

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-401HHG

IN THE MATTER OF PROPOSED RULES CONCERNING THE REGULATION OF
CARRIERS OF HOUSEHOLD GOODS, 4 CODE OF COLORADO REGULATIONS 723-35.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: September 18, 2003
Adopted Date: September 17, 2003

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission hereby gives notice of proposed rulemaking to enact rules governing carriers of household goods. The intent of this rulemaking is to govern the operations of carriers of household goods pursuant to §§ 40-14-101 through 40-14-113, C.R.S., as enacted by House Bill 03-1289. The proposed rules require movers to maintain liability insurance, to register with the Commission and, to pay annual filing and vehicle registration fees. The rules also govern advertising, the provision of estimates and contracts for services, forms of payments that shall be accepted by movers, and the delivery and storage of household goods. The proposed rules include regulations covering property carriers that were previously located in rules covering carriers exempt from regulation as public utilities, 4 C.C.R. 723-33. The rules also set forth penalties for violations of the rules.

2. A copy of the proposed rules is attached to this notice of proposed rulemaking. The statutory authority for the proposed rules is found at §§ 40-2-108(1) and 40-14-110, C.R.S., and §§ 40-14-101 through 40-14-113 C.R.S.

3. The Commission will conduct a hearing on the proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules and present these orally at hearing, unless the Commission deems oral presentations unnecessary. The Commission also encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before hearing, the Commission requests that such comments be filed ten days prior to the hearing date. The Commission will consider all submissions.

II. **ORDER**

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the October 10, 2003 edition of The Colorado Register.

2. A Hearing on the proposed rules and related matters shall be held before an Administrative Law Judge of the Commission as follows:

TIME: November 7, 2003
DATE: 9:00 a.m.
PLACE: Commission Hearing Room A
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary.

3. Interested persons may file written comments in this matter before hearing. The Commission requests that such prefiled comments be submitted at least ten days before the

scheduled hearing. All submissions, whether oral or written, will be considered by the Commission.

4. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
SEPTEMBER 17, 2003.**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

PART
RULES REGULATING HOUSEHOLD GOODS MOVERS AND PROPERTY CARRIERS

4 CCR 723-35

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BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the State of Colorado. These rules address a wide variety of subject areas including, but not limited to, civil penalties, insurance, and registration requirements. These rules cover motor carriers of household goods and motor vehicle carriers exempt from regulation as public utilities (property carriers by motor vehicle).

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-7-113(2), 40-14-103(2)(c), 40-14-104(2), 40-14-108(1), 40-14-110 and 40-16-104(1.5), C.R.S.

HOUSEHOLD GOODS MOVER AND PROPERTY CARRIER RULES

6600. Applicability of Rules Regulating Household Goods Movers and Property Carriers. Rules 6600 through 6699 apply to all movers and property carriers.

6601. Definitions. The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

- (a) "Accessorial service" means "accessorial service" as that term is defined in § 40-14-101(1), C.R.S.
- (b) "Advertise" means "advertise" as that term is defined in § 40-14-101(2), C.R.S.
- (c) "C.F.R." means the Code of Federal Regulations.
- (d) "Commission" means the Public Utilities Commission of the State of Colorado.
- (e) "Compensation" means "compensation" as that term is defined in § 40-14-101(4), C.R.S.
- (f) "Document" means "document" as that term is defined in § 40-14-101(5), C.R.S.
- (g) "Driver" means any person driving a motor vehicle, including an independent contractor.
- (h) "Enforcement official" means authorized personnel of the Commission, the Colorado Department of Revenue, the Colorado State Patrol, and any other law enforcement agency.
- (i) "Estimate" means "estimate" as that term is defined in § 40-14-101(6), C.R.S.
- (j) "Exempt intrastate carrier" means "motor vehicle carrier exempt from regulation as a public utility" as that term is defined in § 40-16-101(4), C.R.S.
- (k) "Exempt intrastate carrier registration" means the registration issued to an exempt intrastate carrier pursuant to § 40-16-103, C.R.S.
- (l) "Household Goods Mover and Property Carrier Rules" means rules 6600 through 6699, inclusive.
- (m) "Exempt interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado pursuant to federal exemptions or

partial exemptions from economic regulation, as described in § 40-10-120(3) and 40-11-115(3), C.R.S.

