACT CARRIERS TO THE  
19 EXTENT PROVIDED IN THIS ARTICLE, FOR WHICH PURPOSES THE  
20 COMMISSION IS VESTED WITH THE AUTHORITY TO ISSUE A PERMIT TO A  
21 CONTRACT CARRIER AND MAY ATTACH TO SUCH PERMIT AND TO THE  
22 EXERCISE OF THE RIGHTS AND PRIVILEGES GRANTED BY THE PERMIT SUCH  
23 TERMS AND CONDITIONS AS ARE REASONABLE.

24           (2) NO PERMIT, NOR ANY EXTENSION OR ENLARGEMENT OF AN  
25 EXISTING PERMIT, SHALL BE GRANTED BY THE COMMISSION IF, IN THE  
26 COMMISSION'S JUDGMENT, THE PROPOSED OPERATION OF ANY SUCH  
27 CONTRACT CARRIER WILL IMPAIR THE EFFICIENT PUBLIC SERVICE OF ANY

1 AUTHORIZED COMMON CARRIER THEN ADEQUATELY SERVING THE SAME  
2 TERRITORY OVER THE SAME GENERAL HIGHWAY ROUTE. THE COMMISSION  
3 SHALL GIVE WRITTEN NOTICE OF ANY APPLICATION FOR A PERMIT TO ALL  
4 PERSONS INTERESTED IN OR AFFECTED BY THE ISSUANCE OF THE PERMIT OR  
5 ANY EXTENSION OR ENLARGEMENT THEREOF, PURSUANT TO SECTION  
6 40-6-108 (2).

7 (3) NOTHING CONTAINED IN THIS ARTICLE COMPELS A CONTRACT  
8 CARRIER TO BE OR BECOME A COMMON CARRIER OR SUBJECTS A CONTRACT  
9 CARRIER TO THE LAWS OR LIABILITY APPLICABLE TO A COMMON CARRIER.

10 **40-10.1-203. Rules for issuance of certificate - standing to**  
11 **protest - judicial review.** (1) THE COMMISSION HAS THE POWER TO  
12 ISSUE A CERTIFICATE TO A COMMON CARRIER OR TO ISSUE IT FOR THE  
13 PARTIAL EXERCISE ONLY OF THE PRIVILEGE SOUGHT, AND MAY ATTACH TO  
14 THE EXERCISE OF THE RIGHTS GRANTED BY THE CERTIFICATE SUCH TERMS  
15 AND CONDITIONS AS, IN THE COMMISSION'S JUDGMENT, THE PUBLIC  
16 CONVENIENCE AND NECESSITY MAY REQUIRE.

17 (2) (a) THE GRANTING OF A CERTIFICATE TO OPERATE A TAXICAB  
18 SERVICE WITHIN AND BETWEEN COUNTIES WITH A POPULATION OF LESS  
19 THAN SEVENTY THOUSAND, BASED ON THE MOST RECENT AVAILABLE  
20 FEDERAL CENSUS FIGURES, IS GOVERNED BY THE DOCTRINE OF REGULATED  
21 MONOPOLY.

22 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF  
23 THIS PARAGRAPH (b), THE GRANTING OF A CERTIFICATE TO OPERATE A  
24 TAXICAB SERVICE WITHIN AND BETWEEN COUNTIES WITH A POPULATION  
25 OF SEVENTY THOUSAND OR GREATER, BASED ON THE MOST RECENT  
26 AVAILABLE FEDERAL CENSUS FIGURES, IS NOT AN EXCLUSIVE GRANT OR  
27 MONOPOLY, AND THE DOCTRINE OF REGULATED COMPETITION APPLIES.

1 (II) IN AN APPLICATION FOR A CERTIFICATE TO PROVIDE TAXICAB  
2 SERVICE WITHIN AND BETWEEN THE COUNTIES OF ADAMS, ARAPAHOE,  
3 BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, AND JEFFERSON:

4 (A) THE APPLICANT HAS THE INITIAL BURDEN OF PROVING THAT IT  
5 IS OPERATIONALLY AND FINANCIALLY FIT TO PROVIDE THE PROPOSED  
6 SERVICE. THE APPLICANT NEED NOT PROVE THE INADEQUACY OF EXISTING  
7 TAXICAB SERVICE, IF ANY, WITHIN THE APPLICANT'S PROPOSED  
8 GEOGRAPHIC AREA OF OPERATION.

9 (B) IF THE APPLICANT SUSTAINS THE INITIAL BURDEN OF PROOF AS  
10 SET FORTH IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THERE  
11 SHALL BE A REBUTTABLE PRESUMPTION OF PUBLIC NEED FOR THE SERVICE,  
12 AND ANY PARTY OPPOSING THE APPLICATION SHALL PREVAIL UPON  
13 PROVING THAT THE PUBLIC CONVENIENCE AND NECESSITY DOES NOT  
14 REQUIRE GRANTING THE APPLICATION OR THAT THE ISSUANCE OF THE  
15 CERTIFICATE WOULD BE DETRIMENTAL TO THE PUBLIC INTEREST.

16 (c) (I) THE HOLDER OF A CERTIFICATE THAT CONTAINS AUTHORITY  
17 TO OPERATE A TAXICAB SERVICE BETWEEN POINTS IN THE CITY AND  
18 COUNTY OF DENVER ALSO HOLDS TAXICAB SERVICE AUTHORITY FROM  
19 POINTS IN THE CITY AND COUNTY OF DENVER TO ALL POINTS IN THIS  
20 STATE.

21 (II) THE HOLDER OF A CERTIFICATE THAT CONTAINS AUTHORITY TO  
22 OPERATE A TAXICAB SERVICE TO POINTS IN THE CITY AND COUNTY OF  
23 DENVER ALSO HOLDS TAXICAB SERVICE AUTHORITY FROM POINTS IN THE  
24 CITY AND COUNTY OF DENVER TO ALL POINTS WITHIN THE COMMON  
25 CARRIER'S BASE AREA, DEFINED AS THAT GEOGRAPHIC AREA IN WHICH  
26 SUCH COMMON CARRIER MAY PROVIDE POINT-TO-POINT TAXICAB SERVICE.

27 (III) THE COMMISSION SHALL AMEND, BY ORDER AND WITHOUT

1 NOTICE OR HEARING, ANY EXISTING TAXICAB SERVICE CERTIFICATE AS  
2 DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (c) TO  
3 ALLOW SERVICE FROM POINTS IN THE CITY AND COUNTY OF DENVER TO  
4 EITHER ALL POINTS IN THIS STATE OR ALL POINTS WITHIN THE COMMON  
5 CARRIER'S BASE AREA TO CONFORM WITH THE DIRECTIVES CONTAINED IN  
6 SAID SUBPARAGRAPH (I) OR (II).

7 (3) WHEN AN APPEAL OF A COMMISSION DECISION UNDER THIS  
8 SECTION HAS BEEN MADE BY FILING EXCEPTIONS PURSUANT TO SECTION  
9 40-6-109 AND THE COMMISSION HAS RENDERED A FINAL DECISION ON  
10 SUCH EXCEPTIONS AS PROVIDED IN ARTICLE 6 OF THIS TITLE, ANY PARTY  
11 THERETO MAY, WITHIN THIRTY DAYS AFTER THE FINAL DECISION, APPLY  
12 DIRECTLY TO A DISTRICT COURT IN THIS STATE FOR JUDICIAL REVIEW  
13 PURSUANT TO SECTION 40-6-115. FOR PURPOSES OF JUDICIAL REVIEW, A  
14 DECISION OF THE COMMISSION ON EXCEPTIONS IS FINAL ON THE DATE THE  
15 DECISION IS SERVED ON THE PARTIES TO THE PROCEEDING.

16 **40-10.1-204. Temporary authority.** (1) TO ENABLE THE  
17 PROVISION OF COMMON CARRIER OR CONTRACT CARRIER SERVICE FOR  
18 WHICH THERE APPEARS TO BE AN IMMEDIATE AND URGENT NEED TO ANY  
19 POINT OR WITHIN A TERRITORY HAVING NO SUCH SERVICE CAPABLE OF  
20 MEETING THE NEED, THE COMMISSION MAY, IN ITS DISCRETION AND  
21 WITHOUT HEARINGS OR OTHER PROCEEDINGS, GRANT TEMPORARY  
22 AUTHORITY FOR SUCH SERVICE BY A COMMON CARRIER OR A CONTRACT  
23 CARRIER, AS THE CASE MAY BE. SUCH TEMPORARY AUTHORITY, UNLESS  
24 SUSPENDED OR REVOKED FOR GOOD CAUSE, IS VALID FOR SUCH TIME AS  
25 THE COMMISSION SPECIFIES, BUT FOR NOT MORE THAN AN AGGREGATE OF  
26 ONE HUNDRED EIGHTY DAYS, UNLESS FOR GOOD CAUSE SHOWN THE  
27 COMMISSION EXTENDS THE TEMPORARY AUTHORITY FOR A PERIOD WHICH



1 MAY EXTEND UNTIL A FINAL ADMINISTRATIVE DECISION IS RENDERED. A  
2 GRANT OF TEMPORARY AUTHORITY OR AN EXTENSION THEREOF CREATES  
3 NO PRESUMPTION THAT CORRESPONDING PERMANENT AUTHORITY WILL BE  
4 GRANTED THEREAFTER.

