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

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 507; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 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, limited regulation carriers, towing carriers, movers, UCR registrants, and drivers as defined herein. For hazardous materials carriers and nuclear materials carriers, only rule 6008 and the related definitions in rule 6001 shall apply. 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) "Advertise" means to advise, announce, give notice of, publish, or call attention to by use of any oral, written, or graphic statement made in a newspaper or other publication, on radio, television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property.

(b) "Authority," except as otherwise defined or contextually required, means a common carrier certificate, a contract carrier permit, or an emergency temporary authority or a temporary authority issued by the Commission to a regulated intrastate carrier.

(c) "Certificate" means the certificate of public convenience and necessity issued to a common carrier as that term is defined herein.

(d) "C.F.R." means the Code of Federal Regulations.

(e) "Common carrier" means every person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state by motor vehicle or other vehicle whatever by indiscriminately accepting and carrying passengers for compensation; except that the term does not include a contract carrier as defined under § 40-10.1-101(6), C.R.S.; a motor carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; or a limited regulation carrier defined under § 40-10.1-301, C.R.S.

(f) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly.

(g) "Contract carrier" means every person, other than a common carrier or a motor carrier of passengers under Part 3 of Article 10.1 of Title 40, C.R.S., who, by special contract, directly or indirectly affords a means of passenger transportation over any public highway of this state.

(h) "Duplicating or overlapping authority" means transportation in the same type of service between the same points under two or more separate common or contract carrier authorities which are held by the same carrier.

(i) "Driver" means any person driving a motor vehicle, including an independent contractor.

(j) "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.

(k) "Enforcement official" means either:

(I) any employee or independent contractor appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation by motor vehicle; or

(II) "enforcement official," as that term is defined by § 42-20-103(2), C.R.S.

(l) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.

(m) "Form E" means a Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.

(n) "Form G" means a Form G Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, executed by a duly authorized agent of the surety.

(o) "Form H" means a Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.

(p) "Form J" means a Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.

(q) "Form K" means a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.

(r) "Form L" means a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.

(s) "Form SB" means a form prescribed by the Commission which provides a towing carrier's proof of a surety bond pursuant to § 40-10.1-401(3), C.R.S., for the purpose of paying a civil penalty assessment that the carrier fails to pay when due, executed by a duly authorized agent of the surety.

(t) "Form WC" means a form prescribed by the Commission which provides a towing carrier's proof of workers' compensation coverage in accordance with the Workers' Compensation Act of Colorado (*see* § 40-10.1-401(3), C.R.S.).

(u) "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.

(v) "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.

(w) "Hazardous materials carrier" means a person who transports hazardous materials as defined in § 42-20-103(3), C.R.S.

(x) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.

(y) "Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property if the transportation of such effects and property is: (a) arranged and paid for by the householder; except that "household goods" does not include property moving from a factory or store, other than property that the householder has purchased with the intent of use in his or her dwelling and that is transported at the request of, and the transportation charges are paid to the mover by, the householder; or (b) arranged and paid for by another party.

(z) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.

(aa) "Intrastate commerce" means transportation, for compensation, by motor vehicle over the public highways between points in this state.

(bb) "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 common or contract carrier authority.

(cc) "Limited regulation carrier" means a person who provides service by charter bus, children's activity bus, fire crew transport, luxury limousine, or off-road scenic charter as those terms are defined in § 40-10.1-301, C.R.S.

(dd) "Luxury limousine" means a motor vehicle, for compensation to transport passengers in luxury limousine service.

(ee) "Luxury limousine service" means a specialized, luxurious transportation service provided on a prearranged, charter basis as defined in rule 6301(a). "Luxury limousine service" does not include taxicab service or any service provided between fixed points over regular routes at regular intervals.

(ff) "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle that provides transportation in intrastate commerce pursuant to Article 10.1 of Title 40, C.R.S.

(gg) "Motor vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby.

(hh) "Mover" means a motor carrier that provides the transportation or shipment of household goods.

(ii) "Nuclear materials carrier" means a person who transports nuclear materials as defined in § 42-20-402(3), C.R.S.

(jj) "Passenger," except as otherwise specifically defined or contextually required, means any person, other than a driver, occupying a motor vehicle including any assistance animals as defined in § 24-34-803, C.R.S.

(kk) "Permit" means the permit issued to a contract carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S., or to a motor carrier pursuant to parts 3, 4, and 5 of said Article.

(ll) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or other legal entity and any person acting as or in the capacity of lessee, trustee, or receiver thereof, whether appointed by a court or otherwise.

(mm) "Regulated intrastate carrier" means a common carrier and/or a contract carrier.

(nn) "Seating capacity"

(I) Except as otherwise specifically defined or contextually required, and in the absence of the manufacturer-rated number of seating positions in a motor vehicle, "seating capacity" means the greatest of the following:

(A) the total number of seat belts, including the driver's, in a motor vehicle; or

(B) 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;

(ii) the number of single-occupancy seats, including the driver's seat if it is not part of a split-bench seat; and

(iii) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number.

(II) In all cases, any auxiliary seating positions such as folding jump seats shall be counted in determining seating capacity.

(III) 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.

(oo) "Taxicab" means a motor vehicle with a seating capacity of eight or less, including the driver, operated in taxicab service.

(pp) “Taxicab service” means passenger transportation in a taxicab on a call-and-demand basis, with the first passenger therein having exclusive use of the taxicab unless such passenger agrees to multiple loading.

(qq) "Towing carrier" means a motor carrier that: (a) provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck; and (b) may also provide storage of towed vehicles.

(rr) "Towing carrier permit" means the permit issued by the Commission to a towing carrier pursuant to § 40-10.1-401, C.R.S.

(ss) "Type of service" means any one of the following services: charter, limousine, shuttle, sightseeing, taxicab, or scheduled, as those terms are defined by rule 6201.

(tt) “UCR Agreement” means the Unified Carrier Registration Agreement authorized by section 4305 of the federal “Unified Carrier Registration Act of 2005,” and found in 49 U.S.C. § 14504a.

(uu) “UCR registrant” means a motor carrier, motor private carrier, freight forwarder, broker, leasing company, or other person required to register under the UCR Agreement.

(vv) "Voluntary suspension" means a suspension sought by a motor carrier.

6002. Applications.

A person 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 regulated intrastate carrier, as provided in rule 6203.

(b) To abandon or voluntarily suspend an authority to operate as a regulated intrastate carrier, as provided in paragraph 6204(b).

(c) To encumber or transfer any authority to operate as a regulated intrastate carrier, to acquire control of any regulated intrastate carrier, or to merge or consolidate a regulated intrastate 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(j).

(e) For a permit to operate as a limited regulation carrier, as provided in rule 6303.

(f) For a permit to operate as a towing carrier, as provided in rule 6503.

(g) For a permit to operate as a mover, as provided in rule 6603.

6003. Petitions.

Any person may petition the Commission for a waiver or variance of any rule in this Part 6 as provided in rule 1003 of the Commission's Rules of Practice and Procedures, 4 CCR 723-1.

6004. Registration.

A person may seek Commission action through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rule 6401.

6005. Authority to Interview Personnel, and Inspect Records, Motor Vehicles, and Facilities.

(a) Unless a period of record retention is specified in a rule,

(I) motor carriers shall maintain the records required by these rules for a period of three years; and

(II) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.

(b) The records may be kept in either a written or electronic format.

(c) An enforcement official has the authority to interview personnel, inspect the records and supporting documents, motor vehicles used in providing a transportation service, and facilities of a motor carrier.

(I) Upon request by an enforcement official, except as otherwise required by these rules or an order of the Commission, original records must be made available and copies provided to such enforcement official pursuant to the following timelines:

(A) Immediately for any records required to be maintained in a motor vehicle or with the driver, towing authorizations, mover contracts for service, or any records related to insurance or safety;

(B) Within two days for any records related to a complaint investigation; or

(C) Within ten days for all other records.

(II) When a request under paragraph (c) of this rule meets multiple standards under subparagraphs (c)(I) through (III), the strictest standard shall apply.

(III) Upon request of an enforcement official and during normal business hours, a motor carrier shall make its facilities available for inspection.

(IV) Upon request by an enforcement official, a motor carrier, including its drivers, shall make its motor vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.

(V) Upon request by an enforcement official, motor carrier personnel and drivers shall be available for interview during normal business hours.

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) A motor carrier is required to notify the Commission of any change of name, mailing address, physical address, or telephone number on file with the Commission. Within two days of making said change, each motor carrier shall file a signed report with the Commission. Such a filing shall indicate all of the affected motor carrier's certificates, permits, or registrations. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State.

(I) In the event of a name change or an address change, the motor 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 motor 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 motor carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. Motor vehicle liability means liability for bodily injury and property damage.

(II) Cargo liability coverage. Every mover and towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. 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.

(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 that conforms with the requirements of this rule.

(IV) General liability coverage. Every mover shall obtain and keep in force at all times general liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage.

(V) Civil penalty assessment guarantee. Every towing carrier shall obtain and keep in force at all times a surety bond providing coverage that conforms with § 40-10.1-401(3), C.R.S.

(VI) Workers' compensation insurance coverage. Every towing carrier shall obtain and keep in force at all times workers' compensation coverage in accordance with § 40-10.1-401(3), C.R.S., and in accordance with the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S.

(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
Limited Regulation Carriers:	15 or less	$1,000,000
	16 through 32	$1,500,000
	33 or more	$5,000,000 or, for public entities, the maximum amount per § 24-10-114(1) C.R.S.
Mover	10,000 pounds or more GVWR	$ 750,000
	Less than 10,000 pounds GVWR	$ 300,000
Towing Carriers	Any GVWR	$ 750,000

(C) Motor carriers may obtain a certificate of self-insurance issued pursuant to §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R.

(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) For movers, the minimum level of cargo liability coverage shall be $10,000.00 for loss of or damage to household goods carried on any one motor vehicle, or sixty cents ($0.60) 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 movers, the minimum general liability coverage shall be $500,000.00.

(V) For towing carriers, the civil penalty assessment guarantee shall be $50,000.00. The yearly aggregate liability of the surety shall not exceed the amount of the bond, regardless of the number of claims. The surety bond must be made payable to the Commission and is for the purpose of paying any civil penalty assessments levied by the Commission against the carrier that the carrier fails to pay when due. The surety bond shall be consistent with the form provided by the Commission.

(VI) For towing carriers, workers' compensation insurance coverage as established by the Workers' Compensation Act of Colorado and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.

(c) Except as provided in paragraph (d), the motor 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; or, for self-insurance, is provided in accordance with §§ 10-4-624 and 42-7-501, C.R.S.;

(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 motor carrier, or which may be under the control of the motor carrier, regardless of whether such motor vehicles are specifically described in the policy or amendments or endorsements thereto;

(IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the motor carrier on a "first dollar"/"dollar one" basis;

(V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the motor carrier regardless of the level of funds in the retained risk pool; and

(VI) does not permit a motor carrier to pay insurance or surety benefits directly to a party damaged by said motor 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 motor carrier's insurance or surety policy.