- (n) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (o) "Form D-1" means a NARUC Uniform Identification Cab Card for motor vehicle or driveway operations conducted by an exempt interstate carrier.
- (p) "Form E" means a NARUC Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (q) "Form G" means a NARUC Form G Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, executed by a duly authorized agent of the surety.
- (r) "Form H" means a NARUC Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (s) "Form J" means a NARUC Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.
- (t) "Form K" means a NARUC Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.
- (u) "Form L" means a NARUC Form L Uniform Notice of Cancellation of
- (v) "Form RS-3 registration receipt" means a receipt issued to a regulated interstate carrier indicating that the required financial responsibility has been filed with the Commission and fees have been paid.
- (w) "GVWR" means gross vehicle weight rating, the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- (x) "Household goods" means "household goods" as that term is defined in § 40-14-101(7), C.R.S.
- (y) "Interstate carrier" means a "regulated interstate carrier" or an "exempt interstate carrier," as those terms are defined in this rule.
- (z) "Mover" means "mover" as that term is defined in § 40-14-101(9), C.R.S.
- (aa) "Mover registration" means the registration issued to a mover pursuant to § 40-14-103, C.R.S.
- (bb) "NARUC" means the National Association of Regulatory Utility Commissioners.
- (cc) "Property carrier" means "property carrier by motor vehicle," as that term is defined in § 40-16-101(6.5), C.R.S.
- (dd) "Property carrier registration" means the registration issued to an property carrier pursuant to § 40-16-103, C.R.S.

Proposed Rules Regulating Household Goods Movers and Property Carriers

- (ee) "Regulated interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado under authority issued by the Interstate Commerce Commission or the FMCSA, as described in §§ 40-10-120(2) and 40-11-115(2), C.R.S.
- (ff) "Safety Rules" means the rules found in 4 CCR 723-15, inclusive.
- (gg) "Shipper" means "shipper" as that term is defined in § 40-14-101(12), C.R.S.
- (hh) "Storage" means "storage" as that term is defined in § 40-14-101(13), C.R.S.
- (ii) "Transportation carrier" means a mover or a property carrier.

6602. Applications. Transportation carriers may seek Commission action regarding any of the following matters through the filing of an appropriate application:

- (a) For a waiver or variance of any of these rules.
- (b) For any other matter provided by statute or rule but not specifically described in this rule.

6603. [Reserved].

6604. Registrations. Transportation carriers may seek Commission action regarding any of the following matters through the filing of an appropriate registration:

- (a) For registration as a mover, as provided in rule 6616.
- (b) For registration as a property carrier, as provided in rule 6616.

6605. [Reserved].

6606. Reports, Name and Address Changes.

- (a) Within 48 hours of receipt of all supporting documentation required by this paragraph, each transportation carrier shall file a signed report with the Commission detailing any name change or address change. Such a filing shall indicate the affected registration numbers. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State or the Colorado Department of Revenue.
- (b) In the event of any name or address change, the transportation carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility filings.
- (c) Notice sent by any person to the transportation carrier's address on file with the Commission shall constitute prima facie evidence that the notice was sent to the carrier at its correct address.
- (d) No name change shall be effective until proper proof of financial responsibility in the carrier's new name has been filed with the Commission.

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6607. Financial Responsibility.

- (a) The following financial responsibility is required.
- (I) Motor vehicle liability. Every transportation carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing the same coverage. Motor vehicle liability means liability for bodily injury or property damage.
 - (II) Cargo liability. Every transportation carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing the same coverage.
 - (III) General liability. Every mover shall obtain and keep in force at all times general liability insurance coverage or a surety bond providing the same coverage.
- (b) Financial responsibility, minimum levels. The minimum levels of financial responsibility are prescribed as follows:
- (I) The minimum levels of financial responsibility are as follows:
 - (A) Motor vehicle liability coverage shall be combined single limit liability.
 - (B) Schedule of limits:

Type of Carrier	Vehicle GVWR	Minimum Level
Mover or	10,000 pounds or more GVWR	\$ 750,000
Property Carrier	Less than 10,000 pounds GVWR	\$ 300,000

