

**Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 14-0687.02 Jennifer Berman x3286

**SENATE BILL 14-125**

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Business, Labor, & Technology  
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**A BILL FOR AN ACT**

101      **CONCERNING THE REGULATION OF TRANSPORTATION NETWORK**  
102            **COMPANIES, AND, IN CONNECTION THEREWITH, REQUIRING**  
103            **TRANSPORTATION NETWORK COMPANIES TO CARRY LIABILITY**  
104            **INSURANCE, CONDUCT BACKGROUND CHECKS ON**  
105            **TRANSPORTATION NETWORK COMPANY DRIVERS, INSPECT**  
106            **TRANSPORTATION NETWORK COMPANY VEHICLES, AND OBTAIN**  
107            **A PERMIT FROM THE PUBLIC UTILITIES COMMISSION; AND**  
108            **MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
March 10, 2014

SENATE  
Amended 2nd Reading  
March 7, 2014

*applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

The bill authorizes the public utilities commission (PUC) to regulate transportation network companies, which are companies that match drivers and passengers through a digital network, such as a mobile phone application, for transportation from an agreed-upon point of origin to an agreed-upon destination.

**Section 1** of the bill exempts transportation network companies from the definition of "common carrier". **Section 2** exempts transportation network companies from the definitions of "contract carrier" and "motor carrier". **Sections 3 and 4** authorize the PUC to exercise limited regulatory authority over transportation network companies.

**Section 5** exempts transportation network companies from much of the PUC's authority, including regulation of rates, entry, operational requirements, and general requirements governing common carriers, contract carriers, and motor carriers, but does require a transportation network company to obtain a permit from the PUC. Section 5 authorizes the PUC to regulate permit holders with respect to safety conditions, insurance requirements, and driver qualifications. Section 5 also authorizes the PUC to take action against a transportation network company for any violations, including the authority to issue a cease-and-desist letter, suspend or revoke a permit, or impose civil penalties.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-1-102, **amend** (3)

3 (b) as follows:

4 **40-1-102. Definitions.** As used in articles 1 to 7 of this title,  
5 unless the context otherwise requires:

6 (3) (b) "Common carrier" does not include a motor carrier that  
7 provides transportation not subject to regulation pursuant to section  
8 40-10.1-105, ~~or~~ A MOTOR CARRIER that is subject to part 3, 4, or 5 of  
9 article 10.1 of this title, A TRANSPORTATION NETWORK COMPANY, AS  
10 DEFINED IN SECTION 40-10.1-602 (3), OR A TRANSPORTATION NETWORK  
11 COMPANY DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4).

1           **SECTION 2.** In Colorado Revised Statutes, 40-10.1-101, **amend**  
2 (6) and (10) as follows:

3           **40-10.1-101. Definitions.** As used in this article, unless the  
4 context otherwise requires:

5           (6) "Contract carrier" means every person, other than a common  
6 carrier or a motor carrier of passengers under part 3 of this article, who,  
7 by special contract, directly or indirectly affords a means of passenger  
8 transportation over any public highway of this state; EXCEPT THAT THE  
9 TERM DOES NOT INCLUDE A TRANSPORTATION NETWORK COMPANY, AS  
10 DEFINED IN SECTION 40-10.1-602 (3), OR A TRANSPORTATION NETWORK  
11 COMPANY DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4).

12           (10) "Motor carrier" means any person owning, controlling,  
13 operating, or managing ~~any~~ A motor vehicle that provides transportation  
14 in intrastate commerce pursuant to this article; EXCEPT THAT THE TERM  
15 DOES NOT INCLUDE A TRANSPORTATION NETWORK COMPANY, AS DEFINED  
16 IN SECTION 40-10.1-602 (3), OR A TRANSPORTATION NETWORK COMPANY  
17 DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4).

18           **SECTION 3.** In Colorado Revised Statutes, 40-10.1-103, **add** (3)  
19 as follows:

20           **40-10.1-103. Subject to control by commission.**  
21 (3) TRANSPORTATION NETWORK COMPANIES, AS DEFINED IN SECTION  
22 40-10.1-602 (3), ARE NOT COMMON CARRIERS, CONTRACT CARRIERS, OR  
23 MOTOR CARRIERS UNDER THIS TITLE, BUT ARE DECLARED TO BE AFFECTED  
24 WITH A PUBLIC INTEREST AND ARE SUBJECT TO REGULATION TO THE  
25 EXTENT PROVIDED IN PART 6 OF THIS ARTICLE.

