

Decision No. C08-0625

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 08R-250TR

IN THE MATTER OF THE EMERGENCY RULES IMPLEMENTING HOUSE BILL 08-1227
AND AMENDING THE REQUIREMENTS PERTAINING TO ANNUAL IDENTIFICATION
FEES.

DECISION ADOPTING EMERGENCY RULES

Mailed Date: June 20, 2008

Adopted Date: June 19, 2008

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules implementing House Bill 08-1227 (HB 08-1227) and amending the requirements pertaining to annual identification fees. For the reasons set forth in this decision, we adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the emergency rules appended to this Decision as Attachment A.

2. Section 5 of HB 08-1227 substantially amended the provisions of § 40-2-110.5(1), C.R.S., with respect to annual identification fees. In particular, the bill amends Article 2 of Title 40 of the *Colorado Revised Statutes* so that the annual identification fees are set administratively by the Commission. HB 08-1227 provides that the fees shall be set based upon the appropriation made for the purposes specified in § 40-2-110(2)(a)(I), C.R.S., subject to the approval of the Executive Director of the Department of Regulatory Agencies. Lastly, the bill mandates that the revenues generated from all motor vehicle carrier fees approximate the direct and indirect costs

of the Commission in the supervision and regulation of motor carriers. HB 08-1227 becomes effective on July 1, 2008.

3. Therefore, the purpose of the emergency rules adopted by this order is to ensure that there is no lapse of governing regulations concerning the annual identification fees. More specifically, the purpose of the emergency rules is to provide for the administrative setting of the annual identification fees to ensure the continued supervision and regulation of motor carriers by the Commission.

4. We take this action in accordance with the provisions of §§ 40-2-108(2) and 24-4-103(6), C.R.S.

5. We find that immediate adoption of these emergency rules is imperative and necessary to implement the requirements of HB 08-1227. Without adopting the emergency rules, there would be a lapse in the governing regulations concerning the annual identification fees. Compliance with the rulemaking requirements associated with permanent rules, pursuant to § 24-4-103, C.R.S., would be contrary to public interest.

6. The rules attached to this order shall be effective on July 1, 2008, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

II. ORDER

A. The Commission Orders That:

1. The rules appended to this Decision as Attachment A are hereby adopted as emergency rules consistent with the above discussion.

2. The attached rules shall be effective on July 1, 2008.

3. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 19, 2008.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RON BINZ

MATT BAKER

Commissioners

COMMISSIONER JAMES K. TARPEY
ABSENT.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

* * *

[signifies omission of unaffected rule sections]

6009. Annual Motor Vehicle Identification Fees.

- (a) Every transportation carrier shall pay to the Commission an annual identification fee ~~of five dollars~~ before the first day of January of each calendar year, for each motor vehicle that such transportation carrier owns, controls, operates, or manages within the State of Colorado as set forth in § 40-2-110.5, C.R.S.
- (b) The annual identification fee shall be set administratively by the Commission and approved by the Executive Director of the Department of Regulatory Agencies, pursuant to § 40-2-110.5(1), C.R.S. Notice of the annual identification fee provided on the Commission's website, transportation carrier registration and application forms, and annual identification fee renewal notices, shall constitute sufficient public notice of the applicable annual identification fee.
- (bc) A transportation carrier that obtains an authority or operating right during the calendar year shall, unless the Commission orders otherwise, pay the annual identification fees at the time of obtaining the authority or operating right.
- (cd) A transportation carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual identification fees prior to placing the additional vehicle(s) into service.
- (de) Annual identification fees shall be valid only for the calendar year for which they are purchased.
- (ef) Proof of payment of each annual identification fee shall be in the form of a vehicle identification stamp issued by the Commission.
- (fg) Except as provided in paragraph (gh) of this rule, a transportation carrier shall not operate a motor vehicle unless it has affixed a valid vehicle identification stamp to the inside lower right-hand corner of the motor vehicle's windshield.
- (gh) For a transportation carrier that is also a UCR registrant, any motor vehicle that was included in the calculation of fees paid under the UCR Agreement is exempt from this rule.

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