

(Decision No. C93-1163)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF PROPOSED RULES)
AUTHORIZING SUMMARY SUSPENSION)
OF CERTIFICATES OR PERMITS OF)
REGULATED CARRIERS FOR FAILURE)
TO MAINTAIN MANDATORY INSURANCE)
COVERAGE, AMENDMENTS TO RULE 73,)
4 CCR 723-1.)

DOCKET NO. 93R-545CY

NOTICE OF PROPOSED
RULEMAKING

3037

Mailed Date: September 28, 1993
Adopted Date: September 22, 1993

STATEMENT

BY THE COMMISSION:

The Colorado Public Utilities Commission hereby gives notice of proposed rulemaking regarding amendments to Rule 73, Commission Rules of Practice and Procedure, 4 CCR 723-1. The intent of the proposed rule is to provide for summary suspension of certificates or permits of carriers who fail to maintain insurance coverage as required by statute and Commission regulations. The proposed modifications to Rule 73, Rules of Practice and Procedure, would provide for summary suspension of certificates or permits of carriers failing to maintain required insurance coverage pending permanent revocation proceedings. At the September 8, 1993, open meeting, the Commission adopted an emergency rule allowing for such suspension. In this proceeding, the Commission proposes to make permanent the procedures adopted in the emergency rule.

A copy of the proposed rule is attached to this notice of proposed rulemaking. The statutory authority for the proposed rule is found at §§ 40-2-108, 40-3-102, 40-10-110, 40-10-120, 40-11-109, 40-11-111, 40-11-115, and 40-13-10.5, C.R.S.

The Commission will conduct a hearing on the proposed rule and related issues beginning at 9:00 a.m. on November 1, 1993. The hearing will be conducted in Commission Hearing Room A, Office Level 2 (OL2), Logan Tower, 1580 Logan Street, Denver, Colorado. Interested persons may submit written comments on the rule and present these orally at hearing, unless the Commission deems oral presentations unnecessary. Interested persons may file written comments before the hearing. All submissions will be considered by the Commission.

THEREFORE THE COMMISSION ORDERS THAT:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the October 10, 1993 edition of The Colorado Register. At the time of filing with the Secretary of State, this notice shall also be filed with the Office of Regulatory Reform.

2. Hearing on the proposed rule and related matters shall be held by an administrative law judge beginning:

DATE: November 1, 1993
TIME: 9:00 a.m.
PLACE: Commission Hearing Room A
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the time set for hearing, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary.

3. Interested persons may file written comments in this docket before hearing. The Commission requests that all prehearing comments be filed one week before the scheduled hearing in this matter. All submissions, whether oral or written, will be considered.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING September 22, 1993.



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT E. TEMMER

CHRISTINE E. M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners

4 Code of Colorado Regulations 723-1

NEW RULE 73(f)

(f) MOTOR CARRIER INSURANCE SHOW CAUSE PROCEEDINGS

(1) WHENEVER THE COMMISSION RECORDS INDICATE THAT A MOTOR CARRIER'S LIABILITY INSURANCE IS NO LONGER EFFECTIVE, AND THERE IS NO PROOF ON FILE WITH THE COMMISSION INDICATING REPLACEMENT COVERAGE, THE CARRIER'S AUTHORITY WILL BE SUMMARILY SUSPENDED UNTIL THE COMMISSION RECEIVES PROPER PROOF OF NEW COVERAGE AS REQUIRED BY COMMISSION RULES, OR UNTIL THE CARRIER'S AUTHORITY IS REVOKED PURSUANT TO THE COMMISSION'S SHOW CAUSE PROCEDURES.

(A) A CARRIER RECEIVING NOTICE OF SUMMARY SUSPENSION SHALL NOT CONDUCT OPERATIONS UNDER ITS AUTHORITY OR PERMIT UNTIL PROPER PROOF OF INSURANCE IS FILED WITH THE COMMISSION.

(B) WHEN PROPER PROOF OF INSURANCE IS RECEIVED BY THE COMMISSION, THE SUMMARY SUSPENSION WILL BE LIFTED WITHOUT FURTHER ORDER OF THE COMMISSION.

(2) THE DIRECTOR OF THE COMMISSION SHALL SEND A NOTICE OF SHOW CAUSE PROCEEDINGS TO A MOTOR CARRIER THAT FAILS TO MAINTAIN PROPER PROOF OF INSURANCE AS REQUIRED BY COMMISSION RULES. THE NOTICE SHALL ADVISE THE CARRIER THAT ITS AUTHORITY TO OPERATE IS SUMMARILY SUSPENDED. SUCH SUSPENSION SHALL BE EFFECTIVE ON THE DATE THAT THE CARRIER'S LIABILITY INSURANCE EXPIRES. THE CARRIER SHALL NOT OPERATE UNTIL THE SUMMARY SUSPENSION IS LIFTED.