

## Second Regular Session

### Sixty-second General Assembly

LLS NO. 00-0020.01 Thomas Morris

HOUSE BILL 00-1068

## STATE OF COLORADO

BY REPRESENTATIVES Pfiffner, Larson, and May.

### A BILL FOR AN ACT

101 CONCERNING THE DEREGULATION OF CERTAIN PASSENGER  
102 TRANSPORTATION.

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### Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Adds persons offering taxi service in counties with a population greater than 60,000 to the list of motor vehicle carriers exempt from economic regulation and designates such persons as "metropolitan taxi service providers". Adds "jitneys" to the same list and defines the term. Amends the current definition of "off-road scenic charter" to create a new designation: "scenic tour". Amends the existing definition of a "taxicab" and adds a definition of "taxi service".

Eliminates the current requirement that a vehicle designed for the nonemergency transportation of individuals with disabilities be "used" for that purpose to qualify for an existing exemption from regulation. Simplifies insurance requirements for passenger carriers exempt from economic regulation, categorizing them by vehicle seating capacity rather than by the type of transportation offered.

Prohibits the public utilities commission (PUC) from limiting the age or model year of vehicles used to provide taxi service without a clearly demonstrable safety justification.

Provides that surrender of a certificate of public convenience and necessity to the PUC constitutes an affirmative act of abandonment, eliminating the asset value of the certificate. Requires metropolitan taxi service providers to so surrender their certificates.

Specifies that commercial transportation by motor vehicles constitutes an integrated, statewide market that transcends local boundaries and prohibits conflicting local ordinances.

Requires metropolitan taxi service providers to conspicuously display a list of standard rates and charges in the passenger compartment and to charge passengers in accordance with such list or with a written estimate given to the passenger before the trip begins. Requires metropolitan taxi service providers that serve an airport and regularly pick up passengers at a taxi stand or other designated location to conspicuously post a list of their standard rates and to charge passengers in accordance with such list or with a written estimate given to the passenger before the trip begins.

Directs the PUC to issue, at cost, an unlimited number of identifying emblems or stickers for use by persons operating motor vehicles exempt from economic regulation.

Prohibits a person from operating a taxicab or jitney if such person has been convicted of or pleaded guilty or nolo contendere to unlawful sexual behavior, kidnapping, assault, homicide, or related offenses. Requires every person operating a taxicab or jitney to submit to a background investigation.

Grants governmental entities operating airports the authority to limit the rights of an operator to enter airport property to provide transportation to arriving air passengers where such operator has demonstrated fraudulent or improper treatment of customers. Provides an appeal process for operators subject to such limitations.

Allows 2 or more metropolitan taxi service providers to adopt an agreement concerning a cooperative dispatching system, a code of conduct for drivers, or a uniform color scheme for vehicles.

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

2           **SECTION 1.** 40-10-104 (3), Colorado Revised Statutes, is  
3 amended to read:

4           **40-10-104. Certificate required - exemptions.** (3) This article  
5 shall not apply to motor vehicles designed ~~and used~~ for the nonemergency  
6 transportation of individuals with disabilities. ~~as defined in section~~  
7 ~~42-7-510 (2) (b), C.R.S.~~

8           **SECTION 2.** 40-10-105 (2) (a), (2) (b), and (2) (c), Colorado  
9 Revised Statutes, are amended to read:

10           **40-10-105. Rules for issuance of certificates - standing to**

1 **protest - judicial review.** (2) (a) ~~The granting of any certificate of public~~  
2 ~~convenience and necessity to operate a motor vehicle for hire as a taxicab~~  
3 ~~within and between counties with a population of sixty thousand or~~  
4 ~~greater based on the federal census conducted in 1990 shall not be~~  
5 ~~deemed to be an exclusive grant or monopoly, and the doctrine of~~  
6 ~~regulated competition shall prevail.~~

7 (b) ~~The commission has authority to grant more than one~~  
8 ~~certificate of public convenience and necessity to operate motor vehicles~~  
9 ~~as taxicabs within and between counties with a population of sixty~~  
10 ~~thousand or greater based on the federal census conducted in 1990 if the~~  
11 ~~commission finds that the present or future public convenience and~~  
12 ~~necessity requires or will require such operation.~~

13 (c) The commission has the authority and duty to adopt rules  
14 ~~which~~ THAT are in the public interest to regulate matters of safety,  
15 insurance, and service quality for ~~taxicab~~ TAXI service in the state;  
16 EXCEPT THAT THE COMMISSION SHALL NOT IMPOSE ANY LIMITATION ON  
17 THE AGE OR MODEL YEAR OF VEHICLES WITHOUT A CLEARLY  
18 DEMONSTRABLE SAFETY JUSTIFICATION.

