

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 18, 2018  
Date

Committee on Transportation & Energy.

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

HB18-1320 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 40-1-102, **amend**  
4 the introductory portion and (3)(b) as follows:

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

7 (3) (b) "Common carrier" does not include a motor carrier that  
8 provides transportation not subject to regulation pursuant to section  
9 40-10.1-105, a motor carrier that is subject to part 3, 4, ~~or~~ 5, OR 7 of  
10 article 10.1 of this title **40**, a transportation network company, as defined  
11 in section 40-10.1-602 (3), or a transportation network company driver,  
12 as defined in section 40-10.1-602 (4).

13 **SECTION 2.** In Colorado Revised Statutes, 40-1-103, **amend** (3)  
14 as follows:

15 **40-1-103. Public utility defined.** (3) For the purposes of articles  
16 1 to 7 of this title **40**, a motor carrier that provides transportation not  
17 subject to regulation pursuant to section 40-10.1-105 or that is subject to  
18 part 3, 4, ~~or~~ 5, OR 7 of article 10.1 of this title **40** is not a public utility.

19 **SECTION 3.** In Colorado Revised Statutes, 40-7-113, **amend**  
20 (1)(b) as follows:

21 **40-7-113. Civil penalties - fines.** (1) In addition to any other  
22 penalty otherwise authorized by law and except as otherwise provided in  
23 subsections (3) and (4) of this section, any person who violates article

1 10.1 or 10.5 of this title 40 or any rule promulgated by the commission  
2 pursuant to article 10.1 or 10.5, which article or rule is applicable to the  
3 person, may be subject to fines as specified in the following paragraphs:

4 (b) Any person who violates section 40-10.1-201 (1), 40-10.1-202  
5 (1)(a), 40-10.1-302 (1)(a), 40-10.1-401 (1)(a), ~~or~~ 40-10.1-502 (1)(a), OR  
6 **40-10.1-702 (1)(a)** may be assessed a civil penalty of not more than one  
7 thousand one hundred dollars.

8 **SECTION 4.** In Colorado Revised Statutes, 40-10.1-101, **amend**  
9 the introductory portion, (4), and (14); and **add** (9.5) as follows:

10 **40-10.1-101. Definitions.** As used in this article **10.1**, unless the  
11 context otherwise requires:

12 (4) "Common carrier" means a common carrier as defined in  
13 section 40-1-102; except that the term does not include:

14 (a) A contract carrier as defined in this section; ~~or~~

15 (b) A motor carrier of passengers under part 3 of this article **10.1**;

16 OR

17 (c) A MOTOR CARRIER OF PASSENGERS PROVIDING LARGE-MARKET  
18 TAXICAB SERVICE UNDER PART 7 OF THIS ARTICLE 10.1.

19 (9.5) "LARGE-MARKET TAXICAB SERVICE" MEANS INDISCRIMINATE  
20 PASSENGER TRANSPORTATION FOR COMPENSATION IN A TAXICAB ON A  
21 CALL-AND-DEMAND BASIS, WITHIN AND BETWEEN POINTS IN THE COUNTIES  
22 OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL  
23 PASO, JEFFERSON, LARIMER, AND WELD, AND BETWEEN THOSE POINTS  
24 AND ALL POINTS WITHIN THE STATE OF COLORADO, WITH THE FIRST  
25 PASSENGER IN THE TAXICAB HAVING EXCLUSIVE USE OF THE TAXICAB  
26 UNLESS THE PASSENGER AGREES TO MULTIPLE LOADINGS.

27 (14) "Permit" means the permit issued to a contract carrier under  
28 part 2 of this article **10.1** or to a motor carrier under part 3, 4, ~~or~~ 5, OR 7  
29 of this article **10.1**.

30 **SECTION 5.** In Colorado Revised Statutes, 40-10.1-109, **amend**  
31 (1) as follows:

32 **40-10.1-109. Motor carrier compliance with safety rules.** (1) A  
33 motor carrier subject to part 2, ~~or~~ 3, OR 7 of this article **10.1** shall comply  
34 with the safety rules adopted by the commission pursuant to section  
35 40-10.1-108.

