

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 21-1076

BY REPRESENTATIVE(S) McCluskie and Will, Bird, Exum, Froelich, Gray, Hooton, Lontine, McCormick, Michaelson Jenet, Ortiz, Roberts, Titone, Valdez A., Valdez D.;

also SENATOR(S) Donovan and Hisey, Hansen, Jaquez Lewis, Priola, Rankin, Winter.

CONCERNING CARPOOLING SERVICE INTERNET APPLICATIONS, AND, IN CONNECTION THEREWITH, REQUIRING THAT APPLICATION OWNERS OR OPERATORS REGISTER WITH THE DEPARTMENT OF TRANSPORTATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 43-1-127 as follows:

43-1-127. Registration of carpooling service internet applications - limitations - disclosure - definitions. (1) ON AND AFTER OCTOBER 1, 2021, AN OWNER OF A CARPOOLING SERVICE INTERNET APPLICATION OR AN OPERATOR OF THE APPLICATION ON THE OWNER'S BEHALF SHALL REGISTER WITH THE DEPARTMENT ON AN ANNUAL BASIS IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL PUBLISH THE FORM AND MANNER OF REGISTERING ON THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

DEPARTMENT'S PUBLIC WEBSITE. IN REGISTERING WITH THE DEPARTMENT, THE OWNER OR OPERATOR OF AN APPLICATION AGREES THAT THE OWNER OR OPERATOR SHALL:

(a) WITH RESPECT TO A SINGLE TRIP FOR WHICH A DRIVER AND USER ARE MATCHED THROUGH THE CARPOOLING SERVICE INTERNET APPLICATION:

(I) COMPENSATE THE DRIVER UP TO THE TOTAL RATE OF REIMBURSEMENT BASED ON MILES DRIVEN MULTIPLIED BY THE PREVAILING FEDERAL INTERNAL REVENUE SERVICE'S MILEAGE REIMBURSEMENT RATE FOR BUSINESS USE;

(II) REQUIRE EACH USER TO PAY AN EQUAL AMOUNT OF THE FEE FOR CARPOOLING SERVICE, WHICH FEE SHALL BE REASONABLY CALCULATED TO COVER THE DIRECT AND INDIRECT COSTS OF PROVIDING THE CARPOOLING SERVICE; AND

(III) NOT ALLOW A DRIVER WHO PROVIDES CARPOOLING SERVICE FOR THE OWNER'S OR OPERATOR'S CARPOOLING SERVICE INTERNET APPLICATION TO TRANSPORT MORE THAN SIX PASSENGERS AT A TIME, EXCLUDING THE DRIVER, IN THE DRIVER'S PERSONAL VEHICLE;

(b) LIMIT EACH DRIVER TO ONE TRIP PER DAY; AND

(c) DISCLOSE TO USERS IN A CONSPICUOUS MANNER ON THE CARPOOLING SERVICE INTERNET APPLICATION THE FOLLOWING DISCLAIMER:

BE ADVISED THAT CARPOOLING SERVICE COMPANIES ARE NOT REGULATED BY THE STATE OF COLORADO. BACKGROUND CHECKS MIGHT NOT BE PERFORMED ON DRIVERS, DRIVERS ARE NOT SUBJECT TO MEDICAL EXAMINATION AND CERTIFICATION, VEHICLES ARE NOT SUBJECT TO INSPECTION BY THE STATE, AND STATE INSURANCE VERIFICATION IS NOT PERFORMED.

(2) THE DEPARTMENT IS NOT LIABLE FOR ANY ACT OR OMISSION OF AN OWNER OR OPERATOR OF A CARPOOLING SERVICE INTERNET APPLICATION, AN AGENT OF AN OWNER OR OPERATOR, A DRIVER, OR A USER.

(3) REIMBURSED COSTS COLLECTED IN ACCORDANCE WITH THIS

SECTION SHALL NOT BE DEEMED COMPENSATION FOR ANY PURPOSE.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) (I) "CARPOOLING SERVICE" MEANS A NOT-FOR-PROFIT ARRANGEMENT IN WHICH TWO OR MORE INDIVIDUALS USE A MOTOR VEHICLE FOR TRANSPORTATION TO, AND POSSIBLY RETURNING FROM, THE SAME DESTINATION OR NEARBY DESTINATIONS.