19 **SECTION 3.** 40-10-106, Colorado Revised Statutes, is amended  
20 to read:

21 **40-10-106. Transfer of certificate - abandonment.** (1) Any  
22 certificate of public convenience and necessity or registration of interstate  
23 operating rights as described in section 40-10-120 or rights obtained  
24 under any such certificate or registration held, owned, or obtained by any  
25 motor vehicle carrier may be sold, assigned, leased, encumbered, or  
26 transferred as other property only upon authorization by the commission.

1 Absent other facts, the fact that a motor vehicle carrier conducts  
2 operations with independent contractors shall not in and of itself  
3 constitute a lease or transfer of the certificate.

4 (2) BY RETURNING THE CERTIFICATE OF PUBLIC CONVENIENCE AND  
5 NECESSITY TO THE COMMISSION, THE MOTOR VEHICLE CARRIER PERFORMS  
6 AN AFFIRMATIVE ACT OF ABANDONMENT OF THE CERTIFICATE AND THUS  
7 EFFECTIVELY ELIMINATES THE ASSET VALUE OF THE OPERATING  
8 AUTHORITY OF THE AFFECTED MOTOR VEHICLE CARRIER.

9 **SECTION 4.** 40-16-101 (1.5), (4), (5), and (8), Colorado Revised  
10 Statutes, are amended, and the said 40-16-101 is further amended BY  
11 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to  
12 read:

13 **40-16-101. Definitions.** As used in this article, unless the context  
14 otherwise requires:

15 (1.5) "Children's activity bus" means a motor vehicle hired to  
16 transport groups of eight or more children, eighteen years of age or  
17 younger and any adults over eighteen years of age accompanying or  
18 participating with said group, to or from activities which are sponsored  
19 by nonprofit organizations entitled to a tax exemption under the federal  
20 "Internal Revenue Code of ~~1954~~ 1986", as amended.

21 (2.7) "JITNEY" MEANS A VAN OR BUS WITH A PASSENGER SEATING  
22 CAPACITY OF THIRTY-TWO OR LESS, OPERATING CONTINUOUSLY ALONG AN  
23 ESTABLISHED ROUTE FROM WHICH IT MAY MAKE OCCASIONAL, TEMPORARY  
24 DIVERSIONS FOR THE PURPOSE OF DROPPING OFF PASSENGERS IN RESPONSE  
25 TO INDIVIDUAL REQUESTS. A JITNEY MAY STOP AT ANY POINT ON ITS  
26 ROUTE TO PICK UP PASSENGERS WHEN HAILED, BUT NO PASSENGER MAY

1 DEMAND EXCLUSIVE USE OF THE VEHICLE.

2 (3.4) "METROPOLITAN TAXI SERVICE PROVIDER" MEANS A PERSON  
3 OFFERING TAXI SERVICE AS DEFINED IN SUBSECTION (9) OF THIS SECTION,  
4 BETWEEN POINTS WITHIN COUNTIES HAVING POPULATIONS OF AT LEAST  
5 SIXTY THOUSAND, INCLUDING ALL TRIPS AS TO WHICH EITHER THE ORIGIN  
6 OR THE DESTINATION IS WITHIN SUCH A COUNTY.

7 (4) "Motor vehicle carrier exempt from regulation as a public  
8 utility" means METROPOLITAN TAXI SERVICE PROVIDERS, persons who  
9 offer services as property carriers by motor vehicle, ~~or~~ PROVIDERS OF  
10 SCENIC TOURS, AND PERSONS who offer SERVICES USING charter or scenic  
11 buses, luxury limousines, ~~off-road scenic charters~~, JITNEYS, and children's  
12 activity ~~bus services~~ BUSES.