5 (2) PENDING THE DETERMINATION OF AN APPLICATION FILED WITH  
6 THE COMMISSION FOR APPROVAL OF AN ACQUISITION OF STOCK OF A  
7 COMMON CARRIER OR CONTRACT CARRIER, A CONSOLIDATION OR MERGER  
8 OF TWO OR MORE SUCH CARRIERS, OR A PURCHASE, LEASE, OR CONTRACT  
9 TO OPERATE THE PROPERTIES OF ONE OR MORE SUCH CARRIERS, THE  
10 COMMISSION MAY, IN ITS DISCRETION AND WITHOUT HEARINGS OR OTHER  
11 PROCEEDINGS, GRANT TEMPORARY APPROVAL FOR A PERIOD NOT  
12 EXCEEDING ONE HUNDRED EIGHTY DAYS FOR THE OPERATION OF THE  
13 CARRIER OR ITS PROPERTIES SOUGHT TO BE ACQUIRED BY THE PERSON  
14 PROPOSING IN SUCH PENDING APPLICATION TO ACQUIRE THE PROPERTIES  
15 OR STOCK, IF IT APPEARS THAT FAILURE TO GRANT SUCH TEMPORARY  
16 APPROVAL MAY RESULT IN DESTRUCTION OF OR INJURY TO THE CARRIER  
17 OR ITS PROPERTIES SOUGHT TO BE ACQUIRED, OR MAY INTERFERE  
18 SUBSTANTIALLY WITH THEIR FUTURE USEFULNESS IN THE PERFORMANCE  
19 OF ADEQUATE AND CONTINUOUS SERVICE TO THE PUBLIC. FOR GOOD  
20 CAUSE SHOWN, THE COMMISSION MAY EXTEND SUCH TEMPORARY  
21 APPROVAL FOR A PERIOD WHICH MAY EXTEND UNTIL A FINAL  
22 ADMINISTRATIVE DECISION IS RENDERED. TEMPORARY APPROVAL OR AN  
23 EXTENSION THEREOF DOES NOT CREATE A PRESUMPTION THAT THE  
24 APPLICATION WILL BE GRANTED.

25 (3) COMMON CARRIER OR CONTRACT CARRIER SERVICE RENDERED  
26 UNDER TEMPORARY AUTHORITY OR APPROVAL IS SUBJECT TO ALL  
27 APPLICABLE PROVISIONS OF THIS TITLE AND TO THE RULES AND

1 REQUIREMENTS OF THE COMMISSION. THE MAXIMUM TIME PERIOD OF ANY  
2 TEMPORARY AUTHORITY OR APPROVAL IS NOT SUBJECT TO EXTENSION OR  
3 RENEWAL.

4 (4) THE COMMISSION SHALL NOT ISSUE A TEMPORARY AUTHORITY  
5 OR APPROVAL UNLESS, UNDER SUCH GENERAL RULES AS THE COMMISSION  
6 MAY PRESCRIBE GOVERNING THE APPLICATION AND NOTICE THEREOF TO  
7 INTERESTED OR AFFECTED COMMON CARRIERS, ALL INTERESTED OR  
8 AFFECTED CARRIERS HAVE BEEN GIVEN AT LEAST FIVE DAYS' NOTICE OF  
9 THE FILING OF THE APPLICATION AND AN OPPORTUNITY TO PROTEST THE  
10 GRANTING THEREOF. IF THE COMMISSION DETERMINES THAT AN  
11 EMERGENCY EXISTS, IT MAY ISSUE TEMPORARY AUTHORITY OR APPROVAL  
12 AT ONCE BY MAKING SPECIFIC REFERENCE IN ITS ORDER TO THE  
13 CIRCUMSTANCES CONSTITUTING THE EMERGENCY, IN WHICH CASE NO  
14 NOTICE NEED BE GIVEN, BUT ANY SUCH EMERGENCY AUTHORITY OR  
15 APPROVAL EXPIRES NO LATER THAN THIRTY DAYS AFTER IT WAS ISSUED.

16 **40-10.1-205. Transfer of certificate or permit.** (1) A  
17 CERTIFICATE OR PERMIT, OR RIGHTS OBTAINED UNDER A CERTIFICATE OR  
18 PERMIT, THAT ARE HELD, OWNED, OR OBTAINED BY ANY COMMON CARRIER  
19 OR CONTRACT CARRIER MAY BE SOLD, ASSIGNED, LEASED, ENCUMBERED,  
20 OR TRANSFERRED AS OTHER PROPERTY, SUBJECT TO PRIOR AUTHORIZATION  
21 BY THE COMMISSION.

22 (2) ABSENT OTHER FACTS, THE FACT THAT A COMMON CARRIER OR  
23 CONTRACT CARRIER CONDUCTS OPERATIONS WITH INDEPENDENT  
24 CONTRACTORS DOES NOT IN AND OF ITSELF CONSTITUTE A LEASE OR  
25 TRANSFER OF THE CERTIFICATE.

26 (3) AN EXISTING CERTIFICATE OR PERMIT SHALL NOT BE  
27 TRANSFERRED UNLESS THE FITNESS OF THE TRANSFEREE IS ESTABLISHED

1 TO THE SATISFACTION OF THE COMMISSION.

2 **40-10.1-206. Rates - limitations.** (1) IT IS UNLAWFUL FOR ANY  
3 COMMON CARRIER TO CARRY OR ADVERTISE THAT IT WILL CARRY ANY  
4 INDIVIDUALS AT RATES DIFFERENT FROM THOSE IT HAS ON FILE WITH THE  
5 COMMISSION FOR SUCH CARRIAGE.

6 (2) A CONTRACT CARRIER SHALL NOT DESTROY OR IMPAIR,  
7 THROUGH DISCRIMINATION OR UNFAIR COMPETITION, THE SERVICE OR  
8 BUSINESS OF ANY COMMON CARRIER OR THE INTEGRITY OF THE STATE'S  
9 REGULATION OF ANY SUCH SERVICE OR BUSINESS; AND TO THAT END, THE  
10 COMMISSION IS AUTHORIZED AND DIRECTED TO PRESCRIBE MINIMUM  
11 RATES, FARES, AND CHARGES TO BE COLLECTED BY CONTRACT CARRIERS  
12 WHEN COMPETING WITH DULY AUTHORIZED COMMON CARRIERS, WHICH  
13 RATES, FARES, AND CHARGES MUST NOT BE LESS THAN THE RATES  
14 PRESCRIBED FOR COMMON CARRIERS FOR SUBSTANTIALLY THE SAME OR  
15 SIMILAR SERVICE.

16 (3) IN ACCORDANCE WITH THIS ARTICLE AND SUCH RULES AS THE  
17 COMMISSION MAY PRESCRIBE, EVERY CONTRACT CARRIER SUBJECT TO THIS  
18 ARTICLE SHALL FILE WITH THE COMMISSION, WITHIN SUCH TIME AND IN  
19 SUCH FORM AS THE COMMISSION MAY DESIGNATE, AND SHALL KEEP ON  
20 FILE WITH THE COMMISSION, AT ALL TIMES, SCHEDULES SHOWING RATES,  
21 CHARGES, AND COLLECTIONS, COLLECTED OR ENFORCED OR TO BE  
22 COLLECTED OR ENFORCED, THAT IN ANY MANNER AFFECT OR RELATE TO  
23 THE OPERATIONS OF ANY SUCH CONTRACT CARRIER; AND THE COMMISSION  
24 HAS FULL POWER TO CHANGE, AMEND, OR ALTER ANY SUCH TARIFF OR,  
25 AFTER HEARING, FIX THE RATES OF ANY CONTRACT CARRIER SUBJECT TO  
26 THIS ARTICLE THAT COMPETES WITH A COMMON CARRIER.

27 PART 3

1                                   MOTOR CARRIERS OF PASSENGERS -  
2                                   LIMITED REGULATION

3                   **40-10.1-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
4                   CONTEXT OTHERWISE REQUIRES:

5                   (1) "CHARTER BASIS" MEANS ON THE BASIS OF A CONTRACT FOR  
6                   TRANSPORTATION WHEREBY A PERSON AGREES TO PROVIDE EXCLUSIVE  
7                   USE OF A MOTOR VEHICLE TO A SINGLE CHARTERING PARTY FOR A SPECIFIC  
8                   PERIOD OF TIME DURING WHICH THE CHARTERING PARTY HAS THE  
9                   EXCLUSIVE RIGHT TO DIRECT THE OPERATION OF THE VEHICLE, INCLUDING  
10                  SELECTION OF THE ORIGIN, DESTINATION, ROUTE, AND INTERMEDIATE  
11                  STOPS.

12                  (2) "CHARTER BUS" MEANS A MOTOR VEHICLE WITH A MINIMUM  
13                  SEATING CAPACITY OF THIRTY-THREE, INCLUDING THE DRIVER, THAT IS  
14                  HIRED TO TRANSPORT A PERSON OR GROUP OF PERSONS TRAVELING FROM  
15                  ONE LOCATION TO ANOTHER FOR A COMMON PURPOSE. A CHARTER BUS  
16                  DOES NOT PROVIDE REGULAR ROUTE SERVICE FROM ONE LOCATION TO  
17                  ANOTHER.

18                  (3) "CHARTERING PARTY" MEANS A PERSON OR GROUP OF PERSONS  
19                  WHO SHARE A PERSONAL OR PROFESSIONAL RELATIONSHIP WHEREBY ALL  
20                  SUCH PERSONS ARE MEMBERS OF THE SAME AFFILIATED GROUP, INCLUDING  
21                  A FAMILY, BUSINESS, RELIGIOUS GROUP, SOCIAL ORGANIZATION, OR  
22                  PROFESSIONAL ORGANIZATION. "CHARTERING PARTY" DOES NOT INCLUDE  
23                  GROUPS OF UNRELATED PERSONS BROUGHT TOGETHER BY A CARRIER,  
24                  TRANSPORTATION BROKER, OR OTHER THIRD PARTY.

25                  (4) "CHILDREN'S ACTIVITY BUS" MEANS A MOTOR VEHICLE THAT  
26                  TRANSPORTS GROUPS OF EIGHT OR MORE CHILDREN, EIGHTEEN YEARS OF  
27                  AGE OR YOUNGER, AND ANY ADULTS OVER EIGHTEEN YEARS OF AGE

1 ACCOMPANYING OR PARTICIPATING WITH THE GROUP, TO OR FROM  
2 ACTIVITIES THAT ARE SPONSORED BY NONPROFIT ORGANIZATIONS  
3 ENTITLED TO A TAX EXEMPTION UNDER THE FEDERAL "INTERNAL REVENUE  
4 CODE OF 1986", AS AMENDED, OR THE TRANSPORTATION OF CHILDREN TO  
5 AND FROM SCHOOL, SCHOOL-RELATED ACTIVITIES, OR  
6 SCHOOL-SANCTIONED ACTIVITIES TO THE EXTENT THAT SUCH  
7 TRANSPORTATION IS NOT PROVIDED BY THE SCHOOL OR SCHOOL DISTRICT  
8 OR THE SCHOOL OR SCHOOL DISTRICT'S TRANSPORTATION CONTRACTORS.

