

Decision No. C03-1454

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-554TR

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, AS FOUND IN 4 CCR 723-6, 9, 15, 23, 31, 33, AND 35.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: January 15, 2004

Adopted Date: January 14, 2004

I. BY THE COMMISSION:

Statement

1. The Colorado Public Utilities Commission gives notice of proposed rulemaking regarding its rules regulating transportation by motor vehicle. The intent of the proposed rules is to repeal and reenact, with modifications such as those described in this order and in the attached proposals, the rules found at 4 *Code of Colorado Regulations* (CCR) 723-6, 9, 15, 23, 31, 33, and 35.

2. The proposed repeal and reenactment is part of a greater Commission effort to revise and recodify its current rules. The proposed repeal and reenactment is intended to update the existing rules related to transportation by motor vehicle; to make the rules related to transportation by motor vehicle consistent, to the extent possible, with other Commission rules; to improve administration and enforcement of relevant provisions of Title 40 of the Colorado Revised Statutes; to eliminate unnecessary or burdensome regulation; and to improve the regulation of proceedings before the Commission. A copy of the proposed rules is attached to this notice of proposed rulemaking.

3. The statutory authority for the proposed rules is found at §§ 40-2-108, 40-2-110.5(8), 40-2-116, 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10-105(1), 40-10-105(2)(c), 40-10-107, 40-10-110, 40-10-111, 40-10-120(4), 40-11-103(1), 40-11-105, 40-11-106, 40-11-109, 40-11-115(4), 40-13-104(1), 40-13-105, 40-13-107, 40-13-110(1), 40-14-103(2)(c), 40-14-104(2), 40-14-108(1), 40-14-110, 40-16-105, 40-16-103.6(1), 40-16-104(1.5), 40-16-105(1), 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

4. An Administrative Law Judge (ALJ) for 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 ALJ 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 no later than March 2, 2004. Reply comments should be submitted by March 12, 2004. The Commission requests that interested persons submitting comments do so both in paper and electronic format. The Commission may post electronically submitted comments to its web site. The Commission will consider all submissions.

5. Because the proposed rules will result in the repeal of the Commission's existing rules regulating transportation by motor vehicle, interested persons may also submit comments regarding whether specific provisions in the presently existing rules should be retained in the reenacted rules.

6. The rules proposed in the instant notice of proposed rulemaking consolidate all the various sets of rules regulating transportation by motor vehicle. Prior to this notice of proposed rulemaking, the Commission initially issued notice of a proposed repeal and reenactment of transportation by motor vehicle rules on November 14, 2002, in Docket No. 02R-596TR, Decision No. C02-1271. At the request of parties in other rulemaking dockets, the Commission terminated the rulemaking for the rules regulating transportation by motor vehicle. Since the termination of the rulemaking, emergency rules were adopted for towing carriers, motor vehicle carriers exempt from regulation as public utilities, and household goods movers. *See* Docket Numbers 03R-097TO, 03R-346EC, and 03R-347EC, respectively. Since the termination of the rulemaking, the Commission opened three dockets to adopt permanent rules for towing carriers, household goods movers and property carriers, and exempt passenger carriers. *See* Docket Numbers 03R-139TO, 03R-401HHG, and 03R-402EC, respectively. The rules proposed in the instant notice of proposed rulemaking attempt to capture the substantive changes in the above dockets, to the extent presently possible (permanent rules regarding household goods movers and property carriers, and exempt passenger carriers have not been finalized as of the time of this notice of proposed rulemaking). Appendix A, attached hereto, shows all the rules proposed to be replaced, including those not yet finalized.

7. As part of its overall objective to improve consistency between rules, the Commission has proposed language that consolidates the rules that are common among the various types of carriers providing transportation by motor vehicle. Sections of the rules that are not common among the various types of carriers providing transportation by motor vehicle, for example, those regarding safety, common and contract carriers, intrastate passenger carriers, interstate carriers, towing carriers, and household goods movers and property carriers, have also

been revised to improve consistency, where appropriate. This standardization of rule language, along with changes to regroup rules and improve readability and efficiency, has resulted in significant changes from current rule language.

8. We have also intentionally made changes to certain rules. Although it is not possible to list every rule language change, we highlight several major areas of substantive change, as follows:

a) Civil penalty amounts reflect amendments to § 40-7-113, C.R.S., that resulted from HB03-1289 and SB03-225.

b) Rules regarding applications and registrations are revised to provide consistent information about the applicant or registrant.

c) Rule 6001 is a compilation of definitions currently found in various rules and is more comprehensive than the existing rules. Significant new definitions are found in paragraphs (f) duplicating or overlapping operating rights (derived from current rule 4 CCR 723-31-4); (i) enforcement official; (l) exempt passenger carrier; (p) – (dd) various insurance and registration forms; (ii) – (ll) new definitions pertaining to household goods; (uu) office and specialty goods; and (ccc) seating capacity.

d) Rule 6007 is a compilation of insurance rules currently found in five different sets of rules. Paragraph (d) and subparagraph (f)(I)(C) of rule 6007 provides for alternate self-insurance for any carrier qualifying under Colorado law.

e) Proposed subparagraphs 6007(b)(II)(B) and (C) should be read in conjunction with proposed paragraph 6608(b)(XII). These proposed provisions further specify how insurance or surety coverage interacts with the valuation of lost or damaged cargo.

f) Paragraph 6008(c), regarding hazardous and nuclear materials, is a new provision proposed pursuant to §§ 42-20-205 and 42-20-506, C.R.S.

g) Paragraphs 6016(e) through (h) explain, more specifically than the current rules, the process for the enhancement of civil penalties.

h) Paragraph 6103(a) deletes the exemption currently found in rule 723-15-5.3 relating to an owner of a motor carrier who also drives.

i) Subparagraphs 6103(b)(I) and (II) are added so that the federal rules relating to mandatory anti-lock brakes (49 C.F.R. § 393.55) and markings on emergency doors (§ 393.92) do not apply to vehicles that are smaller than those defined in §§ 390.5 and 393.5.

j) Subparagraph 6103(c)(III) is a new provision clarifying how off-duty time is calculated.

k) Subparagraph 6103(e)(II) is a new provision requiring that all motor vehicles designed to transport passengers, not merely those with a seating capacity of 16 or more, be inspected annually in accordance with 49 C.F.R. §§ 396.17 through 396.23.

l) Rule 6104 is a new rule that reflects actual practice regarding weighing stretched limousines. Rule 6104 is intended, however, to apply to all motor vehicles that are subject to the safety jurisdiction of the Commission.

m) Paragraph 6201(a) defines "capable." This definition is derived partially from current rule 4 CCR 723-1-65(e).

n) Rule 6211 applies the dual-use vehicle requirements to both contract and common carriers.

o) Paragraph 6254(e), regarding a taxicab's cosmetic condition, eliminates the two taxicab-age categories currently found in 4 CCR 723-31-25.5. The proposed paragraph contemplates that all taxicabs, regardless of age, will be subject to the cosmetic rule.

p) Proposed rule 6256 deletes current rules regarding the calculation of flat rates and the automatic increase of flat rates when new meter rates are set. Paragraph 6256(c) is new and it clarifies how taxicab flat rate fares are to be calculated for drops in different zones. Paragraph 6256(f) establishes that changes to flat rates will be accomplished either by application or by the Commission on its own motion.

q) Paragraph 6304(c) amends current rule 4 CCR 723-33-8 by providing a luxury limousine qualification procedure when it is not practical for the vehicle to be physically inspected.

r) Rule 6305 is a new rule providing for revocation of a luxury limousine carrier's registration pursuant to § 40-16-103.6.

s) Rule 6307 changes the criteria currently found in 4 CCR 723-33-2.3 for qualifying a discretionary vehicle pursuant to 40-16-101(3)(a)(IV)(E).

t) Rule 6308 is new and establishes criteria for determining the threshold for providing luxury limousine service.

u) The exemption for "repossessors" that is found in current rule 4 CCR 723-9-1.4 has been deleted. Generally, repossessors will be subject to the proposed rules with respect to permitting, motor vehicle liability coverage, and equipment. However, the proposed rules also make exceptions for repossessors with regard to cargo liability coverage, garage keeper's liability coverage, external markings, storage facilities, towing authorization, and rates and charges.

v) These proposed rules combine the Emergency Rules Regulating Household Goods Movers (4 CCR 723-35) with the portions of the Emergency Rules, Regulations, and Civil Penalties Governing Motor Vehicle Carriers Exempt From Regulation as Public Utilities (4 CCR 723-33) regarding property carriers.

w) Paragraph 6608(d) amends current emergency rule 6621(d) by establishing that a contract amendment is not valid or enforceable if the household goods mover obtains the shipper's signature on the amendment by duress or coercion.

9. Coordination of this rulemaking with other planned rulemaking proceedings for Practice and Procedure, Telecommunications, Electric and Steam, Gas, Railroads, and Water is a sizeable undertaking. Because of the need to coordinate all efforts, the Commission finds that hearings in this matter should consider: (a) coordination of efforts among the various other ongoing or planned rulemaking proceedings; and (b) whether future hearing dates should be set for that purpose.

10. Notwithstanding this NOPR, we note that the parties now have an opportunity to suggest changes to the rules governing regulated entities. The Commission will consider any suggestions as to how our rules may be made more efficient, rational, or meaningful.

We recognize that regulation imposes costs, and therefore, we note that suggestions, as to which rules are not necessary or are unduly burdensome, will be fully considered by the Commission.

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 February 10, 2004 edition of *The Colorado Register*.

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

DATES: March 22 and 23, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the times set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary. At the hearings referenced above, the Administrative Law Judge may set further hearing dates to continue the discussion and comment.

3. Interested persons may file written comments in this matter before the hearing. The Commission requests that such prefiled comments be submitted in both paper and electronic format no later than March 2, 2004. Reply comments should be submitted by March 12, 2004. The Commission will consider all submissions, whether oral or written.

4. This order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 14, 2004.**

(SEAL)



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~~

~~RULES AND REGULATIONS GOVERNING REGISTRATION
OF INTERSTATE MOTOR VEHICLE CARRIERS~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-6~~

[Omitted Material: All the current rules found in 4 CCR 723-6, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO~~

~~RULES, REGULATIONS, AND CIVIL PENALTIES
GOVERNING TOWING CARRIERS BY MOTOR VEHICLE~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-9~~

[Omitted Material: All the current rules found in 4 CCR 723-9, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO~~

~~RULES REGULATING SAFETY FOR MOTOR VEHICLE CARRIERS
AND ESTABLISHING CIVIL PENALTIES~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-15~~

[Omitted Material: All the current rules found in 4 CCR 723-15, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO~~

~~RULES, REGULATIONS, AND CIVIL PENALTIES GOVERNING
CONTRACT CARRIERS OF PASSENGERS BY MOTOR VEHICLE~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-23~~

[Omitted Material: All the current rules found in 4 CCR 723-23, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO~~

~~RULES, REGULATIONS, AND CIVIL PENALTIES
GOVERNING COMMON CARRIERS OF PASSENGERS
BY MOTOR VEHICLE FOR HIRE~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-31~~

[Omitted Material: All the current rules found in 4 CCR 723-31, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO
EMERGENCY RULES, REGULATIONS, AND CIVIL PENALTIES GOVERNING
MOTOR VEHICLE CARRIERS EXEMPT
FROM REGULATION AS PUBLIC UTILITIES~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-33~~

[Omitted Material: All the current rules found in 4 CCR 723-33, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO
RULES REGULATING EXEMPT PASSENGER CARRIERS~~

~~4 CCR 723-33~~

[Omitted Material: All the current rules found in 4 CCR 723-33, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO
PART 35
RULES REGULATING HOUSEHOLD GOODS MOVERS~~

~~4 CCR 723-35~~

[Omitted Material: All the current rules found in 4 CCR 723-35, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO
PART
RULES REGULATING HOUSEHOLD GOODS MOVERS AND PROPERTY CARRIERS~~

~~4 CCR 723-35~~

[Omitted Material: All the current rules found in 4 CCR 723-35, are proposed to be repealed and reenacted. Therefore, all pages of the current rules are omitted.]

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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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, safety; civil penalties; the issuance, extension, transfer, and revocation of operating authority; insurance and registration requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including motor vehicle carriers (common carriers), contract carriers by motor vehicle, interstate carriers, hazardous materials carriers, towing carriers, household goods movers, and motor vehicle carriers exempt from regulation as public utilities (charter or scenic buses, children's activity buses, luxury limousines, off-road scenic charters, and 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), 40-2-116, 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10-105(1), 40-10-105(2)(c), 40-10-107, 40-10-110, 40-10-111, 40-10-120(4), 40-11-103(1), 40-11-105, 40-11-106, 40-11-109, 40-11-115(4), 40-13-104(1), 40-13-105, 40-13-107, 40-13-110(1), 40-14-103(2)(c), 40-14-104(2), 40-14-108(1), 40-14-110, 40-16-105, 40-16-103.6(1), 40-16-104(1.5), 40-16-105(1), 42-4-1809(2)(a), and 42-4-2108(2)(a), 42-20-202(1)(a), C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by motor vehicle, unless a specific statute or rule provides

otherwise. Rules 6000 - 6099 apply to all common carriers, contract carriers, exempt intrastate carriers, towing carriers, household goods movers, and interstate carriers, as defined herein. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, and 6600.

6001. Definitions.

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

- (a) "Certificate" means "certificate of public convenience and necessity" as that term is used in Article 10 of Title 40, C.R.S.
- (b) "C.F.R." means the Code of Federal Regulations.
- (c) "Common carrier" means "motor vehicle carrier" as that term is defined in § 40-10-101(4), C.R.S.
- (d) "Common and Contract Carrier Rules" means rules 6200 through 6299, inclusive.
- (e) "Contract carrier" means "contract carrier by motor vehicle" as that term is defined in § 40-11-101(3), C.R.S.
- (f) "Duplicating or overlapping operating rights" means transportation in the same type of service between the same points under two or more separate operating rights which are held by the same common or contract carrier.
- (g) "Driver" means any person driving a motor vehicle, including an independent contractor.
- (h) "Encumbrance" means any transaction that creates a security interest, mortgage, deed of trust, lien, or other similar right or interest, by act or deed or by operation of law.
- (i) "Enforcement official" means authorized personnel of the Commission, the Colorado Department of Revenue, the Colorado State Patrol, and any other law enforcement agency.
- (j) "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.
- (k) "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.
- (l) "Exempt passenger 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., except property carriers by motor vehicle.

- (m) "Exempt passenger carrier registration" means the registration issued to an exempt passenger carrier pursuant to § 40-16-103, C.R.S.
- (n) "Exempt Passenger Carrier Rules" means rules 6300 through 6399, inclusive.
- (o) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (p) "Form BMC 35" means Notice of Cancellation of Motor Carrier Insurance.
- (q) "Form BMC 36" means Notice of Cancellation of Motor Carrier Surety Bond.
- (r) "Form BMC 91" or "Form BMC 91X" means a Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance, executed by an authorized representative of the insurer.
- (s) "Form BMC 91MX" means a Motor Carrier Automobile Bodily Injury and Property Damage Liability Surety Bond, executed by an authorized representative of the surety.
- (t) "Form BOC-3" means the form designating an agent for service of process required under 49 C.F.R. Part 366.
- (u) "Form D-1" means a NARUC Uniform Identification Cab Card for motor vehicle or driveway operations conducted by an exempt interstate carrier.
- (v) "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.
- (w) "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.
- (x) "Form H" means a NARUC Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (y) "Form J" means a NARUC Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.
- (z) "Form K" means a NARUC Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.

- (aa) "Form L" means a NARUC Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.
- (bb) "Form MCS 82" means a Motor Carrier Public Liability Surety Bond, executed by an authorized representative of the surety.
- (cc) "Form MCS 90" means an Endorsement for Motor Carrier Policies of Insurance for Public Liability, executed by an authorized representative of the insurer.
- (dd) "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.
- (ee) "GCWR" means gross combination weight rating, the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.
- (ff) "GVWR" means gross vehicle weight rating, the value specified by the manufacturer as the loaded weight of a single motor vehicle. For purposes of the definition of "GVWR," "manufacturer" means the final person modifying the physical structure of a motor vehicle, such as when a motor vehicle's wheelbase is stretched in a luxury limousine.
- (gg) "Hazardous materials carrier" a transportation carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S.
- (hh) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.
- (ii) "Household goods" means "household goods" as that term is defined in § 40-14-101(7), C.R.S.
- (jj) "Household goods mover" means "mover" as that term is defined by § 40-14-102(9), C.R.S.
- (kk) "Household Goods Mover and Property Carrier Rules" means rules 6600 through 6699, inclusive.
- (ll) "Household goods mover registration" means the registration issued to a household goods mover pursuant to § 40-14-103, C.R.S.
- (mm) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (nn) "Interstate carrier" means a "regulated interstate carrier" or an "exempt interstate carrier," as those terms are defined in this rule.

- (oo) "Interstate Carrier Rules" means rules 6400 through 6499, inclusive.
- (pp) "Letter of authority" means a document issued by the Commission to a common or contract carrier, which specifies the authorized type of service, the authorized geography of service, and the restrictions applied against the authorized service. Common or contract carriers authorized by Commission Order to operate under a temporary or emergency temporary authority are not issued a letter of authority. Letters of authority are deemed to provide proof of Commission-granted operating authority.
- (qq) "Luxury limousine" means "luxury limousine" as that term is defined in § 40-16-101(3), C.R.S.
- (rr) "Multiple loading" means the sharing of a taxicab ride, or portion thereof, by individuals or parties who are not traveling together, who agree to share a cab to destinations in the same area or along the same route, and who depart from a common origin. When radio dispatched, multiple loading may be initiated from points other than those of common origin.
- (ss) "NARUC" means the National Association of Regulatory Utility Commissioners.
- (tt) "Nuclear materials carrier" means a transportation carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S.
- (uu) "Office and specialty goods" means:
- (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.
- (vv) "Operating right" means the authority, in a certificate, permit, temporary authority, or emergency temporary authority, conferred by the Commission upon a common or contract carrier.

