

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0596.01 Duane Gall

HOUSE BILL 11-1198

HOUSE SPONSORSHIP

Kerr J.,

SENATE SPONSORSHIP

Schwartz,

House Committees
Transportation

Senate Committees

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.

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 PROVIDES
26 NONCONSENSUAL TOWING OF MOTOR VEHICLES BY USE OF A TOW TRUCK.

27 (21) "TOW TRUCK" MEANS A MOTOR VEHICLE SPECIALLY DESIGNED

1 OR EQUIPPED FOR TRANSPORTING ANOTHER MOTOR VEHICLE BY MEANS OF
2 WINCHES, CABLES, PULLEYS, OR OTHER EQUIPMENT FOR TOWING, PULLING,
3 OR LIFTING SUCH OTHER MOTOR VEHICLE FROM ONE PLACE TO ANOTHER.

4 **40-10.1-102. Powers of the commission.** (1) THE COMMISSION
5 HAS THE POWER TO AND SHALL ADMINISTER AND ENFORCE THIS ARTICLE,
6 INCLUDING THE RIGHT TO INSPECT THE MOTOR VEHICLES, FACILITIES, AND
7 RECORDS AND DOCUMENTS, REGARDLESS OF THE FORMAT, OF THE MOTOR
8 CARRIERS AND PERSONS INVOLVED.

9 (2) THE COLORADO STATE PATROL AND THE PORTS OF ENTRY
10 SECTION OF THE DEPARTMENT OF REVENUE HAVE THE POWER TO MONITOR
11 AND ENFORCE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE
12 RELATED TO TOWING CARRIERS AND HOUSEHOLD GOODS MOVERS.

13 **40-10.1-103. Subject to control by commission.** (1) ALL
14 COMMON CARRIERS AND CONTRACT CARRIERS ARE DECLARED TO BE
15 PUBLIC UTILITIES WITHIN THE MEANING OF ARTICLES 1 TO 7 OF THIS TITLE
16 AND ARE DECLARED TO BE AFFECTED WITH A PUBLIC INTEREST AND
17 SUBJECT TO THIS ARTICLE AND ARTICLES 1 TO 7 OF THIS TITLE, INCLUDING
18 THE REGULATION OF ALL RATES AND CHARGES PERTAINING TO PUBLIC
19 UTILITIES, SO FAR AS APPLICABLE, AND OTHER LAWS OF THIS STATE NOT IN
20 CONFLICT THEREWITH.

21 (2) EXCEPT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION,
22 MOTOR CARRIERS ARE NOT PUBLIC UTILITIES UNDER THIS TITLE, BUT ARE
23 DECLARED TO BE AFFECTED WITH A PUBLIC INTEREST AND ARE SUBJECT TO
24 REGULATION TO THE EXTENT PROVIDED IN THIS ARTICLE, IN SECTION
25 40-2-110.5, IN ARTICLE 6 OF THIS TITLE, AND IN ARTICLE 7 OF THIS TITLE
26 EXCEPT SECTIONS 40-7-113.5, 40-7-116.5, AND 40-7-117. THE TERM
27 "PUBLIC UTILITY", WHEN USED IN ARTICLES 6 AND 7 OF THIS TITLE,

1 INCLUDES ALL MOTOR CARRIERS.

2 **40-10.1-104. Compliance.** A PERSON SHALL NOT OPERATE OR
3 OFFER TO OPERATE AS A MOTOR CARRIER IN THIS STATE EXCEPT IN
4 ACCORDANCE WITH THIS ARTICLE.

5 **40-10.1-105. Transportation not subject to regulation.**

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

8 (a) A RIDESHARING ARRANGEMENT, AS DEFINED IN SECTION
9 39-22-509 (1) (a) (II), C.R.S.;

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

15 (c) A PRIVATE INDIVIDUAL WHO TRANSPORTS A NEIGHBOR OR
16 FRIEND ON A TRIP;

17 (d) TRANSPORTATION BY HEARSEs, AMBULANCES, OR OTHER
18 EMERGENCY VEHICLES;

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

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

27 (g) PEOPLE SERVICE TRANSPORTATION AND VOLUNTEER

1 TRANSPORTATION PURSUANT TO ARTICLE 1.1 OF THIS TITLE;

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

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

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

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

13 **40-10.1-106. Commission to make rules and prescribe rates.**

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

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

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

1 SECTION, THE COMMISSION MAY REQUIRE TOWING CARRIERS PERFORMING
2 NONCONSENSUAL TOWS TO SUBMIT FINANCIAL STATEMENTS OR OTHER
3 FINANCIAL INFORMATION TO DETERMINE THE COSTS ASSOCIATED WITH THE
4 PERFORMANCE OF NONCONSENSUAL TOWING AND ANY MOTOR VEHICLE
5 STORAGE INCIDENT THERETO.

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

8 **40-10.1-107. Financial responsibility - filing.** (1) EACH MOTOR
9 CARRIER SHALL MAINTAIN AND FILE WITH THE COMMISSION EVIDENCE OF
10 FINANCIAL RESPONSIBILITY IN SUCH SUM, FOR SUCH PROTECTION, AND IN
11 SUCH FORM AS THE COMMISSION MAY BY RULE REQUIRE AS THE
12 COMMISSION DEEMS NECESSARY TO ADEQUATELY SAFEGUARD THE PUBLIC
13 INTEREST.

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

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

25 (4) NO TERMINATION OF AN INSURANCE POLICY OR SURETY BOND
26 IS VALID UNLESS THE INSURER OR SURETY HAS NOTIFIED BOTH THE
27 HOLDER OF THE POLICY OR BOND AND THE COMMISSION AT LEAST THIRTY

1 DAYS BEFORE THE EFFECTIVE DATE OF THE TERMINATION.

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

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

18 **40-10.1-109. Motor carrier compliance with safety rules.**

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

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

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

5 **40-10.1-110. Criminal history record check.** (1) AN
6 INDIVIDUAL WHO WISHES TO DRIVE EITHER A TAXICAB FOR A MOTOR
7 CARRIER THAT IS THE HOLDER OF A CERTIFICATE TO PROVIDE TAXICAB
8 SERVICE ISSUED UNDER PART 2 OF THIS ARTICLE OR A MOTOR VEHICLE FOR
9 A MOTOR CARRIER THAT IS THE HOLDER OF A PERMIT TO OPERATE AS A
10 CHARTER BUS, CHILDREN'S ACTIVITY BUS, LUXURY LIMOUSINE, OR
11 OFF-ROAD SCENIC CHARTER UNDER PART 3 OF THIS ARTICLE SHALL SUBMIT
12 A SET OF HIS OR HER FINGERPRINTS TO THE COMMISSION. THE COMMISSION
13 SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF
14 INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED
15 CRIMINAL HISTORY RECORD CHECK. UPON RECEIPT OF FINGERPRINTS AND
16 PAYMENT FOR THE COSTS, THE COLORADO BUREAU OF INVESTIGATION
17 SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL
18 HISTORY RECORD CHECK USING RECORDS OF THE COLORADO BUREAU OF
19 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE
20 COMMISSION IS THE AUTHORIZED AGENCY TO RECEIVE INFORMATION
21 REGARDING THE RESULT OF A NATIONAL CRIMINAL HISTORY RECORD
22 CHECK. THE INDIVIDUAL WHOSE FINGERPRINTS ARE CHECKED SHALL PAY
23 THE ACTUAL COSTS OF THE STATE AND NATIONAL FINGERPRINT-BASED
24 CRIMINAL HISTORY RECORD CHECK.

