

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0696.01 Jery Payne

HOUSE BILL 10-1161

HOUSE SPONSORSHIP

Nikkel,

SENATE SPONSORSHIP

Spence,

House Committees

Transportation & Energy
Appropriations

Senate Committees

Transportation
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF A LIVERY LICENSE PLATE FOR
102 CERTAIN MOTOR VEHICLES USED TO TRANSPORT PEOPLE FOR
103 HIRE, AND MAKING AN APPROPRIATION THEREFOR.

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://www.leg.state.co.us/billsummaries>.)

Section 3 of the bill creates a livery license plate for luxury limousine services and other call-on-demand common carriers regulated by the public utilities commission (PUC). This does not include taxicabs. The bill also creates a personalized livery license plate. A luxury

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
April 27, 2010

HOUSE
3rd Reading Unam ended
March 22, 2010

HOUSE
Am ended 2nd Reading
March 19, 2010

limousine service will be required to use the plate, but a motor vehicle may only display the plate if it is used for such a service. **Sections 1 and 2** instruct the PUC to notify the appropriate service providers of the bill's requirements and to provide verification of such provider's status.

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

2 **SECTION 1.** Article 16 of title 40, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **40-16-111. Livery license plates - rules - repeal.** (1) (a) THE
5 COMMISSION SHALL EITHER:

6 (I) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO PROVIDE
7 LUXURY LIMOUSINE SERVICES UNDER THIS ARTICLE MAY USE TO VERIFY TO
8 THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE
9 PERSON PROVIDES SUCH SERVICES; OR

10 (II) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE
11 DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON
12 IS AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICES UNDER THIS
13 ARTICLE.

14 (b) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE
15 DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC
16 VERIFICATION TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED
17 AGENT.

18 (2) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT
19 THIS SECTION AND TO ENFORCE SECTION 42-3-233, C.R.S.

20 (3) (a) BY JANUARY 1, 2011, THE COMMISSION SHALL NOTIFY EACH
21 PERSON AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICES UNDER
22 THIS ARTICLE OF THE REQUIREMENTS OF SECTION 42-3-233, C.R.S.

23 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2011.

1 **SECTION 2.** Part 2 of article 3 of title 42, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **42-3-233. Livery license plates - luxury limousines - repeal.**

5 (1) THE LIVERY LICENSE PLATE IS HEREBY ESTABLISHED. THE PLATE
6 CONSISTS OF RED LETTERS ON A WHITE BACKGROUND AND FEATURES THE
7 WORDS "COLORADO" ACROSS THE TOP AND "LIVERY" ACROSS THE
8 BOTTOM OF THE PLATE.

9 (2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
10 SUBSECTION (2), A PERSON PROVIDING LUXURY LIMOUSINE SERVICE UNDER
11 ARTICLE 16 OF TITLE 40, C.R.S., SHALL REGISTER THE MOTOR VEHICLE
12 USED FOR SUCH PURPOSES PURSUANT TO THIS ARTICLE AND DISPLAY
13 LIVERY LICENSE PLATES ON THE VEHICLE. UPON SUCH REGISTRATION, THE
14 DEPARTMENT SHALL ISSUE LIVERY LICENSE PLATES FOR THE VEHICLES IN
15 ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL NOT ISSUE A
16 LIVERY LICENSE PLATE UNLESS THE PERSON EITHER SUBMITS A
17 VERIFICATION DOCUMENT ISSUED PURSUANT TO SECTION 40-16-111,
18 C.R.S., OR THE PUBLIC UTILITIES COMMISSION ELECTRONICALLY VERIFIES
19 THE AUTHORIZATION TO PROVIDE LUXURY LIMOUSINE SERVICE UNDER
20 SECTION 40-16-111, C.R.S.

21 (b) A PERSON PROVIDING LUXURY LIMOUSINE SERVICE UNDER
22 ARTICLE 16 OF TITLE 40, C.R.S., MAY PROVIDE SUCH SERVICES WITHOUT
23 REGISTERING THE MOTOR VEHICLE OR USING LIVERY LICENSE PLATES IF
24 THE MOTOR VEHICLE IS RENTED, BUT THE PERSON SHALL NOT PROVIDE
25 SUCH SERVICES USING A RENTED MOTOR VEHICLE FOR MORE THAN THIRTY
26 DAYS.