9 (5) "COMMERCIAL LOCATION" MEANS A PLACE WHERE GOODS OR  
10 SERVICES ARE BOUGHT, SOLD, OR EXCHANGED.

11 (6) "FIRE CREW TRANSPORT" MEANS A MOTOR VEHICLE THAT  
12 TRANSPORTS PEOPLE ENGAGED IN FIGHTING WILDFIRES.

13 (7) "LUXURY LIMOUSINE" MEANS A CHAUFFEUR-DRIVEN, LUXURY  
14 MOTOR VEHICLE AS DEFINED BY THE COMMISSION BY RULE.

15 (8) "LUXURY LIMOUSINE SERVICE" MEANS A SPECIALIZED,  
16 LUXURIOUS TRANSPORTATION SERVICE PROVIDED ON A PREARRANGED,  
17 CHARTER BASIS. "LUXURY LIMOUSINE SERVICE" DOES NOT INCLUDE  
18 TAXICAB SERVICE OR ANY SERVICE PROVIDED BETWEEN FIXED POINTS  
19 OVER REGULAR ROUTES AT REGULAR INTERVALS.

20 (9) "OFF-ROAD SCENIC CHARTER" MEANS A MOTOR VEHICLE THAT  
21 TRANSPORTS PASSENGERS, ON A CHARTER BASIS, TO SCENIC POINTS WITHIN  
22 COLORADO, ORIGINATING AND TERMINATING AT THE SAME LOCATION AND  
23 USING A ROUTE THAT IS WHOLLY OR PARTLY OFF OF PAVED ROADS.  
24 "OFF-ROAD SCENIC CHARTER" DOES NOT INCLUDE THE TRANSPORT OF  
25 PASSENGERS TO COMMERCIAL LOCATIONS.

26 **40-10.1-302. Permit requirements.** (1)(a) A PERSON SHALL NOT  
27 OPERATE OR OFFER TO OPERATE A CHARTER BUS, CHILDREN'S ACTIVITY

1 BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OR OFF-ROAD SCENIC  
2 CHARTER IN INTRASTATE COMMERCE WITHOUT FIRST HAVING OBTAINED  
3 A PERMIT THEREFOR FROM THE COMMISSION IN ACCORDANCE WITH THIS  
4 PART 3.

5 (b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 3 TO THE  
6 COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION AS THE  
7 COMMISSION MAY REQUIRE.

8 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 40-10.1-112 (4),  
9 THE COMMISSION SHALL ISSUE A PERMIT TO A MOTOR CARRIER OF  
10 PASSENGERS UNDER THIS PART 3 UPON COMPLETION OF THE APPLICATION  
11 AND COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS  
12 OF THIS ARTICLE.

13 **40-10.1-303. Livery license plates - rules.** (1) THE COMMISSION  
14 SHALL EITHER:

15 (a) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO  
16 PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS ARTICLE MAY USE TO  
17 VERIFY TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT  
18 THAT THE PERSON PROVIDES SUCH SERVICE; OR

19 (b) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE  
20 DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON  
21 IS AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS  
22 ARTICLE.

23 (2) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE  
24 DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC  
25 VERIFICATION TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED  
26 AGENT.

27 (3) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT

1 THIS SECTION AND TO ENFORCE SECTION 42-3-235, C.R.S.

2 PART 4

3 MOTOR CARRIERS OF TOWED MOTOR VEHICLES

4 **40-10.1-401. Permit requirements.** (1)(a) A PERSON SHALL NOT  
5 OPERATE OR OFFER TO OPERATE AS A TOWING CARRIER IN INTRASTATE  
6 COMMERCE WITHOUT FIRST HAVING OBTAINED A PERMIT THEREFOR FROM  
7 THE COMMISSION IN ACCORDANCE WITH THIS ARTICLE.

8 (b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 4 TO THE  
9 COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION AS THE  
10 COMMISSION MAY REQUIRE.

11 (2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS  
12 PART 4 OF A PERSON WHO HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE  
13 YEARS, BEEN CONVICTED OF, OR PLED GUILTY OR NOLO CONTENDERE TO,  
14 A FELONY.

15 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF  
16 THIS SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL  
17 ISSUE A PERMIT TO A TOWING CARRIER UPON COMPLETION OF THE  
18 APPLICATION, THE FILING OF PROOF OF WORKERS' COMPENSATION  
19 INSURANCE COVERAGE IN ACCORDANCE WITH THE "WORKERS'  
20 COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8,  
21 C.R.S., THE FILING OF PROOF OF A SURETY BOND IN THE AMOUNT OF AT  
22 LEAST FIFTY THOUSAND DOLLARS, AND COMPLIANCE WITH THE FINANCIAL  
23 RESPONSIBILITY REQUIREMENTS OF THIS ARTICLE, AND MAY ATTACH TO  
24 SUCH PERMIT AND TO THE EXERCISE OF THE RIGHTS GRANTED BY THE  
25 PERMIT SUCH RESTRICTIONS, TERMS, AND CONDITIONS, INCLUDING  
26 ALTERING THE RATES AND CHARGES OF SUCH APPLICANT, AS ARE  
27 REASONABLY DEEMED NECESSARY FOR THE PROTECTION OF THE PROPERTY

1 OF THE PUBLIC. THE SURETY BOND MUST BE MADE PAYABLE TO THE  
2 COMMISSION AND IS FOR THE PURPOSE OF PAYING ANY CIVIL PENALTY  
3 ASSESSMENTS AGAINST THE CARRIER THAT THE CARRIER FAILS TO PAY  
4 WHEN DUE.

5 (b) A TOWING CARRIER THAT HELD A CURRENT AND VALID PERMIT  
6 ON THE EFFECTIVE DATE OF THIS SUBSECTION (3) MUST FILE PROOF OF  
7 WORKERS' COMPENSATION INSURANCE COVERAGE AND OF THE SURETY  
8 BOND AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) ON OR  
9 BEFORE DECEMBER 31, 2011.

## 10 PART 5

### 11 MOTOR CARRIERS OF HOUSEHOLD GOODS

12 **40-10.1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "ACCESSORIAL SERVICE" MEANS ANY SERVICE PERFORMED BY  
15 A MOVER THAT RESULTS IN A CHARGE TO THE SHIPPER AND IS INCIDENTAL  
16 TO THE TRANSPORTATION SERVICE, INCLUDING VALUATION COVERAGE;  
17 PREPARATION OF WRITTEN INVENTORY; EQUIPMENT, INCLUDING DOLLIES,  
18 HAND TRUCKS, PADS, BLANKETS, AND STRAPS; STORAGE, PACKING,  
19 UNPACKING, OR CRATING OF ARTICLES; HOISTING OR LOWERING; WAITING  
20 TIME; LONG CARRY, WHICH IS DEFINED AS CARRYING ARTICLES EXCESSIVE  
21 DISTANCES BETWEEN THE MOVER'S VEHICLE AND THE RESIDENCE;  
22 OVERTIME LOADING AND UNLOADING; REWEIGHING; DISASSEMBLY OR  
23 REASSEMBLY; ELEVATOR OR STAIR CARRYING; BOXING OR SERVICING OF  
24 APPLIANCES; AND FURNISHING OF PACKING OR CRATING MATERIALS.

25 "ACCESSORIAL SERVICE" ALSO INCLUDES SERVICES NOT PERFORMED BY  
26 THE MOVER BUT BY A THIRD PARTY AT THE REQUEST OF THE SHIPPER OR  
27 MOVER IF THE CHARGES FOR SUCH SERVICES ARE TO BE PAID TO THE



1 MOVER BY THE SHIPPER AT OR PRIOR TO THE TIME OF DELIVERY.

2 (2) "CONTRACT" MEANS A WRITTEN DOCUMENT, APPROVED BY THE  
3 SHIPPER IN WRITING BEFORE THE PERFORMANCE OF ANY SERVICE, THAT  
4 AUTHORIZES SERVICES FROM THE NAMED MOVER AND LISTS THE SERVICES  
5 AND ALL COSTS ASSOCIATED WITH THE TRANSPORTATION OF HOUSEHOLD  
6 GOODS AND ACCESSORIAL SERVICES TO BE PERFORMED.

7 (3) "ESTIMATE" MEANS A WRITTEN DOCUMENT THAT SETS FORTH  
8 THE TOTAL COST AND THE BASIS OF SUCH COSTS RELATED TO A SHIPPER'S  
9 MOVE, INCLUDING TRANSPORTATION OR ACCESSORIAL SERVICES.

10 (4) "STORAGE" MEANS WAREHOUSING OF THE SHIPPER'S GOODS  
11 WHILE UNDER THE CARE, CUSTODY, AND CONTROL OF THE MOVER.

12 **40-10.1-502. Permit requirements - issuance by ports of entry.**

13 (1) (a) A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE AS A MOVER  
14 IN INTRASTATE COMMERCE PURSUANT TO THIS ARTICLE, OR ADVERTISE  
15 SERVICES AS A MOVER, WITHOUT FIRST HAVING OBTAINED A PERMIT FROM  
16 THE COMMISSION IN ACCORDANCE WITH THIS PART 5.

17 (b) A MOVER SHALL ANNUALLY APPLY FOR A PERMIT UNDER THIS  
18 PART 5 TO THE COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION  
19 AS THE COMMISSION MAY REQUIRE.

20 (2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS  
21 PART 5 OR REFUSE TO RENEW THE PERMIT OF ANY MOVER BASED UPON A  
22 DETERMINATION THAT THE MOVER, OR ANY OF ITS DIRECTORS, OFFICERS,  
23 OWNERS, OR GENERAL PARTNERS HAS NOT SATISFIED A CIVIL PENALTY  
24 ARISING OUT OF ANY ADMINISTRATIVE OR ENFORCEMENT ACTION  
25 BROUGHT BY THE COMMISSION.

