

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

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

##### **PART 6**

#### **RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE**

##### **BASIS, PURPOSE, AND STATUTORY AUTHORITY**

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the state of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a motor carrier; insurance and permit requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport), and transportation network companies. In addition, these rules cover persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a, including motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons.

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

##### **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. Rules 6700 – 6724 apply to all transportation network companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, 6600, and 6700.

###### **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) "Airport official" means any person, designated by the airport's management or administration, who is connected with the operation, maintenance, security or servicing of the airport and identified by an airport identification badge.
- (bc) "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 that specifies the authorized common carrier type of service or contract carrier service, the authorized geography-geographic area of service, and any restrictions limiting the authorized service.
- (d) "Call-and-demand", "on call-and-demand", or "call-and-demand service" means the transportation of passengers by a common carrier not on schedule.
- (e) "CBI" means the Colorado Bureau of Investigation.
- (ef) "Certificate" means the certificate of public convenience and necessity issued to a common carrier declaring that the present or future public convenience and necessity requires or will require stated operation.
- (dg) "C.F.R." means the Code of Federal Regulations.
- (h) "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.
- (i) "Charter order" means a paper or electronic document that memorializes the contract for luxury limousine or off-road scenic charter service for a specific period of time reasonably calculated to fulfill the purpose of the contract.
- (j) "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.
- (k) "Charter service" means transportation of a chartering party provided by a common carrier on a call-and-demand basis.
- (l) "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 the vehicle whatever by indiscriminately accepting and carrying passengers for compensation; except that the term does not include a contract carrier as defined by § 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 by § 40-10.1-301, C.R.S.; or a Transportation Network Company defined under § 40-10.1-602, C.R.S.
- (em) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly.
- (n) "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.

- (o) "DIA" means the Denver International Airport.
- (gp) "Driver" means ~~any a~~ person who drives a motor vehicle for a motor carrier, regardless of whether such person drives as an employee or independent contractor.
- (q) "Driving time" means all time spent at the driving controls of a motor vehicle operating in a for-hire capacity.
- (r) "Duplicating or overlapping authority" means transportation of the same common carrier type of service between the same points under two or more separate authorities which are held by the same regulated intrastate carrier.
- (hs) "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.
- (it) "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.
- (u) "FBI" means the Federal Bureau of Investigation.
- (v) "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.
- (jw) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (kx) "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.
- (ly) "GVWR" means gross vehicle weight rating, the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- (mz) "Hazardous materials carrier" means a person who transports hazardous materials as defined in § 42-20-103(3), C.R.S.
- (aaa) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.
- (ebb) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (pcc) "Intrastate commerce" means transportation, other than in interstate commerce, for compensation, by motor vehicle over the public highways between points in this state.
- (edd) "Letter of authority" means a document issued by the Commission to a common or contract carrier stating the permanent authority granted by the Commission. A letter of authority is deemed to provide proof of Commission-granted common or contract carrier authority.

- (~~fee~~) "Limited regulation carrier" means a person who provides service by charter bus, children's activity bus, fire crew transport, luxury limousine, Medicaid client transport, or off-road scenic charter as those terms are defined in § 40-10.1-301, C.R.S.
- (ff) "Live meter" means any taxicab meter that, without intervention from the driver, automatically calculates changes in rates for taxicab service due to waiting time, traffic delay, or changes in the taxicab's speed.
- (gg) "Luxury limousine carrier" means every person that provides luxury limousine service.
- (hh) "Luxury limousine service" means a specialized, luxurious transportation service provided on a prearranged charter basis memorialized in a contract. Luxury limousine service is not taxicab service or any service provided between fixed points over regular routes at regular intervals. Luxury limousine service must be provided in a luxury limousine as defined in rule 6308.
- (~~si~~i) "Manufacturer" means the final person modifying the physical structure of a motor vehicle, such as the original manufacturer or a person subsequently modifying a motor vehicle's wheelbase in a luxury limousine.
- (~~lit~~) "Meter" means a device that calculates charges for passenger transportation and/or measurement of distance travelled by a passenger.
- (~~kk~~u) "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.
- (~~ll~~v) "Motor vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby.
- (mm) "Multiple loading" means the sharing of a taxicab ride, or portion thereof, by unrelated traveling parties.
- (~~wn~~n) "Nuclear materials carrier" means a person who transports nuclear materials as defined in § 42-20-402(3), C.R.S.
- (oo) "On duty" means on duty time as defined by 49 C.F.R. § 395.2.
- (~~xpp~~) "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.
- (qq) "Passenger carrier" means a taxicab carrier and a limited regulation carrier, except for fire crew transport.
- (~~yrr~~) "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.
- (~~zss~~) "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.
- (tt) "Prearranged" means that the charter order for luxury limousine service is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the luxury limousine at the point of departure.

