

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 13-0770.01 Jery Payne x2157

SENATE BILL 13-189

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Tyler,

Transportation
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CIVIL PENALTIES IMPOSED ON MOTOR CARRIERS FOR**
102 **LEGAL VIOLATIONS, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

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 <http://www.leg.state.co.us/billsummaries>.)

Currently, all civil penalties collected by the public utilities commission (commission) are credited to the general fund. **Sections 1 and 4** of the bill allocate half the civil penalties collected from movers of household goods to an outreach fund. The fund is used to educate

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.*

consumers about their rights and the responsibilities of movers.

Currently, the commission may deny or cancel a motor carrier's registration if the carrier fails to pay a second or subsequent civil penalty. **Section 2** only permits the commission to deny or cancel the carrier's registration if any civil penalty is not paid.

If a civil penalty is not paid, **sections 3 and 4** authorize the commission to revoke the permit of a mover or owner or operator of a charter bus, children's activity bus, fire crew transport, luxury limousine, or off-road scenic charter.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-7-112, **amend** (1)
3 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 is subject to civil penalties as provided in this section
9 and sections 40-7-113 to 40-7-116, ~~which shall be paid and credited to the~~
10 ~~general fund~~, in addition to any other sanctions that may be imposed
11 pursuant to law.

12 (b) THE COMMISSION SHALL TRANSMIT ALL PENALTIES IT COLLECTS
13 TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE GENERAL
14 FUND; EXCEPT THAT THE STATE TREASURER SHALL CREDIT ONE-HALF OF
15 ANY CIVIL PENALTY IMPOSED UPON A MOTOR CARRIER OF HOUSEHOLD
16 GOODS TO THE MOVING OUTREACH FUND CREATED IN SECTION
17 40-10.1-509.

18 **SECTION 2.** In Colorado Revised Statutes, 40-7-113, **amend** (5)
19 (a) as follows:

20 **40-7-113. Civil penalties - fines.** (5) (a) A person who fails to

1 pay in full all civil penalties for a second or subsequent violation assessed
2 by commission order pursuant to UNDER this section, subject to article 4
3 of title 24, C.R.S., within thirty days after the due date established by the
4 order may be subject to have his or her vehicle registration cancelled by
5 the department of revenue as specified in section 42-3-120 (4), C.R.S.
6 Registration of any vehicles A VEHICLE owned by the person for which the
7 penalty was assessed may be denied until all penalties are paid or
8 collected. Upon written notice from the commission, the department of
9 revenue shall cancel the registration as specified in section 42-3-120 (4),
10 C.R.S.

11 **SECTION 3.** In Colorado Revised Statutes, **add** 40-10.1-304 as
12 follows:

13 **40-10.1-304. Revocation of permit for failure to pay fine.**

14 (1) IF A CARRIER THAT HOLDS A PERMIT UNDER THIS PART 3 FAILS TO PAY
15 A FINE OR CIVIL PENALTY IMPOSED UNDER THIS ARTICLE OR A RULE ISSUED
16 UNDER THIS ARTICLE WITHIN THE TIME PRESCRIBED FOR PAYMENT, THE
17 COMMISSION MAY IMMEDIATELY REVOKE THE CARRIER'S PERMIT AND
18 DISQUALIFY THE CARRIER FROM APPLYING FOR A PERMIT FOR ANY OF THE
19 FOLLOWING FOR THREE YEARS AFTER THE DATE THE FINE OR CIVIL
20 PENALTY IS DUE:

21 (a) THE CARRIER;

22 (b) ANY OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR
23 DIRECTOR OF THE CARRIER; AND

24 (c) ANY OTHER ENTITY OWNED OR OPERATED BY THAT OWNER,
25 PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR.

26 (2) THIS DISQUALIFICATION IS IN ADDITION TO AND NOT IN LIEU OF
27 ANY OTHER PENALTY OR DISQUALIFICATION, INCLUDING THE PERIOD OF

1 DISQUALIFICATION SPECIFIED IN SECTION 40-10.1-112 (4).

2 **SECTION 4.** In Colorado Revised Statutes, **add** 40-10.1-508 and
3 40-10.1-509 as follows:

4 **40-10.1-508. Revocation of permit for failure to pay fine.**

5 (1) IF A MOVER THAT HOLDS A PERMIT UNDER THIS SECTION FAILS TO PAY
6 A FINE OR CIVIL PENALTY IMPOSED UNDER THIS PART 5 OR A RULE ISSUED
7 UNDER THIS ARTICLE WITHIN THE TIME PRESCRIBED FOR PAYMENT, THE
8 COMMISSION MAY IMMEDIATELY REVOKE THE MOVER'S PERMIT AND
9 DISQUALIFY THE MOVER FROM APPLYING FOR A PERMIT FOR ANY OF THE
10 FOLLOWING FOR THREE YEARS AFTER THE DATE THE FINE OR CIVIL
11 PENALTY IS DUE:

12 (a) THE MOVER;

13 (b) ANY OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR
14 DIRECTOR OF THE MOVER; AND

15 (c) ANY OTHER ENTITY OWNED OR OPERATED BY THAT OWNER,
16 PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR.

17 (2) THIS DISQUALIFICATION IS IN ADDITION TO AND NOT IN LIEU OF
18 ANY OTHER PENALTY OR DISQUALIFICATION, INCLUDING THE PERIOD OF
19 DISQUALIFICATION SPECIFIED IN SECTION 40-10.1.112 (4).

20 **40-10.1-509. Outreach - fund.** THE MOVING OUTREACH FUND IS
21 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF
22 ONE-HALF THE PENALTIES COLLECTED FROM MOVERS AND CREDITED TO
23 THE FUND UNDER SECTION 40-7-112. THE COMMISSION SHALL USE THE
24 FUND TO EDUCATE CONSUMERS ABOUT THEIR RIGHTS AND THE
25 RESPONSIBILITIES OF MOVERS UNDER THIS PART 5. THIS OUTREACH
26 INCLUDES PUBLIC SERVICE ANNOUNCEMENTS ABOUT THE LICENSING OF
27 MOVERS. THE MONEYS IN THE FUND AND ANY INTEREST EARNED ON

1 MONEYS IN THE FUND REMAIN IN THE FUND AND DO NOT REVERT TO THE
2 GENERAL FUND AT THE END OF ANY FISCAL YEAR.

3 **SECTION 5. Appropriation.** In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 moving outreach fund created in section 40-10.1-509, Colorado Revised
6 Statutes, not otherwise appropriated, to the department of regulatory
7 agencies, for the fiscal year beginning July 1, 2013, the sum of \$5,000, or
8 so much thereof as may be necessary, for allocation to the executive
9 director's office and administrative services for consumer outreach and
10 education related to the implementation of this act.

11 **SECTION 6. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.