(d) The provisions of subparagraphs (IV) through (VI) of paragraph (c) do not apply to motor carriers with regard to proof of self-insurance pursuant to 49 C.F.R. Part 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (c) do not apply to surety bond and workers compensation requirements for towing carriers pursuant to § 40-10.1-401(3), C.R.S.

(e) The motor carrier shall retain each original insurance or surety policy for required coverage, make such policies available for inspection by enforcement officials, and keep a copy of its proof of motor vehicle liability coverage in each motor vehicle that it operates.

(f) The motor 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, limited regulation carriers, movers, and towing carriers, a Form E or G.

(B) For common carriers, contract carriers, limited regulation carriers, movers, and towing carriers obtaining a certificate of self-insurance under the provisions of §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R., a copy of said certificate of self-insurance. Upon renewal of the certificate of self-insurance, the common carrier, contract carrier, limited regulation carrier, mover, or towing carrier shall file a copy of the most current version of such certificate of self-insurance.

(II) Cargo liability coverage. For all movers or towing carriers, a Form H or J. For a towing carrier, a Colorado Form 12-INS may be used in lieu of the Form H.

(III) Garage keeper's liability coverage. For all towing carriers, a Colorado Form 14-INS.

(IV) General liability coverage. For all movers, a Colorado Form GL.

(V) Civil penalty assessment guarantee. For all towing carriers, a Colorado Form SB.

(VI) Worker’s compensation insurance coverage. For all towing carriers, a Colorado Form WC.

(g) The motor carrier’s failure to file proof of liability coverage, workers’ compensation insurance coverage, or civil penalty assessment guarantee as required by this rule, shall constitute a rebuttable presumption that the carrier is not properly covered under the requirements of this rule.

(h) The motor carrier shall ensure that the policy and the forms noted in this rule contain the motor 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) Except as provided in paragraph (l) of this rule, 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 or not renewed 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 or non-renewal notice 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 or not renew a certificate of insurance and/or surety bond by letter to the Commission containing the same information as required by such form.

(l) Administrative cancellation of certificates of insurance and/or surety bond.

(I) When a new certificate of insurance and/or surety bond is received by the Commission, all certificates of insurance and/or surety bond for the same type and category of coverage with an older effective date shall be administratively cancelled. For purposes of this paragraph, type of coverage means those listed in paragraph (f) of this rule, and category of coverage means primary coverage or excess coverage.

(II) When the Commission receives notice from a motor carrier to cancel all of its authorities and permits, all certificates of insurance and/or surety bond for the motor carrier shall be administratively cancelled.

6008. Revocation, Suspension, Alteration, or Amendment.

(a) Summary suspension and/or revocation for lack of financial responsibility of a motor carrier, a hazardous materials carrier, and a nuclear materials carrier.

(I) Summary suspension.

(A) Whenever Commission records indicate that a motor carrier's hazardous materials carrier's, or nuclear materials 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, pursuant to § 24-4-104(3) and (4), C.R.S., summarily suspend such authority or permit.

(B) For purposes of this paragraph, failure on the part of an insurance company to respond to a Commission inquiry for verification of insurance coverage within 60 days shall be treated as a cancellation of insurance.

(C) The summary suspension shall be effective on the date of coverage cancellation.

(II) The Commission shall advise the motor carrier, hazardous materials carrier, or nuclear materials carrier:

(A) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;

(B) that its authority or permit is summarily suspended as of the coverage cancellation date;

(C) that it shall not conduct operations under any of its authorities, or permits after the coverage cancellation date;

(D) that the Commission has initiated complaint proceedings to revoke its authorities, or permits;

(E) that it may submit, at a hearing convened to determine whether its authorities or permits should be revoked, written data, views, and arguments showing why such authorities or permits should not be revoked; and

(F) the date, time, and place set for such hearing.

(III) Until proper proof of insurance or surety coverage is filed with the Commission, a motor carrier, hazardous materials carrier, or nuclear materials carrier receiving notice of summary suspension shall not, under any of its authorities, or permits, conduct operations after the effective date of such summary suspension.

(IV) If the Commission receives proper proof of coverage prior to the hearing, the summary suspension and complaint will be dismissed without further order of the Commission, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.

(V) If the Commission receives proper proof of coverage prior to revocation, the Commission shall dismiss the summary suspension and complaint, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.

(b) After a hearing upon at least ten days' notice to the motor carrier affected, and upon proof of violation, the Commission may issue an order to cease and desist, suspend, revoke, alter, or amend any certificate or permit for the following reasons:

(I) A violation of, or failure to comply with, any statute, order, or rule concerning a motor carrier; or

(II) A conviction, guilty plea, or plea of nolo contendere to a felony by a towing carrier.

(c) Period of ineligibility.

(I) Except as provided in paragraph (d), a motor carrier whose certificate or permit is revoked shall be ineligible to be issued another certificate or permit for at least one year from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.

(II) Except as provided in paragraph (d), a motor carrier whose certificate or permit is revoked more than twice shall be ineligible to be issued another certificate or permit for at least two years from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.

(III) In the case of an entity other than an individual, such period of ineligibility shall also apply to all principals (including members of a limited liability company), officers, and directors of the entity, whether or not such principal, officer, or director applies individually or as a principal, officer, or director of the same or a different entity for a certificate or permit during the period of ineligibility.

(d) Subparagraphs (c)(I) and (II) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility required by rule 6007, unless the motor carrier knowingly operated without the required financial responsibility.

6009. Annual Motor Vehicle Fees - Exemption.

(a) Every motor carrier shall pay to the Commission an annual fee before the first day of January of each calendar year, for each motor vehicle that such motor carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.

(b) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.

(c) A motor carrier that obtains an authority or permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the authority or permit.

(d) A motor carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual fee prior to placing the additional vehicle(s) into service.

(e) Proof of payment of each annual fee shall be in the form of a vehicle stamp issued by the Commission.

(f) A vehicle stamp is valid only for the calendar year for which it is purchased.

(g) A motor carrier shall not operate a motor vehicle unless it has affixed a valid vehicle stamp to the inside lower right-hand corner of the motor vehicle's windshield. In the alternative, the vehicle stamp may be affixed to the right front side window of the motor vehicle so long as the stamp does not interfere with the driver's use of the right-hand outside mirror.

(h) Exemption for a UCR registrant.

(I) Except as provided in subparagraph (II), a motor carrier that is also a UCR registrant for the same calendar year is exempt from paragraphs (a) through (g) of this rule.

(II) A motor carrier that is also a UCR registrant for the same calendar year is not exempt from paragraphs (a) through (g) of this rule for any motor vehicle that:

(A) was used only in intrastate commerce;

(B) was not included in the calculation of fees paid under the UCR Agreement; and

(C) provides transportation of household goods, nonconsensual tows, or passenger transportation that is not subject to the preemption provisions of 49 U.S.C. section 14501(a).

(i) Exemption for a mover. A mover holding a permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (g) of this rule.

6010. Letter of Authority and Permit.

The motor carrier must maintain evidence of its authority or permit at its principal place of business and, upon request, shall present it to any enforcement official.

6011. Designation of Agent.

(a) Except for a sole proprietorship or partnership, each motor 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 motor carrier's designated agent. A motor 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. The motor carrier shall provide a signed statement by the designated agent indicating that person has approved the designation.

(b) Each motor carrier shall notify the Commission of any changes in the designated agent's identity, name, or address by filing a new designation within two days of receiving the information related to such change.

(c) Service upon a motor carrier's named designated agent, as filed with the Commission, shall be deemed to be service upon the motor carrier.

6012. [Reserved].

6013. Notice.

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

6014. Waivers.

A motor 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 motor 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 motor carrier's primary place of business.

6015. [Reserved].

6016. Advertising.

(a) No motor carrier, or any officer, agent, employee, or representative of said carrier, shall advertise a transportation service in a name other than that in which said carrier's authority or permit is held.

(I) If a motor carrier holds an authority or permit under a trade name, nothing in this paragraph shall be construed to require advertising under the name of said carrier's parent company.

(II) If a motor carrier holds an authority or permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.

(b) Each advertisement of a mover shall include the phrase "CO PUC Mover Permit No. [HHG permit number]" and the physical address of the mover.

(c) Roof lights.

(I) For purposes of this section, roof light means equipment attached to the roof of a vehicle, or extending above the roofline of a vehicle, for the purpose of displaying any information.

(II) Except as provided in subparagraph (III), a regulated intrastate carrier or limited regulation carrier shall not have a roof light, whether or not it displays any information, located on any motor vehicle operated under the regulated intrastate carrier's authority or limited regulation carrier's permit.

(III) Nothing in subparagraph (II) shall prohibit the following:

(A) any light otherwise required by law; or

(B) a roof light to identify a taxicab operated by a common carrier under an authority to provide taxicab service, or any advertising on the roof of a taxicab operated by a common carrier under an authority to provide taxicab service.

6017. 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) A violation of § 40-10.1-111(1)(f) or (2), C.R.S., or rule 6009(a), (c), or (d) with regard to operating a motor vehicle without having paid the annual fee may result in the assessment of a civil penalty of up to $400.00 for each violation.

(c) A violation of rule 6016(a) may result in the assessment of a civil penalty of up to $550.00 for each violation.

(d) Except as provided for in paragraph (a), (b), or (c) of this rule, a person who violates any provision of rules 6000 through 6016 may be assessed a civil penalty of up to $275.00 for each violation.

(e) Pursuant to § 40-7-112, C.R.S., a person, whose driver operates a motor vehicle in violation of applicable statutes or these rules, may be assessed a civil penalty for such violation.

(f) Notwithstanding any provision in these rules to the contrary, the Commission may assess double or triple civil penalties against any person, as provided in § 40-7-113, C.R.S.

(g) 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.

(h) 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.

(i) The civil penalty assessment notice shall contain the maximum penalty amount provided by rule for each individual violation noted, the amount of the penalty surcharge pursuant to § 24-34-108(2), with a separate provision for a reduced penalty of 50 percent of the maximum penalty amount if paid within ten days of receipt of the civil penalty assessment notice.

6018. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

(a) Rules 6100 through 6199 apply to:

(I) Regulated intrastate carriers and limited regulation carriers; and

(II) Drivers (whether as employees or independent contractors), employees, and commercial motor vehicles of the motor carriers listed in (a)(I) above.

(b) Additionally, rule 6103(a) shall also apply to towing carriers and movers.

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) "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.

(b) "Commercial motor vehicle", for purposes of those rules incorporated by reference, means a motor vehicle operated by a regulated intrastate carrier or limited regulation 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.

