

CHAPTER 201

PUBLIC UTILITIES

HOUSE BILL 07-1019

BY REPRESENTATIVE(S) Green, Borodkin, Kerr J., McFadyen, Pommer, Rose, Butcher, and Frangas;
also SENATOR(S) Hagedorn, Isgar, May R., Spence, Takis, Williams, Brophy, Kopp, Mitchell S., and Penry.

AN ACT

CONCERNING THE PUBLIC UTILITIES COMMISSION'S DUTY TO PROMULGATE RULES REGULATING CARRIERS EXEMPT FROM REGULATION AS A PUBLIC UTILITY.

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

SECTION 1. 40-16-101 (3) and (6.3), Colorado Revised Statutes, are amended to read:

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

(3) ~~(a) "Luxury limousine" means a chauffeur-driven, luxury motor vehicle with a rear seating capacity of three or more, for hire on a prearranged, charter basis to transport passengers in luxury limousine service, that:~~ AS DEFINED BY THE COMMISSION.

~~(f) Is not identified by exterior signs or graphics other than license plates;~~

~~(H) Is not equipped with a taxicab meter or other device for measuring time or mileage other than a factory-installed odometer;~~

~~(III) Offers luxury features that shall include, but need not be limited to, television, telephone, and beverages as specified by rules of the commission; and~~

~~(IV) In addition, qualifies for inclusion in one of the following categories:~~

~~(A) Stretched limousine, which is a motor vehicle, originally designed as a luxury motor-driven passenger vehicle, whose wheelbase has been lengthened beyond the manufacturer's original specifications, whether at the manufacturer's factory or~~

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

~~otherwise, and that meets applicable standards of the federal department of transportation:~~

~~(B) Executive sedan, which is a full-size, four-door, luxury sedan or sports utility vehicle with a seating capacity of at least five, not including the driver, that has not been altered from the manufacturer's original specifications:~~

~~(C) Executive van, which is a van with a rear seating capacity of seven or more that may be of standard manufacturer's specifications, but may have been altered from the manufacturer's original specifications, and that meets applicable standards of the federal department of transportation:~~

~~(D) Luxury vehicle, which is a luxury motor vehicle with a seating capacity of no more than five, not including the driver, that either has a National Automobile Dealers' Association (NADA) "blue book" retail value exceeding fifty thousand dollars at the time of registration or has a manufacturer's suggested retail price exceeding fifty thousand dollars and was purchased new during the current model year by a luxury limousine registrant:~~

~~(E) Discretionary vehicle, which is any other luxury motor vehicle that, in the commission's discretion, qualifies as a luxury limousine:~~

~~(b) An applicant for a luxury vehicle registration pursuant to sub-subparagraph (D) of subparagraph (IV) of paragraph (a) of this subsection (3) shall supply proof of the value of the vehicle in the form of either:~~

~~(f) Reference to the most recent available edition of the NADA "blue book", where applicable; or~~

~~(H) A sales receipt and affidavit confirming the actual price of the vehicle, where applicable. The fifty-thousand-dollar threshold value set forth in said sub-subparagraph (D) shall be adjusted annually, on July 1 of each year, based upon the consumer price index for the Denver-Boulder-Greeley area as published by the federal bureau of labor statistics:~~

~~(c) "Luxury limousine" does not include a taxicab:~~

~~(d) If the commission questions whether a specific vehicle is a luxury limousine, it may determine if such vehicle is a luxury limousine when application is made for vehicle identification as required by section 40-2-110.5:~~

~~(6.3) "Prearranged", in reference to a transportation service, means that the transportation has been arranged or reserved by mail, telephone, telefacsimile, or computer before the carrier begins to render the transportation service or any service ancillary to the transportation, such as loading of baggage:~~

SECTION 2. Repeal. 40-16-102.5, Colorado Revised Statutes, is repealed as follows:

40-16-102.5. Luxury limousines - operational requirements. ~~Luxury limousine service shall be provided on a prearranged basis only. A luxury~~

~~limousine company shall, at all times when providing service, carry in each vehicle a manifest or charter order containing the name and pickup address of the passengers who have arranged for use of the vehicle. Such manifest or charter order shall be made available immediately upon request to any authorized representative of the commission, a law enforcement agency, or an airport authority. The fact that a luxury limousine operator stations equipment at an airport, in front of or across the street from a hotel or motel, or within one hundred feet of a recognized taxicab stand without a completed charter order in the vehicle shall constitute prima facie evidence that the operator is operating an illegal taxicab service.~~

SECTION 3. 40-16-103.8, Colorado Revised Statutes, is amended 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~~ TO ENSURE PUBLIC SAFETY, CONSUMER PROTECTION, AND THE PROVISION OF SERVICES TO THE PUBLIC.

SECTION 4. Effective date. This act shall take effect July 1, 2007.

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: May 10, 2007