

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

REVISED

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

LLS NO. 11-0596.01 Duane Gall

HOUSE BILL 11-1198

HOUSE SPONSORSHIP

Kerr J.,

SENATE SPONSORSHIP

Schwartz,

House Committees

Transportation
Appropriations

Senate Committees

Transportation
Appropriations

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.**

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.*

SENATE
2nd Reading Unam ended
April 12, 2011

HOUSE
3rd Reading Unam ended
March 17, 2011

HOUSE
Am ended 2nd Reading
March 15, 2011

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.

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 TWENTY-FIVE
27 DOLLARS.

1 (e) THE FILING FEE FOR A TEMPORARY PERMIT TO OPERATE AS A
2 MOVER PURSUANT TO SECTION 40-10.1-502 (5) (a) IS ONE HUNDRED FIFTY
3 DOLLARS.

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

7 (2) EXCEPT FOR A MOVER HOLDING A PERMIT ISSUED UNDER PART
8 5 OF THIS ARTICLE AND A MOTOR CARRIER THAT HAS PAID A FEE PURSUANT
9 TO ARTICLE 10.5 OF THIS TITLE, A MOTOR CARRIER SHALL NOT OPERATE
10 ANY MOTOR VEHICLE IN INTRASTATE COMMERCE UNLESS THE ANNUAL
11 FEES REQUIRED BY PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION
12 HAVE BEEN PAID. SUCH FEES APPLY ON A CALENDAR YEAR BASIS AND ARE
13 CREDITABLE ONLY TO THE SPECIFIC VEHICLES FOR WHICH THE FEES HAVE
14 BEEN PAID.

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

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

26 **40-10.1-112. Commission may take action against a certificate**
27 **or permit.** (1) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION,

1 THE COMMISSION, AT ANY TIME, BY ORDER DULY ENTERED, AFTER
2 HEARING UPON NOTICE TO THE MOTOR CARRIER AND UPON PROOF OF
3 VIOLATION, MAY ISSUE AN ORDER TO CEASE AND DESIST OR MAY SUSPEND,
4 REVOKE, ALTER, OR AMEND ANY CERTIFICATE OR PERMIT ISSUED TO THE
5 MOTOR CARRIER UNDER THIS ARTICLE FOR THE FOLLOWING REASONS:

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

8 (b) EXCEEDING THE AUTHORITY GRANTED BY A CERTIFICATE OR
9 PERMIT;

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

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

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

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

1 PERMIT, ASSESS CIVIL PENALTIES AS PROVIDED IN ARTICLE 7 OF THIS TITLE,
2 OR TAKE ANY OTHER ACTION WITHIN THE COMMISSION'S AUTHORITY. IN
3 ASSESSING CIVIL PENALTIES UNDER THIS SUBSECTION (2), THE COMMISSION
4 IS NOT CONSTRAINED BY THE PROCEDURAL REQUIREMENTS OF SECTION
5 40-7-116.

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

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

27 (5) ANY COMMISSION ACTION UNDER SUBSECTION (1) OR (2) OF

1 THIS SECTION MUST CONFORM TO THE PROVISIONS AND PROCEDURES
2 SPECIFIED IN ARTICLE 6 OF THIS TITLE. THE MOTOR CARRIER HAS ALL THE
3 RIGHTS TO THE OPPORTUNITY FOR A HEARING, REVIEW, AND APPEAL AS TO
4 SUCH ORDER OR RULING OF THE COMMISSION AS ARE NOW PROVIDED BY
5 ARTICLES 1 TO 7 OF THIS TITLE. NO APPEAL FROM OR REVIEW OF ANY
6 ORDER OR RULING OF THE COMMISSION SUPERSEDES OR SUSPENDS SUCH
7 ORDER OR RULINGS UNLESS SPECIFICALLY ORDERED BY THE PROPER
8 COURT.

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

17 **40-10.1-114. Penalty for violation of article.** (1) EVERY MOTOR
18 CARRIER AND EVERY OFFICER, AGENT, OR EMPLOYEE OF A MOTOR CARRIER
19 AND EVERY OTHER PERSON WHO VIOLATES OR FAILS TO COMPLY WITH OR
20 WHO PROCURES, AIDS, OR ABETS IN THE VIOLATION OF THIS ARTICLE, WHO
21 FAILS TO OBEY, OBSERVE, OR COMPLY WITH ANY ORDER, DECISION, OR
22 RULE OF THE COMMISSION ADOPTED UNDER THIS ARTICLE, OR WHO
23 PROCURES, AIDS, OR ABETS ANY PERSON IN SUCH FAILURE TO OBEY OR
24 OBSERVE SUCH ORDER, DECISION, OR RULE COMMITS A CLASS 2
25 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
26 18-1.3-501, C.R.S.

27 (2) AN INDIVIDUAL WHO IS EMPLOYED BY OR WHO CONTRACTS

1 WITH A MOTOR CARRIER AND WHO OPERATES A MOTOR VEHICLE FOR THE
2 MOTOR CARRIER'S BUSINESS IN VIOLATION OF SECTION 40-10.1-110
3 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
4 IN SECTION 18-1.3-501, C.R.S.

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

7 **40-10.1-115. Jurisdiction of courts.** THE DISTRICT COURT OR,
8 WITHIN ITS JURISDICTION, THE COUNTY COURT OF ANY COUNTY IN OR
9 THROUGH WHICH A MOTOR CARRIER OPERATES HAS JURISDICTION IN ALL
10 MATTERS ARISING UNDER THIS ARTICLE ON ACCOUNT OF THE OPERATIONS
11 OF SUCH MOTOR CARRIER EXCEPT AS OTHERWISE PROVIDED IN THIS
12 ARTICLE AND EXCEPTING THOSE MATTERS EXPRESSLY DELEGATED TO THE
13 COMMISSION; AND IT IS THE DUTY OF THE DISTRICT ATTORNEY FOR THE
14 COUNTY HAVING JURISDICTION TO PROSECUTE ALL VIOLATIONS OF THIS
15 ARTICLE.