(c) "Employer", in addition to the definition found in 49 C.F.R. § 390.5, means a motor carrier as defined in 6100(a).

(d) "Low-power scooter" means "low-power scooter" as that term is defined in § 42-1-102(48.5), C.R.S.

(e) "Motor vehicle" is synonymous with the term "commercial motor vehicle" as defined in this rule.

(f) "Motorcycle" means "motorcycle" as that term is defined in § 42-1-102(55), 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, 2010.

(II) 49 C.F.R. Appendix G to Subchapter B of Chapter III, as revised on October 1, 2010.

(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(a), 390.3(c), 390.3(f)(2), 390.3(f)(6), 390.21(a), 390.21(b), 390.21(e), 390.21(f), 390.37, 391.47, 391.49, 391.68, 391.69, 395.8(e), and 396.9; and

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

(d) The material incorporated by reference may be examined at the offices of the Commission or any state publications library.

6103. Modification of Regulations Incorporated by Reference.

(a) With regard to the external markings of motor vehicles:

(I) All markings shall be in accordance with 49 C.F.R. § 390.21(c) and (d) as it pertains to size, shape, location, color, construction, and durability.

(II) The markings shall contain all of the following information, as applicable:

(A) The name or a trade name as set forth in the common carrier certificate(s), the contract carrier permit(s), the towing carrier permit(s), and the mover permit(s), as applicable.

(B) The letter and/or number designation of the common carrier certificate(s), the contract carrier permit(s), the limited regulation carrier permit(s), the towing carrier permit(s), and the mover permit(s), as applicable, preceded by the letters "CO PUC" or "PUC."

(C) This subparagraph (II) shall not apply to a commercial motor vehicle that is subject to 49 U.S.C. section 14506 regarding restrictions on identification of vehicles.

(III) Motor vehicles operated by a regulated intrastate carrier or an limited regulation carrier having a seating capacity of fifteen or less may meet all of the requirements of subparagraphs (I) and (II) of this paragraph if the carrier affixes the marking required by subparagraph (II)(B) so as to be readily visible to both the front and rear of the motor vehicle.

(IV) A motor carrier shall remove all markings required by this rule from a motor vehicle that the motor carrier is permanently withdrawing from service.

(V) The words "operated by" shall precede the markings required by subparagraph (II) of this paragraph if the name of any motor carrier other than the motor carrier operating the motor vehicle appears on the motor vehicle.

(VI) In addition to the provisions of this paragraph, persons operating a luxury limousine must comply with rule 6304.

(b) With regard to qualification and examination of drivers:

(I) 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.

(II) In addition to the requirements found in 49 C.F.R. §391.45, any person whose medical examiner's certificate has expired must be medically examined and certified as being physically qualified to operate a commercial motor vehicle.

(c) 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 with a seating capacity of 16 or more.

(II) The provisions of 49 C.F.R. § 393.83(c) and (d) shall only apply to any bus with a seating capacity of 16 or more or having a GVWR of more than 10,000 pounds, which is manufactured with a side discharge exhaust.

(III) The provisions of 49 C.F.R. § 393.89, relating to driveshaft protection, and 393.95, relating to emergency equipment, shall only apply to any bus with a seating capacity of 16 or more or having a GVWR of more than 10,000 pounds.

(IV) In addition to the requirements of 49 C.F.R. § 393.93 regarding seat belt assemblies for a bus, a vehicle manufactured with a such a system shall be operational and readily accessible to passengers at all times.

(d) With regard to hours of service of drivers:

(I) For a motor carrier of passengers operating a motor vehicle having a seating capacity of 16 or more and GVWR or GCWR of more than 10,000 pounds, the requirements of 49 C.F.R. §§ 395.5(a)(2) and (b) and 395.8, shall apply.

(II) For a motor carrier of passengers operating a motor vehicle having a seating capacity of 15 or less and GVWR or GCWR of less than 10,001 pounds, the requirements of 49 C.F.R. §§ 395.5(a)(2) and 395.8, shall not apply. Additionally, the following rules apply:

(A) At the end of the sixteenth hour after coming on duty, a driver shall not drive and shall be released from duty, for eight consecutive hours. 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.

(B) A driver shall not exceed ten hours maximum driving time, following eight consecutive hours off duty; and

(C) A motor carrier that employs or retains the driver shall maintain and retain accurate and true time records, including all supporting documents verifying such 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;

(iv) For a driver who is off duty for an entire day, an indication to that effect.

(D) A motor carrier shall neither permit nor require a driver to drive, nor shall any such driver drive, for any period after having been on duty 80 hours in any eight consecutive days.

(e) With regard to inspection of drivers and/or motor vehicles:

(I) A driver receiving a Driver/Vehicle Compliance Report (DVCR) from the Commission shall deliver the DVCR to the motor carrier operating the motor vehicle upon the driver's next arrival at any of the motor 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 motor carrier operating the motor vehicle.

(II) Motor carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the motor carrier shall:

(A) complete the "Carrier Official's Signature, Title, and Date" portions of the DVCR, which certifies 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 motor carrier's principal place of business or where the motor vehicle is housed.

(III) A motor vehicle that would likely cause an accident or a breakdown due to its mechanical condition as determined by the current out-of-service criteria set forth by the Commercial Vehicle Safety Alliance shall be placed out-of-service.

(IV) A 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 as determined by the current out-of-service criteria set forth by the Commercial Vehicle Safety Alliance shall be placed out-of-service.

(V) 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 motor carrier regarding the out-of-service condition.

(VI) No motor 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 motor 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.

(f) Motor 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 motor 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. Fingerprint-Based Criminal History Background Checks.

(a) For purposes of this rule only:

(I) "CBI" means the Colorado Bureau of Investigation.

(II) "Driver" means a person who drives or wishes to drive for a passenger carrier, regardless of whether such person drives or wishes to drive as an employee or independent contractor.

(III) "Passenger carrier" means a taxicab carrier and a limited regulation carrier, except for fire crew transport.

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

(b) This rule applies to passenger carriers and drivers.

(c) Within ten days of contracting or being employed to drive for a passenger carrier, a driver shall submit to the Commission a set of the driver's fingerprints, documentation of any name change from the agency where the change was approved, and payment of the actual cost to conduct a record check. This paragraph (c) does not apply to drivers currently qualified by the Commission.

(d) A driver shall re-submit to the Commission a set of the driver's fingerprints, documentation of any name change from the agency where the change was approved, and payment of the actual cost to conduct a record check within three years after the Commission provides him/her with the qualification notice required by subparagraph (j)(III) of this rule. Qualifications without an expiration date shall expire three years from the effective date of these rules.

(e) 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.

(II) For purposes of Commission Staff's initial qualification determination under paragraph (j) of this rule, a felony or misdemeanor involving moral turpitude means:

(A) a conviction in the State of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;

(B) 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.;

(C) 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.;

(D) a conviction in the State of Colorado, within the eight years preceding the date the criminal history record check is completed, of any class 3 felony under Title 18, C.R.S.;

(E) a conviction in the State of Colorado, within the four years preceding the date the criminal history record check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or

(F) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (II)(A) through (E).

(III) 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.

(IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.

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

(I) the driver has not complied with this rule and § 40-10.1-110, C.R.S., as applicable;

(II) the driver is disqualified and prohibited from driving under paragraph (j) of this rule; or

(III) the driver's qualification status has expired.

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

(i) 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:

(I) at least once every three years; and/or

(II) within ten days of becoming aware that the driver has been convicted of the offenses listed in paragraph (f) of this rule.

(j) Driver qualification determinations.

(I) Upon the Commission's receipt of a completed record check, Staff of the Commission (Staff) shall make the initial qualification determination regarding the driver's qualification status under paragraph (f) of this rule.

(II) 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. 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 may disqualify the driver.

(III) Staff shall provide 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 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.

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

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

(l) At any time, Staff shall disqualify a previously qualified driver whose subsequent conviction meets the criteria of this rule.

6106. Safety Violations, Civil Enforcement, and Civil Penalties.

(a) A person who violates the following provisions may be assessed a civil penalty of up to $10,000.00 for each violation:

Citation	Violation Description
49 C.F.R. § 392.4(b)	Requiring or permitting a driver to drive while under the influence of, or in possession of, a narcotic drug, amphetamine, or any other substance capable of rendering the driver incapable of safely operating a motor vehicle, per §392.4(a).
49 C.F.R. § 392.5(b)(1)	Requiring or permitting a driver to operate a commercial motor vehicle within four hours of using, while under the influence of, or having in his/her possession, alcohol, per §392.5(a).
49 C.F.R. § 392.5(b)(2)	Requiring or permitting a driver to operate a commercial motor vehicle who shows evidence of, or the general appearance and conduct of, having consumed alcohol within the preceding four hours.
49 C.F.R. § 396.11(c)	Failing to correct out-of-service defects listed by the driver in a driver vehicle inspection report before the vehicle is operated again.
Rule 6103(e)(V)	Requiring or permitting a driver to operate a motor vehicle during the period the driver was placed out of service.
Rule 6103(e)(V)	Requiring or permitting the operation of a motor vehicle placed out of service before the required repairs are made but after the motor carrier has received notice of the defect.

(b) A person who violates the following provisions may be assessed a civil penalty of up to $2,500.00 for each violation:

Citation	**Violation Description**
49 C.F.R. § 390.35	Making, or causing to make, fraudulent or intentionally false statements or records and/or reproducing fraudulent records if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.
49 C.F.R. § 391.11(a)	Requiring or permitting a driver who is not qualified to drive [§ 391.11(b)(4), (5), and (7)].
49 C.F.R. § 391.15(a)	Using a disqualified driver.
49 C.F.R. § 392.2	Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.
49 C.F.R. § 392.9(a)(1)	Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured.
49 C.F.R. § 395.5(b)(1)	Requiring or permitting a driver to drive after having been on duty 60 hours in seven consecutive days.
49 C.F.R. §395.5(b)(2)	Requiring or permitting a driver to drive after having been on duty 70 hours in eight consecutive days.
49 C.F.R. § 395.5(a)(1)	Requiring or permitting a driver to drive more than ten hours.
49 C.F.R. § 395.5(a)(2)	Requiring or permitting a driver to drive after having been on duty 15 hours.
Rule 6103(d)(II)(A)	Requiring or permitting a driver to drive after having been on duty for 16 consecutive hours.
Rule 6103(d)(II)(B)	Requiring or permitting a driver to drive more than ten hours.
Rule 6103(d)(II)(D)	Requiring or permitting a driver to drive after having been on duty 80 hours in eight consecutive days.
49 C.F.R. § 396.17(g)	Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards.
49 C.F.R. § 382.115(a)	Failing to implement an alcohol and/or controlled substances testing program.
49 C.F.R. § 382.201	Using a driver known to have an alcohol concentration of 0.04 or greater.
49 C.F.R. § 382.211	Using a driver who has refused to submit to an alcohol or controlled substances test required under Part 382.
49 C.F.R. § 382.213(b)	Using a driver known to have used a controlled substance.

49 C.F.R. § 382.215	Using a driver known to have tested positive for a controlled substance.
49 C.F.R. § 382.301(a)	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.
49 C.F.R. § 382.303(a)	Failing to conduct post accident testing on driver for alcohol and/or controlled substances.
49 C.F.R. § 382.305	Failing to implement a random controlled substances and/or an alcohol testing program.
49 C.F.R. § 382.305(b)(1)	Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.
49 C.F.R. § 382.305(b)(2)	Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.
49 C.F.R. § 382.309(a)	Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
49 C.F.R. § 382.309(b)	Using a driver who has not undergone a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances.
49 C.F.R. § 382.503	Allowing a driver to perform safety sensitive function, after engaging in conduct prohibited by subpart B, without being evaluated by substance abuse professional, as required by § 382.605.
49 C.F.R. § 382.505(a)	Using a driver within 24 hours after being found to have an alcohol concentration of 0.02 or greater but less than 0.04.
49 C.F.R. § 382.605(c)(1)	Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02 or with verified negative test result, after engaging in conduct prohibited by part 382 subpart B.
49 C.F.R. § 382.605(c)(2)(ii)	Failing to subject a driver who has been identified as needing assistance to at least six unannounced follow-up alcohol and/or controlled substance tests in the first 12 months following the driver's return to duty.
49 C.F.R. § 392.5(a) or (b)	Driving after being placed out of service for 24 hours for violating the alcohol prohibitions.

(c) A person who violates the following provisions may be assessed a civil penalty of up to $1,100.00 for each violation:

Citation	Violation Description
49 C.F.R. § 391.45(a)	Allowing a driver to drive who has not been medically examined and certified.
49 C.F.R. § 391.45(b)(1)	Allowing a driver to drive who has not been medically examined and certified every 24 months.
Rule 6103(b)(4)	Allowing a driver to drive who has not been medically examined and certified upon expiration of the medical examiner's certificate.
49 C.F.R. § 396.17(a)	Using a commercial motor vehicle not periodically inspected.
Rule 6103(e)(III)	Operating a motor vehicle after the vehicle was placed out of service and before the required repairs are made.
Rule 6103(e)(IV)	Operating a motor vehicle during a period the driver was placed out of service.

(d) A person who violates the following recordkeeping provisions may be assessed a civil penalty of up to $500.00 for each violation up to a cumulative maximum of $10,000.00:

Citation	Violation Description
49 C.F.R. § 392.6	Scheduling a run that would necessitate the vehicle being operated at speeds in excess of those prescribed.
Rule 6103(e)(III)	Failing to return the written certification of correction as required by the out-of-service order.
49 C.F.R. § 395.8(a)	Failing to require driver to make a record of duty status.
49 C.F.R. § 395.8(i)	Failing to require driver to forward within 13 days of completion, the original of the record of duty status.
49 C.F.R. § 395.8(k)(1)	Failing to preserve driver's record of duty status and supporting documents for six months.
49 C.F.R. § 396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.
49 C.F.R. § 396.11(a)	Failing to require driver to prepare driver vehicle inspection report.

(e) A person who violates 49 C.F.R. Part 383, Subparts B, C, E, F, G, or H may be assessed a civil penalty of $2,750.00 for each violation.

(f) A person who violates any provision of rule 6105 may be assessed a civil penalty of $275.00 for each violation.

(g) Except as provided in paragraphs (a) through (f) of this rule, a person who violates any other rule may be assessed a civil penalty of up to $250.00 for each violation.

(h) For each type of recordkeeping violation, a civil penalty may be assessed up to a cumulative maximum of $10,000.00.

(i) With the exception of paragraph (f) of this rule, the provisions relating to the doubling and tripling of civil penalty assessments, found in § 40-7-113(3) and (4), and in paragraphs (g) and (h) of rule 6017, shall not apply to the assessment of civil penalties for safety rule violations.

6107. – 6199. [Reserved].

COMMON AND CONTRACT CARRIER RULES

Rules Generally Applicable to Regulated Intrastate Carriers

6200. Applicability.

Rules 6200 through 6299 apply to all common carriers, all contract carriers, and to all Commission proceedings and operations concerning common carriers, contract carriers, applicants, employees, and drivers. Rules 6250 through 6258 are specifically applicable only to taxicab carriers.

6201. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these regulated intrastate carrier rules:

(a) “Auto livery” or “auto livery service” means the transportation of passengers by common carrier, including the transportation of passengers in scheduled and/or call-and-demand service. This term is only used in historical authorities.

(b) "Capable," as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the common carrier's authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations under such authority.

(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, shuttle service, sightseeing service, and taxicab service.

(d) “Chartering party” means a person or group of persons who share a personal or professional relationship whereby all such persons are members of the same affiliated group, including, a family, business, religious group, social organization or professional organization. “Chartering party” does not include groups of unrelated persons brought together by a carrier, transportation broker, or other third party.

(e) "Charter service" means transportation of a chartering party.

(f) "Flag stop" means a point of service designated by a common carrier on its filed schedule, which point is located between two scheduled points on the scheduled route. Typically, the common carrier does not designate a specific time for service to the flag stop; if the common carrier does designate a specific time for service, the time is considered to be an approximation.

(g) "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 10.1 of Title 40, C.R.S. This term is only used in historical authorities.

(h) "Outstanding authority" means an existing authority, or any portion thereof, which is not under suspension.

(i) "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.

(j) "Shuttle 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.

(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) “Special bus,” “special bus transportation,” or “special bus service”, for historical purposes, means the transportation of passengers by common carrier:

(I) not including ordinary and continuous scheduled service;

(II) rendered generally on weekends, holidays, or other special occasions;

(III) with a fixed termination date; and

(IV) to a number of passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, for a trip or tour planned by the carrier.

(m) “Tacking” means the joinder of two or more separate authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.

6202. Prohibitions.

(a) Without specific approval by the Commission, no regulated intrastate carrier shall:

(I) combine or tack two or more separate authorities or two or more separate parts of an authority in order to render a transportation service not authorized by any individual authority or part thereof;

(II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its authority;

(III) serve any point not included in its authority;

(IV) abandon or suspend operations under its authority; or

(V) file a tariff or time schedule whose applicability or scope violates this rule.

(b) No regulated intrastate 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 regulated intrastate carrier's authorities, except as specifically provided by Commission order, rule 6205, or Article 11.5 of Title 40, C.R.S.

(c) No regulated intrastate carrier shall transfer any authority by means of foreclosure of an encumbrance or by means of an execution in satisfaction of any judgment or claim, except as approved by the Commission. 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 common carrier certificate or contract carrier 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, telephone number, and e-mail address of the applicant.

(II) The name, mailing address, telephone number, and e-mail address of the applicant's representative to whom the Commission may direct inquiries regarding the application.

(III) The name and address of the applicant's Colorado designated agent for service of process, if required by rule 6011.

(IV) A statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.).

(V) 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; 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.

(VI) If the applicant is a limited liability company: 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.

(VII) If the applicant is a partnership: the names, titles, and addresses of all general and limited partners.

(VIII) A copy of the applicant's certificate of assumed trade name or trade name registration, if applicable.

(IX) 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 (e.g., charter, limousine, shuttle, sightseeing, taxicab, or scheduled, but not auto livery or special bus), 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.

(X) A map or diagram showing the proposed geographic area of service, or the proposed points or routes of service, if and in the form requested by the Commission or Commission staff.

(XI) If the applicant seeks common carrier authority, the applicant shall attach signed letters of support indicating a public need for the proposed service. Due to the presumed public need in § 40-10.1-203(2)(b)(II)(B), C.R.S., letters of support are optional when the proposed service is taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson. A letter of support:

(A) shall contain the author's name, address, and telephone 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.

(XII) 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 telephone number;

(B) should indicate the proposed customer's special or distinctive transportation needs;

(C) should specifically support the applicant's particular request for authority;

(D) should describe whether there is existing service and how the 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.

(XIII) An applicant seeking common carrier authority, shall provide a statement of the facts upon which the applicant relies to establish that the authority is in the public interest and should be granted. Due to the presumed public need in § 40-10.1-203(2)(b)(II)(B), C.R.S., a statement of fact is optional when the proposed service is taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

(XIV) An applicant seeking contract carrier authority, shall provide a statement of the facts upon which the applicant relies to establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customers' needs.

(XV) A statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations.

(XVI) A statement describing the extent to which the applicant, or any person affiliated with the applicant, holds or is applying for authority duplicating or overlapping in any respect the authority at issue in the application.

(XVII) If applicable, a statement identifying current authorities issued by either a state or federal agency, authorizing the applicant or any affiliate to provide for-hire transportation of passengers in the State of Colorado.

(XVIII) If applicable, a statement that the applicant understands the Commission will, in its discretion, cancel any duplicating or overlapping authorities created by granting the application.

(XIX) A statement indicating the town or city where the applicant prefers any hearing to be held.

(XX) 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, shall file an application with the Commission, which shall contain the following information:

(I) All the information specified by paragraph (a) of this rule, except that:

(A) Any letters of support 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 statement of facts shall also establish an immediate and urgent need for the proposed service and further establish that no existing regulated intrastate carrier is capable of providing the proposed service.

(C) The statement in subparagraph (a)(XVIII) is 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 and the decision number granting the authority.

(III) 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, 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)(III) 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. Letters of support 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 customers' distinct needs.

(II) Such a showing is overcome by an intervenor's showing that the intervenor has the ability and willingness to meet the potential customers' 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 any common carrier then adequately serving the same geographic area.

(V) Nothing in this paragraph shall be construed to direct the sequence of evidence presented by the parties.

6204. Abandonment or Voluntary Suspension of Authorities.

(a) A regulated intrastate carrier wishing to abandon or voluntarily suspend its authority(ies), 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.

(b) Except as specified in paragraph (c) of this rule, a regulated intrastate 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 regulated intrastate carrier operating seasonally.

(c) A regulated intrastate 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 authority 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 authority 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 authority from a transferor.

(IV) "Transferor" means any entity transferring control of any authority 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 the owners of an authority as shown in the official records of the Commission may transfer the authority.

(c) An application to encumber any authority, transfer any authority, acquire control of any regulated intrastate carrier, or permit a merger or consolidation of a regulated intrastate 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), and (XIX).

(II) Transferees and encumbrancers shall provide the information required by subparagraphs 6203(a)(III) - (VII), and (XV) - (XVII). An application to transfer a contract carrier permit shall include a signed letter of support from each customer.

(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 authority: 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 authorities.

(X) A current copy of each of the letters of authority encompassing the authorities at issue in the application.

(XI) If the transaction involves the lease of an authority: 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) A statement setting forth the qualifications of the transferee, including managerial, operational, and financial fitness, to conduct the proposed operations.

(XIV) A statement that the applicants understand the Commission will, in its discretion, cancel any duplicating or overlapping authority created by the transaction.

(XV) A statement setting forth whether the transferor has been and is conducting active, bona fide operations under the authorities at issue in the transaction.

(XVI) A statement of the facts upon which the applicants rely to show that the application should be granted. The applicants have the burden of proving:

(A) that the transferor has not abandoned the authority and has not allowed the authority to become dormant;

(B) that the transferor has been and is engaged in bona fide operations under its authority, or the extent to which bona fide operations have been excused because of a Commission-approved suspension;

(C) that the transfer is not contrary to the public interest;

(D) that the transfer will not result in the common control or ownership of duplicating or overlapping authorities; and

(E) that the transferee will engage in bona fide regulated intrastate carrier operations and is fit to do so, except in transfers involving foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order.

(XVII) A statement, signed by the applicants, that the application contains only information that is true and correct to the best of the applicants' knowledge and belief.

(d) An application filed under § 40-10.1-204, C.R.S., seeking temporary or emergency temporary approval to operate or transfer control of the authority 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) 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 (e) applies regardless of the type of transfer, whether permanent, temporary, or emergency temporary.

(f) 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 proof of insurance as required by Commission rules; and

(III) pay the issuance fee and annual motor vehicle fee.

(g) 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.

(h) 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.

(i) Within six months from approval of the permanent transfer of the authority, the transferee shall file an advice letter and tariff in the transferee's name.

(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 Authorities.

The Commission shall cancel duplicating or overlapping authorities that arise as a result of any grant, extension, or other modification to a certificate or permit.

6207. Tariffs.

(a) A regulated intrastate carrier shall keep on file with the Commission, at all times, approved tariffs clearly identifying the rates and charges to be assessed for all transportation and accessorial services and disclosing all rules and conditions relating to rates or service.

(b) Tariff compliance.

(I) No regulated intrastate carrier may operate its motor vehicles without having approved tariffs on file with the Commission.

(II) No regulated intrastate carrier shall disseminate to any person information contrary to the information contained in its approved tariff.

(III) No regulated intrastate 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.

(f) Unless this rule specifies otherwise, the provisions of rule 1210 govern the tariffs and advice letters of regulated intrastate carriers. In addition to the requirements of rule 1210(b)(I)(A), the tariff's title page shall contain the regulated intrastate carrier's common carrier certificate or contract carrier permit numbers to which the tariff applies.

(g) Except as otherwise ordered by the Commission, a regulated intrastate carrier filing a tariff for newly granted or extended authority shall do so on no less than:

(I) five days notice for emergency temporary authority;

(II) ten days notice for temporary authority; and

(III) fifteen days notice for permanent authority.

(h) A regulated intrastate carrier proposing a tariff amendment shall file, upon the request of Commission Staff, a statement justifying the amendment. The justification shall include an explanation of the circumstances and data relied upon in requesting approval of the proposed amendment.

(i) 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, other than an amended tariff applied for under paragraph (j) of this rule, shall give notice as follows:

(I) The common carrier shall post notice of its proposed tariff amendment, concurrently with the filing of the proposed amendment with the Commission. Notice shall be posted in a prominent public place in each terminal facility and office of the common carrier. Additionally, it must be posted on the carrier's website, and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment. The notice shall remain posted for a minimum of 20 days from the date filed with the Commission.

(II) The common carrier shall include in such notice: the proposed changes; the proposed effective date; a statement that a written objection maybe filed with the Commission; a statement that any objection must be filed at least ten days prior to the proposed effective date; and the Commission's address and website where objections may be filed.

(j) 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. If the Commission approves the application, it shall do so by written order. A common carrier proposing an amended tariff pursuant to this paragraph shall give notice as follows:

(I) The common carrier shall post notice of its proposed tariff amendment concurrently with the filing of the proposed amendment with the Commission. Notice shall be posted in a prominent public place in each terminal facility and office of the common carrier. Additionally, it must be posted on the carrier's website, and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment. The notice shall remain posted until the Commission approves or rejects the application.

(II) The common carrier shall include in such notice: the proposed changes; the proposed effective date; a statement that the Commission may grant or deny the application; a statement that a written objection maybe filed with the Commission; a statement that an objection may only be filed prior to the date that the Commission grants or denies the application; and the Commission's address and website where objections may be filed.

(k) 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 ten days before the effective date of the proposed tariff.

(l) 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 regulated intrastate 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.

(m) If the Commission suspends a proposed tariff amendment, the regulated intrastate 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.

(n) 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.

(o) If the Commission issues a decision prescribing any tariff change, the affected regulated intrastate carrier shall file, within ten days of the effective date of the Commission decision, a revised tariff or revised tariff sheets, as applicable, reflecting the prescribed change.

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 common 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 common 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 common 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 common carrier's offices or terminals transacting business with the public. The common carrier shall carry copies of its time schedules in its scheduled motor vehicles, and shall furnish them to passengers upon request.

(f) Time schedules shall be filed with the Commission as part of the scheduled common carrier’s tariff, in accordance with applicable provisions of rule 6207. At a minimum, time schedules shall contain the following:

(I) A statement of the scope of the time schedule, describing the route or points to which the time schedule applies.

(II) An explanation of the symbols, reference marks, and abbreviations used.

(III) 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.

(IV) A statement whether service is daily or otherwise, and if otherwise a statement describing the other service.

(V) 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.

(VI) Any other appropriate information regarding the service the common carrier desires to perform.

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 compensation except in compliance with the contract between the contract carrier and the person named in the contract carrier's permit.

(c) Contracts shall be written.

(d) At a minimum, all contracts 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(s) and terms 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. Refusal of Service, Driver Courtesy.

(a) No regulated intrastate 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 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 equipment, a driver shall immediately report to the carrier any refusal to transport a passenger.

(b) Every regulated intrastate 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 towards passengers or other persons. Passenger's or other person's conduct, especially if it is unlawful, disorderly, or endangers others, is a factor to consider in determining whether a driver behaves discourteously.

6211. [Reserved].

6212. Annual Reports.

(a) Each regulated intrastate carrier shall file with the Commission an annual report on a Commission-supplied form on or before April 30 of each year. The regulated intrastate carrier shall complete all sections of the annual report applicable to said regulated intrastate carrier for the 12-month period ending on December 31 of the previous calendar year.

(b) 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.

(c) The regulated intrastate carrier's owner, authorized partner, or authorized officer, as applicable, shall sign the certification of the annual report or terminating annual report. In all annual report filings, the regulated intrastate carrier shall comply with rule 1204(a)(III).

6213. Age of Motor Vehicles.

Intrastate regulated carriers operating vehicles with a seating capacity of 15 or less shall not use vehicles older than 12 model years as of July 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2011, and June 30, 2012, counting backwards, 2011 is the first model year, 2010 is the second model year, and so forth.

6214. Condition of Motor Vehicles.

Vehicles operated by intrastate regulated carriers shall be in good physical condition. The Commission's enforcement officials shall use the following general guidelines in determining if a vehicle is in good physical condition:

(a) The body of the vehicle has a good, unfaded paint job; is devoid of dents, rust, broken trim, and cracked windows; and

(b) Except for problems caused by current weather conditions, the interior of the vehicle is clean, free of offensive odors, and has no major tears, cracks, or stains upon the upholstery, headliner, and carpeting.

6215. Forms of Payment.

A common carrier may accept any form of payment, but must accept MasterCard and Visa credit cards.

6216. Regulated Intrastate 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 $1,100.00 for each violation:

(I) § 40-10.1-201(1), C.R.S.; or § 40-10.1-202(1), C.R.S.

(II) § 40-10.1-205, C.R.S.; paragraph 6202(b); or paragraph 6205(f).

(III) subparagraph (I), (II), (III), or (IV) of paragraph 6202(a).

(IV) § 40-10.1-206, C.R.S.; subparagraph 6207(b)(I); or paragraph 6208(a).

(b) A violation of subparagraph 6207(b)(II), paragraph 6209(a), paragraph 6210(a), or rule 6212 regarding filing an annual report may result in the assessment of a civil penalty of up to $550.00 for each violation.

(c) A violation of subparagraph 6207(b)(III) may result in the assessment of a civil penalty as follows for each violation:

(I) Up to $275.00 for an overcharge of $25.00 or less.

(II) Up to $550.00 for an overcharge greater than $25.00 but less than or equal to $50.00.

(III) Up to $1,100.00 for an overcharge greater than $50.00.

(d) Except as provided for in paragraphs (a), (b), and (c) of this rule, a person who violates any provision of Part 2 of Article 10.1 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 $275.00 for each violation.

6217. – 6249. [Reserved].

Rules Specifically Applicable to Taxicab Carriers

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6258 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 authority 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) “Close proximity”, as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and 20 minutes from the drop-off location and time.

(c) "DIA" means Denver International Airport.

(d) "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.

(e) "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.

(f) "Multiple loading" means the sharing of a taxicab ride, or portion thereof, by individuals or parties who are not traveling together.

(g) "Taxicab carrier" means a common carrier with common carrier certificate authorizing service by taxicab.

(h) “Time call” means a customer’s communication with a common carrier requesting a specific date and time for service (otherwise known as an appointment), or the common carrier’s service provided in response to the customer’s communication, as the context requires.

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 or on the back of the front seat 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

Cab No. _____

The driver of this taxicab shall not load other passengers without the permission of the first passenger.

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) 894-2070.

(b) If the taxicab carrier uses meters only, the notice shall 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 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 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, except for airport gate fees and drop charges, the applicable flat rate in each zone. The font size may be no less than 12.

6253. Service: Multiple Loading; Routing; Quality.

(a) Multiple loading.

(I) No taxicab carrier or taxicab driver shall engage in multiple loading from a common point of origin, or from separate locations if the taxicab driver receives the second request for service via the taxicab company's dispatch system, unless the first passenger occupying the taxicab agrees to multiple loading.

(II) If a taxicab carrier allows the multiple loading of passengers, the taxicab carrier shall publish, in its tariff, the fares applicable to each passenger being transported in the multiple-load trip. The calculated meter fare for each passenger in a multiple load shall be reduced by a minimum of 20 percent.

(III) If the first passenger agrees to the multiple load, the taxicab driver shall advise the first passenger that the meter charge from his/her origin to destination will reduced by the percentage named in the taxicab carrier's tariff. The taxicab driver shall also advise the second passenger that the meter charge from his/her origin to destination will reduced by the percentage named in the taxicab carrier's tariff.

