First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

BILL A

LLS NO. 07-0065.01 Steve Miller **HOUSE BILL**

HOUSE SPONSORSHIP

Pommer, Berens, Borodkin, Green, Kerr J., McFadyen, and Rose

SENATE SPONSORSHIP

Williams, Isgar, May R., Spence, and Takis

House Committees **Senate Committees**

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CERTAIN MOTOR VEHICLE**
102 **CARRIERS THAT TRANSPORT PASSENGERS OBTAIN CRIMINAL**
103 **HISTORY RECORD CHECKS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Requires certain motor vehicle carriers that transport passengers to obtain employees' and contractors' fingerprints for purposes of conducting criminal history record checks. Requires the Colorado bureau of investigation to conduct a state and federal criminal history record check using the fingerprints.

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

SECTION 1. 40-16-103, Colorado Revised Statutes, is amended to read:

40-16-103. Registration requirements. No person may offer services pursuant to this article without first having registered with the commission. Such registration shall include the name and address of the registrant, ~~and~~ proof of insurance as required by section 40-16-104, AND PROOF OF CRIMINAL HISTORY RECORD CHECKS, AS REQUIRED BY SECTION 40-16-104.5.

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

40-16-104.5. Criminal history record check - passenger transport drivers. (1) A PERSON WHO OFFERS SERVICES BY CHARTER OR SCENIC BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OFF-ROAD SCENIC CHARTER, OR CHILDREN'S ACTIVITY BUS SHALL, WITHIN THIRTY DAYS AFTER EMPLOYING OR CONTRACTING WITH AN INDIVIDUAL TO DRIVE A MOTOR VEHICLE IN CONNECTION WITH THE SERVICE, HAVE THE INDIVIDUAL'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE PERSON WHO OFFERS THE SERVICE SHALL SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER TO THE LOCAL LAW ENFORCEMENT AGENCY FOR THE FINGERPRINTS AND TO THE COLORADO BUREAU OF INVESTIGATION FOR THE ACTUAL COSTS OF THE CRIMINAL HISTORY RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF THE FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS,

THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND FEDERAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

(2) A PERSON WHO OFFERS SERVICES BY CHARTER OR SCENIC BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OFF-ROAD SCENIC CHARTER, OR CHILDREN'S ACTIVITY BUS AND WHO, PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, EMPLOYS OR CONTRACTS WITH INDIVIDUALS WHO DRIVE A MOTOR VEHICLE IN CONNECTION WITH THE SERVICE, SHALL COMPLY WITH THE FINGERPRINTING REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION WITH REGARD TO THE INDIVIDUALS WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

SECTION 3. Article 10 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-10-105.5. Criminal history record check - taxicab drivers. (1) A HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THAT CONTAINS AUTHORITY TO OPERATE AS A TAXICAB SHALL HAVE, WITHIN THIRTY DAYS AFTER EMPLOYING OR CONTRACTING WITH AN INDIVIDUAL TO DRIVE A TAXICAB, THE INDIVIDUAL'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE HOLDER OF THE CERTIFICATE SHALL SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER TO THE LOCAL LAW ENFORCEMENT AGENCY FOR THE FINGERPRINTS AND TO THE COLORADO BUREAU OF INVESTIGATION FOR THE ACTUAL COSTS OF THE CRIMINAL HISTORY RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF THE FINGERPRINTS AND RECEIPT OF THE

1 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
2 CONDUCT A STATE AND FEDERAL FINGERPRINT-BASED CRIMINAL HISTORY
3 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
4 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.
5 (2) A HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND
6 NECESSITY THAT CONTAINS AUTHORITY TO OPERATE AS A TAXICAB WHO,
7 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, EMPLOYS OR CONTRACTS
8 WITH INDIVIDUALS TO DRIVE A TAXICAB, SHALL COMPLY WITH THE
9 FINGERPRINTING REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION WITH
10 REGARD TO THE INDIVIDUALS WITHIN THIRTY DAYS AFTER THE EFFECTIVE
11 DATE OF THIS SECTION.
12 **SECTION 4. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.