

## CHAPTER 358

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**PROFESSIONS AND OCCUPATIONS**

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**HOUSE BILL 03-1289**

BY REPRESENTATIVE(S) Briggs, Larson, Decker, McCluskey, Merrifield, Borodkin, Carroll, Coleman, Frangas, Hodge, Hoppe, Jahn, McFadyen, Miller, Paccione, Pommer, Rose, Sinclair, Stafford, Stengel, Veiga, and Williams S.;  
also SENATOR(S) Arnold, Kester, Chlouber, Fitz-Gerald, Hagedorn, Jones, May R., and Tupa.

**AN ACT**

**CONCERNING CONSUMER PROTECTION FOR INTRASTATE HOUSEHOLD MOVES, AND, IN CONNECTION THEREWITH, CHANGING THE REGISTRATION REQUIREMENTS FOR A MOTOR CARRIER OF HOUSEHOLD GOODS WITHIN COLORADO, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** Article 14 of title 40, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

**ARTICLE 14**  
**Motor Carriers of Household Goods**

**40-14-101. Legislative declaration - subject to control of the commission.**

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT MOVERS AFFECT THE PUBLIC INTEREST AND ARE THEREFORE SUBJECT TO REGULATION TO THE EXTENT PROVIDED IN THIS ARTICLE.

(2) A MOVER SHALL NOT BE CONSTRUED TO BE A PUBLIC UTILITY UNDER THIS TITLE. EXCEPT AS PROVIDED FOR IN THIS ARTICLE, A MOVER SHALL NOT BE SUBJECT TO REGULATION UNDER THIS TITLE, EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 40-7-112 THROUGH 40-7-114.

**40-14-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSORIAL SERVICE" MEANS ANY SERVICE PERFORMED BY A MOVER THAT RESULTS IN A CHARGE TO THE SHIPPER AND IS INCIDENTAL TO THE TRANSPORTATION SERVICE, INCLUDING, BUT NOT LIMITED TO, VALUATION COVERAGE; PREPARATION OF

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

WRITTEN INVENTORY; EQUIPMENT, INCLUDING DOLLIES, HAND TRUCKS, PADS, BLANKETS, AND STRAPS; STORAGE, PACKING, UNPACKING, OR CRATING OF ARTICLES; HOISTING OR LOWERING; WAITING TIME; LONG CARRY, WHICH IS DEFINED AS CARRYING ARTICLES EXCESSIVE DISTANCES BETWEEN THE MOVER'S VEHICLE AND THE RESIDENCE; OVERTIME LOADING AND UNLOADING; REWEIGHING; DISASSEMBLY OR REASSEMBLY; ELEVATOR OR STAIR CARRYING; BOXING OR SERVICING OF APPLIANCES; AND FURNISHING OF PACKING OR CRATING MATERIALS. ACCESSORIAL SERVICES ALSO INCLUDE SERVICES NOT PERFORMED BY THE MOVER BUT BY A THIRD PARTY AT THE REQUEST OF THE SHIPPER OR MOVER IF THE CHARGES FOR SUCH SERVICES ARE TO BE PAID TO THE MOVER BY THE SHIPPER AT OR PRIOR TO THE TIME OF DELIVERY.

(2) "ADVERTISE" MEANS TO ADVISE, ANNOUNCE, GIVE NOTICE OF, PUBLISH, OR CALL ATTENTION TO BY USE OF ANY ORAL, WRITTEN, OR GRAPHIC STATEMENT MADE IN A NEWSPAPER OR OTHER PUBLICATION, ON RADIO, TELEVISION, OR ANY ELECTRONIC MEDIUM, OR CONTAINED IN ANY NOTICE, HANDBILL, SIGN (INCLUDING SIGNAGE ON A VEHICLE), FLYER, CATALOG, OR LETTER, OR PRINTED ON OR CONTAINED IN ANY TAG OR LABEL ATTACHED TO OR ACCOMPANYING ANY ARTICLE OF PERSONAL PROPERTY.

(3) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF THIS STATE.

(4) "COMPENSATION" MEANS ANY MONEY, PROPERTY, SERVICE, OR THING OF VALUE CHARGED OR RECEIVED OR TO BE CHARGED OR RECEIVED, WHETHER DIRECTLY OR INDIRECTLY.

