

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

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

#### PART 6

#### RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

##### TRANSPORTATION NETWORK COMPANY RULES

##### **6700. Applicability of Transportation Network Company Rules.**

Rules 6700 through 6724 apply to all transportation network companies (TNCs) as defined by § 40-10.1-602(3), C.R.S. and to all Commission proceedings and operations concerning TNCs including applicants, TNC employees, and TNC drivers.

##### **6701. Definitions.**

The following definitions apply throughout rules 6700 through 6724, except where a specific rule or statute provides otherwise.

- (a) "Enforcement official" means:
  - (I) any person appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation network companies; or
  - (II) as defined by § 42-20-103(2), C.R.S.
- (b) "Logged in" means that a driver's credentials have been accepted to connect to a transportation company digital network such that the driver is capable of being matched to a rider [OR a driver has gained access to a transportation company digital network].
- (c) "Logged out" means that a driver is disconnected or not connected to a transportation company's digital network.
- (d) "Matched" means the point in time when a driver accepts a requested ride through a transportation network company's digital network.
- (e) "Permit" means the permit required for the operation of a transportation network company pursuant to Part 6 of Article 10.1 of Title 40, C.R.S.
- (f) "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 officer, director, manager, employee, member, partner, lessee, trustee, or receiver thereof, whether appointed by a court or otherwise.

- (g) “Personal vehicle” means a vehicle that is used by a transportation network company driver in connection with providing services for a transportation network company that meets the vehicle criteria set forth in § 40-10.1-605(1)(h), C.R.S.
- (h) “Prearranged ride” means a period of time that begins when a driver accepts a requested ride through a digital network, continues while the driver transports the rider in a personal vehicle, and ends when the rider departs from the personal vehicle.
- (i) “School” means a public school that enrolls students in any of the grades of kindergarten through twelfth grade.
- (j) “School transportation network company” (School TNC) means a TNC who provides TNC services for remuneration from a school or school district to transport students to or from a school, school-related activities, or school-sanctioned activities.
- (k) “Student” means an individual enrolled in a school.
- (l) “Transportation network company” (TNC) means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect riders to drivers for the purpose of providing transportation. A transportation network company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing arrangements, as defined in § 39-22-509 (1) (a) (II), C.R.S. or any transportation service over fixed routes at regular intervals. A transportation network company is not deemed to own, control, operate, or manage the personal vehicles used by transportation network company drivers. A transportation network company does not include a political subdivision or other entity exempted from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended.
- (m) “Transportation network company driver” or “driver” means an individual who uses his or her personal vehicle to provide transportation network company services for riders matched to the driver through a transportation network company’s digital network. A driver need not be an employee of a transportation network company.
- (n) “Transportation network company rider” or “rider” means a passenger in a personal vehicle for whom a driver provides transportation network company services, including:
  - (I) an individual who uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle for the individual and anyone in the individual's party; or
  - (II) anyone for whom another individual uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle.
  - (III) “Rider” includes service animals as defined in § 24-34-803, C.R.S., accompanying any passenger.
- (o) “Transportation network company services” or “services” means the provision of transportation by a driver to a rider with whom the driver is matched through a transportation network company. The term does not include services provided using vehicles owned or leased by a political subdivision or other entity exempt from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended. The term includes services provided under a contract

between a transportation network company and a political subdivision or other entity exempt from federal income tax under § 115 of the federal “Internal Revenue Code of 1986”, as amended.