(~~aa~~uu) "Principal" means a person who:

- (I) necessarily participates or abstains in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
- (II) is authorized to act on behalf of an entity;
- (III) participates in the election, appointment, or hiring of persons that are authorized to act on behalf of an entity; and
- (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission's jurisdiction, irrespective of his/her formal title or financial interest in the entity.

Examples of principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.

(~~bb~~vv) "Regulated intrastate carrier" means a public utility declared to be affected with a public interest that is a common carrier and/or a contract carrier.

(~~ee~~ww) "Roof light" means equipment attached to the roof of a vehicle or extending above the roofline of a vehicle.

(xx) "Scheduled service", "on schedule", or "schedule" means the transportation of passengers by a common carrier between fixed points and over designated routes at established times as specified in the common carrier's time schedule filed with and approved by the Commission.

(~~dd~~yy) "Seating capacity" means the greatest of the following:

- (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~~the total number of seats as designed by the original manufacturer;
- (~~A~~II) the total number of seat belts, including the driver's, in a motor vehicle; ~~or~~
- (~~B~~III) the number generated by adding:
  - (~~i~~A) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;
  - (~~B~~II) the number of single-occupancy seats, including the driver's seat if it is not part of a split-bench seat; and
  - (~~C~~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;;  
and
- (IIV) the total number of seating positions within the vehicle.
- (V) Auxiliary seating positions, such as folding jump seats, shall be counted in determining seating capacity.

- (zz) "Shuttle service" means the transportation of passengers by a common carrier on a call-and-demand basis charged at a per-person rate and used of the motor vehicle is not exclusive to any individual or group.
- (aaa) "Sightseeing service" means the transportation of passengers by a common carrier on a call-and-demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places or natural, historic, or scenic interest.
- (bbb) "Taxicab" means a motor vehicle with a seating capacity of eight or less, including the driver, operated in taxicab service.
- (ccc) "Taxicab carrier" means a common carrier with authority to provide taxicab service.
- (ddd) "Taxicab service" or "taxi service" means passenger transportation by a common carrier on a call-and-demand basis in a taxicab, with the first passenger therein
- (eee) "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.
- (eeff) "Transportation broker" means a person, ~~other than a motor carrier or as part of a motor carrier's operations,~~ who, for compensation, arranges, or offers to arrange, for-hire, transportation of passengers ~~by a motor carrier under authority not operated by the transportation broker.~~ A transportation broker is not an agent of a motor carrier authorized to provide the brokered transportation and, therefore, cannot represent itself as ~~a-the~~ motor carrier providing the transportation, cannot provide or offer to provide transportation service, and cannot be a party to the contract for transportation. A motor carrier, including a person who is an employee or agent of the motor carrier, is not a broker within the meaning of this definition when it arranges or offers to arrange transportation under such motor carrier's authority.
- (ggg) "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 arranges 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.
- (hhhff) "Type of service" means any one of the following common carrier services: charter, ~~limousine,~~ shuttle, sightseeing, taxicab, or scheduled.

## **6002. Authority and Permit ~~Requirements~~—Applications.**

A person may seek Commission action regarding any of the following matters through the filing of an appropriate application:

- (a) ~~F~~or the grant or extension of authority to operate as a regulated intrastate carrier, as provided in rule 6203~~;~~<sub>i</sub>

- (b) ~~To~~ voluntarily abandon or suspend an authority to operate as a regulated intrastate carrier, as provided in rule 6204~~;~~;
- (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~~(jn)~~;
- ~~(e) to convert a common carrier authority for taxi or shuttle service, in whole or in part, to a transportation network company as provided in § 40-10.1-605(n), C.R.S. and rules 6259;~~
- (e) ~~For~~ a permit to operate as a limited regulation carrier on a Commission-prescribed form~~;~~;
- (f) ~~For~~ a permit to operate as a towing carrier on a Commission-prescribed form~~;~~ or
- (g) ~~For~~ a permit to operate as a mover on a Commission-prescribed form.