16 **40-10.1-116. Commission to notify local authorities -**
17 **procedure.** (1) WHENEVER THE COMMISSION IS OF THE OPINION THAT A
18 MOTOR CARRIER IS FAILING OR OMITTING TO DO ANYTHING REQUIRED OF
19 IT BY LAW OR BY ANY ORDER, DECISION, RULE, DIRECTION, OR
20 REQUIREMENT OF THE COMMISSION OR IS ACTING OR IS ABOUT TO ACT OR
21 PERMITTING AN ACT OR ABOUT TO PERMIT AN ACT IN VIOLATION OF THE
22 LAW OR OF ANY ORDER, DECISION, RULE, DIRECTION, OR REQUIREMENT OF
23 THE COMMISSION, THE COMMISSION SHALL REQUEST THE ATTORNEY
24 GENERAL OF THE STATE OR THE DISTRICT ATTORNEY OF ANY DISTRICT TO
25 COMMENCE AN ACTION OR PROCEEDING IN THE DISTRICT COURT IN AND
26 FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE CAUSE OR SOME
27 PART THEREOF AROSE OR IN WHICH THE MOTOR CARRIER COMPLAINED OF

1 MAINTAINS A PRINCIPAL PLACE OF BUSINESS OR RESIDES. SUCH ACTION OR
2 PROCEEDING MUST BE CONDUCTED IN ACCORDANCE WITH SECTION
3 40-7-104; EXCEPT THAT REFERENCES IN SECTION 40-7-104 TO THE
4 ATTORNEY GENERAL INCLUDE ANY DISTRICT ATTORNEY BRINGING THE
5 ACTION OR PROCEEDING.

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

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

23 PART 2

24 MOTOR CARRIERS OF PASSENGERS -

25 COMMON CARRIERS AND CONTRACT CARRIERS

26 **40-10.1-201. Certificate required.** (1) A PERSON SHALL NOT
27 OPERATE OR OFFER TO OPERATE AS A COMMON CARRIER IN INTRASTATE

1 COMMERCE WITHOUT FIRST HAVING OBTAINED FROM THE COMMISSION A
2 CERTIFICATE DECLARING THAT THE PRESENT OR FUTURE PUBLIC
3 CONVENIENCE AND NECESSITY REQUIRES OR WILL REQUIRE SUCH
4 OPERATION.

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

11 **40-10.1-202. Permit required - legislative declaration.**

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

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

1 (2) NO PERMIT, NOR ANY EXTENSION OR ENLARGEMENT OF AN
2 EXISTING PERMIT, SHALL BE GRANTED BY THE COMMISSION IF, IN THE
3 COMMISSION'S JUDGMENT, THE PROPOSED OPERATION OF ANY SUCH
4 CONTRACT CARRIER WILL IMPAIR THE EFFICIENT PUBLIC SERVICE OF ANY
5 AUTHORIZED COMMON CARRIER THEN ADEQUATELY SERVING THE SAME
6 TERRITORY OVER THE SAME GENERAL HIGHWAY ROUTE. THE COMMISSION
7 SHALL GIVE WRITTEN NOTICE OF ANY APPLICATION FOR A PERMIT TO ALL
8 PERSONS INTERESTED IN OR AFFECTED BY THE ISSUANCE OF THE PERMIT OR
9 ANY EXTENSION OR ENLARGEMENT THEREOF, PURSUANT TO SECTION
10 40-6-108 (2).

11 (3) NOTHING CONTAINED IN THIS ARTICLE COMPELS A CONTRACT
12 CARRIER TO BE OR BECOME A COMMON CARRIER OR SUBJECTS A CONTRACT
13 CARRIER TO THE LAWS OR LIABILITY APPLICABLE TO A COMMON CARRIER.

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

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

26 (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
27 THIS PARAGRAPH (b), THE GRANTING OF A CERTIFICATE TO OPERATE A

1 TAXICAB SERVICE WITHIN AND BETWEEN COUNTIES WITH A POPULATION
2 OF SEVENTY THOUSAND OR GREATER, BASED ON THE MOST RECENT
3 AVAILABLE FEDERAL CENSUS FIGURES, IS NOT AN EXCLUSIVE GRANT OR
4 MONOPOLY, AND THE DOCTRINE OF REGULATED COMPETITION APPLIES.

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

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

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

20 (c) (I) THE HOLDER OF A CERTIFICATE THAT CONTAINS AUTHORITY
21 TO OPERATE A TAXICAB SERVICE BETWEEN POINTS IN THE CITY AND
22 COUNTY OF DENVER ALSO HOLDS TAXICAB SERVICE AUTHORITY FROM
23 POINTS IN THE CITY AND COUNTY OF DENVER TO ALL POINTS IN THIS
24 STATE.

25 (II) THE HOLDER OF A CERTIFICATE THAT CONTAINS AUTHORITY TO
26 OPERATE A TAXICAB SERVICE TO POINTS IN THE CITY AND COUNTY OF
27 DENVER ALSO HOLDS TAXICAB SERVICE AUTHORITY FROM POINTS IN THE

1 CITY AND COUNTY OF DENVER TO ALL POINTS WITHIN THE COMMON
2 CARRIER'S BASE AREA, DEFINED AS THAT GEOGRAPHIC AREA IN WHICH
3 SUCH COMMON CARRIER MAY PROVIDE POINT-TO-POINT TAXICAB SERVICE.

4 (III) THE COMMISSION SHALL AMEND, BY ORDER AND WITHOUT
5 NOTICE OR HEARING, ANY EXISTING TAXICAB SERVICE CERTIFICATE AS
6 DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (c) TO
7 ALLOW SERVICE FROM POINTS IN THE CITY AND COUNTY OF DENVER TO
8 EITHER ALL POINTS IN THIS STATE OR ALL POINTS WITHIN THE COMMON
9 CARRIER'S BASE AREA TO CONFORM WITH THE DIRECTIVES CONTAINED IN
10 SAID SUBPARAGRAPH (I) OR (II).