- (C) Transportation carriers may obtain a certificate of self-insurance issued pursuant to §§ 10-4-716 and 42-7-501, C.R.S.
- (II) Cargo liability.
 - (A) For property carriers, the cargo liability shall be \$10,000 per motor vehicle unit operated or an amount adequate to cover the value of the property being transported, whichever is less, unless the shipper and the property carrier otherwise agree by written contract to a lesser amount.
 - (i) Exemption. A property carrier transporting only loads of commodities other than household goods with (a) an aggregate value of \$500 or less or (b) not subject to appreciable loss or damage due to the physical characteristics of the commodities, are exempt from this rule (II)(A) if the property carrier submits to the Commission a signed statement reading as follows:

I swear that the commodities transported by (name of company) are either
[] valued at \$500.00 or less, or
[] are not subject to appreciable loss or damage due to the physical characteristics of the commodities.

- Proposed Rules Regulating Household Goods Movers and Property Carriers
- (B) For household goods, the mover and shipper may not agree to an amount less than sixty cents (\$.60) per pound, per article. For purposes of this rule, and by way of example, "article" means a desk but not each individual drawer of the desk.
 - (III) For movers, the minimum general liability coverage shall be \$500,000.
 - (c) For purposes of this rule 6607, in addition to the definition found in rule 6601, household goods shall also mean:
 - (I) Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; except that this subparagraph shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment, or a portion thereof, from one location to another; and
 - (II) Articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods; except that this subparagraph shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.
 - (d) Coverage criteria. The transportation carrier shall ensure that insurance or surety bond coverage:
 - (I) is provided only by insurance or surety companies authorized to provide such coverage in the State of Colorado;
 - (II) is not less than the minimum limits set forth under paragraph (b) of this rule;
 - (III) covers all motor vehicles which may be operated by or for the transportation carrier, or which may be under the control of the transportation carrier, with such coverage being accomplished by a "Waiver of Description" endorsement on each policy;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the transportation carrier on a "first dollar"/"dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the transportation carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a transportation carrier to pay benefits directly to a party damaged by said carrier.
 - (e) The provisions of subparagraphs (IV) – (VI) of paragraph (d) of this rule shall not apply to transportation carriers who have filed proof of self-insurance pursuant to §§ 10-4-716 or 42-7-501, C.R.S.
 - (f) Proof of financial responsibility and inspection. The transportation carrier shall maintain at its principal place of business each original insurance policy, surety policy, or certificate of self-

insurance for required coverage; maintain proof of its motor vehicle liability coverage in each motor vehicle that it operates; and shall make such information available for inspection by any enforcement official.

- (g) Forms. The transportation carrier shall cause to be filed with the Commission the appropriate form in lieu of the original policy as follows:
 - (I) Motor vehicle liability.
 - (A) For all transportation carriers, a Form E or Form G.
 - (B) For transportation carriers obtaining a certificate of self-insurance under the provisions of §§ 10-4-716 or 42-7-501, C.R.S., a copy of said certificate. Upon renewal of the certificate, the carrier shall file a copy of the most current certificate.
 - (II) Cargo liability. For all movers and property carriers, a Form H or Form J.
 - (III) General liability. For all movers, a Colorado Form GL.
- (h) The transportation carrier shall ensure that each policy and each form required by or identified in this rule contains the transportation carrier's exact name, trade name (if any), and address as shown in the records of the Commission.
- (i) The transportation carrier shall ensure that any change of name, trade name (if any), address, or policy number is filed, using an appropriate endorsement or amendment, with the Commission.
- (j) The proof of minimum levels of financial responsibility required by this rule is public information. Upon written request from a member of the public, the Commission will release this information.
- (k) Each certificate of insurance required by and filed with the Commission shall be kept in full force and effect unless and until canceled by a 30-day written notice, on Form K or Form L, as applicable, from the insurer to the Commission. Time shall run from the date the notice is received by the Commission. In lieu of the prescribed form, the insurer may cancel a certificate of insurance by letter to the Commission provided the letter contains the same information as required by the prescribed form.
- (l) In lieu of paragraph 6607(k), the Commission, upon receipt of a new certificate of insurance or surety bond, may administratively cancel any earlier certificate of insurance or surety bond on the effective date of the new certificate of insurance or surety bond.