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[indicates omission of unaffected rules]

**6706. Financial Responsibility.**

- (a) Every TNC shall obtain and keep in force at all times motor vehicle liability insurance coverage that conforms with the requirements of § 40-10.1-604(2), C.R.S. Every TNC shall cause to be filed a Commission-prescribed Form T: TNC Bodily Injury and Property Damage Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (b) If a TNC chooses to maintain primary automobile insurance coverage on behalf of a driver or drivers that conforms with the requirements of § 40-10.1-604(3), C.R.S., it shall cause to be filed a Commission-prescribed Form P: TNC Primary Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (c) Every TNC shall obtain and keep in force at all times insurance protection against uninsured motorists that conforms with the requirements of § 40-10.1-604(2.5), C.R.S. Every TNC shall cause to be filed a Commission-prescribed Form U: Insurance Protection Against Uninsured Motorists Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (d) For purposes of this rule, surplus line insurers authorized under article 5 of title 10, C.R.S., are within the meaning of an insurer authorized to do business in the state of Colorado.
- (e) If a TNC chooses not to maintain primary automobile insurance on behalf of a driver or drivers, it shall file a certification that each driver who is authorized by a TNC to log in to the TNC's digital network is in compliance with the provisions of § 40-10.1-604(3), C.R.S.
- (f) Administrative cancellation of certificates of insurance and/or surety bond.
  - (I) When a new certificate of insurance and/or surety bond is filed with 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 upon the effective date of the new certificate of insurance and/or surety bond.
  - (II) When the Commission receives notice from a TNC to cancel its permit, all the certificates of insurance and/or surety bond for the TNC shall be administratively cancelled.

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[indicates omission of unaffected rules]

#### **6724. School Transportation Network Companies**

In accordance with § 40-10.1-608(3)(a), C.R.S., the following minimum safety standards are implemented for School TNCs. These minimum safety standards are in addition to, and not in lieu of all other transportation network company rules, but only apply to TNCs when providing services as a School TNC.

- (a) **Contracts.** A School TNC must enter into a contract with the appropriate school or school district that may include specific provisions for the safety of student passengers, as determined by the school or school district.
- (b) **End-to-end visibility.** A School TNC must use a technology-enabled integrated solution that provides end-to-end visibility into the ride for the transportation network company, the student's legal guardian, and the person that scheduled the ride. This solution must allow for Global Positioning System (GPS) monitoring of the ride in real time for safety-related anomalies.
  - (I) The technology-enabled integrated solution shall be maintained and in good working order, at all times, when performing services provided under contract with a school or school district. Any disruption that occurs during a prearranged ride shall be immediately reported to the school or school district and to the parent or legal guardian of the involved student, as applicable.
- (c) **Training requirements.** A School TNC must ensure that each driver providing the service receives training in mandatory reporting requirements, safe driving practices, first aid and Cardiopulmonary Resuscitation (CPR), education on special considerations for transporting students with disabilities, emergency preparedness, and safe pick-up and drop-off procedures.
  - (I) Commission staff, in consultation with the Colorado Department of Education (CDE) as a subject matter expert, must approve driver training before such training may be used to comply with the training requirements in paragraph (c). If Commission staff does not approve a driver training, a School TNC may file a petition with the Commission appealing staff's disapproval determination within 60 days of Commission staff's disapproval notification.
  - (II) Driver training covering the topics outlined in this rule offered by schools or school districts, may meet this requirement if approved by the Commission.
  - (III) A School TNC, or a third party on behalf of a School TNC, shall maintain records associated with the training requirements outlined in this rule during the driver's period of service and for six months thereafter.
  - (IV) The School TNC, not the driver, shall pay the cost of providing the training outlined in this rule.
  - (V) The driver training outlined in this rule shall be completed prior to the driver performing services provided under a contract with a school or school district.
- (d) **Criminal history record checks.** If a fingerprint background check for a driver is required, as specified in a contract with a school or school district, the criminal history record check shall be completed pursuant to the procedures set forth in § 40-10.1-110, C.R.S., as supplemented by the Commission's rules, in accordance with § 40-10.1-605(3)(a)(I), C.R.S., or through the background check requirements under the Education Code, in accordance with § 22-32-122, C.R.S.

