

## CHAPTER 339

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**PUBLIC UTILITIES**


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**HOUSE BILL 15-1316**

BY REPRESENTATIVE(S) Lebsack and Thurlow, Priola, Brown, Carver, Conti, Dore, Moreno, Tate, Van Winkle, Windholz, Garnett, Melton, Winter, Ryden, Singer, Becker K., Roupe, Hullinghorst, Duran, Klingenschmitt, Mitsch Bush; also SENATOR(S) Hill and Ulibarri, Garcia, Heath, Johnston, Kefalas, Marble, Neville T., Woods.

**AN ACT**

**CONCERNING A SIMPLIFICATION OF THE PROCESS BY WHICH THE PUBLIC UTILITIES COMMISSION MAY ISSUE A CERTIFICATE TO PROVIDE TAXICAB SERVICE IN CERTAIN METROPOLITAN COUNTIES.**

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

**SECTION 1.** In Colorado Revised Statutes, 40-10.1-203, **amend** (2) (b) (II) as follows:

**40-10.1-203. Rules for issuance of certificate - standing to protest - judicial review - legislative declaration.** (2) (b) (II) (A) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT HOUSE BILL 15-1316 MAY OPEN THE DOOR TO MULTIPLE TAXICAB COMPANIES ENTERING THE TAXICAB SERVICE MARKET WITHIN THE METROPOLITAN AREAS OF COLORADO AND WILL LEAD TO FREE MARKET COMPETITION, EXPANDED CONSUMER CHOICE, AND IMPROVED QUALITY OF SERVICE.

(B) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT NOTHING IN THIS SUBPARAGRAPH (II) REQUIRES OR PROHIBITS A TAXICAB COMPANY APPLYING FOR A CERTIFICATE TO FORM A LABOR UNION NOR REQUIRES ANY TAXICAB DRIVER TO JOIN A LABOR UNION.

(C) In an application for a certificate to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson,

~~(A)~~ the applicant has the ~~initial~~ burden of proving that it is operationally and financially fit to provide the proposed service. THE COMMISSION SHALL NOT CONSIDER THE APPLICANT'S CORPORATE STRUCTURE WHEN DETERMINING WHETHER TO APPROVE OR DISAPPROVE THE APPLICATION FOR A CERTIFICATE. The applicant

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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.*

need not prove the inadequacy of existing taxicab service, if any, within the applicant's proposed geographic area of operation. IF THE COMMISSION DETERMINES THAT THE APPLICANT HAS PROVED ITS OPERATIONAL AND FINANCIAL FITNESS, THE COMMISSION SHALL GRANT THE APPLICANT A CERTIFICATE.

~~(B) If the applicant sustains the initial burden of proof as set forth in sub-subparagraph (A) of this subparagraph (H), there shall be a rebuttable presumption of public need for the service, and any party opposing the application shall prevail upon proving that the public convenience and necessity does not require granting the application or that the issuance of the certificate would be detrimental to the public interest.~~

**SECTION 2.** In Colorado Revised Statutes, 43-2-145, **add** (9) as follows:

**43-2-145. Transportation legislation review - committee.** (9) IN THE 2015 INTERIM BETWEEN THE FIRST REGULAR SESSION OF THE SEVENTIETH GENERAL ASSEMBLY AND THE SECOND REGULAR SESSION OF THE SEVENTIETH GENERAL ASSEMBLY, THE COMMITTEE SHALL EXAMINE:

(a) THE STATUTORY AND REGULATORY REQUIREMENTS FOR ENTRY INTO THE MARKET FOR TAXICAB SERVICE; AND

(b) REGULATIONS GOVERNING THE PROVISION OF TAXICAB SERVICE.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Became Law: June 6, 2015