25 (2) AN INDIVIDUAL WHOSE FINGERPRINTS ARE CHECKED PURSUANT
26 TO SUBSECTION (1) OF THIS SECTION MAY, PENDING THE RESULTS OF THE
27 CRIMINAL HISTORY RECORD CHECK, DRIVE SUCH MOTOR VEHICLES FOR THE

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

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

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

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

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

25 (c) WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE DATE
26 THE CRIMINAL HISTORY RECORD CHECK IS COMPLETED, THE INDIVIDUAL
27 WAS:

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

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

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

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

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

24 (7) THE COMMISSION SHALL, CONSISTENT WITH THE
25 REQUIREMENTS OF THIS SECTION, PROMULGATE RULES CONCERNING THE
26 EMPLOYMENT OF, CONTRACTING WITH, AND RETENTION OF AN INDIVIDUAL
27 WHOSE CRIMINAL HISTORY RECORD IS CHECKED PURSUANT TO THIS

1 SECTION, AND THE FREQUENCY AND CIRCUMSTANCES REQUIRING
2 RESUBMISSION OF FINGERPRINTS.

3 **40-10.1-111. Filing, issuance, and annual fees.** (1) A MOTOR
4 CARRIER SHALL PAY THE COMMISSION THE FOLLOWING FEES IN AMOUNTS
5 PRESCRIBED IN THIS SECTION OR, IF NOT SO PRESCRIBED, AS SET
6 ADMINISTRATIVELY BY THE COMMISSION WITH APPROVAL OF THE
7 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES:

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

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

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

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

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

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

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

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

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

22 **40-10.1-112. Commission may take action against a certificate**
23 **or permit.** (1) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION,
24 THE COMMISSION, AT ANY TIME, BY ORDER DULY ENTERED, AFTER
25 HEARING UPON NOTICE TO THE MOTOR CARRIER AND UPON PROOF OF
26 VIOLATION, MAY ISSUE AN ORDER TO CEASE AND DESIST OR MAY SUSPEND,
27 REVOKE, ALTER, OR AMEND ANY CERTIFICATE OR PERMIT ISSUED TO THE

1 MOTOR CARRIER UNDER THIS ARTICLE FOR THE FOLLOWING REASONS:

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

4 (b) EXCEEDING THE AUTHORITY GRANTED BY A CERTIFICATE OR
5 PERMIT;

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

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

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

16 (2) ANY PERSON MAY FILE A COMPLAINT AGAINST A MOTOR
17 CARRIER FOR A VIOLATION OF THIS ARTICLE OR A RULE ADOPTED UNDER
18 THIS ARTICLE. THE COMPLAINANT MAY REQUEST ANY RELIEF THAT THE
19 COMMISSION, IN ITS AUTHORITY, MAY GRANT, INCLUDING AN ORDER TO
20 CEASE AND DESIST, SUSPENSION OR REVOCATION OF THE MOTOR CARRIER'S
21 CERTIFICATE OR PERMIT, OR ASSESSMENT OF CIVIL PENALTIES. UPON
22 PROOF OF VIOLATION, THE COMMISSION MAY ISSUE AN ORDER TO CEASE
23 AND DESIST, SUSPEND OR REVOKE THE MOTOR CARRIER'S CERTIFICATE OR
24 PERMIT, ASSESS CIVIL PENALTIES AS PROVIDED IN ARTICLE 7 OF THIS TITLE,
25 OR TAKE ANY OTHER ACTION WITHIN THE COMMISSION'S AUTHORITY. IN
26 ASSESSING CIVIL PENALTIES UNDER THIS SUBSECTION (2), THE COMMISSION
27 IS NOT CONSTRAINED BY THE PROCEDURAL REQUIREMENTS OF SECTION

1 40-7-116.

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

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

23 (5) ANY COMMISSION ACTION UNDER SUBSECTION (1) OR (2) OF
24 THIS SECTION MUST CONFORM TO THE PROVISIONS AND PROCEDURES
25 SPECIFIED IN ARTICLE 6 OF THIS TITLE. THE MOTOR CARRIER HAS ALL THE
26 RIGHTS TO THE OPPORTUNITY FOR A HEARING, REVIEW, AND APPEAL AS TO
27 SUCH ORDER OR RULING OF THE COMMISSION AS ARE NOW PROVIDED BY

1 ARTICLES 1 TO 7 OF THIS TITLE. NO APPEAL FROM OR REVIEW OF ANY
2 ORDER OR RULING OF THE COMMISSION SUPERSEDES OR SUSPENDS SUCH
3 ORDER OR RULINGS UNLESS SPECIFICALLY ORDERED BY THE PROPER
4 COURT.

5 **40-10.1-113. Penalty for violations.** ANY PERSON WHO PROVIDES
6 TRANSPORTATION IN INTRASTATE COMMERCE WITHOUT FIRST OBTAINING
7 A CERTIFICATE OR PERMIT, VIOLATES ANY OF THE TERMS THEREOF, FAILS
8 OR REFUSES TO MAKE ANY RETURN OR REPORT REQUIRED BY THE
9 COMMISSION, DENIES TO THE COMMISSION ACCESS TO THE BOOKS AND
10 RECORDS OF SUCH PERSON, OR MAKES ANY FALSE RETURN OR REPORT
11 COMMITS A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE
12 PUNISHED AS PROVIDED IN SECTION 40-10.1-114.

13 **40-10.1-114. Penalty for violation of article.** (1) EVERY MOTOR
14 CARRIER AND EVERY OFFICER, AGENT, OR EMPLOYEE OF A MOTOR CARRIER
15 AND EVERY OTHER PERSON WHO VIOLATES OR FAILS TO COMPLY WITH OR
16 WHO PROCURES, AIDS, OR ABETS IN THE VIOLATION OF THIS ARTICLE, WHO
17 FAILS TO OBEY, OBSERVE, OR COMPLY WITH ANY ORDER, DECISION, OR
18 RULE OF THE COMMISSION ADOPTED UNDER THIS ARTICLE, OR WHO
19 PROCURES, AIDS, OR ABETS ANY PERSON IN SUCH FAILURE TO OBEY OR
20 OBSERVE SUCH ORDER, DECISION, OR RULE COMMITS A CLASS 2
21 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
22 18-1.3-501, C.R.S.