26           **SECTION 4.** In Colorado Revised Statutes, **add** 40-10.1-117 as  
27 follows:



1 TRANSPORTATION BY FACILITATING RIDERS' TRAVEL TO AND FROM  
2 TRANSPORTATION HUBS; AND

3 (d) TRANSPORTATION NETWORK COMPANIES DO NOT PROVIDE  
4 TRANSPORTATION SERVICES IN THE TRADITIONAL SENSE IN THAT THEY DO  
5 NOT OWN, CONTROL, OPERATE, OR MANAGE VEHICLES, EMPLOY DRIVERS,  
6 OR TRANSPORT RIDERS. A TRANSPORTATION NETWORK COMPANY'S  
7 ESSENTIAL FUNCTION IS TO CONNECT PEOPLE TO FORM A TRANSPORTATION  
8 COMMUNITY.

9 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

10 (a) ALLOWING TRANSPORTATION NETWORK COMPANIES IN  
11 COLORADO IS CONSISTENT WITH COLORADO'S COMMITMENT TO  
12 ENTREPRENEURS, TECHNOLOGICAL INNOVATION, AND THE SHARING  
13 ECONOMY; AND

14 (b) TRANSPORTATION NETWORK COMPANIES ARE NOT COMMON  
15 CARRIERS OR CONTRACT CARRIERS. TRANSPORTATION NETWORK  
16 COMPANIES REQUIRE A DIFFERENT REGULATORY SCHEME BECAUSE THEY  
17 OPERATE AN ONLINE-BASED DIGITAL NETWORK.

18 **40-10.1-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "PERSONAL VEHICLE" MEANS A VEHICLE THAT IS USED BY A  
21 TRANSPORTATION NETWORK COMPANY DRIVER IN CONNECTION WITH  
22 PROVIDING SERVICES FOR A TRANSPORTATION NETWORK COMPANY THAT  
23 MEETS THE VEHICLE CRITERIA SET FORTH IN THIS PART 6.

24 (2) "PREARRANGED RIDE" MEANS A PERIOD OF TIME THAT BEGINS  
25 WHEN A TRANSPORTATION NETWORK COMPANY DRIVER ACCEPTS A  
26 REQUESTED RIDE THROUGH A DIGITAL NETWORK, CONTINUES WHILE THE  
27 DRIVER TRANSPORTS THE RIDER IN A PERSONAL VEHICLE, AND ENDS WHEN

1 THE RIDER DEPARTS FROM THE PERSONAL VEHICLE.

2 (3) "TRANSPORTATION NETWORK COMPANY" MEANS A  
3 CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER ENTITY,  
4 OPERATING IN COLORADO, THAT USES A DIGITAL NETWORK TO CONNECT  
5 RIDERS TO TRANSPORTATION NETWORK COMPANY DRIVERS FOR THE  
6 PURPOSE OF PROVIDING TRANSPORTATION. A TRANSPORTATION NETWORK  
7 COMPANY DOES NOT PROVIDE TAXI SERVICE, TRANSPORTATION SERVICE  
8 ARRANGED THROUGH A TRANSPORTATION BROKER, RIDESHARING  
9 ARRANGEMENTS, AS DEFINED IN SECTION 39-22-509 (1) (a) (II), C.R.S., OR  
10 ANY TRANSPORTATION SERVICE OVER FIXED ROUTES AT REGULAR  
11 INTERVALS. A TRANSPORTATION NETWORK COMPANY IS NOT DEEMED TO  
12 OWN, CONTROL, OPERATE, OR MANAGE THE PERSONAL VEHICLES USED BY  
13 TRANSPORTATION NETWORK COMPANY DRIVERS.

14 (4) "TRANSPORTATION NETWORK COMPANY DRIVER" OR "DRIVER"  
15 MEANS AN INDIVIDUAL WHO USES HIS OR HER PERSONAL VEHICLE TO  
16 PROVIDE SERVICES FOR RIDERS MATCHED THROUGH A TRANSPORTATION  
17 NETWORK COMPANY'S DIGITAL NETWORK. A TRANSPORTATION NETWORK  
18 COMPANY DRIVER NEED NOT BE AN EMPLOYEE OF A TRANSPORTATION  
19 NETWORK COMPANY.

20 (5) "TRANSPORTATION NETWORK COMPANY RIDER" OR "RIDER"  
21 MEANS AN INDIVIDUAL WHO USES A TRANSPORTATION NETWORK  
22 COMPANY'S ONLINE APPLICATION OR DIGITAL NETWORK TO CONNECT WITH  
23 A DRIVER TO OBTAIN SERVICES IN THE DRIVER'S PERSONAL VEHICLE FROM  
24 AN AGREED-UPON POINT OF DEPARTURE TO AN AGREED-UPON  
25 DESTINATION.

26 (6) "TRANSPORTATION NETWORK COMPANY SERVICES" OR  
27 "SERVICES" MEANS THE PROVISION OF TRANSPORTATION BY A DRIVER TO

1 A RIDER WITH WHOM THE DRIVER IS MATCHED THROUGH A  
2 TRANSPORTATION NETWORK COMPANY.

3 **40-10.1-603. Limited regulation.** NOTWITHSTANDING ANY OTHER  
4 PROVISION OF LAW, TRANSPORTATION NETWORK COMPANIES ARE  
5 GOVERNED EXCLUSIVELY BY THIS PART 6. A TRANSPORTATION NETWORK  
6 COMPANY IS NOT SUBJECT TO THE COMMISSION'S RATE, ENTRY,  
7 OPERATIONAL, OR COMMON CARRIER REQUIREMENTS, OTHER THAN THOSE  
8 REQUIREMENTS EXPRESSLY SET FORTH IN THIS PART 6.