27 (c) A PERSON PROVIDING SERVICES REQUIRING A LIVERY PLATE

1 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) WITH A MOTOR
2 VEHICLE THAT WAS REGISTERED ON JANUARY 1, 2011, IS NOT REQUIRED
3 TO OBTAIN LIVERY PLATES UNTIL THE VEHICLE IS SCHEDULED FOR
4 RENEWAL OF THE CURRENT REGISTRATION. UPON RENEWING A
5 REGISTRATION FOR A LUXURY LIMOUSINE REGISTERED PURSUANT TO THIS
6 ARTICLE, THE DEPARTMENT SHALL ISSUE SPECIAL LIVERY LICENSE PLATES
7 FOR THE VEHICLE IN ACCORDANCE WITH THIS SECTION. THIS PARAGRAPH
8 (c) IS REPEALED, EFFECTIVE JANUARY 1, 2012.

9 (3) UPON PAYMENT OF THE ADDITIONAL FEE REQUIRED BY SECTION
10 42-3-211 (6) (a) FOR PERSONALIZED LICENSE PLATES, THE DEPARTMENT
11 MAY ISSUE PERSONALIZED LIVERY LICENSE PLATES IF THE APPLICANT
12 COMPLIES WITH SECTION 42-3-211. IF AN APPLICANT HAS EXISTING
13 PERSONALIZED LICENSE PLATES, THE APPLICANT MAY TRANSFER THE
14 COMBINATION OF LETTERS OR NUMBERS TO A NEW SET OF SPECIAL LIVERY
15 LICENSE PLATES UPON PAYING THE FEE IMPOSED BY SECTION 42-3-211 (6)
16 (a) AND UPON TURNING THE EXISTING PLATES IN TO THE DEPARTMENT. A
17 PERSON WHO HAS OBTAINED PERSONALIZED LIVERY LICENSE PLATES
18 UNDER THIS SUBSECTION (3) SHALL PAY THE ANNUAL FEE IMPOSED BY
19 SECTION 42-3-211 (6) (b) FOR RENEWAL OF SUCH PERSONALIZED PLATES.
20 THE FEES UNDER THIS SUBSECTION (3) ARE IN ADDITION TO ALL OTHER
21 TAXES AND FEES IMPOSED FOR THE SPECIAL LICENSE PLATES.

22 (4) NO PERSON SHALL OPERATE A MOTOR VEHICLE WITH A LIVERY
23 LICENSE PLATE OR TEMPORARY LIVERY LICENSE PLATE UNLESS THE MOTOR
24 VEHICLE TO WHICH THE PLATES ARE ATTACHED IS REQUIRED BY
25 SUBSECTION (2) OF THIS SECTION TO BEAR LIVERY LICENSE PLATES. A
26 PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC
27 INFRACTION, PUNISHABLE BY A FINE OF SEVENTY-FIVE DOLLARS.

1 (5) IF THE PERSON WHO OWNS THE MOTOR VEHICLE WITH LIVERY
2 PLATES IS NOT THE SAME PERSON UNDER WHOSE AUTHORITY THE MOTOR
3 VEHICLE OPERATES PURSUANT TO ARTICLE 16 OF TITLE 40, C.R.S., THE
4 PERSON WITH SUCH AUTHORITY MAY REQUEST THAT THE DEPARTMENT OF
5 REVENUE REQUIRE THE PLATE TO BE REPLACED. UPON SUCH A REQUEST
6 BEING MADE, THE DEPARTMENT SHALL REQUIRE THE OWNER TO RETURN
7 THE LIVERY LICENSE PLATE AND BE ISSUED A NEW LICENSE PLATE.

8 (6) THIS SECTION IS EFFECTIVE JANUARY 1, 2011.

9 **SECTION 3. Appropriation.** In addition to any other
10 appropriation, there is hereby appropriated, out of any moneys in the
11 license plate cash fund created in section 42-3-301 (1) (b), Colorado
12 Revised Statutes, not otherwise appropriated, to the department of
13 revenue, for allocation to the division of motor vehicles, driver and
14 vehicle services, for the fiscal year beginning July 1, 2010, the sum of ten
15 thousand sixty-four dollars (\$10,064) cash funds, or so much thereof as
16 may be necessary, for the implementation of this act.

17 **SECTION 4. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part shall not take effect
24 unless approved by the people at the general election to be held in
25 November 2010 and shall take effect on the date of the official
26 declaration of the vote thereon by the governor.