

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0113.01 Jennifer Berman x3286

HOUSE BILL 21-1076

HOUSE SPONSORSHIP

McCluskie and Will, Bird, Exum, Froelich, Gray, Hooton, Lontine, McCormick, Michaelson Jenet, Ortiz, Roberts, Titone, Valdez A., Valdez D.

SENATE SPONSORSHIP

Donovan and Hisey,

House Committees

Transportation & Local Government

Senate Committees

Business, Labor, & Technology

A BILL FOR AN ACT

101 **CONCERNING CARPOOLING SERVICE INTERNET APPLICATIONS, AND, IN**
102 **CONNECTION THEREWITH, REQUIRING THAT APPLICATION**
103 **OWNERS OR OPERATORS REGISTER WITH THE DEPARTMENT OF**
104 **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. Owners or operators are also required to

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.

SENATE
2nd Reading Unamended
April 1, 2021

HOUSE
3rd Reading Unamended
March 16, 2021

HOUSE
Amended 2nd Reading
March 12, 2021

disclose to users of the internet application that carpooling service companies are not regulated by the state; that the state does not conduct medical examinations, vehicle inspections, or insurance verification in relation to the provision of carpooling service; and that background checks on drivers might not be conducted. The bill also requires that the amount that can be charged to a user through the internet application be reasonably calculated to cover the direct and indirect costs of providing carpooling service and limits the number of passengers that a driver providing carpooling service through the internet application may transport at any one time.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-127 as
3 follows:

4 **43-1-127. Registration of carpooling service internet**
5 **applications - limitations - disclosure - definitions.** (1) ON AND AFTER
6 OCTOBER 1, 2021, AN OWNER OF A CARPOOLING SERVICE INTERNET
7 APPLICATION OR AN OPERATOR OF THE APPLICATION ON THE OWNER'S
8 BEHALF SHALL REGISTER WITH THE DEPARTMENT ON AN ANNUAL BASIS IN
9 A FORM AND MANNER DETERMINED BY THE DEPARTMENT. THE
10 DEPARTMENT SHALL PUBLISH THE FORM AND MANNER OF REGISTERING ON
11 THE DEPARTMENT'S PUBLIC WEBSITE. IN REGISTERING WITH THE
12 DEPARTMENT, THE OWNER OR OPERATOR OF AN APPLICATION AGREES
13 THAT THE OWNER OR OPERATOR SHALL:

14 (a) WITH RESPECT TO A SINGLE TRIP FOR WHICH A DRIVER AND
15 USER ARE MATCHED THROUGH THE CARPOOLING SERVICE INTERNET
16 APPLICATION:

17 (I) COMPENSATE THE DRIVER UP TO THE TOTAL RATE OF
18 REIMBURSEMENT BASED ON MILES DRIVEN MULTIPLIED BY THE PREVAILING
19 FEDERAL INTERNAL REVENUE SERVICE'S MILEAGE REIMBURSEMENT RATE
20 FOR BUSINESS USE;

1 (II) REQUIRE EACH USER TO PAY AN EQUAL AMOUNT OF THE FEE
2 FOR CARPOOLING SERVICE, WHICH FEE SHALL BE REASONABLY
3 CALCULATED TO COVER THE DIRECT AND INDIRECT COSTS OF PROVIDING
4 THE CARPOOLING SERVICE; AND

5 (III) NOT ALLOW A DRIVER WHO PROVIDES CARPOOLING SERVICE
6 FOR THE OWNER'S OR OPERATOR'S CARPOOLING SERVICE INTERNET
7 APPLICATION TO TRANSPORT MORE THAN SIX PASSENGERS AT A TIME,
8 EXCLUDING THE DRIVER, IN THE DRIVER'S PERSONAL VEHICLE;

9 (b) LIMIT EACH DRIVER TO ONE TRIP PER DAY; AND

10 (c) DISCLOSE TO USERS IN A CONSPICUOUS MANNER ON THE
11 CARPOOLING SERVICE INTERNET APPLICATION THE FOLLOWING
12 DISCLAIMER:

13 **BE ADVISED THAT CARPOOLING SERVICE COMPANIES ARE**
14 **NOT REGULATED BY THE STATE OF COLORADO.**
15 **BACKGROUND CHECKS MIGHT NOT BE PERFORMED ON**
16 **DRIVERS, DRIVERS ARE NOT SUBJECT TO MEDICAL**
17 **EXAMINATION AND CERTIFICATION, VEHICLES ARE NOT**
18 **SUBJECT TO INSPECTION BY THE STATE, AND STATE**
19 **INSURANCE VERIFICATION IS NOT PERFORMED.**

20 (2) THE DEPARTMENT IS NOT LIABLE FOR ANY ACT OR OMISSION OF
21 AN OWNER OR OPERATOR OF A CARPOOLING SERVICE INTERNET
22 APPLICATION, AN AGENT OF AN OWNER OR OPERATOR, A DRIVER, OR A
23 USER.