9 **40-10.1-604. Registration - financial responsibility of**  
10 **transportation network companies - insurance.** (1) A  
11 TRANSPORTATION NETWORK COMPANY SHALL COMPLY WITH THE FILING  
12 REQUIREMENTS OF PART 3 AND THE REGISTERED AGENT REQUIREMENT OF  
13 PART 7 OF ARTICLE 90 OF TITLE 7, C.R.S.

14 (2) A TRANSPORTATION NETWORK COMPANY SHALL FILE WITH THE  
15 COMMISSION A CERTIFICATE OF INSURANCE EVIDENCING THAT THE  
16 TRANSPORTATION NETWORK COMPANY HAS SECURED AN INSURANCE  
17 POLICY ISSUED BY AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS  
18 IN THIS STATE WITH PRIMARY LIABILITY COVERAGE IN THE AMOUNT OF  
19 ONE MILLION DOLLARS PER OCCURRENCE FOR INCIDENTS INVOLVING A  
20 DRIVER DURING A PREARRANGED RIDE. THE TRANSPORTATION NETWORK  
21 COMPANY'S INSURANCE POLICY MUST PROVIDE THIS COVERAGE AT ALL  
22 TIMES THAT THE DRIVER IS ENGAGED IN A PREARRANGED RIDE.

23 (3) TRANSPORTATION NETWORK COMPANY DRIVERS SHALL  
24 MAINTAIN PERSONAL AUTOMOTIVE LIABILITY INSURANCE WITH A  
25 LIABILITY LIMIT AT LEAST EQUAL TO THE MINIMUM REQUIREMENT SET  
26 FORTH IN SECTION 10-4-620, C.R.S. A TRANSPORTATION NETWORK  
27 COMPANY SHALL VERIFY THAT EACH PROSPECTIVE DRIVER POSSESSES

1 PROOF OF AUTOMOBILE INSURANCE BEFORE ALLOWING THE PROSPECTIVE  
2 DRIVER TO PROVIDE SERVICES THROUGH THE TRANSPORTATION NETWORK  
3 COMPANY'S DIGITAL NETWORK.

4 (4) NOTHING IN THIS SECTION MODIFIES OR ABROGATES ANY  
5 OTHERWISE APPLICABLE INSURANCE REQUIREMENTS SET FORTH IN TITLE  
6 10, C.R.S.

7 **40-10.1-605. Operational requirements.** (1) THE FOLLOWING  
8 REQUIREMENTS APPLY TO THE PROVISION OF SERVICES:

9 (a) A DRIVER SHALL NOT PROVIDE SERVICES UNLESS A  
10 TRANSPORTATION NETWORK COMPANY HAS MATCHED THE DRIVER TO A  
11 RIDER THROUGH A DIGITAL NETWORK. A DRIVER SHALL NOT SOLICIT OR  
12 ACCEPT THE ON-DEMAND SUMMONING OF A RIDE, OTHERWISE KNOWN AS  
13 A "STREET HAIL".

14 (b) A TRANSPORTATION NETWORK COMPANY SHALL MAKE  
15 AVAILABLE TO PROSPECTIVE RIDERS THE METHOD BY WHICH THE  
16 TRANSPORTATION NETWORK COMPANY CALCULATES FARES OR THE  
17 APPLICABLE RATES BEING CHARGED AND AN OPTION TO RECEIVE AN  
18 ESTIMATED FARE.

19 (c) UPON COMPLETION OF A PREARRANGED RIDE, A  
20 TRANSPORTATION NETWORK COMPANY SHALL TRANSMIT TO THE RIDER AN  
21 ELECTRONIC RECEIPT, EITHER BY ELECTRONIC MAIL OR VIA TEXT MESSAGE,  
22 DOCUMENTING:

23 (I) THE POINT OF ORIGIN AND DESTINATION OF THE PREARRANGED  
24 RIDE;

25 (II) THE TOTAL DURATION AND DISTANCE OF THE PREARRANGED  
26 RIDE; ==

27 (III) THE TOTAL FARE PAID, INCLUDING THE BASE FARE AND ANY



1 ADDITIONAL CHARGES INCURRED FOR DISTANCE TRAVELED OR DURATION  
2 OF THE PREARRANGED RIDE; AND

3 (IV) THE DRIVER'S FIRST NAME AND TELEPHONE NUMBER.