(5) "DOCUMENT" MEANS A WRITTEN DOCUMENT, APPROVED BY THE SHIPPER IN WRITING PRIOR TO THE PERFORMANCE OF ANY SERVICE, THAT AUTHORIZES SERVICES FROM THE NAMED MOVER AND LISTS THE SERVICES AND ALL COSTS ASSOCIATED WITH THE TRANSPORTATION OF HOUSEHOLD GOODS AND ACCESSORIAL SERVICES TO BE PERFORMED.

(6) "ESTIMATE" MEANS A WRITTEN DOCUMENT THAT SETS FORTH THE TOTAL COST AND THE BASIS OF SUCH COSTS RELATED TO A SHIPPER'S MOVE, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, TRANSPORTATION OR ACCESSORIAL SERVICES.

(7) "HOUSEHOLD GOODS" MEANS THE PERSONAL EFFECTS AND PROPERTY USED OR TO BE USED IN A DWELLING, A PART OF THE EQUIPMENT OR SUPPLIES OF SUCH DWELLING, OR SIMILAR PROPERTY; EXCEPT THAT THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO INCLUDE PROPERTY MOVING FROM A FACTORY OR STORE EXCEPT SUCH PROPERTY AS A PURCHASER HAS PURCHASED WITH INTENT TO USE IN THE PURCHASER'S DWELLING AND THAT IS TRANSPORTED AT THE REQUEST OF, AND THE TRANSPORTATION CHARGES FOR WHICH ARE PAID TO THE MOVER BY, THE PURCHASER OR THE PURCHASER'S AGENT.

(8) "MOTOR VEHICLE" MEANS ANY AUTOMOBILE, TRUCK, TRACTOR, BUS, OR OTHER SELF-PROPELLED VEHICLE OR ANY TRAILER DRAWN THEREBY, EXCLUDING VEHICLES OPERATED UPON FIXED RAILS.

(9) "MOVER" MEANS ANY PERSON WHO ENGAGES IN THE TRANSPORTATION OR SHIPMENT OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE FOR COMPENSATION UPON THE PUBLIC HIGHWAYS OF THIS STATE BY USE OF A MOTOR VEHICLE.

(10) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY.

(11) "PUBLIC HIGHWAY" MEANS EVERY ROAD, STREET, OR HIGHWAY OVER WHICH THE PUBLIC GENERALLY HAS A RIGHT TO TRAVEL.

(12) "SHIPPER" MEANS ANY PERSON WHO USES THE SERVICES OF A MOVER TO TRANSPORT OR SHIP HOUSEHOLD GOODS.

(13) "STORAGE" MEANS WAREHOUSING OF THE SHIPPER'S GOODS WHILE UNDER THE CARE, CUSTODY, AND CONTROL OF THE MOVER.

**40-14-103. Requirements for issuance of a mover registration.** (1) NO PERSON SHALL OPERATE, OFFER, OR ADVERTISE SERVICES AS A MOVER UPON THE PUBLIC HIGHWAYS OF THIS STATE IN INTRASTATE COMMERCE WITHOUT FIRST BEING REGISTERED WITH THE COMMISSION. EACH MOVER SHALL REGISTER ANNUALLY ON A FORM TO BE DESIGNATED BY THE COMMISSION AND SHALL INCLUDE THE NAME AND ADDRESS OF THE REGISTRANT AND PROOF OF INSURANCE AS REQUIRED BY SECTION 40-14-104.

(2) (a) THE COMMISSION SHALL ISSUE A CERTIFICATE OF REGISTRATION TO A MOVER UPON COMPLETION OF THE REGISTRATION AND INSURANCE REQUIREMENTS OF THIS ARTICLE, SUBMISSION OF AN ANNUAL FILING FEE TO BE SET BY THE COMMISSION, NOT TO EXCEED THREE HUNDRED DOLLARS BY THE CARRIER, AND PAYMENT OF THE ANNUAL IDENTIFICATION FEE REQUIRED BY SECTION 40-2-110.5.

(b) ALL FEES COLLECTED PURSUANT TO THIS SUBSECTION (2) SHALL BE CREDITED TO THE MOTOR CARRIER FUND CREATED IN SECTION 40-2-110.5.

