

CHAPTER 220

PUBLIC UTILITIES

SENATE BILL 23-187

BY SENATOR(S) Winter F. and Rodriguez, Buckner, Cutter, Hinrichsen, Jaquez Lewis, Kolker, Moreno, Priola;
also REPRESENTATIVE(S) Froelich and Bacon, deGruy Kennedy, Dickson, Gonzales-Gutierrez, Jodeh, Lindsay, Lindstedt,
Marshall, Martinez, Vigil.

AN ACT

CONCERNING FEES PAID TO THE PUBLIC UTILITIES COMMISSION BY OPERATORS OF
TRANSPORTATION SERVICES IN THE STATE, AND, IN CONNECTION THEREWITH, REQUIRING THE
PUBLIC UTILITIES COMMISSION TO ESTABLISH FEES ADMINISTRATIVELY.

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

SECTION 1. In Colorado Revised Statutes, 40-10.1-102, **amend** (1) as follows:

40-10.1-102. Powers of commission. (1) The commission has the power to and shall administer and enforce this ~~article~~ ARTICLE 10.1, including:

(a) The right to inspect the motor vehicles, facilities, and records and documents, regardless of the format, of the motor carriers and persons involved;

(b) THE AUTHORITY TO ADMINISTRATIVELY SET THE APPLICATION, FILING, ANNUAL OPERATING, AND OTHER FEES FOR MOTOR CARRIERS PURSUANT TO SECTION 40-10.1-111; AND

(c) THE AUTHORITY TO ADMINISTRATIVELY SET PERMIT FEES FOR EACH TRANSPORTATION NETWORK COMPANY PURSUANT TO SECTION 40-10.1-606 (2).

SECTION 2. In Colorado Revised Statutes, 40-10.1-111, **amend** (1) and (2) as follows:

40-10.1-111. Filing, issuance, and annual fees - fee setting by the commission.
(1) A motor carrier shall pay the commission the following fees in amounts ~~prescribed in this section or, if not prescribed in this section,~~ as set administratively

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

by the commission with approval of the executive director of the department of regulatory agencies:

(a) ~~Except as otherwise provided in paragraph (b) of this subsection (1), The filing fee for an application for a temporary authority, certificate, or permit under part 2 of this article ARTICLE 10.1 or for an extension, amendment, transfer, or lease of a temporary authority, certificate, or permit is thirty-five dollars, and the fee for issuance of a temporary authority, certificate, or permit under part 2 of this article is five dollars ARTICLE 10.1;~~

(b) ~~The commission shall administratively set~~ The annual filing fee for a permit to operate under part 7 of this article 10.1 to provide large-market taxicab service;

(c) ~~(H) The filing fee for a permit to operate under part 4 or part 8 of this article 10.1; is administratively set by the commission to cover the direct and indirect cost of implementing parts 4 and 8 of this article 10.1, but the fee amount must be approved by the executive director of the department of regulatory agencies.~~

~~(H) Repealed.~~

(d) ~~The commission shall administratively set~~ The annual filing fee for a permit to operate under part 5 of this article; ~~except that the fee may not exceed three hundred twenty-five dollars.~~ ARTICLE 10.1;

(e) The filing fee for a temporary permit to operate as a mover pursuant to section 40-10.1-502 (5)(a); ~~is one hundred fifty dollars.~~

(e.5) THE FILING FEE FOR A PERMIT TO OPERATE PURSUANT TO PART 3 OF THIS ARTICLE 10.1; AND

(f) ~~The commission shall administratively set~~ The annual fee for each motor vehicle a motor carrier owns, controls, operates, or manages.

(2) Except for a mover holding a permit issued under part 5 of this ~~article~~ ARTICLE 10.1 and a motor carrier that has paid a fee pursuant to article 10.5 of this ~~title~~ TITLE 40, a motor carrier shall not operate any motor vehicle in intrastate commerce unless THE MOTOR CARRIER HAS PAID the annual fees required by ~~paragraph (f) of subsection (1)~~ SUBSECTION (1)(f) of this section. ~~have been paid.~~ ~~Such~~ THE ANNUAL fees apply on a calendar year basis and are creditable only to the specific vehicles for which the fees have been paid.