6608. Revocations for Lack of Financial Responsibility.

- (a) Whenever Commission records indicate that a property carrier's required insurance or surety coverage is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall:
 - (I) Prior to coverage cancellation, mail notice to said carrier indicating that its required coverage will be cancelled and that the property carrier's registration to operate will be revoked on the date of coverage cancellation; and

- (II) After coverage cancellation, immediately revoke the carrier's registration, and mail notice to said carrier indicating that its required coverage has been cancelled and that the property carrier's registration to operate has been revoked.
- (b) Whenever Commission records indicate that a mover's required insurance or surety coverage is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall:
 - (I) Summarily suspend such mover's registration. The summary suspension shall be effective on the date of coverage cancellation.
 - (II) The Director of the Commission shall send a notice of canceled insurance or surety coverage to such a mover. The notice shall advise the carrier that its authority to operate is summarily suspended as of the coverage cancellation date and that the Commission has initiated or may initiate revocation proceedings.
 - (III) A mover receiving notice of summary suspension shall not conduct operations under any of its authorities, including operations under any registration, until proper proof of insurance or surety coverage is filed with the Commission.
 - (IV) If the Commission receives proper proof of coverage prior to commencement of revocation proceedings, the summary suspension will be deemed lifted without further order of the Commission.

6609. 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 carrier owns, controls, operates, or manages within the State of Colorado as set forth in § 40-2-110.5, C.R.S.
- (b) A transportation carrier that obtains a registration during the calendar year shall pay the annual identification fees at the time of registering as a transportation carrier.
- (c) A transportation carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual identification fees prior to putting the additional vehicle(s) in-service.
- (d) Annual identification fees shall be valid only for the calendar year for which they are purchased.
- (e) Proof of payment of each annual identification fee shall be in the form of a vehicle identification stamp issued by the Commission; except that a Form RS-3 shall be issued to a regulated interstate carrier registered under the Single State Registration System.
 - (I) Except as provided in subparagraphs (II) or (III) of this paragraph, a 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.
 - (II) Transportation carriers that are also exempt interstate carriers shall carry a Form D-1 with the identification stamp on the back of the cab card in the square bearing the name of the State of Colorado in lieu of affixing the vehicle identification stamp to the windshield.

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- (III) Transportation carriers that are also regulated interstate carriers registered under the Single State Registration System shall carry a copy of the current year's Form RS-3 Registration Receipt in each motor vehicle in lieu of affixing the vehicle identification stamp to the windshield or to the Form D-1.
- (f) Transportation carriers using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle.

6610. Registration Requirement and Limitation.

- (a) Registration required.
 - (I) No person shall operate, offer, or advertise as a mover without a valid registration issued by the Commission.
 - (II) No person shall operate as a property carrier without a valid registration issued by the Commission.
- (b) Registrations do not authorize transportation services covered by Articles 10, 11, 13, or 16 regarding passenger transportation of Title 40, C.R.S.
- (c) Every transportation carrier shall maintain a copy of its proof of registration under this rule in each motor vehicle it owns, controls, operates, or manages under said registration.
- (d) Upon demand, the transportation carrier shall present the copy of its proof of registration and, if applicable, its Form D-1 or Form RS-3 to any enforcement official.

6611. [Reserved].

6612. Designation of Agent.

- (a) Each transportation carrier shall file in writing with the Commission, and shall maintain on file, its designation of the name and address of a person upon whom service may be made of any notice, order, process, or demand. The named person is the carrier's designated agent. A carrier shall not designate the Secretary of State of the State of Colorado. The person designated, if a natural person, shall be at least 18 years of age. The address of the person designated shall be in the State of Colorado.
- (b) If the designated agent changes, or if the designated agent's name or address changes, the transportation carrier shall notify the Commission by filing a new designation within 48 hours of receiving the information required to be filed.
- (c) Service upon a transportation carrier's named designated agent as filed with the Commission shall be deemed to be service upon the transportation carrier.

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6613. [Reserved].

6614. [Reserved].

6615. [Reserved].

