

## CHAPTER 438

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**PUBLIC UTILITIES**


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SENATE BILL 09-294

BY SENATOR(S) Romer;  
also REPRESENTATIVE(S) McFadyen, Labuda.

**AN ACT**

**CONCERNING APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TAXI SERVICE THAT RELATES TO COUNTIES WITH A POPULATION OF AT LEAST SEVENTY THOUSAND.**

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

**SECTION 1.** 40-10-105 (2) (b) (II) (B), Colorado Revised Statutes, is amended to read:

**40-10-105. Rules for issuance of certificates - standing to protest - judicial review.** (2) (b) (II) In an application for a certificate of public convenience and necessity to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson:

(B) If the applicant sustains ~~its~~ THE initial burden of proof as set forth in sub-subparagraph (A) of this subparagraph (II), there shall be a rebuttable presumption of public need for the service, and ~~the ANY party or parties~~ opposing the application shall ~~bear the burden to prove~~ PREVAIL UPON PROVING that the public convenience and necessity does not require granting the application ~~and~~ OR that the issuance of the certificate would be detrimental to the public interest.

**SECTION 2.** 40-10-109 (1), Colorado Revised Statutes, is amended, and the said 40-10-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**40-10-109. Filing and issuance fees for certificates.** (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, the commission shall collect from all motor vehicle carriers the following fees: Filing fee for application for certificate of public convenience and necessity to operate in intrastate commerce, thirty-five dollars;

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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.*

filing fee for application to register interstate operating rights, ~~as set out in section 40-10-120~~, fifteen dollars; filing fee for transfer or lease of a certificate of public convenience and necessity in intrastate commerce, thirty-five dollars; and filing fee for transfer of a registration of interstate operating rights, five dollars. In addition, the commission shall charge a fee of five dollars for issuing a certificate of public convenience and necessity in intrastate commerce or a registration in interstate commerce, or both. All fees collected under this section shall be transmitted to the state treasurer, who shall credit the same to the public utilities commission motor carrier fund.

(3) THE FEE FOR AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE TAXI SERVICE WITHIN AND BETWEEN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, AND JEFFERSON SHALL BE SET ADMINISTRATIVELY BY THE COMMISSION WITH APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES.

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 2009, and shall apply to applications submitted on or after said date and shall not apply to applications submitted prior to said date.

**SECTION 4. 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 4, 2009