(c) NOTWITHSTANDING THE AMOUNT SPECIFIED FOR ANY FEE IN THIS SECTION, THE COMMISSION BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY REDUCE THE AMOUNT OF ONE OR MORE OF THE FEES IF NECESSARY PURSUANT TO SECTION 24-75-402 (3), C.R.S., TO REDUCE THE UNCOMMITTED RESERVES OF THE FUND TO WHICH ALL OR ANY PORTION OF SUCH FEES ARE CREDITED. AFTER THE UNCOMMITTED RESERVES OF THE FUND ARE SUFFICIENTLY REDUCED, THE COMMISSION BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY INCREASE THE AMOUNT OF ONE OR MORE OF THE FEES AS PROVIDED IN SECTION 24-75-402 (4), C.R.S.

(3) THE COMMISSION MAY DENY OR REFUSE TO RENEW THE REGISTRATION OF ANY MOVER BASED UPON A DETERMINATION THAT THE MOVER, OR ANY OF ITS DIRECTORS, OFFICERS, OWNERS, OR GENERAL PARTNERS:

(a) HAS FAILED TO MEET THE REQUIREMENTS FOR REGISTRATION AS PROVIDED IN THIS ARTICLE; OR

(b) HAS NOT SATISFIED A CIVIL PENALTY ARISING OUT OF ANY ADMINISTRATIVE OR ENFORCEMENT ACTION BROUGHT BY THE COMMISSION.

(4) NO REGISTRATION SHALL BE VALID FOR ANY MOVER TRANSACTING BUSINESS AT ANY LOCATIONS OTHER THAN THOSE DESIGNATED IN ITS APPLICATION, UNLESS THE COMMISSION IS FIRST NOTIFIED IN WRITING IN ADVANCE OF ANY CHANGE OF

LOCATION. A REGISTRATION ISSUED UNDER THIS SECTION SHALL NOT BE ASSIGNABLE, AND THE MOVER SHALL NOT BE PERMITTED TO CONDUCT BUSINESS UNDER MORE THAN ONE NAME EXCEPT AS REGISTERED. A MOVER DESIRING TO CHANGE ITS REGISTERED NAME OR LOCATION AT A TIME OTHER THAN UPON RENEWAL OF REGISTRATION SHALL NOTIFY THE COMMISSION OF SUCH CHANGE.

(5) EVERY PERSON WHO HAS REGISTERED PURSUANT TO THIS SECTION WHO ALSO REGISTERS AS A PROPERTY CARRIER BY MOTOR VEHICLE PURSUANT TO SECTION 40-16-103 SHALL BE EXEMPT FROM THE FILING FEE REQUIRED BY SECTION 40-16-110 (4) (b).

**40-14-104. Insurance and surety bond requirements.** (1) EACH MOVER SHALL MAINTAIN MOTOR VEHICLE LIABILITY AND GENERAL LIABILITY INSURANCE, A SURETY BOND, OR A CERTIFICATE OF SELF-INSURANCE ISSUED PURSUANT TO SECTION 42-7-501, C.R.S. SUCH AN INSURANCE POLICY SHALL BE ISSUED BY AN INSURANCE CARRIER OR INSURER AUTHORIZED TO DO BUSINESS IN COLORADO FOR EACH MOTOR VEHICLE OF SUCH CARRIER. SUCH SURETY BOND SHALL BE ISSUED BY A COMPANY AUTHORIZED TO ISSUE SUCH BOND. SUCH LIABILITY INSURANCE OR SURETY BOND SHALL BE IN THE MINIMUM AMOUNT OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS; EXCEPT THAT A MOVER USING ONLY MOTOR VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OF LESS THAN TEN THOUSAND POUNDS SHALL MAINTAIN INSURANCE IN THE AMOUNT OF AT LEAST THREE HUNDRED THOUSAND DOLLARS COMBINED SINGLE LIMIT LIABILITY.

(2) A MOVER SHALL MAINTAIN, IN ADDITION TO THE INSURANCE SPECIFIED IN SUBSECTION (1) OF THIS SECTION, CARGO INSURANCE IN THE AMOUNTS AND IN THE FORM SPECIFIED BY RULE OF THE COMMISSION.