23 (2) AN INDIVIDUAL WHO IS EMPLOYED BY OR WHO CONTRACTS
24 WITH A MOTOR CARRIER AND WHO OPERATES A MOTOR VEHICLE FOR THE
25 MOTOR CARRIER'S BUSINESS IN VIOLATION OF SECTION 40-10.1-110
26 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
27 IN SECTION 18-1.3-501, C.R.S.

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

3 **40-10.1-115. Jurisdiction of courts.** (1) THE DISTRICT COURT
4 OR, WITHIN ITS JURISDICTION, THE COUNTY COURT OF ANY COUNTY IN OR
5 THROUGH WHICH A MOTOR CARRIER OPERATES HAS JURISDICTION IN ALL
6 MATTERS ARISING UNDER THIS ARTICLE ON ACCOUNT OF THE OPERATIONS
7 OF SUCH MOTOR CARRIER.

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

10 **40-10.1-116. Commission to notify local authorities -**
11 **procedure.** (1) WHENEVER THE COMMISSION IS OF THE OPINION THAT A
12 MOTOR CARRIER IS FAILING OR OMITTING TO DO ANYTHING REQUIRED OF
13 IT BY LAW OR BY ANY ORDER, DECISION, RULE, DIRECTION, OR
14 REQUIREMENT OF THE COMMISSION OR IS ACTING OR IS ABOUT TO ACT OR
15 PERMITTING AN ACT OR ABOUT TO PERMIT AN ACT IN VIOLATION OF THE
16 LAW OR OF ANY ORDER, DECISION, RULE, DIRECTION, OR REQUIREMENT OF
17 THE COMMISSION, THE COMMISSION SHALL REQUEST THE ATTORNEY
18 GENERAL OF THE STATE OR THE DISTRICT ATTORNEY OF ANY DISTRICT TO
19 COMMENCE AN ACTION OR PROCEEDING IN THE DISTRICT COURT IN AND
20 FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE CAUSE OR SOME
21 PART THEREOF AROSE OR IN WHICH THE MOTOR CARRIER COMPLAINED OF
22 MAINTAINS A PRINCIPAL PLACE OF BUSINESS OR RESIDES. SUCH ACTION OR
23 PROCEEDING MUST BE CONDUCTED IN ACCORDANCE WITH SECTION
24 40-7-104; EXCEPT THAT REFERENCES IN SECTION 40-7-104 TO THE
25 ATTORNEY GENERAL INCLUDE ANY DISTRICT ATTORNEY BRINGING THE
26 ACTION OR PROCEEDING.

27 (2) APPELLATE REVIEW MAY BE OBTAINED IN THE SUPREME COURT

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

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

17 PART 2

18 MOTOR CARRIERS OF PASSENGERS -

19 COMMON CARRIERS AND CONTRACT CARRIERS

20 **40-10.1-201. Certificate required.** (1) A PERSON SHALL NOT
21 OPERATE OR OFFER TO OPERATE AS A COMMON CARRIER IN INTRASTATE
22 COMMERCE WITHOUT FIRST HAVING OBTAINED FROM THE COMMISSION A
23 CERTIFICATE DECLARING THAT THE PRESENT OR FUTURE PUBLIC
24 CONVENIENCE AND NECESSITY REQUIRES OR WILL REQUIRE SUCH
25 OPERATION.

26 (2) THE FACT THAT A PERSON CARRIES ON OPERATIONS, IN WHOLE
27 OR IN PART, BETWEEN SUBSTANTIALLY FIXED POINTS OR OVER

1 ESTABLISHED ROUTES, OR UNDER CONTRACTS WITH MORE THAN ONE
2 PERSON, OR BY MAKING REPEATED OR PERIODIC TRIPS IS PRIMA FACIE
3 EVIDENCE THAT THE PERSON IS A COMMON CARRIER AND SUBJECT TO THIS
4 PART 2 AND PART 1 OF THIS ARTICLE.

5 **40-10.1-202. Permit required - legislative declaration.**

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

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

21 (2) NO PERMIT, NOR ANY EXTENSION OR ENLARGEMENT OF AN
22 EXISTING PERMIT, SHALL BE GRANTED BY THE COMMISSION IF, IN THE
23 COMMISSION'S JUDGMENT, THE PROPOSED OPERATION OF ANY SUCH
24 CONTRACT CARRIER WILL IMPAIR THE EFFICIENT PUBLIC SERVICE OF ANY
25 AUTHORIZED COMMON CARRIER THEN ADEQUATELY SERVING THE SAME
26 TERRITORY OVER THE SAME GENERAL HIGHWAY ROUTE. THE COMMISSION
27 SHALL GIVE WRITTEN NOTICE OF ANY APPLICATION FOR A PERMIT TO ALL

1 PERSONS INTERESTED IN OR AFFECTED BY THE ISSUANCE OF THE PERMIT OR
2 ANY EXTENSION OR ENLARGEMENT THEREOF, PURSUANT TO SECTION
3 40-6-108 (2).

4 (3) NOTHING CONTAINED IN THIS ARTICLE COMPELS A CONTRACT
5 CARRIER TO BE OR BECOME A COMMON CARRIER OR SUBJECTS A CONTRACT
6 CARRIER TO THE LAWS OR LIABILITY APPLICABLE TO A COMMON CARRIER.

7 **40-10.1-203. Rules for issuance of certificate - standing to**
8 **protest - judicial review.** (1) THE COMMISSION HAS THE POWER TO
9 ISSUE A CERTIFICATE TO A COMMON CARRIER OR TO ISSUE IT FOR THE
10 PARTIAL EXERCISE ONLY OF THE PRIVILEGE SOUGHT, AND MAY ATTACH TO
11 THE EXERCISE OF THE RIGHTS GRANTED BY THE CERTIFICATE SUCH TERMS
12 AND CONDITIONS AS, IN THE COMMISSION'S JUDGMENT, THE PUBLIC
13 CONVENIENCE AND NECESSITY MAY REQUIRE.

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

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

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

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

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

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

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

24 (III) THE COMMISSION SHALL AMEND, BY ORDER AND WITHOUT
25 NOTICE OR HEARING, ANY EXISTING TAXICAB SERVICE CERTIFICATE AS
26 DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (c) TO
27 ALLOW SERVICE FROM POINTS IN THE CITY AND COUNTY OF DENVER TO

1 EITHER ALL POINTS IN THIS STATE OR ALL POINTS WITHIN THE COMMON
2 CARRIER'S BASE AREA TO CONFORM WITH THE DIRECTIVES CONTAINED IN
3 SAID SUBPARAGRAPH (I) OR (II).

