

CHAPTER 77

PUBLIC UTILITIES

SENATE BILL 05-015

BY SENATOR(S) Spence;
also REPRESENTATIVE(S) Lindstrom.

AN ACT

CONCERNING THE ABILITY OF THE PUBLIC UTILITIES COMMISSION TO SPECIFY MANDATED MOTOR CARRIER INSURANCE REQUIREMENTS BY RULE.

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

SECTION 1. 40-14-104 (1), Colorado Revised Statutes, is amended to read:

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~~ THE 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~~ THE surety bond shall be issued by a company authorized to issue such bond. ~~Such~~ THE 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~~ AMOUNTS AND IN THE FORM AS SPECIFIED BY RULE OF THE COMMISSION.

SECTION 2. 40-16-104 (1) and (2), Colorado Revised Statutes, are amended to read:

40-16-104. Insurance requirements. (1) Each motor vehicle carrier exempt from regulation as a public utility shall maintain a ~~general~~ MOTOR VEHICLE liability insurance policy, A SURETY BOND PROVIDING SIMILAR COVERAGE, or ~~if such carrier is a public entity, a certificate of self-insurance in lieu thereof,~~ issued pursuant to section 42-7-501, C.R.S. ~~at the option of the public entity. Such an~~ THE insurance policy OR SURETY BOND shall be issued by ~~some~~ AN insurance carrier or ~~insurer~~ SURETY COMPANY authorized to do business in Colorado for each motor vehicle of

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

such carrier, and such certificate of self-insurance shall be issued by the executive director of the department of revenue. For those motor vehicle carriers exempt from regulation as public utilities specified in paragraphs (a) to (f) of this subsection (1); ~~such~~ THE LIABILITY INSURANCE OR SURETY BOND shall be in the following minimum amounts AND IN THE FORM SPECIFIED BY RULE OF THE COMMISSION.

~~(a) For charter or scenic buses, a minimum amount of five million dollars combined single limit liability or in the case of public entities operating such buses; the maximum amount that may be recovered from a public entity under section 24-10-114 (1), C.R.S.;~~

~~(b) For luxury limousines:~~

~~(I) A minimum amount of one million dollars combined single limit liability for vehicles with a passenger capacity of fourteen or less;~~

~~(H) A minimum amount of one million five hundred thousand dollars combined single limit liability for vehicles with a passenger capacity of more than fourteen and less than thirty-two; and~~

~~(HH) A minimum amount of five million dollars combined single limit liability for vehicles with a passenger capacity of thirty-two or more.~~

~~(c) For off-road scenic charters, a minimum amount of one million dollars combined single limit liability;~~

~~(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).~~

~~(e) For property carriers by motor vehicle that are not required to obtain a hazardous material permit under section 42-20-201, C.R.S., amounts and types of coverage required by 49 C.F.R. part 1043; except that such carriers using only vehicles weighing ten thousand pounds or less gross vehicle weight rating shall maintain insurance in the amount of at least three hundred thousand dollars combined single limit liability;~~

~~(f) For property carriers by motor vehicle that are required to obtain a hazardous material permit under section 42-20-201, C.R.S., amounts and types of coverage required by section 42-20-202 (2) (a), C.R.S.~~

(2) Each motor vehicle carrier exempt from regulation as a public utility shall maintain with the public utilities commission of this state adequate written documentation that ~~such~~ THE CARRIER MAINTAINS A ~~general~~ MOTOR VEHICLE LIABILITY insurance policy, A SURETY BOND, or ~~for public entities~~ a certificate of self-insurance, in accordance with this section. No termination of ~~such~~ AN insurance policy OR SURETY BOND shall be valid unless the insurer OR SURETY COMPANY has notified the holder of the policy and the ~~public utilities~~ commission of this state at least thirty days prior to such termination.

SECTION 3. Effective date. 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 (August 10, 2005, if adjournment sine die is on May 11, 2005); 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.

Approved: April 14, 2005