6616. **Registration.** Any person seeking to register as a transportation carrier shall provide the following information:

- (a) The name of the registrant and the trade name, if applicable, under which operations shall be conducted.
- (b) The registrant's telephone number, and complete physical and mailing addresses. A post office box is only acceptable if a physical address is also provided.
- (c) If a registrant is a corporation:
 - (I) The name of the state in which it is incorporated. If the state of incorporation is not Colorado, the registration shall also contain a certificate from the Colorado Secretary of State that qualifies the registrant to do business in Colorado.
 - (II) The location of its principal office, if any, in the State of Colorado.
 - (III) The names of its directors and officers.
 - (IV) A copy of its articles of incorporation or charter.
 - (V) A copy of its certificate of assumed trade name, if any.
- (d) If a registrant is a limited liability company:
 - (I) The name of the state in which it is organized. If the state of organization is not Colorado, the registration shall also contain a certificate from the Colorado Secretary of State that qualifies the registrant to do business in Colorado.
 - (II) The location of its principal office, if any, in the State of Colorado.
 - (III) The name, title, and business address of each member.
 - (IV) A copy of its certificate of assumed trade name, if any.
- (e) If a registrant is a partnership: the name, title, and business address of each partner.
- (f) A statement whether any of the motor vehicles to be used have a GVWR of 10,000 or more pounds.
- (g) A statement that the registrant is familiar with the Household Goods Mover and Property Carrier Rules and all applicable safety rules, and will comply with them.
- (h) A statement that registrant understands that the filing of a registration does not constitute authority to operate.

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- (i) A statement made under penalty of perjury and signed by an officer, a partner, an owner, or an employee of the applicant, as appropriate, who is authorized to act on behalf of the applicant and which states that the contents of the application are true, accurate, and correct. The application shall contain the complete address of the affiant.
- (j) For movers, an annual filing fee of \$300.
- (k) For property carriers, a registration filing fee of \$50; except that a transportation carrier that also simultaneously registers as a mover shall be exempt from the \$50 filing fee and need only pay the \$300 annual filing fee for a mover.
- (l) In addition to the application, a person seeking a registration to operate as a transportation carrier shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.
- (m) The Commission will not issue a registration to operate as a transportation carrier until the Commission has received a complete application, the required proof of financial responsibility, and the required annual identification fees.

6617. Revocation of Registration. The Commission, on its own motion or as a result of a complaint or grievance by any person, after reasonable notice and a hearing, may revoke a mover's registration pursuant to § 40-14-106(1) and (2), C.R.S.

6618. Annual Filing Fee.

- (a) Every mover shall pay to the Commission an annual filing fee of three hundred as set forth in § 40-14-103(2)(a), C.R.S.
- (b) The annual filing fee shall be valid only for one year from the date it is issued.

6619. Advertising.

- (a) No mover, nor any officer, agent, employee, or representative of the mover, shall advertise a transportation service in a name other than that in which the mover's registration is held. If a mover operates under a trade name, nothing in this paragraph shall be construed to require advertising under the name of the mover's parent company. If a mover operates under more than one trade name, nothing in this paragraph shall be construed to require the mover to advertise under all the trade names.
- (b) Each advertisement of a mover shall include the phrase "CO PUC Mover Reg. No. (*mover's registration number*)" and the physical address of the mover.
- (c) A mover shall coordinate with the advertising companies with which it advertises to ensure compliance with this rule.

6620. Forms of Payment. A mover shall accept at least two of the following four forms of payment:

- (a) Cash;
- (b) Cashier's check, money order, or traveler's check;

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- (c) A valid personal check, showing upon its face the name and address of the shipper or authorized representative; or
- (d) A valid credit card.