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

13 **40-10.1-204. Temporary authority.** (1) TO ENABLE THE
14 PROVISION OF COMMON CARRIER OR CONTRACT CARRIER SERVICE FOR
15 WHICH THERE APPEARS TO BE AN IMMEDIATE AND URGENT NEED TO ANY
16 POINT OR WITHIN A TERRITORY HAVING NO SUCH SERVICE CAPABLE OF
17 MEETING THE NEED, THE COMMISSION MAY, IN ITS DISCRETION AND
18 WITHOUT HEARINGS OR OTHER PROCEEDINGS, GRANT TEMPORARY
19 AUTHORITY FOR SUCH SERVICE BY A COMMON CARRIER OR A CONTRACT
20 CARRIER, AS THE CASE MAY BE. SUCH TEMPORARY AUTHORITY, UNLESS
21 SUSPENDED OR REVOKED FOR GOOD CAUSE, IS VALID FOR SUCH TIME AS
22 THE COMMISSION SPECIFIES, BUT FOR NOT MORE THAN AN AGGREGATE OF
23 ONE HUNDRED EIGHTY DAYS, UNLESS FOR GOOD CAUSE SHOWN THE
24 COMMISSION EXTENDS THE TEMPORARY AUTHORITY UNTIL A FINAL
25 ADMINISTRATIVE DECISION IS RENDERED. AN EXTENSION CREATES NO
26 PRESUMPTION THAT CORRESPONDING PERMANENT AUTHORITY WILL BE
27 GRANTED THEREAFTER.

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

20 (3) COMMON CARRIER OR CONTRACT CARRIER SERVICE RENDERED
21 UNDER TEMPORARY AUTHORITY OR APPROVAL IS SUBJECT TO ALL
22 APPLICABLE PROVISIONS OF THIS TITLE AND TO THE RULES AND
23 REQUIREMENTS OF THE COMMISSION. THE MAXIMUM TIME PERIOD OF ANY
24 TEMPORARY AUTHORITY OR APPROVAL IS NOT SUBJECT TO EXTENSION OR
25 RENEWAL.

26 (4) THE COMMISSION SHALL NOT ISSUE A TEMPORARY AUTHORITY
27 OR APPROVAL UNLESS, UNDER SUCH GENERAL RULES AS THE COMMISSION

1 MAY PRESCRIBE GOVERNING THE APPLICATION AND NOTICE THEREOF TO
2 INTERESTED OR AFFECTED COMMON CARRIERS, ALL INTERESTED OR
3 AFFECTED CARRIERS HAVE BEEN GIVEN AT LEAST FIVE DAYS' NOTICE OF
4 THE FILING OF THE APPLICATION AND AN OPPORTUNITY TO PROTEST THE
5 GRANTING THEREOF. IF THE COMMISSION DETERMINES THAT AN
6 EMERGENCY EXISTS, IT MAY ISSUE TEMPORARY AUTHORITY OR APPROVAL
7 AT ONCE BY MAKING SPECIFIC REFERENCE IN ITS ORDER TO THE
8 CIRCUMSTANCES CONSTITUTING THE EMERGENCY, IN WHICH CASE NO
9 NOTICE NEED BE GIVEN, BUT ANY SUCH EMERGENCY AUTHORITY OR
10 APPROVAL EXPIRES NO LATER THAN THIRTY DAYS AFTER IT WAS ISSUED.

11 **40-10.1-205. Transfer of certificate or permit.** (1) A
12 CERTIFICATE OR PERMIT, OR RIGHTS OBTAINED UNDER A CERTIFICATE OR
13 PERMIT, THAT ARE HELD, OWNED, OR OBTAINED BY ANY COMMON CARRIER
14 OR CONTRACT CARRIER MAY BE SOLD, ASSIGNED, LEASED, ENCUMBERED,
15 OR TRANSFERRED AS OTHER PROPERTY, SUBJECT TO PRIOR AUTHORIZATION
16 BY THE COMMISSION.

17 (2) ABSENT OTHER FACTS, THE FACT THAT A COMMON CARRIER OR
18 CONTRACT CARRIER CONDUCTS OPERATIONS WITH INDEPENDENT
19 CONTRACTORS DOES NOT IN AND OF ITSELF CONSTITUTE A LEASE OR
20 TRANSFER OF THE CERTIFICATE.

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

24 **40-10.1-206. Rates - limitations.** (1) IT IS UNLAWFUL FOR ANY
25 COMMON CARRIER TO CARRY OR ADVERTISE THAT IT WILL CARRY ANY
26 INDIVIDUALS AT RATES DIFFERENT FROM THOSE IT HAS ON FILE WITH THE
27 COMMISSION FOR SUCH CARRIAGE.

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

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

22 PART 3

23 MOTOR CARRIERS OF PASSENGERS -

24 LIMITED REGULATION

25 **40-10.1-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "CHARTER BASIS" MEANS ON THE BASIS OF A CONTRACT FOR

1 TRANSPORTATION WHEREBY A PERSON AGREES TO PROVIDE EXCLUSIVE
2 USE OF A MOTOR VEHICLE TO A SINGLE CHARTERING PARTY FOR A SPECIFIC
3 PERIOD OF TIME DURING WHICH THE CHARTERING PARTY HAS THE
4 EXCLUSIVE RIGHT TO DIRECT THE OPERATION OF THE VEHICLE, INCLUDING
5 SELECTION OF THE ORIGIN, DESTINATION, ROUTE, AND INTERMEDIATE
6 STOPS.

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

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

20 (4) "CHILDREN'S ACTIVITY BUS" MEANS A MOTOR VEHICLE THAT
21 TRANSPORTS GROUPS OF EIGHT OR MORE CHILDREN, EIGHTEEN YEARS OF
22 AGE OR YOUNGER, AND ANY ADULTS OVER EIGHTEEN YEARS OF AGE
23 ACCOMPANYING OR PARTICIPATING WITH THE GROUP, TO OR FROM
24 ACTIVITIES THAT ARE SPONSORED BY NONPROFIT ORGANIZATIONS
25 ENTITLED TO A TAX EXEMPTION UNDER THE FEDERAL "INTERNAL REVENUE
26 CODE OF 1986", AS AMENDED, OR THE TRANSPORTATION OF CHILDREN TO
27 AND FROM SCHOOL, SCHOOL-RELATED ACTIVITIES, OR

1 SCHOOL-SANCTIONED ACTIVITIES TO THE EXTENT THAT SUCH
2 TRANSPORTATION IS NOT PROVIDED BY THE SCHOOL OR SCHOOL DISTRICT
3 OR THE SCHOOL OR SCHOOL DISTRICT'S TRANSPORTATION CONTRACTORS.