26 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
27 SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL ISSUE A

1 PERMIT TO A MOVER UPON COMPLETION OF THE APPLICATION AND  
2 COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS  
3 ARTICLE.

4 (4) A PERMIT IS NOT VALID FOR A MOVER TRANSACTING BUSINESS  
5 AT ANY LOCATION OTHER THAN THOSE DESIGNATED IN ITS APPLICATION  
6 UNLESS THE MOVER FIRST NOTIFIES THE COMMISSION IN WRITING OF ANY  
7 CHANGE OF LOCATION. A PERMIT ISSUED UNDER THIS SECTION IS NOT  
8 ASSIGNABLE, AND THE MOVER IS NOT PERMITTED TO CONDUCT BUSINESS  
9 UNDER MORE THAN ONE NAME EXCEPT AS SHOWN ON ITS PERMIT. A  
10 MOVER DESIRING TO CHANGE ITS NAME OR LOCATION AT A TIME OTHER  
11 THAN UPON RENEWAL OF A PERMIT SHALL NOTIFY THE COMMISSION OF  
12 SUCH CHANGE.

13 (5) (a) THE MOTOR CARRIER SERVICES DIVISION IN THE  
14 DEPARTMENT OF REVENUE MAY ISSUE, THROUGH A PORT OF ENTRY WEIGH  
15 STATION CREATED PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S., A  
16 TEMPORARY HOUSEHOLD GOODS MOVER PERMIT. THE TEMPORARY PERMIT  
17 IS VALID FOR FIFTEEN CONSECUTIVE DAYS AND IS NOT RENEWABLE. A  
18 MOVER OR ITS SUCCESSOR WHO HAS BEEN ISSUED A TEMPORARY PERMIT  
19 IS NOT ELIGIBLE FOR A SUBSEQUENT TEMPORARY PERMIT.

20 (b) A TEMPORARY PERMIT SHALL NOT BE APPROVED UNTIL THE  
21 APPLICANT:

22 (I) PROVIDES EVIDENCE OF FINANCIAL RESPONSIBILITY AS  
23 REQUIRED BY SECTION 40-10.1-107;

24 (II) SIGNS A VERIFICATION, UNDER PENALTY OF PERJURY AS  
25 SPECIFIED IN SECTION 24-4-104 (13) (a), C.R.S., THAT THE APPLICANT  
26 MEETS THE FINANCIAL RESPONSIBILITY REQUIRED BY SECTION  
27 40-10.1-107; AND

1 (III) PAYS THE FEES REQUIRED BY SECTION 40-10.1-111 (1) (e)  
2 AND (1) (f). THE MOTOR CARRIER SERVICES DIVISION IN THE DEPARTMENT  
3 OF REVENUE SHALL TRANSMIT THE FEES TO THE STATE TREASURER, WHO  
4 SHALL CREDIT THEM TO THE PUBLIC UTILITIES COMMISSION MOTOR  
5 CARRIER FUND PURSUANT TO SECTION 40-10.1-111 (4).

6 (c) IF A MOVER APPLIED FOR AND RECEIVED A TEMPORARY PERMIT  
7 PURSUANT TO THIS SUBSECTION (5), THE MOVER IS NOT SUBJECT, DURING  
8 THE PERIOD COVERED BY THE TEMPORARY PERMIT, TO A PENALTY FOR  
9 FAILURE TO HAVE A PERMANENT PERMIT.

10 **40-10.1-503. Enforcement of carrier's lien.** A MOVER WITHOUT  
11 A CURRENT AND VALID PERMIT ISSUED UNDER THIS PART 5 IS NOT  
12 ENTITLED TO ACQUIRE OR ENFORCE A CARRIER'S LIEN UNDER SECTION  
13 4-7-307 OR 4-7-308, C.R.S.

14 **40-10.1-504. Advertising.** (1) NO MOVER, NOR ANY OFFICER,  
15 AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE MOVER, SHALL ADVERTISE  
16 A TRANSPORTATION SERVICE IN A NAME OTHER THAN THAT IN WHICH THE  
17 MOVER'S PERMIT IS HELD.

18 (2) EACH ADVERTISEMENT OF A MOVER SHALL INCLUDE THE  
19 PHRASE "CO PUC PERMIT NO. \_\_\_\_" AND THE PHYSICAL ADDRESS OF THE  
20 MOVER.

21 **40-10.1-505. Contracts for service.** (1) AT OR BEFORE THE TIME  
22 OF COMMENCING WORK, A MOVER THAT PROVIDES ANY MOVING OR  
23 ACCESSORIAL SERVICES SHALL LEAVE WITH THE SHIPPER A CONTRACT AS  
24 SPECIFIED BY THE COMMISSION CONTAINING THE INFORMATION LISTED IN  
25 THIS SUBSECTION (1). THE CONTRACT MUST BE SIGNED AND DATED BY  
26 THE SHIPPER AND THE MOVER AND MUST INCLUDE:

27 (a) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS

1 WHERE THE MOVER'S EMPLOYEES ARE AVAILABLE DURING NORMAL  
2 BUSINESS HOURS;

3 (b) THE DATE THE DOCUMENT IS PREPARED AND THE PROPOSED  
4 DATE OF THE MOVE;

5 (c) THE NAME AND ADDRESS OF THE SHIPPER, THE ADDRESSES  
6 WHERE THE GOODS ARE TO BE PICKED UP AND DELIVERED, AND A  
7 TELEPHONE NUMBER WHERE THE SHIPPER MAY BE REACHED;

8 (d) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS OF  
9 A LOCATION WHERE THE GOODS WILL BE HELD PENDING FURTHER  
10 TRANSPORTATION, INCLUDING SITUATIONS WHERE THE MOVER RETAINS  
11 POSSESSION OF GOODS PENDING RESOLUTION OF A FEE DISPUTE WITH THE  
12 SHIPPER;

13 (e) AN ITEMIZED BREAKDOWN AND DESCRIPTION OF COSTS OR  
14 RATES AND SERVICES FOR TRANSPORTATION AND ACCESSORIAL SERVICES  
15 TO BE PROVIDED DURING A MOVE OR STORAGE OF HOUSEHOLD GOODS;

16 (f) ACCEPTABLE FORMS OF PAYMENT. A MOVER SHALL ACCEPT A  
17 MINIMUM OF TWO OF THE FOLLOWING FOUR FORMS OF PAYMENT:

18 (I) CASH;

19 (II) CASHIER'S CHECK, MONEY ORDER, OR TRAVELER'S CHECK;

20 (III) A VALID PERSONAL CHECK, SHOWING UPON ITS FACE THE  
21 NAME AND ADDRESS OF THE SHIPPER OR AUTHORIZED REPRESENTATIVE;

22 OR

23 (IV) A VALID CREDIT CARD.

24 (g) ANY OTHER ITEMS AS DESIGNATED BY THE RULES OF THE  
25 COMMISSION.

26 (2) A MOVER SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO  
27 THE SHIPPER IN THE CONTRACT THE FORMS OF PAYMENTS THE MOVER WILL

1 ACCEPT FROM THOSE CATEGORIES DESCRIBED IN PARAGRAPH (f) OF  
2 SUBSECTION (1) OF THIS SECTION.

3 (3) EACH CONTRACT MUST INCLUDE THE PHRASE "(NAME OF  
4 MOVER) IS PERMITTED WITH THE PUBLIC UTILITIES COMMISSION OF THE  
5 STATE OF COLORADO AS A MOVER. PERMIT NO. \_\_\_\_."

6 (4) AT OR BEFORE THE TIME OF COMMENCING WORK, THE MOVER  
7 SHALL LEAVE WITH THE SHIPPER A CONSUMER ADVISEMENT. THE MOVER  
8 SHALL RETAIN A COPY OF THE CONSUMER ADVISEMENT, SIGNED AND  
9 DATED BY THE SHIPPER, FOR AT LEAST THREE YEARS AND SHALL MAKE THE  
10 COPY AVAILABLE TO THE COMMISSION UPON REQUEST. THE CONSUMER  
11 ADVISEMENT SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

12 **CONSUMER ADVISEMENT**

13 INTRASTATE MOVERS IN COLORADO ARE REGULATED  
14 BY THE COLORADO PUBLIC UTILITIES COMMISSION (PUC).  
15 EACH MOVER SHOULD HAVE A PUC PERMIT NUMBER. YOU  
16 ARE ENCOURAGED TO CONTACT THE PUC TO CONFIRM THAT  
17 THE MOVER YOU ARE USING IS INDEED PERMITTED IN  
18 COLORADO.

19 A MOVER THAT IS NOT PERMITTED MAY *NOT*  
20 WITHHOLD ANY OF YOUR PROPERTY TO ENFORCE PAYMENT  
21 OF MONEY DUE UNDER THE CONTRACT ("CARRIER'S LIEN").

22 A MOVER MUST INCLUDE ITS PUC PERMIT NUMBER,  
23 TRUE NAME, AND PHYSICAL (STREET) ADDRESS IN ALL  
24 ADVERTISEMENTS.

25 YOU SHOULD BE AWARE THAT THE TOTAL PRICE OF  
26 ANY HOUSEHOLD MOVE CAN CHANGE, BASED ON A NUMBER  
27 OF FACTORS THAT MAY INCLUDE AT LEAST THE FOLLOWING:

- 1           !       ADDITIONAL SERVICES YOU REQUEST AT THE
- 2                                   TIME OF THE MOVE;
- 3           !       ADDITIONAL ITEMS TO BE MOVED THAT WERE
- 4                                   NOT INCLUDED IN THE MOVER'S ORIGINAL
- 5                                   ESTIMATE;
- 6           !       CHANGES TO THE LOCATION OR
- 7                                   ACCESSIBILITY OF BUILDING ENTRANCES, AT
- 8                                   EITHER END OF THE MOVE, THAT WERE NOT
- 9                                   INCLUDED IN THE MOVER'S ORIGINAL
- 10                                  ESTIMATE; AND
- 11          !       CHANGES TO THE PREVIOUSLY AGREED DATE
- 12                                  OF PICKUP OR DELIVERY.