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

20 **40-10.1-204. Temporary authority.** (1) TO ENABLE THE
21 PROVISION OF COMMON CARRIER OR CONTRACT CARRIER SERVICE FOR
22 WHICH THERE APPEARS TO BE AN IMMEDIATE AND URGENT NEED TO ANY
23 POINT OR WITHIN A TERRITORY HAVING NO SUCH SERVICE CAPABLE OF
24 MEETING THE NEED, THE COMMISSION MAY, IN ITS DISCRETION AND
25 WITHOUT HEARINGS OR OTHER PROCEEDINGS, GRANT TEMPORARY
26 AUTHORITY FOR SUCH SERVICE BY A COMMON CARRIER OR A CONTRACT
27 CARRIER, AS THE CASE MAY BE. SUCH TEMPORARY AUTHORITY, UNLESS

1 SUSPENDED OR REVOKED FOR GOOD CAUSE, IS VALID FOR SUCH TIME AS
2 THE COMMISSION SPECIFIES, BUT FOR NOT MORE THAN AN AGGREGATE OF
3 ONE HUNDRED EIGHTY DAYS, UNLESS FOR GOOD CAUSE SHOWN THE
4 COMMISSION EXTENDS THE TEMPORARY AUTHORITY FOR A PERIOD WHICH
5 MAY EXTEND UNTIL A FINAL ADMINISTRATIVE DECISION IS RENDERED. A
6 GRANT OF TEMPORARY AUTHORITY OR AN EXTENSION THEREOF CREATES
7 NO PRESUMPTION THAT CORRESPONDING PERMANENT AUTHORITY WILL BE
8 GRANTED THEREAFTER.

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

1 APPLICATION WILL BE GRANTED.

2 (3) COMMON CARRIER OR CONTRACT CARRIER SERVICE RENDERED
3 UNDER TEMPORARY AUTHORITY OR APPROVAL IS SUBJECT TO ALL
4 APPLICABLE PROVISIONS OF THIS TITLE AND TO THE RULES AND
5 REQUIREMENTS OF THE COMMISSION. THE MAXIMUM TIME PERIOD OF ANY
6 TEMPORARY AUTHORITY OR APPROVAL IS NOT SUBJECT TO EXTENSION OR
7 RENEWAL.

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

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

26 (2) ABSENT OTHER FACTS, THE FACT THAT A COMMON CARRIER OR
27 CONTRACT CARRIER CONDUCTS OPERATIONS WITH INDEPENDENT

1 CONTRACTORS DOES NOT IN AND OF ITSELF CONSTITUTE A LEASE OR
2 TRANSFER OF THE CERTIFICATE.

3 (3) AN EXISTING CERTIFICATE OR PERMIT SHALL NOT BE
4 TRANSFERRED UNLESS THE FITNESS OF THE TRANSFEREE IS ESTABLISHED
5 TO THE SATISFACTION OF THE COMMISSION.

6 **40-10.1-206. Rates - limitations.** (1) IT IS UNLAWFUL FOR ANY
7 COMMON CARRIER TO CARRY OR ADVERTISE THAT IT WILL CARRY ANY
8 INDIVIDUALS AT RATES DIFFERENT FROM THOSE IT HAS ON FILE WITH THE
9 COMMISSION FOR SUCH CARRIAGE.

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

20 (3) IN ACCORDANCE WITH THIS ARTICLE AND SUCH RULES AS THE
21 COMMISSION MAY PRESCRIBE, EVERY CONTRACT CARRIER SUBJECT TO THIS
22 ARTICLE SHALL FILE WITH THE COMMISSION, WITHIN SUCH TIME AND IN
23 SUCH FORM AS THE COMMISSION MAY DESIGNATE, AND SHALL KEEP ON
24 FILE WITH THE COMMISSION, AT ALL TIMES, SCHEDULES SHOWING RATES,
25 CHARGES, AND COLLECTIONS, COLLECTED OR ENFORCED OR TO BE
26 COLLECTED OR ENFORCED, THAT IN ANY MANNER AFFECT OR RELATE TO
27 THE OPERATIONS OF ANY SUCH CONTRACT CARRIER; AND THE COMMISSION

1 HAS FULL POWER TO CHANGE, AMEND, OR ALTER ANY SUCH TARIFF OR,
2 AFTER HEARING, FIX THE RATES OF ANY CONTRACT CARRIER SUBJECT TO
3 THIS ARTICLE THAT COMPETES WITH A COMMON CARRIER.

4 PART 3
5 MOTOR CARRIERS OF PASSENGERS -
6 LIMITED REGULATION

7 **40-10.1-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

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

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

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

1 TRANSPORTATION BROKER, OR OTHER THIRD PARTY.

2 (4) "CHILDREN'S ACTIVITY BUS" MEANS A MOTOR VEHICLE THAT
3 TRANSPORTS GROUPS OF EIGHT OR MORE CHILDREN, EIGHTEEN YEARS OF
4 AGE OR YOUNGER, AND ANY ADULTS OVER EIGHTEEN YEARS OF AGE
5 ACCOMPANYING OR PARTICIPATING WITH THE GROUP, TO OR FROM
6 ACTIVITIES THAT ARE SPONSORED BY NONPROFIT ORGANIZATIONS
7 ENTITLED TO A TAX EXEMPTION UNDER THE FEDERAL "INTERNAL REVENUE
8 CODE OF 1986", AS AMENDED, OR THE TRANSPORTATION OF CHILDREN TO
9 AND FROM SCHOOL, SCHOOL-RELATED ACTIVITIES, OR
10 SCHOOL-SANCTIONED ACTIVITIES TO THE EXTENT THAT SUCH
11 TRANSPORTATION IS NOT PROVIDED BY THE SCHOOL OR SCHOOL DISTRICT
12 OR THE SCHOOL OR SCHOOL DISTRICT'S TRANSPORTATION CONTRACTORS.

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

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

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

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

24 (9) "OFF-ROAD SCENIC CHARTER" MEANS A MOTOR VEHICLE THAT
25 TRANSPORTS PASSENGERS, ON A CHARTER BASIS, TO SCENIC POINTS WITHIN
26 COLORADO, ORIGINATING AND TERMINATING AT THE SAME LOCATION AND
27 USING A ROUTE THAT IS WHOLLY OR PARTLY OFF OF PAVED ROADS.