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

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

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

10 (8) "LUXURY LIMOUSINE SERVICE" MEANS A SPECIALIZED,
11 LUXURIOUS TRANSPORTATION SERVICE PROVIDED ON A PREARRANGED,
12 CHARTER BASIS. "LUXURY LIMOUSINE SERVICE" DOES NOT INCLUDE
13 TAXICAB SERVICE OR ANY SERVICE PROVIDED BETWEEN FIXED POINTS
14 OVER REGULAR ROUTES AT REGULAR INTERVALS.

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

21 **40-10.1-302. Permit requirements.** (1) (a) A PERSON SHALL NOT
22 OPERATE OR OFFER TO OPERATE A CHARTER BUS, CHILDREN'S ACTIVITY
23 BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OR OFF-ROAD SCENIC
24 CHARTER IN INTRASTATE COMMERCE WITHOUT FIRST HAVING OBTAINED
25 A PERMIT THEREFOR FROM THE COMMISSION IN ACCORDANCE WITH THIS
26 PART 3.

27 (b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 3 TO THE

1 COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION AS THE
2 COMMISSION MAY REQUIRE.

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

8 **40-10.1-303. Livery license plates - rules.** (1) THE COMMISSION
9 SHALL EITHER:

10 (a) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO
11 PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS ARTICLE MAY USE TO
12 VERIFY TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT
13 THAT THE PERSON PROVIDES SUCH SERVICE; OR

14 (b) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE
15 DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON
16 IS AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS
17 ARTICLE.

18 (2) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE
19 DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC
20 VERIFICATION TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED
21 AGENT.

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

24 PART 4

25 MOTOR CARRIERS OF TOWED MOTOR VEHICLES

26 **40-10.1-401. Permit requirements.** (1) (a) A PERSON SHALL NOT
27 OPERATE OR OFFER TO OPERATE AS A TOWING CARRIER IN INTRASTATE

1 COMMERCE WITHOUT FIRST HAVING OBTAINED A PERMIT THEREFOR FROM
2 THE COMMISSION IN ACCORDANCE WITH THIS ARTICLE.

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

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

10 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
11 SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL ISSUE A
12 PERMIT TO A TOWING CARRIER UPON COMPLETION OF THE APPLICATION
13 AND COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS
14 OF THIS ARTICLE, AND MAY ATTACH TO SUCH PERMIT AND TO THE
15 EXERCISE OF THE RIGHTS GRANTED BY THE PERMIT SUCH RESTRICTIONS,
16 TERMS, AND CONDITIONS, INCLUDING ALTERING THE RATES AND CHARGES
17 OF SUCH APPLICANT, AS ARE REASONABLY DEEMED NECESSARY FOR THE
18 PROTECTION OF THE PROPERTY OF THE PUBLIC.

19 PART 5

20 MOTOR CARRIERS OF HOUSEHOLD GOODS

21 **40-10.1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "ACCESSORIAL SERVICE" MEANS ANY SERVICE PERFORMED BY
24 A MOVER THAT RESULTS IN A CHARGE TO THE SHIPPER AND IS INCIDENTAL
25 TO THE TRANSPORTATION SERVICE, INCLUDING VALUATION COVERAGE;
26 PREPARATION OF WRITTEN INVENTORY; EQUIPMENT, INCLUDING DOLLIES,
27 HAND TRUCKS, PADS, BLANKETS, AND STRAPS; STORAGE, PACKING,

1 UNPACKING, OR CRATING OF ARTICLES; HOISTING OR LOWERING; WAITING
2 TIME; LONG CARRY, WHICH IS DEFINED AS CARRYING ARTICLES EXCESSIVE
3 DISTANCES BETWEEN THE MOVER'S VEHICLE AND THE RESIDENCE;
4 OVERTIME LOADING AND UNLOADING; REWEIGHING; DISASSEMBLY OR
5 REASSEMBLY; ELEVATOR OR STAIR CARRYING; BOXING OR SERVICING OF
6 APPLIANCES; AND FURNISHING OF PACKING OR CRATING MATERIALS.
7 "ACCESSORIAL SERVICE" ALSO INCLUDES SERVICES NOT PERFORMED BY
8 THE MOVER BUT BY A THIRD PARTY AT THE REQUEST OF THE SHIPPER OR
9 MOVER IF THE CHARGES FOR SUCH SERVICES ARE TO BE PAID TO THE
10 MOVER BY THE SHIPPER AT OR PRIOR TO THE TIME OF DELIVERY.

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

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

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

21 **40-10.1-502. Permit requirements - issuance by ports of entry.**

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

26 (b) A MOVER SHALL ANNUALLY APPLY FOR A PERMIT UNDER THIS
27 PART 5 TO THE COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION

1 AS THE COMMISSION MAY REQUIRE.

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

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

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

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

1 IS NOT ELIGIBLE FOR A SUBSEQUENT TEMPORARY PERMIT.

2 (b) A TEMPORARY PERMIT SHALL NOT BE APPROVED UNTIL THE
3 APPLICANT:

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

6 (II) SIGNS A VERIFICATION, UNDER PENALTY OF PERJURY AS
7 SPECIFIED IN SECTION 24-4-104 (13) (a), C.R.S., THAT THE APPLICANT
8 MEETS THE FINANCIAL RESPONSIBILITY REQUIRED BY SECTION
9 40-10.1-107; AND

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

15 (c) IF A MOVER APPLIED FOR AND RECEIVED A TEMPORARY PERMIT
16 PURSUANT TO THIS SUBSECTION (5), THE MOVER IS NOT SUBJECT, DURING
17 THE PERIOD COVERED BY THE TEMPORARY PERMIT, TO A PENALTY FOR
18 FAILURE TO HAVE A PERMANENT PERMIT.

19 **40-10.1-503. Enforcement of carrier's lien.** A MOVER WITHOUT
20 A CURRENT AND VALID PERMIT ISSUED UNDER THIS PART 5 IS NOT
21 ENTITLED TO ACQUIRE OR ENFORCE A CARRIER'S LIEN UNDER SECTION
22 4-7-307 OR 4-7-308, C.R.S.

23 **40-10.1-504. Advertising.** (1) NO MOVER, NOR ANY OFFICER,
24 AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE MOVER, SHALL ADVERTISE
25 A TRANSPORTATION SERVICE IN A NAME OTHER THAN THAT IN WHICH THE
26 MOVER'S PERMIT IS HELD.

27 (2) EACH ADVERTISEMENT OF A MOVER SHALL INCLUDE THE

1 PHRASE "CO PUC PERMIT NO. ____" AND THE PHYSICAL ADDRESS OF THE
2 MOVER.

3 **40-10.1-505. Contracts for service.** (1) AT OR BEFORE THE TIME
4 OF COMMENCING WORK, A MOVER THAT PROVIDES ANY MOVING OR
5 ACCESSORIAL SERVICES SHALL LEAVE WITH THE SHIPPER A CONTRACT AS
6 SPECIFIED BY THE COMMISSION CONTAINING THE INFORMATION LISTED IN
7 THIS SUBSECTION (1). THE CONTRACT MUST BE SIGNED AND DATED BY
8 THE SHIPPER AND THE MOVER AND MUST INCLUDE:

9 (a) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS
10 WHERE THE MOVER'S EMPLOYEES ARE AVAILABLE DURING NORMAL
11 BUSINESS HOURS;

12 (b) THE DATE THE DOCUMENT IS PREPARED AND THE PROPOSED
13 DATE OF THE MOVE;

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

17 (d) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS OF
18 A LOCATION WHERE THE GOODS WILL BE HELD PENDING FURTHER
19 TRANSPORTATION, INCLUDING SITUATIONS WHERE THE MOVER RETAINS
20 POSSESSION OF GOODS PENDING RESOLUTION OF A FEE DISPUTE WITH THE
21 SHIPPER;

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

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

27 (I) CASH;

1 (II) CASHIER'S CHECK, MONEY ORDER, OR TRAVELER'S CHECK;
2 (III) A VALID PERSONAL CHECK, SHOWING UPON ITS FACE THE
3 NAME AND ADDRESS OF THE SHIPPER OR AUTHORIZED REPRESENTATIVE;
4 OR
5 (IV) A VALID CREDIT CARD.

6 (g) ANY OTHER ITEMS AS DESIGNATED BY THE RULES OF THE
7 COMMISSION.

8 (2) A MOVER SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO
9 THE SHIPPER IN THE CONTRACT THE FORMS OF PAYMENTS THE MOVER WILL
10 ACCEPT FROM THOSE CATEGORIES DESCRIBED IN PARAGRAPH (f) OF
11 SUBSECTION (1) OF THIS SECTION.

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

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

21 **CONSUMER ADVISEMENT**

22 INTRASTATE MOVERS IN COLORADO ARE REGULATED
23 BY THE COLORADO PUBLIC UTILITIES COMMISSION (PUC).
24 EACH MOVER SHOULD HAVE A PUC PERMIT NUMBER. YOU
25 ARE ENCOURAGED TO CONTACT THE PUC TO CONFIRM THAT
26 THE MOVER YOU ARE USING IS INDEED PERMITTED IN
27 COLORADO.

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

4 A MOVER MUST INCLUDE ITS PUC PERMIT NUMBER,
5 TRUE NAME, AND PHYSICAL (STREET) ADDRESS IN ALL
6 ADVERTISEMENTS.

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

10 ! ADDITIONAL SERVICES YOU REQUEST AT THE
11 TIME OF THE MOVE;

12 ! ADDITIONAL ITEMS TO BE MOVED THAT WERE
13 NOT INCLUDED IN THE MOVER'S ORIGINAL
14 ESTIMATE;

15 ! CHANGES TO THE LOCATION OR
16 ACCESSIBILITY OF BUILDING ENTRANCES, AT
17 EITHER END OF THE MOVE, THAT WERE NOT
18 INCLUDED IN THE MOVER'S ORIGINAL
19 ESTIMATE; AND

20 ! CHANGES TO THE PREVIOUSLY AGREED DATE
21 OF PICKUP OR DELIVERY.

22 YOU SHOULD ALSO BE AWARE THAT, IN CASE OF A
23 DISPUTE BETWEEN YOU AND THE MOVER, COLORADO HAS
24 AN ARBITRATION PROCESS AVAILABLE TO RESOLVE THE
25 DISPUTE WITHOUT GOING TO COURT.

26 IF YOU HAVE ANY QUESTIONS, YOU ARE
27 ENCOURAGED TO CALL THE PUC FOR GUIDANCE ON YOUR

1 RIGHTS AND OBLIGATIONS.

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

4 SIGNED _____ (SHIPPER).

5 **40-10.1-506. Delivery and storage of household goods.** (1) A
6 MOVER SHALL RELINQUISH HOUSEHOLD GOODS TO A SHIPPER AND SHALL
7 PLACE THE GOODS INSIDE A SHIPPER'S DWELLING UNLESS THE SHIPPER HAS
8 NOT TENDERED PAYMENT IN THE AMOUNT SPECIFIED IN A CONTRACT
9 SIGNED AND DATED BY THE SHIPPER. A MOVER SHALL NOT REFUSE TO
10 RELINQUISH PRESCRIPTION MEDICINES, MEDICAL EQUIPMENT, MEDICAL
11 DEVICES, OR GOODS FOR USE BY CHILDREN, INCLUDING CHILDREN'S
12 FURNITURE, CLOTHING, OR TOYS, UNDER ANY CIRCUMSTANCES.

13 (2) A MOVER SHALL NOT REFUSE TO RELINQUISH HOUSEHOLD
14 GOODS TO A SHIPPER OR FAIL TO PLACE THE GOODS INSIDE A SHIPPER'S
15 DWELLING BASED ON THE MOVER'S REFUSAL TO ACCEPT AN ACCEPTABLE
16 FORM OF PAYMENT.

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

26 **40-10.1-507. Binding arbitration.** IN THE EVENT OF A DISPUTE
27 BETWEEN A MOVER AND A SHIPPER CONCERNING THE AMOUNT CHARGED

1 FOR SERVICES OR CONCERNING LOST OR DAMAGED GOODS, THE MOVER
2 SHALL OFFER THE SHIPPER THE OPPORTUNITY TO PARTICIPATE IN BINDING
3 ARBITRATION UNDER THE UNIFORM RULES FOR BETTER BUSINESS BUREAU
4 BINDING ARBITRATION OR A SUBSTANTIALLY SIMILAR BINDING
5 ARBITRATION PROCESS PROMULGATED BY THE COUNCIL OF BETTER
6 BUSINESS BUREAUS, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION.
7 IF THE SHIPPER ACCEPTS THE OFFER TO ARBITRATE, THE MOVER SHALL
8 PARTICIPATE IN GOOD FAITH IN THE ARBITRATION PROCESS AND SHALL
9 AGREE TO BE BOUND BY THE ARBITRATOR'S AWARD.

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

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

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

16 **4-7-307. Lien of carrier.** (d) A mover, as defined in section
17 ~~40-14-103~~ 40-10.1-101, C.R.S., that does not have a current and valid
18 ~~registration~~ PERMIT ISSUED under ~~article 14~~ PART 5 OF ARTICLE 10.1 of
19 title 40, C.R.S., does not have a lien under this section. A mover that
20 acquires a lien under this section and whose ~~registration~~ PERMIT lapses or
21 is revoked during the pendency of the lien loses its lien.

