

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 9, 2014  
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

SB14-125 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 2, after line 11 insert:

2 "SECTION 2. In Colorado Revised Statutes, 40-7-112, amend  
3 (1) (a) as follows:

4 **40-7-112. Applicability of civil penalties.** (1) (a) A person who  
5 operates or offers to operate as a motor carrier as defined in section  
6 40-10.1-101; ~~or~~ a motor carrier, motor private carrier, broker, freight  
7 forwarder, leasing company, or other person required to register under  
8 section 40-10.5-102; OR A TRANSPORTATION NETWORK COMPANY  
9 REQUIRED TO OBTAIN A PERMIT UNDER SECTION 40-10.1-606 is subject to  
10 civil penalties as provided in this section and sections 40-7-113 to  
11 40-7-116, in addition to any other sanctions that may be imposed pursuant  
12 to law."

13 Renumber succeeding sections accordingly.

14 Page 4, strike lines 10 through 27 and substitute:

15 "**40-10.1-601. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
16 MAY BE CITED AS THE "TRANSPORTATION NETWORK COMPANY ACT"."

17 Page 5, strike lines 1 through 17.

18 Page 5, line 25, strike "TRANSPORTATION NETWORK COMPANY".

- 1 Page 6, line 5, strike "TRANSPORTATION NETWORK COMPANY".
- 2 Page 6, line 13, after "DRIVERS." add "A TRANSPORTATION NETWORK  
3 COMPANY DOES NOT INCLUDE A POLITICAL SUBDIVISION OR OTHER ENTITY  
4 EXEMPTED FROM FEDERAL INCOME TAX UNDER SECTION 115 OF THE  
5 FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED."
- 6 Page 6, lines 17 and 18, strike "TRANSPORTATION NETWORK COMPANY".
- 7 Page 6, strike lines 21 through 25 and substitute "MEANS A PASSENGER IN  
8 A TRANSPORTATION NETWORK COMPANY VEHICLE FOR WHOM TRANSPORT  
9 IS PROVIDED, INCLUDING:
- 10 (a) AN INDIVIDUAL WHO USES A TRANSPORTATION NETWORK  
11 COMPANY'S ONLINE APPLICATION OR DIGITAL NETWORK TO CONNECT WITH  
12 A DRIVER TO OBTAIN SERVICES IN THE DRIVER'S VEHICLE FOR THE  
13 INDIVIDUAL AND ANYONE IN THE INDIVIDUAL'S PARTY; OR
- 14 (b) ANYONE FOR WHOM ANOTHER INDIVIDUAL USES A  
15 TRANSPORTATION NETWORK COMPANY'S ONLINE APPLICATION OR DIGITAL  
16 NETWORK TO CONNECT WITH A DRIVER TO OBTAIN SERVICES IN THE  
17 DRIVER'S VEHICLE."
- 18 Page 7, line 2, after "COMPANY." add "THE TERM DOES NOT INCLUDE  
19 SERVICES PROVIDED EITHER DIRECTLY BY OR UNDER CONTRACT WITH A  
20 POLITICAL SUBDIVISION OR OTHER ENTITY EXEMPT FROM FEDERAL INCOME  
21 TAX UNDER SECTION 115 OF THE FEDERAL "INTERNAL REVENUE CODE OF  
22 1986", AS AMENDED."
- 23 Page 7, line 10, strike "(1)".
- 24 Page 7, strike lines 14 through 27.
- 25 Page 8, strike lines 1 through 6.
- 26 Page 8, after line 6 insert:
- 27 "(2) IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES  
28 A PAYMENT FOR A CLAIM COVERED UNDER COMPREHENSIVE COVERAGE OR  
29 COLLISION COVERAGE, THE TRANSPORTATION NETWORK COMPANY SHALL  
30 CAUSE ITS INSURER TO ISSUE THE PAYMENT DIRECTLY TO THE BUSINESS  
31 REPAIRING THE VEHICLE OR JOINTLY TO THE OWNER OF THE VEHICLE AND  
32 THE PRIMARY LIENHOLDER ON THE COVERED VEHICLE. THE COMMISSION

1 SHALL NOT ASSESS ANY FINES AS A RESULT OF A VIOLATION OF THIS  
2 SUBSECTION (5)."

3 Page 8, line 15, after "RIDERS" insert "AND DRIVERS".

4 Page 9, lines 4 and 5, strike "TRANSPORTATION NETWORK COMPANY".

5 Page 9, line 9, strike "AND".

6 Page 9, strike line 10 and substitute:

7           "(III) PROOF OF A COLORADO VEHICLE REGISTRATION; AND  
8           (IV) WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS PART  
9 6 AND PURSUANT TO COMMISSION RULES, PROOF THAT THE PERSON IS  
10 MEDICALLY FIT TO DRIVE".

11 Page 9, line 21, strike "CONDUCT".

12 Page 9, line 22, strike "OR".

13 Page 9, line 25, after "CONDUCTED" insert "BY A CERTIFIED MECHANIC".

14 Page 11, strike lines 14 through 16 and substitute "**AGAINST IT, YOU  
15 MUST NOTIFY THE LIENHOLDER THAT YOU WILL BE USING THE VEHICLE  
16 FOR TRANSPORTATION SERVICES THAT MAY VIOLATE THE TERMS OF  
17 YOUR CONTRACT WITH THE LIENHOLDER.**".