1 "OFF-ROAD SCENIC CHARTER" DOES NOT INCLUDE THE TRANSPORT OF
2 PASSENGERS TO COMMERCIAL LOCATIONS.

3 **40-10.1-302. Permit requirements.** (1) (a) A PERSON SHALL NOT
4 OPERATE OR OFFER TO OPERATE A CHARTER BUS, CHILDREN'S ACTIVITY
5 BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OR OFF-ROAD SCENIC
6 CHARTER IN INTRASTATE COMMERCE WITHOUT FIRST HAVING OBTAINED
7 A PERMIT THEREFOR FROM THE COMMISSION IN ACCORDANCE WITH THIS
8 PART 3.

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

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

17 **40-10.1-303. Livery license plates - rules.** (1) THE COMMISSION
18 SHALL EITHER:

19 (a) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO
20 PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS ARTICLE MAY USE TO
21 VERIFY TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT
22 THAT THE PERSON PROVIDES SUCH SERVICE; OR

23 (b) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE
24 DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON
25 IS AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS
26 ARTICLE.

27 (2) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE

1 DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC
2 VERIFICATION TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED
3 AGENT.

4 (3) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
5 THIS SECTION AND TO ENFORCE SECTION 42-3-235, C.R.S.

6 PART 4

7 MOTOR CARRIERS OF TOWED MOTOR VEHICLES

8 **40-10.1-401. Permit requirements.** (1)(a) A PERSON SHALL NOT
9 OPERATE OR OFFER TO OPERATE AS A TOWING CARRIER IN INTRASTATE
10 COMMERCE WITHOUT FIRST HAVING OBTAINED A PERMIT THEREFOR FROM
11 THE COMMISSION IN ACCORDANCE WITH THIS ARTICLE.

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

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

19 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF
20 THIS SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL
21 ISSUE A PERMIT TO A TOWING CARRIER UPON COMPLETION OF THE
22 APPLICATION, THE FILING OF PROOF OF WORKERS' COMPENSATION
23 INSURANCE COVERAGE IN ACCORDANCE WITH THE "WORKERS'
24 COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8,
25 C.R.S., THE FILING OF PROOF OF A SURETY BOND IN THE AMOUNT OF AT
26 LEAST FIFTY THOUSAND DOLLARS, AND COMPLIANCE WITH THE FINANCIAL
27 RESPONSIBILITY REQUIREMENTS OF THIS ARTICLE, AND MAY ATTACH TO

1 SUCH PERMIT AND TO THE EXERCISE OF THE RIGHTS GRANTED BY THE
2 PERMIT SUCH RESTRICTIONS, TERMS, AND CONDITIONS, INCLUDING
3 ALTERING THE RATES AND CHARGES OF SUCH APPLICANT, AS ARE
4 REASONABLY DEEMED NECESSARY FOR THE PROTECTION OF THE PROPERTY
5 OF THE PUBLIC. THE SURETY BOND MUST BE MADE PAYABLE TO THE
6 COMMISSION AND IS FOR THE PURPOSE OF PAYING ANY CIVIL PENALTY
7 ASSESSMENTS AGAINST THE CARRIER THAT THE CARRIER FAILS TO PAY
8 WHEN DUE.

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

14 PART 5

15 MOTOR CARRIERS OF HOUSEHOLD GOODS

16 **40-10.1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
17 CONTEXT OTHERWISE REQUIRES:

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

1 APPLIANCES; AND FURNISHING OF PACKING OR CRATING MATERIALS.
2 "ACCESSORIAL SERVICE" ALSO INCLUDES SERVICES NOT PERFORMED BY
3 THE MOVER BUT BY A THIRD PARTY AT THE REQUEST OF THE SHIPPER OR
4 MOVER IF THE CHARGES FOR SUCH SERVICES ARE TO BE PAID TO THE
5 MOVER BY THE SHIPPER AT OR PRIOR TO THE TIME OF DELIVERY.

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

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

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

16 **40-10.1-502. Permit requirements - issuance by ports of entry.**

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

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

24 (2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS
25 PART 5 OR REFUSE TO RENEW THE PERMIT OF ANY MOVER BASED UPON A
26 DETERMINATION THAT THE MOVER, OR ANY OF ITS DIRECTORS, OFFICERS,
27 OWNERS, OR GENERAL PARTNERS HAS NOT SATISFIED A CIVIL PENALTY

1 ARISING OUT OF ANY ADMINISTRATIVE OR ENFORCEMENT ACTION
2 BROUGHT BY THE COMMISSION.

3 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
4 SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL ISSUE A
5 PERMIT TO A MOVER UPON COMPLETION OF THE APPLICATION AND
6 COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS
7 ARTICLE.

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

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

24 (b) A TEMPORARY PERMIT SHALL NOT BE APPROVED UNTIL THE
25 APPLICANT:

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

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

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

10 (c) IF A MOVER APPLIED FOR AND RECEIVED A TEMPORARY PERMIT
11 PURSUANT TO THIS SUBSECTION (5), THE MOVER IS NOT SUBJECT, DURING
12 THE PERIOD COVERED BY THE TEMPORARY PERMIT, TO A PENALTY FOR
13 FAILURE TO HAVE A PERMANENT PERMIT.

14 **40-10.1-503. Enforcement of carrier's lien.** A MOVER WITHOUT
15 A CURRENT AND VALID PERMIT ISSUED UNDER THIS PART 5 IS NOT
16 ENTITLED TO ACQUIRE OR ENFORCE A CARRIER'S LIEN UNDER SECTION
17 4-7-307 OR 4-7-308, C.R.S.

18 **40-10.1-504. Advertising.** (1) NO MOVER, NOR ANY OFFICER,
19 AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE MOVER, SHALL ADVERTISE
20 A TRANSPORTATION SERVICE IN A NAME OTHER THAN THAT IN WHICH THE
21 MOVER'S PERMIT IS HELD.

22 (2) EACH ADVERTISEMENT OF A MOVER SHALL INCLUDE THE
23 PHRASE "CO PUC PERMIT NO. ____" AND THE PHYSICAL ADDRESS OF THE
24 MOVER.