- (ww) "Passenger," except as otherwise specifically defined or contextually required, means any person, other than a driver, occupying a motor vehicle.
- (xx) "Permit" means an operating authority issued by the Commission under § 40-11-103, C.R.S.
- (yy) "Property carrier" means "property carrier by motor vehicle," as that term is defined in § 40-16-101(6.5), C.R.S.
- (zz) "Property carrier registration" means the registration issued to a property carrier pursuant to § 40-16-103, C.R.S.
- (aaa) "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 FMCSA, as described in §§ 40-10-120(2) and 40-11-115(2), C.R.S.
- (bbb) "Safety Rules" means rules 6100 through 6199, inclusive.
- (ccc) "Seating capacity"
 - (I) Except as otherwise specifically defined or contextually required, "seating capacity" means the greatest of the following:
 - (A) the number generated by adding:
 - (i) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number; and
 - (ii) the number of single-occupancy seats, including the driver's seat if it is not part of a split-bench seat;
 - (B) the manufacturer-rated number of seating positions in a motor vehicle, including the driver; or
 - (C) the total number of seat belts in a motor vehicle.
 - (II) In all cases, any auxiliary seating positions such as folding jump seats shall be counted in determining seating capacity. For purposes of the definition of "seating capacity," "manufacturer" means the final person modifying the physical structure of a motor vehicle, such as when a motor vehicle's wheelbase is stretched in a luxury limousine.
- (ddd) "Taxicab Carrier Rules" means rules 6250 through 6259, inclusive.
- (eee) "Taxicab" means a passenger-carrying motor vehicle for public hire, with a maximum seating capacity of seven passengers, operating on a call-and-demand basis, the first passenger therein

having exclusive use of the motor vehicle unless such passenger agrees to multiple loading.

- (fff) "Towing carrier" means "towing carrier" as defined by § 40-13-101(3), C.R.S.
- (ggg) "Towing carrier permit" means the permit issued by the Commission to a towing carrier pursuant to § 40-13-103(1), C.R.S.
- (hhh) "Towing Carrier Rules" means rules 6500 through 6599, inclusive.
- (iii) "Transportation carrier" means common carrier, contract carrier, towing carrier, household goods mover, exempt intrastate carrier, or interstate carrier.
- (jjj) "Type of service" means any one of the following services: charter, limousine, sightseeing, taxicab, or scheduled, as those terms are defined by rule 6201.
- (kkk) "Voluntary suspension" means a suspension sought by a transportation carrier.

6002. Applications.

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

- (a) For the grant or extension of authority to operate as a common or contract carrier, as provided in rule 6203.
- (b) To abandon or voluntarily suspend operating rights, as provided in paragraph 6204(b).
- (c) To encumber or transfer any operating right, to acquire control of any carrier, or to merge or consolidate a carrier with any other entity, as provided in rule 6205.
- (d) To amend a tariff on less than statutory notice, as provided in paragraph 6207(k).
- (e) To qualify a motor vehicle as a luxury limousine after enforcement staff has determined that the motor vehicle does not meet relevant statutory or regulatory requirements, as provided in paragraph 6304(c).
- (f) For a permit to operate as a towing carrier, as provided in rule 6503.
- (g) For any other matter provided by statute or rule but not specifically described in this rule.

6003. Petitions. [Reserved].

6004. Registrations.

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

- (a) For registration as an exempt passenger carrier, as provided in rule 6302.
- (b) For registration as a regulated interstate carrier, as provided in rule 6403.
- (c) For registration as an exempt interstate carrier, as provided in rule 6404.
- (d) For registration as a property carrier or household goods mover, as provided in rule 6602.

6005. Records. [Reserved].

6006. Reports, Name Changes, Address Changes, and Address Additions.

- (a) Each common carrier and contract carrier shall submit its annual report, as prescribed by rule 6212.
- (b) 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 all the affected transportation carrier's certificate, permit, or registration numbers. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State and/or the Colorado Department of Revenue.
 - (I) In the event of a name change or an address change, the transportation carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility filings.
 - (II) No name change shall be effective until proper proof of financial responsibility in the transportation carrier's new name has been filed with the Commission.
- (c) If a towing carrier wishes to begin providing storage for towed motor vehicles at a new or additional storage facility, the towing carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.

6007. Financial Responsibility.

- (a) Financial responsibility requirements:

- (I) Motor vehicle liability coverage. 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 and property damage.

- (II) Cargo liability coverage. Every household goods mover, property carrier, and towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing the same coverage. Cargo liability coverage for a towing carrier shall include coverage of physical damage to the motor vehicle in tow (on hook) and loss of its contents. This subparagraph shall not apply to a "repossessor", as that term is defined in § 42-6-146(4), C.R.S., when performing a repossession of a motor vehicle pursuant to § 4-9-629, C.R.S.

- (III) Garage keeper's liability coverage. Towing carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage. This subparagraph shall not apply to a "repossessor", as that term is defined in § 42-6-146(4), C.R.S., when performing a repossession of a motor vehicle pursuant to § 4-9-629, C.R.S.

- (IV) General liability coverage. Every household goods 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) Motor vehicle liability coverage.
 - (A) Motor vehicle liability coverage shall be combined single limit liability.

 - (B) Schedule of limits:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Common and Contract Carriers	8 or less	\$ 500,000
	9 through 15	\$1,000,000
	16 through 32	\$1,500,000
	33 or more	\$5,000,000

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Exempt Passenger Carriers:		
Charter or Scenic Bus	33 or more	\$5,000,000
Luxury Limousine	15 or less	\$1,000,000
	16 through 32	\$1,500,000
	33 or more	\$5,000,000
Off-Road Scenic Charter	Any size	\$1,000,000
Children's Activity Bus	Any size	\$1,000,000
Property Carrier or Household Goods Mover	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000
Interstate Carriers	See 49 C.F.R. Part 387	In amounts required by 49 C.F.R. Part 387

(C) Transportation carriers may obtain a certificate of self-insurance issued pursuant to § 42-7-501, C.R.S.

(II) Cargo liability coverage.

(A) For towing carriers the cargo liability coverage shall provide coverage to the extent of the towing carrier's legal liability for loss or damage to the property of any person or persons, other than the insured, which is carried in, upon, or attached to the towing vehicle and/or its trailers or dollies operated by, or for, or under the control of the towing carrier.

(B) Except as provided in subparagraphs (II)(B)(i) or (ii), for property carriers, the minimum level of cargo liability coverage shall be \$10,000 for loss of or damage to property carried on any one motor vehicle, 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) A property carrier transporting commodities other than office and specialty goods is exempt from subparagraph (II)(B) if the property

carrier submits to the Commission a signed statement reading as follows:

I swear that the only commodities transported by [name of company] either:

[] have an aggregate value of \$500.00 or less, or

[] are not subject to appreciable loss or damage due to their physical characteristics.

- (ii) For a property carrier transporting office and specialty goods the minimum level of cargo liability coverage shall \$10,000 for loss of or damage to office or specialty goods carried on any one motor vehicle, or sixty cents (\$.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
- (C) For household goods carriers, the minimum level of cargo liability coverage shall be \$10,000 for loss of or damage to household goods carried on any one motor vehicle, or sixty cents (\$.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
- (III) Garage keeper's liability coverage shall provide coverage to the extent of the towing carrier's legal liability for loss or damage to the property of any person or persons, other than the insured, which is stored by the towing carrier directly or through an agent.
- (IV) For household goods movers, the minimum general liability coverage shall be \$500,000.
- (c) Except as provided in paragraph (d), 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;

- (IV) is accomplished by a "Waiver of Description" endorsement on each policy;
 - (V) 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;
 - (VI) 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
 - (VII) does not permit a transportation carrier to pay insurance or surety benefits directly to a party damaged by said carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the transportation carrier's insurance or surety policy.
- (d) The provisions of subparagraphs (IV) through (VII) of paragraph (c) shall not apply to transportation carriers who have filed proof of self-insurance pursuant to 49 C.F.R. Part 387, if applicable, and § 42-7-501, C.R.S.
- (e) The transportation carrier shall retain each original insurance or surety policy for required coverage, make such policies available for inspection by authorized personnel of the Commission, and keep a copy of its proof of motor vehicle liability coverage in each motor vehicle that it operates.
- (f) 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 coverage.
 - (A) For all common carriers, contract carriers, exempt intrastate carriers, household goods movers, and towing carriers, a Form E or G.
 - (B) For common carriers, contract carriers, exempt intrastate carriers, household goods movers, and towing carriers obtaining a certificate of self-insurance under the provisions of § 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.
 - (C) For interstate carriers, such forms as are required by 49 C.F.R. Part 387.

- (II) Cargo liability coverage. For all property carriers, household goods movers, or towing carriers, a Form H or J.
 - (III) Garage keeper's liability coverage. For all towing carriers, a Colorado Form 14-INS.
 - (IV) General liability coverage. For all household goods movers, a Colorado Form GL.
- (g) All forms referred to in this rule are available from the Commission.
 - (h) The transportation carrier shall ensure that the policy and the forms noted in this rule contain the transportation carrier's exact name, trade name (if any), and address as shown in the records of the Commission; and
 - (i) Any subsequent changes of name, address, or policy number shall be reflected by the filing of an appropriate endorsement or amendment with the Commission.
 - (j) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
 - (k) Each certificate of insurance and/or surety bond required by and filed with the Commission shall be kept in full force and effect unless and until canceled upon 30-days advance written notice, on Form K, Form L, Form BMC 35, or Form BMC 36, as applicable, from the insurer or surety to the Commission. The 30-day cancellation period shall commence on the date the notice is received by the Commission. In lieu of the prescribed form, the insurer or surety may cancel a certificate of insurance and/or surety bond by letter to the Commission containing the same information as required by such form.
 - (l) Common and contract carriers operating under a waiver or variance of the insurance limits shall:
 - (I) Post the following notice in each of its passenger motor vehicles affected by the waiver or variance, disclosing the appropriate amounts in the blanks of said notice:

NOTICE

The Public Utilities Commission's rules generally require \$_____ amount of insurance on a motor vehicle of this size. However, the Commission has authorized this company to operate with \$_____ of combined single limit liability insurance. This limit may not cover the total amount of a claim in the event of a serious accident.

- (II) Print such notice in letters of not less than 14-point size and posted in a manner that makes it readily visible to each passenger.

6008. Summary Suspensions and/or Revocations for Lack of Financial Responsibility.

- (a) Common carriers, contract carriers, household goods movers, or towing carriers.
 - (I) Whenever Commission records indicate that a common carrier's, contract carrier's, household goods mover's, or towing carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall summarily suspend such carrier's authority to operate its motor vehicles. The summary suspension shall be effective on the date of coverage cancellation.
 - (II) The Commission shall send a notice of canceled insurance or surety coverage to such a carrier. 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) Until proper proof of insurance or surety coverage is filed with the Commission, a carrier receiving notice of summary suspension shall not, under any of its authorities, conduct operations after the effective date of such summary suspension.
 - (IV) If the Commission receives proper proof of coverage, the summary suspension will be dismissed without further order of the Commission.
 - (V) If the Commission has initiated revocation proceedings, but receives proper proof of coverage prior to revocation, the Commission shall dismiss the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.
- (b) Exempt interstate carriers and exempt intrastate carriers. Whenever Commission records indicate that an exempt interstate carrier's or an exempt intrastate 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 carrier's registration and/or permit to operate will be revoked on the date of coverage cancellation; and

- (II) After coverage cancellation, immediately revoke the carrier's registration and/or permit, and mail notice to said carrier indicating that its required coverage has been cancelled and that the carrier's registration and/or permit to operate has been revoked.
- (c) Hazardous materials carriers and nuclear materials carriers. Whenever Commission records indicate that a hazardous materials carrier's and nuclear materials 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 carrier's hazardous materials permit or nuclear materials permit will be suspended or revoked as provided for in §§ 42-20-205 or 42-20-506, C.R.S.; and
 - (II) After coverage cancellation:
 - (A) immediately revoke the hazardous materials permit as provided for in § 42-20-205, C.R.S., and mail notice to the carrier indicating that its required coverage has been cancelled and that the carrier's hazardous materials permit has been revoked; or
 - (B) either suspend or revoke the nuclear materials permit as provided for in § 42-20-506, C.R.S., and mail notice to the carrier indicating that its required coverage has been cancelled and that the carrier's nuclear materials permit has been either suspended or revoked.

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 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 authority during the calendar year shall, unless the Commission orders otherwise, pay the annual identification fees at the time of obtaining the authority.
- (c) 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.

- (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) Except as provided in subparagraph (III) of this paragraph, 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.
 - (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 annual identification fees associated with interstate operations for that motor vehicle.

6010. Letter of Authority, Permit, and Registration.

- (a) Every transportation carrier shall maintain a copy of the following in each motor vehicle it owns, controls, operates, or manages under a certificate, permit, or registration:
 - (I) For every common and contract carrier a copy of its current letter of authority;
 - (II) For every exempt intrastate carrier a copy of its letter of registration;
 - (III) For every towing carrier a copy of its towing carrier permit;
 - (IV) For every household goods mover a copy of its letter of registration;
 - (V) For every exempt interstate carrier a copy of its Form D-1; and

(VI) For every regulated interstate carrier a copy of its Form RS-3.

(b) The transportation carrier shall, upon request, present the copy of its letter of authority, letter of registration, permit, Form D-1, or Form RS-3 to any enforcement official.

6011. External Markings of Motor Vehicles.

(a) Except as provided by paragraphs (b) or (c) of this rule, a common carrier, contract carrier, towing carrier, and household goods mover shall mark each of its motor vehicles in accordance with this rule.

(I) The markings shall:

(A) be placed on both sides of the motor vehicle;

(B) contain only characters that contrast sharply with the background on which the characters are placed; and

(C) contain only characters that are readily legible at a distance of 50 feet from the motor vehicle. Legibility shall be determined during daylight hours and while the motor vehicle is stationary.

(II) The markings shall contain the following information:

(A) the name or trade name as set forth in the common carrier's certificate(s), the contract carrier's permit(s), the towing carrier's permit(s), and the household goods mover's registration(s); and

(B) the letter and/or number designation of the common carrier's certificate(s), the contract carrier's permit(s), the towing carrier's permit(s), and the household goods mover's registration(s), preceded by the letters "CO PUC".

(b) Motor vehicles operated by a common or contract carrier having a seating capacity of ten or less shall be deemed to have met all the requirements of paragraph (a) of this rule if the carrier affixes the marking required by subparagraph (a)(II) to both the front and rear of the motor vehicle. Such alternative marking shall meet the requirements of subparagraphs (a)(I)(B) and (C) of this rule.

(c) A transportation carrier shall remove all markings from a motor vehicle if the carrier is permanently withdrawing the motor vehicle from service, or leasing the motor vehicle to another person for purposes not related to operations under the carrier's certificate, permit, or registration.

- (d) Any person operating luxury limousines see rule 6303 regarding exterior signs and graphics.
- (e) This rule shall not apply to a towing vehicle when used for the repossession of a motor vehicle pursuant to § 4-9-629, C.R.S.

6012. 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 lawful notice, order, process, or demand. The named person is the transportation carrier's designated agent. A transportation 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. An interstate carrier shall file its designation using Form BOC-3.
- (b) Each transportation carrier shall notify the Commission of any changes in the designated agent's identity, name, or address by filing a new designation within 48 hours of receiving the information related to such change.
- (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.

6013. Leasing of Motor Vehicles.

- (a) For purposes of this rule, "lessee" means a common carrier, contract carrier, or towing carrier, and "lessor" means the motor vehicle owner.
- (b) Subject to the requirements of this rule, a lessee may lease one or more motor vehicles for use in the lessee's fleet. Nothing in this rule shall be construed to make an independent contractor an employee of the lessee.
- (c) The lessee shall ensure that leases are in writing on a form supplied by the Commission. The lease shall contain: the name and signature of the lessor; the name and signature of the lessee; the date of the agreement; for each motor vehicle subject to the lease, the motor vehicle's make, model, year, and identification number; the period covered by the lease; and the consideration to be paid by the lessee. Nothing in this rule precludes the use of a more comprehensive lease supplementing the Commission's lease form. The lessee shall ensure that any supplemental lease provisions do not conflict with the required information of the Commission's lease form.
- (d) The lessee shall ensure that a copy of the lease is carried in each leased motor vehicle during the time that the lease is effective.

- (e) The lessee shall ensure that a copy of the lease is kept in the lessee's files during the time that the lease is effective and for six months after the date on which the last motor vehicle covered by the lease leaves the lessee's control.
- (f) During the existence of the lease, the lessee shall have full discretion and complete control of the leased motor vehicle and shall be fully responsible for its operation in accordance with applicable law. This responsibility includes, but is not limited to, compliance with marking requirements, safety of the motor vehicle and its equipment and accessories, and all financial responsibility.

6014. Notice.

Notice sent by any person to the transportation carrier's address on file with the Commission shall constitute prima facie evidence that the transportation carrier received the notice.

6015. Waivers.

A transportation carrier that has obtained a waiver of any rule in this Part 6 shall:

- (a) If the waiver pertains to a motor vehicle: maintain a copy of the waiver in (1) the affected motor vehicle, and (2) the carrier's motor vehicle maintenance files.
- (b) If the waiver pertains to a driver: ensure that a copy of the waiver is (1) carried on the affected driver's person whenever the driver is operating a motor vehicle over which the Commission has jurisdiction, and (2) maintained in the affected driver's qualification file.
- (c) If the waiver pertains to any matter not listed in paragraphs (a) or (b) of this rule: maintain a copy of the waiver at the carrier's primary place of business.

6016. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

- (a) A violation of subparagraph (a)(I) or (b)(I)(B) of rule 6007 may result in the assessment of a civil penalty of up to \$11,000.00 for each violation.
- (b) Any person subject to § 40-2-110.5, C.R.S., who operates a motor vehicle without having paid the annual identification fee, or who violates any provision of rule 6009, may be assessed a civil penalty of not more than \$400 for each violation.
- (c) Except as provided for in paragraph (a) or (b) of this rule, a person who violates any provision of rules 6000 through 6015 may be assessed a civil penalty of up to \$550.00 for each violation.