#### 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. The notice and intervention period for petitions that seek a waiver of rule 6107 or 6308 shall expire ten days from the date the notice was mailed.

#### 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 rules ~~6401-6400~~ through 6499.

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

- (a) Unless a format or period of record retention is specified in a rule:
  - (I) motor carriers shall maintain all records required by these rules for three years. For the first year, the records must be maintained in their original format. The format may be changed after one year (i.e., converting original paper to electronic format for storage); 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) An enforcement official has the authority to interview personnel and inspect records and 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, records must be made available to the official in the original format during the first year. Thereafter, the records shall be made available in the format maintained by the company. Copies shall also be provided upon request. Records or copies, as applicable, must be made available within the following time periods:

- (A) ~~h~~immediately for any records required to be maintained in a motor vehicle or with the driver, towing authorizations, mover estimates for service, mover contracts for service, or any records related to insurance or safety;
  - (B) ~~W~~within two days for any records related to a complaint investigation; or
  - (C) ~~W~~within ten days for all other records.
- (II) When a request under paragraph (b) of this rule meets multiple time periods under subparagraphs (b)(I) through (III), the shortest time period shall apply.
  - (III) Upon request of an enforcement official and during 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 business hours.
- (c) No person shall knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation or change to any record subject to inspection by the Commission.
  - (d) No motor carrier, its agents, or its representatives, shall produce or retain false records or records the motor carrier, its agents, or its representatives knew or should have known to be false or inaccurate. The motor carrier shall be responsible for the accuracy of the records it retains and produces.
- 6006. Reports, Commission Records, Name Changes, Address Changes, and Address Additions, ~~and Designated Agent Changes~~.**
- (a) Each common carrier and contract carrier shall submit ~~its~~ annual reports, as prescribed by rule 6212, or as otherwise ordered by the Commission.
  - (b) A motor carrier is required to notify the Commission in writing of any change of name, mailing address, physical address, or telephone number on file with the Commission within two days of making said change. The notification shall identify the person making the change and all of the affected motor carrier's certificates, permits, or registrations. A notice of name change including trade name changes and 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 and tariffs.
    - (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.



(d) ~~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 following the effective date of such change.~~

~~(e)~~ Any information provided by a motor carrier for the Commission's files shall be deemed accurate until changed by the motor carrier.

#### 6007. Financial Responsibility.

(a) Financial responsibility requirements:

(i) Motor vehicle liability coverage. Every motor carrier shall obtain and keep in force at all times commercial 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. Coverage shall be combined single limit liability. The minimum level for public entities, as defined in § 24-10-103(5), C.R.S., shall be the maximum amount per § 24-10-114(1), C.R.S. The minimum levels for all other motor carriers shall be:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Motor Carriers of Passengers	8 or less	\$ 500,000
	9 through 15	\$1,500,000
	16 through 32	\$3,000,000
	33 or more	\$5,000,000
Public Entities	Any	The maximum amount per § 24-10-114(1), C.R.S.
Movers	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000

~~(ii) 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.~~

~~(All)~~ To demonstrate proof of commercial motor vehicle liability coverage, All common carriers, contract carriers, limited regulation carriers, movers, and towing carriers shall cause one of the following to be filed with the Commission: a Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, ~~or a Form G,~~

Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, or 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. to be filed with the Commission.

- (A) The applicable ~~f~~Form E or Form G shall be executed by a duly authorized agent of the insurer or surety.
- (B) ~~All 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., shall cause a copy of said certificate of self-insurance to be filed with the Commission.~~ 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.
- (III) 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~~to~~ 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.
- (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 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.
- (C) All movers or towing carriers shall cause a Form H, Uniform Motor Carrier Cargo Certificate of Insurance, or a Form J, Uniform Motor Carrier Cargo Surety Bond, to be filed with the Commission. For a towing carrier, a Colorado Form 12-INS, Towing Carrier Cargo Liability Insurance Certificate may be used in lieu of the Form H. The applicable form shall be executed by a duly authorized agent of the surety.
- (IV) 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.
- (A) 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, other than the insured, which is stored by the towing carrier directly or through an agent.
- (B) All towing carriers shall cause a Colorado Form 14-INS, Garage Keepers Legal Liability Certificate of Insurance, to be filed with the Commission.