13                    YOU SHOULD ALSO BE AWARE THAT, IN CASE OF A  
14                    DISPUTE BETWEEN YOU AND THE MOVER, COLORADO HAS  
15                    AN ARBITRATION PROCESS AVAILABLE TO RESOLVE THE  
16                    DISPUTE WITHOUT GOING TO COURT.

17                    IF YOU HAVE ANY QUESTIONS, YOU ARE  
18                    ENCOURAGED TO CALL THE PUC FOR GUIDANCE ON YOUR  
19                    RIGHTS AND OBLIGATIONS.

20                    I ACKNOWLEDGE THAT I HAVE BEEN GIVEN A COPY  
21                    OF THIS CONSUMER ADVISEMENT TO KEEP FOR MY RECORDS.

22                    SIGNED \_\_\_\_\_ (SHIPPER).

23                    **40-10.1-506. Delivery and storage of household goods.** (1) A  
24                    MOVER SHALL RELINQUISH HOUSEHOLD GOODS TO A SHIPPER AND SHALL  
25                    PLACE THE GOODS INSIDE A SHIPPER'S DWELLING UNLESS THE SHIPPER HAS  
26                    NOT TENDERED PAYMENT IN THE AMOUNT SPECIFIED IN A CONTRACT  
27                    SIGNED AND DATED BY THE SHIPPER. A MOVER SHALL NOT REFUSE TO

1 RELINQUISH PRESCRIPTION MEDICINES, MEDICAL EQUIPMENT, MEDICAL  
2 DEVICES, OR GOODS FOR USE BY CHILDREN, INCLUDING CHILDREN'S  
3 FURNITURE, CLOTHING, OR TOYS, UNDER ANY CIRCUMSTANCES.

4 (2) A MOVER SHALL NOT REFUSE TO RELINQUISH HOUSEHOLD  
5 GOODS TO A SHIPPER OR FAIL TO PLACE THE GOODS INSIDE A SHIPPER'S  
6 DWELLING BASED ON THE MOVER'S REFUSAL TO ACCEPT AN ACCEPTABLE  
7 FORM OF PAYMENT.

8 (3) A MOVER THAT LAWFULLY REFUSES TO RELINQUISH A SHIPPER'S  
9 HOUSEHOLD GOODS MAY PLACE THE GOODS IN STORAGE UNTIL PAYMENT  
10 IS TENDERED; HOWEVER, THE MOVER SHALL NOTIFY THE SHIPPER OF THE  
11 LOCATION WHERE THE GOODS ARE STORED AND THE AMOUNT DUE WITHIN  
12 FIVE DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR THAT INFORMATION  
13 FROM THE SHIPPER, WHICH REQUEST SHALL INCLUDE THE ADDRESS WHERE  
14 THE SHIPPER MAY RECEIVE THE NOTICE. A MOVER SHALL NOT REQUIRE A  
15 PROSPECTIVE SHIPPER TO WAIVE ANY RIGHTS OR REQUIREMENTS UNDER  
16 THIS SECTION.

17 **40-10.1-507. Binding arbitration.** IN THE EVENT OF A DISPUTE  
18 BETWEEN A MOVER AND A SHIPPER CONCERNING THE AMOUNT CHARGED  
19 FOR SERVICES OR CONCERNING LOST OR DAMAGED GOODS, THE MOVER  
20 SHALL OFFER THE SHIPPER THE OPPORTUNITY TO PARTICIPATE IN BINDING  
21 ARBITRATION UNDER THE UNIFORM RULES FOR BETTER BUSINESS BUREAU  
22 BINDING ARBITRATION OR A SUBSTANTIALLY SIMILAR BINDING  
23 ARBITRATION PROCESS PROMULGATED BY THE COUNCIL OF BETTER  
24 BUSINESS BUREAUS, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION.  
25 IF THE SHIPPER ACCEPTS THE OFFER TO ARBITRATE, THE MOVER SHALL  
26 PARTICIPATE IN GOOD FAITH IN THE ARBITRATION PROCESS AND SHALL  
27 AGREE TO BE BOUND BY THE ARBITRATOR'S AWARD.

1           **SECTION 2. Repeal.** Articles 10, 11, 13, 14, and 16 of title 40,  
2 Colorado Revised Statutes, are repealed.

3           **SECTION 3. Repeal.** 40-2-116, 40-6-120, and 40-7-114,  
4 Colorado Revised Statutes, are repealed.

5           **SECTION 4.** 4-7-307 (d), Colorado Revised Statutes, is amended  
6 to read:

7           **4-7-307. Lien of carrier.** (d) A mover, as defined in section  
8 ~~40-14-103~~ 40-10.1-101, C.R.S., that does not have a current and valid  
9 ~~registration~~ PERMIT ISSUED under ~~article 14~~ PART 5 OF ARTICLE 10.1 of  
10 title 40, C.R.S., does not have a lien under this section. A mover that  
11 acquires a lien under this section and whose ~~registration~~ PERMIT lapses or  
12 is revoked during the pendency of the lien loses its lien.

13           **SECTION 5.** The introductory portion to 8-70-140.5 (1),  
14 Colorado Revised Statutes, is amended to read:

15           **8-70-140.5. Employment does not include - drivers of taxis or**  
16 **limousines.** (1) "Employment" does not include services performed by  
17 an individual who is working as a driver under a lease or contract with a  
18 taxi or limousine motor common carrier ~~which~~ THAT holds a certificate  
19 pursuant to article ~~10~~ 10.1 of title 40, C.R.S. Any such lease or contract  
20 may contain the following provisions:

21           **SECTION 6.** 10-4-624 (3), Colorado Revised Statutes, is  
22 amended to read:

23           **10-4-624. Self-insurers.** (3) For purposes of subsection (2) of  
24 this section, the commissioner shall accept, as proof that a **motor vehicle**  
25 ~~carrier or contract carrier by motor vehicle~~, as defined in ~~articles 10 and~~  
26 ~~11~~ ARTICLE 10.1 of title 40, C.R.S., is able and will continue to be able to  
27 pay all judgments that might be obtained against the carrier, a surety bond



1 in a form acceptable to the commissioner in an amount determined by the  
2 commissioner sufficient to ensure that the carrier has the ability to pay all  
3 judgments that may be obtained against any such carrier.

4 **SECTION 7.** 12-47-901 (1) (h) (II), Colorado Revised Statutes,  
5 is amended to read:

6 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided  
7 in section 18-13-122, C.R.S., it is unlawful for any person:

8 (h) (II) Notwithstanding subparagraph (I) of this paragraph (h), it  
9 ~~shall~~ IS not be unlawful for a person who is at least twenty-one years of  
10 age to consume malt, vinous, or spirituous liquors while ~~such~~ THE person  
11 is a passenger aboard a luxury limousine ~~as defined in section 40-16-101~~  
12 ~~(3), C.R.S.,~~ or a charter ~~or scenic~~ bus, as THOSE TERMS ARE defined in  
13 section ~~40-16-101 (1.3)~~ 40-10.1-301, C.R.S. Nothing in this  
14 subparagraph (II) ~~shall be construed to authorize~~ AUTHORIZES an owner  
15 or operator of a luxury limousine or charter ~~or scenic~~ bus to sell or  
16 distribute malt, vinous, or spirituous liquors without obtaining a public  
17 transportation system license pursuant to section 12-47-419.

18 **SECTION 8.** 24-33.5-203 (1) (b), Colorado Revised Statutes, is  
19 amended to read:

20 **24-33.5-203. Duties of executive director and patrol.**

21 (1) (b) Except as otherwise provided in ~~sections 40-16-105 (1) and~~  
22 ~~40-14-105 (1)~~ SECTION 40-10.1-108 (1), C.R.S., the executive director has  
23 the duty to establish, for ~~movers and motor vehicle carriers not subject to~~  
24 ~~economic regulation by the Colorado public utilities commission~~ MOTOR  
25 **CARRIERS AS DEFINED IN SECTION 42-4-235, C.R.S.,** reasonable  
26 requirements to promote safety of operation and, to that end, to prescribe  
27 qualifications and maximum hours of service of employees and minimum

1 standards of equipment and for the operation thereof OF COMMERCIAL  
2 VEHICLES AS DEFINED IN SECTION 42-4-235, C.R.S. For the purpose of  
3 carrying out the provisions of this section pertaining to safety, the  
4 executive director may enlist the assistance of any agency of the United  
5 States or of this state having special knowledge of any such matter as may  
6 be necessary to promote the safety of operation and equipment of motor  
7 vehicles as provided in this section. In adopting such rules, the executive  
8 director shall use as general guidelines the standards contained in the  
9 current rules of the United States department of transportation relating to  
10 explosives and other dangerous articles, safety regulations, qualifications  
11 of drivers, driving of motor vehicles, parts and accessories, recording and  
12 reporting of accidents, hours of service of drivers, and inspection and  
13 maintenance of motor vehicles. The state patrol shall enforce or aid in  
14 enforcing all of such rules.

15 **SECTION 9.** 24-33.5-212 (1) (a) (I), Colorado Revised Statutes,  
16 is amended to read:

17 **24-33.5-212. Powers and duties of officers.** (1) All officers of  
18 the Colorado state patrol have all the powers of any peace officer to:

19 (a) (I) Make arrest upon view and with or without warrant for any  
20 violation of ~~the provisions of~~ any law of this state regulating the operation  
21 of vehicles and use of the highways or concerning motor vehicle  
22 registration; motor fuel tax laws; public utility laws, rules, and  
23 regulations, insofar as they pertain to motor ~~vehicle~~ carriers AS DEFINED  
24 IN SECTION 42-4-235, C.R.S.; the inspection laws of this state; and any  
25 criminal law of this state if, during an officer's exercise of powers or  
26 performance of duties under this section, probable cause is established  
27 that a violation of said criminal law has occurred;

1           **SECTION 10.** 31-15-402 (3), Colorado Revised Statutes, is  
2 amended to read:

3           **31-15-402. Liability for violation of nuisance ordinance.** (3) If  
4 the abatement of a nuisance pursuant to this section requires the removal  
5 of a motor vehicle from the property, the property owner may abate the  
6 nuisance only by hiring a towing carrier, as defined in section ~~40-13-101~~  
7 ~~(3)~~ 40-10.1-101, C.R.S., to take the vehicle to a lot for storage under  
8 appropriate protection.

