

## CHAPTER 412

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**PUBLIC UTILITIES**


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**HOUSE BILL 07-1249**

BY REPRESENTATIVE(S) Primavera, Borodkin, McGihon, Todd, Labuda, Madden, and Peniston;  
also SENATOR(S) Spence, and Shaffer.

**AN ACT**

**CONCERNING REGULATION OF MOVERS OF HOUSEHOLD GOODS, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 40-14-103 (2) (a) and (3), Colorado Revised Statutes, are amended to read:

**40-14-103. Requirements for issuance of a mover registration.** (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~~ MOVER; COMPLETION OF ALL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS REQUIRED BY SECTION 40-14-103.5; and payment of the annual identification fee required by section 40-2-110.5.

(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;

(c) HAS NOT SATISFIED A FINAL JUDGMENT ARISING OUT OF ANY CIVIL OR CRIMINAL ACTION IN A COURT OF LAW, WHETHER IN COLORADO OR ANY OTHER JURISDICTION, UNLESS THE JUDGMENT IS THE SUBJECT OF A PENDING APPEAL; OR

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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.*

(d) IS NOT OF GOOD MORAL CHARACTER, AS DETERMINED BY THE COMMISSION BASED ON THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY SECTION 40-14-103.5 OR FOR OTHER DOCUMENTED REASONS.

**SECTION 2.** Article 14 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**40-14-103.5. Criminal history record check.** (1) PRIOR TO THE ISSUANCE OF A MOVER REGISTRATION PURSUANT TO THIS ARTICLE, EACH APPLICANT FOR A NEW REGISTRATION AND EACH DIRECTOR, OFFICER, OWNER, AND GENERAL PARTNER THEREOF SHALL SUBMIT A SET OF HIS OR HER FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. EACH SUCH PERSON SHALL PAY THE FEE ESTABLISHED BY THE COLORADO BUREAU OF INVESTIGATION FOR CONDUCTING THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. UPON COMPLETION OF THE CRIMINAL HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE RESULTS TO THE COMMISSION.

(2) THE COMMISSION SHALL CONSIDER THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS IN ITS DETERMINATION AS TO WHETHER THE APPLICANT HAS MET THE STANDARDS SET FORTH IN SECTION 24-5-101 (2), C.R.S.

(3) NOTHING IN THIS SECTION SHALL PRECLUDE THE COMMISSION FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE APPLICANT.

**SECTION 3.** 40-14-106 (2), Colorado Revised Statutes, is amended to read:

**40-14-106. Revocation of mover registration - rules.** (2) (a) In addition to taking any other action authorized by law, the commission may revoke the mover registration of any person who:

(I) Fails or refuses to operate in accordance with this article, an order of the commission, or any applicable rules of the commission adopted in furtherance of this article;

(II) FAILS OR REFUSES TO ABIDE BY THE TERMS OF AN ARBITRATOR'S AWARD UNDER SECTION 40-14-114;

(III) NO LONGER SATISFIES THE REQUIREMENTS FOR A NEW OR RENEWED REGISTRATION UNDER SECTION 40-14-103; OR

(IV) ON OR AFTER JANUARY 1, 2008, HAS NOT SUBMITTED A SET OF FINGERPRINTS AND ALL REQUIRED FEES FOR A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, PURSUANT TO SECTION 40-14-103.5, FOR EACH DIRECTOR, OFFICER, OWNER, AND GENERAL PARTNER OF THE MOVER.

(b) 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.

**SECTION 4.** The introductory portion to 40-14-108 (1), Colorado Revised Statutes, is amended, and the said 40-14-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**40-14-108. Estimates for service.** (1) AT OR BEFORE THE TIME OF COMMENCING WORK, A mover who provides any moving or accessorial services shall provide THE SHIPPER WITH A CONSUMER ADVISEMENT AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION AND, IN ADDITION, a document as specified by the public utilities commission ~~to a prospective shipper that~~ CONTAINING THE INFORMATION LISTED IN THIS SUBSECTION (1). SUCH DOCUMENT shall be signed and dated by the shipper and the mover and shall include:

(4) AT OR BEFORE THE TIME OF COMMENCING WORK, THE MOVER SHALL PROVIDE THE SHIPPER WITH A CONSUMER ADVISEMENT. THE MOVER SHALL RETAIN A COPY OF THE CONSUMER ADVISEMENT, SIGNED BY THE SHIPPER, FOR AT LEAST THREE YEARS AND SHALL MAKE THE COPY AVAILABLE TO THE COMMISSION UPON REQUEST. THE CONSUMER ADVISEMENT SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

#### "CONSUMER ADVISEMENT

INTRASTATE MOVERS IN COLORADO ARE REGULATED BY THE COLORADO PUBLIC UTILITIES COMMISSION (PUC). EACH MOVER SHOULD HAVE A PUC REGISTRATION NUMBER. YOU ARE ENCOURAGED TO CONTACT THE PUC TO CONFIRM THAT THE MOVER YOU ARE USING IS INDEED REGISTERED IN COLORADO.

A MOVER THAT IS NOT REGISTERED MAY **NOT** WITHHOLD ANY OF YOUR PROPERTY TO ENFORCE PAYMENT OF MONEY DUE UNDER THE CONTRACT ("CARRIER'S LIEN").