13 (5) ~~"Off-road scenic charter" means a motor-driven passenger~~  
14 ~~vehicle for the transport of passengers, on a charter basis, to scenic points~~  
15 ~~within Colorado, a portion of which will be travel off paved roads.~~  
16 ~~"Off-road scenic charter" does not include the transport of passengers to~~  
17 ~~commercial locations. An off-road scenic charter provides services which~~  
18 ~~originate and terminate at the same location.~~

19 (7.5) "SCENIC TOUR" MEANS THE FOR-HIRE TRANSPORTATION OF  
20 EITHER INDIVIDUALS OR GROUPS FOR THE SOLE PURPOSE OF VISITING OR  
21 VIEWING NATURAL OR HISTORIC POINTS AND PLACES WITHIN COLORADO.  
22 SCENIC TOUR TRANSPORTATION ORIGINATES AND TERMINATES AT THE  
23 SAME POINT AND DOES NOT INCLUDE TRANSPORTATION TO COMMERCIAL  
24 LOCATIONS.

25 (8) "Taxicab" means a motor-driven passenger vehicle ~~for public~~  
26 ~~hire on a call-and-demand basis with the user entitled to demand~~

1 ~~exclusive use of the vehicle and to designate any destination, route, or~~  
2 ~~stops desired on the route.~~ USED DIRECTLY IN PROVIDING TAXI SERVICE.

3 (9) "TAXI SERVICE" MEANS THE FOR-HIRE TRANSPORTATION OF  
4 PERSONS, IN VEHICLES WITH A PASSENGER SEATING CAPACITY OF SEVEN OR  
5 LESS, WHERE THE FIRST PASSENGER HAS THE RIGHT TO DEMAND EXCLUSIVE  
6 USE OF THE VEHICLE AND TO DESIGNATE ROUTES, DESTINATION, AND  
7 INTERMEDIATE STOPS.

8 **SECTION 5.** 40-16-102 (1), Colorado Revised Statutes, is  
9 amended to read:

10 **40-16-102. Legislative declaration - control of motor vehicle**  
11 **carriers exempt from regulation as public utilities.** (1) (a) All motor  
12 vehicle carriers exempt from regulation as public utilities are declared to  
13 be affected with a public interest and subject to regulation to the extent  
14 provided in this article.

15 (b) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES  
16 THAT COMMERCIAL TRANSPORTATION BY MOTOR VEHICLE CONSTITUTES  
17 AN INTEGRATED, STATEWIDE MARKET THAT TRANSCENDS LOCAL  
18 BOUNDARIES. METROPOLITAN TAXI SERVICE PROVIDERS FREQUENTLY  
19 CROSS MUNICIPAL BOUNDARIES DURING THE COURSE OF BUSINESS AND  
20 UNIFORM STATEWIDE REGULATIONS ARE NECESSARY TO PREVENT  
21 CONFUSION AND INEFFICIENCY IN THE INDUSTRY. THEREFORE, THE  
22 MATTERS ADDRESSED BY THIS ARTICLE ARE MATTERS OF STATEWIDE  
23 CONCERN. ANY LOCAL ORDINANCE OR REGULATION THAT CONFLICTS  
24 WITH THE PROVISIONS OF THIS ARTICLE IS HEREBY EXPRESSLY PREEMPTED.

25 **SECTION 6.** 40-16-102.5, Colorado Revised Statutes, is  
26 amended to read:

1           **40-16-102.5. Operational requirements - luxury limousines -**

2           **metropolitan taxi service providers.** (1) Luxury limousine service shall  
3           be provided on a prearranged basis only. A luxury limousine company  
4           shall, at all times when providing service, carry in each vehicle a manifest  
5           or charter order containing the name and pickup address of the passengers  
6           who have arranged for use of the vehicle. Such manifest or charter order  
7           shall be made available immediately upon request to any authorized  
8           representative of the commission, a law enforcement agency, or an airport  
9           authority. The fact that a luxury limousine operator stations equipment  
10          at an airport, in front of or across the street from a hotel or motel, or  
11          within one hundred feet of a recognized taxicab stand without a  
12          completed charter order in the vehicle shall constitute prima facie  
13          evidence that the operator is operating an illegal ~~taxicab~~ TAXI service.