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

24 **8-70-140.5. Employment does not include - drivers of taxis or**
25 **limousines.** (1) "Employment" does not include services performed by
26 an individual who is working as a driver under a lease or contract with a
27 taxi or limousine motor common carrier ~~which~~ THAT holds a certificate

1 pursuant to article ~~10~~ 10.1 of title 40, C.R.S. Any such lease or contract
2 may contain the following provisions:

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

5 **10-4-624. Self-insurers.** (3) For purposes of subsection (2) of
6 this section, the commissioner shall accept, as proof that a ~~motor~~ vehicle
7 carrier ~~or contract carrier by motor vehicle~~, as defined in ~~articles 10 and~~
8 ~~10~~ ARTICLE 10.1 of title 40, C.R.S., is able and will continue to be able to
9 pay all judgments that might be obtained against the carrier, a surety bond
10 in a form acceptable to the commissioner in an amount determined by the
11 commissioner sufficient to ensure that the carrier has the ability to pay all
12 judgments that may be obtained against any such carrier.

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

15 **12-47-901. Unlawful acts - exceptions.** (1) Except as provided
16 in section 18-13-122, C.R.S., it is unlawful for any person:

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

27 **SECTION 8.** 24-33.5-203 (1) (b), Colorado Revised Statutes, is

1 amended to read:

2 **24-33.5-203. Duties of executive director and patrol.**

3 (1) (b) Except as otherwise provided in ~~sections 40-16-105 (1) and~~
4 ~~40-14-105 (1)~~ SECTION 40-10.1-108(1), C.R.S., the executive director has
5 the duty to establish, for ~~movers and motor vehicle carriers not subject to~~
6 ~~economic regulation by the Colorado public utilities commission~~ MOTOR
7 CARRIERS, reasonable requirements to promote safety of operation and,
8 to that end, to prescribe qualifications and maximum hours of service of
9 employees and minimum standards of equipment and for the operation
10 ~~thereof~~ OF THE EQUIPMENT. For the purpose of carrying out the
11 provisions of this section pertaining to safety, the executive director may
12 enlist the assistance of any agency of the United States or of this state
13 having special knowledge of any ~~such~~ matter as may be necessary to
14 promote the safety of operation and equipment of motor vehicles as
15 provided in this section. In adopting such rules, the executive director
16 shall use as general guidelines the standards contained in the current rules
17 of the United States department of transportation relating to explosives
18 and other dangerous articles, safety regulations, qualifications of drivers,
19 driving of motor vehicles, parts and accessories, recording and reporting
20 of accidents, hours of service of drivers, and inspection and maintenance
21 of motor vehicles. The state patrol shall enforce or aid in enforcing all of
22 such rules.

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

25 **24-33.5-212. Powers and duties of officers.** (1) All officers of
26 the Colorado state patrol have all the powers of any peace officer to:

27 (a) (I) Make arrest upon view and with or without warrant for any

1 violation of ~~the provisions of~~ any law of this state regulating the operation
2 of vehicles and use of the highways or concerning motor vehicle
3 registration; motor fuel tax laws; public utility laws, rules, and
4 regulations, insofar as they pertain to motor ~~vehicle~~ carriers; the
5 inspection laws of this state; and any criminal law of this state if, during
6 an officer's exercise of powers or performance of duties under this
7 section, probable cause is established that a violation of said criminal law
8 has occurred;

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

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

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

19 **40-1-102. Definitions.** As used in articles 1 to 7 of this title,
20 unless the context otherwise requires:

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

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

1 ~~a court or otherwise;~~ and

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

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

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

17 **SECTION 13.** The introductory portion to 40-1.1-104 (1) and
18 40-1.1-104 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are
19 amended to read:

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

26 (b) Article ~~40~~ 10.1 of this title, concerning motor vehicle carriers;

27 AND

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

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

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

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

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

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

1 (a) ~~(1), subject to the approval of the executive director of the department~~
2 ~~of regulatory agencies, such that the revenue generated from all motor~~
3 ~~vehicle carrier fees approximates the direct and indirect costs of the~~
4 ~~commission in the supervision and regulation of motor carriers. Such~~
5 ~~fees shall be valid from January 1 to December 31 of each year and shall~~
6 ~~be valid only for those specific vehicles for which the fee has been paid.~~

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

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

18 (8) Notwithstanding the amount specified for any fee in this
19 section 40-10.1-111, the commission by rule or as otherwise provided by
20 law may reduce the amount of one or more of the fees if necessary
21 pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted
22 reserves of the fund to which all or any portion of one or more of the fees
23 is credited. After the uncommitted reserves of the fund are sufficiently
24 reduced, the commission by rule or as otherwise provided by law may
25 increase the amount of one or more of the fees as provided in section
26 24-75-402 (4), C.R.S.

27 **SECTION 16.** 40-7-101, Colorado Revised Statutes, is amended

1 to read:

2 **40-7-101. Enforcement of laws.** It is the duty of the commission
3 to see that ~~the provisions of~~ the constitution and statutes of this state
4 affecting public utilities, AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5
5 OF THIS TITLE, the enforcement of which is not specifically vested in some
6 other officer or tribunal, are enforced and obeyed and that violations
7 thereof are promptly prosecuted and penalties due the state ~~therefor~~ ARE
8 recovered and collected, and to this end it may sue in the name of the
9 people of the state of Colorado. Upon the request of the commission, it
10 ~~is the duty of~~ the attorney general or the district attorney acting for the
11 proper county or city and county ~~to~~ SHALL aid in any investigation,
12 hearing, or trial had under ~~the provisions of~~ articles 1 to 7 of this title and
13 ~~to~~ institute and prosecute actions or proceedings for the enforcement of
14 ~~the provisions of~~ the constitution and statutes of this state affecting public
15 utilities AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5 OF THIS TITLE and
16 for the punishment of all violations thereof.

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

19 **40-7-112. Applicability of civil penalties.** (1) A person who
20 operates OR OFFERS TO OPERATE as a motor ~~vehicle~~ carrier as defined in
21 section ~~40-10-101 (4) (a); a contract carrier by motor vehicle as defined~~
22 ~~in section 40-11-101 (3); a towing carrier as defined in section 40-13-101~~
23 ~~(3); a mover as defined in section 40-14-102 (9); a motor vehicle carrier~~
24 ~~exempt from regulation as a public utility as defined in section 40-16-101~~
25 40-10.1-101; or a motor carrier, motor private carrier, broker, freight
26 forwarder, leasing company, or other person required to register under
27 section 40-10.5-102 ~~shall be~~ IS subject to civil penalties as provided in

1 this section and sections 40-7-113 to 40-7-116, which shall be paid and
2 credited to the general fund, in addition to any other sanctions that may
3 be imposed pursuant to law.

4 (2) SUBSECTIONS (3) TO (5) OF THIS SECTION AND the civil
5 penalties provided in ~~sections 40-7-113 and 40-7-114 shall~~ SECTION
6 40-7-113 DO not apply to persons transporting nuclear materials who
7 commit violations of section 42-20-406 (3), 42-20-407, or 42-20-505,
8 C.R.S., or to persons transporting hazardous materials who commit
9 violations of section 42-20-204, C.R.S.