A MOVER MUST INCLUDE ITS PUC REGISTRATION NUMBER, TRUE NAME, AND PHYSICAL (STREET) ADDRESS IN ALL ADVERTISEMENTS.

YOU SHOULD BE AWARE THAT THE TOTAL PRICE OF ANY HOUSEHOLD MOVE CAN CHANGE, BASED ON A NUMBER OF FACTORS THAT MAY INCLUDE, BUT ARE NOT LIMITED TO:

- ADDITIONAL SERVICES YOU REQUEST AT THE TIME OF THE MOVE;
- ADDITIONAL ITEMS TO BE MOVED THAT WERE NOT INCLUDED IN THE MOVER'S ORIGINAL ESTIMATE;
- CHANGES TO THE LOCATION OR ACCESSIBILITY OF BUILDING ENTRANCES, AT EITHER END OF THE MOVE, THAT WERE NOT INCLUDED IN THE MOVER'S ORIGINAL ESTIMATE;
- CHANGES TO THE PREVIOUSLY AGREED DATE OF PICKUP OR DELIVERY.

YOU SHOULD ALSO BE AWARE THAT, IN CASE OF A DISPUTE BETWEEN YOU AND THE MOVER, COLORADO HAS AN ARBITRATION PROCESS AVAILABLE TO RESOLVE THE DISPUTE WITHOUT GOING TO COURT.

IF YOU HAVE ANY QUESTIONS, YOU ARE ENCOURAGED TO CALL THE PUC FOR

GUIDANCE ON YOUR RIGHTS AND OBLIGATIONS.

***I ACKNOWLEDGE THAT I HAVE BEEN GIVEN A COPY OF THIS CONSUMER ADVISEMENT TO KEEP FOR MY RECORDS.***

**SIGNED \_\_\_\_\_ (SHIPPER)."**

**SECTION 5.** 40-14-112, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**40-14-112. Violations - penalties.** (4) A MOVER WITHOUT A CURRENT AND VALID REGISTRATION UNDER THIS ARTICLE SHALL NOT BE ENTITLED TO ACQUIRE OR ENFORCE A CARRIER'S LIEN UNDER SECTION 4-7-307 OR 4-7-308, C.R.S.

**SECTION 6.** Article 14 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**40-14-114. Binding arbitration.** IN THE EVENT OF A DISPUTE BETWEEN A MOVER AND A SHIPPER CONCERNING THE AMOUNT CHARGED FOR SERVICES OR CONCERNING LOST OR DAMAGED GOODS, THE MOVER SHALL OFFER THE SHIPPER THE OPPORTUNITY TO PARTICIPATE IN BINDING ARBITRATION UNDER THE UNIFORM RULES FOR BBB BINDING ARBITRATION OR A SUBSTANTIALLY SIMILAR BINDING ARBITRATION PROCESS PROMULGATED BY THE COUNCIL OF BETTER BUSINESS BUREAUS, INCORPORATED, OR ITS SUCCESSOR ORGANIZATION. IF THE SHIPPER ACCEPTS THE OFFER TO ARBITRATE, THE MOVER SHALL PARTICIPATE IN GOOD FAITH IN THE ARBITRATION PROCESS AND SHALL AGREE TO BE BOUND BY THE ARBITRATOR'S AWARD.

**SECTION 7.** 4-7-307, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**4-7-307. Lien of carrier.** (d) A MOVER, AS DEFINED IN SECTION 40-14-103, C.R.S., THAT DOES NOT HAVE A CURRENT AND VALID REGISTRATION UNDER ARTICLE 14 OF TITLE 40, C.R.S., DOES NOT HAVE A LIEN UNDER THIS SECTION. A MOVER THAT ACQUIRES A LIEN UNDER THIS SECTION AND WHOSE REGISTRATION LAPSES OR IS REVOKED DURING THE PENDENCY OF THE LIEN LOSES ITS LIEN.

**SECTION 8. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission motor carrier fund created in section 40-2-110.5 (6), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the public utilities commission, for regulation of movers of household goods, for the fiscal year beginning July 1, 2007, the sum of seven thousand eight hundred seventy-eight dollars (\$7,878), or so much thereof as may be necessary, for pass through to the department of public safety, to perform criminal history checks on movers of household goods related to the implementation of this act. Of said sum, three thousand thirty-eight dollars (\$3,038) shall be from shall be from fingerprint and background check processing fees, and four thousand eight hundred forty dollars (\$4,840) shall be cash funds exempt from fingerprint and background check application processing fees collected by the public utilities commission.

(2) In addition to any other appropriation, there is hereby appropriated to the department of public safety, for the fiscal year beginning July 1, 2007, the sum of seven thousand eight hundred seventy-eight dollars (\$7,878), or so much thereof as may be necessary for fingerprint-based criminal history background checks for movers of household goods related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of regulatory agencies, public utilities commission, out of the appropriation made in subsection (1) of this section.

**SECTION 9. Effective date - applicability.** This act shall take effect July 1, 2007, and shall apply to moving services and accessorial services provided on or after said date.

**SECTION 10. 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 1, 2007