25 **40-10.1-505. Contracts for service.** (1) AT OR BEFORE THE TIME
26 OF COMMENCING WORK, A MOVER THAT PROVIDES ANY MOVING OR
27 ACCESSORIAL SERVICES SHALL LEAVE WITH THE SHIPPER A CONTRACT AS

1 SPECIFIED BY THE COMMISSION CONTAINING THE INFORMATION LISTED IN
2 THIS SUBSECTION (1). THE CONTRACT MUST BE SIGNED AND DATED BY
3 THE SHIPPER AND THE MOVER AND MUST INCLUDE:

4 (a) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS
5 WHERE THE MOVER'S EMPLOYEES ARE AVAILABLE DURING NORMAL
6 BUSINESS HOURS;

7 (b) THE DATE THE DOCUMENT IS PREPARED AND THE PROPOSED
8 DATE OF THE MOVE;

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

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

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

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

22 (I) CASH;

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

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

26 OR

27 (IV) A VALID CREDIT CARD.

1 (g) ANY OTHER ITEMS AS DESIGNATED BY THE RULES OF THE
2 COMMISSION.

3 (2) A MOVER SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO
4 THE SHIPPER IN THE CONTRACT THE FORMS OF PAYMENTS THE MOVER WILL
5 ACCEPT FROM THOSE CATEGORIES DESCRIBED IN PARAGRAPH (f) OF
6 SUBSECTION (1) OF THIS SECTION.

7 (3) EACH CONTRACT MUST INCLUDE THE PHRASE "(NAME OF
8 MOVER) IS PERMITTED WITH THE PUBLIC UTILITIES COMMISSION OF THE
9 STATE OF COLORADO AS A MOVER. PERMIT NO. ____."

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

16 **CONSUMER ADVISEMENT**

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

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

26 A MOVER MUST INCLUDE ITS PUC PERMIT NUMBER,
27 TRUE NAME, AND PHYSICAL (STREET) ADDRESS IN ALL

1 ADVERTISEMENTS.

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

5 ! ADDITIONAL SERVICES YOU REQUEST AT THE
6 TIME OF THE MOVE;

7 ! ADDITIONAL ITEMS TO BE MOVED THAT WERE
8 NOT INCLUDED IN THE MOVER'S ORIGINAL
9 ESTIMATE;

10 ! CHANGES TO THE LOCATION OR
11 ACCESSIBILITY OF BUILDING ENTRANCES, AT
12 EITHER END OF THE MOVE, THAT WERE NOT
13 INCLUDED IN THE MOVER'S ORIGINAL
14 ESTIMATE; AND

15 ! CHANGES TO THE PREVIOUSLY AGREED DATE
16 OF PICKUP OR DELIVERY.

17 YOU SHOULD ALSO BE AWARE THAT, IN CASE OF A
18 DISPUTE BETWEEN YOU AND THE MOVER, COLORADO HAS
19 AN ARBITRATION PROCESS AVAILABLE TO RESOLVE THE
20 DISPUTE WITHOUT GOING TO COURT.

21 IF YOU HAVE ANY QUESTIONS, YOU ARE
22 ENCOURAGED TO CALL THE PUC FOR GUIDANCE ON YOUR
23 RIGHTS AND OBLIGATIONS.

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

26 SIGNED _____ (SHIPPER).

27 **40-10.1-506. Delivery and storage of household goods. (1) A**

1 MOVER SHALL RELINQUISH HOUSEHOLD GOODS TO A SHIPPER AND SHALL
2 PLACE THE GOODS INSIDE A SHIPPER'S DWELLING UNLESS THE SHIPPER HAS
3 NOT TENDERED PAYMENT IN THE AMOUNT SPECIFIED IN A CONTRACT
4 SIGNED AND DATED BY THE SHIPPER. A MOVER SHALL NOT REFUSE TO
5 RELINQUISH PRESCRIPTION MEDICINES, MEDICAL EQUIPMENT, MEDICAL
6 DEVICES, OR GOODS FOR USE BY CHILDREN, INCLUDING CHILDREN'S
7 FURNITURE, CLOTHING, OR TOYS, UNDER ANY CIRCUMSTANCES.

8 (2) A MOVER SHALL NOT REFUSE TO RELINQUISH HOUSEHOLD
9 GOODS TO A SHIPPER OR FAIL TO PLACE THE GOODS INSIDE A SHIPPER'S
10 DWELLING BASED ON THE MOVER'S REFUSAL TO ACCEPT AN ACCEPTABLE
11 FORM OF PAYMENT.

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

21 **40-10.1-507. Binding arbitration.** IN THE EVENT OF A DISPUTE
22 BETWEEN A MOVER AND A SHIPPER CONCERNING THE AMOUNT CHARGED
23 FOR SERVICES OR CONCERNING LOST OR DAMAGED GOODS, THE MOVER
24 SHALL OFFER THE SHIPPER THE OPPORTUNITY TO PARTICIPATE IN BINDING
25 ARBITRATION UNDER THE UNIFORM RULES FOR BETTER BUSINESS BUREAU
26 BINDING ARBITRATION OR A SUBSTANTIALLY SIMILAR BINDING
27 ARBITRATION PROCESS PROMULGATED BY THE COUNCIL OF BETTER

1 BUSINESS BUREAUS, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION.
2 IF THE SHIPPER ACCEPTS THE OFFER TO ARBITRATE, THE MOVER SHALL
3 PARTICIPATE IN GOOD FAITH IN THE ARBITRATION PROCESS AND SHALL
4 AGREE TO BE BOUND BY THE ARBITRATOR'S AWARD.

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

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

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

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

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

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

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

27 **10-4-624. Self-insurers.** (3) For purposes of subsection (2) of

1 this section, the commissioner shall accept, as proof that a motor vehicle
2 carrier or contract carrier by motor vehicle, as defined in articles 10 and
3 ~~11~~ ARTICLE 10.1 of title 40, C.R.S., is able and will continue to be able to
4 pay all judgments that might be obtained against the carrier, a surety bond
5 in a form acceptable to the commissioner in an amount determined by the
6 commissioner sufficient to ensure that the carrier has the ability to pay all
7 judgments that may be obtained against any such carrier.