14                 (2) METROPOLITAN TAXI SERVICE PROVIDERS SHALL EQUIP EACH  
15                 OF THEIR VEHICLES WITH A WRITTEN LIST OF STANDARD RATES AND  
16                 CHARGES, PRINTED IN NO LESS THAN TWELVE-POINT, BOLD-FACED TYPE  
17                 AND AFFIXED IN A CONSPICUOUS PLACE IN THE PASSENGER COMPARTMENT.  
18                 NO PASSENGER SHALL BE CHARGED EXCEPT IN ACCORDANCE WITH SUCH  
19                 LIST OR WITH A WRITTEN ESTIMATE SHOWING DEVIATIONS FROM THE  
20                 STANDARD RATES AND CHARGES AND GIVEN TO THE PASSENGER BEFORE  
21                 THE TRIP BEGINS.

22                 (3) METROPOLITAN TAXI SERVICE PROVIDERS THAT SERVE AN  
23                 AIRPORT AND REGULARLY PICK UP PASSENGERS AT A TAXI STAND OR  
24                 OTHER DESIGNATED LOCATION SHALL CONSPICUOUSLY POST, AT EACH  
25                 SUCH LOCATION, A WRITTEN LIST OF THEIR STANDARD RATES AND  
26                 CHARGES. SUCH RATES AND CHARGES SHALL INCLUDE, WITHOUT

1       LIMITATION, THE UNIFORM OR AVERAGE COST OF TRANSPORTING ONE  
2       PASSENGER TO THE NEAREST CITY. NO PASSENGER SHALL BE CHARGED  
3       EXCEPT IN ACCORDANCE WITH SUCH POSTED LIST OR WITH A WRITTEN  
4       ESTIMATE SHOWING DEVIATIONS FROM THE STANDARD RATES AND  
5       CHARGES AND GIVEN TO THE PASSENGER BEFORE THE TRIP BEGINS.

6               **SECTION 7.** 40-16-103, Colorado Revised Statutes, is amended  
7       to read:

8               **40-16-103. Registration requirements - fees.** (1) No person may  
9       offer services pursuant to this article unless ~~he~~ SUCH PERSON is registered  
10      with the public utilities commission of this state. Such registration shall  
11      include the name and address of the registrant and proof of insurance as  
12      required by section 40-16-104. SUCH REGISTRATION SHALL ALSO REQUIRE  
13      COMPLIANCE WITH ALL APPLICABLE SAFETY RULES ADOPTED BY THE  
14      COMMISSION PURSUANT TO SECTIONS 40-10-105 AND 40-2-116. FOR A  
15      PERSON FORMERLY OPERATING A MOTOR VEHICLE UNDER THE AUTHORITY  
16      OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PURSUANT TO  
17      ARTICLE 10 OF THIS TITLE, SUCH REGISTRATION SHALL INCLUDE  
18      RETURNING THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO  
19      THE COMMISSION AS CONTEMPLATED BY SECTION 40-10-106 (2). The  
20      public utilities commission shall revoke the registration of any person not  
21      complying with ~~the insurance and safety requirements~~ of this article until  
22      the person attains such compliance. In addition, the public utilities  
23      commission shall revoke the registration of any person who fails to  
24      maintain with the public utilities commission the name and address of the  
25      agent of such person upon whom any process, notice, or demand required  
26      or permitted by law to be served upon the person may be served.



1           (2) THE COMMISSION SHALL PROVIDE TO EACH PERSON REGISTERED  
2 UNDER THIS ARTICLE, UPON REQUEST, ONE OR MORE EMBLEMS EVIDENCING  
3 REGISTRATION UNDER THIS ARTICLE. THE PURPOSE OF SUCH EMBLEMS  
4 SHALL BE TO IDENTIFY VEHICLES OPERATED BY THE REGISTRANT.  
5 EMBLEMS MAY BE IN THE FORM OF SELF-ADHESIVE STICKERS OR SUCH  
6 OTHER FORM AS THE COMMISSION MAY PRESCRIBE. AT LEAST ONE SUCH  
7 EMBLEM SHALL BE DISPLAYED ON OR IN EACH VEHICLE OPERATED BY THE  
8 REGISTRANT PURSUANT TO THIS ARTICLE. THE COMMISSION MAY CHARGE  
9 AND COLLECT A NOMINAL FEE, REFLECTING THE COMMISSION'S COST, FOR  
10 THE ISSUANCE OF EMBLEMS. SUBJECT TO REASONABLE LIMITATIONS, A  
11 REGISTRANT MAY OBTAIN ANY NUMBER OF EMBLEMS.

