

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 motor carrier; insurance and permit 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 common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport), and transportation network companies. In addition, these rules cover persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a, including motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10.1-101 through 608;42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

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[indicates omission of unaffected rules]

6612. – 6699. [Reserved].

TRANSPORTATION NETWORK COMPANY RULES

6700. Applicability of Transportation Network Company Rules.

Rules 6700 through 6703 apply to all transportation network companies (TNCs) and to all Commission proceedings and operations concerning TNCs including applicants, TNC employees, and TNC drivers.

6701. Application for Permit to Operate as Transportation Network Company.

- (a) A person seeking to operate, or operating as a TNC must obtain a TNC permit. To obtain a TNC permit, a person must:
 - (I) complete and submit an application on a Commission-prescribed form;
 - (II) pay the permit fee set forth in § 40-10.1-606(2), C.R.S.; and

(III) cause to be filed with the Commission proof of insurance that complies with the requirements and their respective effective and filing dates found in these rules and § 40-10.1-604, C.R.S.

(b) TNC permits are valid for a period of one year from the date of issuance.

6702. Financial Responsibility.

(a) Every TNC shall obtain and keep in force at all times motor vehicle liability insurance coverage that conforms with the requirements of § 40-10.1-604(2), C.R.S. Every TNC shall cause to be filed a Form T: TNC Bodily Injury and Property Damage Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer that is authorized to do business in this state and filed prior to the TNC's initiation of operations.

(b) A TNC shall comply with one of the following:

(I) If a TNC chooses to maintain primary automobile insurance coverage on behalf of its drivers that conforms with the requirements of § 40-10.1-604(3), C.R.S., it shall cause to be filed with the Commission a Form P: TNC Primary Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer that is authorized to do business in this state and filed prior to the TNC's initiation of operations.

(II) If a TNC chooses not to maintain primary automobile insurance on behalf of its drivers, it shall file a certification that each driver operating on its network is in compliance with the provisions of § 40-10.1-604(3), C.R.S., prior to the TNC's initiation of operations.

(c) For the purposes of this rule, surplus line insurers authorized under article 5 of title 10, C.R.S., are within the meaning of an "insurer that is authorized to do business in this state".

6703. Safety Rules.

(a) The Commission incorporates by reference the following Federal Motor Carrier Safety Regulations published in 49 C.F.R. 391, 393, and 396, as revised on October 1, 2010:

(I) Medical Fitness Rules: § 391.41; §§ 391.43(a), (b), and (c); §§ 391.45(a), (b)(1), and (c)

(II) Vehicle Inspection Rules: § 393.9; § 393.19; § 393.24(a); § 393.42; §§ 393.47(a), (d), and (g); § 393.48; § 393.52; §§ 393.60(b), (c), and (e); §§ 393.75(a), (b), and (c); § 393.78(a); § 393.80(a); § 393.81; § 393.82; §§ 393.83(a), (b), (c), (d), (f), (g), and (h); § 393.93(a)(3); §§ 393.203(a), and (e); §§ 393.209(b), (d), and (e); § 396.3(a)(1); § 396.13(a); § 396.19

(b) A TNC shall require its drivers to comply with the following:

(I) at the end of the twelfth hour after logging in to the TNC's digital network, a driver shall not drive for any TNC or motor carrier and shall be logged out of any TNC's digital network for eight consecutive hours. Drivers may be logged out of the TNC's digital network for any period of time during the twelve-hour period, but the twelve-hour period may restart only after eight consecutive hours logged out of the TNC's digital network;

- (II) a driver shall not be logged in to a TNC's digital network for a minimum period of eight consecutive hours after having been logged in to the TNC's digital network for 80 hours in any eight consecutive days. In no instance shall a driver's logged-in hours exceed 80 hours in any rolling eight consecutive day periods;
- (III) a TNC that engages a driver shall maintain and retain true and accurate time records, including all supporting documents verifying such time records, for a period of six months showing:
 - (A) each time(s) the driver logs in to the TNC's digital network each day;
 - (B) each time(s) the driver logs out of the TNC's digital network each day;
 - (C) the total number of hours the driver is logged in to the TNC's digital network each day; and
 - (D) an indication of when a driver is logged out of the TNC's digital network for an entire day.
- (c) A TNC must require its drivers to comply with the medical certification standards set forth in the Federal Motor Carrier Safety Regulations published at 49 C.F.R. 391.41 and 391.43, as revised on October 1, 2010.
- (d) Vehicle inspections conducted pursuant § 40-10.1-605, C.R.S., shall meet the applicable inspection standards set forth in the Federal Motor Carrier Safety Regulations published at 49 C.F.R. 393, as revised on October 1, 2010.