4 (d) BEFORE PERMITTING A PERSON TO ACT AS A TRANSPORTATION  
5 NETWORK COMPANY DRIVER ON ITS DIGITAL NETWORK, A  
6 TRANSPORTATION NETWORK COMPANY SHALL CONFIRM THAT THE PERSON  
7 IS AT LEAST TWENTY-ONE YEARS OF AGE AND POSSESSES:

8 (I) A VALID DRIVER'S LICENSE;

9 (II) PROOF OF AUTOMOBILE INSURANCE; AND

10 (III) PROOF OF A COLORADO VEHICLE REGISTRATION.

11 (e) A DRIVER SHALL NOT OFFER OR PROVIDE TRANSPORTATION  
12 NETWORK COMPANY SERVICES IN EXCESS OF THE MAXIMUM SERVICE  
13 HOURS AS DETERMINED BY THE COMMISSION.

14 (f) A TRANSPORTATION NETWORK COMPANY SHALL IMPLEMENT AN  
15 INTOXICATING SUBSTANCE POLICY FOR DRIVERS THAT DISALLOWS ANY  
16 AMOUNT OF INTOXICATION OF THE DRIVER WHILE PROVIDING SERVICES.  
17 THE TRANSPORTATION NETWORK COMPANY SHALL INCLUDE ON ITS WEB  
18 SITE AND MOBILE DEVICE APPLICATION SOFTWARE A NOTICE CONCERNING  
19 THE TRANSPORTATION NETWORK COMPANY'S INTOXICATING SUBSTANCE  
20 POLICY.

21 (g) (I) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT  
22 OR HAVE A CERTIFIED MECHANIC CONDUCT A SAFETY INSPECTION OF A  
23 PROSPECTIVE DRIVER'S VEHICLE BEFORE IT IS APPROVED FOR USE AS A  
24 PERSONAL VEHICLE AND SHALL HAVE PERIODIC INSPECTIONS OF PERSONAL  
25 VEHICLES CONDUCTED THEREAFTER, AT INTERVALS OF AT LEAST ONE  
26 INSPECTION PER YEAR. A SAFETY INSPECTION SHALL INCLUDE AN  
27 INSPECTION OF:

- 1 (A) FOOT BRAKES;  
2 (B) EMERGENCY BRAKES;  
3 (C) STEERING MECHANISM;  
4 (D) WINDSHIELD;  
5 (E) REAR WINDOW AND OTHER GLASS;  
6 (F) WINDSHIELD WIPERS;  
7 (G) HEADLIGHTS;  
8 (H) TAIL LIGHTS;  
9 (I) TURN INDICATOR LIGHTS;  
10 (J) STOP LIGHTS;  
11 (K) FRONT SEAT ADJUSTMENT MECHANISM;  
12 (L) THE OPENING, CLOSING, AND LOCKING CAPABILITY OF THE  
13 DOORS;  
14 (M) HORN;  
15 (N) SPEEDOMETER;  
16 (O) BUMPERS;  
17 (P) MUFFLER AND EXHAUST SYSTEM;  
18 (Q) TIRE CONDITIONS, INCLUDING TREAD DEPTH;  
19 (R) INTERIOR AND EXTERIOR REAR-VIEW MIRRORS; AND  
20 (S) SAFETY BELTS.  
21 (II) THE COMMISSION MAY ALSO CONDUCT INSPECTIONS OF  
22 PERSONAL VEHICLES.  
23 (h) A PERSONAL VEHICLE MUST:  
24 (I) HAVE AT LEAST FOUR DOORS; AND  
25 (II) BE DESIGNED TO CARRY NO MORE THAN EIGHT PASSENGERS,  
26 INCLUDING THE DRIVER.  
27 (i) A TRANSPORTATION NETWORK COMPANY SHALL MAKE THE

1 FOLLOWING DISCLOSURE TO A PROSPECTIVE DRIVER IN THE PROSPECTIVE  
2 DRIVER'S TERMS OF SERVICE:

3 WHILE OPERATING ON THE TRANSPORTATION NETWORK  
4 COMPANY'S DIGITAL NETWORK, YOUR PERSONAL  
5 AUTOMOBILE INSURANCE POLICY MIGHT NOT AFFORD  
6 LIABILITY COVERAGE, DEPENDING ON THE POLICY'S  
7 TERMS.

8 (j) (I) A TRANSPORTATION NETWORK COMPANY SHALL MAKE THE  
9 FOLLOWING DISCLOSURE TO A PROSPECTIVE DRIVER IN THE PROSPECTIVE  
10 DRIVER'S TERMS OF SERVICE:

11 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE  
12 TRANSPORTATION NETWORK COMPANY SERVICES FOR  
13 OUR TRANSPORTATION NETWORK COMPANY HAS A LIEN  
14 AGAINST IT, YOU MUST NOTIFY THE LIEN HOLDER THAT  
15 YOU WILL BE USING THE VEHICLE FOR TRANSPORTATION  
16 NETWORK COMPANY SERVICES.