- (V) ~~Workers'~~ compensation insurance coverage. Every towing carrier shall obtain and keep in force at all times workers' compensation insurance coverage in accordance with § 40-10.1-401(3), C.R.S., the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S., and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
- (A) If workers' compensation insurance coverage is required, the towing carrier shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
- (B) If a person has proof of workers' compensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the person is required to maintain such insurance.
- (C) If workers' compensation insurance coverage is not required, the towing carrier shall cause:
- (i) ~~F~~or corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers' Compensation Form WC43 including a part B for each person listed on part A; or
- (ii) ~~F~~or other towing carriers, a statement that workers' compensation insurance coverage is not required.
- (VI) General liability coverage. Every mover shall obtain and keep in force at all times general liability insurance coverage, or surety bond, providing coverage of not less than \$500,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage. ~~(A)~~—All movers shall cause a Colorado Form GL, General Liability Certificate of Insurance to be filed with the Commission.
- (b) 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 (a) 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.

- (c) The provisions of subparagraphs (IV) through (VI) of paragraph (b) 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 (b) do not apply to workers compensation requirements for towing carriers pursuant to § 40-10.1-401(3), C.R.S.
- (d) The motor carrier shall retain each original insurance or surety policy for required coverage and keep a copy of its proof of motor vehicle liability coverage in each motor vehicle that it operates.
- (e) The motor carrier's failure to have proof of liability coverage or compliance with workers' compensation insurance requirements, on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the carrier is in violation of the requirements of this rule.
- (f) 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.
- (g) Any change affecting the policy and the information contained in forms noted in this rule (e.g., name, address, or policy number) shall be filed with the Commission on an appropriate endorsement or amendment.
- (h) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
- (i) Except as provided in paragraph (j) 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 a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies, a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds, 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.
- (j) 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. For purposes of this paragraph, type of coverage means those listed in paragraph (a) of this rule, and category of coverage means primary coverage or excess coverage.
  - (II) When the Commission grants an application filed by a regulated motor carrier, or receives notice from any other type of 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.
  - (III) When a permit expires or is canceled or revoked, all certificates of insurance and/or surety bonds for the motor carrier may be administratively canceled.

(IV) When a certificate or contract carrier permit is revoked or abandoned, all certificates of insurance and/or surety bonds for the motor carrier may be administratively canceled.

**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),~~ and § 40-10.1-112(3), C.R.S., summarily suspend such authority or permit.

(B) Whenever Commission records indicate that a towing carrier's workers' compensation insurance coverage is or will be canceled and the Commission has no proof on file indicating replacement coverage, or documentation filed demonstrating that coverage is not required, in accordance with rule 6007 the Commission shall, pursuant to § 24-4-104(3) ~~and (4),~~ and § 40-101.112(3), C.R.S., summarily suspend such authority or permit.

(C) 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.

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

(II) The Commission shall advise-notify 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-a~~ 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, or documentation demonstrating that coverage is not required as to workers' compensation insurance 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 or documentation that coverage is not required 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 or documentation that coverage is not required 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) Summary suspension and/or revocation for deliberate and willful violations and/or endangering public health, safety or welfare. If, due to an administrative error or omission of the Commission staff, an authority or permit is suspended or revoked for lack of financial responsibility coverage, such authority or permit shall, without a hearing, be retroactively reinstated as of the effective date of the proof of coverage. Staff shall document in its files the correction of such administrative error or omission. When the Commission finds either that a motor carrier has engaged in a deliberate or willful violation or that the public health, safety, or welfare imperatively requires emergency action, the Commission may summarily suspend the motor carrier's certificate or permit in accordance with §§ 24-4-104(4), C.R.S. and pursuant to the following process.

