

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1045.01 Jennifer Berman x3286

HOUSE BILL 18-1320

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Jahn,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REDUCTION IN REGULATION OF LARGE-MARKET
102 TAXICAB SERVICE FROM REGULATION AS A COMMON CARRIER
103 TO REGULATION AS A MOTOR CARRIER OF PASSENGERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill reduces the regulation of taxicab service provided in large metropolitan areas by changing taxicab service provided in such areas from common carrier status to motor carrier status.

Sections 1 and 2 of the bill remove common carrier status for large-market taxicab service, which term is defined in section 2 as taxicab

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

service serving within and between counties with a population of 70,000 or more, and **section 6** removes large-market taxicab service providers from the common carrier obligation to obtain a certificate of public convenience and necessity.

Sections 9 and 11 require large-market taxicab service providers to operate as motor carriers. As motor carriers, large-market taxicab service providers are required to obtain an annual permit (section 9) and are subject to the public utilities commission's regulations regarding safety and operational requirements, but not subject to regulations regarding times of operation, rates, or competition (section 11).

Section 4 continues to require drivers for a large-market taxicab service company to obtain a fingerprint-based criminal history record check.

Section 3 declares large-market taxicab service to be affected with a public interest. Large-market taxicab service operators are still required to indiscriminately accept and carry passengers for compensation.

Section 11 requires the public utilities commission to promulgate rules requiring taxicab service and large-market taxicab service companies to collect information about each driver's driving record and violations and periodically to provide the information to the commission. A taxicab service or large-market taxicab service company may request that the commission share with the company information about a specific driver that any other taxicab service or large-market taxicab service company has provided to the commission. The commission is required otherwise to maintain the confidentiality of the information, and the information is not subject to disclosure under the "Colorado Open Records Act".

Sections 5, 7, 8, 10, and 12 make conforming amendments.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-1-102, **amend** the
3 introductory portion and (3)(a)(I) as follows:

4 **40-1-102. Definitions.** As used in articles 1 to 7 of this title **40**,
5 unless the context otherwise requires:

6 (3) (a) "Common carrier" means:

7 (I) Every person directly or indirectly affording a means of
8 transportation, or any service or facility in connection therewith, within
9 this state by motor vehicle or other vehicle whatever by indiscriminately

1 accepting and carrying passengers for compensation; EXCEPT THAT THE
2 TERM DOES NOT INCLUDE A LARGE-MARKET TAXICAB SERVICE, AS DEFINED
3 IN SECTION 40-10.1-101 (9.5), THAT INDISCRIMINATELY ACCEPTS AND
4 CARRIES PASSENGERS FOR COMPENSATION PURSUANT TO SECTION
5 40-10.1-103 (2)(b); and

6 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-101, **amend**
7 the introductory portion and (4); and **add** (9.5) as follows:

8 **40-10.1-101. Definitions.** As used in this article **10.1**, unless the
9 context otherwise requires:

10 (4) "Common carrier" means a common carrier as defined in
11 section 40-1-102; except that the term does not include:

12 (a) A contract carrier as defined in this section; or

13 (b) A LARGE-MARKET TAXICAB SERVICE OR ANY OTHER motor
14 carrier of passengers REGULATED under part 3 of this article **10.1**.

15 (9.5) "LARGE-MARKET TAXICAB SERVICE" MEANS A TAXICAB
16 SERVICE SERVING WITHIN AND BETWEEN COUNTIES WITH A POPULATION OF
17 SEVENTY THOUSAND OR MORE.

18 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-103, **amend**
19 (2) as follows:

20 **40-10.1-103. Subject to control by commission.** (2) (a) Except
21 as provided in subsection (1) of this section, motor carriers, INCLUDING
22 LARGE-MARKET TAXICAB SERVICES, are not public utilities under this title
23 **40**, but are declared to be affected with a public interest and are subject
24 to regulation to the extent provided in this article **10.1**; in section
25 40-2-110.5; in article 6 of this title **40**; and in article 7 of this title **40**,
26 except sections 40-7-113.5, 40-7-116.5, and 40-7-117. The term "public
27 utility", when used in articles 6 and 7 of this title **40**, includes all motor

1 carriers.

