

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0770.01 Jery Payne x2157

SENATE BILL 13-189

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SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

(None),

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Transportation

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A BILL FOR AN ACT

101 CONCERNING CIVIL PENALTIES IMPOSED ON MOTOR CARRIERS FOR  
102 LEGAL VIOLATIONS.

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**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>.)*

Currently, all civil penalties collected by the public utilities commission (commission) are credited to the general fund. **Sections 1 and 4** of the bill allocate half the civil penalties collected from movers of household goods to an outreach fund. The fund is used to educate consumers about their rights and the responsibilities of movers.

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.*

Currently, the commission may deny or cancel a motor carrier's registration if the carrier fails to pay a second or subsequent civil penalty. **Section 2** only permits the commission to deny or cancel the carrier's registration if any civil penalty is not paid.

If a civil penalty is not paid, **sections 3 and 4** authorize the commission to revoke the permit of a mover or owner or operator of a charter bus, children's activity bus, fire crew transport, luxury limousine, or off-road scenic charter.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-7-112, **amend** (1)  
3 as follows:

4 **40-7-112. Applicability of civil penalties.** (1) (a) A person who  
5 operates or offers to operate as a motor carrier as defined in section  
6 40-10.1-101 or a motor carrier, motor private carrier, broker, freight  
7 forwarder, leasing company, or other person required to register under  
8 section 40-10.5-102 is subject to civil penalties as provided in this section  
9 and sections 40-7-113 to 40-7-116, ~~which shall be paid and credited to the~~  
10 ~~general fund~~; in addition to any other sanctions that may be imposed  
11 pursuant to law.

12 (b) THE COMMISSION SHALL TRANSMIT ALL PENALTIES IT COLLECTS  
13 TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE GENERAL  
14 FUND; EXCEPT THAT THE STATE TREASURER SHALL CREDIT ONE-HALF OF  
15 ANY CIVIL PENALTY IMPOSED UPON A MOTOR CARRIER OF HOUSEHOLD  
16 GOODS TO THE MOVING OUTREACH FUND CREATED IN SECTION  
17 40-10.1-509.

18 **SECTION 2.** In Colorado Revised Statutes, 40-7-113, **amend** (5)  
19 (a) as follows:

20 **40-7-113. Civil penalties - fines.** (5) (a) A person who fails to  
21 pay in full all civil penalties ~~for a second or subsequent violation~~ assessed

1 by commission order pursuant to UNDER this section, subject to article 4  
2 of title 24, C.R.S., within thirty days after the due date established by the  
3 order may be subject to have his or her vehicle registration cancelled by  
4 the department of revenue as specified in section 42-3-120 (4), C.R.S.  
5 Registration of any vehicles A VEHICLE owned by the person for which the  
6 penalty was assessed may be denied until all penalties are paid or  
7 collected. Upon written notice from the commission, the department of  
8 revenue shall cancel the registration as specified in section 42-3-120 (4),  
9 C.R.S.

10 **SECTION 3.** In Colorado Revised Statutes, **add** 40-10.1-304 as  
11 follows:

12 **40-10.1-304. Revocation of permit for failure to pay fine.**

13 (1) IF A CARRIER THAT HOLDS A PERMIT UNDER THIS PART 3 FAILS TO PAY  
14 A FINE OR CIVIL PENALTY IMPOSED UNDER THIS ARTICLE OR A RULE ISSUED  
15 UNDER THIS ARTICLE WITHIN THE TIME PRESCRIBED FOR PAYMENT, THE  
16 COMMISSION MAY IMMEDIATELY REVOKE THE CARRIER'S PERMIT AND  
17 DISQUALIFY THE CARRIER FROM APPLYING FOR A PERMIT FOR ANY OF THE  
18 FOLLOWING FOR THREE YEARS AFTER THE DATE THE FINE OR CIVIL  
19 PENALTY IS DUE:

- 20 (a) THE CARRIER;
- 21 (b) ANY OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR  
22 DIRECTOR OF THE CARRIER; AND
- 23 (c) ANY OTHER ENTITY OWNED OR OPERATED BY THAT OWNER,  
24 PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR.

25 (2) THIS DISQUALIFICATION IS IN ADDITION TO AND NOT IN LIEU OF  
26 ANY OTHER PENALTY OR DISQUALIFICATION, INCLUDING THE PERIOD OF  
27 DISQUALIFICATION SPECIFIED IN SECTION 40-10.1-112 (4).

1           **SECTION 4.** In Colorado Revised Statutes, **add** 40-10.1-508 and  
2 40-10.1-509 as follows:

3           **40-10.1-508. Revocation of permit for failure to pay fine.**

4           (1) IF A MOVER THAT HOLDS A PERMIT UNDER THIS SECTION FAILS TO PAY  
5 A FINE OR CIVIL PENALTY IMPOSED UNDER THIS PART 5 OR A RULE ISSUED  
6 UNDER THIS ARTICLE WITHIN THE TIME PRESCRIBED FOR PAYMENT, THE  
7 COMMISSION MAY IMMEDIATELY REVOKE THE MOVER'S PERMIT AND  
8 DISQUALIFY THE MOVER FROM APPLYING FOR A PERMIT FOR ANY OF THE  
9 FOLLOWING FOR THREE YEARS AFTER THE DATE THE FINE OR CIVIL  
10 PENALTY IS DUE:

- 11           (a) THE MOVER;
- 12           (b) ANY OWNER, PRINCIPAL, OFFICER, MEMBER, PARTNER, OR  
13 DIRECTOR OF THE MOVER; AND
- 14           (c) ANY OTHER ENTITY OWNED OR OPERATED BY THAT OWNER,  
15 PRINCIPAL, OFFICER, MEMBER, PARTNER, OR DIRECTOR.

16           (2) THIS DISQUALIFICATION IS IN ADDITION TO AND NOT IN LIEU OF  
17 ANY OTHER PENALTY OR DISQUALIFICATION, INCLUDING THE PERIOD OF  
18 DISQUALIFICATION SPECIFIED IN SECTION 40-10.1.112 (4).

19           **40-10.1-509. Outreach - fund.** THE MOVING OUTREACH FUND IS  
20 HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF  
21 ONE-HALF THE PENALTIES COLLECTED FROM MOVERS AND CREDITED TO  
22 THE FUND UNDER SECTION 40-7-112. THE COMMISSION SHALL USE THE  
23 FUND TO EDUCATE CONSUMERS ABOUT THEIR RIGHTS AND THE  
24 RESPONSIBILITIES OF MOVERS UNDER THIS PART 5. THIS OUTREACH  
25 INCLUDES PUBLIC SERVICE ANNOUNCEMENTS ABOUT THE LICENSING OF  
26 MOVERS. THE MONEYS IN THE FUND AND ANY INTEREST EARNED ON  
27 MONEYS IN THE FUND REMAIN IN THE FUND AND DO NOT REVERT TO THE

1 GENERAL FUND AT THE END OF ANY FISCAL YEAR.

2           **SECTION 5. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.