(I) If, after conducting its investigation, Commission staff believes that a person is guilty of a willful or deliberate violation of Commission rules or that the public health, safety, or welfare requires emergency action, Commission staff can seek a summary suspension pursuant to § 24-4-104(4), C.R.S. from an Administrative Law Judge through the filing of a motion for summary judgement, notice of allegations and supporting material.

(II) Upon a finding of either willful or deliberate violation or endangerment of public health, safety, or welfare, and where Commission staff is reasonably likely to prevail in proving the violation at hearing, the ALJ may issue a notice of summary suspension. Willful and deliberate, for purposes of these rules, means a deliberate, voluntary, or intentional action or inaction that is in violation of the applicable rules, statutes, or any other lawful order. Deliberate and willful acts include: the same or similar action for which a person has already been warned; reckless or dangerous action; action done without regard to the consequence or the rights or safety of others; fraudulent action; conduct without the proper authority or engaging another person who performs without the proper authority.

(III) Unless otherwise requested by the person in alleged violation, an ALJ shall hold a hearing ten days after the notice of summary suspension was served on the motor carrier. The ALJ will expedite the issuance of a decision after hearing.

(IV) The notice of summary suspension shall be served on the person along with Commission staff's notice of allegations and supporting information and a notice of hearing.

(c) ~~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 an owner, member, partner, director, or officer of a towing carrier.~~

(c) Automatic and immediate revocation.

- (I) Whenever Commission records indicate that a hazardous material carrier's insurance or surety coverage is canceled and the Commission has no proof on file indicating replacement coverage, the permit is automatically revoked pursuant to § 42-20-202(2)(a), C.R.S.
  - (A) The Commission shall notify the hazardous materials carrier:
    - (i) that the Commission is in receipt of insurance or surety cancellation on the effective date of the cancellation; and
    - (ii) that it shall not conduct operations under any of its authorities or permits after the coverage cancellation date.
  - (B) Operations performed during lapses in coverage are subject to civil penalty assessments.
- (II) When a motor carrier operating under a limited regulation permit issued pursuant to Part 3 of Title 40, Article 10.1, C.R.S., fails to pay a civil penalty, imposed by a final decision of the Commission within the time prescribed for payment, the permit is revoked immediately. The motor carrier, any owner, principal, officer, member, partner, or director of the motor carrier; and any other entity owned or operated by that owner, principal, officer, member, partner, or director are disqualified from applying for a permit for 36 months from the date the penalty payment was due.
- (III) When a motor carrier operating under a towing permit issued pursuant to Part 4 of Title 40, Article 10.1, C.R.S., fails to pay a civil penalty, imposed by a final decision of the Commission within the time prescribed for payment, the permit is revoked immediately. The motor carrier, any owner, principal, officer, member, partner, or director of the motor carrier; and any other entity owned or operated by that owner, principal, officer, member, partner, or director may be disqualified from applying for a permit for up to 60 months from the date the penalty payment was due.
- (IV) When a motor carrier operating under a household goods permit issued pursuant to Part 5 of Title 40, Article 10.1, C.R.S., fails to pay a civil penalty, imposed by a final decision of the Commission within the time prescribed for payment, the permit is revoked immediately. The motor carrier, any owner, principal, officer, member, partner, or director of the motor carrier; and any other entity owned or operated by that owner, principal, officer, member, partner, or director are disqualified from applying for a permit for 36 months from the date the penalty payment was due.

- (d) Period of ineligibility.
- (I) 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) 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, members, owners, managers, officers, and directors of the entity, without regard to capacity in the same or different entity during the period of ineligibility.
- (e) Subparagraphs (d)(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 (~~passenger side~~) 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.
- ~~(g) A motor carrier may request a replacement vehicle stamp. The Commission will provide a replacement stamp, without charge, so long as the motor carrier requesting the replacement stamp remits a sufficient portion of the damaged stamp, including the unique number of the stamp to be replaced.~~



(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 (gf) 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 (gf) 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 (gf) of this rule.

**6010. Letter of Authority and Permit Naming Requirements.**

(a) No ~~party person~~ shall file an application under a name or trade name that identifies a ~~type of~~ transportation service not requested or currently authorized (e.g., a limited regulation carrier or a common carrier with only call-and-demand shuttle service shall not have taxi in its name). If an application is filed in violation of this rule, the Commission shall not issue a certificate or permit under such name.