- (d) Pursuant to § 40-7-114, C.R.S., a person, whose driver operates a motor vehicle in violation of applicable statutes or these Rules Regulating Transportation by Motor Vehicle, 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 civil penalties 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 two most recent prior instances of conduct cited in 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.

6017. - 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

- (a) Except as set forth in paragraphs (b) of this rule, Rules 6100 through 6199 apply to:
 - (I) common carriers, contract carriers, and exempt passenger carriers; and
 - (II) household goods movers and property carriers operating motor vehicles with a GVWR of less than 26,001 pounds.
- (b) Unless otherwise specifically provided, these Safety Rules do not apply to transportation performed by the federal government, a state, or an agency established under a compact between states that has been approved by the Congress of the United States.
- (c) Certain transportation carriers may be subject to the rules of the Colorado Department of Public Safety. Said rules may be applicable either in addition to or in lieu of the Commission's Safety Rules. In order to determine the applicability of the rules of the Colorado Department of Public Safety, please consult 8 CCR 1507-1.

6101. Definitions.

In addition to the generally applicable definitions in rule 6001, and those incorporated from federal law in rule 6102, the following definitions apply only in the context of these Safety Rules:

- (a) "Bus" means a motor vehicle designed, constructed, and used for the transportation of passengers.
- (b) "Commission" means the Public Utilities Commission of the State of Colorado. Any reference to the United States Department of Transportation, the FMCSA, or any other federal agency in any provision of the Code of Federal Regulations adopted by reference in these Safety Rules shall be construed to refer to the Commission.
- (c) "Commercial motor vehicle", for purposes of those rules incorporated by reference, means a motor vehicle operated by a transportation carrier. Notwithstanding the foregoing, for purposes of the incorporated rules found in 49 C.F.R. Part 382 (concerning drug and alcohol testing), the definition of

commercial motor vehicle shall be as found in 49 C.F.R. § 382.107; and for purposes of the incorporated rules found in 49 C.F.R. Part 383 (concerning commercial driver's licenses) the definition of commercial motor vehicle shall be as found in 49 C.F.R. § 383.5.

(d) "Motor vehicle", for purposes of these Safety Rules, is synonymous with the term "commercial motor vehicle" as defined in this rule.

(e) "Motorcycle" means "motorcycle" as that term is defined in § 42-1-102(55), C.R.S.

(e)(f) "Motor-driven cycle" means "motor-driven cycle" as that term is defined in § 42-1-102(56), C.R.S.

6102. Regulations Incorporated by Reference.

(a) Except as provided in rule 6103 or paragraph (c) of this rule, the Commission incorporates by reference the regulations published in:

(I) 49 C.F.R. Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, and 399, as revised on October 1, 2003.

(II) 49 C.F.R. Appendix G to Subchapter B of Chapter III, as revised on October 1, 2003.

(b) No later amendments to or editions of the C.F.R. are incorporated into these rules.

(c) The following provisions of 49 C.F.R. are not incorporated by reference:

(I) §§ 382.507, 383.53, 390.3(c), 390.3(f)(2), 390.21, 390.37, 391.47, 391.49, 391.67, 391.68, 391.69, 395.1(h), 395.1(i), 395.8(e), and 396.9;

(II) The definition of "commercial motor vehicle" in § 390.5; and

(III) The definition of "bus" in § 393.5;

(d) Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact:

Transportation Section Chief
Colorado Public Utilities Commission
Office Level 2
1580 Logan Street
Denver, Colorado 80203

Telephone: (303) 894-2850

- (e) The material incorporated by reference may be examined at the offices of the Commission, Office Level 2, 1580 Logan Street, Denver, Colorado 80203, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except when such days are state holidays. The material incorporated by reference may also be examined at any state publications library.

6103. Modification of Regulations Incorporated by Reference.

- (a) With regard to qualification and examination of drivers:
- (I) 49 C.F.R. Part 391 shall not apply to household goods movers or property carriers, or to their drivers; but this exclusion applies only to the extent that the motor vehicles used:
 - (A) do not transport passengers,
 - (B) have a GVWR or GCWR of less than 10,001 pounds, and
 - (C) do not require a commercial driver's license to operate.
 - (II) Subpart E of 49 C.F.R. Part 391, relating to physical qualifications and examinations, shall not apply to household goods movers or property carriers, or to their drivers; but this exclusion applies only to the extent that the motor vehicles used:
 - (A) do not transport passengers,
 - (B) have a GVWR or GCWR of less than 26,001 pounds, and
 - (C) do not require a commercial driver's license to operate.
 - (III) 49 C.F.R. § 391.11(b)(1), relating to age of drivers, shall not apply to drivers operating solely in intrastate commerce; such drivers shall be at least eighteen years of age. This subparagraph (III) shall not apply to drivers operating motor vehicles used in transporting hazardous materials of a type and quantity that would require the motor vehicle to be marked or placarded under 49 C.F.R. § 177.823.
- (b) With regard to motor vehicle parts and accessories necessary for safe operation:
- (I) The provisions of 49 C.F.R. § 393.55 shall only apply to a bus, truck, and truck tractor as those terms are defined in 390.5 and 393.5.
 - (II) The provisions of 49 C.F.R. § 393.92 shall only apply to a bus as that term is defined in 393.5.

- (III) The provisions of 49 C.F.R. § 393.83(c) and (d) shall not apply to any bus with a seating capacity of 15 or less, which is manufactured with a side discharge exhaust.
- (IV) The provisions of 49 C.F.R. § 393.89, relating to driveshaft protection, and 393.95(a), relating to fire extinguishers, shall not apply to any bus with a seating capacity of 15 or less.
- (V) The following provisions of 49 C.F.R. Part 393 shall not apply to motorcycles or to motor-driven cycles:
 - (A) Sections 393.11 and 393.24(b) requiring at least two headlamps. Motorcycles and motor-driven cycles shall have at least one headlamp.
 - (B) Section 393.41 requiring parking brakes. Motorcycles and motor-driven cycles shall carry sufficient chocking blocks to prevent movement when parked.
 - (C) Section 393.51 requiring service brake system warning devices and gauges.
 - (D) That part of § 393.65(d) prohibiting gravity feed to supply fuel to the carburetor or injector.
- (c) With regard to hours of service of drivers:
 - (I) 49 C.F.R. Part 395 shall not apply to household goods movers or property carriers, or to their drivers; but this exclusion applies only to the extent that the motor vehicles used:
 - (A) do not transport passengers,
 - (B) have a GVWR or GCWR of less than 10,001 pounds, and
 - (C) do not require a commercial driver's license to operate.
 - (II) A driver is exempt from the requirements of 49 C.F.R. §§ 395.3(a)(2) and 395.8 if all of the following conditions are met:
 - (A) The driver operates a motor vehicle having a GVWR or GCWR of less than 10,001 pounds and has a seating capacity of 15 or less;
 - (B) The driver operates within a 100 air-mile radius of the normal work reporting location;
 - (C) The driver, except a driver salesperson, returns to the work reporting location and is released from duty within 16 consecutive hours;

- (D) At least eight consecutive hours off duty separate each 16-hour period referenced in subparagraph (II)(C) of this paragraph;
 - (E) The driver does not exceed 10 hours maximum driving time following eight consecutive hours off duty; and
 - (F) The transportation carrier that employs the driver maintains and retains accurate and true time records for a period of six months showing:
 - (i) The time(s) the driver reports for duty each day;
 - (ii) The time(s) the driver is released from duty each day;
 - (iii) The total number of hours the driver is on duty each day; and
 - (iv) The total time for the preceding seven days in accordance with 49 C.F.R. § 395.8(j)(2) for drivers used for the first time or intermittently.
- (III) With regard to subparagraph (II) of this paragraph, drivers may go off duty for any period of time during the 16-hour period, but the 16-hour period shall only be restarted after eight consecutive hours off duty.
- (IV) 49 C.F.R. § 395.3(b) shall not apply to drivers who, in any eight consecutive days, operate only motor vehicles having a GVWR or GCWR of less than 10,001 pounds and has a seating capacity of 15 or less. If, pursuant to this subparagraph (IV), 49 C.F.R. § 395.3(b) does not apply, then a transportation carrier shall neither permit nor require a driver to drive, nor shall any such driver drive, regardless of the number of motor carriers or transportation carriers using the driver's services, for any period after:
- (A) Having been on duty 70 hours in any seven consecutive days if the employing transportation carrier does not operate motor vehicles every day of the week; or
 - (B) Having been on duty 80 hours in any eight consecutive days if the employing transportation carrier operates motor vehicles every day of the week.
- (d) With regard to inspection of drivers and/or motor vehicles:
- (I) Commission investigators shall record the results of driver and/or motor vehicle inspections on a form titled "Driver/Vehicle Compliance Report" ("DVCR"). The

investigator shall provide the driver and/or the transportation carrier with a copy of the completed DVCR.

- (II) The driver receiving a DVCR shall deliver the DVCR to the transportation carrier operating the motor vehicle upon the driver's next arrival at any of the transportation carrier's terminals or facilities. If the driver is not scheduled to arrive at a terminal or facility within 24 hours, the driver shall immediately mail the report to the transportation carrier operating the motor vehicle.
- (III) Transportation carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the transportation carrier shall:
 - (A) by completing the "Carrier Official's Signature, Title, and Date" portions of the DVCR, certify that all violations noted on the DVCR have been corrected;
 - (B) return the completed DVCR to the Commission at the address shown on the DVCR; and
 - (C) retain a copy of the DVCR for 12 months from the date of the inspection at the transportation carrier's principal place of business or where the motor vehicle is housed.
- (IV) Enforcement officials shall declare and order out-of-service any motor vehicle that, by reason of its mechanical condition or loading, would likely cause an accident or a breakdown. Enforcement officials shall declare and order out-of-service any driver who by reason of the driver's lack of qualification, sickness or fatigue, violation of hours of service provisions, or violation of drug or alcohol provisions, would likely cause an accident. In determining whether a specific condition constitutes an out-of-service condition, enforcement officials shall use as guidance the current out-of-service criteria set forth by the Commercial Vehicle Safety Alliance. A DVCR declaring a motor vehicle and/or a motor vehicle driver out-of-service shall constitute an out-of-service order giving notice to the driver and the transportation carrier regarding the out-of-service condition.
- (V) No transportation carrier shall require or permit any person to operate, nor shall any person operate, any motor vehicle declared and ordered out-of-service until all repairs required by the out-of-service order have been satisfactorily completed. No transportation carrier shall require or permit any person declared and ordered out-of-service to operate, nor shall any person operate, any motor vehicle until the person's out-of-service condition has been corrected. The term "operate" as used in this rule

shall include towing the motor vehicle, except that motor vehicles declared and ordered out-of-service may be towed away by means of a motor vehicle using a crane, hoist, or rollback. A motor vehicle combination consisting of an emergency towing vehicle and an out-of-service motor vehicle shall not be operated unless such combination meets the performance requirements of these Safety Rules except for those conditions noted on the DVCR.

- (e) The provisions for periodic inspections, inspector qualifications, periodic inspection record keeping, and equivalent to periodic inspections contained in 49 C.F.R. §§ 396.17, 396.19, 396.21, and 396.23 shall apply only to motor vehicles that:
 - (I) have a GVWR or GCWR of 10,001 pounds or more and are operated by a household goods mover or property carrier;
 - (II) are designed to transport passengers; or
 - (III) are used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued under the Hazardous Material Transportation Act, 49 U.S.C. § 5101 *et seq.*
- (f) Transportation carriers filing reports required by 49 C.F.R. Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, or 399 shall file such reports with the Commission at its business address: Office Level 2, 1580 Logan Street, Denver, CO 80203.
- (g) Transportation carriers and drivers shall, upon request by an enforcement official, make available for inspection all records required to be made by these Safety Rules and all motor vehicles subject to these Safety Rules.

6104. Motor Vehicle Weight.

An enforcement official may require a transportation carrier to have a motor vehicle weighed, if such motor vehicle's structural components, suspension components, wheels, tires, or loading may, in the enforcement official's judgment, create potentially unsafe operations.

6105. Safety Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates the following provisions may be assessed the civil penalties listed:
 - (I) Violation of subparagraph 6103(d)(V), with regard to the operation of a motor vehicle by a driver during the period the driver was placed out of service: up to \$1,100 per violation.
 - (II) Violation of subparagraph 6103(d)(V), with regard to requiring or permitting a driver to operate a motor vehicle

during the period the driver was placed out of service: up to \$11,000 per violation.

- (III) Violation of subparagraph 6103(d)(V), with regard to a driver's operation of a motor vehicle after the vehicle was placed out of service and before the required repairs are made: \$1,100 each day the vehicle is so operated.
- (IV) Violation of subparagraph 6103(d)(V), with regard to a transportation carrier requiring or permitting the operation of a motor vehicle placed out of service before the required repairs are made: up to \$11,000 each day the vehicle is so operated after the transportation carrier has received notice of the defect.
- (V) Violation of subparagraph 6103(d)(III), with regard to the failure to return written certification of correction as required by the out-of-service order: up to \$550 per violation.
- (VI) Violation of 49 C.F.R. § 390.35, with regard to a driver's knowing falsification of the written certification of correction required by an out-of-service order: \$1,100 each day the vehicle is operated.
- (VII) Violation of 49 C.F.R. § 390.35, with regard to a transportation carrier knowingly requiring or permitting a falsification of the written certification of correction required by an out-of-service order: up to \$11,000 each day the vehicle is operated after the transportation carrier has received notice of the defect.
- (VIII) Recordkeeping. Failing to prepare or maintain a record required by 49 C.F.R. Parts 390-399, or preparing or maintaining a required record that is incomplete, inaccurate, or false: up to \$500 for each day the violation continues up to a total of \$5,000.
- (IX) Knowing falsification of records. Except as specified in subparagraphs (VI) and (VII): knowingly falsifying, destroying, mutilating or changing a report or record required by 49 C.F.R. Parts 390-399; knowingly making or causing to be made a false or incomplete record about an operation or business fact or transaction; or knowingly making, preparing, or preserving a record in violation of a regulation or order of the Commission: up to \$5,000 if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.
- (X) Non-recordkeeping violations. Except as more specifically set forth under this paragraph (a):

- (A) A transportation carrier's violation of 49 C.F.R. Parts 390-399, except a recordkeeping requirement: up to \$10,000 for each violation.
- (B) A driver's violation of 49 C.F.R. Parts 390-399, except a recordkeeping requirement: up to \$2,500.
- (XI) A driver placed out of service for 24 hours for violating the alcohol prohibitions of 49 C.F.R. § 392.5(a) or (b) who drives during that period: up to \$2,750 for each violation.
- (XII) Violation of 49 C.F.R. Part 383, Subparts B, C, E, F, G, or H: \$2,750.
- (XIII) Special penalties pertaining to violations of out-of-service orders by CDL-holders.
 - (A) A CDL-holder who is convicted of violating an out-of-service order: not less than \$1,100, nor more than \$2,750.
 - (B) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes that CDL-holder to operate a CMV during any period in which the CDL-holder is subject to an out-of-service order: not less than \$2,750, nor more than \$11,000.
- (b) The provisions relating to the doubling and tripling of civil penalty assessments, found in § 40-7-113(3) and (4), and in paragraphs (d) through (h) of rule 6016, shall not apply to the assessment of civil penalties for safety rule violations.

6106. - 6199. [Reserved].

COMMON AND CONTRACT CARRIER RULES

RULES GENERALLY APPLICABLE TO COMMON AND CONTRACT CARRIERS

6200. Applicability of Common and Contract Carrier Rules.

Rules 6200 through 6299 apply to all common carriers and all contract carriers. Rules 6250 through 6259 are specifically applicable only to taxicab carriers. Nothing in these Common and Contract Carrier Rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any operating right issued to any carrier prior to the adoption of these rules.

6201. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Common and Contract Carrier Rules:

- (a) "Capable," as used in § 40-6-120(1), C.R.S., means ready, willing, and able to provide services under the terms of the carrier's authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations.
- (b) "Carrier" means a common carrier or a contract carrier.
- (c) "Call-and-demand," "on call-and-demand," or "call-and-demand service" means the transportation of passengers not on schedule. Call-and-demand service includes charter service, limousine service, sightseeing service, and taxicab service.
- (d) "Charter party" means a person or group of persons who are traveling together pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, having acquired the exclusive use of the motor vehicle.
- (e) "Charter service" means transportation of a charter party in a motor vehicle of less than 32 passengers capacity.
- (f) "Dual-use vehicle" means a specific motor vehicle used to provide luxury limousine service, on the one hand, and either common carrier service, contract carrier service, or both, on the other hand.
- (g) "Flag stop" means a point of service designated by a scheduled common carrier on its filed schedule, which point is located between two scheduled points on the scheduled route. Typically, the carrier does not designate a specific time for service to the flag stop; if the carrier does designate a specific time for service, the time is considered to be an approximation.
- (h) "Limousine service" means the transportation of passengers charged at a per person rate, and the use of the motor vehicle is not exclusive to any individual or group. The term "limousine service" is distinguished from the term "luxury limousine service" as used in Article 16 of Title 40, C.R.S.
- (i) "Outstanding operating authority" means an existing operating authority, or any portion thereof, which is not under suspension.
- (j) "Schedule," "on schedule," or "scheduled service" means the transportation of passengers between fixed points and over designated routes at established times as specified in the common carrier's time schedule as filed with and approved by the Commission.

- (k) "Sightseeing service" means the transportation of passengers for the sole purpose of viewing or visiting places of natural, historic, or scenic interest, such that the transportation originates and terminates at the same point.
- (l) "Taxicab service" means passenger transportation by taxicab.

