

## CHAPTER 363

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**PUBLIC UTILITIES**


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**HOUSE BILL 18-1320**

BY REPRESENTATIVE(S) Pabon, Hansen, Liston, Michaelson Jenet, Neville P., Saine, Sandridge, Winkler, Duran, Kraft-Tharp; also SENATOR(S) Jahn, Cooke, Crowder, Guzman, Lambert, Lundberg, Marble, Martinez Humenik, Moreno, Neville T., Scott, Tate, Grantham.

**AN ACT**

**CONCERNING A REDUCTION IN REGULATION OF LARGE-MARKET TAXICAB SERVICE FROM REGULATION AS A COMMON CARRIER TO REGULATION AS A MOTOR CARRIER OF PASSENGERS.**

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

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

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

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

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

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

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

**40-7-113. Civil penalties - fines.** (1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

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

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

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

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

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

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

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

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

**SECTION 5.** In Colorado Revised Statutes, 40-10.1-108, **amend** (1) as follows:

**40-10.1-108. Commission to make safety rules.** (1) The commission has the authority and duty to establish, for motor carriers subject to parts 2, ~~and~~ 3, AND 7 of this article **10.1**, reasonable rules to promote safety of operation.

**SECTION 6.** In Colorado Revised Statutes, 40-10.1-109, **amend** (1) as follows:

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

**SECTION 7.** In Colorado Revised Statutes, 40-10.1-110, **amend** (1) as follows:

**40-10.1-110. Criminal history record check - rules.** (1) An individual who

wishes to drive ~~either~~ a taxicab for a motor carrier that is the holder of a certificate to provide taxicab service issued under part 2 of this article ~~or 10.1~~; a motor vehicle for a motor carrier that is the holder of a permit to operate as a charter bus, children's activity bus, luxury limousine, medicaid client transport, or off-road scenic charter under part 3 of this article **10.1**; OR A MOTOR VEHICLE FOR A MOTOR CARRIER THAT IS THE HOLDER OF A PERMIT TO OPERATE AS A LARGE-MARKET TAXICAB SERVICE UNDER PART 7 OF THIS ARTICLE 10.1 shall submit a set of his or her fingerprints to the commission. The commission shall forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and payment for the costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check using records of the Colorado bureau of investigation and the federal bureau of investigation. The commission is the authorized agency to receive information regarding the result of a national criminal history record check. The individual whose fingerprints are checked shall pay the actual costs of the state and national fingerprint-based criminal history record check.

**SECTION 8.** In Colorado Revised Statutes, 40-10.1-111, **amend** (1) introductory portion and (1)(b) as follows:

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

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

**SECTION 9.** In Colorado Revised Statutes, 40-10.1-203, **amend** (2)(b), (2)(c)(III), and (3); and **repeal** (2)(c)(I)(A) as follows:

**40-10.1-203. Rules for issuance of certificate - standing to protest - judicial review - legislative declaration.** (2) (b) (I) ~~Except as otherwise provided in subparagraph (H) of this paragraph (b);~~ The granting of a certificate to operate a taxicab service within and between THOSE counties with a population of seventy thousand or greater THAT ARE NOT SERVED BY A LARGE-MARKET TAXICAB SERVICE PURSUANT TO PART 7 OF THIS ARTICLE 10.1, based on the most recent available federal census figures, is not an exclusive grant or monopoly, and the doctrine of regulated competition applies.

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

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

join a labor union.

~~(C) In an application for a certificate to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, the applicant has the burden of proving that it is operationally and financially fit to provide the proposed service. The commission shall not consider the applicant's corporate structure when determining whether to approve or disapprove the application for a certificate. The applicant need not prove the inadequacy of existing taxicab service, if any, within the applicant's proposed geographic area of operation. If the commission determines that the applicant has proved its operational and financial fitness, the commission shall grant the applicant a certificate.~~

~~(c) (I) (A) The holder of a certificate that contains authority to operate a taxicab service between points in the city and county of Denver also holds taxicab service authority from points in the city and county of Denver to all points in this state.~~

~~(III) The commission shall amend, by order and without notice or hearing, any existing taxicab service certificate as described in subparagraph (I) or (II) of this paragraph (c) to allow service from points in the city and county of Denver to either all points in this state or all points within the common carrier's base area to conform with the directives contained in said subparagraph (I) or (II) BY REMOVING ALL LANGUAGE AUTHORIZING LARGE-MARKET TAXICAB SERVICE OFFERED IN ACCORDANCE WITH PART 7 OF THIS ARTICLE 10.1.~~