36 **SECTION 6.** In Colorado Revised Statutes, 40-10.1-110, **amend**  
37 (1) as follows:

38 **40-10.1-110. Criminal history record check - rules.** (1) An  
39 individual who wishes to drive ~~either~~ a taxicab for a motor carrier that is  
40 the holder of a certificate to provide taxicab service issued under part 2  
41 of this article ~~or~~ **10.1**; a motor vehicle for a motor carrier that is the holder

1 of a permit to operate as a charter bus, children's activity bus, luxury  
2 limousine, medicaid client transport, or off-road scenic charter under part  
3 3 of this article **10.1**; OR A MOTOR VEHICLE FOR A MOTOR CARRIER THAT  
4 IS THE HOLDER OF A PERMIT TO OPERATE AS A LARGE-MARKET TAXICAB  
5 SERVICE UNDER PART 7 OF THIS ARTICLE 10.1 shall submit a set of his or  
6 her fingerprints to the commission. The commission shall forward the  
7 fingerprints to the Colorado bureau of investigation for the purpose of  
8 obtaining a fingerprint-based criminal history record check. Upon receipt  
9 of fingerprints and payment for the costs, the Colorado bureau of  
10 investigation shall conduct a state and national fingerprint-based criminal  
11 history record check using records of the Colorado bureau of  
12 investigation and the federal bureau of investigation. The commission is  
13 the authorized agency to receive information regarding the result of a  
14 national criminal history record check. The individual whose fingerprints  
15 are checked shall pay the actual costs of the state and national  
16 fingerprint-based criminal history record check.

17 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-111, **amend**  
18 (1) introductory portion and (1)(b) as follows:

19 **40-10.1-111. Filing, issuance, and annual fees.** (1) A motor  
20 carrier shall pay the commission the following fees in amounts prescribed  
21 in this section or, if not ~~so~~ prescribed IN THIS SECTION, as set  
22 administratively by the commission with approval of the executive  
23 director of the department of regulatory agencies:

24 (b) The commission shall administratively set the ANNUAL filing  
25 fee for ~~an application~~ A PERMIT TO OPERATE under part ~~2~~ 7 of this article  
26 **10.1** to provide LARGE-MARKET taxicab service. ~~within and between the~~  
27 ~~counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El~~  
28 ~~Paso, and Jefferson.~~

29 **SECTION 8.** In Colorado Revised Statutes, 40-10.1-203, **amend**  
30 (2)(b)(II), (2)(c)(III), and (3); and **repeal** (2)(c)(I)(A) as follows:

31 **40-10.1-203. Rules for issuance of certificate - standing to**  
32 **protest - judicial review - legislative declaration.**

33 (2) (b) (II) (A) ~~The general assembly hereby finds, determines,~~  
34 ~~and declares that House Bill 15-1316 may open the door to multiple~~  
35 ~~taxicab companies entering the taxicab service market within the~~  
36 ~~metropolitan areas of Colorado and will lead to free market competition,~~  
37 ~~expanded consumer choice, and improved quality of service.~~

38 (B) The general assembly ~~further~~ finds, determines, and declares  
39 that nothing in this ~~subparagraph (H)~~ SUBSECTION (2) requires or prohibits  
40 a taxicab company applying for a certificate to form a labor union nor  
41 requires any taxicab driver to join a labor union.



1 TAXICAB SERVICE DRIVER TO JOIN A LABOR UNION; AND  
2 (b) IF A MOTOR CARRIER PREVIOUSLY OBTAINED A CERTIFICATE OF  
3 PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TAXICAB SERVICE  
4 PURSUANT TO SECTION 40-10.1-201 AND THE CERTIFICATE REMAINS VALID  
5 AT A TIME THAT THE MOTOR CARRIER SUBSEQUENTLY OBTAINS A PERMIT  
6 TO OPERATE LARGE-MARKET TAXICAB SERVICE UNDER THIS PART 7, THE  
7 MOTOR CARRIER'S CERTIFICATE CONSTITUTES A DEVALUED ASSET FOR THE  
8 MOTOR CARRIER.

9 **40-10.1-702. Large-market taxicab service - permit required**  
10 **- rules.** (1) (a) ON AND AFTER JANUARY 1, 2019, A PERSON SHALL NOT  
11 OPERATE OR OFFER TO OPERATE A LARGE-MARKET TAXICAB SERVICE IN  
12 INTRASTATE COMMERCE WITHOUT FIRST HAVING OBTAINED A PERMIT TO  
13 OPERATE LARGE-MARKET TAXICAB SERVICE FROM THE COMMISSION IN  
14 ACCORDANCE WITH THIS PART 7.

15 (b) A PERSON MAY APPLY FOR A PERMIT IN A FORM AND MANNER  
16 PRESCRIBED BY THE COMMISSION.

17 (c) A PERMIT ISSUED PURSUANT TO THIS SECTION IS VALID FOR ONE  
18 YEAR AFTER THE DATE OF ISSUANCE.

19 (2) EXCEPT AS PROVIDED IN SECTION 40-10.1-704, THE  
20 COMMISSION SHALL ISSUE A PERMIT TO A MOTOR CARRIER OF PASSENGERS  
21 UPON COMPLETION OF THE APPLICATION FILED PURSUANT TO SUBSECTION  
22 (1) OF THIS SECTION, THE PAYMENT OF A FEE DETERMINED BY THE  
23 COMMISSION, COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY  
24 REQUIREMENTS ESTABLISHED BY RULE BY THE COMMISSION PURSUANT TO  
25 SECTION 40-10.1-107, AND SUBMISSION OF CURRENT RATE INFORMATION  
26 PURSUANT TO SECTION 40-10.1-705.

