

CHAPTER 430

PUBLIC UTILITIES

HOUSE BILL 09-1244

BY REPRESENTATIVE(S) Casso, Looper, McNulty, Primavera, Vaad, Kerr J., King S., Labuda, Lambert, Nikkel, Rice;
also SENATOR(S) Kopp, Hodge.

AN ACT

**CONCERNING THE EXEMPTION OF PROPERTY CARRIERS BY MOTOR VEHICLE FROM REGULATION
BY THE PUBLIC UTILITIES COMMISSION, AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. 40-16-102, Colorado Revised Statutes, is amended to BY THE ADDITION OF A NEW SUBSECTION to read:

40-16-102. Control of motor vehicle carriers exempt from regulation as public utilities. (3) PROPERTY CARRIERS BY MOTOR VEHICLE SHALL NOT BE SUBJECT TO REGULATION BY THE COMMISSION.

SECTION 2. 42-4-235 (4) (a), Colorado Revised Statutes, is amended to read:

42-4-235. Minimum standards for commercial vehicles - repeal. (4) (a) The department shall adopt rules ~~and regulations~~ for the operation of all commercial vehicles. In adopting such rules, ~~and regulations~~, the department shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair, and maintenance of motor vehicles, FINANCIAL RESPONSIBILITY, INSURANCE, and employee safety and health standards. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules ~~and regulations~~ promulgated by the department pursuant to this paragraph (a) shall be performed by an enforcement official, as defined in section 42-20-103 (2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. Adjustments to the 2009 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, to the department of regulatory agencies, public utilities commission, are decreased by thirteen thousand nine hundred sixty-seven dollars (\$13,967) cash funds and 0.4 FTE. Said sum shall be from the public utilities commission motor carrier fund created in section 40-2-110.5 (6), Colorado Revised Statutes.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 4, 2009