9           **SECTION 11.** 40-1-102 (3) (a) (I) and (3) (b), Colorado Revised  
10 Statutes, are amended to read:

11           **40-1-102. Definitions.** As used in articles 1 to 7 of this title,  
12 unless the context otherwise requires:

13           (3) (a) "Common carrier" means:

14           (I) Every person directly or indirectly affording a means of  
15 transportation, or any service or facility in connection therewith, within  
16 this state by motor vehicle ~~aircraft~~, or other vehicle whatever by  
17 indiscriminately accepting and carrying PASSENGERS for compensation;  
18 ~~passengers between fixed points or over established routes or otherwise~~  
19 ~~and includes lessees, trustees, or receivers thereof, whether appointed by~~  
20 ~~a court or otherwise;~~ and

21           (b) "Common carrier" does not include a ~~ridesharing arrangement,~~  
22 ~~as defined in section 39-22-509 (1) (a) (II), C.R.S., or a motor vehicle~~  
23 ~~carrier exempt from regulation as a public utility, as defined in section~~  
24 ~~40-16-101 (4) MOTOR CARRIER THAT PROVIDES TRANSPORTATION NOT~~  
25 ~~SUBJECT TO REGULATION PURSUANT TO SECTION 40-10.1-105 OR THAT IS~~  
26 ~~SUBJECT TO PART 3, 4, OR 5 OF ARTICLE 10.1 OF THIS TITLE.~~

27           **SECTION 12.** 40-1-103 (3), Colorado Revised Statutes, is

1 amended to read:

2 **40-1-103. Public utility defined.** (3) For the purposes of articles  
3 1 to 7 of this title, ~~operators of amusement rides, as defined in section~~  
4 ~~40-10-101 (3), and A motor vehicle carriers exempt from regulation as~~  
5 ~~public utilities, as defined in section 40-16-101 (4), are~~ CARRIER THAT  
6 PROVIDES TRANSPORTATION NOT SUBJECT TO REGULATION PURSUANT TO  
7 SECTION 40-10.1-105 OR THAT IS SUBJECT TO PART 3, 4, OR 5 OF ARTICLE  
8 10.1 OF THIS TITLE IS not ~~considered to be~~ A public utilities UTILITY.

9 **SECTION 13.** The introductory portion to 40-1.1-104 (1) and  
10 40-1.1-104 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are  
11 amended to read:

12 **40-1.1-104. Inapplicable laws and regulations.** (1) People  
13 service transportation and volunteer transportation shall not be considered  
14 transportation for compensation, commercial transportation, or any form  
15 of carrier. Thus, the following laws and regulations shall DO not apply to  
16 motor vehicles while being used for the purpose of people service  
17 transportation or volunteer transportation:

18 (b) Article ~~10~~ 10.1 of this title, concerning motor **vehicle** carriers;

19 AND

20 (c) ~~Article 11 of this title, concerning contract carriers by motor~~  
21 ~~vehicle;~~

22 (d) ~~Article 13 of this title, concerning towing carriers;~~

23 **SECTION 14.** 40-2-109, Colorado Revised Statutes, is amended  
24 to read:

25 **40-2-109. Report to executive director of the department of**  
26 **revenue.** On March 1 of each year, the public utilities commission shall  
27 furnish the executive director of the department of revenue with a list of

1 those public utilities subject to its jurisdiction, supervision, and regulation  
2 on January 1 of each year, excepting those motor ~~vehicle~~ carriers subject  
3 to the passenger-mile tax imposed by ~~the provisions of~~ sections 42-3-304  
4 to 42-3-306, C.R.S., but only so long as the cost of regulation of such  
5 motor ~~vehicle~~ carriers is defrayed from the proceeds of such  
6 passenger-mile tax.

7 **SECTION 15.** 40-2-110.5 (1), (4), (5), and (8), Colorado Revised  
8 Statutes, are amended to read:

9 **40-2-110.5. Annual fees - motor carriers - public utilities**  
10 **commission motor carrier fund - created.** (1) Every ~~motor vehicle~~  
11 ~~carrier that has been issued a certificate pursuant to section 40-10-104,~~  
12 ~~every contract carrier by motor vehicle that has been issued a permit~~  
13 ~~pursuant to section 40-11-103, every towing carrier that has been issued~~  
14 ~~a permit pursuant to section 40-13-103, every mover that has registered~~  
15 ~~pursuant to section 40-14-103, and every motor vehicle carrier exempt~~  
16 ~~from regulation as a public utility shall pay an annual identification fee,~~  
17 ~~set administratively by the commission, for each motor vehicle such~~  
18 ~~carrier owns, controls, operates, or manages. Fees shall be set based upon~~  
19 ~~the appropriation made for the purposes specified in section 40-2-110 (2)~~  
20 ~~(a) (I), subject to the approval of the executive director of the department~~  
21 ~~of regulatory agencies, such that the revenue generated from all motor~~  
22 ~~vehicle carrier fees approximates the direct and indirect costs of the~~  
23 ~~commission in the supervision and regulation of motor carriers. Such~~  
24 ~~fees shall be valid from January 1 to December 31 of each year and shall~~  
25 ~~be valid only for those specific vehicles for which the fee has been paid.~~

26 (4) ~~No such carriers shall use any motor vehicle for the~~  
27 ~~transportation of persons or property for compensation on any public~~

1 highway in this state unless the annual fees required by subsection (1) of  
2 this section have been paid. In lieu of the penalty provisions specified in  
3 section 40-7-105, every motor vehicle carrier who violates the provisions  
4 of this section is subject to the penalties set forth in section 40-10-113 and  
5 every contract carrier by motor vehicle who violates the provisions of this  
6 section is subject to the penalties set forth in section 40-11-111.

7 (5) All fees collected under this section shall be transmitted to the  
8 state treasurer, who shall credit the same to the public utilities  
9 commission motor carrier fund.

10 (8) Notwithstanding the amount specified for any fee in this  
11 section 40-10.1-111, the commission by rule or as otherwise provided by  
12 law may reduce the amount of one or more of the fees if necessary  
13 pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted  
14 reserves of the fund to which all or any portion of one or more of the fees  
15 is credited. After the uncommitted reserves of the fund are sufficiently  
16 reduced, the commission by rule or as otherwise provided by law may  
17 increase the amount of one or more of the fees as provided in section  
18 24-75-402 (4), C.R.S.

19 **SECTION 16.** 40-7-101, Colorado Revised Statutes, is amended  
20 to read:

21 **40-7-101. Enforcement of laws.** It is the duty of the commission  
22 to see that the provisions of the constitution and statutes of this state  
23 affecting public utilities, AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5  
24 OF THIS TITLE, the enforcement of which is not specifically vested in some  
25 other officer or tribunal, are enforced and obeyed and that violations  
26 thereof are promptly prosecuted and penalties due the state therefor ARE  
27 recovered and collected, and to this end it may sue in the name of the

1 people of the state of Colorado. Upon the request of the commission, it  
2 ~~is the duty of~~ the attorney general or the district attorney acting for the  
3 proper county or city and county ~~to~~ SHALL aid in any investigation,  
4 hearing, or trial had under ~~the provisions of~~ articles 1 to 7 of this title and  
5 ~~to~~ institute and prosecute actions or proceedings for the enforcement of  
6 ~~the provisions of~~ the constitution and statutes of this state affecting public  
7 utilities AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5 OF THIS TITLE and  
8 for the punishment of all violations thereof.

9 **SECTION 17.** 40-7-112, Colorado Revised Statutes, is amended  
10 to read:

11 **40-7-112. Applicability of civil penalties.** (1) A person who  
12 operates OR OFFERS TO OPERATE as a motor ~~vehicle~~ carrier as defined in  
13 section ~~40-10-101 (4) (a); a contract carrier by motor vehicle as defined~~  
14 ~~in section 40-11-101 (3); a towing carrier as defined in section 40-13-101~~  
15 ~~(3); a mover as defined in section 40-14-102 (9); a motor vehicle carrier~~  
16 ~~exempt from regulation as a public utility as defined in section 40-16-101~~  
17 40-10.1-101; or a motor carrier, motor private carrier, broker, freight  
18 forwarder, leasing company, or other person required to register under  
19 section 40-10.5-102 ~~shall be~~ IS subject to civil penalties as provided in  
20 this section and sections 40-7-113 to 40-7-116, which shall be paid and  
21 credited to the general fund, in addition to any other sanctions that may  
22 be imposed pursuant to law.

23 (2) SUBSECTIONS (3) TO (5) OF THIS SECTION AND the civil  
24 penalties provided in ~~sections 40-7-113 and 40-7-114 shall~~ SECTION  
25 40-7-113 DO not apply to persons transporting nuclear materials who  
26 commit violations of section 42-20-406 (3), 42-20-407, or 42-20-505,  
27 C.R.S., or to persons transporting hazardous materials who commit

1 violations of section 42-20-204, C.R.S.

2 (3) AN OWNER OR OTHER PERSON ALLOWING A DRIVER TO OPERATE  
3 A MOTOR VEHICLE UPON A HIGHWAY IN VIOLATION OF A STATUTE OR RULE  
4 FOR WHICH A CIVIL PENALTY MAY BE IMPOSED UNDER SECTION 40-7-113  
5 (1) IS SUBJECT TO THE CIVIL PENALTIES PROVIDED IN SECTION 40-7-113 IF  
6 HE OR SHE KNOWS OR HAS REASON TO KNOW THAT THE DRIVER IS  
7 ENGAGED IN A VIOLATION.