18 Page 12, after line 11 insert:

19           "(o) (I) A TRANSPORTATION NETWORK COMPANY SHALL NOT  
20 DISCLOSE TO A THIRD PARTY ANY PERSONALLY IDENTIFIABLE  
21 INFORMATION CONCERNING A USER OF THE TRANSPORTATION NETWORK  
22 COMPANY'S DIGITAL NETWORK UNLESS:

23           (A) THE TRANSPORTATION NETWORK COMPANY OBTAINS THE  
24 USER'S CONSENT TO DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION;

25           (B) DISCLOSURE IS NECESSARY TO COMPLY WITH A LEGAL  
26 OBLIGATION; OR

27           (C) DISCLOSURE IS NECESSARY TO PROTECT OR DEFEND THE TERMS  
28 AND CONDITIONS FOR USE OF THE SERVICE OR TO INVESTIGATE VIOLATIONS  
29 OF THE TERMS AND CONDITIONS.

30           (II) THE LIMITATION ON DISCLOSURE DOES NOT APPLY TO THE

1 DISCLOSURE OF AGGREGATED USER DATA AND OTHER INFORMATION  
2 ABOUT THE USER THAT IS NOT PERSONALLY IDENTIFIABLE.

3 (p) ANY TAXICAB COMPANY OR SHUTTLE COMPANY AUTHORIZED  
4 BY THE COMMISSION UNDER THIS ARTICLE MAY CONVERT TO A  
5 TRANSPORTATION NETWORK COMPANY MODEL OR MAY SET UP A  
6 SUBSIDIARY OR AFFILIATE TRANSPORTATION NETWORK COMPANY. IN  
7 CONVERTING TO A TRANSPORTATION NETWORK COMPANY MODEL OR  
8 SETTING UP A TRANSPORTATION NETWORK COMPANY SUBSIDIARY OR  
9 AFFILIATE, A TAXICAB COMPANY OR SHUTTLE COMPANY AUTHORIZED BY  
10 THE COMMISSION UNDER THIS ARTICLE MAY COMPLETELY OR PARTIALLY  
11 SUSPEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED  
12 UNDER SECTION 40-10.1-201. DURING THE PERIOD OF SUSPENSION OF ITS  
13 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, A TAXICAB  
14 COMPANY, SHUTTLE COMPANY, OR A SUBSIDIARY OR AFFILIATE OF A  
15 TAXICAB COMPANY OR SHUTTLE COMPANY IS EXEMPT FROM TAXI OR  
16 SHUTTLE STANDARDS UNDER THIS ARTICLE, THE STANDARDS CONCERNING  
17 THE REGULATION OF RATES AND CHARGES UNDER ARTICLE 3 OF THIS TITLE,  
18 AND ANY COMMISSION RULES REGARDING COMMON CARRIERS  
19 PROMULGATED UNDER THIS ARTICLE OR ARTICLE 3 OF THIS TITLE.

20 (q) EACH TRANSPORTATION NETWORK COMPANY SHALL REQUIRE  
21 THAT EACH TRANSPORTATION NETWORK COMPANY VEHICLE PROVIDING  
22 TRANSPORTATION NETWORK COMPANY SERVICES DISPLAY AN EXTERIOR  
23 MARKING THAT IDENTIFIES THE TRANSPORTATION NETWORK COMPANY  
24 VEHICLE AS A VEHICLE FOR HIRE."

25 Page 12, line 24, strike "PROVIDE" and substitute "IF A PRIVATELY  
26 ADMINISTERED NATIONAL CRIMINAL HISTORY RECORD CHECK IS USED,  
27 PROVIDE".

28 Page 12, strike line 26 and substitute:

29 "(b) A DRIVER SHALL OBTAIN A CRIMINAL HISTORY RECORD CHECK  
30 IN ACCORDANCE WITH SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS  
31 SUBSECTION (3) EVERY FIVE YEARS WHILE SERVING AS A DRIVER.

32 (c) (I) A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY".

33 Page 13, line 2, strike "TRANSPORTATION NETWORK COMPANY".

34 Page 14, lines 7 and 8, strike "DRIVER FOR THE TRANSPORTATION  
35 NETWORK COMPANY;" and substitute "DRIVER;".

1 Page 14, lines 10 and 11, strike "DRIVER FOR THE TRANSPORTATION  
2 NETWORK COMPANY," and substitute "DRIVER,".

3 Page 14, strike line 20 and substitute:

4 "(5) IF ANY PERSON FILES A".