17 (II) THE DISCLOSURE SET FORTH IN SUBPARAGRAPH (I) OF THIS  
18 PARAGRAPH (j) MUST BE PLACED PROMINENTLY IN THE PROSPECTIVE  
19 DRIVER'S WRITTEN TERMS OF SERVICE, AND THE PROSPECTIVE DRIVER  
20 MUST ACKNOWLEDGE THE TERMS OF SERVICE ELECTRONICALLY OR BY  
21 SIGNATURE.

22 (k) A TRANSPORTATION NETWORK COMPANY SHALL MAKE THE  
23 FOLLOWING DISCLOSURE TO A RIDER:

24 WHILE RIDING AS A PASSENGER IN A TRANSPORTATION  
25 NETWORK COMPANY DRIVER'S PERSONAL VEHICLE, A  
26 RIDER IS INSURED UNDER THE TERMS OF THE  
27 TRANSPORTATION NETWORK COMPANY'S LIABILITY

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**POLICY.**

(l) A TRANSPORTATION NETWORK COMPANY SHALL MAKE AVAILABLE TO A RIDER A CUSTOMER SUPPORT TELEPHONE NUMBER ON ITS DIGITAL NETWORK OR WEB SITE FOR RIDER INQUIRIES.

(m) A TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE TO A RIDER THE INFORMATION SET FORTH IN PARAGRAPH (i) IN THIS SUBSECTION (1) ABOUT THE TRANSPORTATION NETWORK COMPANY'S LIABILITY POLICY AND THE DRIVER'S PERSONAL AUTOMOBILE INSURANCE POLICY.

(n) THE PRIMARY INSURANCE COVERAGE AND DISCLOSURES SET FORTH IN THIS SUBSECTION (1) TAKE EFFECT ON JULY 1, 2014.

(2) A TRANSPORTATION NETWORK COMPANY OR A THIRD PARTY SHALL RETAIN TRUE AND ACCURATE INSPECTION RECORDS FOR AT LEAST FOURTEEN MONTHS AFTER AN INSPECTION WAS CONDUCTED FOR EACH PERSONAL VEHICLE USED BY A DRIVER.

(3) (a) BEFORE A PERSON IS PERMITTED TO ACT AS A DRIVER THROUGH USE OF A TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK, THE PERSON SHALL:

(I) OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT TO THE PROCEDURES SET FORTH IN SECTION 40-10.1-110 AS SUPPLEMENTED BY THE COMMISSION'S RULES PROMULGATED UNDER SECTION 40-10.1-110 OR THROUGH A PRIVATELY ADMINISTERED NATIONAL CRIMINAL HISTORY RECORD CHECK, INCLUDING THE NATIONAL SEX OFFENDER DATABASE; AND

(II) PROVIDE A COPY OF THE CRIMINAL HISTORY RECORD CHECK TO THE TRANSPORTATION NETWORK COMPANY.

(b) (I) A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO DRIVING UNDER THE INFLUENCE OF DRUGS OR

1 ALCOHOL IN THE PREVIOUS SEVEN YEARS BEFORE APPLYING TO BECOME A  
2 TRANSPORTATION NETWORK COMPANY DRIVER SHALL NOT SERVE AS A  
3 DRIVER. IF THE CRIMINAL HISTORY RECORD CHECK REVEALS THAT THE  
4 PERSON HAS EVER BEEN CONVICTED OF OR PLED GUILTY OR NOLO  
5 CONTENDERE TO ANY OF THE FOLLOWING FELONY OFFENSES, THE PERSON  
6 SHALL NOT SERVE AS A DRIVER:

7 (A) AN OFFENSE INVOLVING FRAUD, AS DESCRIBED IN ARTICLE 5  
8 OF TITLE 18, C.R.S.;

9 (B) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
10 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

11 (C) AN OFFENSE AGAINST PROPERTY, AS DESCRIBED IN ARTICLE 4  
12 OF TITLE 18, C.R.S.; OR

13 (D) A CRIME OF VIOLENCE, AS DESCRIBED IN SECTION 18-1.3-406,  
14 C.R.S.

15 (II) A PERSON WHO HAS BEEN CONVICTED OF A COMPARABLE  
16 OFFENSE TO THE OFFENSES LISTED IN SUBPARAGRAPH (I) OF THIS  
17 PARAGRAPH (b) IN ANOTHER STATE OR IN THE UNITED STATES SHALL NOT  
18 SERVE AS A DRIVER.

19 (III) A TRANSPORTATION NETWORK COMPANY OR A THIRD PARTY  
20 SHALL RETAIN TRUE AND ACCURATE RESULTS OF THE CRIMINAL HISTORY  
21 RECORD CHECK FOR EACH DRIVER THAT PROVIDES SERVICES FOR THE  
22 TRANSPORTATION NETWORK COMPANY FOR AT LEAST FIVE YEARS AFTER  
23 THE CRIMINAL HISTORY RECORD CHECK WAS CONDUCTED.