(b) ~~No person shall operate. Any carrier currently operating~~ under a name or trade name ~~that~~ that identifies a ~~type of~~ transportation service not currently authorized by its certificate or permit (e.g., a limited regulation carrier or a common carrier with only call-and-demand shuttle service shall not have taxi in its name). ~~shall alter its name or trade name to comply with this rule within one year after the effective date of these rules.~~

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

**6011. Designation of Agent, Service and Notice.**

(a) Each motor carrier shall file in writing with the Commission, and shall maintain on file, its designation of the name, mailing address, and physical 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 addresses of the person designated shall be in the state of Colorado.

(b) Each motor carrier shall notify the Commission of any changes in the designated agent's identity, name, mailing address, physical address, email address or phone number by filing a new designation within two days following the effective date of such change.

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

~~(d) Notice sent to the motor carrier's designated agent on file with the Commission shall constitute prima facie evidence that the motor carrier received the notice.~~

**6012. ~~[Reserved]~~ Prohibited Credit Card Fees.**

~~No additional fees associate with the use or processing of a credit card may be charged pursuant to § 5-2-212, C.R.S.~~

**6013. ~~Notice~~ [Reserved].**

~~Notice sent 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 granted a waiver, or engaging a driver who has been granted 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:
  - (I) in the affected motor vehicle; and
  - (II) in the motor carrier's motor vehicle maintenance records at the motor carrier's primary place of business.
- (b) If the waiver pertains to a driver~~:-~~ ensure that a copy of the waiver is:
  - (I) carried on the affected driver's person whenever the driver is operating a motor vehicle over which the Commission has jurisdiction; and
  - (II) maintained in the affected driver's qualification file at the motor carrier's primary place of business.
- (c) A copy of any other waiver shall be maintained at the motor carrier's primary place of business.

**6015. Exterior Vehicle Markings, Signs, or Graphics.**

- (a) With the exceptions of luxury limousines as restricted by rule 6304, all motor vehicles must have external markings as detailed below.
  - (I) The markings on the vehicle must;
    - (A) appear on both sides of vehicles;
    - (B) be in letters that contrast sharply in color with the background on which the letters are placed;
    - (C) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
    - (D) be maintained in a manner that retains the legibility required above;

- (E) display the name or a trade name as set forth in in the common carrier's certificate(s), ~~the contract carrier or~~ permit(s), ~~the towing carrier permit(s), or the mover permit(s), as applicable;~~
  - (F) display the letter and/or number designation of the carrier's certificate(s) and or permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
  - (G) either be painted on the motor vehicle or consist of a removable device.
- (II) Subparagraphs (I)(E) and (I)(F) 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) — In lieu of subparagraph (I), a regulated intrastate carrier or a limited regulation carrier operating a motor vehicle having a seating capacity of fifteen or less may affix the marking required by subparagraph (F) to both the front and rear of the motor vehicle in compliance with subparagraphs (I)(B), (I)(C), (I)(D), and (I)(G).~~

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

#### **6016. Offering of Transportation Service.**

- (a) Advertising to arrange transportation service as a transportation broker is not an offer to provide transportation service; rather, it is an offer to broker transportation service. A person shall be presumed to have offered transportation service if the person has not disclosed the fact the services are being arranged by a transportation broker.
- (b) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (c) No motor carrier, or any officer, agent, employee, or representative of said carrier, shall offer to provide a transportation service without authority or permit to provide such service.
- (d) No motor carrier, or any officer, agent, employee, or representative of said carrier, shall offer a transportation service in a name, to the character, other than a name appearing on said carrier's authority or permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation).
- (I) If a motor carrier operates its authority or permit under a trade name, nothing in this paragraph shall be construed to require advertising under all names appearing on said carrier's authority or permit.
- (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.
- (e) Each advertisement of a mover shall include the phrase "CO PUC Mover Permit No. [HHG permit number]" and the physical address of the mover.
- (f) Each advertisement of a towing carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the carrier shall include the phrase "PUC. [T- permit number]" of the towing carrier.

- (g) Each advertisement of a luxury limousine carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the carrier shall include the phrase "PUC [LL- permit number]".
- (h) Roof lights. Except as otherwise required by law, only a taxicab operated by a common carrier under an authority to provide taxicab service may have a roof light.