2 (b) FOR LARGE-MARKET TAXICAB SERVICES, BEING AFFECTED WITH
3 A PUBLIC INTEREST PURSUANT TO THIS SUBSECTION (2) INCLUDES A
4 REQUIREMENT THAT A PERSON OPERATING A LARGE-MARKET TAXICAB
5 SERVICE SHALL INDISCRIMINATELY ACCEPT AND CARRY PASSENGERS FOR
6 COMPENSATION.

7 **SECTION 4.** In Colorado Revised Statutes, 40-10.1-110, **amend**
8 (1) as follows:

9 **40-10.1-110. Criminal history record check - rules.** (1) An
10 individual who wishes to drive either a taxicab for a motor carrier that is
11 the holder of a certificate to provide taxicab service issued under part 2
12 of this article **10.1** or a motor vehicle for a motor carrier that is the holder
13 of a permit to operate as a LARGE-MARKET TAXICAB SERVICE, charter bus,
14 children's activity bus, luxury limousine, medicaid client transport, or
15 off-road scenic charter under part 3 of this article **10.1** shall submit a set
16 of his or her fingerprints to the commission. The commission shall
17 forward the fingerprints to the Colorado bureau of investigation for the
18 purpose of obtaining a fingerprint-based criminal history record check.
19 Upon receipt of fingerprints and payment for the costs, the Colorado
20 bureau of investigation shall conduct a state and national
21 fingerprint-based criminal history record check using records of the
22 Colorado bureau of investigation and the federal bureau of investigation.
23 The commission is the authorized agency to receive information
24 regarding the result of a national criminal history record check. The
25 individual whose fingerprints are checked shall pay the actual costs of the
26 state and national fingerprint-based criminal history record check.

27 **SECTION 5.** In Colorado Revised Statutes, 40-10.1-111, **amend**

1 (1) introductory portion and (1)(b) as follows:

2 **40-10.1-111. Filing, issuance, and annual fees.** (1) A motor
3 carrier shall pay the commission the following fees in amounts prescribed
4 in this section or, if not ~~so~~ prescribed IN THIS SECTION, as set
5 administratively by the commission with approval of the executive
6 director of the department of regulatory agencies:

7 (b) The commission shall administratively set the filing fee for an
8 application under part ~~2~~ 3 of this article **10.1** to provide LARGE-MARKET
9 taxicab service within and between the counties of Adams, Arapahoe,
10 Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

11 **SECTION 6.** In Colorado Revised Statutes, 40-10.1-201, **amend**
12 (2); and **add** (3) as follows:

13 **40-10.1-201. Certificate required.** (2) EXCEPT AS PROVIDED IN
14 SUBSECTION (3) OF THIS SECTION, the fact that a person carries on
15 operations, in whole or in part, between substantially fixed points or over
16 established routes, or under contracts with more than one person, or by
17 making repeated or periodic trips is prima facie evidence that the person
18 is a common carrier and subject to this part 2 and part 1 of this article
19 **10.1.**

20 (3) A PERSON THAT OPERATES A LARGE-MARKET TAXICAB SERVICE
21 IS NOT A COMMON CARRIER SUBJECT TO THIS PART 2.

22 **SECTION 7.** In Colorado Revised Statutes, 40-10.1-203, **repeal**
23 (2) as follows:

24 **40-10.1-203. Rules for issuance of certificate - standing to**
25 **protest - judicial review - legislative declaration.** (2) ~~(a) The granting~~
26 ~~of a certificate to operate a taxicab service within and between counties~~
27 ~~with a population of less than seventy thousand, based on the most recent~~

1 available federal census figures, is governed by the doctrine of regulated
2 monopoly.

3 ~~(b) (I) Except as otherwise provided in subparagraph (H) of this~~
4 ~~paragraph (b), the granting of a certificate to operate a taxicab service~~
5 ~~within and between counties with a population of seventy thousand or~~
6 ~~greater, based on the most recent available federal census figures, is not~~
7 ~~an exclusive grant or monopoly, and the doctrine of regulated competition~~
8 ~~applies.~~

9 ~~(H) (A) The general assembly hereby finds, determines, and~~
10 ~~declares that House Bill 15-1316 may open the door to multiple taxicab~~
11 ~~companies entering the taxicab service market within the metropolitan~~
12 ~~areas of Colorado and will lead to free market competition, expanded~~
13 ~~consumer choice, and improved quality of service.~~

14 ~~(B) The general assembly further finds, determines, and declares~~
15 ~~that nothing in this subparagraph (H) requires or prohibits a taxicab~~
16 ~~company applying for a certificate to form a labor union nor requires any~~
17 ~~taxicab driver to join a labor union.~~

18 ~~(C) In an application for a certificate to provide taxicab service~~
19 ~~within and between the counties of Adams, Arapahoe, Boulder,~~
20 ~~Broomfield, Denver, Douglas, El Paso, and Jefferson, the applicant has~~
21 ~~the burden of proving that it is operationally and financially fit to provide~~
22 ~~the proposed service. The commission shall not consider the applicant's~~
23 ~~corporate structure when determining whether to approve or disapprove~~
24 ~~the application for a certificate. The applicant need not prove the~~
25 ~~inadequacy of existing taxicab service, if any, within the applicant's~~
26 ~~proposed geographic area of operation. If the commission determines that~~
27 ~~the applicant has proved its operational and financial fitness, the~~

1 ~~commission shall grant the applicant a certificate.~~

2 ~~(c) (I) (A) The holder of a certificate that contains authority to~~
3 ~~operate a taxicab service between points in the city and county of Denver~~
4 ~~also holds taxicab service authority from points in the city and county of~~
5 ~~Denver to all points in this state.~~

6 ~~(B) Notwithstanding any provision of this section to the contrary,~~
7 ~~the holder of a certificate of public convenience and necessity that~~
8 ~~contains authority to operate as a taxicab between points within the state~~
9 ~~of Colorado shall also be deemed to hold taxicab authority to pick up~~
10 ~~passengers from any point in the state of Colorado and transport the~~
11 ~~passengers back to the certificate holder's authorized area when the~~
12 ~~certificate holder has dropped off passengers in close proximity to that~~
13 ~~point. The provisions of this sub-subparagraph (B) do not apply when a~~
14 ~~taxicab drops off a passenger at any airport in this state.~~

15 ~~(H) The holder of a certificate that contains authority to operate~~
16 ~~a taxicab service to points in the city and county of Denver also holds~~
17 ~~taxicab service authority from points in the city and county of Denver to~~
18 ~~all points within the common carrier's base area, defined as that~~
19 ~~geographic area in which such common carrier may provide~~
20 ~~point-to-point taxicab service.~~

21 ~~(HH) The commission shall amend, by order and without notice or~~
22 ~~hearing, any existing taxicab service certificate as described in~~
23 ~~subparagraph (I) or (H) of this paragraph (c) to allow service from points~~
24 ~~in the city and county of Denver to either all points in this state or all~~
25 ~~points within the common carrier's base area to conform with the~~
26 ~~directives contained in said subparagraph (I) or (H).~~

27 **SECTION 8.** In Colorado Revised Statutes, 40-10.1-207, **amend**

1 (1) as follows:

2 **40-10.1-207. Taxicab license plates - rules.** (1) (a) The
3 commission shall either:

4 (I) Create a document that a person authorized to provide taxicab
5 ~~services~~ SERVICE OR LARGE-MARKET TAXICAB SERVICE under this article
6 **10.1** may use to verify to the department of revenue or the department's
7 authorized agent that the person is so authorized TO PROVIDE TAXICAB
8 SERVICE OR LARGE-MARKET TAXICAB SERVICE; or

9 (II) Create a system to electronically verify to the department of
10 revenue or the department's authorized agent that the person is authorized
11 to provide taxicab services under this part 2 OR LARGE-MARKET TAXICAB
12 SERVICE UNDER PART 3 OF THIS ARTICLE 10.1.