- (I) In addition to the disqualification provisions under § 40-10.1-605(3)(c), C.R.S., a School TNC may not use a driver to provide services if the driver has been convicted of or pled guilty or nolo contendere to an offense described in § 22-32-109.8(6.5), C.R.S.
  - (II) A School TNC must require its drivers to immediately report to it any convictions and guilty or nolo contendere pleas to an offense described in §§ 40-10.1-605(3)(c) and 22-32-109.8(6.5), C.R.S. that occur after the driver's last criminal history record check.
- (e) Medical Fitness. A School TNC may not permit a person to act as a driver, unless the driver has been medically examined and certified by a medical professional, in accordance with this paragraph, as physically qualified to drive.
- (I) Medical examiners issuing School TNC medical examiner's certificates must be licensed medical practitioners, in accordance with their specific specialty practice act in the Colorado Revised Statutes, as a Doctor of Medicine or Osteopathy, a physician assistant, nurse practitioner, or clinical nurse specialist working under the direct supervision of a physician.
  - (II) A person is physically qualified to drive if, upon physical examination, the medical examiner determines that the person does not exhibit any of the following conditions:
    - (A) a defect, loss of limb or impairment which interferes with the ability to perform normal tasks associated with operating a motor vehicle;
    - (B) established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control likely to interfere with the person's ability to safely control and drive a motor vehicle;
    - (C) current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure, and that is likely to interfere with the person's ability to safely control and drive a motor vehicle;
    - (D) established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with the person's ability to safely control and drive a motor vehicle;
    - (E) established medical history or clinical diagnosis of high blood pressure likely to interfere with the person's ability to safely control and drive a motor vehicle;
    - (F) established medical history or clinical diagnosis of rheumatic, arthritic orthopedic, muscular, neuromuscular, or vascular disease which interferes with the person's ability to safely control and drive a motor vehicle;
    - (G) established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to safely control and drive a motor vehicle;
    - (H) mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with the person's ability to safely drive a motor vehicle;

- (I) visual disorder or impairment resulting in acuity of worse than 20/40 (Snellen) in each eye with or without corrective lenses; distant binocular acuity worse than 20/40 (Snellen) in both eyes with or without corrective lenses; field of vision lower than 70° in the horizontal meridian in each eye; and colorblindness resulting in the lack of an ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;
  - (J) is unable to perceive a forced whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, has an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid;
  - (K) uses a controlled substance, which use is prohibited in Colorado unless prescribed by a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a motor vehicle; or
  - (L) has a current clinical diagnosis of alcoholism.
- (III) Medical examiners' certificates are valid for not more than two years from the date of issuance, but the medical examiner may establish a shorter period, in their discretion.
  - (IV) Medical examiners must use the School TNC medical examination report and certificate form available on the Commission's website. Such medical examiner's certificate must include certification that the medical examiner conducted an examination in accordance with these rules, and, with knowledge of the driving duties, finds the individual is qualified, subject to any express conditions. The medical examination report must identify the driver, describe the driver's medical history, and document the examination, including the medical examiner's independent judgment based thereupon.
  - (V) Drivers must immediately report to the School TNC any new condition which may impact their ability to safely control and drive a motor vehicle. Notwithstanding any provision in paragraph (e), before such drivers may continue to drive for the School TNC, the driver must be examined by a medical professional and receive a new medical certificate, consistent with paragraph (e).
  - (VI) A driver must keep on their person or in their personal vehicle a copy of their medical certificate, as outlined in this rule, in physical or electronic form. This documentation must be provided to an enforcement official upon request.
  - (VII) A School TNC, or a third party on behalf of a School TNC, must maintain records associated with the driver's medical certification(s), as outlined in this rule, during the driver's period of service and for six months thereafter. This documentation must be made available to an enforcement official upon request.
- (f) Vehicle inspections. On or before the next annual vehicle inspection is due, or by September 1, 2023, whichever is earlier, a School TNC may not permit the use of a personal vehicle to provide services unless the vehicle is inspected consistent with rule 6714 by an individual who is an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection.