#### **6017. Violations, Civil Enforcement, and Enhancement of Civil Penalties.**

- (a) Each occurrence of a violation and each day that such violation continues, shall constitute a separate violation and shall be subject to a separate civil penalty.
- (~~ab~~) A violation of subparagraph (a)(I), ~~except (a)(I)(A) or (a)(I)(B)~~, of rule 6007 may result in the assessment of a civil penalty of up to \$11,000.00 for each violation.
- (c) A violation of paragraph 6005(c) or (d) may result in the assessment of a civil penalty of up to \$1,100 for each violation.
- (~~db~~) A violation of § 40-10.1-111 ~~(1)(f) or (2)~~, C.R.S., or rule paragraph 6009(a), (eb), or (dc) or (f) 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.
- (~~ee~~) A violation of rule paragraphs 6016(c) and (d) may result in the assessment of a civil penalty of up to \$550.00 for each violation.
- (~~ef~~) Except as provided for in paragraphs ~~(ab) through (ee)~~ of this rule, a violation of any provision of rules 6000 through 6016 ~~or § 40-10.1-111(1)(f) or (2), C.R.S.~~ may result in the assessment of a civil penalty of up to \$275.00 for each violation.
- (~~eg~~) 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.
- (~~fh~~) 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 ~~sub~~paragraphs (~~ab~~) through (~~ef~~) 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 24 months ~~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 ~~sub~~paragraphs ~~(I)~~(~~ab~~) through (~~ef~~) 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 ~~24 months~~ ~~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.

(gi) 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), C.R.S., with 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.

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

**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 subparagraph (a)(I).

### **6101. Definitions.**

In addition to the definitions in rule 6001, and those incorporated from federal law in rule 6102, the following definitions apply to all carriers subject to 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" or "motor vehicle" as used in regulations incorporated by reference by rule 6102, 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) "Golf cart" means a golf cart as defined in § 42-1-102(39.5), C.R.S.

(ed) "Employer" as used in regulations incorporated by reference by rule 6102, means a regulated intrastate carrier or limited regulation carrier, in addition to the definition found in 49 C.F.R. § 390.5.

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

(f) "Low-speed electric vehicle" means low-speed electric vehicle as defined in § 42-1-102(48.6), C.R.S.

(eg) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.

#### **6102. Regulations Incorporated by Reference.**

(a) Except as provided in rule 6103 and 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~~January 1, 2017.

(II) 49 C.F.R. Appendix G to Subchapter B of Chapter III, as revised on ~~October 1, 2010~~January 1, 2017.

(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~~ qualification and examination of drivers: 49 C.F.R. § 391.11(b)(1), relating to age of drivers, shall not apply to drivers operating solely in intrastate commerce; rather, such drivers shall be at least eighteen years of age. This ~~sub~~paragraph ~~(1)~~ 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.

(b) ~~With regard to m~~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), relating to exhaust systems, 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 such a system shall be operational and readily accessible to passengers at all times.

(c) ~~With regards to h~~Hours of service of drivers:.

- (I) ~~For a motor carrier of passengers operating a motor vehicle having a seating capacity of 16 or more, or 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 to all motor carriers of passengers operating a motor vehicle having a seating capacity of 16 or more, or GVWR or GCWR of more than 10,000 pounds.~~
- (II) ~~The requirements of 49 C.F.R. §§395.5(a)(2), 395.5(b) and the log book requirements set forth under 395.8 shall not apply. For a to all motor carriers of passengers operating a motor vehicle having a seating capacity of 15 or less and GVWR or GCWR or less than 10,001 pounds, the requirements of 49 C.F.R. §§395.5(a)(2) and 395.8 shall not apply.~~
- (III) ~~In exchange for not being held to the more rigid requirements of §§ 395.5(a)(2), 395.5(b) and the log book requirements set for under 395.8, assumptions about a driver's duty status after coming on duty are required. Motor carriers subject to subparagraph (II) are not required to track and record each time a driver changes a duty status after going on duty. For the purpose of calculating hours of service, a driver subject to this rule is and remains on duty until and unless the driver is released from duty by the motor carrier for a minimum of eight consecutive hours.~~

