

CHAPTER 260

PUBLIC UTILITIES

SENATE BILL 93-156

BY SENATORS Blickensderfer, Bishop, Casey, Hopper, Mares, Schroeder, and Traylor;
also REPRESENTATIVES Pankey, Allen, Chlouber, Knox, Pffner, and Reeves.

AN ACT

CONCERNING AN EXEMPTION FROM THE "PUBLIC UTILITIES LAW" FOR TRANSPORTATION OF PERSONS IN CONNECTION WITH ACTIVITIES SPONSORED BY NONPROFIT ORGANIZATIONS, INCLUDING SCHOOLS.

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

SECTION 1. Article 32 of title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-130. Children's activity buses. (1) (a) AT TIMES SPECIFIED BY A BOARD OF EDUCATION, ANY MOTOR VEHICLE USED FOR TRANSPORTING PUPILS PURSUANT TO SECTION 22-32-113 SHALL BE AVAILABLE FOR USE AS A CHILDREN'S ACTIVITY BUS AS DEFINED IN SECTION 40-16-101 (1.5), C.R.S. SUCH BOARD OF EDUCATION MAY ADOPT POLICIES REGARDING THE REASONABLE USE OF SUCH VEHICLES AS CHILDREN'S ACTIVITY BUSES. ANY SCHOOL BUS WHICH IS SUBJECT TO SECTION 42-4-234, C.R.S., WHICH IS UNDER THE SAFETY JURISDICTION OF THE DEPARTMENT OF PUBLIC SAFETY, AND WHICH IS OPERATED AS A CHILDREN'S ACTIVITY BUS SHALL BE EXEMPT FROM SECTION 40-16-105, C.R.S.

(b) TO THE EXTENT THAT POLICIES ADOPTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) PROVIDE FOR THE REIMBURSEMENT TO THE SCHOOL DISTRICT OF ALL EXPENSES OF THE OPERATION OF SUCH MOTOR VEHICLES AS DETERMINED BY THE SCHOOL DISTRICT AUDITOR, SUCH REIMBURSEMENT SHALL NOT CONSTITUTE COMPENSATION OR SUBJECT THE SCHOOL DISTRICT TO THE REQUIREMENTS OF ARTICLE 10 OR 11 OF TITLE 40, C.R.S.

(c) THE MILES TRAVELED AND THE COSTS EXPENDED PURSUANT TO THIS ARTICLE SHALL NOT BE ALLOWABLE TOWARDS THE COMPUTATION OF BENEFITS WHICH ACCRUE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TO A SCHOOL DISTRICT UNDER THE PROVISIONS OF ARTICLE 51 OF THIS TITLE. INSURANCE COVERAGE WHICH IS IN EFFECT WHILE MOTOR VEHICLES ARE USED PURSUANT TO THIS ARTICLE SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 40-16-104, C.R.S.

(2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 1993.

SECTION 2. 40-10-116, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

40-10-116. Transportation of farm produce, persons associated with nonprofit organizations, and school children. (1) Nothing in this article shall be construed as prohibiting the FOLLOWING:

(a) Intermittent transportation of farm products to market or supplies to the farm by any person chiefly engaged in farming; or

(b) ~~the~~ Transportation of children to and from school, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES.

SECTION 3. 40-16-101 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended, and the said 40-16-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

40-16-101. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "CHILDREN'S ACTIVITY BUS" MEANS A MOTOR VEHICLE HIRED TO TRANSPORT GROUPS OF EIGHT OR MORE CHILDREN, EIGHTEEN YEARS OF AGE OR YOUNGER AND ANY ADULTS OVER EIGHTEEN YEARS OF AGE ACCOMPANYING OR PARTICIPATING WITH SAID GROUP, TO OR FROM ACTIVITIES WHICH ARE SPONSORED BY NONPROFIT ORGANIZATIONS ENTITLED TO A TAX EXEMPTION UNDER THE FEDERAL "INTERNAL REVENUE CODE OF 1954", AS AMENDED.

(4) "Motor vehicle carrier exempt from regulation as a public utility" means persons who offer services as couriers or offer services using charter or scenic buses, luxury limousines, ~~and~~ off-road scenic charters, AND CHILDREN'S ACTIVITY BUSES.

SECTION 4. The introductory portion to 40-16-104 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended, and the said 40-16-104 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

40-16-104. Insurance requirements. (1) Each motor vehicle carrier exempt from regulation as a public utility shall maintain a general liability insurance policy. Such an insurance policy shall be issued by some insurance carrier or insurer authorized to do business in Colorado for each motor vehicle of such carrier. For those motor vehicle carriers exempt from regulation as public utilities specified in paragraphs (a) to ~~(c)~~ (d) of this subsection (1), such liability insurance shall be in the following minimum amounts:

(d) FOR CHILDREN'S ACTIVITY BUSES, A MINIMUM AMOUNT OF ONE MILLION

DOLLARS COMBINED SINGLE LIMIT LIABILITY. IF THE VEHICLE BEING USED HAS A CAPACITY FOR THIRTY-TWO OR MORE PASSENGERS, DISCLOSURE SHALL BE MADE TO THE LESSOR OF SUCH VEHICLE THAT THE LIABILITY LIMITS ARE LOWER THAN THOSE FOR CHARTER OR SCENIC BUSES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1).

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

Approved: June 6, 1993