- (I) If a personal vehicle is equipped with restraints, ramps, lifts, or other special devices, which are used to facilitate the loading, unloading, or transportation of individuals with disabilities, such equipment shall be in good working order.
- (g) Daily Vehicle Inspection Report (DVIR). A School TNC shall require a driver, when performing services provided under contract with a school or school district, to prepare a Daily Vehicle Inspection Report (DVIR), in writing, prior to each day's work.
- (I) The report shall cover at least the following parts and accessories:
    - (A) foot brakes and emergency brakes;
    - (B) steering mechanism;
    - (C) windshield and wipers;
    - (D) doors and windows;
    - (E) head lights, tail lights, stop lights, and turn indicator lights;
    - (F) front seat adjustment mechanism;
    - (G) horn;
    - (H) speedometer;
    - (I) bumpers;
    - (J) mufflers and exhaust system;
    - (K) tires and wheels;
    - (L) rear view mirrors; and
    - (M) safety belts.
  - (II) The driver, on the DVIR, shall:
    - (A) identify the vehicle and list any defects or deficiencies discovered by or reported to the driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;
    - (B) if no defects or deficiencies are discovered by or reported to the driver, the report shall so indicate; and
    - (C) in all instances, the driver shall sign, or otherwise certify, the report.
  - (III) Prior to requiring or permitting a driver to operate a personal vehicle, when performing services provided under contract with a school or school district, any noted defects or deficiencies listed in the DVIR shall be repaired or corrected.

- (IV) For every DVIR which identifies any defects or deficiencies, a certification of the repair must be made that indicates the defects or deficiencies have been repaired or that the repair is unnecessary.
  - (V) The driver shall review and certify the repair has been made, if applicable.
  - (VI) The School TNC shall maintain a DVIR record for three months after the date the DVIR was prepared.
- (h) Emergency procedures. A School TNC shall have and enforce emergency procedures, to be followed in the event of a safety or security incident that involves providing services for students to or from a school, school-related activities, or school-sanctioned activities.
- (i) Safety restraints. A School TNC shall have and enforce a policy that requires a driver to follow all Colorado laws regarding the proper use of safety belt systems and child restraint systems, when performing services provided under a contract with a school or school district.
- (j) Unauthorized passengers. A School TNC shall have and enforce a policy that prohibits drivers from transporting unauthorized passengers, when performing services provided under a contract with a school or school district.
- (k) Reporting requirements. A School TNC is responsible for all of the following reporting requirements.
- (I) As used in this paragraph (k), a safety or security incident is an incident that involves providing student transportation services where the student's health, safety, or welfare is negatively impacted or at risk of being negatively impacted.
  - (II) A School TNC must provide notice of any safety or security incidents to the parent or legal guardian of the involved student and the school or school district with whom the School TNC has contracted with to provide the services for the involved student, as soon as possible, but no later than 24 hours after the safety or security incident occurs. The School TNC must provide the Commission with the same notice within 14 calendar days of the incident, except that in the report to the Commission, the School TNC must anonymize student and their families' identifying information, and must either include the involved driver's identifying information or identify the driver using a unique number or code assigned only to that driver.
  - (III) On or by January 31 of each calendar year, a School TNC must report to the Commission any safety or security incidents that occurred during the previous calendar year. Such reports must include, but are not limited to, the School TNC's name; the School TNC's permit number; the period being reported; the identity of the involved driver or the involved driver's unique number or code assigned only to that driver; the dates of the incidents; the names of the applicable schools or school districts; the nature of the safety or security incidents; and any resulting disciplinary actions. The report must anonymize student and their families' identifying information. The report must also contain the signature, printed name, and title of the person or persons completing and filing the report; and a certification that such person or persons are authorized to do so, and that the information in the report is accurate. The report must also include a certification that the School TNC has provided the report to each Colorado school or school district with which the TNC has entered into a contract. This report is in addition to, not in lieu of, other reporting requirements outlined in this rule.