6202. Prohibitions.

- (a) Without specific approval by the Commission, no carrier shall:
 - (I) combine or tack the authority granted in one operating right with the authority granted in another operating right to render a transportation service not authorized by either individual operating right;
 - (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its operating right;
 - (III) serve any point not included in its operating right;
 - (IV) abandon or suspend operations under its operating right; or
 - (V) file a tariff or time schedule whose applicability or scope violates this rule.
- (b) Except as specifically provided by Commission Order, rule 6205, or Article 11.5 of Title 40, C.R.S., no carrier shall by any means, directly or indirectly, sell, lease, merge, consolidate, assign, license, encumber, or otherwise transfer any right or interest in any portion of said carrier's operating rights. Every such transaction, unless excepted, shall be void. This prohibition applies, without limitation, to a carrier permitting a person to operate under said carrier's permit or certificate pursuant to a motor vehicle lease.
- (c) Except as approved by the Commission, no transfer of any operating right by means of foreclosure of an encumbrance or by means of an execution in satisfaction of any judgment or claim shall be effective. The fact that the Commission has approved an encumbrance is not an indication that a transfer has been authorized.

6203. Applications to Operate as a Common or Contract Carrier.

- (a) Any person seeking permanent authority to operate as a common or contract carrier, or permanent authority to extend a certificate or permit, shall file an application with the Commission. The application shall contain the following information:
 - (I) The name, including trade name if applicable, physical address, mailing address, and telephone number of the applicant.

- (II) The name, mailing address, and telephone number of the applicant's representative to whom the Commission may direct inquiries regarding the application.
- (III) A statement describing the applicant's business structure (corporation, partnership, sole proprietorship, etc.).
- (IV) If the applicant is a corporation: the name of the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors and officers; the name and address of its Colorado agent for service of process; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application. If the applicant does not possess authority qualifying it to do business in Colorado, the applicant shall:
 - (A) state in the application that "the applicant understands that, if the application is approved, the Commission will not issue any letter of authority unless and until the applicant files with the Commission its authority qualifying it to do business in Colorado"; and
 - (B) submit proof of such authority as required by Commission order or as soon as possible after the application is granted, if that is the case.
- (V) If the applicant is a limited liability company: a statement of that fact; the name of the state in which it is organized; the complete mailing address and physical address of its principal office; the name of its managers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application. If the applicant does not possess authority qualifying it to do business in Colorado, the applicant shall:
 - (A) state in the application that "the applicant understands that, if the application is approved, the Commission will not issue any letter of authority unless and until the applicant files with the Commission its authority qualifying it to do business in Colorado"; and
 - (B) submit proof of such authority as required by Commission order or as soon as possible after the application is granted, if that is the case.
- (VI) If the applicant is a partnership: the names, titles, and addresses of all general and limited partners; and a copy of the partnership agreement establishing the partnership and all subsequent amendments.

- (VII) A complete description of the authority sought, which shall indicate:
- (A) whether the applicant proposes to operate as a common or contract carrier;
 - (B) the proposed type of service (*i.e.*, charter, limousine, sightseeing, taxicab, or scheduled), if the applicant proposes to operate as a common carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the authority sought; and
 - (E) a description of the make, model, and year of the motor vehicles proposed to be operated, or if unknown, then a summary of the number and types of motor vehicles proposed to be operated.
- (VIII) A map or diagram showing the proposed geographic area of service, or the proposed points or routes of service.
- (IX) If the applicant seeks common carrier authority, the applicant shall attach signed letters of support indicating a public need for the proposed service. A letter from the applicant shall be considered a letter of public support. A letter of support:
- (A) shall contain the author's name, address, and phone number;
 - (B) should explain the public need;
 - (C) should specifically support the applicant's particular request for authority;
 - (D) should describe whether and how existing service is inadequate; and
 - (E) shall contain a statement, signed by the author, stating that the letter contains only information that is true and correct to the best of the author's knowledge and belief.
- (X) If the applicant seeks contract carrier authority, the applicant shall attach a letter signed by each proposed customer. Such a letter:
- (A) shall contain the proposed customer's name, address, and phone number;

- (B) should indicate the proposed customer's special or distinctive transportation needs and whether those needs can be met by existing service;
 - (C) should specifically support the applicant's particular request for authority;
 - (D) should describe whether and how existing service is inadequate; and
 - (E) shall contain a statement, signed by the proposed customer, stating that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief.
- (XI) A statement of the facts upon which the applicant relies to establish that the application should be granted. If the application seeks common carrier authority, the statement should establish how granting the application is in the public interest. If the application seeks contract carrier authority, the statement should establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customer's needs.
- (XII) A statement setting forth the qualifications of the applicant to conduct the proposed operations.
- (XIII) A statement describing the extent to which the applicant, or any person affiliated with the applicant, holds or is applying for operating rights duplicating or overlapping in any respect the operating rights at issue in the application.
- (XIV) If applicable, current copies of any authority, issued by either a state or federal agency, authorizing the applicant to provide for-hire transportation of passengers in the State of Colorado.
- (XV) If applicable, current copies of any authority, issued by either a state or federal agency, authorizing any affiliate of the applicant to provide for-hire transportation of passengers in the State of Colorado.
- (XVI) If applicable, a statement that the applicant understands the Commission will, in its discretion, cancel any duplicating or overlapping operating rights created by granting the application.
- (XVII) A statement disclosing whether the applicant or any affiliate of the applicant is currently in violation of any provision of Title 40, C.R.S., or any Commission rule or order. The disclosure, if applicable, shall include a description of the violations.

- (XVIII) A statement indicating the town or city where the applicant prefers any hearing to be held.
- (XIX) A statement, signed by the applicant, that the application contains only information that is true and correct to the best of the applicant's knowledge and belief.
- (b) Any person seeking temporary authority to operate as a common or contract carrier, or temporary authority to extend a certificate or permit, shall file an application with the Commission. The application shall contain the following information:
- (I) All the information specified by paragraph (a) of this rule, except that:
- (A) Any support letters shall contain the following additional information: an explanation of the immediate and urgent need for the proposed service; whether there is any other transportation service available; if such service is available, a detailed description of the author's efforts to use it and whether it is capable of meeting the author's needs; and the extent to which available transportation services have refused to provide service.
- (B) The statements in subparagraphs (a)(IV)(A), (a)(XV), and (a)(XVII) are unnecessary.
- (II) A statement indicating whether the Commission has previously granted to the applicant authority to render all or any part of the proposed service. If this statement is answered in the affirmative, a copy of the decision granting the authority shall be attached to the application.
- (III) A statement of facts establishing an immediate and urgent need for the proposed service and further establishing that no existing carrier is capable of providing the proposed service.
- (IV) A statement of the period of time which applicant requests the temporary authority to cover, not to exceed 180 days.
- (c) Any person seeking emergency temporary authority to operate as a common or contract carrier, or emergency temporary authority to extend a certificate or permit, shall file an application with the Commission. The application shall contain all the information required by paragraph (b) of this rule, except that the period of time identified in subparagraph (b)(IV) shall not exceed 30 days. The application shall include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Support letters shall explain the basis and nature of the emergency.

- (d) The granting of emergency temporary authority creates no presumption that temporary or permanent authority will be granted. The granting of temporary authority creates no presumption that permanent authority will be granted.
- (e) Burden of proof for contract carrier applicants.
 - (I) A contract carrier applicant shall bear the burden of proving that the service it proposes is specialized and tailored to the potential customer's distinct need.
 - (II) Such a showing is overcome by an intervenor's showing that the intervenor has the ability and willingness to meet the potential customer's distinct need.
 - (III) If the intervenor makes such a showing, the applicant shall bear the burden of proving that the applicant is better suited than the intervenor to meet the distinct needs of the potential customer.
 - (IV) The intervenor may overcome such a demonstration by establishing that the applicant's proposed operation will impair the efficient public service of common carriers serving in the same geographic area.
 - (V) Nothing in this paragraph shall be construed to direct the sequence of evidence presented by the parties.

6204. Abandonment, Revocation, Suspension, Alteration, or Amendment of Operating Rights.

- (a) The Commission may, after at least ten days' notice to the carrier affected, hold a hearing to revoke, suspend, alter, or amend said carrier's operating rights for any of the following reasons:
 - (I) Failure to comply with any statutory requirement concerning carriers;
 - (II) Failure to comply with the terms and conditions of, or exceeding the authority granted in, the carrier's certificate or permit; or
 - (III) Failure to comply with any lawful order, rule, or regulation of the Commission.
- (b) A carrier wishing to abandon or voluntarily suspend its operating rights, or any portion thereof, shall file an application to do so. The application shall contain information fully explaining why the abandonment or suspension is sought and how the abandonment or suspension will affect the public. The application must also contain a statement, signed by the applicant, that the application contains only information that is true and correct to the best of the applicant's knowledge and

belief. The Commission, in its discretion, may either grant such an application without a hearing after ten day's notice or set it for hearing.

- (c) Except as specified in paragraph (d) of this rule, a carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:
 - (I) twelve consecutive months;
 - (II) twelve months in any 24-month period; or
 - (III) two consecutive seasons for a carrier operating seasonally.
- (d) A carrier requesting a voluntary suspension for a longer period than authorized by this rule shall be required to prove that the suspension is in the public interest and that alternative service will be available during the period of suspension.

6205. Encumbrances, Transfers, Mergers, Consolidations, and Acquisitions of Control.

- (a) For purposes of this rule:
 - (I) "Encumbrancer" means a person seeking or holding an encumbrance (e.g., lien or mortgage) against the operating rights of a common or contract carrier.
 - (II) "Transfer" means, without limitation, any sale, lease, assignment, license, change in ownership, foreclosure of an encumbrance, execution in satisfaction of any judgment or claim, merger, consolidation, or similar transaction in which control of any operating right or portion thereof changes from one entity to another, whether voluntarily, by court order, or otherwise.
 - (III) "Transferee" means any entity newly acquiring control of any operating right from a transferor.
 - (IV) "Transferor" means any entity transferring control of any operating right to a transferee.
- (b) Except with regard to foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order, only an operating right's owners as shown in the official records of the Commission may transfer the operating right.
- (c) An application to encumber any operating right, transfer any operating right, acquire control of any carrier, or permit a merger or consolidation of a carrier with any other entity, shall, if possible, take the form of a joint application submitted by all parties to the transaction. Such an application shall contain all the following information. If an applicant is

unable to supply the required information, the applicant shall explain the reason for the lack of information.

- (I) All applicants shall provide the information required by subparagraphs 6203(a)(I), (II), (XVII), and (XVIII).
- (II) Transferees and encumbrancers shall provide the information required by subparagraphs 6203(a)(III) - (V), (XII) - (XIV), and (XVI).
- (III) If a transferee or encumbrancer is an executor, trustee, receiver, or other similar representative of the real party in interest: a copy of the court order evidencing the representative's appointment, or other evidence of authority if not under court order.
- (IV) If the transaction covers only portions of an operating right: a statement fully explaining which portions are covered by the transaction and which are not.
- (V) A complete description of the type of transaction for which the applicants seek Commission approval, together with a statement describing each applicant's role in the transaction.
- (VI) If the transaction involves an acquisition of stock: a statement of the transferor's total number of outstanding capital stock shares, by class; and the number of shares of each class to be acquired by transferee.
- (VII) A copy of all agreements concerning the transaction, including a copy of all documents creating a security interest, if any, and a statement of the consideration paid in the transaction.
- (VIII) A statement explaining how the transferee proposes to meet the financial requirements of the transaction, including, if a loan is involved, the amount, maturity, interest rate, and other terms and conditions.
- (IX) A statement setting forth the nature, extent, and proposed disposition of any existing encumbrances against the affected operating rights.
- (X) A current copy of each letter of authority encompassing the operating rights at issue in the application.
- (XI) If the transaction involves the lease of an operating right: a copy of the proposed lease and a statement of the lease's effective date and termination date.
- (XII) If a transferor or encumbrancer seeks foreclosure of an encumbrance or execution in satisfaction of any judgment or claim: the transferee's written consent to transfer, or in

lieu thereof, a judicial order authorizing unilateral action by the transferor or encumbrancer.

- (XIII) Except in the case of an application involving only the creation of an encumbrance, a statement setting forth the qualifications of the transferee to conduct the proposed operations.
 - (XIV) A statement that the applicants understand the Commission will, in its discretion, cancel any duplicating or overlapping operating rights created by the transaction.
 - (XV) A statement setting forth whether the transferor has been and is conducting active, bona fide operations under the operating rights at issue in the transaction.
 - (XVI) A statement of the facts upon which the applicants rely to show that the application should be granted. In this regard, the applicants should consult paragraph (e) of this rule.
 - (XVII) A statement, signed by the applicant, that the application contains only information that is true and correct to the best of the applicant's knowledge and belief.
- (d) An application filed under § 40-6-120(2) or (4), C.R.S., seeking temporary or emergency temporary approval to operate the carrier or carrier properties, shall be filed concurrently with the permanent application filed under paragraph (c) of this rule. A temporary and/or emergency temporary application shall contain a statement of the facts establishing that failure to grant temporary or emergency temporary approval may result in destruction of or injury to the utility's properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public. In the case of an emergency temporary application, the application shall contain a statement explaining the nature and extent of the emergency.
- (e) Applicants seeking temporary or emergency temporary approval to transfer control of any operating right have the burden of proving the elements prescribed by § 40-6-120(2) or (4), C.R.S., as applicable. Applicants seeking approval to permanently transfer any operating right have the burden of proving:
- (I) that the transferor has not abandoned the operating right and has not allowed the operating right to become dormant;
 - (II) that the transferor has been and is engaged in bona fide operations under its operating right, or the extent to which bona fide operations have been excused because of a Commission-approved suspension;

- (III) that the transfer is not contrary to the public interest;
 - (IV) that the transfer will not result in the common control or ownership of duplicating or overlapping operating rights; and
 - (V) except in transfers involving foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order, that the transferee will engage in bona fide carrier operations and is fit to do so.
- (f) A transferor shall not cancel its insurance, surety bond, or tariffs until the Commission has approved the transfer, the transferee has filed all required documents in the transferee's own name, and the Commission has advised the transferee that it is authorized to begin operations. This paragraph (f) applies regardless of the type of transfer, whether permanent, temporary, or emergency temporary.
- (g) Upon approval of a transfer application (permanent, temporary, or emergency temporary) the transferee shall, in accordance with the timelines set forth by the Commission's order:
- (I) file with the Commission an adoption notice, in a form available from the Commission, whereby the tariff and/or time schedule of the transferor shall become those of the transferee until changed in accordance with Commission rules;
 - (II) cause to be filed with the Commission certificates of insurance as required by Commission rules; and
 - (III) pay the issuance fee and annual motor vehicle identification fee.
- (h) Upon approval of a permanent transfer application, the transferor and transferee shall file an acceptance of transfer form, which form shall be provided by the Commission. The form shall be signed by both parties, indicating acceptance of the terms and conditions of the Order authorizing the transfer. The acceptance of transfer shall contain a statement indicating that the transferee has complied with all provisions of the agreement of sale, lease, or other transfer.
- (i) A transferee shall not begin operations until after the Commission has advised the transferee that it is in compliance with all requirements and is authorized to begin operations.
- (j) The granting of emergency temporary authority creates no presumption that temporary or permanent authority will be granted. The granting of temporary authority creates no presumption that permanent authority will be granted.

6206. Duplicating or Overlapping Operating Rights.

The Commission shall not grant, extend, or otherwise modify a certificate or permit, if the carrier would thereby obtain duplicating or overlapping operating rights. Nothing in this rule shall be construed to prohibit Commission cancellation of duplicating or overlapping language that arises as a result of any such grant, extension, or other modification.

6207. Tariffs.

- (a) A carrier shall keep on file with the Commission, at all times, approved tariffs clearly revealing the rates and charges to be assessed for all transportation and accessorial services and clearly revealing all rules and conditions relating to rates or service.
- (b) No carrier may operate its motor vehicles without having approved tariffs on file with the Commission. No carrier shall disseminate to any person information contrary to the information contained in its approved tariff. No carrier shall operate in conflict with its approved tariff.
- (c) A common carrier shall ensure that a copy of its approved tariff is available for public inspection, at all reasonable times, in each of the common carrier's offices or terminals transacting business with the public.
- (d) Every taxicab carrier shall publish, in its tariffs, reduced fares that are applicable to passengers riding under a multiple loading arrangement.
- (e) A contract carrier shall ensure that:
 - (I) Its tariff complies with the requirements of rule 6209.
 - (II) It is paid in accordance with its approved tariff.
 - (A) The tariff shall provide for payment to the contract carrier only:
 - (i) by the Commission-approved entity with whom the contract carrier has directly contracted; or
 - (ii) by such entity's legal agent for distribution of payment.
 - (B) The tariff shall not provide for payment from an individual passenger, unless:
 - (i) such passenger is the Commission-approved entity specifically named in the contract carrier's permit; or
 - (ii) the Commission specifically so approves.

- (III) It mails notice of its tariff filings to the affected entity with whom the contract carrier has contracted for transportation services.
- (A) Such notice shall be mailed concurrently with the tariff filing.
 - (B) Such notice shall contain: a copy of the initial tariff, or the proposed changes thereto, as applicable; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the filing; a statement that a written objection to the filing may be filed with the Commission; the date for filing such an objection; a statement that the filing of an objection by itself will not allow a person to participate in the hearing, unless such person has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.
 - (C) The contract carrier shall file an affidavit of mailing with the Commission prior to the filing's effective date. A copy of the notice shall be attached to the affidavit.
- (f) At a minimum, tariffs shall contain the following:
- (I) The front cover of the tariff shall take the form of a title page and shall contain the following information:
 - (A) In the upper right corner, a tariff number, running consecutively for each subsequent tariff filing.
 - (B) Immediately below the tariff number, the number or numbers of the canceled tariff or tariffs.
 - (C) In the central portion of the page, the name and, if applicable, trade name of the carrier.
 - (D) Under the name and trade name of the carrier, the carrier's certificate or permit numbers to which the tariff applies.
 - (E) In the lower right corner, the date when the tariff provisions become effective. A tariff containing provisions effective on a date different from the general effective date of the tariff shall, beneath the tariff's general effective date, contain the phrase "except as otherwise provided herein." A tariff containing provisions effective on less than [number] days' notice by authority of Decision No. _____."