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

10 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided
11 in section 18-13-122, C.R.S., it is unlawful for any person:

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

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

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

25 (1) (b) Except as otherwise provided in sections ~~40-16-105 (1) and~~
26 ~~40-14-105 (1)~~ SECTION 40-10.1-108 (1), C.R.S., the executive director has
27 the duty to establish, for movers and motor vehicle carriers not subject to

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

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

21 **24-33.5-212. Powers and duties of officers.** (1) All officers of
22 the Colorado state patrol have all the powers of any peace officer to:

23 (a) (I) Make arrest upon view and with or without warrant for any
24 violation of ~~the provisions of~~ any law of this state regulating the operation
25 of vehicles and use of the highways or concerning motor vehicle
26 registration; motor fuel tax laws; public utility laws, rules, and
27 regulations, insofar as they pertain to motor vehicle carriers AS DEFINED

1 IN SECTION 42-4-235, C.R.S.; the inspection laws of this state; and any
2 criminal law of this state if, during an officer's exercise of powers or
3 performance of duties under this section, probable cause is established
4 that a violation of said criminal law has occurred;

5 SECTION 10. 31-15-402 (3), Colorado Revised Statutes, is
6 amended to read:

7 31-15-402. Liability for violation of nuisance ordinance. (3) If
8 the abatement of a nuisance pursuant to this section requires the removal
9 of a motor vehicle from the property, the property owner may abate the
10 nuisance only by hiring a towing carrier, as defined in section ~~40-13-101~~
11 ~~(3)~~ 40-10.1-101, C.R.S., to take the vehicle to a lot for storage under
12 appropriate protection.

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

15 40-1-102. Definitions. As used in articles 1 to 7 of this title,
16 unless the context otherwise requires:

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

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

25 (b) "Common carrier" does not include a ~~ridesharing arrangement,~~
26 ~~as defined in section 39-22-509 (1) (a) (II), C.R.S., or a motor vehicle~~
27 ~~carrier exempt from regulation as a public utility, as defined in section~~

1 ~~40-16-101 (4)~~ MOTOR CARRIER THAT PROVIDES TRANSPORTATION NOT
2 SUBJECT TO REGULATION PURSUANT TO SECTION 40-10.1-105 OR THAT IS
3 SUBJECT TO PART 3, 4, OR 5 OF ARTICLE 10.1 OF THIS TITLE.

4 **SECTION 12.** 40-1-103 (3), Colorado Revised Statutes, is
5 amended to read:

6 **40-1-103. Public utility defined.** (3) For the purposes of articles
7 1 to 7 of this title, ~~operators of amusement rides, as defined in section~~
8 ~~40-10-101 (3), and A motor vehicle carriers exempt from regulation as~~
9 ~~public utilities, as defined in section 40-16-101 (4), are~~ CARRIER THAT
10 PROVIDES TRANSPORTATION NOT SUBJECT TO REGULATION PURSUANT TO
11 SECTION 40-10.1-105 OR THAT IS SUBJECT TO PART 3, 4, OR 5 OF ARTICLE
12 10.1 OF THIS TITLE IS not ~~considered to be~~ A public utilities UTILITY.

13 **SECTION 13.** The introductory portion to 40-1.1-104 (1) and
14 40-1.1-104 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are
15 amended to read:

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

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

23 AND

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

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

27 **SECTION 14.** 40-2-109, Colorado Revised Statutes, is amended

1 to read:

2 **40-2-109. Report to executive director of the department of**
3 **revenue.** On March 1 of each year, the public utilities commission shall
4 furnish the executive director of the department of revenue with a list of
5 those public utilities subject to its jurisdiction, supervision, and regulation
6 on January 1 of each year, excepting those motor ~~vehicle~~ carriers subject
7 to the passenger-mile tax imposed by ~~the provisions of~~ sections 42-3-304
8 to 42-3-306, C.R.S., but only so long as the cost of regulation of such
9 motor ~~vehicle~~ carriers is defrayed from the proceeds of such
10 passenger-mile tax.

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

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

1 fees shall be valid from January 1 to December 31 of each year and shall
2 be valid only for those specific vehicles for which the fee has been paid.

3 (4) ~~No such carriers shall use any motor vehicle for the~~
4 ~~transportation of persons or property for compensation on any public~~
5 ~~highway in this state unless the annual fees required by subsection (1) of~~
6 ~~this section have been paid. In lieu of the penalty provisions specified in~~
7 ~~section 40-7-105, every motor vehicle carrier who violates the provisions~~
8 ~~of this section is subject to the penalties set forth in section 40-10-113 and~~
9 ~~every contract carrier by motor vehicle who violates the provisions of this~~
10 ~~section is subject to the penalties set forth in section 40-11-111.~~

11 (5) ~~All fees collected under this section shall be transmitted to the~~
12 ~~state treasurer, who shall credit the same to the public utilities~~
13 ~~commission motor carrier fund.~~

14 (8) Notwithstanding the amount specified for any fee in this
15 section 40-10.1-111, the commission by rule or as otherwise provided by
16 law may reduce the amount of one or more of the fees if necessary
17 pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted
18 reserves of the fund to which all or any portion of one or more of the fees
19 is credited. After the uncommitted reserves of the fund are sufficiently
20 reduced, the commission by rule or as otherwise provided by law may
21 increase the amount of one or more of the fees as provided in section
22 24-75-402 (4), C.R.S.

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

25 **40-7-101. Enforcement of laws.** It is the duty of the commission
26 to see that the provisions of the constitution and statutes of this state
27 affecting public utilities, AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5

1 OF THIS TITLE, the enforcement of which is not specifically vested in some
2 other officer or tribunal, are enforced and obeyed and that violations
3 thereof are promptly prosecuted and penalties due the state ~~therefor~~ ARE
4 recovered and collected, and to this end it may sue in the name of the
5 people of the state of Colorado. Upon the request of the commission, it
6 ~~is the duty of~~ the attorney general or the district attorney acting for the
7 proper county or city and county ~~to~~ SHALL aid in any investigation,
8 hearing, or trial had under ~~the provisions of~~ articles 1 to 7 of this title and
9 ~~to~~ institute and prosecute actions or proceedings for the enforcement of
10 ~~the provisions of~~ the constitution and statutes of this state affecting public
11 utilities AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5 OF THIS TITLE and
12 for the punishment of all violations thereof.