27 (3) IN ORDER TO OBTAIN A PERMIT UNDER THIS SECTION, AN  
28 APPLICANT MUST DEMONSTRATE THAT EACH VEHICLE OPERATED UNDER  
29 THE PERMIT HAS BEEN INSPECTED WITHIN THE IMMEDIATELY PRECEDING  
30 TWELVE MONTHS BY A QUALIFIED MECHANIC IN ACCORDANCE WITH RULES  
31 PROMULGATED BY THE COMMISSION.

32 (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS  
33 SECTION, A MOTOR CARRIER PROVIDING LARGE-MARKET TAXICAB SERVICE  
34 MUST HAVE AT LEAST TWENTY-FIVE VEHICLES IN ITS FLEET AT ALL TIMES.

35 (b) IN EL PASO, LARIMER, AND WELD COUNTIES, A MOTOR  
36 CARRIER PROVIDING LARGE-MARKET TAXICAB SERVICE MUST HAVE AT  
37 LEAST TEN VEHICLES IN ITS FLEET AT ALL TIMES.

38 (5) FOR EACH COUNTY SERVED BY A MOTOR CARRIER PROVIDING  
39 LARGE-MARKET TAXICAB SERVICE PURSUANT TO THIS PART 7, THE  
40 COMMISSION SHALL BY RULE DETERMINE THE MAXIMUM RATE THAT A  
41 MOTOR CARRIER PROVIDING LARGE-MARKET TAXICAB SERVICE MAY

1 CHARGE ITS PASSENGERS.

2 **40-10.1-703. Large-market taxicab service license plates -**  
3 **rules.** (1) THE COMMISSION SHALL CREATE EITHER A DOCUMENT OR AN  
4 ELECTRONIC SYSTEM THAT A PERSON AUTHORIZED TO PROVIDE  
5 LARGE-MARKET TAXICAB SERVICE UNDER THIS PART 7 MAY USE TO VERIFY  
6 TO THE DEPARTMENT OF REVENUE OR THE DEPARTMENT'S AUTHORIZED  
7 AGENT THAT THE PERSON PROVIDES LARGE-MARKET TAXICAB SERVICE.

8 (2) UPON REQUEST, THE COMMISSION SHALL:

9 (a) IF THE COMMISSION CREATES A DOCUMENT PURSUANT TO  
10 SUBSECTION (1) OF THIS SECTION, PROVIDE THE DOCUMENT TO THE PERSON  
11 AUTHORIZED TO PROVIDE LARGE-MARKET TAXICAB SERVICE; OR

12 (b) IF THE COMMISSION CREATES AN ELECTRONIC SYSTEM  
13 PURSUANT TO SUBSECTION (1) OF THIS SECTION, PROVIDE THE ELECTRONIC  
14 VERIFICATION TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED  
15 AGENT.

16 (3) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT  
17 THIS SECTION AND TO ENFORCE SECTION 42-3-236.

18 **40-10.1-704. Permit revocation.** (1) IF A MOTOR CARRIER THAT  
19 HOLDS A PERMIT UNDER THIS PART 7 FAILS TO COMPLY WITH A FINAL  
20 COMMISSION DECISION THAT ASSESSES A FINE OR CIVIL PENALTY  
21 PURSUANT TO SECTION 40-7-113 FOR A VIOLATION OF THIS ARTICLE 10.1  
22 OR A RULE ADOPTED PURSUANT TO THIS ARTICLE 10.1, THE MOTOR  
23 CARRIER'S PERMIT IS REVOKED IMMEDIATELY. ANY OF THE FOLLOWING  
24 PERSONS ARE DISQUALIFIED FROM APPLYING FOR A PERMIT FOR  
25 TWENTY-FOUR MONTHS AFTER THE DATE OF THE PERMIT REVOCATION:

26 (a) THE MOTOR CARRIER;

27 (b) AN OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR  
28 DIRECTOR OF THE MOTOR CARRIER; AND

29 (c) ANY OTHER ENTITY OWNED OR OPERATED BY AN OWNER,  
30 PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR OF THE MOTOR  
31 CARRIER.

32 (2) THE DISQUALIFICATION SET FORTH IN SUBSECTION (1) OF THIS  
33 SECTION DOES NOT APPLY TO REVOCATION BASED ON A FAILURE TO CARRY  
34 INSURANCE UNLESS THE PERSON KNOWINGLY OPERATED THE MOTOR  
35 CARRIER WITHOUT INSURANCE.