24 (IV) A PERSON WHO HAS, WITHIN THE IMMEDIATELY PRECEDING  
25 FIVE YEARS, BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE  
26 TO A FELONY SHALL NOT SERVE AS A DRIVER.

27 (4) (a) BEFORE PERMITTING AN INDIVIDUAL TO ACT AS A DRIVER

1 ON ITS DIGITAL NETWORK, A TRANSPORTATION NETWORK COMPANY SHALL  
2 OBTAIN AND REVIEW A DRIVING HISTORY RESEARCH REPORT FOR THE  
3 INDIVIDUAL.

4 (b) AN INDIVIDUAL WITH THE FOLLOWING MOVING VIOLATIONS  
5 SHALL NOT SERVE AS A DRIVER:

6 (I) MORE THAN THREE MOVING VIOLATIONS IN THE THREE-YEAR  
7 PERIOD PRECEDING THE INDIVIDUAL'S APPLICATION TO SERVE AS A DRIVER  
8 FOR THE TRANSPORTATION NETWORK COMPANY; OR

9 (II) A MAJOR MOVING VIOLATION IN THE THREE-YEAR PERIOD  
10 PRECEDING THE INDIVIDUAL'S APPLICATION TO SERVE AS A DRIVER FOR  
11 THE TRANSPORTATION NETWORK COMPANY, WHETHER COMMITTED IN THIS  
12 STATE, ANOTHER STATE, OR THE UNITED STATES, INCLUDING VEHICULAR  
13 ELUDING, AS DESCRIBED IN SECTION 18-9-116.5, C.R.S., RECKLESS  
14 DRIVING, AS DESCRIBED IN SECTION 42-4-1401, C.R.S., AND DRIVING  
15 UNDER RESTRAINT, AS DESCRIBED IN SECTION 42-2-138, C.R.S.

16 (c) A TRANSPORTATION NETWORK COMPANY OR A THIRD PARTY  
17 SHALL RETAIN TRUE AND ACCURATE RESULTS OF THE DRIVING HISTORY  
18 RESEARCH REPORT FOR EACH DRIVER THAT PROVIDES SERVICES FOR THE  
19 TRANSPORTATION NETWORK COMPANY FOR AT LEAST THREE YEARS.

20 (5) IF A TRANSPORTATION NETWORK COMPANY RIDER FILES A  
21 COMPLAINT WITH THE COMMISSION AGAINST A TRANSPORTATION  
22 NETWORK COMPANY OR DRIVER, THE COMMISSION MAY INSPECT THE  
23 TRANSPORTATION NETWORK COMPANY'S RECORDS AS REASONABLY  
24 NECESSARY TO INVESTIGATE AND RESOLVE THE COMPLAINT.

25 **40-10.1-606. Permit required for transportation network**  
26 **companies - penalty for violation - rules.** (1) A PERSON SHALL NOT  
27 OPERATE A TRANSPORTATION NETWORK COMPANY IN COLORADO

1 WITHOUT FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSION.

2 (2) THE COMMISSION SHALL ISSUE A PERMIT TO EACH  
3 TRANSPORTATION NETWORK COMPANY THAT MEETS THE REQUIREMENTS  
4 OF THIS PART 6 AND PAYS A PERMIT FEE TO THE COMMISSION. THE PERMIT  
5 IS VALID FOR ONE YEAR.

6 (3) THE PERMIT FEE FOR THE INITIAL ONE-YEAR PERMIT FOR EACH  
7 OF THE TWO TRANSPORTATION NETWORK COMPANIES OPERATING IN  
8 COLORADO ON THE EFFECTIVE DATE OF THIS PART 6 IS ONE HUNDRED  
9 SEVEN THOUSAND FIVE HUNDRED DOLLARS. IF A THIRD TRANSPORTATION  
10 NETWORK COMPANY APPLIES FOR A PERMIT BEFORE THE PERMIT FEE HAS  
11 BEEN READJUSTED FOR THE FIRST TIME UNDER SUBSECTION (4) OF THIS  
12 SECTION, THE TRANSPORTATION NETWORK COMPANY SHALL PAY A PERMIT  
13 FEE OF SEVENTY-ONE THOUSAND SIX HUNDRED SIXTY-SEVEN DOLLARS  
14 AND THE TWO OTHER PERMIT HOLDERS SHALL EACH BE REFUNDED  
15 ONE-HALF OF THE PERMIT FEE PAID BY THE THIRD PERMIT HOLDER. IF A  
16 FOURTH TRANSPORTATION NETWORK COMPANY APPLIES FOR A PERMIT FEE  
17 BEFORE THE PERMIT FEE HAS BEEN READJUSTED FOR THE FIRST TIME  
18 UNDER SUBSECTION (4) OF THIS SECTION, THAT TRANSPORTATION  
19 NETWORK COMPANY SHALL PAY A PERMIT FEE OF FIFTY-THREE THOUSAND  
20 SEVEN HUNDRED FIFTY DOLLARS AND THE THREE OTHER PERMIT HOLDERS  
21 SHALL EACH BE REFUNDED ONE-THIRD OF THE PERMIT FEE PAID BY THE  
22 FOURTH PERMIT HOLDER. FOR A FIFTH OR SUBSEQUENT TRANSPORTATION  
23 NETWORK COMPANY SEEKING A PERMIT BEFORE THE PERMIT FEE HAS BEEN  
24 READJUSTED FOR THE FIRST TIME UNDER SUBSECTION (4) OF THIS SECTION,  
25 THE COMMISSION SHALL SET THE FEE BY DETERMINING THE  
26 TRANSPORTATION NETWORK COMPANY'S PRO RATA SHARE OF TWO  
27 HUNDRED FIFTEEN THOUSAND DOLLARS AND SHALL REFUND TO THE OTHER