- (IV) On or by January 31 of each calendar year, a School TNC must report to the Commission information related to any background checks performed for drivers or prospective drivers in the previous calendar year. Such reports must include, but are not limited to, the School TNC's name; the School TNC's permit number; the period being reported; the identity of the driver or prospective driver or the driver's or prospective driver's unique number or code assigned only to that person; the date each background check was administered; the type of background checks administered; the results of the background checks, including any disqualifications; and the operational status of the involved drivers. The report must also contain the signature, printed name, and title of the person or persons completing and filing the report; and a certification that such person or persons are authorized to do so, and that the information in the report is accurate.
  
- (I) Authority to inspect records. An enforcement official has the authority to interview a School TNC's personnel and inspect a School TNC's facilities and records. Nothing in this Rule prohibits or bars an enforcement official from accessing information that must or may be anonymized per paragraph (k), including driver or prospective driver identifying information. A School TNC must make its records available when requested, consistent with the below timelines:
  - (I) immediately for any records related to insurance or safety;
  - (II) within two days for any records related to a complaint or investigation; or
  - (III) within ten days for all other records.
  
- (m) Higher standards. Nothing in these rules prohibits a school or school district from setting higher standards for transporting a student to or from a school, school-related activity, or school-sanctioned activity.

**6725. Violations, Civil Enforcement, and Enhancement of Civil Penalties.**

Civil penalty assessments are in addition to any other penalties provided by law.

TNCs are subject to §§ 40-7-112, C.R.S. and 40-7-113 through 40-7-116, for violations of Part 6 of Title 40, C.R.S., or these rules, and may be assessed civil penalties for any such violation.

- (a) \$11,000 per violation.
  - (I) Failure to obtain and keep in force liability insurance that conforms with the requirements of § 40-10.1-604.
  
- (b) \$10,000 per violation.
  - (I) Violation of paragraph 6723(a).
  - (II) Violation of paragraph 6723(b).
  
- (c) \$2,500 per violation.
  - (I) Violation of paragraph 6723(i) or (j).
  - (II) Violation of rule 6708.

- (III) Violation of paragraph 6722(a), (c), (d), (e), or (f).
- (d) \$1,100 per violation.
  - (I) Violation of rule 6713.
  - (II) Violation of the periodic inspection requirements of rule 6714.
  - (III) Violation of rule 6702.
  - (IV) Violation of rule 6721.
  - (V) Violation of paragraph 6723(c), (d), (e), (g) or (l).
- (e) \$500 per violation up to \$10,000.
  - (I) Violation of rule 6710.
  - (II) Failure to return the completed DVCR as required by subparagraph 6718(c)(III).
  - (III) Violation of paragraph 6722(g).
- (f) \$275 per violation.
  - (I) Violation of rule 6712.
- (g) \$250 per violation.
  - (I) Violation of any rule not specified above.
- (h) Notwithstanding any provision in these rules to the contrary, the Commission may assess a civil penalty of two times the amount or three times the amount, as provided in § 40-7-113, C.R.S.
  - (I) The amounts in paragraphs (a) through (g) shall be two times the specified amount if:
    - (A) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
    - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
    - (C) the conduct occurred within one year after the date of violation in the prior civil penalty assessment notice; and
    - (D) the conduct occurred after the person's receipt of the prior civil penalty assessment notice.
  - (II) The amounts in paragraphs (a) through (g) shall be three times the specified amount if:
    - (A) 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;

- (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
  - (C) the conduct occurred within one year after the two most recent prior instances of conduct cited in the prior civil penalty assessment notices; and
  - (D) the conduct 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 amounts prescribed for the violation; the amount of the penalty surcharge pursuant to § 24-34-108(2); and a separate provision for a reduced penalty of 50 percent of the maximum penalty amount if paid within ten days after the civil penalty assessment notice is tendered.

**6726. – 6799. [Reserved].**