36 (3) THE DISQUALIFICATION SET FORTH IN SUBSECTION (1) OF THIS  
37 SECTION IS IN ADDITION TO AND NOT IN LIEU OF ANY OTHER PENALTY OR  
38 DISQUALIFICATION, INCLUDING THE PERIOD OF DISQUALIFICATION  
39 SPECIFIED IN SECTION 40-10.1-112 (4).

40 **40-10.1-705. Rates - limitations - rules.** (1) EXCEPT AS  
41 PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, LARGE-MARKET

1 TAXICAB SERVICES ARE NOT SUBJECT TO RATE LIMITATIONS IMPOSED  
2 UNDER PART 2 OF THIS ARTICLE 10.1.

3 (2) (a) A MOTOR CARRIER OPERATING A LARGE-MARKET TAXICAB  
4 SERVICE SHALL FILE WITH THE COMMISSION, IN THE FORM AND MANNER  
5 THAT THE COMMISSION MAY DESIGNATE, A SCHEDULE SHOWING THE  
6 RATES, CHARGES, AND COLLECTIONS THAT THE MOTOR CARRIER  
7 COLLECTS, ENFORCES, OR INTENDS TO COLLECT OR ENFORCE THAT AFFECT  
8 OR RELATE TO THE MOTOR CARRIER'S LARGE-MARKET TAXICAB SERVICE  
9 OPERATIONS.

10 (b) THE COMMISSION SHALL NOT LIMIT THE NUMBER OR  
11 FREQUENCY OF RATE SCHEDULES THAT A MOTOR CARRIER MAY FILE WITH  
12 THE COMMISSION PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

13 "(c) UNLESS A FILED RATE SCHEDULE EXCEEDS THE MAXIMUM  
14 RATE SET BY THE COMMISSION BY RULE PURSUANT TO SECTION  
15 40-10.1-702 (5), THE COMMISSION SHALL NOT REJECT A RATE SCHEDULE  
16 FILED WITH THE COMMISSION UNLESS THE SCHEDULE WAS NOT FILED IN THE FORM  
17 AND MANNER DESIGNATED BY THE COMMISSION PURSUANT TO SUBSECTION (2)(a)  
18 OF THIS SECTION. THE COMMISSION SHALL NOT AMEND ANY RATE  
19 SCHEDULE FILED WITH THE COMMISSION PURSUANT TO THIS SECTION.

20 (3) IT IS UNLAWFUL FOR A MOTOR CARRIER OPERATING A  
21 LARGE-MARKET TAXICAB SERVICE TO CARRY OR ADVERTISE THAT IT WILL  
22 CARRY INDIVIDUALS IN A MANNER CONTRARY TO THE FILING REQUIRED  
23 UNDER SUBSECTION (2)(a) OF THIS SECTION.

24 (4) THE COMMISSION MAY PROMULGATE RULES CONSISTENT WITH  
25 THIS SECTION TO IMPLEMENT THE SYSTEM OF SCHEDULE FILINGS REQUIRED  
26 BY THIS SECTION.

27 **SECTION 10.** In Colorado Revised Statutes, 42-3-236, **amend**  
28 (2) and (5) as follows:

29 **42-3-236. Taxicab license plates - taxicabs.** (2) A person ~~who~~  
30 THAT is authorized to provide taxicab service OR LARGE-MARKET TAXICAB  
31 SERVICE under article 10.1 of title 40 ~~C.R.S.~~, shall register a motor  
32 vehicle used for taxicab purposes under this article **3** and display taxicab  
33 license plates on the vehicle. Upon registration, the department shall issue  
34 taxicab license plates for the vehicle in accordance with this section. The  
35 department shall not issue a taxicab license plate unless the person either  
36 submits a verification document or the public utilities commission  
37 electronically verifies the authorization as provided in section  
38 40-10.1-207. ~~C.R.S.~~

39 (5) If the person who owns the motor vehicle with taxicab license  
40 plates is not the person under whose authority the motor vehicle operates  
41 under article 10.1 of title 40, ~~C.R.S.~~, the person with the authority may

1 request that the department of ~~revenue~~ require the plate to be replaced.  
2 Within thirty days after receiving the request, the department shall require  
3 the owner of the motor vehicle to return the taxicab license plate and be  
4 issued a new license plate. The owner of the motor vehicle shall surrender  
5 the taxicab license plate to the department within ten days after receiving  
6 notice from the department unless the owner of the motor vehicle obtains  
7 authority to operate a taxicab under part 2 OR 7 of article 10.1 of title 40,  
8 ~~C.R.S.~~, either directly or as an agent, and either the person submits a  
9 verification document or the public utilities commission electronically  
10 verifies the authorization as provided in section 40-10.1-207. ~~C.R.S.~~

11 **SECTION 11. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2018 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor."

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