

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1095.01 Jennifer Berman x3286

HOUSE BILL 20-1315

HOUSE SPONSORSHIP

McCluskie and Will,

SENATE SPONSORSHIP

Donovan and Hisey,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT CARPOOLING SERVICE INTERNET
102 APPLICATION OWNERS REGISTER WITH THE DEPARTMENT OF
103 TRANSPORTATION.

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 requires the owner or operator of a carpooling service internet application (internet application) to register annually with the department of transportation and disclose to users of the internet application that operational requirements for other transportation services are not being met by the carpooling services provided by drivers matched

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.

to users through the internet application. The bill also limits the amount that can be charged to a user through the internet application, the number of passengers that can receive carpooling service at any one time from a driver through the internet application, and the number of round trips that a driver providing carpooling service through the internet application may make in a single day.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 43-1-126 as
3 follows:

4 **43-1-126. Registration of carpooling service internet**
5 **applications - limitations - disclosure - definitions.** (1) AN OWNER OF
6 A CARPOOLING SERVICE INTERNET APPLICATION OR AN OPERATOR OF THE
7 APPLICATION ON THE OWNER'S BEHALF SHALL REGISTER WITH THE
8 DEPARTMENT ON AN ANNUAL BASIS IN A FORM AND MANNER DETERMINED
9 BY THE DEPARTMENT. THE DEPARTMENT SHALL PUBLISH THE FORM AND
10 MANNER OF REGISTERING ON THE DEPARTMENT'S PUBLIC WEBSITE. IN
11 REGISTERING WITH THE DEPARTMENT, THE OWNER OR OPERATOR OF AN
12 APPLICATION AGREES THAT THE OWNER OR OPERATOR SHALL:

13 (a) NOT CHARGE A USER A CHARGE PER TRIP THAT IS GREATER
14 THAN THE TOTAL OF THE PREVAILING FEDERAL INTERNAL REVENUE
15 SERVICE'S MILEAGE REIMBURSEMENT RATE FOR BUSINESS USE MULTIPLIED
16 BY THE NUMBER OF MILES TRAVELED;

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

21 (c) NOT ALLOW A DRIVER TO MAKE MORE THAN TWO CARPOOLING
22 SERVICE ROUND TRIPS PER DAY; AND

1 (d) DISCLOSE TO USERS IN A CONSPICUOUS MANNER ON THE
2 CARPOOLING SERVICE INTERNET APPLICATION THAT DRIVERS AND THE
3 VEHICLES USED BY DRIVERS DO NOT MEET THE OPERATIONAL
4 REQUIREMENTS SET FORTH IN SECTION 40-10.1-605.

5 (2) THE DEPARTMENT IS NOT LIABLE FOR ANY ACT OR OMISSION OF
6 AN OWNER OR OPERATOR OF AN APPLICATION, AGENT OF AN OWNER OR
7 OPERATOR, DRIVER, OR USER.

8 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

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

14 (II) "CARPOOLING SERVICE" DOES NOT INCLUDE A
15 TRANSPORTATION ARRANGEMENT MADE WITH:

16 (A) A POLITICAL SUBDIVISION, AS DEFINED IN SECTION 29-1-202
17 (2);

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

21 (C) A CHARTER BUS, CHILDREN'S ACTIVITY BUS, FIRE CREW
22 TRANSPORT, LUXURY LIMOUSINE SERVICE, MEDICAID CLIENT TRANSPORT,
23 OR OFF-ROAD SCENIC CHARTER, AS THOSE TERMS ARE DEFINED IN SECTION
24 40-10.1-301.

25 (b) "CARPOOLING SERVICE INTERNET APPLICATION" OR
26 "APPLICATION" MEANS AN INTERNET APPLICATION OR DIGITAL NETWORK
27 USED TO CONNECT DRIVERS AND USERS FOR THE PURPOSE OF PROVIDING

1 CARPOOLING SERVICE.

2 (c) "DRIVER" MEANS AN INDIVIDUAL WHO USES THE INDIVIDUAL'S
3 PERSONAL VEHICLE TO PROVIDE CARPOOLING SERVICES TO USERS
4 THROUGH USE OF A CARPOOLING SERVICE INTERNET APPLICATION.

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

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