

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1095.01 Jennifer Berman x3286

HOUSE BILL 20-1315

HOUSE SPONSORSHIP

McCluskie and Will,

SENATE SPONSORSHIP

Donovan and Hisey,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CARPOOLING SERVICE INTERNET**
102 **APPLICATION OWNERS REGISTER WITH THE DEPARTMENT OF**
103 **TRANSPORTATION.**

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 <http://leg.colorado.gov>.)

The bill requires the owner or operator of a carpooling service internet application (internet application) to register annually with the department of transportation and disclose to users of the internet application that operational requirements for other transportation services are not being met by the carpooling services provided by drivers matched

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

to users through the internet application. The bill also limits the amount that can be charged to a user through the internet application, the number of passengers that can receive carpooling service at any one time from a driver through the internet application, and the number of round trips that a driver providing carpooling service through the internet application may make in a single day.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-126 as
3 follows:

4 **43-1-126. Registration of carpooling service internet**
5 **applications - limitations - disclosure - definitions.** (1) AN OWNER OF
6 A CARPOOLING SERVICE INTERNET APPLICATION OR AN OPERATOR OF THE
7 APPLICATION ON THE OWNER'S BEHALF SHALL REGISTER WITH THE
8 DEPARTMENT ON AN ANNUAL BASIS IN A FORM AND MANNER DETERMINED
9 BY THE DEPARTMENT. THE DEPARTMENT SHALL PUBLISH THE FORM AND
10 MANNER OF REGISTERING ON THE DEPARTMENT'S PUBLIC WEBSITE. IN
11 REGISTERING WITH THE DEPARTMENT, THE OWNER OR OPERATOR OF AN
12 APPLICATION AGREES THAT THE OWNER OR OPERATOR SHALL:

13 (a) NOT, WITH RESPECT TO A SINGLE TRIP FOR WHICH A DRIVER
14 AND USER ARE MATCHED THROUGH THE CARPOOLING SERVICE INTERNET
15 APPLICATION, WHETHER THE TRIP IS ONE WAY OR ROUND TRIP, IMPOSE
16 CHARGES ON THE USER, ANY OTHER PASSENGERS TRAVELING WITH THE
17 USER, AND THE DRIVER THAT, IN TOTAL, EXCEED THE TOTAL MILES DRIVEN
18 MULTIPLIED BY THE PREVAILING FEDERAL INTERNAL REVENUE SERVICE'S
19 MILEAGE REIMBURSEMENT RATE FOR BUSINESS USE;

20 (b) NOT ALLOW A DRIVER WHO PROVIDES CARPOOLING SERVICE
21 FOR THE OWNER'S OR OPERATOR'S CARPOOLING SERVICE INTERNET
22 APPLICATION TO TRANSPORT MORE THAN SIX PASSENGERS, EXCLUDING

1 THE DRIVER, IN THE DRIVER'S PERSONAL VEHICLE AT ANY GIVEN TIME;

2 (c) NOT ALLOW A DRIVER TO MAKE MORE THAN ONE CARPOOLING
3 SERVICE ROUND TRIP PER DAY; AND

4 (d) DISCLOSE TO USERS IN A CONSPICUOUS MANNER ON THE
5 CARPOOLING SERVICE INTERNET APPLICATION THE FOLLOWING
6 DISCLAIMER:

7 **BE ADVISED THAT CARPOOLING COMPANIES ARE NOT**
8 **REGULATED BY THE STATE OF COLORADO. BACKGROUND**
9 **CHECKS ARE NOT PERFORMED ON DRIVERS, DRIVERS ARE**
10 **NOT SUBJECT TO MEDICAL EXAMINATION AND**
11 **CERTIFICATION, VEHICLES ARE NOT SUBJECT TO**
12 **INSPECTION BY THE STATE, AND STATE INSURANCE**
13 **VERIFICATION IS NOT PERFORMED.**

14 (2) THE DEPARTMENT IS NOT LIABLE FOR ANY ACT OR OMISSION OF
15 AN OWNER OR OPERATOR OF AN APPLICATION, AGENT OF AN OWNER OR
16 OPERATOR, DRIVER, OR USER.

17 (3) REIMBURSED COSTS COLLECTED IN ACCORDANCE WITH THIS
18 SECTION SHALL NOT BE DEEMED COMPENSATION FOR ANY PURPOSE.

19 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) (I) "CARPOOLING SERVICE" MEANS A NOT-FOR-PROFIT
22 ARRANGEMENT IN WHICH TWO OR MORE INDIVIDUALS USE A MOTOR
23 VEHICLE FOR TRANSPORTATION TO, AND POSSIBLY RETURNING FROM, THE
24 SAME DESTINATION OR NEARBY DESTINATIONS.

25 (II) "CARPOOLING SERVICE" DOES NOT INCLUDE A
26 TRANSPORTATION ARRANGEMENT MADE WITH:

27 (A) A POLITICAL SUBDIVISION, AS DEFINED IN SECTION 29-1-202

1 (2);

2 (B) A COMMON CARRIER, CONTRACT CARRIER, TAXICAB SERVICE,
3 LARGE-MARKET TAXICAB SERVICE, OR TOWING CARRIER, AS THOSE TERMS
4 ARE DEFINED IN SECTION 40-10.1-101; ■

5 (C) A CHARTER BUS, CHILDREN'S ACTIVITY BUS, FIRE CREW
6 TRANSPORT, LUXURY LIMOUSINE SERVICE, MEDICAID CLIENT TRANSPORT,
7 OR OFF-ROAD SCENIC CHARTER, AS THOSE TERMS ARE DEFINED IN SECTION
8 40-10.1-301; OR

9 (D) A TRANSPORTATION NETWORK COMPANY, AS DEFINED IN
10 SECTION 40-10.1-602 (3).

11 (b) "CARPOOLING SERVICE INTERNET APPLICATION" OR
12 "APPLICATION" MEANS AN INTERNET APPLICATION OR DIGITAL NETWORK
13 USED TO CONNECT DRIVERS AND USERS FOR THE PURPOSE OF PROVIDING
14 CARPOOLING SERVICE.

15 (c) "DRIVER" MEANS AN INDIVIDUAL WHO USES THE INDIVIDUAL'S
16 PERSONAL VEHICLE TO PROVIDE CARPOOLING SERVICES TO USERS
17 THROUGH USE OF A CARPOOLING SERVICE INTERNET APPLICATION.

18 (d) "USER" MEANS AN INDIVIDUAL WHO IS MATCHED WITH A
19 DRIVER THROUGH A CARPOOLING SERVICE INTERNET APPLICATION TO
20 RECEIVE CARPOOLING SERVICE FOR THE USER AND FOR ANY OTHER
21 PASSENGERS IN THE USER'S PARTY.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.