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

16 (4) AN OWNER OR OTHER PERSON WHO DIRECTS A DRIVER TO
17 OPERATE A MOTOR VEHICLE UPON A HIGHWAY IN VIOLATION OF A STATUTE
18 OR RULE FOR WHICH A CIVIL PENALTY MAY BE IMPOSED UNDER SECTION
19 40-7-113 (1) IS SUBJECT TO THE CIVIL PENALTIES PROVIDED IN SECTION
20 40-7-113.

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

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

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

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

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

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

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

24 (e) ~~Any~~ A person subject to section ~~40-2-110.5~~ 40-10.1-111 who
25 operates a motor vehicle without having paid the annual identification fee
26 for any motor vehicle ~~so~~ operated as required by section ~~40-2-110.5~~
27 40-10.1-111 may be assessed a civil penalty of not more than four

1 hundred dollars.

2 (f) ~~Any person who operates a charter or scenic bus as defined in~~
3 ~~section 40-16-101, a children's activity bus as defined in section~~
4 ~~40-16-101, a luxury limousine as defined in section 40-16-101, or an~~
5 ~~off-road scenic charter as defined in section 40-16-101 without having~~
6 ~~first registered with the commission as required by section 40-16-103 may~~
7 ~~be assessed a civil penalty of not more than one thousand one hundred~~
8 ~~dollars.~~

9 (f.5) ~~Any person who operates as a mover as defined in section~~
10 ~~40-14-102 (9) without having first registered with the commission as~~
11 ~~required by section 40-14-103 may be assessed a civil penalty of not more~~
12 ~~than one thousand one hundred dollars.~~

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

25 (h) ~~Any person who intentionally violates any provision of article~~
26 ~~10.5 of this title not enumerated in paragraphs (a) to (g) of this subsection~~
27 ~~(1) or any rule promulgated by the commission pursuant to this title shall~~

1 ~~be assessed a civil penalty of not more than one thousand one hundred~~
2 ~~dollars.~~

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

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

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

16 (5) (a) ~~Any~~ A person who fails to pay in full all civil penalties for
17 a second or subsequent violation assessed by commission order pursuant
18 to this section, subject to ~~all applicable provisions of~~ article 4 of title 24,
19 C.R.S., within thirty days ~~of~~ AFTER the due date established by ~~such~~ THE
20 order may be subject to have his or her vehicle registration cancelled by
21 the department of revenue as specified in section 42-3-120 (4), C.R.S.
22 Registration of any vehicles owned by ~~such~~ THE person for which the
23 penalty was assessed may be denied until all penalties are paid or
24 collected. Upon written notice from the commission, the department of
25 revenue shall cancel ~~such~~ THE registration as specified in section
26 42-3-120 (4), C.R.S.

27 (b) THIS SUBSECTION (5) APPLIES TO ALL VEHICLES, REGARDLESS

1 OF WHEN PURCHASED, ON OR AFTER THE EFFECTIVE DATE OF THIS
2 PARAGRAPH (b).

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

5 **40-7-115. Each day a separate offense.** Each day in which a
6 person violates any statute, rule, or order of the commission for which a
7 civil penalty may be imposed under section 40-7-113 OR 40-7-113.5 ~~or~~
8 ~~40-7-114~~ may constitute a separate offense.

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

11 **40-7-116. Enforcement of civil penalties against carriers.**

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

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

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

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

26 (III) A brief description of the alleged violation, the date and
27 approximate location of the alleged violation, AND the maximum penalty

- 1 amounts prescribed for the violation;
- 2 (IV) The date of the notice;
- 3 (V) A place for ~~such~~ THE person to execute a signed
4 acknowledgment of receipt of the civil penalty assessment notice;
- 5 (VI) A place for ~~such~~ THE person to execute a signed
6 acknowledgment of liability for the violation; and
- 7 (VII) Such other information as may be required by law to
8 constitute notice of a complaint to appear for hearing if the prescribed
9 penalty is not paid within ten days.

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

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

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

27 **SECTION 21.** 40-11.5-101, Colorado Revised Statutes, is

1 amended to read:

2 **40-11.5-101. Independent contractors - motor carriers.**

3 Notwithstanding ~~any provision in article 10 or article 11~~ 10.5 of this title,
4 ~~motor vehicle~~ COMMON carriers and contract ~~motor~~ carriers may use
5 independent contractors.

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

8 **42-3-120. Department may cancel or deny registration.**

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

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

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

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

1 **taxes - clean screen fund - repeal.** (12) An owner or operator that
2 desires to make an occasional trip into this state with a truck, truck
3 tractor, trailer, or semitrailer that is registered in another state shall obtain
4 a permit from the public utilities commission as provided in ~~sections~~
5 ~~40-10-104 and 40-11-103~~ ARTICLE 10.1 OF TITLE 40, C.R.S. This
6 subsection (12) ~~shall~~ DOES not apply to the vehicles of a public utility that
7 are temporarily in this state to assist in the construction, installation, or
8 restoration of utility facilities used in serving the public.

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

11 **42-3-306. Registration fees - passenger and passenger-mile**
12 **taxes - fee schedule.** (11) (b) The owner or operator of a passenger bus
13 that is registered in another state and that is used to make an occasional
14 trip into this state need not obtain a permit from the public utilities
15 commission as provided in ~~sections 40-10-104 and 40-11-103~~ ARTICLE
16 10.1 OF TITLE 40, C.R.S., but may instead apply to the department for the
17 issuance of a trip permit and shall pay to the department for the issuance
18 of such trip permit a fee of twenty-five dollars or the amount of
19 passenger-mile tax becoming due and payable under paragraph (a) of this
20 subsection (11) by reason of such trip, whichever amount is greater. The
21 fee or passenger-mile tax shall be credited to the highway users tax fund
22 created in section 43-4-201, C.R.S., as required by section 43-4-203 (1)
23 (c), C.R.S., and allocated and expended as specified in section 43-4-205
24 (5.5) (d), C.R.S.

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

27 **42-4-235. Minimum standards for commercial vehicles - rules**

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

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

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

1 **42-4-236. Child restraint systems required - definitions -**
2 **exemptions - repeal.** (3) Except as provided in section 42-2-105.5 (4),
3 ~~the requirements of subsection (2) of this section shall~~ DOES not apply to
4 a child who:

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

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

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

1 dollars for or on account of bodily injury to or death of all persons as a
2 result of any one accident.

3 **SECTION 29. Act subject to petition - effective date.** This act
4 shall take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part shall not take effect
10 unless approved by the people at the general election to be held in
11 November 2012 and shall take effect on the date of the official
12 declaration of the vote thereon by the governor.