12           **SECTION 8.** 40-16-104 (1), Colorado Revised Statutes, is  
13 amended to read:

14           **40-16-104. Insurance requirements.** (1) Each motor vehicle  
15 carrier exempt from regulation as a public utility shall maintain a general  
16 liability insurance policy, or, if such carrier is a public entity, a certificate  
17 of self-insurance in lieu thereof, issued pursuant to section 42-7-501,  
18 C.R.S., at the option of the public entity. Such an insurance policy shall  
19 be issued by some insurance carrier or insurer authorized to do business  
20 in Colorado for each motor vehicle of such carrier, and such certificate  
21 of self-insurance shall be issued by the executive director of the  
22 department of revenue. ~~For those motor vehicle carriers exempt from~~  
23 ~~regulation as public utilities specified in paragraphs (a) to (f) of this~~  
24 ~~subsection (1),~~ Such liability insurance shall be in the following minimum  
25 amounts:

26           (a) ~~For charter or scenic buses~~ MOTOR VEHICLES WITH A

1 PASSENGER SEATING CAPACITY OF THIRTY-THREE OR MORE, a minimum  
2 amount of five million dollars combined single limit liability or in the  
3 case of public entities operating such ~~buses~~ VEHICLES, the maximum  
4 amount that may be recovered from a public entity under section  
5 24-10-114 (1), C.R.S.;

6 (b) For ~~luxury limousines~~ MOTOR VEHICLES WITH A PASSENGER  
7 SEATING CAPACITY FROM SIXTEEN TO THIRTY-TWO,

8 ~~(f)~~ a minimum amount of one million FIVE HUNDRED THOUSAND  
9 dollars combined single limit liability ~~for vehicles with a passenger~~  
10 ~~capacity of fourteen or less~~; OR, IN THE CASE OF PUBLIC ENTITIES  
11 OPERATING SUCH VEHICLES, THE MAXIMUM AMOUNT THAT MAY BE  
12 RECOVERED FROM A PUBLIC ENTITY UNDER SECTION 24-10-114 (1), C.R.S.;

13 ~~(H)~~ ~~A minimum amount of one million five hundred thousand~~  
14 ~~dollars combined single limit liability for vehicles with a passenger~~  
15 ~~capacity of more than fourteen and less than thirty-two; and~~

16 ~~(HH)~~ ~~A minimum amount of five million dollars combined single~~  
17 ~~limit liability for vehicles with a passenger capacity of thirty-two or more.~~

18 (c) For ~~off-road scenic charters~~ MOTOR VEHICLES WITH A  
19 PASSENGER SEATING CAPACITY FROM EIGHT TO FIFTEEN, a minimum  
20 amount of one million dollars combined single limit liability;

21 (d) For ~~children's activity buses~~ MOTOR VEHICLES WITH A  
22 PASSENGER SEATING CAPACITY OF SEVEN OR LESS, a minimum amount of  
23 ~~one million~~ FIVE HUNDRED THOUSAND dollars combined single limit  
24 liability; ~~If the vehicle being used has a capacity for thirty-two or more~~  
25 ~~passengers, disclosure shall be made to the lessor of such vehicle that the~~  
26 ~~liability limits are lower than those for charter or scenic buses pursuant~~

1 ~~to paragraph (a) of this subsection (1).~~

2 (e) For property carriers by motor vehicle that are not required to  
3 obtain a hazardous material permit under section 42-20-201, C.R.S.,  
4 amounts and types of coverage required by 49 C.F.R. part 1043; except  
5 that such carriers using only vehicles weighing ten thousand pounds or  
6 less gross vehicle weight rating shall maintain insurance in the amount of  
7 at least three hundred thousand dollars combined single limit liability;

8 (f) For property carriers by motor vehicle that are required to  
9 obtain a hazardous material permit under section 42-20-201, C.R.S.,  
10 amounts and types of coverage required by section 42-20-202 (2) (a),  
11 C.R.S.