(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) When a customer calls a taxicab carrier for service, the taxicab carrier shall request a phone number or email address from the passenger and give an estimated time of pickup. Unless its effective tariff specifies a different time, the taxicab carrier shall arrive at the pickup location within 30 minutes from the time the customer first requested service or within five minutes of a time call, whichever is applicable. A taxicab carrier need not provide time call service if doing so would conflict with the 30-minute margin (or such other margin specified in the taxicab carrier's effective tariff) allowed a taxicab carrier under this paragraph. A delay under this rule shall be excused if:

(I) the customer has left the passenger's telephone number or email address with the taxicab carrier;

(II) the taxicab carrier notifies the passenger regarding the delay; and

(III) such delay is caused by inclement weather, traffic congestion, or other circumstances beyond the control of the taxicab carrier.

6254. Additional Service Requirements for Taxicab Carriers Operating Within or Between Counties with a Population Density of 45 or More People per Square Mile.

Taxicab carriers operating within or between counties with a population density of 45 or more people per square mile based on the most recent federal census shall be subject to the additional requirements of this rule.

(a) Hours of Operation. Taxicab carriers subject to this rule shall be available to provide service 24 hours per day, every day of the year.

(b) Age of Motor Vehicles. Taxicab carriers subject to this rule shall not use taxicabs older than ten model years as of July 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2011, and June 30, 2012, counting backwards, 2011 is the first model year, 2010 is the second model year, and so forth.

(c) 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 rule 6213 and subparagrah (b) of this rule.

6255. Additional Service Requirements for Taxicab Carriers Operating Within or Between Counties with a Population Density of 200 or More People per Square Mile.

Taxicab carriers operating within or between counties with a population density of 200 or more people per square mile based on the most recent federal census shall be subject to the additional requirements of this rule.

(a) Communications and Dispatch.

(I) Taxicab carriers subject to this rule shall obtain and advertise a central telephone number by which the public may call and request service.

(II) 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.

(III) Taxicab carriers shall employ a GPS-based, digital dispatch system that records and reports trip information including origination point and customer wait times.

(IV) Taxicab carriers shall employ a GPS-based, digital dispatch system that records and reports driver location and on-duty time. Said system must log a driver on-duty when the driver’s assigned vehicle is within two miles of an airport and 500 feet of any known taxi stand.

(V) Taxicab carriers shall employ a GPS-based digital dispatch system that locks out any driver who has exceeded on-duty hours of service maximums.

(VI) Taxicab carriers shall lockout, for a minimum of eight hours, a driver who has exceeded on-duty hours of service maximums. Drivers, who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system.

(VII) Taxicab carriers shall log a driver as being on-duty when the vehicle assigned to said driver, enters an area no less two miles of an airport or 500 feet of known taxi stands.

(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. Taxicab carriers subject to this rule shall not use taxicabs older than eight model years as of July 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2009, and June 30, 2010, counting backwards, 2009 is the first model year, 2008 is the second model year, and so forth.

(d) Average Age of Fleet. The average age of the vehicles in any fleet shall be no more than six model years.

(e) 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 rule 6213 and subparagraph (c) and (d) of this rule.

6256. 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; and

(IV) the address, date, and time of the customer's pickup.

(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.

6257. 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) Flat rate charges.

(I) 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.

(II) Taxicab drivers shall inform passengers of the total charge prior to commencing the trip.

(III) 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.

(IV) 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 6253(a) and 6255(b), and to the tariff provisions in paragraph 6207(d).

(I) If the first party is dropped at a point within a defined zone and additional parties are at different points 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 within a defined zone and the second party is dropped at a point outside of a defined 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 meter fare from the first drop point to the second drop point.

(III) If the first party is dropped at a point outside of the defined zones, the flat rate shall not apply

(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) The flat rates shall be as set forth in the following provisions:

(I) Zone A: The flat rate between DIA and any point in Zone A shall be $51.00, plus any applicable airport gate fee divided evenly among the parties, 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 $57.00, plus any applicable airport gate fee divided evenly among the parties, 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 $84.00, plus any applicable airport gate fee divided evenly among the parties, plus any applicable per drop charge of $5.00.

6258. Taxicab Violations, Civil Enforcement, and Civil Penalties.

(a) A person who violates subparagraph (b)(I) of rule 6257 may be assessed a civil penalty as follows for each violation:

(I) Up to $275.00 for an overcharge of $25.00 or less.

(II) Up to $550.00 for an overcharge greater than $25.00 but less than or equal to $50.00.

(III) Up to $1,100.00 for an overcharge greater than $50.00.

(b) A violation of paragraph (b) of rule 6253 may result in the assessment of a civil penalty of up to $550.00 for each violation.

(c) Except as provided for in paragraphs (a) and (b) of this rule, a person who violates any provision of these Taxicab Carrier Rules may be assessed a civil penalty of up to $275.00 for each violation.

6259. - 6299. [Reserved].

LIMITED REGULATION CARRIER RULES

6300. Applicability of Limited Regulation Carrier Rules.

Rules 6300 through 6399 apply to all limited regulation carriers, and to all Commission proceedings and operations concerning limited regulation carriers, permit holders, employees, and drivers.

6301. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these limited regulation carrier rules:

(a) “Charter basis” means on the basis of a contract for transportation whereby a person agrees to provide exclusive use of a motor vehicle to a single chartering party for a specific period of time during which the chartering party has the exclusive right to direct the operation of the vehicle, including, selection of the origin, destination, route, and intermediate stops.

(b) “Chartering party” means a person or group of persons who share a personal or professional relationship whereby all such persons are members of the same affiliated group, including, a family, business, religious group, social organization or professional organization. “Chartering party” does not include groups of unrelated persons brought together by a carrier, transportation broker, or other third party.

6302. Permit Requirement.

No person shall operate or offer to operate as a limited regulation carrier without a valid permit issued by the Commission.

6303. Permit.

(a) Any person seeking a permit to operate as a limited regulation carrier shall submit a completed application on the form provided by the Commission.

(b) In addition to the information required on the application, a person applying to be a limited regulation carrier under this rule shall:

(I) cause to be filed the required proof of financial responsibility; and

(II) pay the required annual motor vehicle fees or, if applicable, shall be in compliance with the UCR Agreement.

6304. Exterior Signs or Graphics.

(a) Except as otherwise provided in these rules, no person shall have any exterior signs or graphics on a luxury limousine that provide:

(I) an identification of the name, address, internet address, phone number, or any other contact information of the person offering luxury limousine service; or

(II) any identification of a type of passenger transportation service including, but not limited to, bus, limousine, shuttle, or taxi.

(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) 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.

6305. Luxury Limousine Features.

(a) Features. Each luxury limousine carrier shall ensure that its motor vehicles are in good physical condition, excluding consideration of defects covered by the Commission's safety rules. The Commission shall use the following general guidelines in determining if a vehicle is in good physical condition:

(I) The body of the luxury limousine has a good, unfaded paint job; is devoid of dents, rust, broken trim, and cracked windows; and

(II) Except for problems caused by current weather conditions, the interior of the luxury limousine is clean, free of offensive odors, and has no major tears, cracks, or stains upon the upholstery, headliner, and carpeting.

(b) Age of Motor Vehicles. Except for luxury limousines covered under rule 6308(a)(IV), luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2011, and June 30, 2012, counting backwards, 2011 is the first model year, 2010 is the second model year, and so forth.

6306. - 6307. [Reserved].

6308. Luxury Limousine Categories.

(a) A luxury limousine shall fit one or more of the following categories:

(I) Stretched limousine, which is a motor vehicle whose wheelbase has been lengthened beyond the manufacturer's original specifications whether at the manufacturer's factory or otherwise.

(II) Executive car, which is a motor vehicle that has four doors and is:

(A) a sedan or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, or Rolls Royce; or

(B) one of the following: Chrysler 300, Hyundai Equus, Saab 9-5, Chevrolet Suburban, Chevrolet Tahoe, Ford Excursion, Ford Expedition, GMC Yukon, Hummer (all models, excluding sport utility truck version)

(III) Executive van, which is a motor vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the manufacturer) whose interior has been enhanced by the installation of either:

(A) Captain’s chairs, couch seats, or similar seating in place of standard bench seating; or

(B) Both of the following:

(i) An electronic video media system such as television with DVDthat is securely attached to the motor vehicle in a professional manner. The screen shall have a diagonal measurement of at least ten inches, be viewable by passengers seated to the rear of the driver, and be in compliance with 49 C.F.R., § 393.88.

(ii) 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 containment system, 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.

(IV) Other limousine, which is a classic, antique, or specially built motor vehicle that has or had a retail value of $50,000.00 or more.

6309. Luxury Limousines – Operational Requirements, Prearrangement Required.

(a) No person shall provide luxury limousine service except on a prearranged basis. For purposes of this rule, "prearranged basis" means that the luxury limousine service has been arranged or reserved before the luxury limousine service, or ancillary service thereto, is provided. No person shall provide luxury limousine service, or a service ancillary to luxury limousine service, if that person arranges provision of the service with the chartering party at or near the point of departure.

(b) A luxury limousine carrier shall, at all times when providing luxury limousine service, carry in each vehicle a charter order containing the name, telephone number, pickup time, and pickup address of the chartering party who has arranged for use of the vehicle.

(c) A luxury limousine carrier shall not station a luxury limousine in front of or across the street from a hotel or motel, or within one hundred feet of a recognized taxicab stand or a designated passenger pickup point at an airport without the completed charter order in the vehicle. The stationing of the luxury limousine shall be within a reasonable period of the pickup time noted on the charter order.

(d) A luxury limousine carrier shall provide the charter order immediately upon request by any enforcement official or airport authority.

6310. Luxury Limousine Service – Presumptions.

(a) A person shall be presumed to have provided luxury limousine service in violation of rule 6309(a) if, without prearrangement, such person:

(I) accepts payment for the transportation from the chartering party at the point of departure;

(II) makes the luxury limousine available to the chartering party at the point of departure;

(III) negotiates the immediate availability of, or the price for immediate use of, the luxury limousine at or near the point of departure;

(IV) loads the chartering party or its baggage into the luxury limousine; or

(V) transports the chartering party in the luxury limousine.

(b) A luxury limousine carrier that charges or offers to charge for transportation services on a per person basis shall be presumed to be providing or offering to provide services as a common carrier.

(c) A luxury limousine carrier may rebut the presumptions created in this rule by competent evidence.

6311. Limited Regulation Carrier Violations, Civil Enforcement, and Civil Penalties.

(a) A person who violates § 40-10.1-302, C.R.S. or rule 6302, may be assessed a civil penalty of up to $1,100.00 for each violation:

(b) A person who violates rule 6309 may be assessed a civil penalty of up to $500.00 for each violation.

(c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of Part 3 of Article 10.1 of Title 40, C.R.S., or any provision of these limited regulation carrier rules may be assessed a civil penalty of up to $275.00 for each violation.

6312. – 6399. [Reserved].

UNIFIED CARRIER REGISTRATION AGREEMENT RULES

6400. Applicability of Unified Carrier Registration Agreement Rules.

Rules 6400 through 6499 apply to all motor carriers, motor private carriers, freight forwarders, brokers, leasing companies, or other persons required to register under the UCR Agreement.