(3) EACH MOVER SHALL MAINTAIN WITH THE COMMISSION ADEQUATE WRITTEN DOCUMENTATION THAT SUCH CARRIER MAINTAINS MOTOR VEHICLE LIABILITY AND GENERAL LIABILITY INSURANCE OR A SURETY BOND OR A CERTIFICATE OF SELF-INSURANCE IN ACCORDANCE WITH THIS SECTION. NO TERMINATION OF SUCH INSURANCE POLICY OR SURETY BOND SHALL BE VALID UNLESS THE INSURER OR SURETY HAS NOTIFIED THE HOLDER OF THE POLICY AND THE COMMISSION AT LEAST THIRTY DAYS PRIOR TO SUCH TERMINATION.

**40-14-105. Safety requirements.** (1) A MOVER, EXCEPT A MOVER OPERATING A VEHICLE OR VEHICLES WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF TWENTY-SIX THOUSAND ONE POUNDS OR MORE, SHALL COMPLY WITH THE SAFETY RULES ADOPTED BY THE COMMISSION PURSUANT TO SECTION 40-2-116. THE COMMISSION SHALL HAVE THE PRIMARY RESPONSIBILITY FOR ENFORCEMENT, INSPECTION OF VEHICLES, AND SUPERVISION OF DRIVERS UNDER THIS SUBSECTION (1). NOTHING IN THIS SUBSECTION (1) SHALL BE CONSTRUED TO DIMINISH THE AUTHORITY OF THE DEPARTMENT OF PUBLIC SAFETY, A PEACE OFFICER, OR ANY OTHER AGENT OF GOVERNMENT TO ENFORCE THE LAWS OF THIS STATE.

(2) A MOVER OPERATING A VEHICLE OR VEHICLES WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING OR GROSS COMBINATION RATING OF TWENTY-SIX THOUSAND ONE POUNDS OR MORE SHALL COMPLY WITH SAFETY RULES ADOPTED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-203 (1) (b), C.R.S. THE DEPARTMENT OF PUBLIC SAFETY SHALL HAVE THE PRIMARY RESPONSIBILITY FOR

ENFORCEMENT, INSPECTION OF VEHICLES, AND SUPERVISION OF DRIVERS UNDER THIS SUBSECTION (2). NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO DIMINISH THE AUTHORITY OF THE COMMISSION, A PEACE OFFICER, OR ANY OTHER AGENT OF GOVERNMENT TO ENFORCE THE LAWS OF THIS STATE.

**40-14-106. Revocation of mover registration.** (1) THE COMMISSION SHALL REVOKE THE MOVER REGISTRATION OF ANY PERSON NOT COMPLYING WITH THE INSURANCE AND SAFETY REQUIREMENTS OF THIS ARTICLE UNTIL SUCH PERSON ATTAINS SUCH COMPLIANCE. IN ADDITION, THE COMMISSION SHALL REVOKE THE MOVER REGISTRATION OF ANY PERSON WHO FAILS TO MAINTAIN WITH THE COMMISSION THE NAME AND ADDRESS OF THE AGENT OF SUCH PERSON UPON WHOM ANY PROCESS, NOTICE, OR DEMAND REQUIRED OR PERMITTED BY LAW TO BE SERVED UPON THE PERSON MAY BE SERVED.

(2) IN ADDITION TO TAKING ANY OTHER ACTION AUTHORIZED BY LAW, THE COMMISSION MAY REVOKE THE MOVER REGISTRATION OF ANY PERSON WHO FAILS OR REFUSES TO OPERATE IN ACCORDANCE WITH THIS ARTICLE AND ALL APPLICABLE RULES OF THE COMMISSION ADOPTED IN FURTHERANCE OF THIS ARTICLE. THE REVOCATION OF A REGISTRATION PURSUANT TO THIS SECTION SHALL CONFORM TO THE PROVISIONS AND PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24, C.R.S.