8 (4) AN OWNER OR OTHER PERSON WHO DIRECTS A DRIVER TO  
9 OPERATE A MOTOR VEHICLE UPON A HIGHWAY IN VIOLATION OF A STATUTE  
10 OR RULE FOR WHICH A CIVIL PENALTY MAY BE IMPOSED UNDER SECTION  
11 40-7-113 (1) IS SUBJECT TO THE CIVIL PENALTIES PROVIDED IN SECTION  
12 40-7-113.

13 (5) ANY CIVIL PENALTY ASSESSED AGAINST AN OWNER OR OTHER  
14 PERSON PURSUANT TO SUBSECTION (3) OR (4) OF THIS SECTION IS IN  
15 ADDITION TO, AND NOT IN LIEU OF, ANY CIVIL PENALTY AGAINST THE  
16 ACTUAL DRIVER OF THE VEHICLE, AND ANY SUCH PENALTY MAY BE  
17 ASSESSED UPON THE INITIAL VIOLATION BY THE PERSON.

18 **SECTION 18.** 40-7-113, Colorado Revised Statutes, is amended  
19 to read:

20 **40-7-113. Civil penalties - fines.** (1) In addition to any other  
21 penalty otherwise authorized by law and except as otherwise provided in  
22 subsections (3) and (4) of this section, any person who violates ~~any~~  
23 ~~provision~~ of article ~~10, 10.5, 11, 13, 14, or 16~~ 10.1 OR 10.5 of this title or  
24 any rule promulgated by the commission pursuant to such articles, which  
25 ~~provision~~ ARTICLE or rule is applicable to ~~such~~ THE person, may be  
26 subject to fines as specified in the following paragraphs:

27 (a) Any person who fails to carry the insurance required by law



1 may be assessed a civil penalty of not more than eleven thousand dollars.

2 (b) Any person who ~~operates a motor vehicle for hire as a~~  
3 ~~common carrier without first having obtained a certificate of public~~  
4 ~~convenience and necessity from the commission as required by~~ VIOLATES  
5 section ~~40-10-104~~ 40-10.1-201 (1), 40-10.1-202 (1) (a), 40-10.1-302 (1)  
6 (a), 40-10.1-401 (1) (a), OR 40-10.1-502 (1) (a) may be assessed a civil  
7 penalty of not more than one thousand one hundred dollars.

8 (c) Any person who ~~operates a motor vehicle for hire as a contract~~  
9 ~~carrier without first having obtained a permit from the commission as~~  
10 ~~required by section 40-11-103~~ may be assessed a civil penalty of not more  
11 than one thousand one hundred dollars.

12 (d) Any person who ~~operates a motor vehicle for hire as a towing~~  
13 ~~carrier without first having obtained a permit from the commission as~~  
14 ~~required by section 40-13-103~~ may be assessed a civil penalty of not more  
15 than one thousand one hundred dollars.

16 (e) Any A person subject to section ~~40-2-110.5~~ 40-10.1-111 who  
17 operates a motor vehicle without having paid the annual identification fee  
18 for any motor vehicle ~~so~~ operated as required by section ~~40-2-110.5~~  
19 40-10.1-111 may be assessed a civil penalty of not more than four  
20 hundred dollars.

21 (f) Any person who ~~operates a charter or scenic bus as defined in~~  
22 ~~section 40-16-101, a children's activity bus as defined in section~~  
23 ~~40-16-101, a luxury limousine as defined in section 40-16-101, or an~~  
24 ~~off-road scenic charter as defined in section 40-16-101~~ without having  
25 first registered with the commission as required by section ~~40-16-103~~ may  
26 be assessed a civil penalty of not more than one thousand one hundred  
27 dollars.

1           ~~(f.5) Any person who operates as a mover as defined in section~~  
2 ~~40-14-102 (9) without having first registered with the commission as~~  
3 ~~required by section 40-14-103 may be assessed a civil penalty of not more~~  
4 ~~than one thousand one hundred dollars.~~

5           (g) ~~Any~~ A person who operates a motor vehicle as defined in  
6 ~~section 40-10-101 (3) or 40-11-101 (4) who intentionally violates any~~  
7 ~~provision of articles 10, 11, 13, 14, and 16 ARTICLE 10.1 OR 10.5 of this~~  
8 ~~title not enumerated in paragraphs PARAGRAPH (a), to (f.5) (b), OR (e) of~~  
9 ~~this subsection (1), any rule promulgated by the commission pursuant to~~  
10 ~~this title, or any safety rule adopted by the department of public safety~~  
11 ~~relating to towing MOTOR carriers AS DEFINED IN SECTION 40-10.1-101~~  
12 ~~may be assessed a civil penalty of not more than one thousand one~~  
13 ~~hundred dollars; EXCEPT THAT any person who violates any A safety rule~~  
14 ~~promulgated by the commission shall be IS subject to the civil penalties~~  
15 ~~authorized pursuant to 49 CFR 386, subpart G, AND ASSOCIATED~~  
16 ~~APPENDICES TO PART 386, as such subpart existed on October 1, 2001~~  
17 ~~2010.~~

18           (h) ~~Any person who intentionally violates any provision of article~~  
19 ~~10.5 of this title not enumerated in paragraphs (a) to (g) of this subsection~~  
20 ~~(1) or any rule promulgated by the commission pursuant to this title shall~~  
21 ~~be assessed a civil penalty of not more than one thousand one hundred~~  
22 ~~dollars.~~

23           (2) The COMMISSION SHALL SET THE amount of the civil penalties  
24 to be assessed pursuant to subsection (1) of this section ~~shall be set in~~  
25 ~~rules. and regulations promulgated by the commission.~~

26           (3) If ~~any~~ A person receives a second civil penalty assessment for  
27 a violation of ~~the provisions of~~ subsection (1) of this section within one

1 year after the first violation, the civil penalty assessed for ~~such~~ THE  
2 second violation may be two times the amount specified by rule ~~and~~  
3 ~~regulation~~ for ~~such~~ THE violation.

4 (4) If ~~any~~ A person receives more than two civil penalty  
5 assessments for violation of ~~the provisions of~~ subsection (1) of this  
6 section within one year, the civil penalty assessed for each ~~such~~  
7 subsequent violation may be three times the amount specified by rule ~~and~~  
8 ~~regulation~~ for ~~such~~ THE violation.

9 (5) (a) ~~Any~~ A person who fails to pay in full all civil penalties for  
10 a second or subsequent violation assessed by commission order pursuant  
11 to this section, subject to ~~all applicable provisions of~~ article 4 of title 24,  
12 C.R.S., within thirty days ~~of~~ AFTER the due date established by ~~such~~ THE  
13 order may be subject to have his or her vehicle registration cancelled by  
14 the department of revenue as specified in section 42-3-120 (4), C.R.S.  
15 Registration of any vehicles owned by ~~such~~ THE person for which the  
16 penalty was assessed may be denied until all penalties are paid or  
17 collected. Upon written notice from the commission, the department of  
18 revenue shall cancel ~~such~~ THE registration as specified in section  
19 42-3-120 (4), C.R.S.

20 (b) THIS SUBSECTION (5) APPLIES TO ALL VEHICLES, REGARDLESS  
21 OF WHEN PURCHASED, ON OR AFTER THE EFFECTIVE DATE OF THIS  
22 PARAGRAPH (b).

23 **SECTION 19.** 40-7-115, Colorado Revised Statutes, is amended  
24 to read:

25 **40-7-115. Each day a separate offense.** Each day in which a  
26 person violates any statute, rule, or order of the commission for which a  
27 civil penalty may be imposed under section 40-7-113 OR 40-7-113.5 ~~or~~

1 ~~40-7-114~~ may constitute a separate offense.

2 **SECTION 20.** 40-7-116 (1), Colorado Revised Statutes, is  
3 amended to read:

4 **40-7-116. Enforcement of civil penalties against carriers.**

5 (1) (a) Investigative personnel of the commission and personnel of the  
6 ports of entry and the Colorado state patrol ~~shall~~ have the authority to  
7 issue civil penalty assessments for the violations enumerated in sections  
8 40-7-112 AND 40-7-113. ~~and 40-7-114.~~ When a person is cited for ~~such~~  
9 THE violation, the person operating the motor vehicle involved shall be  
10 given notice of ~~such~~ THE violation in the form of a civil penalty  
11 assessment notice.

12 (b) ~~Such~~ THE notice shall be tendered by the enforcement official,  
13 either in person or by certified mail, or by personal service by ~~any~~ A  
14 person authorized to serve process under rule 4(d) of the Colorado rules  
15 of civil procedure, and shall contain:

16 (I) The name and address of the person cited for the violation;

17 (II) A citation to the specific statute or rule alleged to have been  
18 violated;

19 (III) A brief description of the alleged violation, the date and  
20 approximate location of the alleged violation, AND the maximum penalty  
21 amounts prescribed for the violation;

22 (IV) The date of the notice;

23 (V) A place for ~~such~~ THE person to execute a signed  
24 acknowledgment of receipt of the civil penalty assessment notice;

25 (VI) A place for ~~such~~ THE person to execute a signed  
26 acknowledgment of liability for the violation; and

27 (VII) Such other information as may be required by law to

1 constitute notice of a complaint to appear for hearing if the prescribed  
2 penalty is not paid within ten days.

3 (c) ~~Every~~ A cited person shall execute the signed acknowledgment  
4 of receipt of the civil penalty assessment notice. The acknowledgment of  
5 liability shall be executed at the time the person cited pays the prescribed  
6 penalty. The person cited shall pay the civil penalty specified for the  
7 violation involved at the office of the commission, either in person or by  
8 depositing ~~such~~ THE payment postpaid in the United States mail within  
9 ten days ~~of~~ AFTER the issuance of the citation.

10 (d) (I) If the person cited does not pay the prescribed penalty  
11 within ten days after the issuance of the notice, the civil penalty  
12 assessment notice ~~shall constitute~~ CONSTITUTES a complaint to appear  
13 before the commission. The person cited shall contact the commission on  
14 or before the time and date specified in the notice to set the complaint for  
15 a hearing on the merits in accordance with section 40-6-109. If the  
16 person cited fails to contact the commission on or before the time and  
17 date specified, the commission shall set the complaint for hearing.