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

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

27 (2) SUBSECTIONS (3) TO (5) OF THIS SECTION AND the civil

1 penalties provided in ~~sections 40-7-113 and 40-7-114~~ shall SECTION
2 40-7-113 DO not apply to persons transporting nuclear materials who
3 commit violations of section 42-20-406 (3), 42-20-407, or 42-20-505,
4 C.R.S., or to persons transporting hazardous materials who commit
5 violations of section 42-20-204, C.R.S.

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

12 (4) AN OWNER OR OTHER PERSON WHO DIRECTS A DRIVER TO
13 OPERATE A MOTOR VEHICLE UPON A HIGHWAY IN VIOLATION OF A STATUTE
14 OR RULE FOR WHICH A CIVIL PENALTY MAY BE IMPOSED UNDER SECTION
15 40-7-113 (1) IS SUBJECT TO THE CIVIL PENALTIES PROVIDED IN SECTION
16 40-7-113.

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

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

24 **40-7-113. Civil penalties - fines.** (1) In addition to any other
25 penalty otherwise authorized by law and except as otherwise provided in
26 subsections (3) and (4) of this section, any person who violates ~~any~~
27 ~~provision of article 10, 10.5, 11, 13, 14, or 16~~ 10.1 OR 10.5 of this title or

1 any rule promulgated by the commission pursuant to such articles, which
2 ~~provision~~ ARTICLE or rule is applicable to ~~such~~ THE person, may be
3 subject to fines as specified in the following paragraphs:

4 (a) Any person who fails to carry the insurance required by law
5 may be assessed a civil penalty of not more than eleven thousand dollars.

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

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

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

20 (e) ~~Any~~ A person subject to section ~~40-2-110.5~~ 40-10.1-111 who
21 operates a motor vehicle without having paid the annual identification fee
22 for any motor vehicle ~~so~~ operated as required by section ~~40-2-110.5~~
23 40-10.1-111 may be assessed a civil penalty of not more than four
24 hundred dollars.

25 (f) ~~Any person who operates a charter or scenic bus as defined in~~
26 ~~section 40-16-101, a children's activity bus as defined in section~~
27 ~~40-16-101, a luxury limousine as defined in section 40-16-101, or an~~

1 ~~off-road scenic charter as defined in section 40-16-101 without having~~
2 ~~first registered with the commission as required by section 40-16-103 may~~
3 ~~be assessed a civil penalty of not more than one thousand one hundred~~
4 ~~dollars.~~

5 (f.5) ~~Any person who operates as a mover as defined in section~~
6 ~~40-14-102 (9) without having first registered with the commission as~~
7 ~~required by section 40-14-103 may be assessed a civil penalty of not more~~
8 ~~than one thousand one hundred dollars.~~

9 (g) ~~Any A person who operates a motor vehicle as defined in~~
10 ~~section 40-10-101 (3) or 40-11-101 (4) who intentionally violates any~~
11 ~~provision of articles 10, 11, 13, 14, and 16 ARTICLE 10.1 OR 10.5 of this~~
12 ~~title not enumerated in paragraphs PARAGRAPH (a), to (f.5) (b), OR (e) of~~
13 ~~this subsection (1), any rule promulgated by the commission pursuant to~~
14 ~~this title, or any safety rule adopted by the department of public safety~~
15 ~~relating to towing MOTOR carriers AS DEFINED IN SECTION 40-10.1-101~~
16 ~~may be assessed a civil penalty of not more than one thousand one~~
17 ~~hundred dollars; EXCEPT THAT any person who violates any A safety rule~~
18 ~~promulgated by the commission shall be IS subject to the civil penalties~~
19 ~~authorized pursuant to 49 CFR 386, subpart G, AND ASSOCIATED~~
20 ~~APPENDICES TO PART 386, as such subpart existed on October 1, 2001~~
21 ~~2010.~~

22 (h) ~~Any person who intentionally violates any provision of article~~
23 ~~10.5 of this title not enumerated in paragraphs (a) to (g) of this subsection~~
24 ~~(1) or any rule promulgated by the commission pursuant to this title shall~~
25 ~~be assessed a civil penalty of not more than one thousand one hundred~~
26 ~~dollars.~~

27 (2) The COMMISSION SHALL SET THE amount of the civil penalties

1 to be assessed pursuant to subsection (1) of this section ~~shall be set in~~
2 rules. ~~and regulations promulgated by the commission.~~

3 (3) If ~~any~~ A person receives a second civil penalty assessment for
4 a violation of ~~the provisions of~~ subsection (1) of this section within one
5 year after the first violation, the civil penalty assessed for ~~such~~ THE
6 second violation may be two times the amount specified by rule ~~and~~
7 ~~regulation~~ for ~~such~~ THE violation.

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

13 (5) (a) ~~Any~~ A person who fails to pay in full all civil penalties for
14 a second or subsequent violation assessed by commission order pursuant
15 to this section, subject to ~~all applicable provisions of~~ article 4 of title 24,
16 C.R.S., within thirty days ~~of~~ AFTER the due date established by ~~such~~ THE
17 order may be subject to have his or her vehicle registration cancelled by
18 the department of revenue as specified in section 42-3-120 (4), C.R.S.
19 Registration of any vehicles owned by ~~such~~ THE person for which the
20 penalty was assessed may be denied until all penalties are paid or
21 collected. Upon written notice from the commission, the department of
22 revenue shall cancel ~~such~~ THE registration as specified in section
23 42-3-120 (4), C.R.S.

24 (b) THIS SUBSECTION (5) APPLIES TO ALL VEHICLES, REGARDLESS
25 OF WHEN PURCHASED, ON OR AFTER THE EFFECTIVE DATE OF THIS
26 PARAGRAPH (b).