6401. Unified Carrier Registration Agreement.

(a) A UCR registrant that designates or that is required to designate the State of Colorado as its base state under the UCR Agreement, shall not operate without registering for the applicable registration year. Each calendar year is a different registration year.

(b) A UCR registrant shall register using the on-line registration system available at a website designated by the Commission. In lieu of registering on-line, a UCR registrant may register by submitting to the Commission a fully completed UCR Agreement registration form, the required fees, and any other required documents.

(c) A UCR registrant must register in the proper category pursuant to the rules established under 49 U.S.C. § 14504a.

(d) Information regarding the federally set fees is available from the Commission.

(e) If a person has registered under Chapter 139 of Title 49, U.S.C., to operate in interstate commerce, there shall be a rebuttable presumption that the person is required to register under the UCR Agreement.

6402. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties.

(a) A person who violates § 40-10.5-102(1)(a), C.R.S., or rule 6401(a) with regard to operating without a registration, may be assessed a civil penalty of up to $1,100.00 for each violation.

(b) A person who violates rule 6401(c) by registering in a lower category than is proper, may be assessed a civil penalty of up to $400.00 for each violation.

(c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of § 40-10.5-102, C.R.S., or any provision of the Unified Carrier Registration agreement rules may be assessed a civil penalty of up to $275.00 for each violation.

6403. - 6499. [Reserved].

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

(a) Rules 6500 through 6599 apply to all towing carriers, and to all Commission proceedings and operations concerning towing carriers, applicants, employees, and drivers.

(b) For a tow and storage of a motor vehicle performed under a written agreement with a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations with regard to rules 6506; 6507(a), (c), and (d); 6508; 6509; 6510; and 6512(a), (b), (d), (e), and (f).

(c) With regard to rules 6511(b), (c), (d), (f), (g)(I)(A), (g)(II), (h), and (i), the written agreement may set higher or lower maximum rates than are provided in such rules. In the event the written agreement does not set such rates, the Commission's rules will prevail. For purposes of this paragraph, a written agreement does not include a tow authorization by a law enforcement official given to a towing carrier with which the law enforcement official's agency does not have a written agreement.

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(1) and 42-4-2102(1), C.R.S.

(b) "Authorized agent" means a person, including a towing carrier, 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) "Law enforcement officer" means any sheriff, police officer, Colorado state patrol officer, municipal code enforcement officer, or other such person acting in his or her official capacity for enforcement of motor vehicle laws.

(e) "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.

(f) "Nonconsensual tow" means the transportation of a motor vehicle by tow truck if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.

(g) "Normal business hours" means 8:00 AM to 5:00 PM, Monday through Friday, excluding legal holidays, and any additional hours and days the towing carrier may designate.

(h) "Private property" means any real property that is not public property.

(i) "Property owner" means:

(I) the owner or lessee of the private property or public property;

(II) a person who has been authorized in writing to act as agent for the owner or lessee of the private property or public property (see also rule 6508(a) as to requirements applicable to towing carriers acting as agent); or

(III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.

(j) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.

(k) "Tow truck" means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.

6502. Permit Requirement.

Unless exempted by § 40-10.1-105(1)(j), C.R.S., no person shall operate or offer to 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 a completed application on the form provided by the Commission.

(b) In addition to the application, a person seeking a permit to operate as a towing carrier shall:

(I) pay an application fee of $150.00;

(II) cause to be filed the required proof of financial responsibility; and

(III) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement.

(c) The Commission will not issue a permit to operate as a towing carrier until the Commission has received all information, documentation, and payments required by paragraphs (a) and (b) of this rule.

6504. - 6505. [Reserved].

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;

(D) one steering wheel tying device free from cracks, fraying, or deterioration; and

(E) the following accessories for any towing carrier that performs tows from accident scenes:

(i) one shovel; and

(ii) one broom.

(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. For nonconsensual tows of other than an abandoned motor vehicle as provided for under paragraph (b) of this rule, within one hour of placing a motor vehicle in a storage facility, or such lesser time as may be required by law, a towing carrier shall disclose the location of the storage facility by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed. However, if notification of the law enforcement agency is not possible, then by notifying either:

(I) the owner, the authorized operator, or the authorized agent of the owner of the towed motor vehicle; or

(II) the owner of the property from which the motor vehicle was towed.

Compliance with this paragraph will be considered accomplished if the location of the storage facility was provided to the property owner or the law enforcement agency in conjunction with obtaining authorization for the tow.

(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) Disclosure for all towed motor vehicles. Upon request of the owner, authorized agent or authorized operator of the motor vehicle, a towing carrier which places a motor vehicle in a storage facility shall disclose the location of the storage facility, the total amount of the charges, and the accepted forms of payment.

(d) 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.

6508. Authorization for Towing of Motor Vehicles.

(a) Towing carrier acting as agent for the property owner.

(I) A towing carrier may act as the agent for the property owner under a written agreement to that effect, provided the agreement is compliant with this paragraph (a). Such written agreement shall be maintained as provided in rule 6005 and shall contain at least the following information:

(A) the name, address, telephone number, email address (if applicable), and PUC Towing Permit number of the towing carrier;

(B) the name, address, email address (if applicable), and telephone number of the property owner;

(C) the address of the property from which the tows will originate;

(D) the name of each individual person who is authorized to sign the tow authorization;

(E) the address and phone number of the storage facility where the vehicle owner may retrieve the vehicle;

(F) the time period for which the agreement is made;

(G) a statement that the rates for a nonconsensual tow from private property, and the drop charge if the vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;

(H) the name, title, and signature of the person making the agreement on behalf of the property owner and on behalf of the towing carrier; and

(I) the date the agreement is signed;

(II) Nothing in this paragraph (a) shall preclude a towing carrier, which towing carrier has been paid for the tow by the property owner at rates in accordance with rule 6511(d), from collecting the towing charges from the motor vehicle owner and reimbursing said charges to the property owner.

(III) No agency provided for in Rule 6508(a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.

(b) 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 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 before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name.

(B) A towing carrier shall not accept or use blank authorizations pre-signed by the property owner.

(C) The written authorization may be incorporated with the tow record/invoice required by Rule 6509.

(c) Noncompliance. If a tow is performed in violation of this rule, 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 to the owner, lienholder, or agent of the owner or lienholder without charge.

6509. Tow Record/Invoice.

(a) Towing carriers shall use and complete all applicable portions of a tow record/invoice form for all nonconsensual 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 towing 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) unless incorporated into the authorization in rule 6508(b)(II),

(A) the name, address, and telephone number of the person authorizing the tow; and

(B) the signature of the property owner authorizing a tow;

(VIII) if the towed motor vehicle is unlocked, a list of its contents;

(IX) the unit number or license number of the towing vehicle;

(X) the signature of the towing vehicle operator;

(XI) an itemized invoice of all towing charges assessed; and

(XII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released.

(XIII) on at least the customer's copy, the following notice in a font size of at least 10: Report problems to the Public Utilities Commission at (303) 894-2070.

(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) 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. This rule does not apply to a nonconsensual tow authorized by the property owner or a tow ordered by a law enforcement officer.

(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.

6511. Rates and Charges.

(a) The rates and charges in this rule 6511 shall not apply to:

(I) a tow of an abandoned motor vehicle weighing in excess of 10,000 pounds GVWR for which the charges are determined by negotiated agreement between the towing carrier and the responsible law enforcement agency as provided in § 42-4-1809(2)(a), C.R.S.; or

(II) a tow of an abandoned motor vehicle performed under a written agreement between the towing carrier and the responsible law enforcement agency as provided in § 42-4-1809(3), C.R.S.

(b) Charge if retrieved before removal (commonly known as "drop charge").

(I) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle with a GVWR of less than 10,000 pounds that is parked without the authorization of the property owner attempts to retrieve the motor vehicle before its removal from the property, the maximum drop charge (whether motor vehicle is hooked up or not) is $50.00.

(II) In such circumstances, the towing carrier shall, prior to removal, 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 drop charge. The towing carrier shall concurrently advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of acceptable forms of payment under rule 6512.

(c) Rates for recovery, which includes waiting time, associated with a nonconsensual tow.

(I) Except as provided in § 42-4-1809(2)(a) regarding abandoned motor vehicles, this paragraph shall apply to the recovery of any size vehicle.

(II) When accompanied by documentation showing starting and ending times of the recovery, which documentation may include law enforcement incident reports and verification, a towing carrier may charge for recovery at its hourly rates, a record of which is maintained in compliance with rule 6005.

(III) Hourly rates for recovery may include time to load and to secure recovery equipment and the cleanup of the scene and post-towing maintenance of recovery equipment directly attributable to the recovery. If the recovery vehicle is also the towing vehicle, then the rates and charges provided in paragraph (d) shall not be charged in addition to the hourly rate.

(IV) The cost of additional equipment used may be recovered from the motor vehicle owner at the towing carrier’s actual costs incurred plus a reasonable administrative fee of not more than twenty-five percent of those actual costs, provided that the actual costs are reasonable by industry standards.

(d) Rates and charges for nonconsensual tows. Subject to the provisions of this paragraph, the maximum rate that a towing carrier may charge for a nonconsensual tow of a motor vehicle with a GVWR of less than 10,000 pounds performed upon the authorization of the property owner is $100.00. Except as provided in paragraphs (b), (c), (e), (f), (g), and (h) of this rule, this maximum rate shall include, but not be limited to, charges for the following:

(I) all towing services rendered;

(II) hookup;

(III) use of dollies or go-jacks;

(IV) access to or release of the motor vehicle from storage;

(V) except for an abandoned motor vehicle, removal of personal property that is not attached to or a part of the equipment of the motor vehicle;

(VI) all commissions paid; and

(VII) all other services rendered in performing such nonconsensual tow.

(e) The maximum rates for a nonconsensual tow from storage directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation are as follows:

(I) $91.00 for one additional hookup; and

(II) $91.00 per hour waiting time.

(f) Storage for nonconsensual 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, or for any portion of a calendar day after the first 48 hours:

(i) $30.00 for motor vehicles having a GVWR of less than 10,000 pounds;

(ii) $37.00 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 towing carrier, storage may be charged according to the motor vehicle’s length, including the tongue of a trailer, at $1.50 per foot or portion thereof.

(B) 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) Storage charges for a nonconsensual tow may commence upon placing the motor vehicle in storage.

(III) Maximum accumulated charges for abandoned motor vehicles. 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 subject to part 21 of title 42, C.R.S. shall not be accumulated beyond 120 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.

(g) For a nonconsensual tow, the maximum additional charge for release of a motor vehicle from storage or access to a motor vehicle in storage at any time other than normal business hours as defined in rule 6501(h) is $66.00.

