

CHAPTER 79

PUBLIC UTILITIES

SENATE BILL 05-029

BY SENATOR(S) Takis and Spence;
also REPRESENTATIVE(S) Knoedler.

AN ACT**CONCERNING ADDITIONAL AUTHORITY OF THE PUBLIC UTILITIES COMMISSION OVER MOTOR VEHICLE CARRIERS EXEMPT FROM REGULATION AS A PUBLIC UTILITY.**

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

SECTION 1. 40-16-103.6, Colorado Revised Statutes, is amended to read:

40-16-103.6. Enforcement. (1) In addition to taking any other action authorized by law, the commission may revoke the ~~luxury limousine~~ registration of any person who fails or refuses to operate AS a ~~luxury limousine service~~ MOTOR VEHICLE CARRIER EXEMPT FROM REGULATION AS A PUBLIC UTILITY in accordance with this article and all applicable rules of the commission adopted in furtherance of this article.

(2) A person whose ~~luxury limousine~~ registration has been revoked for cause more than twice shall not be eligible for reregistration for at least two years after the date of the third such revocation.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 (2), 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.

(3) Any person may file a formal complaint with the commission against the holder of a ~~luxury limousine~~ registration for violations of this article or rules adopted in furtherance of this article. Such a complaint shall be heard and determined as provided in article 6 of this title, and, upon proof of such violation, the commission may issue a cease and desist order, suspend or revoke the registration of the violator,

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

or assess civil penalties as provided in article 7 of this title.

(4) Any person injured by a violation of this article, of any other applicable statute, or of a rule, order, decision, decree, direction, or requirement of the commission may apply to any court of competent jurisdiction for relief, which may include damages, injunctive relief, and any other appropriate remedy or legal process. THE COMMISSION, WHENEVER IT IS OF THE OPINION THAT ANY MOTOR VEHICLE CARRIER EXEMPT FROM REGULATION AS A PUBLIC UTILITY IS DOING ANYTHING, OR IS PERMITTING ANYTHING TO BE DONE, CONTRARY TO OR IN VIOLATION OF LAW 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 INJUNCTIVE RELIEF AND ANY OTHER APPROPRIATE REMEDY OR LEGAL PROCESS.

SECTION 2. Article 16 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-16-103.8. Rules. THE COMMISSION SHALL PROMULGATE SUCH RULES GOVERNING THE OPERATIONS OF MOTOR VEHICLE CARRIERS EXEMPT FROM REGULATION AS PUBLIC UTILITIES AS MAY BE NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS ARTICLE.

SECTION 3. 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 (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.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act.

Approved: April 14, 2005