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

26 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

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

5 (II) "CARPOOLING SERVICE" INCLUDES, FOR EACH USER OR
6 PASSENGER:

7 (A) A TRIP THAT IS AT LEAST TWENTY-THREE MILES BETWEEN
8 PICK-UP AND DROP-OFF POINTS, WHETHER THE PICK-UP AND DROP-OFF
9 POINTS ARE LOCATED WITHIN OR OUTSIDE METROPOLITAN AREAS; AND

10 (B) A TRIP THAT IS TO OR FROM A SKI AREA, AS THAT TERM IS
11 DEFINED IN SECTION 33-44-103 (6), REGARDLESS OF THE DISTANCE
12 BETWEEN THE SKI AREA AND THE OTHER LOCATION.

13 (III) "CARPOOLING SERVICE" DOES NOT INCLUDE A
14 TRANSPORTATION ARRANGEMENT MADE WITH:

15 (A) A POLITICAL SUBDIVISION, AS DEFINED IN SECTION 29-1-202
16 (2);

17 (B) A COMMON CARRIER, CONTRACT CARRIER, TAXICAB SERVICE,
18 LARGE-MARKET TAXICAB SERVICE, OR TOWING CARRIER, AS THOSE TERMS
19 ARE DEFINED IN SECTION 40-10.1-101;

20 (C) A CHARTER BUS, CHILDREN'S ACTIVITY BUS, FIRE CREW
21 TRANSPORT, LUXURY LIMOUSINE SERVICE, MEDICAID CLIENT TRANSPORT,
22 OR OFF-ROAD SCENIC CHARTER, AS THOSE TERMS ARE DEFINED IN SECTION
23 40-10.1-301; OR

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

26 (b) "CARPOOLING SERVICE INTERNET APPLICATION" OR
27 "APPLICATION" MEANS AN INTERNET APPLICATION OR DIGITAL NETWORK

1 USED TO CONNECT DRIVERS AND USERS:

2 (I) FOR THE PURPOSE OF FACILITATING CARPOOLING SERVICE; AND

3 (II) THROUGH WHICH RESERVATIONS FOR CARPOOLING SERVICE
4 ARE MADE NO LESS THAN TWO HOURS IN ADVANCE OF, AND ARE USUALLY
5 MADE AT LEAST ONE DAY IN ADVANCE OF, THE CARPOOLING SERVICE.

6 (c) "DRIVER" MEANS AN INDIVIDUAL WHO USES A VEHICLE THAT
7 THE INDIVIDUAL PERSONALLY OWNS OR LEASES AND WHO PROVIDES
8 CARPOOLING SERVICES TO USERS IN THAT VEHICLE THROUGH USE OF A
9 CARPOOLING SERVICE INTERNET APPLICATION.

10 (d) (I) "METROPOLITAN AREA" MEANS A METROPOLITAN PLANNING
11 AREA DESIGNATED BY AGREEMENT OF A GOVERNOR AND A METROPOLITAN
12 PLANNING ORGANIZATION, AS THOSE TERMS ARE DEFINED IN 49 U.S.C.
13 SEC. 5302 (8) AND 49 U.S.C. SEC. 5303 (b)(1) AND (b)(2) OF THE
14 "FEDERAL TRANSIT ACT", AS AMENDED.

15 (II) "METROPOLITAN AREA" DOES NOT INCLUDE ANY SKI AREA, AS
16 THAT TERM IS DEFINED IN SECTION 33-44-103 (6).

17 (e) "TRIP" MEANS A SINGLE ROUND TRIP THAT A DRIVER MAKES TO
18 PROVIDE CARPOOLING SERVICE TO ONE OR MORE USERS, INVOLVING ONE
19 OR MORE PICK-UP LOCATIONS AND ONE OR MORE DROP-OFF DESTINATIONS
20 ALONG THE WAY, DURING WHICH ALL INTENTIONAL STOPS THAT THE
21 DRIVER MAKES RELATE TO THE PROVISION OF CARPOOLING SERVICE TO THE
22 USERS AND ANY OTHER PASSENGERS IN A USER'S PARTY.

23 (f) "USER" MEANS AN INDIVIDUAL WHO IS MATCHED WITH A
24 DRIVER THROUGH A CARPOOLING SERVICE INTERNET APPLICATION TO
25 RECEIVE CARPOOLING SERVICE FOR THE USER AND FOR ANY OTHER
26 PASSENGERS IN THE USER'S PARTY.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.