6621. Estimates and Contract for Service.

- (a) Estimate. A mover may provide an estimate of costs to be incurred by the shipper. Notwithstanding this paragraph, a mover shall comply with paragraph (b) of this rule.
- (b) Contract for service. A mover who provides any moving or accessorial services shall provide a document (the contract for service) to the prospective shipper, which shall be in substantial compliance with the form available from the Commission or its website. Such document shall be signed and dated by the shipper and the mover, and shall include:
 - (I) The name, telephone number, and physical address where the mover's employees are available during normal business hours;
 - (II) The mover's mailing address on file with the Commission;
 - (III) The phrase "*(Name of mover)* is registered with the Public Utilities Commission of the State of Colorado as a mover. Registration No. *(mover's registration number)*."
 - (IV) The date the document is prepared and any proposed date of the move;
 - (V) The name and address of the shipper, the addresses where the household goods are to be picked up and delivered, a telephone number where the shipper may be reached, and a mailing address where the shipper can receive notices from the mover;
 - (VI) The name, telephone number, and physical address of a location where the household goods will be held pending further transportation, including situations where the mover retains possession of household goods pending resolution of a fee or non-payment dispute with the shipper;
 - (VII) An itemized breakdown and description of costs or rates and services for transportation and accessorial services to be provided during a move or storage of household goods; and
 - (VIII) The forms of payment the mover accepts pursuant to rule 6620.
 - (IX) The cargo liability options available to the shipper, including at least the following two options:
 - (A) A limit of the mover's liability to the lesser of either (1) a value equal to sixty cents per pound per lost or damaged article, or (2) the actual value of the lost or damaged article after depreciation for age and wear.
 - (B) A limit of the mover's liability to the replacement cost of the entire shipment. This option shall require the shipper to declare the value of the shipment. This option may permit the shipper to specify a deductible. This option shall provide that the mover is liable for the actual amount of loss or damage to each lost or damaged article, up to the full replacement value of each lost or damaged article.

However, if the shipper declares a value that is less than the actual value of the entire shipment, the mover's liability for each lost or damaged article will not exceed the proportional value of the article when compared to the entire shipment.

- (X) Nothing in this rule shall be construed to preclude the mover and the shipper from entering into a more comprehensive contract for service. However, the mover shall not enter into any contract containing provisions that conflict with the provisions of this rule.
- (c) Amendment. The contract for service may be amended at any time upon mutual agreement of the mover and the shipper. Amendments of the contract for service shall not be valid or enforceable unless signed by both the mover and the shipper.
- (d) Effect. The terms of an executed contract for service shall be binding on both the mover and the shipper unless a court of competent jurisdiction determines otherwise.

6622. Delivery and Storage of Household Goods.

- (a) Pursuant to § 40-14-109(1), C.R.S., a mover shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or goods for use by children, including children's furniture, clothing, or toys under any circumstances. The mover shall relinquish such items as expeditiously as possible under the circumstances.
- (b) A mover shall relinquish household goods to a shipper and shall place the goods inside a shipper's dwelling unless the shipper has not tendered payment in the amount and in the acceptable form specified in the contract for service.
- (c) If, pursuant to paragraph (b) of this rule, a mover maintains possession of a shipper's household goods for non-payment, such mover may place the household goods in storage until payment is tendered. Except as provided in paragraph (d), such storage shall only be at the location specified in the contract for service. A mover may, for good cause and in good faith, store the household goods at a location not specified in the contract for service. However, if the mover stores the household goods at such an alternate location, the mover shall:
 - (I) Immediately mail to the shipper a notice of such alternate storage location; and
 - (II) Charge additional fees for such storage only if:
 - (A) Such fees are reasonable; and
 - (B) The alternate storage location is necessitated by some act or omission of the shipper.
- (d) Notwithstanding any other provision of this rule, upon written request from the shipper, the mover shall notify the shipper of the storage location and the amount due. Such notice shall be given within five days of receipt of the written request.
- (e) If a mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the mover shall take reasonable care to ensure the safekeeping of such household goods.
- (f) A mover shall not require a shipper to waive any rights or requirements under this rule.

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6623. Waivers and Variances.