27 **SECTION 19.** 40-7-115, Colorado Revised Statutes, is amended

1 to read:

2 **40-7-115. Each day a separate offense.** Each day in which a
3 person violates any statute, rule, or order of the commission for which a
4 civil penalty may be imposed under section 40-7-113 OR 40-7-113.5 ~~or~~
5 ~~40-7-114~~ may constitute a separate offense.

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

8 **40-7-116. Enforcement of civil penalties against carriers.**

9 (1) (a) Investigative personnel of the commission and personnel of the
10 ports of entry and the Colorado state patrol ~~shall~~ have the authority to
11 issue civil penalty assessments for the violations enumerated in sections
12 40-7-112 AND 40-7-113. ~~and 40-7-114.~~ When a person is cited for ~~such~~
13 THE violation, the person operating the motor vehicle involved shall be
14 given notice of ~~such~~ THE violation in the form of a civil penalty
15 assessment notice.

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

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

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

23 (III) A brief description of the alleged violation, the date and
24 approximate location of the alleged violation, AND the maximum penalty
25 amounts prescribed for the violation;

26 (IV) The date of the notice;

27 (V) A place for ~~such~~ THE person to execute a signed

1 acknowledgment of receipt of the civil penalty assessment notice;

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

4 (VII) Such other information as may be required by law to
5 constitute notice of a complaint to appear for hearing if the prescribed
6 penalty is not paid within ten days.

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

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

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

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

26 **40-11.5-101. Independent contractors - motor carriers.**
27 Notwithstanding ~~any provision in article 10 or article 11~~ 10.1 of this title,

1 ~~motor vehicle~~ COMMON carriers and contract ~~motor~~ carriers may use
2 independent contractors.

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

5 **42-3-120. Department may cancel or deny registration.**

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

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

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

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

25 **42-3-235. Livery license plates - luxury limousines - repeal.**

26 (2) (a) Except as provided in paragraph (b) of this subsection (2), a
27 person providing luxury limousine service under article ~~16~~ 10.1 of title

1 40, C.R.S., shall register the motor vehicle used for such purposes
2 pursuant to this article and display livery license plates on the vehicle.
3 Upon ~~such~~ registration, the department shall issue livery license plates for
4 the vehicles in accordance with this section. The department shall not
5 issue a livery license plate unless the person either submits a verification
6 document issued pursuant to section ~~40-16-111~~ 40-10.1-303, C.R.S., or
7 the public utilities commission electronically verifies the authorization to
8 provide luxury limousine service under section ~~40-16-111~~ 40-10.1-303,
9 C.R.S.

10 (b) A person providing luxury limousine service under article ~~16~~
11 10.1 of title 40, C.R.S., may provide such services without registering the
12 motor vehicle or using livery license plates if the motor vehicle is rented,
13 but the person shall not provide such services using a rented motor
14 vehicle for more than thirty days.

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

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

24 **42-3-304. Registration fees - passenger and passenger-mile**
25 **taxes - clean screen fund - repeal.** (12) An owner or operator that
26 desires to make an occasional trip into this state with a truck, truck
27 tractor, trailer, or semitrailer that is registered in another state shall obtain

1 a permit from the public utilities commission as provided in ~~sections~~
2 ~~40-10-104 and 40-11-103~~ ARTICLE 10.1 OF TITLE 40, C.R.S. This
3 subsection (12) ~~shall~~ DOES not apply to the vehicles of a public utility that
4 are temporarily in this state to assist in the construction, installation, or
5 restoration of utility facilities used in serving the public.

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

8 **42-3-306. Registration fees - passenger and passenger-mile**
9 **taxes - fee schedule.** (11) (b) The owner or operator of a passenger bus
10 that is registered in another state and that is used to make an occasional
11 trip into this state need not obtain a permit from the public utilities
12 commission as provided in ~~sections 40-10-104 and 40-11-103~~ ARTICLE
13 10.1 OF TITLE 40, C.R.S., but may instead apply to the department for the
14 issuance of a trip permit and shall pay to the department for the issuance
15 of such trip permit a fee of twenty-five dollars or the amount of
16 passenger-mile tax becoming due and payable under paragraph (a) of this
17 subsection (11) by reason of such trip, whichever amount is greater. The
18 fee or passenger-mile tax shall be credited to the highway users tax fund
19 created in section 43-4-201, C.R.S., as required by section 43-4-203 (1)
20 (c), C.R.S., and allocated and expended as specified in section 43-4-205
21 (5.5) (d), C.R.S.

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

24 **42-4-235. Minimum standards for commercial vehicles - rules**
25 **- repeal.** (4) (a) The department shall adopt rules for the operation of all
26 commercial vehicles. In adopting such rules, the department shall use as
27 general guidelines the standards contained in the current rules and

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

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

23 **SECTION 27.** The introductory portion to 42-4-236 (3) and
24 42-4-236 (3) (f), Colorado Revised Statutes, are amended to read:

25 **42-4-236. Child restraint systems required - definitions -**
26 **exemptions - repeal.** (3) Except as provided in section 42-2-105.5 (4),
27 ~~the requirements of subsection (2) of this section shall~~ DOES not apply to

1 a child who:

2 (f) Is being transported in a motor vehicle that is operated in the
3 business of transporting persons for compensation or hire by or on behalf
4 of a ~~motor vehicle~~ COMMON carrier as defined in section ~~40-10-101 (4)~~
5 ~~(a), C.R.S.~~, OR a contract carrier ~~by motor vehicle~~ as THOSE TERMS ARE
6 defined in section ~~40-11-101 (3)~~ 40-10.1-101, C.R.S., or an operator of
7 a luxury limousine service as defined in section ~~40-16-101 (3.3)~~
8 40-10.1-301, C.R.S.

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

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

27 **SECTION 29. Act subject to petition - effective date.** This act

1 shall take effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part shall not take effect
7 unless approved by the people at the general election to be held in
8 November 2012 and shall take effect on the date of the official
9 declaration of the vote thereon by the governor.