~~(3) When an appeal~~ A REQUEST FOR RECONSIDERATION OF A ~~commission~~ WRITTEN RECOMMENDED decision under this section has been made by filing exceptions pursuant to section 40-6-109 and the commission has rendered a final decision on ~~such~~ THE exceptions as provided in article 6 of this title **40**, any party ~~thereto~~ TO THE PROCEEDING may, within thirty days after the final decision, apply directly to a district court in this state for judicial review pursuant to section 40-6-115. For purposes of judicial review, a decision of the commission on exceptions is final on the date the decision is served on the parties to the proceeding.

**SECTION 10.** In Colorado Revised Statutes, **add** part 7 to article 10.1 of title 40 as follows:

PART 7  
LARGE-MARKET TAXICAB SERVICES

**40-10.1-701. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) NOTHING IN THIS PART 7 REQUIRES OR PROHIBITS A MOTOR CARRIER APPLYING FOR A PERMIT PURSUANT TO SECTION 40-10.1-702 (1)(a) TO FORM A LABOR UNION NOR REQUIRES ANY LARGE-MARKET TAXICAB SERVICE DRIVER TO JOIN A LABOR UNION; AND

(b) IF A MOTOR CARRIER PREVIOUSLY OBTAINED A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TAXICAB SERVICE PURSUANT TO SECTION 40-10.1-201 AND THE CERTIFICATE REMAINS VALID AT A TIME THAT THE MOTOR

CARRIER SUBSEQUENTLY OBTAINS A PERMIT TO OPERATE LARGE-MARKET TAXICAB SERVICE UNDER THIS PART 7, THE MOTOR CARRIER'S CERTIFICATE CONSTITUTES A DEVALUED ASSET FOR THE MOTOR CARRIER.

**40-10.1-702. Large-market taxicab service - permit required - rules.**

(1) (a) ON AND AFTER JANUARY 1, 2019, A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE A LARGE-MARKET TAXICAB SERVICE IN INTRASTATE COMMERCE WITHOUT FIRST HAVING OBTAINED A PERMIT TO OPERATE LARGE-MARKET TAXICAB SERVICE FROM THE COMMISSION IN ACCORDANCE WITH THIS PART 7.

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

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

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

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

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

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

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

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

(2) UPON REQUEST, THE COMMISSION SHALL:

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

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

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

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

(a) THE MOTOR CARRIER;

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

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

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

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

**40-10.1-705. Rates - limitations - rules.** (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, LARGE-MARKET TAXICAB SERVICES ARE NOT SUBJECT TO RATE LIMITATIONS IMPOSED UNDER PART 2 OF THIS ARTICLE 10.1.

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

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

(c) UNLESS A FILED RATE SCHEDULE EXCEEDS THE MAXIMUM RATE SET BY THE

COMMISSION BY RULE PURSUANT TO SECTION 40-10.1-702 (5), THE COMMISSION SHALL NOT REJECT A RATE SCHEDULE FILED WITH THE COMMISSION UNLESS THE SCHEDULE WAS NOT FILED IN THE FORM AND MANNER DESIGNATED BY THE COMMISSION PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. THE COMMISSION SHALL NOT AMEND ANY RATE SCHEDULE FILED WITH THE COMMISSION PURSUANT TO THIS SECTION.

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

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

**SECTION 11.** In Colorado Revised Statutes, 42-3-236, **amend** (2) and (5) as follows:

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

(5) If the person who owns the motor vehicle with taxicab license plates is not the person under whose authority the motor vehicle operates under article 10.1 of title 40, ~~C.R.S.~~, the person with the authority may request that the department ~~of revenue~~ require the plate to be replaced. Within thirty days after receiving the request, the department shall require the owner of the motor vehicle to return the taxicab license plate and be issued a new license plate. The owner of the motor vehicle shall surrender the taxicab license plate to the department within ten days after receiving notice from the department unless the owner of the motor vehicle obtains authority to operate a taxicab under part 2 OR 7 of article 10.1 of title 40, ~~C.R.S.~~; either directly or as an agent, and either the person submits a verification document or the public utilities commission electronically verifies the authorization as provided in section 40-10.1-207. ~~C.R.S.~~

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

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 1, 2018