SECTION 3. In Colorado Revised Statutes, 40-10.1-606, **amend** (2) as follows:

40-10.1-606. Permit required for transportation network companies - annual permit fee - penalty for violation - rules - repeal. (2) (a) (I) The commission shall issue a permit to each transportation network company that meets the requirements of this part 6 and pays an annual permit fee of one hundred eleven thousand two hundred fifty dollars to the commission. The commission may adjust the annual permit fee ~~by rule~~ to cover the commission's direct and indirect costs associated with implementing this part 6.

(II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JANUARY 1, 2024.

(b) ON AND AFTER JANUARY 1, 2024, THE COMMISSION SHALL ISSUE A PERMIT TO EACH TRANSPORTATION NETWORK COMPANY THAT MEETS THE REQUIREMENTS OF THIS PART 6 AND PAYS AN ANNUAL PERMIT FEE TO THE COMMISSION IN AN AMOUNT THAT THE COMMISSION SETS ADMINISTRATIVELY WITH APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES AND THAT DOES NOT EXCEED ONE HUNDRED ELEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS. BEFORE INCREASING A PERMIT FEE PURSUANT TO THIS SUBSECTION (2)(b), THE COMMISSION SHALL NOTIFY TRANSPORTATION NETWORK COMPANIES IN WRITING OF THE INCREASED FEE AT LEAST THIRTY DAYS BEFORE THE INCREASED FEE TAKES EFFECT.

(c) THE COMMISSION MAY ADOPT RULES ESTABLISHING DIFFERENT TIERS OF PERMIT FEES TO BE SET ADMINISTRATIVELY FOR DISTINCT TYPES OF TRANSPORTATION NETWORK COMPANIES BASED ON THE COMMISSION'S CONSIDERATION OF MARKET FACTORS, INCLUDING:

(I) A TRANSPORTATION NETWORK COMPANY'S MARKET SHARE IN THE AREAS IN WHICH IT OPERATES;

(II) THE NUMBER OF YEARS THAT A TRANSPORTATION NETWORK COMPANY HAS OPERATED IN THE STATE;

(III) WHETHER A NEWLY FORMED TRANSPORTATION NETWORK COMPANY ENTERING THE MARKET IS:

(A) AN AFFILIATE OR A SUBSIDIARY OF AN EXISTING MOTOR CARRIER;

(B) A TAXICAB COMPANY OR SHUTTLE COMPANY THAT HAS CONVERTED TO A TRANSPORTATION NETWORK COMPANY PURSUANT TO SECTION 40-10.1-605 (1)(n); OR

(C) A NEW ENTITY THAT HAS NOT PREVIOUSLY BEEN A MOTOR CARRIER AND IS NOT AN AFFILIATE OR A SUBSIDIARY OF A MOTOR CARRIER; AND

(IV) THE TRANSPORTATION NETWORK COMPANY'S OWNERSHIP STRUCTURE.

(d) IN ESTABLISHING DIFFERENT TIERS OF PERMIT FEES BY RULE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION, THE COMMISSION SHALL ENSURE THAT THE REVENUE GENERATED FROM ALL TRANSPORTATION NETWORK COMPANY PERMIT FEES APPROXIMATES THE DIRECT AND INDIRECT COSTS OF THE COMMISSION IN THE SUPERVISION AND REGULATION OF TRANSPORTATION NETWORK COMPANIES.

(e) IF THE COMMISSION ADOPTS RULES TO ESTABLISH DIFFERENT TIERS OF PERMIT FEES BY RULE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION, THE COMMISSION SHALL PUBLISH THE CRITERIA THAT IT USED TO ESTABLISH THE DIFFERENT TIERS OF PERMIT FEES ON THE COMMISSION'S WEBSITE.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 18, 2023