(3) A PERSON WHOSE MOVER REGISTRATION HAS BEEN REVOKED FOR CAUSE MORE THAN TWICE SHALL NOT BE ELIGIBLE FOR RE-REGISTRATION FOR AT LEAST TWO YEARS AFTER THE DATE OF THE THIRD SUCH REVOCATION. IN THE CASE OF AN ENTITY OTHER THAN AN INDIVIDUAL, SUCH TWO-YEAR PERIOD OF INELIGIBILITY SHALL ALSO APPLY TO ALL PRINCIPALS, OFFICERS, AND DIRECTORS OF THE ENTITY, WHETHER OR NOT ANY SUCH PRINCIPAL, OFFICER, OR DIRECTOR APPLIES INDIVIDUALLY OR AS A PRINCIPAL, OFFICER, OR DIRECTOR OF THE SAME OR A DIFFERENT ENTITY. AS USED IN THIS SUBSECTION (3), A REVOCATION "FOR CAUSE" DOES NOT INCLUDE A REVOCATION FOR FAILURE TO CARRY THE REQUIRED INSURANCE UNLESS IT IS SHOWN THAT THE PERSON KNOWINGLY OPERATED WITHOUT INSURANCE.

(4) ANY PERSON MAY FILE A FORMAL COMPLAINT WITH THE COMMISSION AGAINST THE HOLDER OF A MOVER REGISTRATION FOR VIOLATIONS OF THIS ARTICLE OR RULES ADOPTED IN FURTHERANCE OF THIS ARTICLE. SUCH COMPLAINT SHALL BE HEARD AND DETERMINED AS PROVIDED IN ARTICLE 6 OF THIS TITLE, AND, UPON PROOF OF SUCH VIOLATION, THE COMMISSION MAY DO ANY ONE OR COMBINATION OF THE FOLLOWING: ISSUE A CEASE AND DESIST ORDER; SUSPEND OR REVOKE THE MOVER REGISTRATION OF THE VIOLATOR; OR ASSESS CIVIL PENALTIES AS PROVIDED IN ARTICLE 7 OF THIS TITLE.

(5) ANY PERSON INJURED BY A VIOLATION OF THIS ARTICLE, ANY OTHER APPLICABLE STATUTE, OR A RULE, ORDER, DECISION, DECREE, DIRECTION, OR REQUIREMENT OF THE COMMISSION MAY APPLY TO A COURT OF COMPETENT JURISDICTION FOR RELIEF, WHICH MAY INCLUDE DAMAGES, INJUNCTIVE RELIEF, AND ANY OTHER APPROPRIATE REMEDY OR LEGAL PROCESS.

**40-14-107. Advertising.** (1) NO MOVER, NOR ANY OFFICER, AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE MOVER, SHALL ADVERTISE A TRANSPORTATION SERVICE IN A NAME OTHER THAN THAT IN WHICH THE MOVER'S REGISTRATION IS HELD.

(2) EACH ADVERTISEMENT OF A MOVER SHALL INCLUDE THE PHRASE "CO PUC MOVER REG. NO. \_\_\_\_" AND THE PHYSICAL ADDRESS OF THE MOVER.

**40-14-108. Estimates and contracts for service.** (1) A MOVER WHO PROVIDES ANY MOVING OR ACCESSORIAL SERVICES SHALL PROVIDE A DOCUMENT AS SPECIFIED BY THE PUBLIC UTILITIES COMMISSION TO A PROSPECTIVE SHIPPER THAT SHALL BE SIGNED AND DATED BY THE SHIPPER AND THE MOVER AND SHALL INCLUDE:

(a) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS WHERE THE MOVER'S EMPLOYEES ARE AVAILABLE DURING NORMAL BUSINESS HOURS;

(b) THE DATE THE DOCUMENT IS PREPARED AND ANY PROPOSED DATE OF THE MOVE;

(c) THE NAME AND ADDRESS OF THE SHIPPER, THE ADDRESSES WHERE THE ITEMS ARE TO BE PICKED UP AND DELIVERED, AND A TELEPHONE NUMBER WHERE THE SHIPPER MAY BE REACHED;

(d) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS OF A LOCATION WHERE THE GOODS WILL BE HELD PENDING FURTHER TRANSPORTATION, INCLUDING SITUATIONS WHERE THE MOVER RETAINS POSSESSION OF GOODS PENDING RESOLUTION OF A FEE DISPUTE WITH THE SHIPPER;

(e) AN ITEMIZED BREAKDOWN AND DESCRIPTION OF COSTS OR RATES AND SERVICES FOR TRANSPORTATION AND ACCESSORIAL SERVICES TO BE PROVIDED DURING A MOVE OR STORAGE OF HOUSEHOLD GOODS;

(f) ACCEPTABLE FORMS OF PAYMENT. A MOVER SHALL ACCEPT A MINIMUM OF TWO OF THE FOUR FOLLOWING FORMS OF PAYMENT:

(I) CASH;

(II) CASHIER'S CHECK, MONEY ORDER, OR TRAVELER'S CHECK;

(III) A VALID PERSONAL CHECK, SHOWING UPON ITS FACE THE NAME AND ADDRESS OF THE SHIPPER OR AUTHORIZED REPRESENTATIVE; OR

(IV) A VALID CREDIT CARD.