12 **SECTION 9.** Article 16 of title 40, Colorado Revised Statutes,  
13 is amended BY THE ADDITION OF A NEW SECTION to read:

14 **40-16-105.5. Driver background checks.** (1) NO PERSON SHALL  
15 BE PERMITTED TO DRIVE A TAXICAB OR JITNEY IF SUCH PERSON HAS BEEN  
16 CONVICTED OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO:

17 (a) ANY OFFENSE LISTED IN PART 4 OF ARTICLE 3 OF TITLE 18,  
18 C.R.S., WITHIN THE IMMEDIATELY PRECEDING TWENTY-FIVE YEARS;

19 (b) ANY FELONY LISTED IN PART 1, 2, OR 3 OF ARTICLE 3 OF TITLE  
20 18, C.R.S., WITHIN THE IMMEDIATELY PRECEDING TEN YEARS; OR

21 (c) ANY MISDEMEANOR LISTED IN PART 2 OR 3 OF ARTICLE 3 OF  
22 TITLE 18, C.R.S., WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS.

23 (2) EVERY PERSON REGISTERED UNDER THIS ARTICLE AS AN  
24 OPERATOR OF A TAXICAB OR JITNEY AND EVERY PERSON APPLYING FOR  
25 SUCH REGISTRATION SHALL SUBMIT TO AN INVESTIGATION OF HIS OR HER  
26 BACKGROUND TO ENSURE COMPLIANCE WITH SUBSECTION (1) OF THIS

1 SECTION. IN ADDITION, IF A PERSON REGISTERED UNDER THIS ARTICLE  
2 EMPLOYS OR CONTRACTS FOR THE SERVICES OF A DRIVER FOR ANY  
3 TAXICAB OR JITNEY, THE REGISTRANT SHALL REQUIRE SUCH DRIVER TO  
4 SUBMIT TO SUCH BACKGROUND INVESTIGATION.

5 **SECTION 10.** 43-10-113, Colorado Revised Statutes, is amended  
6 BY THE ADDITION OF A NEW SUBSECTION to read:

7 **43-10-113. Safe operating areas around airports -**  
8 **establishment - authority over connecting ground transportation.**

9 (3) (a) GOVERNMENTAL ENTITIES THAT OPERATE AIRPORTS ARE  
10 EXPRESSLY GRANTED THE AUTHORITY TO LIMIT, CONDITION, OR WHOLLY  
11 WITHHOLD THE RIGHTS OF CERTAIN PERSONS TO ENTER AIRPORT PROPERTY  
12 FOR THE PURPOSE OF OFFERING FOR-HIRE GROUND TRANSPORTATION TO  
13 ARRIVING AIR PASSENGERS BASED ON A SIGNIFICANT NUMBER OF  
14 SUBSTANTIATED CUSTOMER COMPLAINTS REGARDING FRAUDULENT OR  
15 OTHERWISE IMPROPER TREATMENT OF CUSTOMERS, INCLUDING  
16 CIRCUITOUS ROUTING;

17 (b) IF THE GOVERNMENTAL ENTITY RECEIVES CUSTOMER  
18 COMPLAINTS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3)  
19 AND DETERMINES THAT SUCH COMPLAINTS WARRANT FURTHER  
20 INVESTIGATION, IT SHALL NOTIFY IN WRITING THE AFFECTED PERSON PRIOR  
21 TO TAKING ANY OTHER ACTION PURSUANT TO THIS SUBSECTION (3);  
22 OTHERWISE, THE GOVERNMENTAL ENTITY SHALL TAKE NO ACTION  
23 PURSUANT TO THIS SUBSECTION (3).

24 (c) IF THE GOVERNMENTAL ENTITY SENDS A NOTICE AS DESCRIBED  
25 IN PARAGRAPH (b) OF THIS SUBSECTION (3), THE AFFECTED PERSON MAY  
26 SUBMIT WRITTEN COMMENTS TO THE GOVERNMENTAL ENTITY CONTESTING

1 THE COMPLAINTS.

2 (d) (I) IF THE GOVERNMENTAL ENTITY DECIDES TO ACT WITHOUT  
3 A HEARING, IT SHALL PROMPTLY ISSUE A WRITTEN DETERMINATION OF THE  
4 MATTER AND SHALL NOTIFY THE COMPLAINANTS AND THE AFFECTED  
5 PERSON. FOLLOWING SUCH NOTICE, ANY PERSON AGGRIEVED BY SUCH  
6 DETERMINATION MAY SUBMIT TO THE GOVERNMENTAL ENTITY A WRITTEN  
7 REQUEST FOR A HEARING.