- (F) Beneath the effective date, but only if applicable, a statement that the tariff "expires on [date] , unless sooner canceled, changed, or extended."
 - (G) At the bottom center of the page, the name, title, address, signature, and phone number of the person issuing the tariff.
- (II) The pages following the cover page shall contain the following information:
- (A) A statement of the scope of the tariff, describing the territory or points to which the tariff provisions apply.
 - (B) An explanation of the symbols, reference marks, and abbreviations used.
 - (C) The provisions governing the tariff, including without limitation all terms, conditions, rules, rates, fares, and charges. If a certain provision is to expire on a given date, the date shall be set forth with any appropriate explanation.
- (g) A carrier shall file with the Commission an original and one copy of each tariff or amendment.
- (h) Carriers amending a tariff shall only do so by supplement, page reissuance, or tariff reissuance. Carriers shall note amendments by using the following uniform symbols:
- (I) to denote rate or charge reductions, "(R)";
 - (II) to denote rate or charge increases, "*" or "(I)";
 - (III) to denote wording changes resulting in neither increases nor reductions in rates or charges, "(C)";
 - (IV) to denote additions, "+" or "(A)"; and
 - (V) to denote deletions, "(D)".
- (i) A carrier proposing a tariff amendment shall file, concurrently with the proposed amendment, a statement justifying the amendment. The justification shall include an explanation of all circumstances and data relied upon in requesting approval of the proposed amendment.
- (j) In addition to the notice required by § 40-3-104, C.R.S., and the notice requirements of the rules of practice and procedure, a common carrier proposing an amended tariff shall give notice as follows:

- (I) The common carrier shall, concurrently with the filing of the proposed amendment with the Commission, post in a prominent public place in each terminal facility and office of the carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment, for a duration equal to the objection or intervention period, whichever is longer, a printed notice of the proposed tariff amendment.
 - (II) The common carrier shall include in such notice: the proposed changes; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the proposed amendment; a statement that a written objection may be filed with the Commission; the date for filing such an objection; a statement that the filing of an objection by itself will not allow a person to participate in the hearing, unless the party has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.
 - (III) If a proposed tariff amendment results in an increase in rates, fares, or charges, a common carrier shall also publish notice in one or more newspapers. The form of notice shall be available from the Commission. The carrier shall ensure that the newspapers' circulations cover the localities or areas of the state where people affected by the proposed tariff reside. A common carrier having a choice under this rule between a local newspaper and a newspaper of general statewide circulation shall place the notice in the local newspaper and may place the notice in the newspaper of general statewide circulation. The notice shall appear in the newspaper at least 20 days prior to the proposed tariff amendment's effective date. The common carrier shall file with the Commission, at least 15 days prior to the proposed tariff amendment's effective date, an affidavit of publication prepared by the newspaper.
- (k) An application to amend a tariff on less than 30 days notice shall only be granted for good cause. The application shall contain information fully explaining why the tariff amendment is sought, why it is sought on less than 30 days notice, and how the tariff change will affect the public if approved. Except as provided by Commission Order, such an application shall not be subject to the notice provisions of paragraph (j) of this rule. If the Commission approves the application, it shall do so by written order.
- (l) Any person affected by a tariff amendment proposed under this rule may submit a written objection to the proposed amendment. Unless otherwise ordered by the Commission, an objection shall not be considered unless it is filed with the Commission at least 10 days before the effective date of the proposed tariff.
- (m) If the Commission suspends and sets any tariff for hearing:

- (I) Any entity desiring to participate as a party shall intervene in the proceeding.
- (II) The Commission shall send the order suspending the tariff to the carrier and any person who has filed an objection. The order shall specify when the matter is set for hearing, that an objection without an intervention is insufficient to participate as a party in the hearing, and the due date for interventions.
- (n) If the Commission suspends a proposed tariff amendment, the carrier shall file with the Commission a suspension supplement. The suspension supplement shall be on a form deemed proper by the Commission or its staff.
- (o) If the Commission rejects a tariff or amendment, the tariff number contained in it shall not be used again. The tariff or amendment shall not be referred to afterwards as canceled, amended, or otherwise. A tariff or amendment that is issued to take the place of the rejected tariff or amendment shall contain the following statement:
- Issued in lieu of Tariff No. ____ [or Revised Page No. ____], which was rejected by the Commission.
- (p) If the Commission issues a decision prescribing any tariff change, the affected carrier shall file, within 10 days of the effective date of the Commission decision, a revised tariff or revised tariff sheets, as applicable, reflecting the prescribed change. Such a filing shall be clearly marked with the following statement:
- Filed in compliance with Public Utilities Commission Decision No. _____.
- (q) The Commission may reject any filed tariff that does not comport with the form required by this rule, pursuant to § 40-6-111(3).

6208. Time Schedules.

- (a) No scheduled common carrier may operate its motor vehicles without having approved time schedules on file with the Commission. No such carrier shall operate in conflict with its approved time schedules.
- (b) No scheduled common carrier shall disseminate to any person information contrary to the information contained in its approved time schedules.
- (c) A carrier shall promptly report in writing to the Commission and shall communicate to the affected public any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.

- (d) A scheduled common carrier shall designate its flag stops on its schedule. Such a carrier shall drive by each flag stop in such close proximity and speed as to be able to reasonably assess whether passengers are waiting for service. Failure to stop for a waiting passenger constitutes prima facie evidence of a violation of subparagraph 6202(a)(II).
- (e) A scheduled common carrier shall ensure that a copy of its approved time schedule is available for public inspection, at all reasonable times, in each of the carrier's offices or terminals transacting business with the public. The carrier shall carry copies of its time schedules in its scheduled motor vehicles, and shall furnish them to passengers upon request.
- (f) At a minimum, time schedules shall contain the following:
 - (I) The front cover of the time schedule shall take the form of a title page and shall contain the following information:
 - (A) In the upper right corner, a time schedule number, running consecutively for each subsequent time schedule filing.
 - (B) Immediately below the time schedule number, the number or numbers of the canceled time schedule(s).
 - (C) In the central portion of the page, the name and, if applicable, trade name of the carrier.
 - (D) Under the name and trade name of the carrier, the carrier's certificate numbers to which the time schedule applies.
 - (E) In the lower right corner, the date when the time schedule becomes effective. A time schedule containing provisions effective on a date different from the general effective date shall, beneath the general effective date, contain the phrase "except as otherwise provided herein." A time schedule effective on less than statutory notice shall contain the phrase "issued on [number] days' notice by authority of Decision No. _____."
 - (F) Beneath the effective date, but only if applicable, a statement that the time schedule "expires on [date] , unless sooner canceled, changed, or extended."
 - (G) At the bottom center of the page, the name, title, address, and phone number of the person issuing the time schedule.
 - (II) The pages following the cover page shall contain the following information:

- (A) A statement of the scope of the time schedule, describing the route or points to which the time schedule applies.
 - (B) An explanation of the symbols, reference marks, and abbreviations used.
 - (C) One or more lists of all scheduled stops and all flag stops, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate.
 - (D) A statement whether service is daily or otherwise, and if otherwise a statement describing the other service.
 - (E) The address of each scheduled stop, if such address exists, otherwise a description sufficient to notify the Commission and the public regarding the location of the scheduled stop.
 - (F) Any other appropriate information regarding the service the carrier desires to perform.
- (g) A scheduled common carrier shall file with the Commission an original and one copy of each time schedule.
- (h) Scheduled common carriers amending a time schedule shall only do so by supplement, page reissuance, or time schedule reissuance. Such carriers shall note amendments by using the following uniform symbols:
- (I) to denote wording changes, "(C)";
 - (II) to denote additions, "+" or "(A)"; and
 - (III) to denote deletions, "(D)".
- (i) A carrier proposing a time schedule amendment shall file, concurrently with the proposed amendment, a statement justifying the amendment. The justification shall include an explanation of all circumstances and data relied upon in requesting approval of the proposed amendment.
- (j) In addition to the notice required by § 40-3-104, C.R.S., and the notice requirements of the rules of practice and procedure, a carrier proposing an amended time schedule shall give notice as follows:
- (I) The carrier shall, concurrently with the filing of the proposed amendment with the Commission, post in a prominent public place in each terminal facility and office of the carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment, for a duration equal to the

objection or intervention period, whichever is longer, a printed notice of the proposed time schedule amendment.

- (II) The carrier shall include in such notice: the proposed amendments; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the proposed amendment; a statement that a written objection may be filed with the Commission; the date for filing such an objection; a statement that the filing of an objection by itself will not allow a party to participate in the hearing, unless the party has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.
 - (III) The common carrier shall file with the Commission, at least 15 days prior to the proposed time schedule amendment's effective date, an affidavit indicating that the common carrier has complied with subparagraphs (I) and (II) of this paragraph.
- (k) An application to amend a time schedule on less than 30 days' notice shall only be granted for good cause. The application shall contain information fully explaining why the time schedule change is sought, why it is sought on less than 30 days notice, and how the change will affect the public if approved. Except as provided by Commission Order, such an application shall not be subject to the notice provisions of paragraph (j) of this rule. If the Commission approves the application, it shall do so by written order.
- (l) Any person affected by a time schedule amendment proposed under this rule may submit a written objection to the proposed amendment. Unless otherwise ordered by the Commission, an objection shall not be considered unless it is filed with the Commission at least 10 days before the effective date of the proposed time schedule.
- (m) If the Commission suspends and sets any time schedule for hearing:
- (I) Any entity desiring to participate as a party shall intervene in the proceeding.
 - (II) The Commission shall send the order suspending the time schedule to the carrier and any person who has filed an objection. The order shall specify when the matter is set for hearing, that an objection without an intervention is insufficient to participate as a party in the hearing, and the due date for interventions.
- (n) If the Commission suspends a proposed time schedule amendment, the Commission or its staff shall issue a Suspension Supplement to be maintained in the Commission's time schedule files. The

Suspension Supplement shall be on a form deemed proper by the Commission or its staff.

- (o) If the Commission rejects a time schedule or amendment, the time schedule number contained in it shall not be used again. The time schedule or amendment shall not be referred to afterwards as canceled, amended, or otherwise. A time schedule or amendment that is issued to take the place of the rejected time schedule or amendment shall contain the following statement:

Issued in lieu of Time Schedule No. ____ [or Revised Page No. ____], which was rejected by the Commission.

- (p) If the Commission issues a decision prescribing any time schedule change, the affected carrier shall file, within 10 days of the effective date of the Commission decision, a revised time schedule or revised time schedule sheets, as applicable, reflecting the prescribed change. Such a filing shall be clearly marked with the following statement:

Filed in compliance with Public Utilities Commission Decision No. _____.

- (q) The Commission may reject any filed time schedule that does not comport with the form required by this rule, pursuant to § 40-6-111(3).

6209. Contract Carrier Contracts.

- (a) Except as otherwise permitted by law, a contract carrier shall not enter into a contract for transportation with any person not named in the contract carrier's permit.
- (b) Except as otherwise permitted by law, a contract carrier shall not engage in any act of transportation for hire except in compliance with the contract between the contract carrier and the person named in the contract carrier's permit.
- (c) Contracts may be oral or written.
- (d) At a minimum, all contracts, whether oral or written, shall specify the following:
- (I) the names of the parties to the contract;
 - (II) the provisions regarding the scope and terms of transportation and accessorial services to be provided; and
 - (III) the date and term of the contract.
- (e) A contract carrier shall ensure that its contracts do not conflict with provisions in the contract carrier's permit or tariff.

- (f) A contract carrier shall include in its tariff the provisions required under paragraph (d) of this rule.
 - (I) In lieu of including said provisions in its tariff, a contract carrier may incorporate its written contract into its tariff by attaching a copy of the contract to the tariff.
 - (II) A contract carrier amending a contract shall immediately file an amended tariff as prescribed by rule 6207.
- (g) The Commission is empowered, at any time, to investigate any contract and to require copies of written contracts from any contract carrier. The Commission is empowered to approve, or to disapprove for cause, any operations under any contract.

6210. Driver Courtesy.

Every carrier shall ensure that its drivers provide its passengers with courteous service promoting the passengers' comfort and convenience. Drivers shall not behave discourteously. Discourteous service by a driver includes, but is not limited to, instances involving profanity, obscenity, assault, or the making of derogatory sexual or racial remarks. Passenger conduct, especially if it is unlawful, disorderly, or endangers others, is a factor to consider in determining whether a driver behaves discourteously.

6211. Use of Motor Vehicles Qualified as Luxury Limousines.

- (a) No carrier may use a dual-use vehicle to provide luxury limousine service unless it has provided the Commission advance written notice of its intent to do so. The notice shall not be effective until received by the Commission. Notice may be accomplished by U.S. Mail, hand delivery, facsimile transmission, or email. Notices transmitted by facsimile will be deemed received on the date and time imprinted on the notice by the sender's facsimile equipment. In the event the sender's facsimile equipment does not imprint a date and time on the notice, or if the date and time of receipt shown by the Commission's facsimile equipment is different than that shown on by the sender's facsimile equipment, the date and time of receipt shown by the Commission's facsimile equipment shall be conclusive.
- (b) Carriers should use the form of notice available from the Commission. In lieu of such form, however, the carrier shall give notice under this rule by identifying:
 - (I) the carrier and the carrier's certificate or permit numbers;
 - (II) the luxury limousine registration number;
 - (III) the make, model, license number, and vehicle identification number of the dual-use vehicle;

- (IV) the date(s) and time(s) of day the dual-use vehicle will be so operated; and
 - (V) the customer's name for each specified date and time.
- (c) The carrier shall keep a copy of the notice in the dual-use vehicle during the time such dual-use vehicle is operated as a luxury limousine.
 - (d) The carrier may file an amended notice if necessary, but only if such amendment is received by the Commission before the carrier implements the changes listed in the amendment.
 - (e) Dual-use vehicle transportation services conducted in the absence of or prior to Commission receipt of the notice required by this rule shall be deemed to be carrier services. Dual-use vehicle transportation services conducted as specified in the notice required by this rule shall be deemed to be luxury limousine service. Any operation other than as designated in the notice shall be deemed to be carrier services.

6212. Annual Reports.

Each carrier shall file with the Commission an annual report on a Commission-supplied form on or before April 30 of each year. The carrier shall complete all sections of the annual report applicable to said carrier for the 12-month period ending on December 31 of the previous calendar year. When the Commission grants a permanent transfer of authority, the transferor shall complete a terminating annual report on a Commission-supplied form, which report shall cover the period from January 1 to the date the transfer is effective. The carrier's owner, authorized partner, or authorized officer, as applicable, shall sign the certification of the annual report or terminating annual report.

6213. Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100 for each violation:
 - (I) § 40-10-104(1), C.R.S.; or § 40-11-103(1), C.R.S.
 - (II) § 40-10-106, C.R.S.; § 40-11-104, C.R.S.; paragraph 6202(c); or paragraph 6205(f).
 - (III) subparagraph (I), (II), (III), or (IV) of paragraph 6202(a).
 - (IV) § 40-10-117, C.R.S.; paragraph 6207(b); or paragraph 6208(a).
 - (V) paragraph 6211(a).
- (b) Except as provided for in paragraph (a) of this rule, a person who violates any provision of Articles 10 or 11 of Title 40,

C.R.S., or any provision of these Common and Contract Carrier Rules may be assessed a civil penalty of up to \$550 for each violation.

6214. - 6249. [Reserved].

RULES SPECIFICALLY APPLICABLE TO TAXICAB CARRIERS

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6257 apply to all common carriers providing taxicab service. Nothing in these Taxicab Carrier Rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any operating right issued to any common carrier prior to the adoption of these rules.

6251. Definitions.

In addition to the generally applicable definitions in rule 6001, and the definitions applicable to common and contract carriers in rule 6201, the following definitions apply only in the context of these Taxicab Carrier Rules:

- (a) "Base area" means any geographic area in which a taxicab carrier is authorized to provide point-to-point service.
- (b) "DIA" means Denver International Airport.
- (c) "Flat rate" means a fixed charge for the use of a taxicab traveling between DIA and one of the zones described in these taxicab carrier rules, regardless of the number of passengers being transported, and regardless of whether the passengers are traveling together.
- (d) "Live meter" means any taxicab meter that, without intervention from the driver, automatically calculates changes in rates due to waiting time, traffic delay, or changes in the taxicab's speed.
- (e) "Taxicab carrier" means a carrier with certificate authorizing service by taxicab.

6252. Notices.

Each taxicab carrier shall post the following notices, as applicable, on the inside of the left window immediately behind the driver's window of each taxicab it operates. Except as provided in subparagraph (f), the font size of such notice shall be at least 14 and the font size of the cab number shall be at least 24. The taxicab carrier shall complete all blanks in the notices.

- (a) The following notice shall be placed in all taxicabs:

NOTICE:

This is Cab No. _____

The driver of this taxicab shall not load other passengers without the permission of the first passenger. If the first passenger agrees to multiple loading, all passengers are entitled to a reduced fare.

Additional charges may apply for additional passengers, passenger drop offs, baggage and packages, waiting time, pets, and toll or gate charges.

Report any problems to the Public Utilities Commission at (303) 894-2001.

- (b) If the taxicab carrier uses meters only, the notice shall also state:

Fares are calculated by use of a meter. The meter fares are _____ for the first _____ mile plus _____ for each additional _____ mile.

- (c) If the taxicab carrier uses a live meter, the notice shall also state:

The meter will automatically change to a time charge of _____ per minute when the taxicab's speed is less than _____ miles per hour.

- (d) If the taxicab carrier uses odometers only, the notice shall, in lieu of paragraphs (b) and (c), state:

Fares are calculated by use of the odometer. The fares are _____ for the first _____ mile, plus _____ for each additional _____ mile.

- (e) If the taxicab carrier uses both meters and odometers, such notice shall contain the information specified by paragraphs (b), (c), and (d), as applicable.

- (f) If the taxicab carrier serves DIA subject to the flat rate provided for in rule 6256 the notice shall contain a zone map showing the zones and the applicable flat rate in each zone. The font size may be less than 14, but shall be as large as practicable.

6253. Service: Multiple Loading; Routing; Refusals; Quality.

- (a) No taxicab carrier or taxicab driver shall engage in multiple loading unless the first passenger occupying the taxicab agrees to multiple loading.
- (b) A taxicab carrier shall ensure that passenger transportation shall be by the shortest possible route between the origin and destination; provided, however, that a passenger may agree to an

alternate route or designate the route he or she wishes to travel, if the taxicab carrier has first advised the passenger regarding the extent of deviation from the shortest possible route.

- (c) No taxicab carrier or driver may refuse to transport any passenger unless: the passenger is acting in an unlawful, disorderly, or endangering manner; there is a previous commitment of the taxicab equipment; or the passenger is unable to care for himself or herself, if not in the charge of a responsible companion or attendant. Except where there is a previous commitment of the taxicab equipment, a taxicab driver shall immediately report to the dispatcher any refusal to transport a passenger.
- (d) When a customer calls a taxicab carrier for service, the taxicab carrier shall request a phone number from the passenger and give an estimated time of pickup. If a customer's pickup location is within a 10-mile radius of the taxicab carrier's terminal from which a call is or would be dispatched, the taxicab carrier shall arrive at the pickup location within 30 minutes from the time the customer first requested service. If a customer's pickup location is outside a 10-mile radius of the taxicab carrier's terminal from which a call is or would be dispatched, the taxicab carrier shall have 3 additional minutes under this rule for each additional mile outside the 10-mile radius. A delay under this rule of more than 10 minutes shall be excused if:
 - (I) the customer has left a telephone number with the taxicab carrier;
 - (II) the taxicab carrier notifies the customer regarding the delay; and
 - (III) such delay is caused by inclement weather, traffic congestion, or other circumstances beyond the control of the carrier.

6254. Additional Service Requirements for Taxicab Carriers Operating Within and Between Counties with a Population of Sixty Thousand or Greater.

Taxicab carriers operating within and between counties with a population of sixty thousand or greater based on the federal census conducted in 1990 shall be subject to the additional requirements of this rule.

- (a) Communications and Dispatch. Taxicab carriers subject to this rule shall obtain and advertise a central telephone number by which the public may call and request service. Taxicab carriers shall employ a communications system capable of contacting each of its taxicabs in service. The communications system shall have the ability to "broadcast" to all motor vehicles in the fleet at the same time. For good cause shown, taxicab carriers shall have 12 months from the time the Commission issues the carrier's certificate to comply with this paragraph (a). To qualify for

the 12-month delay, the taxicab carrier shall file with the Commission a Plan for Compliance within 30 days after the certificate has been issued. Said plan shall include time frames and the details explaining how the taxicab carrier intends to comply with the requirements of this paragraph (a).

- (b) Hours of Operation. Taxicab carriers subject to this rule shall be available to provide service 24 hours per day, every day of the year.
- (c) Age of Motor Vehicles. Except as provided in paragraph (e) of this rule, taxicab carriers subject to this rule shall not use taxicabs older than ten model years as of July 1st of each year. For purposes of this rule, the counting of model years shall include the present calendar year.
- (d) A taxicab subject to this rule that is equipped with ramps, lifts, or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities is exempt from the requirements of paragraph (c) of this rule.
- (e) A taxicab subject to this rule, at the time of its safety inspection, shall be in outstanding physical condition in the opinion of the Commission's safety inspector. The Commission's enforcement officials shall use the following general guidelines in determining if a taxicab is in outstanding physical condition:
 - (I) The body of the taxicab has a good, unfaded paint job; is devoid of dents, rust, missing or broken chrome, and broken or cracked lenses or glass; and
 - (II) Except for problems caused by current weather conditions, the interior of the taxicab is clean, free of offensive odors, and has no tears, cracks, or major stains upon the upholstery, headliner, and carpeting.
- (f) Size of Fleet. Taxicab carriers subject to this rule that are also authorized to serve a base area with a population of at least 250,000 shall, at all times, employ a fleet of motor vehicles large enough to ensure the taxicab carrier's ability, at any given time, to deploy at least 15 taxicabs providing service to the public.

6255. Record Keeping.

- (a) A taxicab carrier shall maintain in its files, for a minimum of one year from the date a customer requested service, the following data for each trip:
 - (I) the taxicab number;
 - (II) the driver's name;
 - (III) the date and time of the customer's request for service;

- (IV) the address, date, and time of the customer's pickup; and
 - (V) the address of the customer's destination.
- (b) If multiple loading is applicable for a given trip, then the data shall reflect the requirements of this rule for each party involved in the multiple loading trip.

6256. Flat Rates to and from Denver International Airport.

Taxicab carriers authorized to provide service to or from any portion of the zones listed in this rule shall be subject to all the provisions of this rule.

- (a) Flat rate service shall be the only authorized taxicab service between points in the zones described by this rule, on the one hand, and DIA, on the other hand. The flat rates established under this rule shall be the flat rates in effect for every taxicab carrier subject to this rule.
- (b) To the extent a taxicab carrier is subject to this rule, such taxicab carrier shall not charge meter rates for service between DIA and the zones listed in this rule, but shall instead charge the flat rates permitted under this rule. Taxicab drivers shall inform passengers of the total charge prior to commencing the trip. Except as specifically authorized by this rule, taxicab carriers providing service between DIA and the zones listed in this rule shall not additionally charge for waiting time, traffic delay, or airport fees. Provided that the taxicab carrier so specifies in its approved tariff, the flat rate from DIA may be increased by \$5.00 for each additional drop within a zone.
- (c) Taxicab fares for service from DIA in which two or more parties have agreed to share a taxicab to their respective destinations shall comply with the following requirements. The taxicab driver shall inform the parties of the total charge prior to departing from DIA and advise the parties they must determine how much of the total fare each party is obligated to pay. The total charge may be approximated for taxicab service provided under subparagraphs (II), (III), or (IV) of this paragraph. Taxicab service provided under this paragraph is subject, without limitation, to the multiple loading provisions of paragraphs 6200(a) and (b), and to the tariff provisions in paragraph 6207(d).
 - (I) If the first party is dropped at a point in Zone A, B, or C and the second party is dropped at a different point in the same zone, the total fare shall be the appropriate flat rate fare for the zone plus a \$5.00 charge for each additional drop within the zone.
 - (II) If the first party is dropped at a point in Zone A, B, or C and the second party is dropped at a point in a different zone, the fare for the first party shall be the appropriate

flat rate fare for that zone. The fare for the second party shall be the lesser of the meter fare from the drop point in the first zone to the drop point in the second zone or the appropriate flat rate fare from DIA to the zone.

- (III) If the first party is dropped at a point in Zone A, B, or C and the second party is dropped at a point not in Zone A, B, or C, the fare for the first party shall be the appropriate flat rate fare for that zone. The fare for the second party shall be the meter fare from the drop point in Zone A, B, or C to the drop point that is not in Zone A, B, or C.
 - (IV) If the first party is dropped at point that is not in Zone A, B, or C and the second party is dropped at a point that is in Zone A, B, or C, the fare for the first party shall be the meter fare from DIA to the drop point that is not in Zone A, B, or C. The fare for the second party shall be the appropriate flat rate for that zone.
- (d) The zones established in this rule include the following:
- (I) Zone A (Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on 13th Avenue to Clarkson Street, then north on Clarkson Street to the point of beginning.
 - (II) Zone B (Denver Technological Center): Beginning at the intersection of Dayton Street and Arapahoe Road, then north on Dayton Street to Belleview Avenue, then west on Belleview Avenue to Yosemite Street, then north on Yosemite Street to Quincy Avenue, then west on Quincy Avenue to Monaco Street, then south on Monaco Street to Belleview Avenue, then east on Belleview Avenue to Quebec Street, then south on Quebec Street to Arapahoe Road, then east on Arapahoe Road to the point of beginning.
 - (III) Zone C (Boulder): The area within the city limits of the City of Boulder, Colorado, as such city limits exist on the day these Transportation by Motor Vehicle Rules become effective.
- (e) When this amended rule becomes effective, the flat rates shall initially be as set forth in the following provisions:
- (I) Zone A: The flat rate between DIA and any point in Zone A shall be \$43.00, plus any applicable airport gate fee, plus any applicable per drop charge of \$5.00.

- (II) Zone B: The flat rate between DIA and any point in Zone B shall be \$45.00, plus any applicable airport gate fee, plus any applicable per drop charge of \$5.00.
- (III) Zone C: The flat rate between DIA and any point in Zone C shall be \$70.00, plus any applicable airport gate fee, plus any applicable per drop charge of \$5.00.
- (f) Two or more taxicab carriers subject to this rule may file a joint application proposing new flat rates. The Commission may, on its own motion, open a docket to change existing flat rates. New flat rates approved by the Commission shall apply to any other taxicab carrier affected by this rule. Any such taxicab carrier shall file an amended tariff reflecting the new flat rates within 10 days of the mailed date of the Commission decision approving the new flat rates.

6257. Taxicab Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100 for each violation:
 - (I) paragraph (a), (b), or (c) of rule 6256.
 - (b) Except as provided for in paragraph (a) of this rule, a person who violates any provision of these Taxicab Carrier Rules may be assessed a civil penalty of up to \$550 for each violation.

6258. - 6299. [Reserved].

EXEMPT PASSENGER CARRIER RULES

6300. Applicability of Exempt Passenger Carrier Rules.

Rules 6300 through 6399 apply to all exempt passenger carriers.

6301. Definitions. [Reserved].

6302. Registration.

- (a) Any person seeking to register as an exempt passenger carrier shall provide the following information:
 - (I) The name of the registrant and the trade name under which operations will be conducted.
 - (II) A copy of the registrant's certificate of assumed trade name, if applicable.
 - (III) The registrant's telephone number, complete physical address, and complete mailing address. A post office box is only acceptable if a physical address is also provided.

- (IV) A statement describing the registrant's business structure (corporation, limited liability company, partnership, or sole proprietorship).
- (V) The name and address of the registrant's Colorado agent for service of process, as required by rule 6012.
- (VI) If a registrant is a corporation:
 - (A) The name of the state in which the registrant is incorporated.
 - (B) The location of the registrant's principal office, if any, in Colorado.
 - (C) The name and title of each director and officer.
 - (D) A certified copy of the registrant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registration.
- (VII) If the registrant is a limited liability company:
 - (A) The state in which the company is organized.
 - (B) The location of the registrant's principal office, if any, in Colorado.
 - (C) The name and title of each member.
 - (D) A certified copy of the registrant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registration.
- (VIII) If the applicant is a partnership:
 - (A) The name and business address of all general and limited partners.
 - (B) The location of the registrant's principal office, if any, in Colorado.
- (IX) If the applicant is a sole proprietorship:
 - (A) The name and business address of the sole proprietor.
 - (B) The location of the sole proprietor's principal office, if any, in Colorado.
- (X) For luxury limousine registrants, a list of motor vehicles the registrant intends to use in providing service. Such list shall describe the make, model, year, vehicle

identification number, and seating capacity of every motor vehicle listed.

(XI) Copies of any authority, issued by either a state or a federal agency, under which the registrant contends that it may provide for-hire transportation of passengers in the State of Colorado.

(XII) A statement that the registrant is familiar with the Exempt Passenger Carrier Rules and all applicable safety rules and that the registrant will comply with them.

(XIII) A verification made under penalty of perjury and signed by an authorized officer, partner, owner, employee, or manager of the registrant, as appropriate, verifying that the contents of the registration form and all attachments are true, accurate, and correct. The registration form shall contain the complete address of the affiant.

(b) In addition to the information required by paragraph (a), a person registering as an exempt passenger carrier under this rule shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.

(c) The Commission will not register any person as an exempt passenger carrier until the Commission has received all information and documentation required by paragraphs (a) and (b) of this rule.

6303. Exterior Signs or Graphics.

(a) No person shall operate a motor vehicle as a luxury limousine if such motor vehicle is identified by exterior signs or graphics.

(b) Signs or graphics located inside the luxury limousine that are readily legible from the outside shall be deemed to be exterior signs and graphics.

(c) For purposes of this rule and § 40-16-101(3)(a)(I), C.R.S., and except as specifically provided in paragraph (d) of this rule, "identified" is deemed to mean an identification of the name, address, Internet address, phone number, or any other contact information of the person offering luxury limousine service.

(d) Nothing in this rule shall prohibit the following:

(I) markings, signs, or graphics otherwise required by law, including those required by any rule of the Commission, the Colorado Department of Public Safety, the FMCSA, or an airport authority;

(II) markings, signs, or graphics attached by any law enforcement agency; or

(III) signs or graphics attached by the motor vehicle manufacturer or dealership for the purpose of identifying the manufacturer, dealership, or the motor vehicle's make or model.

6304. Luxury Limousine Features, Qualification, and Applications for Qualification.

- (a) Features. Each luxury limousine carrier shall ensure that its motor vehicles, when in operation as luxury limousines or waiting to pickup a chartering party, are equipped with the following:
- (I) A television. The television shall be securely attached to the motor vehicle in a professional manner. An electronic media system such as DVD or VHS may be used in conjunction with a television receiver. The screen shall have a diagonal measurement of at least three inches, be visible to passengers seated to the rear of the driver, and be in compliance with 40 C.F.R., § 393.88.
 - (II) A telephone. The telephone shall at all times be accessible to the passengers and capable of making and receiving calls. An intercom system does not meet the requirements of this rule.
 - (III) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be securely positioned inside a console or cabinet located inside the passenger compartment, to include any console and cup holder built into the motor vehicle by the manufacturer, and securely attached to the motor vehicle in a professional manner. The beverages are not required to be alcoholic in nature.
- (b) For purposes of paragraph (a) of this rule, attachment by a means of tape, Velcro straps, or similar means does not constitute a secure or a professional manner of attachment.
- (c) Qualification. No person shall operate any motor vehicle as a luxury limousine unless such person has first:
- (I) contacted an enforcement official of the Commission;
 - (II) adequately described the motor vehicle to such enforcement official; and
 - (III) received oral or written confirmation from such enforcement official that the subject motor vehicle meets relevant statutory and regulatory requirements for operation as a luxury limousine.
- (d) Applications for qualification. If the Commission's enforcement official determines that a motor vehicle does not meet relevant statutory and regulatory requirements for operation as a luxury

limousine, and the luxury limousine carrier disagrees with such enforcement official's determination, such luxury limousine carrier may file an application to the Commission for a hearing on the matter. In any such hearing, the luxury limousine carrier shall bear the burden of proving that the motor vehicle in question complies with relevant statutory and regulatory requirements.

- (e) Disqualification. No person shall operate any motor vehicle as a luxury limousine if such motor vehicle has been disqualified to operate as a luxury limousine.

6305. Revocation.

The Commission, on its own motion or as a result of a formal or informal complaint by any person, after reasonable notice and a hearing, may revoke a luxury limousine carrier's registration pursuant to § 40-16-103.6, C.R.S.

6306. Regulations Incorporated by Reference.

- (a) The Commission incorporates by reference the regulations published in 40 C.F.R. § 600.315-82, as revised on July 1, 2003. No later amendments to or editions of the C.F.R. are incorporated into these rules. Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact the Chief of Transportation at:

Colorado Public Utilities Commission
Office Level 2
1580 Logan Street
Denver, Colorado 80203

Telephone: (303) 894-2850

- (b) The material incorporated by reference may be examined at the offices of the Commission, Office Level 2, 1580 Logan Street, Denver, Colorado 80203, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except when such days are state holidays. The material incorporated by reference may also be examined at any state publications library.

6307. Discretionary Vehicle.

- (a) Discretionary vehicle, as used in § 40-16-101(3)(a)(IV)(E), C.R.S., means a motor vehicle that meets any one of the following categories:
 - (I) A motor vehicle whose wheelbase has been lengthened beyond the manufacturer's original specifications, whether at the manufacturer's factory or otherwise.
 - (II) A motor vehicle that has four doors, that meets or exceeds the interior volume index for "large cars" in 40 C.F.R. § 600.315-82. Additionally, the Commission's enforcement

officials shall consider as guidance, whether a motor vehicle is classified as a luxury sedan or sport utility vehicle in the "Fuel Economy Guide" published by the United States Environmental Protection Agency (see <http://www.fueleconomy.gov/feg/byclass.htm>).

(III) A motor vehicle built on a cutaway chassis, a motor coach, or a motor vehicle that is classified as a van, not a mini van, in the "Fuel Economy Guide", whose interior seating has been enhanced from standard bench seats by the installation of captain's chairs, couch seats, or similar seating.

(IV) A motor vehicle, which is a classic, antique, or specially built motor vehicle that, at the time of registration as a luxury limousine, has a retail value of fifty thousand dollars or more.

(b) A registrant seeking to qualify a motor vehicle pursuant to subparagraph (a)(IV) shall supply proof of the retail value of the vehicle in the form of either: reference to the most recent available edition of the NADA "blue book" or other publication establishing the retail value of the vehicle; or a sales receipt or affidavit confirming the actual price of the vehicle.

6308. Luxury Limousine Operational Requirements.

For purposes of § 40-16-102.5, C.R.S., a person shall be deemed to have provided luxury limousine service if, without limitation, such person:

- (a) accepts payment for the transportation from the chartering party at the point of departure;
- (b) makes the luxury limousine available to the chartering party at the point of departure;
- (c) loads the chartering party or its baggage into the luxury limousine; or
- (d) transports the chartering party in the luxury limousine.

6309. Exempt Passenger Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100 for each violation:
 - (I) § 40-16-102.5, C.R.S., with regard to providing service that is not prearranged.
 - (II) § 40-16-103, C.R.S., with regard to offering service without being registered.

- (b) Except as provided in paragraph (a) of this rule, a person who violates any provision of Article 16 of Title 40, C.R.S., or any provision of these Exempt Passenger Carrier Rules may be assessed a civil penalty of up to \$550 for each violation.

6310. - 6399. [Reserved].

INTERSTATE CARRIER RULES

6400. Applicability of Interstate Carrier Rules.

Rules 6400 through 6499 apply to all interstate carriers.

6401. Regulations Incorporated by Reference.

- (a) The Commission incorporates by reference the regulations published at 49 C.F.R. Part 366, as revised as of October 1, 2003. These rules do not incorporate later amendments to or editions of the C.F.R.
- (b) Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact:

Transportation Section Chief
Colorado Public Utilities Commission
Office Level 2
1580 Logan Street
Denver, Colorado 80203

Telephone: (303)894-2850

- (c) The material incorporated by reference may be examined at the offices of the Commission, Office Level 2, 1580 Logan Street, Denver, Colorado 80203, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except when such days are state holidays. The material incorporated by reference may also be examined at any state publications library.

6402. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Interstate Carrier Rules:

- (a) "Jurisdiction" means a state of the United States, the District of Columbia, a province or territory of Canada, or the Republic of Mexico.
- (b) "Federal authority" means authority issued by the FMCSA.

- (c) "Registration state" means the State where the regulated interstate carrier maintains its principal place of business. If the regulated interstate carrier's principal place of business is located in a jurisdiction that is not a participating SSRS registration state, the registration state shall be the participating state in which such carrier will operate the largest number of motor vehicles during the registration year; if more than one state applies using this criterion, the registration state shall be one of those states chosen by such carrier. Once the registration state jurisdiction is determined, this designation shall be effective until the regulated interstate carrier changes its principal place of business.
- (d) "SSRS" means the Single State Registration System, the insurance registration system for regulated interstate carriers implemented by 49 U.S.C. § 14504.

6403. Registration: Regulated Interstate Carriers.

- (a) All regulated interstate carriers that designate or that are required to designate the State of Colorado as their SSRS registration state shall register with the Commission for all states of travel. No regulated interstate carrier may operate without registering for the applicable registration year. Each calendar year is a different registration year. A regulated interstate carrier shall register annually between the first day of August and the 30th day of November of the year preceding the registration year. The regulated interstate carrier shall submit its registration materials on fully completed forms supplied by the Commission, attaching all required documents thereto. The regulated interstate carrier shall submit its registration materials with its payment of the required fees.
- (b) A regulated interstate carrier using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle. Such a carrier shall maintain, in such a motor vehicle, proof of both interstate and intrastate authority and/or registration.
- (c) Prior to operating a motor vehicle in interstate commerce, the regulated interstate carrier shall place and keep a copy of the current year's registration receipt in each such motor vehicle.
- (d) A regulated interstate carrier may add additional motor vehicles or states of travel by filing supplemental registration materials and paying the appropriate fees. If a regulated interstate carrier is applying to add additional states of travel, the supplemental registration materials shall include a federal authority authorizing travel to those states. Prior to operating a motor vehicle in interstate commerce, the regulated interstate carrier shall place and keep copies of the current year's supplemental registration receipts in the each such motor vehicle.

- (e) Any alteration or unauthorized use of a registration receipt or supplemental registration receipt by any person associated with the regulated interstate carrier, including a driver, shall render the registration of the regulated interstate carrier void. Such action shall be considered an intentional violation of the registration requirements set forth in § 40-10-120(2) and/or § 40-11-115(2), C.R.S.

6404. Registration: Exempt Interstate Carriers.

- (a) Except for an interstate carrier that has lawfully registered through the Single State Registration System for operations in Colorado, no exempt interstate carrier shall operate into, from, within, or through the State of Colorado until it has registered its operations with the Commission for the applicable registration year. An exempt interstate carrier shall register annually on or before the first day of January of each calendar year. In so registering, the exempt interstate carrier shall request the Commission's issuance of vehicle identification stamps for any motor vehicle that it intends to operate within Colorado for that year. The exempt interstate carrier shall submit its registration materials on fully completed forms supplied by the Commission, attaching all required documents thereto. The exempt interstate carrier shall submit its registration materials with its payment of the required fees.
- (b) An exempt interstate carrier using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle. Such a carrier shall maintain, in such motor vehicle, proof of both interstate and intrastate authority and/or registration.
- (c) Each exempt interstate carrier shall apply to NARUC for the issuance of a sufficient supply of Forms D-1 (cab cards) for use in connection with the identification of any motor vehicle that it intends to operate in Colorado. On or before the first day of January of each year, and prior to operating a motor vehicle in Colorado during the year, the exempt interstate carrier shall place the vehicle identification stamp issued by the Commission on the back of the cab card in the square bearing the name of the State of Colorado in a manner that the stamp cannot be removed without defacing it. The exempt interstate carrier shall complete and execute the form of the certificate on the front of the cab card in order to identify itself and the motor vehicle. The exempt interstate carrier shall maintain the cab card in the motor vehicle for which it was prepared. The cab card shall only be used for the motor vehicle for which it was originally prepared.
- (d) The cab card shall be valid only for the calendar year for which it was issued and shall become void at 12:01 AM on the first day of January of the succeeding year.
- (e) An exempt interstate carrier shall file supplemental registration materials to report a change in operations.

- (f) Any alteration or unauthorized use of a cab card by any person associated with the exempt interstate carrier, including a driver, shall render the registration of the exempt interstate carrier void. Such action shall be considered an intentional violation of the registration requirements set forth in §§ 40-10-120(2) and/or 40-11-115(2), C.R.S.
- (g) If a cab card is mutilated or becomes illegible, the exempt interstate carrier may prepare a new cab card and attach the mutilated or illegible cab card. If a cab card is lost or destroyed, the exempt interstate carrier may prepare a new cab card and shall purchase a new vehicle identification stamp.

6405. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100 for each violation:
 - (I) § 40-10-120(2), C.R.S.; § 40-11-115(2), C.R.S.; or paragraph 6403(a), with regard to operating without a registration.
 - (II) § 40-10-120(3), C.R.S.; § 40-11-115(3), C.R.S.; or paragraph 6404(a), with regard to operating without a registration.
- (b) Any person who operates a motor vehicle pursuant to §§ 40-10-120 or 40-11-115, C.R.S., and who fails to carry proof of interstate registration in said motor vehicle, may be assessed a civil penalty of up to \$25 for each violation.
- (c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of §§ 40-10-120 or 40-11-115, C.R.S., or any provision of the Interstate Carrier Rules may be assessed a civil penalty of up to \$550 for each violation.

6406. - 6499. [Reserved].

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers.
- (b) Nothing in these towing carrier rules shall be construed to prohibit a law enforcement agency from adopting and enforcing additional or more stringent requirements relating to safety, equipment, and accessories for any towing carrier providing towing services at the direction of the law enforcement agency.

6501. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Towing Carrier Rules:

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by §§ 42-4-1802 and 42-4-2102, C.R.S.
- (b) "Authorized agent" means a person who has been given written or oral permission by the owner or lessee of a motor vehicle to act as agent for the disposition of said motor vehicle.
- (c) "Authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle.
- (d) "Legal disability" means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the vehicle that was pulling it.
- (e) "Motor vehicle" means any vehicle that is propelled or drawn by mechanical power on the public ways of the State of Colorado. The term also includes any trailer or semi-trailer attached to the vehicle, or any trailer or semi-trailer which, due to collision, mechanical disablement, legal disability, order of a law enforcement officer or property owner, must be towed or transported separately from the vehicle from which it was detached.
- (f) "Mountain area" means that part of the State of Colorado west of a line drawn ten air miles west of, and parallel to, Interstate Highway 25.
- (g) "Non-consensual tow" means a tow authorized or directed by a person other than the owner, authorized operator, or authorized agent of the owner; except that a non-consensual tow does not include the repossession of a motor vehicle pursuant to § 4-9-629, C.R.S. A non-consensual tow includes:
 - (I) a private property tow;
 - (II) any tow performed contrary to the specific direction of the owner, authorized operator, or authorized agent of the owner;
 - (III) except for a private property tow or a tow ordered by a law enforcement official, any tow performed without disclosure of the rates and charges to be assessed as set forth in rule 6510;
 - (IV) a tow directed or authorized by a law enforcement officer, either orally or in writing, in any circumstance when the

owner, authorized operator, or authorized agent of the owner is unavailable, unable, or unwilling to direct the tow; or

- (V) any other tow performed without prior consent or authorization of the owner, authorized operator, or authorized agent of the owner of the motor vehicle.
- (h) "Normal business hours" means 8:00 AM to 5:00 PM, Monday through Friday, excluding holidays, and any additional hours and days the towing carrier may designate.
- (i) "Private property tow" means the towing of a motor vehicle from private property at the request of the property owner, as those terms are defined in paragraph 6508(a).
- (j) "Public ways" include, but are not limited to, every street, road, or highway in the State of Colorado over which the public generally has a right to travel.
- (k) "Towing vehicle" means "towing vehicle" as defined by § 40-13-101(4), C.R.S.

6502. Permit Requirement.

Unless exempted by § 40-13-103(2), C.R.S., no person shall operate as a towing carrier without a valid towing carrier permit issued by the Commission.

6503. Permit Application.

- (a) Any person seeking a permit to operate as a towing carrier shall submit an application for a permit to the Commission and shall cause to be filed the information identified in paragraph (c) of this rule.
- (b) The application shall contain the following:
 - (I) The name of the applicant and the trade name under which operations will be conducted.
 - (II) The applicant's telephone number, complete physical address, and complete mailing address. A post office box is only acceptable if a physical address is also provided.
 - (III) If the applicant is a corporation:
 - (A) The name of the state in which it is incorporated.
 - (B) The location of its principal office in the State of Colorado.
 - (C) The names of its directors and officers.

- (D) A certified copy of the applicant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.
 - (E) A copy of its certificate of assumed trade name, if any.
- (IV) If the applicant is a limited liability company:
- (A) The state in which the company is organized.
 - (B) The location of the company's principal office in the State of Colorado.
 - (C) The name, title, and business address of each member.
 - (D) A certified copy of the applicant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.
 - (E) A copy of its certificate of assumed trade name, if any.
- (V) If the applicant is a partnership, the name, title, and business address of each partner.
- (VI) A list and complete description of the equipment to be operated under the permit, including information regarding motor vehicle year, make, model, vehicle identification number, and GVWR.
- (VII) A statement that applicant is familiar with the Towing Carrier Rules and all applicable safety rules and that applicant will comply with them.
- (VIII) A statement that applicant understands that the filing of an application does not constitute authority to operate.
- (IX) A statement whether or not the towing carrier will provide storage for towed motor vehicles. If storage is provided, the application shall contain the storage facility's address and, if one exists, telephone number.
- (X) 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.

- (XI) An application fee of \$150.
- (c) In addition to the application, a person seeking a permit to operate as a towing carrier shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.
- (d) The Commission will not issue a permit to operate as a towing carrier until the Commission has received a complete application, the required proof of financial responsibility, and the required annual identification fees.

6504. Written Request for Financial Responsibility Information.

In the event an owner of a towed motor vehicle, an authorized operator, or an authorized agent of the owner claims that damage to the towed motor vehicle occurred during a tow or storage, the towing carrier shall provide, in writing, the name of its insurance or surety company and its policy number within 48 hours after receiving a written request for that information from the owner, authorized operator, or authorized agent of the owner of the towed motor vehicle.

6505. Revocation, Suspension, Alteration, or Amendment of Permit.

- (a) After a hearing upon at least ten days' notice to the towing carrier affected, the Commission may revoke, suspend, alter, or amend a towing carrier permit for any of the following reasons:
 - (I) Violation of, or failure to comply with, any statute or regulation concerning towing carriers or the towing, storage, or disposal of towed motor vehicles. This subparagraph includes, but is not limited to, a violation of part 18 and part 21 of article 4 of title 42, C.R.S.
 - (II) Violation of, or failure to comply with, the terms and conditions of the permit.
 - (III) Exceeding the authority granted in the permit.
 - (IV) Violation of, or failure to observe and comply with, any Commission order, rule, or regulation.
- (b) A towing carrier whose towing carrier permit(s) is revoked for a third time shall not be issued another towing carrier permit for one year from the date of the third permit revocation. In determining whether a carrier has had its permit(s) revoked three times, a revocation for failure to maintain the financial responsibility required by rule 6007 shall not be counted as one of the three revocations unless the towing carrier knowingly operated without the required financial responsibility.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all towing vehicles shall meet the following minimum requirements:

- (a) Basic towing vehicle requirements.
 - (I) A towing carrier shall equip its towing vehicles with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.
 - (II) A towing carrier shall maintain its towing vehicles in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.
 - (III) A towing carrier shall ensure that all its towing vehicles have each of the following:
 - (A) a GVWR of at least 10,000 pounds;
 - (B) fender coverings for front and rear wheels;
 - (C) the following operational electric lights:
 - (i) one spotlight, mounted behind the cab, capable of lighting the scene of disability and the motor vehicle to be moved (reverse/back-up lights of the towing vehicle shall not be used in lieu of the spotlight); and
 - (ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the towing vehicle; and
 - (D) the following accessories:
 - (i) one shovel;
 - (ii) one broom; and
 - (iii) one steering wheel tying device free from cracks, fraying, or deterioration.
 - (IV) Subparagraphs (III)(D)(i) and (ii) shall not apply to a towing vehicle used only to perform the repossession of motor vehicles pursuant to 4-9-629, C.R.S.

- (b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:
- (I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling, equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;
 - (II) Wheel-lift system: A wheel-lift system with a stinger, L-arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or
 - (III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.
- (c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the towing vehicle is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.
- (d) Rescue and recovery equipment.
- (I) For purposes of this paragraph (d), rescue and recovery operation means that a motor vehicle must first be moved by means of the mechanical devices described in subparagraph (d)(II) before it is capable of being towed by the towing vehicle.
 - (II) The following equipment is required only if the towing carrier performs rescue and recovery operations:
 - (A) Dead-man blocks/scotch blocks and other tie-down equipment that are sufficient to hold the towing vehicle in place while performing the rescue or recovery operation;
 - (B) Web straps or slings that are free of cuts or fraying across 50 percent of the width of their surface;
 - (C) Snatch blocks that are free of any cracks and excessive wear, and are lubricated sufficiently to

allow free movement of the sheave and other swivel points; and

- (D) Chains that are capable of withstanding a test of not less than 10,000 pounds at breaking point, with links that are free of cracks and of wear that exceeds 15 percent of the original stock diameter.

6507. Storage Facilities.

- (a) Disclosure of facility location. Within one hour of placing a motor vehicle other than an abandoned motor vehicle in a storage facility, a towing carrier shall disclose the location of the storage facility as follows:
 - (I) By notifying the owner, the authorized operator, or the authorized agent of the owner of the towed motor vehicle;
 - (II) By notifying the owner of the private property from which the motor vehicle was towed; or
 - (III) By notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.
- (b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.
- (c) Noncompliance with disclosure requirements. A towing carrier that fails to comply with the disclosure requirements of this rule shall not charge, collect, or retain any fees or charges for storage of the stored motor vehicle.
- (d) Release of motor vehicles from storage. A towing carrier that accepts for storage a motor vehicle that has been towed as a private property tow shall be available to release said motor vehicle within the first 48 hours of storage to the owner, authorized operator, or authorized agent of the owner of the motor vehicle either:
 - (I) With one hour's notice during all times other than normal business hours; or
 - (II) Upon demand during normal business hours.
- (e) This rule does not apply to the repossession of a motor vehicle pursuant to § 4-9-629, C.R.S.

6508. Authorization for Towing of Motor Vehicles.

- (a) For purposes of this rule:

- (I) "Private property" includes publicly owned property except public ways.
 - (II) "Property owner" includes:
 - (A) a private property owner or lessee;
 - (B) an agent of the private property owner, authorized in writing to act as agent; or
 - (C) a federal, state, or local government entity, or such entity's employees responsible for publicly owned property.
 - (III) "Publicly owned property" includes, but is not limited to, medians, parking lots, or areas where parking is reserved, regulated by permits or meters, or otherwise restricted or prohibited.
- (b) Towing carrier not an agent. A towing carrier, its employees, partners, officers, directors, stockholders, or independent contractors working for or with the towing carrier shall not act as an agent for the property owner. Nothing in this paragraph shall preclude a towing carrier, which towing carrier has been paid for the private property tow by the private property owner at rates in accordance with rule 6511(a), from collecting the towing charges from the motor vehicle owner and reimbursing said charges to the private property owner.
- (c) Authorization.
- (I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:
 - (A) The towing carrier is directed to perform a tow by a law enforcement officer;
 - (B) The towing carrier is requested to perform a tow by the owner, authorized operator, or authorized agent of the owner of a motor vehicle; or
 - (C) The towing carrier is requested to perform a tow from private property upon the authorization of the property owner.
 - (II) Property owner authorization. The authorization from the property owner shall be in writing; shall identify, by make and license plate number (or in lieu thereof, by vehicle identification number), the motor vehicle to be towed; and shall include the date, time, and place of removal.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing

carrier at the time the motor vehicle is to be removed from the private property.

- (B) A towing carrier shall not accept or use blank authorizations pre-signed by the property owner.
 - (C) A towing carrier shall make the written authorization available for inspection by the owner of the towed motor vehicle or his or her authorized representative.
 - (D) The written authorization may be incorporated with the tow record/invoice required by Rule 6509.
- (d) Noncompliance. If a tow is performed in violation of this rule, or in violation of § 42-4-2103, C.R.S., the towing carrier shall not charge, collect, or retain any fees or charges for the unauthorized services it performs. Any motor vehicle that is held in storage and that was towed without proper authorization shall be released immediately to the owner, lienholder, or agent of the owner or lienholder.
- (e) This rule does not apply to the repossession of a motor vehicle pursuant to § 4-9-629, C.R.S.

6509. Tow Record/Invoice.

- (a) Towing carriers shall use and complete all applicable portions of a tow record/invoice form for all non-consensual tows. The tow record/invoice form shall contain the following information:
 - (I) the serial number of the tow record/invoice;
 - (II) the name, address, permit number, and telephone number of towing carrier;
 - (III) the address of the storage facility used by the towing carrier, including the telephone number for that storage facility if the number is different than the telephone number of the carrier;
 - (IV) the date and time of tow commencement and completion, the time of arrival on the scene if different from the time of commencement, the time the towed motor vehicle is placed in storage, and all other times necessary for the purpose of calculation of hourly charges;
 - (V) the make, model, year, vehicle identification number, and, if available, license plate number of the motor vehicle towed;
 - (VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;

- (VII) the name, address, and telephone number of the person authorizing the tow;
 - (VIII) the signature of the person authorizing a private property tow;
 - (IX) a list of the contents of the motor vehicle towed;
 - (X) the unit number or license number of the towing vehicle;
 - (XI) the signature of the towing vehicle operator;
 - (XII) an itemized invoice of all towing charges assessed; and
 - (XIII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released.
- (b) The tow record/invoice shall be a multiple copy form. The copies shall be distributed as follows:
- (I) The towing carrier shall retain the copy bearing all required original signatures for authorization and release.
 - (II) The towing carrier shall deliver a copy to the owner, authorized operator, or authorized agent of the owner at the time of payment of towing charges and release of the towed motor vehicle.

6510. Disclosure of Rates and Charges.

- (a) Except as provided in paragraph (c) of this rule, prior to performing any tow, a towing carrier shall disclose to the owner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed.
- (b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:
 - (I) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;
 - (II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the owner, authorized operator, or authorized agent of the owner to take delivery of the vehicle and pay the tow charges; and
 - (III) estimated charges for mileage and storage.

- (c) This rule does not apply to private property tows, the repossession of motor vehicles pursuant to § 4-9-629, C.R.S., or tows ordered by law enforcement officials.

6511. Rates and Charges.

- (a) Rates and charges for private property tows. Except as otherwise provided by this rule, the maximum rate that a towing carrier may charge for a private property tow of a motor vehicle with a GVWR of less than 10,000 pounds is \$138.00. This maximum rate shall include, but not be limited to, charges for all towing services rendered, hookup fees, and use of dollies or go-jacks; gate fees, storage for the first 24 hours commencing at the time the vehicle is placed in storage, and release of the motor vehicle from storage pursuant to paragraph 6507(d); and all commissions paid and other services rendered in performing such private property tow.
- (b) Except as provided in paragraph (a) of this rule, the maximum charge for release of a motor vehicle from storage at any time other than normal business hours is \$50.00.
- (c) Charge if retrieved before removal.
 - (I) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is parked without authorization on private property attempts to retrieve the motor vehicle before its removal from the private property, the maximum release fee (whether motor vehicle is hooked up or not) is \$53.00.
 - (II) In such circumstances, the towing carrier shall advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle that he or she may offer payment of the towing carrier's release fee.
 - (III) If payment in cash of the release fee is offered before removal, the towing carrier shall immediately:
 - (A) accept payment;
 - (B) release the motor vehicle; and
 - (C) make the property owner's written authorization available for inspection by the owner of the towed motor vehicle or his or her authorized representative.
- (d) Certified VIN verification procedure.
 - (I) When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the maximum rates

that may be charged for a certified vehicle identification number (VIN) verification are as follows:

- (A) \$69.00 for one additional hookup;
 - (B) \$69.00 per hour waiting time while waiting for inspection; and
 - (C) \$2.70 per mile mileage charges.
- (II) In addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.
- (e) Notifications. The charges for notification(s) to the owner and the lien holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804(6)(a) and 42-4-2103(3)(c)(I), C.R.S., and the rules of the Colorado Department of Revenue.
- (f) Mileage. One-way mileage charges may be assessed for all private property tows at a rate not to exceed \$2.70 per mile.
- (g) Additional charges in mountain areas.
- (I) When a motor vehicle is towed between points in the mountain area, the towing carrier may add an additional amount not to exceed 12 percent of the towing charges.
 - (II) When a motor vehicle is towed into or out of the mountain area, the towing carrier may add an additional amount not to exceed 12 percent of the towing charges, provided that the mileage charge is prorated for, and applied only to, mileage actually traveled within the mountain area.
- (h) Storage for non-consensual tows.
- (I) Generally.
 - (A) Storage charges shall not exceed the following rates based on a 24-hour period or any portion of a 24-hour period:
 - (i) \$22.00 for motor vehicles having a GVWR of less than 10,000 pounds;
 - (ii) \$28.00 for motor vehicles having a GVWR of 10,000 pounds or more;
 - (iii) in lieu of subparagraphs (A)(i) and (ii), and at the option of the carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.10 per foot or portion thereof.

- (B) For storage in the mountain area, a tow carrier may add up to 12 percent for motor vehicles of any GVWR.
 - (C) Storage charges shall not be charged, collected, or retained for any day in which garage keeper's liability insurance coverage is not kept in force.
- (II) Private property tows. Storage charges for private property tows shall not commence until the expiration of the first 24-hour period of storage (see paragraph (a)).
- (III) Other non-consensual tows. Storage charges for non-consensual tows other than private property tows may commence immediately after the motor vehicle is placed in storage.
- (IV) Maximum accumulated charges for abandoned motor vehicles.
- (A) Unless a hold order has been placed on the motor vehicle by a court, district attorney, or law enforcement agency, or unless extenuating circumstances have prevented a towing carrier from complying with the notice requirements of § 42-4-2103, C.R.S., storage charges after the tow and storage of an abandoned motor vehicle (other than a collector's item) shall not be accumulated beyond 60 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.
 - (B) If an abandoned motor vehicle is a collector's item as defined in § 42-12-101(2), C.R.S., storage charges shall not be accumulated beyond 120 days after the mailing date of the report required by § 42-3-2103(4), C.R.S.
 - (C) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.
- (V) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804(6)(b) and 42-4-2103(3)(c)(II), C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle immediately to the owner, lien holder, or their agents without charging, collecting, or retaining storage fees.
- (i) Rates for off-road retrieval. When accompanied by documentation showing starting and ending times of the retrieval, which documentation may include law enforcement incident reports and

verification, a towing carrier may charge for off road retrieval at its hourly rates on file at the offices of the Public Utilities Commission. Hourly rates for off-road retrieval shall be calculated from the time the towing carrier arrives at the scene and the law enforcement officer approves the retrieval to the time the towing carrier has completed the retrieval and may include time to load and to secure retrieval equipment and the cleanup of the scene. Off-road retrieval time shall not include loading and securing the retrieved motor vehicle to, or onto, the towing vehicle. The cost of additional equipment used may be recovered from the motor vehicle owner at the carrier's actual costs incurred plus an administrative fee of not more than five percent of those actual costs, provided that the actual costs are reasonable by industry standards.

- (j) Incidental costs that may be charged when a stored motor vehicle is sold. When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S. When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, to a maximum of \$90.00. "Cost of maintaining a motor vehicle" means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe or operable condition.
- (k) Exemption for municipal and county contracts. Notwithstanding any other provision of these rules, paragraphs (a) - (j) of this rule shall not apply to any tow or any storage of a towed vehicle performed under a contract with a municipal, county, state, or federal agency.
- (l) This rule does not apply to the repossession of a motor vehicle pursuant to § 4-9-629, C.R.S.

6512. Inspection of Records, Facilities, and Towing Vehicles; Retention of Records.

- (a) Upon request of any enforcement official and during normal business hours, a towing carrier shall make available for inspection its books and records concerning its towing and storage operations, and its storage facilities.
- (b) Upon request by any enforcement official, the towing carrier shall make available for inspection its towing vehicles and any records required to be carried in the towing vehicle.
- (c) The towing carrier shall retain copies of towing record/invoices, storage bills, authorizations for tows, and any other written records required by these rules for a minimum of three years.

6513. Towing Violations and Civil Penalty Assessments.

- (a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to \$1,100.00 for each violation:
- (I) § 40-13-103(1), C.R.S., or rule 6502.
 - (II) paragraph (c) of rule 6508, with regard to towing without obtaining authorization.
 - (III) paragraph (d) of rule 6508.
 - (IV) paragraph (a), (b), (c), (d), (f), or (g) of rule 6511.
 - (V) subparagraph (h)(I)(A) or (B) of rule 6511.
- (b) Except as provided in paragraph (a) of this rule, a violation of any provision of Title 40, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through 6512, may result in the assessment of a civil penalty of up to \$550.00 for each violation.

6514. - 6599. [Reserved].

HOUSEHOLD GOODS MOVER AND PROPERTY CARRIER RULES

6600. Applicability of Household Goods Mover and Property Carrier Rules.

Rules 6600 through 6699 apply to all household goods movers and property carriers.

6601. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Household Goods Mover and Property Carrier Rules:

- (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) "Contract" means "document" as that term is defined in § 40-14-101(5), C.R.S.
- (d) "Estimate" means "estimate" as that term is defined in § 40-14-101(6), C.R.S. An estimate is not a contract.
- (e) "Shipper" means "shipper" as that term is defined in § 40-14-101(12), C.R.S.

- (f) "Storage" means "storage" as that term is defined in § 40-14-101(13), C.R.S.

6602. Registration Requirement and Limitation.

- (a) Registration required.
- (I) No person shall offer service, operate, or advertise as a household goods mover without a valid registration issued by the Commission.
- (II) No person shall offer service or operate as a property carrier without a valid registration issued by the Commission.
- (b) Registration as a household goods mover is not a substitute for registration as a property carrier. Registration as a property carrier is not a substitute for registration as a household goods mover.

6603. Registration.

- (a) Any person seeking to register as a household goods mover or property carrier shall provide the following information:
- (I) The name of the registrant and the trade name under which operations will be conducted.
- (II) A copy of the registrant's certificate of assumed trade name, if applicable.
- (III) The registrant's telephone number, complete physical address, and complete mailing address. A post office box is only acceptable if a physical address is also provided.
- (IV) A statement describing the registrant's business structure (corporation, limited liability company, partnership, or sole proprietorship).
- (V) The name and address of the registrant's Colorado agent for service of process, as required by rule 6012.
- (VI) If a registrant is a corporation:
- (A) The name of the state in which the registrant is incorporated.
- (B) The location of the registrant's principal office, if any, in Colorado.
- (C) The name and title of each director and officer.
- (D) A certified copy of the registrant's certificate of good standing authorizing it to do business in

Colorado, certified within 14 days prior to the filing of the registration.

- (VII) If the registrant is a limited liability company:
 - (A) The state in which the company is organized.
 - (B) The location of the registrant's principal office, if any, in Colorado.
 - (C) The name and title of each member.
 - (D) A certified copy of the registrant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registration.
 - (VIII) If the applicant is a partnership:
 - (A) The name and business address of all general and limited partners.
 - (B) The location of the registrant's principal office, if any, in Colorado.
 - (IX) If the applicant is a sole proprietorship:
 - (A) The name and business address of the sole proprietor.
 - (B) The location of the sole proprietor's principal office, if any, in Colorado.
 - (X) A statement that the registrant is familiar with the Household Goods Mover and Property Carrier Rules and all applicable safety rules and that the registrant will comply with them.
 - (XI) A verification made under penalty of perjury and signed by an authorized officer, partner, owner, employee, or manager of the registrant, as appropriate, verifying that the contents of the registration form and all attachments are true, accurate, and correct. The registration form shall contain the complete address of the affiant.
- (b) In addition to the information required by paragraph (a):
- (I) A person registering as a household goods mover or property carrier under this rule shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.
 - (II) Household goods movers shall pay an annual filing fee of \$300.

(III) Property carriers shall pay a registration filing fee of \$50; except that a person that simultaneously registers as a property carrier and as a household goods mover shall be exempt from the \$50 registration filing fee and need only pay the \$300 annual filing fee for a household goods mover.

- (c) The Commission will not register any person as a household goods mover or property carrier until the Commission has received all information, documentation, and payments required by paragraphs (a) and (b) of this rule.

6604. Revocation of Registration.

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

6605. Household Goods Movers – Annual Filing Fee.

- (a) Every household goods mover shall pay to the Commission an annual registration filing fee of \$300, as set forth in § 40-14-103(2)(a), C.R.S.
- (b) For initial registrants, the annual registration filing fee shall be valid for one year from the date the registration is issued. For renewal registrants, the annual registration filing fee shall be valid for one year after expiration of the prior registration. For purposes of this paragraph, "initial registrant" includes any person re-registering after cancellation or revocation of a prior registration.

6606. Advertising.

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

6607. Forms of Payment.

A household goods 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;
- (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.

6608. Estimates and Contracts.

- (a) Estimates. A household goods mover may provide an estimate of costs to be incurred by the shipper. Estimates need not be binding. Notwithstanding this paragraph, a household goods mover shall comply with paragraph (b) of this rule.
- (b) Contracts. Prior to providing any transportation or accessorial services, a household goods mover shall provide a document (the contract) 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 household goods mover, and shall clearly and conspicuously include:
 - (I) The name, telephone number, and physical address where the household goods mover's employees are available during normal business hours;
 - (II) The household goods mover's mailing address on file with the Commission;
 - (III) The phrase "[name of household goods mover] is registered with the Public Utilities Commission of the State of Colorado as a household goods mover. Registration No. [household goods 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;
 - (VI) The addresses where the household goods are to be picked up and, if known, delivered;
 - (VII) A telephone number where the shipper may be reached, if available;
 - (VIII) A mailing address where the shipper can receive notices from the household goods mover, if available;

- (IX) The name, telephone number, and physical address of a location where the household goods will be held pending further transportation, including situations where the household goods mover retains possession of household goods pending resolution of a fee or non-payment dispute with the shipper;
- (X) An itemized breakdown and description of (i) all costs and/or rates, (ii) services for transportation, and (iii) accessorial services to be provided during a move or during the storage of household goods; and
- (XI) The forms of payment the household goods mover accepts pursuant to rule 6607.
- (XII) The cargo valuation options available to the shipper, including at least the following two options:
 - (A) Released Value Option. This option shall allow the calculation of the value of loss or damage to household goods shipments to the lesser of: (1) a value equal to sixty cents (\$.60) per pound per lost or damaged article; or (2) the value of the lost or damaged article, less depreciation for age and wear.
 - (B) Full Replacement Cost Option. This option shall allow the shipper to recover the full replacement cost for loss or damage to household goods shipments. This option shall: (1) require the shipper to declare the value of the shipment; (2) permit the shipper to specify a deductible; (3) provide that the mover will be liable for the full replacement cost of each lost or damaged article up to the declared value of the shipment; (4) permit the shipper to purchase additional insurance coverage from the household goods mover's insurance company; and (5) explain that, without the purchase of additional coverage, the shipper will be liable for any declared amount not covered by the household goods mover's insurance or surety company. However, if the shipper declares a value that is less than the value of the shipment, the mover's liability for each lost or damaged article will not exceed the proportional value of the article when compared to the declared value of the entire shipment.
- (c) More comprehensive contract. Nothing in this rule shall be construed to preclude the household goods mover and the shipper from entering into a more comprehensive contract. However, the household goods mover shall not enter into any more comprehensive contract containing provisions that conflict with the provisions of this rule.

- (d) Amendment. The contract may be amended at any time upon mutual agreement of the household goods mover and the shipper. An amendment of the contract shall not be valid or enforceable unless, without duress or coercion as per Colorado law, both the household goods mover and the shipper sign such amendment. A household goods mover shall not charge, collect, or retain any increased costs and/or rates contained in an amendment if the amendment is not signed by both parties or is obtained by duress or coercion.
- (e) Effect. The terms of an executed contract shall be binding on both the household goods mover and the shipper unless a court of competent jurisdiction determines otherwise.

6609. Delivery and Storage of Household Goods.

- (a) Pursuant to § 40-14-109(1), C.R.S., a household goods 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 household goods mover shall relinquish such items as expeditiously as possible under the circumstances.
- (b) A household goods mover shall relinquish household goods to a shipper and shall place the goods inside a shipper's dwelling unless:
 - (I) the shipper has not tendered payment in the amount and in the acceptable form specified in the contract; or
 - (II) the shipper or the shipper's agent is not available to accept delivery of the household goods at the agreed upon date, time, and location.
- (c) If, pursuant to paragraph (b) of this rule, a household goods mover maintains possession of a shipper's household goods, such household goods mover may place the household goods in storage until payment is tendered. Such storage shall only be at the location specified in the contract unless, for good cause and in good faith, the mover is required to store the household goods at a location other than that specified in the contract. If the household goods mover stores the household goods at such an alternate location, the household goods mover:
 - (I) Shall mail to the shipper a notice of such alternate storage location within two business days. For purposes of this subparagraph, "business day" means Monday through Friday, excluding legal holidays designated by the Colorado General Assembly.
 - (II) May only charge additional fees for such alternate storage (*i.e.*, in excess of those set forth in the contract) unloading services, and reloading services, if:

- (A) Such additional fees are reasonable; and
 - (B) Storage at the alternate storage location is necessitated by some act or omission of the shipper, or is necessitated by circumstances beyond the control of the mover.
- (d) Notwithstanding any other provision of this rule, upon written request from the shipper, the household goods 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 household goods mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the household goods mover shall take reasonable care to ensure the safekeeping of such household goods.
- (f) A household goods mover shall not require a shipper to waive any rights or requirements under this rule.

6610. Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100 for each violation:
- (I) § 40-14-103(1), C.R.S., with regard to operating, offering service, or advertising without being registered; § 40-16-103, C.R.S., with regard to offering service without being registered; or rule 6602(a).
 - (II) § 40-14-108, C.R.S.; or paragraph 6608(b).
 - (III) paragraph 6608(d), with regard to charging, collecting, or retaining an increased charge or rate on an improperly amended contract.
 - (IV) § 40-14-109(1) or (2), C.R.S.; or paragraph 6609(a) or (b).
- (b) Except as provided for in paragraph (a) of this rule, a person who violates any provision of Title 40, C.R.S., pertaining to household goods movers, or any provision of rules 6600 through 6609 may be assessed a civil penalty of up to \$550.

6611. - 6699. [Reserved].