(g) ANY OTHER ITEMS AS DESIGNATED BY THE RULES OF THE COMMISSION.

(2) A MOVER SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO THE SHIPPER IN THE DOCUMENT THE FORMS OF PAYMENTS THE MOVER WILL ACCEPT FROM THOSE CATEGORIES DESCRIBED IN PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION.

(3) EACH DOCUMENT SHALL INCLUDE THE PHRASE "(NAME OF MOVER) IS REGISTERED WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO AS A MOVER. REGISTRATION No. \_\_\_\_."

**40-14-109. Delivery and storage of household goods.** (1) A MOVER SHALL RELINQUISH HOUSEHOLD GOODS TO A SHIPPER AND SHALL PLACE THE GOODS INSIDE

A SHIPPER'S DWELLING UNLESS THE SHIPPER HAS NOT TENDERED PAYMENT IN THE AMOUNT SPECIFIED IN A WRITTEN DOCUMENT SIGNED AND DATED BY THE SHIPPER. A MOVER SHALL NOT REFUSE TO RELINQUISH PRESCRIPTION MEDICINES, MEDICAL EQUIPMENT, MEDICAL DEVICES, OR GOODS FOR USE BY CHILDREN, INCLUDING CHILDREN'S FURNITURE, CLOTHING, OR TOYS, UNDER ANY CIRCUMSTANCES.

(2) A MOVER SHALL NOT REFUSE TO RELINQUISH HOUSEHOLD GOODS TO A SHIPPER OR FAIL TO PLACE THE GOODS INSIDE A SHIPPER'S DWELLING BASED ON THE MOVER'S REFUSAL TO ACCEPT AN ACCEPTABLE FORM OF PAYMENT.

(3) A MOVER THAT LAWFULLY FAILS TO RELINQUISH A SHIPPER'S HOUSEHOLD GOODS MAY PLACE THE GOODS IN STORAGE UNTIL PAYMENT IS TENDERED; HOWEVER, THE MOVER SHALL NOTIFY THE SHIPPER OF THE LOCATION WHERE THE GOODS ARE STORED AND THE AMOUNT DUE WITHIN FIVE DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR THAT INFORMATION FROM THE SHIPPER, WHICH REQUEST SHALL INCLUDE THE ADDRESS WHERE THE SHIPPER MAY RECEIVE THE NOTICE. A MOVER SHALL NOT REQUIRE A PROSPECTIVE SHIPPER TO WAIVE ANY RIGHTS OR REQUIREMENTS UNDER THIS SECTION.

**40-14-110. Commission to promulgate rules.** THE COMMISSION SHALL PROMULGATE SUCH RULES GOVERNING THE OPERATIONS OF MOVERS AS MAY BE NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS ARTICLE.

**40-14-111. Enforcement.** THE COMMISSION, THE COLORADO STATE PATROL, AND THE PORTS OF ENTRY SECTION OF THE DEPARTMENT OF REVENUE SHALL MONITOR THE COMPLIANCE OF PERSONS OFFERING SERVICES PURSUANT TO THIS ARTICLE WITH THE REQUIREMENTS OF THIS ARTICLE AND SHALL ENFORCE SUCH REQUIREMENTS.

**40-14-112. Violations - penalties.** (1) A MOVER, AND EVERY OFFICER, AGENT, OR EMPLOYEE OF A MOVER, AND EVERY OTHER PERSON WHO VIOLATES OR FAILS TO COMPLY WITH OR WHO PROCURES, AIDS, OR ABETS THE VIOLATION OF ANY PROVISION OF THIS ARTICLE, OR WHO FAILS TO OBEY, OBSERVE, OR COMPLY WITH ANY ORDER, DECISION, OR RULE OF THE COMMISSION, OR WHO PROCURES, AIDS, OR ABETS ANY PERSON IN SUCH FAILURE TO OBEY OR OBSERVE SUCH ORDER, DECISION, OR RULE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

(2) EACH DAY IN WHICH A MOVER OPERATES A MOTOR VEHICLE FOR ITS BUSINESS IN VIOLATION OF ANY PROVISION OF THIS ARTICLE SHALL CONSTITUTE A SEPARATE OFFENSE.

