

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

REVISED

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

LLS NO. 23-0863.01 Jennifer Berman x3286

SENATE BILL 23-187

SENATE SPONSORSHIP

Winter F. and Rodriguez, Buckner, Cutter, Hinrichsen, Jaquez Lewis, Kolker, Moreno, Priola

HOUSE SPONSORSHIP

Froelich and Bacon,

Senate Committees

Transportation & Energy

House Committees

Transportation, Housing & Local Government

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.

HOUSE
2nd Reading Unamended
April 21, 2023

SENATE
3rd Reading Unamended
April 11, 2023

SENATE
Amended 2nd Reading
April 10, 2023

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:*

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

5 **40-10.1-102. Powers of commission.** (1) The commission has
6 the power to and shall administer and enforce this ~~article~~ ARTICLE 10.1,
7 including:

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

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

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

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

3 **40-10.1-111. Filing, issuance, and annual fees - fee setting by**
4 **the commission.** (1) A motor carrier shall pay the commission the
5 following fees in amounts ~~prescribed in this section or, if not prescribed~~
6 ~~in this section,~~ as set administratively by the commission with approval
7 of the executive director of the department of regulatory agencies:

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

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

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

23 ~~(H) Repealed.~~

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

27 (e) The filing fee for a temporary permit to operate as a mover

1 pursuant to section 40-10.1-502 (5)(a); ~~is one hundred fifty dollars.~~

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

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

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

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

16 **40-10.1-606. Permit required for transportation network**
17 **companies - annual permit fee - penalty for violation - rules - repeal.**

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

24 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JANUARY 1,
25 2024.

26 (b) ON AND AFTER JANUARY 1, 2024, THE COMMISSION SHALL
27 ISSUE A PERMIT TO EACH TRANSPORTATION NETWORK COMPANY THAT

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

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

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

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

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

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

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

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

27 AND

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

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

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

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