5 Page 14, after line 24 insert:

6 "(6) (a) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE  
7 SERVICES TO THE PUBLIC IN A NONDISCRIMINATORY MANNER, REGARDLESS  
8 OF GEOGRAPHIC LOCATION OF THE DEPARTURE POINT OR DESTINATION,  
9 RACE, ETHNICITY, GENDER, SEXUAL ORIENTATION, DISABILITY, OR OTHER  
10 POTENTIALLY DISCRIMINATORY FACTOR THAT COULD PREVENT  
11 CUSTOMERS FROM ACCESSING TRANSPORTATION. A DRIVER SHALL NOT  
12 REFUSE TO TRANSPORT A PASSENGER UNLESS:

13 (I) THE PASSENGER IS ACTING IN AN UNLAWFUL, DISORDERLY, OR  
14 ENDANGERING MANNER;

15 (II) THE PASSENGER IS UNABLE TO CARE FOR HIMSELF OR HERSELF  
16 AND IS NOT IN THE CHARGE OF A RESPONSIBLE COMPANION; OR

17 (III) THE DRIVER HAS ALREADY COMMITTED TO PROVIDING A RIDE  
18 FOR ANOTHER RIDER.

19 (b) A TRANSPORTATION NETWORK COMPANY SHALL NOT IMPOSE  
20 ADDITIONAL CHARGES FOR PROVIDING SERVICES TO PERSONS WITH  
21 PHYSICAL OR MENTAL DISABILITIES.

22 (c) A DRIVER SHALL PERMIT A SERVICE ANIMAL TO ACCOMPANY A  
23 RIDER ON A PREARRANGED RIDE.

24 (d) IF A RIDER WITH PHYSICAL OR MENTAL DISABILITIES REQUIRES  
25 THE USE OF MOBILITY EQUIPMENT, A DRIVER SHALL STORE THE MOBILITY  
26 EQUIPMENT IN THE VEHICLE DURING A PREARRANGED RIDE.

27 (e) A TRANSPORTATION NETWORK COMPANY'S WEB SITE AND  
28 ON-LINE APPLICATIONS MUST COMPLY WITH THE WEB CONTENT  
29 ACCESSIBILITY GUIDELINES 2.0, AS MAY BE SUBSEQUENTLY AMENDED,  
30 PUBLISHED BY THE WEB ACCESSIBILITY INITIATIVE OR SUCCESSOR  
31 ORGANIZATION.

32 (7) A DRIVER SHALL IMMEDIATELY REPORT TO THE  
33 TRANSPORTATION NETWORK COMPANY ANY REFUSAL TO TRANSPORT A  
34 PASSENGER PURSUANT TO PARAGRAPH (a) OF SUBSECTION (6) OF THIS  
35 SECTION, AND THE TRANSPORTATION NETWORK COMPANY SHALL  
36 ANNUALLY REPORT ALL SUCH REFUSALS TO THE COMMISSION IN A FORM  
37 AND MANNER DETERMINED BY THE COMMISSION."

1 Page 17, line 5, strike "TRANSPORTATION NETWORK COMPANY".

2 Page 17, strike lines 22 through 27.

3 Page 18, strike lines 1 and 2 and substitute:

4 "40-10.1-608. Rules. (1) THE COMMISSION MAY PROMULGATE  
5 RULES".

6 Page 18, strike lines 4 through 27 and substitute "ADMINISTRATION, FEES,  
7 AND SAFETY REQUIREMENTS.

8 (2) (a) THE COMMISSION, IN CONSULTATION WITH THE DIVISION OF  
9 INSURANCE, SHALL PROMULGATE RULES CONCERNING FINANCIAL  
10 RESPONSIBILITY REQUIREMENTS FOR TRANSPORTATION NETWORK  
11 COMPANIES, INCLUDING:

12 (I) RULES REQUIRING EACH TRANSPORTATION NETWORK COMPANY  
13 TO MAINTAIN AND FILE WITH THE COMMISSION EVIDENCE OF FINANCIAL  
14 RESPONSIBILITY AND PROOF OF ITS CONTINUED VALIDITY AS THE  
15 COMMISSION DEEMS NECESSARY; AND

16 (II) COVERAGE SUFFICIENT TO:

17 (A) PROTECT DRIVERS, RIDERS, OTHER MOTORISTS, AND  
18 PEDESTRIANS; AND

19 (B) COVER ALL TIMES IN WHICH A DRIVER IS LOGGED INTO THE  
20 TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK.

21 (b) IN PROMULGATING RULES UNDER THIS SUBSECTION (2), THE  
22 COMMISSION SHALL CONSIDER:

23 (I) REQUIRING TRANSPORTATION NETWORK COMPANIES TO CARRY  
24 FULL COMMERCIAL COVERAGE; AND

25 (II) SETTING THE MINIMUM AMOUNT OF FINANCIAL RESPONSIBILITY  
26 REQUIRED AS THE SAME AMOUNT REQUIRED FOR TAXICAB COMPANIES."

27 (3) THE COMMISSION, IN CONSULTATION WITH THE DIVISION OF  
28 WORKERS' COMPENSATION IN THE COLORADO DEPARTMENT OF LABOR AND  
29 EMPLOYMENT AND UPON CONSIDERATION OF EXISTING STATUTORY AND  
30 CASE LAW, SHALL PROMULGATE RULES DETERMINING WORKERS'  
31 COMPENSATION OBLIGATIONS."

32 Page 19, strike lines 1 through 9.

33 Renumber succeeding sections accordingly.

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