1 PERMIT HOLDERS A PRO RATA SHARE OF THE TRANSPORTATION NETWORK  
2 COMPANY'S PERMIT FEE.

3 (4) THE GENERAL ASSEMBLY, AT EACH REGULAR SESSION, SHALL  
4 DETERMINE THE COMMISSION'S ADMINISTRATIVE EXPENSES FOR  
5 REGULATING TRANSPORTATION NETWORK COMPANIES UNDER THIS PART  
6 6, INCLUDING ANY FTE ADDITIONS OR REDUCTIONS THAT MAY BE  
7 NECESSARY. THE COMMISSION SHALL ASSESS PERMIT FEES IN AMOUNTS  
8 THAT, IN THE AGGREGATE, EQUAL THE COMMISSION'S ADMINISTRATIVE  
9 EXPENSES, AS DETERMINED BY THE GENERAL ASSEMBLY. THE COMMISSION  
10 SHALL ASSESS A PERMIT FEE AGAINST EACH TRANSPORTATION NETWORK  
11 COMPANY OPERATING IN COLORADO IN AN AMOUNT APPORTIONED ON THE  
12 BASIS OF THE NUMBER OF PERSONAL VEHICLES ASSOCIATED WITH THE  
13 TRANSPORTATION NETWORK COMPANY.

14 (5) THE CUMULATIVE AMOUNT OF THE ANNUAL PERMIT FEES FOR  
15 ALL TRANSPORTATION NETWORK COMPANIES OPERATING IN COLORADO  
16 MUST NOT EXCEED TWO HUNDRED FIFTEEN THOUSAND DOLLARS UNLESS  
17 THE GENERAL ASSEMBLY DETERMINES THAT AN INCREASED AGGREGATE  
18 AMOUNT IS NECESSARY AND APPROPRIATE.

19 (6) THE COMMISSION SHALL DETERMINE THE FORM AND MANNER  
20 OF APPLICATION FOR A TRANSPORTATION NETWORK COMPANY PERMIT.

21 (7) THE COMMISSION MAY TAKE ACTION AGAINST A  
22 TRANSPORTATION NETWORK COMPANY AS SET FORTH IN SECTION  
23 40-10.1-112, INCLUDING ISSUING AN ORDER TO CEASE AND DESIST AND  
24 SUSPENDING, REVOKING, ALTERING, OR AMENDING A PERMIT ISSUED TO  
25 THE TRANSPORTATION NETWORK COMPANY.

26 (8) (a) FOR A VIOLATION OF THIS PART 6 OR A FAILURE TO COMPLY  
27 WITH A COMMISSION ORDER, DECISION, OR RULE ISSUED UNDER THIS PART



1 6. A TRANSPORTATION NETWORK COMPANY IS SUBJECT TO THE  
2 COMMISSION'S AUTHORITY UNDER SECTIONS 40-7-101, 40-7-112,  
3 40-7-113, 40-7-115, AND 40-7-116.

4 (b) THE COMMISSION SHALL NOT ASSESS A PENALTY AGAINST A  
5 TRANSPORTATION NETWORK COMPANY DRIVER.

6 (9) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS  
7 PART 6 OR REFUSE TO RENEW THE PERMIT OF A TRANSPORTATION  
8 NETWORK COMPANY BASED ON A DETERMINATION THAT THE  
9 TRANSPORTATION NETWORK COMPANY HAS NOT SATISFIED A CIVIL  
10 PENALTY ARISING OUT OF AN ADMINISTRATIVE OR ENFORCEMENT ACTION  
11 BROUGHT BY THE COMMISSION.