13 (b) Upon request, the commission shall provide the document to
14 the person with ~~such~~ authority TO PROVIDE TAXICAB SERVICE OR
15 LARGE-MARKET TAXICAB SERVICE or the electronic verification to the
16 department of revenue or the department's authorized agent.

17 **SECTION 9.** In Colorado Revised Statutes, 40-10.1-301, **amend**
18 (8) as follows:

19 **40-10.1-301. Definitions.** As used in this part 3, unless the
20 context otherwise requires:

21 (8) "Luxury limousine service" means a specialized, luxurious
22 transportation service provided on a prearranged, charter basis. "Luxury
23 limousine service" does not include taxicab service, LARGE-MARKET
24 TAXICAB SERVICE, or any service provided between fixed points over
25 regular routes at regular intervals.

26 **SECTION 10.** In Colorado Revised Statutes, 40-10.1-302,
27 **amend** (1)(a) as follows:

1 **40-10.1-302. Permit requirements.** (1) (a) A person shall not
2 operate or offer to operate a LARGE-MARKET TAXICAB SERVICE, charter
3 bus, children's activity bus, fire crew transport, luxury limousine,
4 medicaid client transport, or off-road scenic charter in intrastate
5 commerce without first having obtained a permit ~~therefor~~ from the
6 commission in accordance with this part 3.

7 **SECTION 11.** In Colorado Revised Statutes, **add** 40-10.1-305
8 and 40-10.1-306 as follows:

9 **40-10.1-305. Limited regulation of large-market taxicab**
10 **service - rules.** (1) AS A MOTOR CARRIER OF PASSENGERS, BUT NOT A
11 COMMON CARRIER SUBJECT TO PART 2 OF THIS ARTICLE 10.1, A
12 LARGE-MARKET TAXICAB SERVICE IS SUBJECT TO LIMITED REGULATION
13 UNDER THIS PART 3. THE COMMISSION MAY, BY RULE, REGULATE A
14 LARGE-MARKET TAXICAB SERVICE WITH REGARD TO SAFETY AND
15 OPERATIONAL REQUIREMENTS, INCLUDING REGULATION OF DRIVERS'
16 HOURS OF SERVICE AND THE AGE OF THE VEHICLES USED.

17 (2) THE COMMISSION SHALL NOT REQUIRE A LARGE-MARKET
18 TAXICAB SERVICE TO FILE ANY TARIFFS AND SHALL NOT REGULATE THE
19 LARGE-MARKET TAXICAB SERVICE WITH REGARD TO THE FOLLOWING:

20 (a) TIMES OF OPERATION;

21 (b) RATES, FEES, OR CHARGES; OR

22 (c) ANY REQUIREMENTS IMPOSED FOR THE PURPOSE OF
23 PROTECTING ANOTHER TAXICAB SERVICE, LARGE-MARKET TAXICAB
24 SERVICE, COMMON CARRIER, CONTRACT CARRIER, TRANSPORTATION
25 NETWORK COMPANY, OR OTHER MOTOR CARRIER FROM COMPETITION.