- (a) Variance or waiver - general.
 - (I) As used in this rule, "variance" means authorization to use a different method or means to comply with a rule.
 - (II) As used in this rule, "waiver" means authorization not to comply with a rule.
 - (III) The Commission may permit a variance of a rule, or may waive a rule, if it concludes that, under the circumstances presented, strict compliance with the rule is impossible, impracticable, or unreasonable. The Commission may grant a variance or a waiver subject to such terms and conditions as it deems appropriate. The Commission will not grant a variance or a waiver if the variance or waiver would be contrary to law.
 - (IV) A transportation carrier must comply with the rules until and unless the Commission grants that carrier a variance or a waiver of one or more rules.
- (b) Procedure for seeking variance or waiver.
 - (I) A request for a variance or a waiver made in an existing docket shall be made by motion.
 - (II) A request for a variance or a waiver made outside a docketed proceeding shall be made by petition.
 - (III) A request for a variance or a waiver, whether made by motion or by petition, shall include at least the following information:
 - (A) Citation to the specific provision of the rule which is sought to be varied or waived;
 - (B) A clear and concise statement of the variance or waiver requested;
 - (C) A statement of the facts and circumstances relied upon to demonstrate why the Commission should grant the variance or waiver;
 - (D) A statement regarding the duration of the requested variance or waiver, including a statement of specific date or event which will terminate the variance or waiver, if granted;
 - (E) A statement whether the variance or waiver, if granted, would be full or partial; and
 - (F) An acknowledgment that the transportation carrier requesting the variance or waiver understands that the variance or waiver is not effective until approved by the Commission.
- (c) Record keeping requirements. A transportation carrier that has obtained a variance or a waiver of any rule in this Part shall:

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- (I) If the variance or waiver pertains to a motor vehicle: maintain a copy of the variance or waiver both in the affected motor vehicle and in the carrier's motor vehicle maintenance files.
- (II) If the variance or waiver pertains to a driver: ensure that a copy of the waiver or variance is carried on the affected driver's person whenever the driver is operating a motor vehicle as a transportation carrier and also is maintained in the affected driver's qualification file.
- (III) If the variance or waiver pertains to any matter not listed in subparagraphs (c)(I) or (II) of this rule: maintain a copy of the variance or waiver at the carrier's primary place of business.

6624. Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions regarding motor vehicle liability insurance requirements may be assessed a civil penalty of up to \$11,000 for each violation: § 40-14-104(1), C.R.S.; § 40-16-104(1)(e), C.R.S.; or subparagraph (a)(I) or (b)(I) of rule 6607.
- (b) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100 for each violation:
 - (I) Registration requirements: § 40-14-103(1), C.R.S.; § 40-16-103, C.R.S.; or subparagraph 6610(a)(I) or (II).
 - (II) Providing required document to the shipper: § 40-14-108(1), C.R.S.; or paragraph 6621(a).
 - (III) Delivery and storage of household goods requirements: § 40-14-109(1) or (2), C.R.S.; or paragraph 6622(a) or (b).
- (c) Except as provided for in paragraphs (a) and (b) of this rule, a person who violates any provision of Title 40, C.R.S., or any provision of rules 6600 through 6623 pertaining to transportation carriers may be assessed a civil penalty of up to \$550.
- (d) Pursuant to § 40-7-114, C.R.S., any owner or other person who employs a driver who operates a motor vehicle in violation of the statute or these rules may be assessed a civil penalty for such violation.
- (e) Notwithstanding any provision in these rules to the contrary, the Commission may assess double or triple penalty assessments against any person, as provided by statute and this rule.
- (f) The Commission may assess any person a civil penalty containing doubled penalties if:
 - (I) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
 - (II) the conduct for which doubled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
 - (III) the conduct for which doubled penalties are sought occurred within one year after the conduct which resulted in the issuance of a civil penalty assessment notice; and

- (IV) the conduct for which doubled penalties are sought occurred after the person's receipt of the prior civil penalty assessment notice.
- (g) The Commission may assess any person a civil penalty containing tripled penalties if:
 - (I) the person engaged in two or more instances of prior conduct which resulted in the issuance of two or more prior civil penalty assessment notices;
 - (II) the conduct for which tripled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
 - (III) the conduct for which tripled penalties are sought occurred within one year after the most recent conduct which resulted in the issuance of the prior civil penalty assessment notices; and
 - (IV) the conduct for which tripled penalties are sought occurred after the person's receipt of two or more prior civil penalty assessment notices.
- (h) When more than two instances of prior conduct exist, the Commission shall only consider those instances occurring within one year prior to the conduct for which triple penalties are sought.
- (i) Nothing in this rule shall preclude the assessment of triple penalties when double and triple penalties are sought on the same civil penalty assessment notice.