8 (II) IF THE GOVERNMENTAL ENTITY DENIES A REQUEST FOR A  
9 HEARING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), OR IF  
10 NO PARTY REQUESTS A HEARING, THE GOVERNMENTAL ENTITY'S  
11 DETERMINATION OF THE MATTER SHALL BE SUBJECT TO JUDICIAL REVIEW  
12 PURSUANT TO SECTION 24-4-106, C.R.S., OR RULE 106 OF THE COLORADO  
13 RULES OF CIVIL PROCEDURE.

14 (III) IF THE GOVERNMENTAL ENTITY GRANTS A REQUEST FOR A  
15 HEARING OR IF IT DECIDES ON ITS OWN TO HOLD A HEARING, IT SHALL SO  
16 NOTIFY THE PARTIES, HOLD THE HEARING, ISSUE A WRITTEN  
17 DETERMINATION, AND NOTIFY THE PARTIES OF THE DETERMINATION. THE  
18 GOVERNMENTAL ENTITY'S DETERMINATION OF THE MATTER SHALL BE  
19 SUBJECT TO JUDICIAL REVIEW PURSUANT TO SECTION 24-4-106, C.R.S., OR  
20 RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE.

21 **SECTION 11.** 40-7-113 (1) (f), Colorado Revised Statutes, is  
22 amended to read:

23 **40-7-113. Civil penalties - fines.** (1) In addition to any other  
24 penalty otherwise authorized by law and except as otherwise provided in  
25 subsections (3) and (4) of this section, any person who violates any  
26 provision of article 10, 11, 13, or 16 of this title or any rule or regulation

1 promulgated by the commission pursuant to such articles, which  
2 provision or rule or regulation is applicable to such person, may be  
3 subject to fines as specified in the following paragraphs:

4 (f) Any person who operates a ~~charter or scenic bus as defined in~~  
5 ~~section 40-16-101 (1.3), a property carrier by motor vehicle as defined in~~  
6 ~~section 40-16-101 (6.5), a luxury limousine as defined in section~~  
7 ~~40-16-101 (3) or an off-road scenic charter as defined in section~~  
8 ~~40-16-101 (5)~~ MOTOR VEHICLE CARRIER EXEMPT FROM REGULATION AS A  
9 PUBLIC UTILITY AS DEFINED IN SECTION 40-16-101 (4), OTHER THAN A  
10 CHILDREN’S ACTIVITY BUS, without having first registered with the  
11 commission as required by section 40-16-103 may be assessed a civil  
12 penalty of not more than four hundred dollars.

13 **SECTION 12.** 6-2-103 (2), Colorado Revised Statutes, is  
14 amended to read:

15 **6-2-103. Discriminatory sales - exceptions.** (2) (a) Nothing in  
16 this article shall be construed to affect or apply to any service or product  
17 sold, rendered, or furnished by any public utility, the sale, rendition, or  
18 furnishing of which is subject to regulation by the Colorado public  
19 utilities commission or by any municipal regulatory body. This article  
20 shall not be construed to prohibit the meeting in good faith of a  
21 competitive rate.

22 (b) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT OR  
23 APPLY TO THE ADOPTION BY TWO OR MORE METROPOLITAN TAXI SERVICE  
24 PROVIDERS, AS DEFINED IN SECTION 40-16-101 (3.4), C.R.S., OF AN  
25 AGREEMENT CONCERNING:

26 (I) A COOPERATIVE DISPATCHING SYSTEM;

1           (II) A CODE OF CONDUCT FOR DRIVERS; OR

2           (III) A UNIFORM COLOR SCHEME FOR VEHICLES PARTICIPATING IN  
3 AN AGREEMENT CONCERNING COOPERATIVE DISPATCHING OR A CODE OF  
4 CONDUCT FOR DRIVERS.

5           **SECTION 13. Effective date.** This act shall take effect at 12:01  
6 a.m. on the day following the expiration of the ninety-day period after  
7 final adjournment of the general assembly that is allowed for submitting  
8 a referendum petition pursuant to article V, section 1 (3) of the state  
9 constitution; except that, if a referendum petition is filed against this act  
10 or an item, section, or part of this act within such period, then the act,  
11 item, section, or part, if approved by the people, shall take effect on the  
12 date of the official declaration of the vote thereon by proclamation of the  
13 governor.