26 **40-10.1-306. Commission to track taxicab drivers' violations**
27 **and driving records - rules.** (1) THE COMMISSION SHALL PROMULGATE

1 RULES REQUIRING THAT EACH COMPANY THAT PROVIDES TAXICAB SERVICE
2 OR LARGE-MARKET TAXICAB SERVICE:

3 (a) WITH RESPECT TO EACH DRIVER THAT DRIVES FOR THE
4 COMPANY, COLLECT INFORMATION ABOUT THE DRIVER'S DRIVING RECORD
5 AND ANY VIOLATIONS UNDER THIS ARTICLE 10.1, OR UNDER ARTICLES 6 OR
6 7 OF THIS TITLE 40, THAT WERE CAUSED BY THE DRIVER WHILE OPERATING
7 A TAXICAB SERVICE OR LARGE-MARKET TAXICAB SERVICE FOR THE
8 COMPANY; AND

9 (b) AT INTERVALS AND IN A MANNER AND FORM DETERMINED BY
10 THE COMMISSION, PROVIDE THE COMMISSION WITH THE INFORMATION
11 COLLECTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

12 (2) UPON THE REQUEST OF A COMPANY THAT PROVIDES TAXICAB
13 SERVICE OR LARGE-MARKET TAXICAB SERVICE, THE COMMISSION, IN A
14 FORM AND MANNER DETERMINED BY THE COMMISSION, SHALL PROVIDE
15 THE COMPANY WITH ANY INFORMATION ABOUT A SPECIFIC DRIVER THAT
16 HAS BEEN PROVIDED TO THE COMMISSION BY ANY OTHER COMPANY THAT
17 PROVIDES TAXICAB SERVICE OR LARGE-MARKET TAXICAB SERVICE
18 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

19 (3) EXCEPT AS DISCLOSED IN ACCORDANCE WITH SUBSECTION (2)
20 OF THIS SECTION, THE COMMISSION SHALL NOT DISCLOSE THE
21 INFORMATION PROVIDED TO THE COMMISSION PURSUANT TO THIS SECTION
22 AND SHALL MAINTAIN THE INFORMATION IN A MANNER TO PROTECT ITS
23 CONFIDENTIALITY. THE INFORMATION IS NOT SUBJECT TO DISCLOSURE
24 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF
25 TITLE 24.

26 **SECTION 12.** In Colorado Revised Statutes, 42-3-236, **amend**
27 (2) and (5) as follows:

1 **42-3-236. Taxicab license plates - taxicabs.** (2) A person who
2 THAT is authorized to provide taxicab service OR LARGE-MARKET TAXICAB
3 SERVICE under article 10.1 of title 40 ~~€R.S.~~, shall register a motor
4 vehicle used for taxicab purposes under this article **3** and display taxicab
5 license plates on the vehicle. Upon registration, the department shall issue
6 taxicab license plates for the vehicle in accordance with this section. The
7 department shall not issue a taxicab license plate unless the person either
8 submits a verification document or the public utilities commission
9 electronically verifies the authorization as provided in section
10 40-10.1-207. ~~€R.S.~~

11 (5) If the person who owns the motor vehicle with taxicab license
12 plates is not the person under whose authority the motor vehicle operates
13 under article 10.1 of title 40, ~~€R.S.~~, the person with the authority may
14 request that the department of revenue require the plate to be replaced.
15 Within thirty days after receiving the request, the department shall require
16 the owner of the motor vehicle to return the taxicab license plate and be
17 issued a new license plate. The owner of the motor vehicle shall surrender
18 the taxicab license plate to the department within ten days after receiving
19 notice from the department unless the owner of the motor vehicle obtains
20 authority to operate a taxicab AS PART OF A TAXICAB SERVICE under part
21 2 of article 10.1 of title 40 ~~€R.S.~~, OR AS PART OF A LARGE-MARKET
22 TAXICAB SERVICE UNDER PART 3 OF ARTICLE 10.1 OF TITLE 40, either
23 directly or as an agent, and either the person submits a verification
24 document or the public utilities commission electronically verifies the
25 authorization as provided in section 40-10.1-207. ~~€R.S.~~

26 **SECTION 13. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.