

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0863.01 Jennifer Berman x3286

SENATE BILL 23-187

SENATE SPONSORSHIP

Winter F. and Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

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

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>.)

Current law requires that, if the uncommitted reserves in the motor carrier fund (fund) exceed 10% of the fund's expenditures, the amount of the uncommitted reserves in the fund that are attributable to the

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

registration fees paid by motor carriers and other transportation providers required to register with the United States department of transportation under the unified carrier registration system must be transferred from the fund to the motor carrier safety fund. **Section 1** of the bill adjusts the amount of uncommitted reserves that triggers the transfer from 10% to 16.5%.

Under current law, various fees imposed on motor carriers are either specified in statute or set administratively by the public utilities commission (commission). **Sections 2 and 3** remove the statutorily set fees and instead authorize the commission to set the motor carrier fees administratively.

Section 4 requires, on and after January 1, 2024, that the commission establish transportation network company permit fees administratively. The commission may adopt rules establishing different tiers of permit fees for distinct types of transportation network companies based on the commission's consideration of market factors.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-110.5, **amend**
3 (9) as follows:

4 **40-2-110.5. Annual fees - public utilities commission motor**
5 **carrier fund - created.** (9) (a) For the ~~2013-14~~ 2023-24 STATE fiscal
6 year and for each STATE fiscal year thereafter, if the amount of
7 uncommitted reserves in the motor carrier fund at the conclusion of any
8 given STATE fiscal year exceeds ~~ten~~ SIXTEEN AND ONE-HALF percent of the
9 fund's expenditures during that STATE fiscal year, the amount of the
10 excess that is attributable to revenues received from any motor carrier,
11 motor private carrier, broker, freight forwarder, leasing company, or any
12 other person required to register with the United States department of
13 transportation under the unified carrier registration system as authorized
14 by federal law and as provided for in section 40-10.5-102 shall be
15 transferred to the motor carrier safety fund created in section 42-4-235
16 (6). ~~C.R.S.~~

1 (b) The distribution required by ~~paragraph (a)~~ SUBSECTION (9)(a)
2 of this ~~subsection (9)~~ SECTION is in lieu of, and ~~shall supersede~~
3 SUPERSEDES, any provision to the contrary in section 24-75-402. ~~C.R.S.~~

4 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-102, **amend**
5 (1) as follows:

6 **40-10.1-102. Powers of commission.** (1) The commission has
7 the power to and shall administer and enforce this ~~article~~ ARTICLE 10.1,
8 including:

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

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

15 (c) THE AUTHORITY TO ADMINISTRATIVELY SET PERMIT FEES FOR
16 EACH TRANSPORTATION NETWORK COMPANY PURSUANT TO SECTION
17 40-10.1-606 (2).

18 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-111, **amend**
19 (1) and (2) as follows:

20 **40-10.1-111. Filing, issuance, and annual fees - fee setting by**
21 **the commission.** (1) A motor carrier shall pay the commission the
22 following fees in amounts ~~prescribed in this section or, if not prescribed~~
23 ~~in this section,~~ as set administratively by the commission with approval
24 of the executive director of the department of regulatory agencies:

25 (a) ~~Except as otherwise provided in paragraph (b) of this~~
26 ~~subsection (1),~~ The filing fee for an application for a temporary authority,
27 certificate, or permit under part 2 of this ~~article~~ ARTICLE 10.1 or for an

1 extension, amendment, transfer, or lease of a temporary authority,
2 certificate, or permit is ~~thirty-five dollars~~, and the fee for issuance of a
3 temporary authority, certificate, or permit under part 2 of this ~~article~~ is
4 ~~five dollars~~ ARTICLE 10.1;

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

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

13 ~~(H) Repealed.~~

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

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

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

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

23 (2) Except for a mover holding a permit issued under part 5 of this
24 ~~article~~ ARTICLE 10.1 and a motor carrier that has paid a fee pursuant to
25 article 10.5 of this ~~title~~ TITLE 40, a motor carrier shall not operate any
26 motor vehicle in intrastate commerce unless THE MOTOR CARRIER HAS
27 PAID the annual fees required by ~~paragraph (f) of subsection (1)~~

1 SUBSECTION (1)(f) of this section. ~~have been paid. Such~~ THE ANNUAL fees
2 apply on a calendar year basis and are creditable only to the specific
3 vehicles for which the fees have been paid.

4 **SECTION 4.** In Colorado Revised Statutes, 40-10.1-606, **amend**
5 (2) as follows:

6 **40-10.1-606. Permit required for transportation network**
7 **companies - annual permit fee - penalty for violation - rules - repeal.**

8 (2) (a) (I) The commission shall issue a permit to each transportation
9 network company that meets the requirements of this part 6 and pays an
10 annual permit fee of one hundred eleven thousand two hundred fifty
11 dollars to the commission. The commission may adjust the annual permit
12 fee ~~by rule~~ to cover the commission's direct and indirect costs associated
13 with implementing this part 6.

14 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JANUARY 1,
15 2024.

16 (b) ON AND AFTER JANUARY 1, 2024, THE COMMISSION SHALL
17 ISSUE A PERMIT TO EACH TRANSPORTATION NETWORK COMPANY THAT
18 MEETS THE REQUIREMENTS OF THIS PART 6 AND PAYS AN ANNUAL PERMIT
19 FEE TO THE COMMISSION IN AN AMOUNT THAT THE COMMISSION SETS
20 ADMINISTRATIVELY WITH APPROVAL OF THE EXECUTIVE DIRECTOR OF THE
21 DEPARTMENT OF REGULATORY AGENCIES.

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

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

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

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

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

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

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

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

15 (d) IN ESTABLISHING DIFFERENT TIERS OF PERMIT FEES BY RULE
16 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION, THE COMMISSION
17 SHALL ENSURE THAT THE AGGREGATED REVENUE GENERATED FROM THE
18 TIERS OF PERMIT FEES IS SUFFICIENT TO COVER THE COMMISSION'S DIRECT
19 AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 6.

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.