(3) IN ADDITION TO ANY OTHER SANCTIONS OR PENALTIES THAT MAY BE IMPOSED PURSUANT TO LAW, A MOVER SHALL BE SUBJECT TO CIVIL PENALTIES AS PROVIDED IN SECTIONS 40-7-112 TO 40-7-114.

**40-14-113. Jurisdiction of courts.** (1) THE DISTRICT COURT OR, WITHIN ITS JURISDICTION, THE COUNTY COURT OF ANY COUNTY IN OR THROUGH WHICH A MOVER OPERATES HAS JURISDICTION IN ALL MATTERS ARISING UNDER THIS ARTICLE ON ACCOUNT OF THE OPERATIONS OF SUCH MOVER.

(2) IT IS THE DUTY OF THE DISTRICT ATTORNEY FOR THE COUNTY HAVING

JURISDICTION TO PROSECUTE ALL VIOLATIONS OF THIS ARTICLE.

**SECTION 2.** 40-2-110.5 (1) and (2) (a), Colorado Revised Statutes, are amended to read:

**40-2-110.5. Annual fees - motor carriers.** (1) Every motor vehicle carrier ~~which~~ THAT has been issued a certificate pursuant to section 40-10-104, every contract carrier by motor vehicle ~~which~~ THAT has been issued a permit pursuant to section 40-11-103, EVERY MOTOR VEHICLE CARRIER THAT HAS BEEN REGISTERED WITH THE COMMISSION PURSUANT TO SECTION 40-10-120, EVERY CONTRACT CARRIER BY MOTOR VEHICLE THAT HAS BEEN REGISTERED WITH THE COMMISSION PURSUANT TO SECTION 40-11-115, EVERY TOWING CARRIER THAT HAS BEEN ISSUED A PERMIT PURSUANT TO SECTION 40-13-103, EVERY MOVER THAT HAS REGISTERED PURSUANT TO SECTION 40-14-103, and EVERY motor vehicle ~~carriers~~ CARRIER exempt from regulation as A public ~~utilities~~ UTILITY shall pay an annual identification fee of five dollars to the commission for each motor vehicle ~~said~~ SUCH carrier owns, controls, operates, or manages. ~~Said~~ SUCH fees shall be valid for the period of January 1 through December 31 of the following year and shall be valid only for those specific vehicles for which the fee has been paid.

(2) (a) ~~Every motor vehicle carrier which has been registered with the commission pursuant to section 40-10-120 and every contract carrier by motor vehicle which has been registered with the commission pursuant to section 40-11-115 and carriers of household goods shall pay an annual identification fee of five dollars to the commission for each motor vehicle which said carrier owns, controls, operates, or manages which is operated within the state of Colorado. Said fees shall be valid for the period of February 1 through January 31 of the following year. Moneys derived from fees collected from carriers of household goods pursuant to this subsection (2) shall be exempt from any limitations imposed by section 43-4-201 (3) (a) (H), C.R.S.~~

**SECTION 3.** 40-7-112 (1), Colorado Revised Statutes, is amended to read:

**40-7-112. Carriers subject to civil penalties.** (1) ~~Any~~ A person who operates a motor vehicle carrier as defined in section 40-10-101 (4) (a), a contract carrier by motor vehicle as defined in section 40-11-101 (3), a towing carrier as defined in section 40-13-101 (3), A MOVER AS DEFINED IN SECTION 40-14-101 (9), ~~those~~ A motor vehicle ~~carriers~~ CARRIER exempt from regulation as A public ~~utilities~~ UTILITY as defined in section 40-16-101, and interstate carriers required to register under section 40-10-120 or 40-11-115 shall be subject to civil penalties as provided in this section and sections 40-7-113 to 40-7-116, which shall be paid and credited to the general fund, in addition to any other sanctions ~~which~~ THAT may be imposed pursuant to law.