(II) "CARPOOLING SERVICE" INCLUDES, FOR EACH USER OR PASSENGER:

(A) A TRIP THAT IS AT LEAST TWENTY-THREE MILES BETWEEN PICK-UP AND DROP-OFF POINTS, WHETHER THE PICK-UP AND DROP-OFF POINTS ARE LOCATED WITHIN OR OUTSIDE METROPOLITAN AREAS; AND

(B) A TRIP THAT IS TO OR FROM A SKI AREA, AS THAT TERM IS DEFINED IN SECTION 33-44-103 (6), REGARDLESS OF THE DISTANCE BETWEEN THE SKI AREA AND THE OTHER LOCATION.

(III) "CARPOOLING SERVICE" DOES NOT INCLUDE A TRANSPORTATION ARRANGEMENT MADE WITH:

(A) A POLITICAL SUBDIVISION, AS DEFINED IN SECTION 29-1-202 (2);

(B) A COMMON CARRIER, CONTRACT CARRIER, TAXICAB SERVICE, LARGE-MARKET TAXICAB SERVICE, OR TOWING CARRIER, AS THOSE TERMS ARE DEFINED IN SECTION 40-10.1-101;

(C) A CHARTER BUS, CHILDREN'S ACTIVITY BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE SERVICE, MEDICAID CLIENT TRANSPORT, OR OFF-ROAD SCENIC CHARTER, AS THOSE TERMS ARE DEFINED IN SECTION 40-10.1-301; OR

(D) A TRANSPORTATION NETWORK COMPANY, AS DEFINED IN SECTION 40-10.1-602 (3).

(b) "CARPOOLING SERVICE INTERNET APPLICATION" OR "APPLICATION" MEANS AN INTERNET APPLICATION OR DIGITAL NETWORK

USED TO CONNECT DRIVERS AND USERS:

(I) FOR THE PURPOSE OF FACILITATING CARPOOLING SERVICE; AND

(II) THROUGH WHICH RESERVATIONS FOR CARPOOLING SERVICE ARE MADE NO LESS THAN TWO HOURS IN ADVANCE OF, AND ARE USUALLY MADE AT LEAST ONE DAY IN ADVANCE OF, THE CARPOOLING SERVICE.

(c) "DRIVER" MEANS AN INDIVIDUAL WHO USES A VEHICLE THAT THE INDIVIDUAL PERSONALLY OWNS OR LEASES AND WHO PROVIDES CARPOOLING SERVICES TO USERS IN THAT VEHICLE THROUGH USE OF A CARPOOLING SERVICE INTERNET APPLICATION.

(d) (I) "METROPOLITAN AREA" MEANS A METROPOLITAN PLANNING AREA DESIGNATED BY AGREEMENT OF A GOVERNOR AND A METROPOLITAN PLANNING ORGANIZATION, AS THOSE TERMS ARE DEFINED IN 49 U.S.C. SEC. 5302 (8) AND 49 U.S.C. SEC. 5303 (b)(1) AND (b)(2) OF THE "FEDERAL TRANSIT ACT", AS AMENDED.

(II) "METROPOLITAN AREA" DOES NOT INCLUDE ANY SKI AREA, AS THAT TERM IS DEFINED IN SECTION 33-44-103 (6).

(e) "TRIP" MEANS A SINGLE ROUND TRIP THAT A DRIVER MAKES TO PROVIDE CARPOOLING SERVICE TO ONE OR MORE USERS, INVOLVING ONE OR MORE PICK-UP LOCATIONS AND ONE OR MORE DROP-OFF DESTINATIONS ALONG THE WAY, DURING WHICH ALL INTENTIONAL STOPS THAT THE DRIVER MAKES RELATE TO THE PROVISION OF CARPOOLING SERVICE TO THE USERS AND ANY OTHER PASSENGERS IN A USER'S PARTY.

(f) "USER" MEANS AN INDIVIDUAL WHO IS MATCHED WITH A DRIVER THROUGH A CARPOOLING SERVICE INTERNET APPLICATION TO RECEIVE CARPOOLING SERVICE FOR THE USER AND FOR ANY OTHER PASSENGERS IN THE USER'S PARTY.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO