

Decision No. C08-0669

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 08R-271TR

IN THE MATTER OF THE EMERGENCY RULES IMPLEMENTING THE STATUTORY AMENDMENTS TO FINGERPRINT REQUIREMENTS UNDER HOUSE BILL 08-1227.

DECISION ADOPTING EMERGENCY RULES

Mailed Date: June 30, 2008
Adopted Date: June 25, 2008

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules implementing amendments to fingerprint-based criminal history record check requirements under House Bill 08-1227 (the bill).

2. The bill amends, *inter alia*, §§ 40-10-105.5, 40-16-104.5, and 40-14-103, C.R.S. The bill becomes effective on July 1, 2008.

3. The bill's amendment of Articles 10 and 16 of Title 40 of the *Colorado Revised Statutes* applies to drivers of taxicabs, charter or scenic buses, luxury limousines, off-road scenic charters, and children's activity buses. Under the bill, fingerprint requirements no longer apply to fire crew transports. Generally, the amendments change the driver disqualification standards by eliminating disqualification for crimes of violence and establishing disqualification for: (a) lack of good moral character; and (b) felonies or misdemeanors involving moral turpitude. The bill does not change the disqualification standards pertaining to driving under the influence,

driving with excessive alcohol content, driving while ability impaired, or driving while a habitual user of a controlled substance.

4. The bill amends Article 14 of Title 40 of the *Colorado Revised Statutes* by repealing fingerprint-based criminal history record checks for household goods movers.

5. The Commission's existing rules for fingerprint-based criminal history record checks were established in Docket Nos. 07R-255TR and 08R-084TR. Both dockets adopted rules on an emergency basis. Permanent rulemaking is complete, but permanent rules do not become effective until July 30, 2008. *See* Docket No. 07R-327TR.

6. Because the Commission's current and future rules conflict with the amendments under the bill, we now adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the emergency rules appended to this Decision as Attachments A and B. Attachment A contains the emergency rules modifying current Commission rules. The emergency rules in Attachment A shall become effective on July 1, 2008. The emergency rules in Attachment B shall become effective on July 30, 2008, and shall supersede any conflicting rules adopted in Docket No. 07R-327TR. Both Attachments incorporate the results from the permanent rulemaking in Docket No. 07R-327TR, to the extent this incorporation does not conflict with the bill.

7. We find that adoption of the emergency rules is imperative and necessary to implement the requirements of the bill. Compliance with the rulemaking requirements associated with permanent rules, pursuant to § 24-4-103, C.R.S., would be contrary to public interest.

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

9. The rules attached to this Decision shall remain in effect until permanent rules become effective or for 210 days from their respective effective dates, whichever period is less.

10. The emergency rules attached to this Decision include disqualification for convictions related to crimes of violence; convictions related to Class 1, 2, 3, or 4 felonies under Article 3 of Title 18, C.R.S.; unlawful sexual offenses against a child, as defined in § 18-3-411, C.R.S.; and any comparable offences in any other state or in the United States. We recognize that this list will likely be modified during the permanent rulemaking process. The Commission will publish a Notice of Proposed Rulemaking seeking comments on, among other issues, the appropriate breadth of driver disqualification under the bill's new legal framework.

II. ORDER

A. The Commission Orders That:

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

2. The rules in Attachment A shall be effective on July 1, 2008.

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

4. The rules in Attachment B shall be effective on July 30, 2008, and shall supersede any conflicting rules adopted in Docket No. 07R-327TR.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 25, 2008.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RON BINZ

JAMES K. TARPEY

MATT BAKER

Commissioners

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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 authority to operate as a transportation carrier; 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), [40-10-105.5\(5\)](#), 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), [40-14-106\(2\)\(a\)\(I\)](#), 40-14-108(1), 40-14-110, 40-16-103.6(1), 40-16-103.8, 40-16-104, [40-16-104.5\(5\)](#), 40-16-105(1), 42-4-1809(2)(a), ~~and 42-4-2108(2)(a)~~, ~~and 42-20-202(1)(a)~~, C.R.S.

GENERAL PROVISIONS

* * *

6016. Fingerprint-Based Criminal History Background Checks.

(a) For purposes of this rule only:

- (I) ~~“Applicant” means a household goods mover seeking to establish or renew a household goods mover registration.~~ [\[Reserved\]](#)
- (II) “CBI” means the Colorado Bureau of Investigation.

- (III) "Driver" means a person who drives or wishes to drive a taxicab for a taxicab carrier or who drives or wishes to drive for an exempt passenger carrier, regardless of whether such person drives or wishes to drive as an employee or independent contractor.
 - (IV) "Passenger carrier" means an exempt passenger carrier ~~or a common carrier with authority to provide taxicab service and a taxicab carrier, but only to the extent the taxicab carrier uses or wishes to use drivers to drive taxicabs.~~
 - ~~(V) "Principal" means a director, officer, owner, or general partner of a household goods mover.~~
 - (VI) "Record check" means a state and national fingerprint-based criminal history record check.
- (b) This rule applies to passenger carriers, and drivers, ~~household goods movers, and principals.~~
- ~~(c) Drivers and passenger carriers.~~
- (c) Within ten days of contracting or being employed to drive for passenger carrier, a driver shall submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check.
- ~~(#d)~~ A driver shall re-submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check ~~at least once every within~~ two years after the Commission provides him/her with the qualification notice required by subparagraph (j)(III) of this rule.
- ~~(#e)~~ The driver may obtain information regarding the actual cost of the record check from the Commission or its website. The driver shall submit his or her fingerprints on an official form (FD-258). The Commission will only accept official forms completed in accordance with the instructions available from the Commission or its website.
- ~~(IV) [Reserved].~~
- (f) Disqualification.
- (I) A driver is not of good moral character, and shall be disqualified and prohibited from driving, if the driver has been convicted of a felony or misdemeanor involving moral turpitude. For purposes of this rule, a felony or misdemeanor involving moral turpitude means:
 - (A) a conviction in the State of Colorado, within the ten years preceding the date the criminal history record check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
 - (B) a conviction in the State of Colorado, within the four years preceding the date the criminal history record check is completed, of any class 1, 2, 3, or 4 felony under Article 3 of Title 18, C.R.S., other than an unlawful sexual offense against a child as defined in § 18-3-411, C.R.S.; or

(C) a conviction in the State of Colorado at any time of any unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S.;

(D) an offense in any other state or in the United States that is comparable to any offence listed in subparagraphs (I)(A) through (C).

(II) A driver shall be disqualified and prohibited from driving if, within the two years preceding the date the criminal history record check is completed, the driver was:

(A) convicted in this state of driving under the influence, as defined in § 42-4-1301 (1) (f), C.R.S.; driving with excessive alcoholic content, as described in § 42-4-1301 (2) (a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301 (1) (g), C.R.S.; or driving while an habitual user of a controlled substance, as described in § 42-4-1301 (1) (c), C.R.S.; or

(B) convicted of a comparable offense in any other state or in the United States.

(Vg) A passenger carrier shall not permit a driver to drive for the passenger carrier if:

(A) the driver has not complied with this rule and § 40-16-104.5 or § 40-10-105.5, C.R.S., as applicable;

(B) the driver is disqualified and prohibited from driving under ~~§ 40-16-104.5(4) or § 40-10-105.5(4), C.R.S., as applicable~~ paragraph (j) of this rule; or

(C) the passenger carrier becomes ~~or reasonably should have become~~ aware that the driver has been convicted of any disqualifying offenses under paragraph (f) of this rule.

(i) convicted, within the last ten years, of any offense listed in ~~§ 40-16-104.5(4)(a) or § 40-10-105.5(4)(a), C.R.S., as applicable;~~ or

(ii) convicted, within the last two years, of any offense listed in ~~§ 40-16-104.5(4)(b) or § 40-10-105.5(4)(b), C.R.S., as applicable.~~

(Vh) Passenger carriers are authorized to contact the Commission regarding whether a particular driver has been disqualified and prohibited from driving.

(Vii) A passenger carrier shall, as a condition of continued contract or employment, require a driver to submit his or her fingerprints to the Commission for a record check:

(A) at least once every two years; and/or

(B) within ten days of becoming aware that the driver has been convicted of the offenses listed in ~~subparagraphs (V)(C)(i) and (ii)~~ (f) of this rule.

- ~~(VIII)~~ Driver qualification determinations.
- ~~(A)~~ Upon the Commission's receipt of a completed record check, Staff of the Commission (Staff) shall make the initial determination regarding the driver's qualification status under ~~§ 40-16-104.5(4) or § 40-10-105.5(4), C.R.S., as applicable~~ paragraph (f) of this rule.
- ~~(B)~~ In making its initial qualification determination, Staff is authorized to request from the driver, and the driver shall provide, additional information that will assist Staff in making the initial determination regarding the driver's qualification status ~~under § 40-16-104.5(4) or § 40-10-105.5(4), C.R.S., as applicable.~~ If, within 15 days of Staff's request, a driver does not provide such additional information or a reason explaining why it is unavailable, Staff ~~shall~~ may disqualify the driver.
- ~~(C)~~ Staff shall give to the driver written notice of its initial qualification determination. If Staff initially determines that the driver is disqualified and prohibited from driving, the driver may, within 60 days of Staff's written disqualification notice, petition the Commission for an order reversing Staff's initial determination.
- ~~(IV)~~ Upon the filing of a petition to reverse Staff's initial determination:
- ~~(A)~~ Staff shall be an indispensable party and shall bear the burden of going forward to demonstrate the reasons for its initial determination;
- ~~(B)~~ the driver shall bear the burden of proving that Staff's initial determination is not supported by fact or law; and
- ~~(C)~~ the Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S.
- ~~(D)~~ Staff's initial qualification determination may be relied upon by all persons, unless and until the Commission reverses Staff's initial qualification determination.
- ~~(d)~~ Principals and household goods movers.
- ~~(I)~~ Prior to the issuance of a household goods mover registration, an applicant and each principal thereof shall submit a set of his or her fingerprints, using an official fingerprint form (FD-258), together with the established fee, to CBI for the purpose of conducting a record check. The applicant should begin the fingerprint process at least three months prior to the date that the applicant wishes to begin operations as a household goods mover; fingerprint processing may take longer if results are returned as unreadable or unclassifiable.
- ~~(II)~~ Applicants and principals shall complete the official fingerprint form (FD-258) in accordance with the instructions available from the Commission or its website.
- ~~(ek)~~ The Commission and its Staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks. The Commission may require a name-based criminal history record check of a driver, ~~principal, or household goods mover~~ who

has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unreadable or unclassifiable.

(I) Nothing in this rule shall be construed to make an independent contractor driver an employee driver of a passenger carrier.

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HOUSEHOLD GOODS MOVER AND PROPERTY CARRIER RULES

* * *

6603. Registration.

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(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 \$300.00.

(III) ~~Household goods movers shall provide the following information for each director, officer, owner, or general partner of the household goods mover:~~[Reserved].

~~(A) First, middle, and last names;~~

~~(B) Gender;~~

~~(C) Social Security Number; and~~

~~(D) Date and place of birth.~~

(IV) Property carriers shall pay a registration filing fee of \$50.00; except that a person that simultaneously registers as a property carrier and as a household goods mover shall be exempt from the \$50.00 registration filing fee and need only pay the \$300.00 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.

~~(d) The Commission shall treat the Social Security Number and the date and place of birth, acquired under subparagraph (b)(III) of this rule, as confidential.~~[Reserved].

(e) Household goods mover registration.

- (I) The Commission may deny or refuse to renew the registration of a household goods mover pursuant to §§ 40-14-103(3) ~~and 103.5(2)~~, C.R.S.
- (II) For a household goods mover that submitted registration materials during the effectiveness of House Bill 07-1249 and whose registration remains pending, the Commission waives all fingerprint-based criminal history record check rule requirements derived under House Bill 07-1249 that preclude the immediate issuance of said registration. Commission staff shall review the results of the fingerprint-based criminal background check and issue a household goods mover registration if:
 - ~~(A) — the results of the fingerprint-based criminal background check are negative for each director, officer, owner, or general partner of the household goods mover; and~~
 - ~~(B) — all other requirements are met.~~
- ~~(III) — If the results of the fingerprint-based criminal background check are not negative for each director, officer, owner, or general partner of the household goods mover, then the Commission, after hearing upon reasonable notice, shall determine whether to issue a household goods mover registration.~~

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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 authority to operate as a transportation carrier; 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), 40-10-105.5(5), 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), 40-14-106(2)(a)(I), 40-14-108(1), 40-14-110, 40-16-103.6(1), 40-16-103.8, 40-16-104, 40-16-104.5(5), 40-16-105(1), 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

GENERAL PROVISIONS

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6015. Fingerprint-Based Criminal History Background Checks.

(a) For purposes of this rule only:

- (I) ~~"Applicant" means a household goods mover seeking to establish or renew a household goods mover registration.~~ [Reserved].
- (II) "CBI" means the Colorado Bureau of Investigation.
- (III) "Driver" means a person who drives or wishes to drive a taxicab for a taxicab carrier or who drives or wishes to drive for an exempt passenger carrier, regardless of whether such person drives or wishes to drive as an employee or independent contractor.

(IV) "Passenger carrier" means an exempt passenger carrier and a taxicab carrier, but only to the extent the taxicab carrier uses or wishes to use drivers to drive taxicabs.

~~(V) "Principal" means a director, officer, owner, or general partner of a household goods mover.~~

(VI) "Record check" means a state and national fingerprint-based criminal history record check.

(b) This rule applies to passenger carriers, and drivers, ~~household goods movers, and principals.~~

~~(c) Drivers and passenger carriers.~~

~~(c)~~ Within ten days of contracting or being employed to drive for passenger carrier, a driver shall submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check.

~~(d)~~ A driver shall re-submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check within two years after the Commission provides him/her with the qualification notice required by ~~subsection (c)(VII)(C) subparagraph (j)(III)~~ of this rule.

~~(e)~~ The driver may obtain information regarding the actual cost of the record check from the Commission or its website. The driver shall submit his or her fingerprints on an official form (FD-258). The Commission will only accept official forms completed in accordance with the instructions available from the Commission or its website.

~~(f) Disqualification.~~

~~(I) A driver is not of good moral character, and shall be disqualified and prohibited from driving, if the driver has been convicted of a felony or misdemeanor involving moral turpitude. For purposes of this rule, a felony or misdemeanor involving moral turpitude means:~~

~~(A) a conviction in the State of Colorado, within the ten years preceding the date the criminal history record check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;~~

~~(B) a conviction in the State of Colorado, within the four years preceding the date the criminal history record check is completed, of any class 1, 2, 3, or 4 felony under Article 3 of Title 18, C.R.S., other than an unlawful sexual offense against a child as defined in § 18-3-411, C.R.S.; or~~

~~(C) a conviction in the State of Colorado at any time of any unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S.;~~

~~(D) an offense in any other state or in the United States that is comparable to any offence listed in subparagraphs (I)(A) through (C).~~

(II) A driver shall be disqualified and prohibited from driving if, within the two years preceding the date the criminal history record check is completed, the driver was:

(A) convicted in this state of driving under the influence, as defined in § 42-4-1301 (1) (f), C.R.S.; driving with excessive alcoholic content, as described in § 42-4-1301 (2) (a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301 (1) (g), C.R.S.; or driving while an habitual user of a controlled substance, as described in § 42-4-1301 (1) (c), C.R.S.; or

(B) convicted of a comparable offense in any other state or in the United States.

(IVg) A passenger carrier shall not permit a driver to drive for the passenger carrier if:

(A) the driver has not complied with this rule and § 40-16-104.5 or § 40-10-105.5, C.R.S., as applicable;

(B) the driver is disqualified and prohibited from driving under ~~subparagraph (c)(VII), or § 40-16-104.5(4) or § 40-10-105.5(4), C.R.S., as applicable~~ paragraph (j) of this rule; or

(C) the passenger carrier becomes aware that the driver has been convicted of any disqualifying offenses under paragraph (f) of this rule.

~~(i) convicted, within the last ten years, of any offense listed in § 40-16-104.5(4)(a) or § 40-10-105.5(4)(a), C.R.S., as applicable; or~~

~~(ii) convicted, within the last two years, of any offense listed in § 40-16-104.5(4)(b) or § 40-10-105.5(4)(b), C.R.S., as applicable.~~

(Vh) Passenger carriers are authorized to contact the Commission regarding whether a particular driver has been disqualified and prohibited from driving.

(Vi) A passenger carrier shall, as a condition of continued contract or employment, require a driver to submit his or her fingerprints to the Commission for a record check:

(A) at least once every two years; and/or

(B) within ten days of becoming aware that the driver has been convicted of the offenses listed in ~~subparagraphs (IV)(C)(i) and (ii)~~ (f) of this rule.

(Vij) Driver qualification determinations.

(A) Upon the Commission's receipt of a completed record check, Staff of the Commission (Staff) shall make the initial determination regarding the driver's qualification status under ~~§ 40-16-104.5(4) or § 40-10-105.5(4), C.R.S., as applicable~~ paragraph (f) of this rule.

(B) In making its initial qualification determination, Staff is authorized to request from the driver, and the driver shall provide, additional information that will assist Staff in making the initial determination regarding the driver's qualification status ~~under § 40-16-104.5(4) or § 40-10-105.5(4), C.R.S., as applicable.~~ If, within 15 days of Staff's request, a driver

does not provide such additional information or a reason explaining why it is unavailable, Staff ~~shall~~may disqualify the driver.

(CIII) Staff shall give to the driver written notice of its initial qualification determination. If Staff initially determines that the driver is disqualified and prohibited from driving, the driver may, within 60 days of Staff's written disqualification notice, petition the Commission for an order reversing Staff's initial determination.

(IV) Upon the filing of a petition to reverse Staff's initial determination:

(A) Staff shall be an indispensable party and shall bear the burden of going forward to demonstrate the reasons for its initial determination;

(B) the driver shall bear the burden of proving that Staff's initial determination is not supported by fact or law; and

(C) the Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S.

(DV) Staff's initial qualification determination may be relied upon by all persons, unless and until the Commission reverses Staff's initial qualification determination.

~~(d) Principals and household goods movers.~~

~~(I) Prior to the issuance of a household goods mover registration, an applicant and each principal thereof shall submit a set of his or her fingerprints, using an official fingerprint form (FD-258), together with the established fee, to CBI for the purpose of conducting a record check. The applicant should begin the fingerprint process at least three months prior to the date that the applicant wishes to begin operations as a household goods mover; fingerprint processing may take longer if results are returned as unreadable or unclassifiable.~~

~~(II) Applicants and principals shall complete the official fingerprint form (FD-258) in accordance with the instructions available from the Commission or its website.~~

~~(III) The Commission will use the results of the record check to determine whether to issue a household goods mover registration under rule 6603(e).~~

(ek) The Commission and its Staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks. The Commission may require a name-based criminal history record check of a driver, ~~principal, or household goods mover~~ who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unreadable or unclassifiable.

(fl) Nothing in this rule shall be construed to make an independent contractor driver an employee driver of a passenger carrier.

HOUSEHOLD GOODS MOVER AND PROPERTY CARRIER RULES

* * *

6603. Registration.

* * *

- (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 \$300.00.
 - (III) ~~Household goods movers shall provide the following information for each director, officer, owner, or general partner of the household goods mover: [Reserved].~~
 - ~~(A) — First, middle, and last names;~~
 - ~~(B) — Gender;~~
 - ~~(C) — Social Security Number; and~~
 - ~~(D) — Date and place of birth.~~
 - (IV) Property carriers shall pay a registration filing fee of \$50.00; except that a person that simultaneously registers as a property carrier and as a household goods mover shall be exempt from the \$50.00 registration filing fee and need only pay the \$300.00 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.
- (d) ~~The Commission shall treat the Social Security Number and the date and place of birth, acquired under subparagraph (b)(III) of this rule, as confidential. [Reserved].~~
- (e) Household goods mover registration.
- (I) The Commission may deny or refuse to renew the registration of a household goods mover pursuant to §§ 40-14-103(3) ~~and 103.5(2)~~, C.R.S.
 - (II) For a household goods mover that submitted registration materials during the effectiveness of House Bill 07-1249 and whose registration remains pending, the Commission waives all fingerprint-based criminal history record check rule requirements derived under House Bill 07-1249 that preclude the immediate issuance of said registration. Commission staff shall review the results of the fingerprint-based criminal

~~history record check and, using any commercially or governmentally available information source, research relevant criminal and civil history for the household goods mover and each director, officer, owner, and general partner thereof.~~

- ~~(III) — Commission staff shall issue a household goods mover registration only if:~~
- ~~(A) — the results of the fingerprint-based criminal history record check are negative for each director, officer, owner, or general partner of the household goods mover;~~
 - ~~(B) — the results of the research conducted by Commission staff indicates that the household goods mover has no unsatisfied final judgments arising out of any civil or criminal action in a court of law, pursuant to § 40-14-103(3)(c), C.R.S.; and~~
 - ~~(C) — all other requirements are met.~~
- ~~(IV) — If Commission staff is unable to issue a household goods mover registration under subparagraph (e)(III) of this rule, then the Commission, after hearing upon reasonable notice, shall determine whether to issue a household goods mover registration. Notwithstanding anything in this subparagraph (IV) to the contrary, the Commission may issue an order without hearing when:~~
- ~~(A) — the Commission has already held a hearing in prior annual registration cycles;~~
 - ~~(B) — after such hearing the Commission issued the registration; and~~
 - ~~(C) — since the prior annual registration cycle, the civil and criminal history has not changed for the household goods mover and each director, officer, owner, and general partner thereof.~~

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