(h) Abandoned motor vehicles.

(I) 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.

(II) 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 not charge, collect, or retain storage fees.

(III) 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.

(IV) Additional costs that may be charged when a stored motor vehicle is sold.

(A) 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.

(B) 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.

(C) "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.

(D) Certified VIN verification procedure. 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:

(i) Rates as provided in paragraph (e); and

(ii) In addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.

6512. Release of Motor Vehicle.

(a) The towing carrier shall immediately accept payment of the drop charge, towing, storage, and release charges if payment is offered in cash or credit card. The towing carrier may accept other forms of payment, but shall accept MasterCard and Visa. The towing carrier shall release the motor vehicle to:

(I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;

(II) the lienholder or agent of the lienholder of the motor vehicle; or

(III) the insurance company or agent of the insurance company providing coverage on the motor vehicle, if released to the insurance company by the owner.

(b) Unless the release of the motor vehicle does not comply with the release procedures agreed to between the towing carrier and the applicable law enforcement agency, a towing carrier that accepts for storage a motor vehicle that has been towed as a nonconsensual tow upon the authorization of the property owner shall be available to provide access to or release of the motor vehicle as provided in paragraph (a) 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 that occur within the first 24 hours of storage; or

(II) Upon demand during normal business hours.

(c) 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 to the owner, lien holder, or their agents.

(d) The towing carrier, at its discretion, need not comply with paragraph (a) or (c) if:

(I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;

(II) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit or proof of motor vehicle liability coverage;

(III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer; or

(IV) the release of the motor vehicle does not comply with the release procedures agreed to between the towing carrier and the applicable law enforcement agency.

(V) the towing carrier, upon notification for the release of or access to a motor vehicle at other than normal business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the motor vehicle's owner, authorized operator, or authorized agent of the owner of the motor vehicle may disrupt the public order.

(e) The towing carrier may require either written or oral notification from the owner or lienholder of a motor vehicle that the person to whom it is to be released is authorized to take possession of the motor vehicle.

(f) A towing carrier shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or any child restraint system, under any circumstances. The towing carrier shall immediately relinquish such items upon demand, without requiring payment or additional charge.

6513. [Reserved].

6514. 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) § 40-10.1-401(1)(a), C.R.S.; or rule 6502.

(II) subparagraph (b)(I) or (II)(B) of rule 6508.

(III) paragraph (c) of rule 6508.

(b) A violation of paragraph (d), (e), (g), or subparagraphs (b)(I) or (g)(I)(A) of rule 6511 may result in the assessment of a civil penalty as follows for each violation:

(I) Up to $275.00 for an overcharge $25.00 or less.

(II) Up to $550.00 for an overcharge greater than $25.00 but less than or equal to $50.00.

(III) Up to $1,100.00 for an overcharge greater than $50.00.

(c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to $550.00 for each violation:

(I) paragraph (a), (b), or (c) of rule 6507.

(II) paragraph (a) of rule 6510.

(d) A violation of rule 6506 may result in the assessment of a civil penalty of up to $100.00 for each violation

(e) Except as provided in paragraph (a), (b), (c), and (d) 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 6513, may result in the assessment of a civil penalty of up to $275.00 for each violation.

6515. - 6599. [Reserved].

MOVER RULES

6600. Applicability of Mover Rules.

Rules 6600 through 6699 apply to all movers, and to all Commission proceedings and operations concerning movers, permit holders, employees, and drivers.

6601. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these mover rules:

(a) "Accessorial service" means "accessorial service" as that term is defined in § 40-10.1-501(1), C.R.S.

(b) "Contract" means a written document, approved by the shipper in writing before the performance of any service, that authorizes services from the named mover and lists the services and all costs associated with the transportation of household goods and accessorial services to be performed.

(c) "Estimate" means a written document that sets forth the total costs and the basis of such costs related to a shipper's move, including transportation or accessorial services. An estimate is not a contract.

(d) "Shipper" means a person who uses the services of a mover to transport or ship household goods.

(e) "Storage" means warehousing of the shipper's goods while under the care, custody, and control of the mover.

6602. Permit Requirement and Limitation.

No person shall operate, offer to operate, or advertise as a mover without a valid permit issued by the Commission or a temporary mover permit issued through the Colorado Ports of Entry.

6603. Application.

(a) Any person seeking a permit to operate as a mover shall submit a completed application on the form provided by the Commission.

(b) A person seeking a permit to operate as a mover under this rule shall:

(I) cause to be filed the required proof of financial responsibility;

(II) if applicable, shall comply with the UCR Agreement; and

(III) pay an annual filing fee of $325.00, as set forth in § 40-10.1-111(1)(d), C.R.S.

(c) The Colorado Department of Revenue, Motor Carrier Services Division, through its Port of Entry weigh stations may issue a non-renewable temporary mover permit, valid for 15 consecutive days, to a person who:

(I) completes the temporary mover application form provided by the Commission;

(II) provides evidence of financial responsibility as required by § 40-10.1-107, C.R.S.;

(III) signs a verification, under penalty of perjury as specified in § 24-4-104(13)(a), C.R.S., that the applicant is insured as required by § 40-10.1-107, C.R.S.; and

(IV) pays a fee of $150.00.

6604. [Reserved].

6605. Movers — Annual Permit.

Annual permits are valid for one year from the date the permit is issued.

6606. [Reserved].

6607. Forms of Payment.

A mover shall accept at least two of the following four forms of payment:

(a) Cash;

(b) Cashier's check, money order, traveler's check, or other form of certified funds;

(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 including, without limitation, MasterCard and Visa.

6608. Estimates and Contracts.

(a) Estimates. A mover shall provide a written estimate of the total costs, and the basis for such costs, to be incurred by the shipper, at least 24 hours prior to a scheduled move, unless the move is initiated less than 24 hours before the commencement of the move.

(b) A mover cannot charge more than 110 percent of the estimate.

(c) Contracts. Prior to providing any transportation or accessorial services, a mover shall leave with the prospective shipper, a contract that complies with the form available from the Commission. Such document shall be signed and dated by the shipper and the mover, and shall clearly and conspicuously include at least the following information:

(I) The name, telephone number, and physical address where the mover's employees are available during normal business hours;

(II) The mover's mailing address on file with the Commission;

(III) The phrase "[name of mover] is registered with the Public Utilities Commission of the State of Colorado as a mover. Permit No. [mover's permit 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 goods are to be picked up and 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 mover, if available;

(IX) The name, telephone number, and physical address of a location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper;

(X) An itemized breakdown and description of:

(A) all costs and/or rates including, if applicable, an explanation of the hourly amounts charged and/or amounts charged based on the weight of the load,

(B) services for transportation, and

(C) accessorial services to be provided during a move or during the storage of household goods;

(XI) The forms of payment the 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:

(i) a value equal to sixty cents ($0.60) per pound per lost or damaged article; or

(ii) 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:

(i) require the shipper to declare the value of the shipment;

(ii) permit the shipper to specify a deductible;

(iii) 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;

(iv) permit the shipper to purchase additional insurance coverage from the mover's insurance company; and

(v) explain that, without the purchase of additional coverage, the shipper will be liable for any declared amount not covered by the 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.

(d) More comprehensive contract. Nothing in this rule shall be construed to preclude the mover and the shipper from entering into a more comprehensive contract. However, the mover shall not enter into any more comprehensive contract containing provisions that conflict with the provisions of this rule.

(e) Amendment. The contract may be amended at any time upon mutual agreement of the 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 mover and the shipper sign such amendment. A 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. The mover shall leave with the shipper a copy of the amendment.

6609. Consumer Advisement and Binding Arbitration

(a) A mover shall provide the shipper with a consumer advisement at or before the commencement of the move or any accessorial services rendered. The consumer advisement shall be in substantially the following form and language:

CONSUMER ADVISEMENT

Intrastate movers in Colorado are regulated by the Colorado Public Utilities Commission (PUC). Each mover should have a PUC permit number. You are encouraged to contact the PUC to confirm that the mover you are using is indeed permitted in Colorado.

A mover that is not permitted may not withhold any of your property to enforce payment of money due under the contract ('carrier's lien').

A mover must include its PUC permit number, true name, and physical (street) address in all advertisements.

You should be aware that the total price of any household move can change, based on a number of factors that may include at least the following:

Additional services you request at the time of the move;

Additional items to be moved that were not included in the mover's original estimate;

Changes to the location or accessibility of building entrances, at either end of the move, that were not included in the mover's original estimate; and

Changes to the previously agreed date of pickup or delivery.

You should also be aware that, in case of a dispute between you and the mover, Colorado has an arbitration process available to resolve the dispute without going to court.

If you have any questions, you are encouraged to call the PUC at (303) 894-2070 for guidance on your rights and obligations.

I acknowledge that I have been given a copy of this consumer advisement to keep for my records.

Signed _____ (shipper). Date _____

(b) In the event of a dispute between the shipper and the mover regarding the amount charged for services or concerning lost or damaged goods, the mover shall offer the shipper the opportunity to participate in binding arbitration per the requirements of § 40-10.1-507, C.R.S.

6610. Delivery and Storage of Household Goods.

(a) Pursuant to § 40-10.1-506(1), C.R.S., a mover shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or goods for use by children, including children's furniture, clothing, or toys under any circumstances. The mover shall relinquish such items as expeditiously as possible under the circumstances.

(b) A mover shall relinquish household goods to a shipper and shall place the goods inside a shipper's dwelling unless:

(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 mover maintains possession of a shipper's household goods, such 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 mover stores the household goods at such an alternate location, the mover:

(I) shall mail to the shipper a notice of such alternate storage location within two business days.

(II) may only charge additional fees for such alternate storage (e.g., 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 mover shall notify the shipper of the storage location and the amount due. Such notice shall be given within five days of receipt of the written request.

(e) If a mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the mover shall take reasonable care to ensure the safekeeping of such household goods.

(f) A mover shall not require a shipper to waive any rights or requirements under this rule.

6611. 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 $1,100.00 for each violation:

(I) § 40-10.1-502(1), C.R.S., with regard to operating, offering service, or advertising without being registered; or rule 6602.

(II) § 40-10.1-505(1), C.R.S., or paragraph 6608(c), with regard to providing the shipper with a contract prior to providing transportation or accessorial services.

(III) paragraph 6608(a), (b), and (e).

(IV) § 40-10.1-506(1) or (2), C.R.S.; or paragraph (a) or (b) of rule 6610.

(b) A person who violates any of the following provisions may be assessed a civil penalty of up to $550.00 for each violation of paragraph (c), (d), (e), or (f) of rule 6610.

(c) Except as provided for in paragraph (a) and (b)of this rule, a person who violates any provision of Title 40, C.R.S., pertaining to movers, or any provision of rules 6600 through 6610 may be assessed a civil penalty of up to $275.00 for each violation.

6612. – 6699. [Reserved].