**SECTION 4.** 40-7-113 (1) (g), Colorado Revised Statutes, is amended, and the said 40-7-113 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**40-7-113. Civil penalties - fines.** (1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of this section, any person who violates any provision of article 10, 11, 13, 14, or 16 of this title or any rule or regulation promulgated by the commission pursuant to such articles, which provision or rule or regulation is applicable to such person, may be

subject to fines as specified in the following paragraphs:

(f.5) ANY PERSON WHO OPERATES AS A MOVER AS DEFINED IN SECTION 40-14-102 (9) WITHOUT HAVING FIRST REGISTERED WITH THE COMMISSION AS REQUIRED BY SECTION 40-14-103 MAY BE ASSESSED A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND ONE HUNDRED DOLLARS.

(g) Any person who operates a motor vehicle as defined in section 40-10-101 (3) or 40-11-101 (4) who intentionally violates any provision of articles 10, 11, 13, 14, and 16 of this title not enumerated in paragraphs (a) to (f) of this subsection (1), any rule ~~or regulation~~ promulgated by the commission pursuant to this title, or any safety rule adopted by the department of public safety relating to towing carriers may be assessed a civil penalty of not more than ~~four~~ ONE THOUSAND ONE hundred dollars.

**SECTION 5.** 40-2-116 (1), Colorado Revised Statutes, is amended to read:

**40-2-116. Motor carriers - motor vehicle carriers exempt from regulation as public utilities - safety regulations.** (1) The commission has the duty to establish, for motor carriers subject to article 10 or 11 of this title, reasonable requirements to promote safety of operation and, to that end, to prescribe qualifications and maximum hours of service of employees and minimum standards of equipment and for the operation thereof. With the exception of MOVERS AND property carriers operating vehicles with a manufacturer's gross vehicle weight rating or gross combination rating of twenty-six thousand one pounds or more, the commission also has the duty to establish such requirements for EVERY MOVER AS DEFINED IN SECTION 40-14-102, AND FOR EVERY motor vehicle ~~carriers~~ CARRIER exempt from regulation as A public ~~utilities~~ UTILITY as defined in section 40-16-101.

**SECTION 6.** 40-16-101 (6.5), Colorado Revised Statutes, is amended to read:

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

(6.5) "Property carrier by motor vehicle" means ~~any~~ A person who transports the property of others for compensation, in intrastate commerce, upon the public highways of this state by use of a motor vehicle; except that the term does not include a towing carrier as defined in section 40-13-101 OR A MOVER AS DEFINED IN SECTION 40-14-102.

**SECTION 7.** 24-33.5-203 (1)(b), Colorado Revised Statutes, is amended to read:

**24-33.5-203. Duties of executive director and patrol.** (1) (b) Except as otherwise provided in ~~section~~ SECTIONS 40-16-105 (1) AND 40-14-105 (1), C.R.S., the executive director has the duty to establish, for MOVERS AND motor vehicle carriers not subject to economic regulation by the Colorado public utilities commission, reasonable requirements to promote safety of operation and, to that end, to prescribe qualifications and maximum hours of service of employees and minimum standards of equipment and for the operation thereof. For the purpose of carrying out the provisions of this section pertaining to safety, the executive director may enlist the assistance of any agency of the United States or of this state having special knowledge of any such matter as may be necessary to promote the safety of operation

and equipment of motor vehicles as provided in this section. In adopting such rules, the executive director shall use as general guidelines the standards contained in the current rules of the United States department of transportation relating to explosives and other dangerous articles, safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, recording and reporting of accidents, hours of service of drivers, and inspection and maintenance of motor vehicles. The state patrol shall enforce or aid in enforcing all of such rules.

**SECTION 8. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the motor carrier fund created in section 40-2-110.5, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the public utilities commission, for the fiscal year beginning July 1, 2003, the sum of sixty-one thousand three hundred twenty-three dollars (\$61,323), or so much thereof as may be necessary, for the implementation of this act. The general assembly has determined that this act can be implemented with contract services, and therefore no separate appropriation of FTE authority is necessary to carry out the purposes of this act.

**SECTION 9. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to intrastate moves of household goods on or after the applicable effective date of this act.

Approved: June 4, 2003