18 (II) At ~~such~~ THE hearing, the commission ~~shall have~~ HAS the  
19 burden of demonstrating a violation by a preponderance of the evidence.

20 **SECTION 21.** 40-11.5-101, Colorado Revised Statutes, is  
21 amended to read:

22 **40-11.5-101. Independent contractors - motor carriers.**  
23 Notwithstanding ~~any provision in article 10 or article 11~~ 10.1 of this title,  
24 ~~motor vehicle~~ COMMON carriers and contract ~~motor~~ carriers may use  
25 independent contractors.

26 **SECTION 22.** 42-3-120 (3) (a) and (4), Colorado Revised  
27 Statutes, are amended to read:

1           **42-3-120. Department may cancel or deny registration.**

2           (3) (a) Upon receiving written notice from the Colorado state patrol that  
3           a motor carrier has failed to timely pay civil penalties imposed in  
4           accordance with section 42-4-235 (2), the department shall cancel the  
5           registration of any vehicle that is owned by the carrier and shall deny the  
6           registration of any vehicle that is owned by the carrier until the  
7           department receives notice FROM THE COLORADO STATE PATROL that the  
8           penalty has been paid in full.

9           (4) (a) Upon receiving written notice from the public utilities  
10          commission that a person has failed to timely pay civil penalties imposed  
11          in accordance with section 40-7-113, the department shall cancel the  
12          registration of any vehicle that is owned by the person for which the  
13          penalty was assessed and shall deny the registration of any such vehicle  
14          until the department receives written notice FROM THE PUBLIC UTILITIES  
15          COMMISSION that the penalty has been paid in full.

16          (b) ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b),  
17          THIS SUBSECTION (4) APPLIES TO ALL VEHICLES REGARDLESS OF WHEN THE  
18          VEHICLES WERE PURCHASED.

19          **SECTION 23.** 42-3-235 (2) (a), (2) (b), and (5), Colorado  
20          Revised Statutes, are amended to read:

21          **42-3-235. Livery license plates - luxury limousines - repeal.**

22          (2) (a) Except as provided in paragraph (b) of this subsection (2), a  
23          person providing luxury limousine service under article ~~16~~ 10.1 of title  
24          40, C.R.S., shall register the motor vehicle used for such purposes  
25          pursuant to this article and display livery license plates on the vehicle.  
26          Upon ~~such~~ registration, the department shall issue livery license plates for  
27          the vehicles in accordance with this section. The department shall not

1 issue a livery license plate unless the person either submits a verification  
2 document issued pursuant to section ~~40-16-111~~ 40-10.1-303, C.R.S., or  
3 the public utilities commission electronically verifies the authorization to  
4 provide luxury limousine service under section ~~40-16-111~~ 40-10.1-303,  
5 C.R.S.

6 (b) A person providing luxury limousine service under article ~~16~~  
7 10.1 of title 40, C.R.S., may provide such services without registering the  
8 motor vehicle or using livery license plates if the motor vehicle is rented,  
9 but the person shall not provide such services using a rented motor  
10 vehicle for more than thirty days.

11 (5) If the person who owns the motor vehicle with livery plates is  
12 not the same person under whose authority the motor vehicle operates  
13 pursuant to article ~~16~~ 10.1 of title 40, C.R.S., the person with such  
14 authority may request that the department of revenue require the plate to  
15 be replaced. Upon ~~such~~ a request being made, the department shall  
16 require the owner to return the livery license plate and be issued a new  
17 license plate.

18 **SECTION 24.** 42-3-304 (12), Colorado Revised Statutes, is  
19 amended to read:

20 **42-3-304. Registration fees - passenger and passenger-mile**  
21 **taxes - clean screen fund - repeal.** (12) An owner or operator that  
22 desires to make an occasional trip into this state with a truck, truck  
23 tractor, trailer, or semitrailer that is registered in another state shall obtain  
24 a permit from the public utilities commission as provided in ~~sections~~  
25 ~~40-10-104 and 40-11-103~~ ARTICLE 10.1 OF TITLE 40, C.R.S. This  
26 subsection (12) ~~shall~~ DOES not apply to the vehicles of a public utility that  
27 are temporarily in this state to assist in the construction, installation, or

1 restoration of utility facilities used in serving the public.

2 **SECTION 25.** 42-3-306 (11) (b), Colorado Revised Statutes, is  
3 amended to read:

4 **42-3-306. Registration fees - passenger and passenger-mile**  
5 **taxes - fee schedule.** (11) (b) The owner or operator of a passenger bus  
6 that is registered in another state and that is used to make an occasional  
7 trip into this state need not obtain a permit from the public utilities  
8 commission as provided in ~~sections 40-10-104 and 40-11-103~~ ARTICLE  
9 10.1 OF TITLE 40, C.R.S., but may instead apply to the department for the  
10 issuance of a trip permit and shall pay to the department for the issuance  
11 of such trip permit a fee of twenty-five dollars or the amount of  
12 passenger-mile tax becoming due and payable under paragraph (a) of this  
13 subsection (11) by reason of such trip, whichever amount is greater. The  
14 fee or passenger-mile tax shall be credited to the highway users tax fund  
15 created in section 43-4-201, C.R.S., as required by section 43-4-203 (1)  
16 (c), C.R.S., and allocated and expended as specified in section 43-4-205  
17 (5.5) (d), C.R.S.

18 **SECTION 26.** 42-4-235 (4), Colorado Revised Statutes, is  
19 amended to read:

20 **42-4-235. Minimum standards for commercial vehicles - rules**  
21 **- repeal.** (4) (a) The department shall adopt rules for the operation of all  
22 commercial vehicles. In adopting such rules, the department shall use as  
23 general guidelines the standards contained in the current rules and  
24 regulations of the United States department of transportation relating to  
25 safety regulations, qualifications of drivers, driving of motor vehicles,  
26 parts and accessories, notification and reporting of accidents, hours of  
27 service of drivers, inspection, repair and maintenance of motor vehicles,



1 financial responsibility, insurance, and employee safety and health  
2 standards; EXCEPT THAT RULES REGARDING FINANCIAL RESPONSIBILITY  
3 AND INSURANCE DO NOT APPLY TO A COMMERCIAL VEHICLE AS DEFINED IN  
4 SUBSECTION (1) OF THIS SECTION THAT IS ALSO SUBJECT TO REGULATION  
5 BY THE PUBLIC UTILITIES COMMISSION UNDER ARTICLE 10.1 OF TITLE 40,  
6 C.R.S. On and after September 1, 2003, all commercial vehicle safety  
7 inspections conducted to determine compliance with rules promulgated  
8 by the department pursuant to this paragraph (a) shall be performed by an  
9 enforcement official, as defined in section 42-20-103 (2), who has been  
10 certified by the commercial vehicle safety alliance, or any successor  
11 organization thereto, to perform level I inspections.

12 (b) The Colorado public utilities commission may enforce safety  
13 rules of the department governing commercial vehicles described in  
14 ~~subparagraph (H)~~ SUBPARAGRAPHS (I) AND (II) of paragraph (a) of  
15 subsection (1) of this section pursuant to its authority to regulate ~~towing~~  
16 MOTOR carriers AS DEFINED IN SECTION 40-10.1-101, C.R.S., including  
17 ~~without limitation~~ the issuance of civil penalties for violations of ~~such~~  
18 THE rules as provided in section 40-7-113, C.R.S.

19 **SECTION 27.** The introductory portion to 42-4-236 (3) and  
20 42-4-236 (3) (f), Colorado Revised Statutes, are amended to read:

21 **42-4-236. Child restraint systems required - definitions -**  
22 **exemptions - repeal.** (3) Except as provided in section 42-2-105.5 (4),  
23 ~~the requirements of~~ subsection (2) of this section ~~shall~~ DOES not apply to  
24 a child who:

25 (f) Is being transported in a motor vehicle that is operated in the  
26 business of transporting persons for compensation or hire by or on behalf  
27 of a ~~motor vehicle~~ COMMON carrier as ~~defined in section 40-10-101 (4)~~

1     ~~(a), C.R.S.~~, OR a contract carrier ~~by motor vehicle~~ as THOSE TERMS ARE  
2     defined in section ~~40-11-101 (3)~~ 40-10.1-101, C.R.S., or an operator of  
3     a luxury limousine service as defined in section ~~40-16-101 (3.3)~~  
4     40-10.1-301, C.R.S.

5             **SECTION 28.** 42-7-510 (1), Colorado Revised Statutes, is  
6     amended to read:

7             **42-7-510. Insurance or bond required.** (1) ~~Every~~ AN owner of  
8     a truck that is subject to the registration fee imposed pursuant to section  
9     42-3-306 (5) (b) or (7) and that is not subject to article ~~10, 11, 13, 14, or~~  
10    ~~16~~ 10.1 of title 40, C.R.S., before operating or permitting the operation  
11    of ~~such~~ THE vehicle upon ~~any~~ A public highway in this state, shall have in  
12    each ~~such~~ vehicle a motor vehicle liability policy or a certificate  
13    evidencing ~~such~~ THE policy issued by an insurance carrier or insurer  
14    authorized to do business in Colorado, or a copy of a valid certificate of  
15    self-insurance issued pursuant to section 10-4-624, C.R.S., or a surety  
16    bond issued by a company authorized to do a surety business in Colorado  
17    in the sum of fifty thousand dollars for damages to property of others; the  
18    sum of one hundred thousand dollars for damages for or on account of  
19    bodily injury or death of one person as a result of any one accident; and,  
20    subject to such limit as to one person, the sum of three hundred thousand  
21    dollars for or on account of bodily injury to or death of all persons as a  
22    result of any one accident.

23             **SECTION 29. Act subject to petition - effective date.** This act  
24     shall take effect at 12:01 a.m. on the day following the expiration of the  
25     ninety-day period after final adjournment of the general assembly (August  
26     10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
27     referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part shall not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2012 and shall take effect on the date of the official  
5 declaration of the vote thereon by the governor.