

## CHAPTER 365

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**PUBLIC UTILITIES**


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SENATE BILL 13-189

BY SENATOR(S) Heath;  
also REPRESENTATIVE(S) Tyler.

**AN ACT**

**CONCERNING CIVIL PENALTIES IMPOSED ON MOTOR CARRIERS FOR LEGAL VIOLATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 40-7-112, **amend** (1) as follows:

**40-7-112. Applicability of civil penalties.** (1) (a) A person who operates or offers to operate as a motor carrier as defined in section 40-10.1-101 or a motor carrier, motor private carrier, broker, freight forwarder, leasing company, or other person required to register under section 40-10.5-102 is subject to civil penalties as provided in this section and sections 40-7-113 to 40-7-116, ~~which shall be paid and credited to the general fund,~~ in addition to any other sanctions that may be imposed pursuant to law.

(b) THE COMMISSION SHALL TRANSMIT ALL PENALTIES IT COLLECTS TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE GENERAL FUND; EXCEPT THAT THE STATE TREASURER SHALL CREDIT ONE-HALF OF ANY CIVIL PENALTY IMPOSED UPON A MOTOR CARRIER OF HOUSEHOLD GOODS TO THE MOVING OUTREACH FUND CREATED IN SECTION 40-10.1-509.

**SECTION 2.** In Colorado Revised Statutes, 40-7-113, **amend** (5) (a) as follows:

**40-7-113. Civil penalties - fines.** (5) (a) A person who fails to pay in full all civil penalties ~~for a second or subsequent violation assessed by commission order pursuant to~~ UNDER this section, subject to article 4 of title 24, C.R.S., within thirty days after the due date established by the order may ~~be subject to~~ have his or her vehicle registration cancelled by the department of revenue as specified in section 42-3-120 (4), C.R.S. Registration of ~~any vehicles~~ A VEHICLE owned by the person

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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.*

for which the penalty was assessed may be denied until all penalties are paid or collected. Upon written notice from the commission, the department of revenue shall cancel the registration as specified in section 42-3-120 (4), C.R.S.

**SECTION 3.** In Colorado Revised Statutes, 40-10.1-302, **amend** (2); and **add** (3) and (4) as follows:

**40-10.1-302. Permit requirements.** (2) Except as otherwise provided in ~~section 40-10.1-112 (4)~~ SUBSECTION (3) OF THIS SECTION, the commission shall issue a permit to a motor carrier of passengers under this part 3 upon completion of the application and compliance with the financial responsibility requirements of this article.

(3) A PERSON WHOSE PERMIT HAS BEEN REVOKED FOR CAUSE IS NOT ELIGIBLE FOR ANOTHER PERMIT FOR TWO YEARS AFTER THE DATE OF REVOCATION. IF AN ENTITY'S PERMIT HAS BEEN REVOKED, THE TWO-YEAR INELIGIBILITY ALSO APPLIES TO THE ENTITY'S PRINCIPALS, OFFICERS, DIRECTORS, AND MEMBERS OF THE ENTITY, EXCEPT FOR A REVOCATION FOR FAILURE TO CARRY INSURANCE UNLESS THE PERSON KNOWINGLY OPERATED A MOTOR CARRIER WITHOUT INSURANCE.

(4) IN ORDER TO OBTAIN A PERMIT UNDER THIS SECTION, AN APPLICANT MUST HAVE EACH VEHICLE OPERATED UNDER THE PERMIT INSPECTED WITHIN THE IMMEDIATELY PRECEDING TWENTY DAYS BY A QUALIFIED MECHANIC IN ACCORDANCE WITH RULES PROMULGATED BY THE COMMISSION. THE APPLICANT MUST ALSO ATTACH A REPORT SHOWING EACH VEHICLE PASSED INSPECTION.

**SECTION 4.** In Colorado Revised Statutes, **add** 40-10.1-304 as follows:

**40-10.1-304. Revocation of permit for failure to pay fine.** (1) IF A CARRIER THAT HOLDS A PERMIT UNDER THIS PART 3 FAILS TO PAY A FINE OR CIVIL PENALTY IMPOSED UNDER THIS ARTICLE OR A RULE ISSUED UNDER THIS ARTICLE WITHIN THE TIME PRESCRIBED FOR PAYMENT, THE COMMISSION MAY IMMEDIATELY REVOKE THE CARRIER'S PERMIT AND DISQUALIFY THE CARRIER FROM APPLYING FOR A PERMIT FOR ANY OF THE FOLLOWING FOR THREE YEARS AFTER THE DATE THE FINE OR CIVIL PENALTY IS DUE:

- (a) THE CARRIER;
- (b) ANY OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR OF THE CARRIER; AND
- (c) ANY OTHER ENTITY OWNED OR OPERATED BY THAT OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR.

(2) THIS DISQUALIFICATION IS IN ADDITION TO AND NOT IN LIEU OF ANY OTHER PENALTY OR DISQUALIFICATION, INCLUDING THE PERIOD OF DISQUALIFICATION SPECIFIED IN SECTION 40-10.1-112 (4).

**SECTION 5.** In Colorado Revised Statutes, **add** 40-10.1-508 and 40-10.1-509 as follows:

**40-10.1-508. Revocation of permit for failure to pay fine.** (1) IF A MOVER THAT HOLDS A PERMIT UNDER THIS SECTION FAILS TO PAY A FINE OR CIVIL PENALTY IMPOSED UNDER THIS PART 5 OR A RULE ISSUED UNDER THIS ARTICLE WITHIN THE TIME PRESCRIBED FOR PAYMENT, THE COMMISSION MAY IMMEDIATELY REVOKE THE MOVER'S PERMIT AND DISQUALIFY THE MOVER FROM APPLYING FOR A PERMIT FOR ANY OF THE FOLLOWING FOR THREE YEARS AFTER THE DATE THE FINE OR CIVIL PENALTY IS DUE:

(a) THE MOVER;

(b) ANY OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR OF THE MOVER; AND

(c) ANY OTHER ENTITY OWNED OR OPERATED BY THAT OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR.

(2) THIS DISQUALIFICATION IS IN ADDITION TO AND NOT IN LIEU OF ANY OTHER PENALTY OR DISQUALIFICATION, INCLUDING THE PERIOD OF DISQUALIFICATION SPECIFIED IN SECTION 40-10.1.112 (4).

**40-10.1-509. Outreach - fund.** THE MOVING OUTREACH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ONE-HALF THE PENALTIES COLLECTED FROM MOVERS AND CREDITED TO THE FUND UNDER SECTION 40-7-112. THE COMMISSION SHALL USE THE FUND TO EDUCATE CONSUMERS ABOUT THEIR RIGHTS AND THE RESPONSIBILITIES OF MOVERS UNDER THIS PART 5. THIS OUTREACH INCLUDES PUBLIC SERVICE ANNOUNCEMENTS ABOUT THE LICENSING OF MOVERS. THE MONEYS IN THE FUND AND ANY INTEREST EARNED ON MONEYS IN THE FUND REMAIN IN THE FUND AND DO NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

**SECTION 6. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the moving outreach fund created in section 40-10.1-509, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2013, the sum of \$5,000, or so much thereof as may be necessary, for allocation to the executive director's office and administrative services for consumer outreach and education related to the implementation of this act.

**SECTION 7. 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 5, 2013