12 **40-10.1-607. Fees - transportation network company fund -**  
13 **creation.** THE COMMISSION SHALL TRANSMIT ALL FEES COLLECTED  
14 PURSUANT TO THIS PART 6 TO THE STATE TREASURER, WHO SHALL CREDIT  
15 THE FEES TO THE TRANSPORTATION NETWORK COMPANY FUND, WHICH IS  
16 HEREBY CREATED IN THE STATE TREASURY. THE MONEYS IN THE FUND ARE  
17 CONTINUOUSLY APPROPRIATED TO THE COMMISSION FOR THE PURPOSES  
18 SET FORTH IN THIS PART 6. ALL INTEREST EARNED FROM THE INVESTMENT  
19 OF MONEYS IN THE FUND IS CREDITED TO THE FUND. ANY MONEYS NOT  
20 EXPENDED AT THE END OF THE FISCAL YEAR REMAIN IN THE FUND AND DO  
21 NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

22 **40-10.1-608. Personal automobile insurance coverage rating.**  
23 NOTHING IN THIS PART 6 PREVENTS AN INSURANCE CARRIER FROM RATING  
24 A DRIVER'S PERSONAL AUTOMOBILE LIABILITY POLICY TO COVER ANY  
25 DEMONSTRATED ADDITIONAL RISK POSED BY THE PERIOD OF TIME AFTER  
26 THE DRIVER HAS LOGGED INTO A TRANSPORTATION NETWORK COMPANY'S  
27 DIGITAL NETWORK BUT BEFORE THE DRIVER HAS ACCEPTED A

1 PREARRANGED RIDE.

2 **40-10.1-609. Rules.** THE COMMISSION MAY PROMULGATE RULES  
3 CONSISTENT WITH THIS PART 6, INCLUDING RULES CONCERNING  
4 ADMINISTRATION, FEES, SAFETY REQUIREMENTS, AND FINANCIAL  
5 RESPONSIBILITY REQUIREMENTS.

6 **SECTION 6.** In Colorado Revised Statutes, 10-4-601, **amend**  
7 **(10)** as follows:

8 **10-4-601. Definitions.** As used in this part 6, unless the context  
9 **otherwise requires:**

10 **(10) (a) "Policy" means an automobile insurance policy providing**  
11 **coverage for all or any of the following coverages: Collision,**  
12 **comprehensive, bodily injury liability, property damage liability, medical**  
13 **payments, and uninsured motorist coverage, or a combination automobile**  
14 **policy providing bodily injury liability, property damage liability, medical**  
15 **payments, uninsured motorist, and physical damage coverage, delivered**  
16 **or issued for delivery in this state, insuring a single individual, or husband**  
17 **and wife, or family members residing in the same household, as named**  
18 **insured, and under which the insured vehicles therein designated are of**  
19 **the following types only:**

20 **(a) (I) A motor vehicle of the private passenger or station wagon**  
21 **type that is not used as a public or livery conveyance for passengers nor**  
22 **rented to others pursuant to the terms of a motor vehicle rental agreement;**  
23 **or**

24 **(b) (II) Any other four-wheel motor vehicle with a load capacity**  
25 **of fifteen hundred pounds or less that is not used in the occupation,**  
26 **profession, or business of the insured.**

27 **(b) AS USED IN THIS SUBSECTION (10), "LIVERY CONVEYANCE"**

1 INCLUDES THE SERVICES OFFERED BY A TRANSPORTATION NETWORK  
2 COMPANY DRIVER, AS THAT TERM IS DEFINED IN SECTION 40-10.1-602 (4),  
3 C.R.S., WHEN THE TRANSPORTATION NETWORK COMPANY DRIVER IS  
4 ENGAGED IN A PREARRANGED RIDE, AS THAT TERM IS DEFINED IN SECTION  
5 40-10.1-602 (2), C.R.S. "LIVERY CONVEYANCE" DOES NOT INCLUDE THE  
6 PERIOD OF TIME DURING WHICH THE TRANSPORTATION NETWORK  
7 COMPANY DRIVER IS LOGGED INTO THE TRANSPORTATION NETWORK  
8 COMPANY'S DIGITAL NETWORK BUT IS NOT ENGAGED IN A PREARRANGED  
9 RIDE.

10 **SECTION 7. Appropriation.** (1) In addition to any other  
11 appropriation, there is hereby appropriated, out of any moneys in the  
12 transportation network company fund created in section 40-10.1-607,  
13 Colorado Revised Statutes, not otherwise appropriated, to the department  
14 of regulatory agencies, for the fiscal year beginning July 1, 2014, the sum  
15 of \$215,000, or so much thereof as may be necessary, for allocation to the  
16 public utilities commission for the administrative costs related to the  
17 implementation of this act.

18 (2) In addition to any other appropriation, there is hereby  
19 appropriated to the department of law, for the fiscal year beginning July  
20 1, 2014, the sum of \$9,108 and 0.1 FTE, or so much thereof as may be  
21 necessary, for the provision of legal services for the public utilities  
22 commission related to the implementation of this act. Said sum is from  
23 reappropriated funds received from the department of regulatory agencies  
24 out of the appropriation made in subsection (1) of this section.

25 **SECTION 8. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, and safety.