[OPTION ONE]:

- (IV) ~~A driver shall not be on duty or be permitted to be on duty more than 12 consecutive hours in any 24 hours period. Drivers may go off duty for any period of time during the 12-hour period, but the 12-hour period shall only be restarted after 12 consecutive hours off duty.~~

[OPTION TWO]:

- (IV) A motor carrier shall neither permit nor require a driver to drive, nor shall any such driver drive in violation of any of the following:
  - (A) 16 Hour Rule: At the end of the 16<sup>th</sup> hour after coming on duty, a driver shall not drive for-hire and shall be released from duty, for a minimum of 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) Ten Hour Rule: After coming on duty and within the 16 hours provided by the 16 hour rule in subparagraph (A) above, Aa driver shall not exceed ten hours ofmaximum driving time, ~~following eight consecutive hours off duty.~~ At the end of the tenth hour, a driver shall not drive for-hire until he or she has been released from duty by the motor carrier for a minimum of eight consecutive hours.

- (C) ~~80 Hour Rule: A driver shall not drive for a minimum period of eight consecutive hours after having been on duty 80 hours in any eight consecutive days. In no instance shall a driver's hours of service exceed 80 hours in any rolling eight consecutive day period.~~ In no instance shall a driver's on duty hours exceed 80 hours in any eight consecutive day period. Upon accumulating 80 hours on duty in any rolling eight consecutive days, a driver shall not drive and shall be released from duty for a minimum of eight consecutive hours. For the purposes of this rule, the total number of hours on duty for each day within the eight consecutive day period shall be determined by adding the daily on duty totals derived from the 16 hour rule in subparagraph (A) of this rule.; and
- (D) 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; and
  - (iv) for a driver who is off duty for an entire day, an indication to that effect.
- (d) 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, certifying that all violations 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 in its records.
  - (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.
- (VII) 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.

~~(VIII) A motor vehicle that does not qualify under these Part 6 rules may be placed out of service.~~

~~(IX) A motor vehicle equipped with ramps, lifts or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities shall be placed out of service if such devices are not in good working order.~~

~~(X) A motor vehicle identified as a golf cart, low-power scooter, low-speed electric vehicle, or motorcycle will be subject to all inspection rules applicable to that type of vehicle.~~

- (e) 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 Record Checks.**

- (a) For purposes of this rule only:

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

(II) "Driver" means a person who drives or wants to drive for a passenger carrier, regardless of whether such person drives or wants 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)~~ "Criminal history 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 who is not qualified by the Commission at the time of hire 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 criminal history record check. The passenger carrier shall provide to the driver a copy of the Commission's Notice to Driver Applicants which informs the driver that his or her fingerprints will be submitted to the CBI and FBI. This notice shall be provided to the driver prior to the submission of fingerprints.
- (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 criminal history record check within five years after being qualified by the Commission and at least once every five years thereafter. Qualifications without an expiration date shall expire five years from August 1, 2012 ~~are deemed to have expired August 1, 2017~~.
- (e) The driver shall submit his or her fingerprints on an official ~~Federal Bureau of Investigation~~ FBI form FD-258. The Commission will only accept official forms completed by a law enforcement or state agency in accordance with the instructions available from the Commission or its website.
- (f) Qualification determination based upon moral character or statutory disqualification.
- (I) Upon the Commission's receipt of a completed criminal history record check, Commission staff shall make a qualification determination regarding the driver's qualification status. In making this determination, Commission staff is authorized to request from the driver, and the driver shall provide, additional information that will assist Commission staff in making the determination regarding the driver's qualification status. If a driver does not provide such additional information requested by Commission staff, or explain why it is unavailable within 15 days of the request, Commission staff may disqualify the driver.
- (II) A driver is not of good moral character and shall be disqualified and prohibited from driving, if the driver has:
- (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, 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.;
- (C) 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.;
- (D) 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
- (E) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (D) within the same time periods as listed in subparagraphs (A) through (D).
- (III) Without a determination as to moral character at the time of determination, a driver is disqualified by statute and prohibited from driving if the driver has been:

- (A) convicted in the state of Colorado at any time of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;
  - (B) within the two years preceding the date the criminal history record check is completed, convicted in this state of driving under the influence (DUI), as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content (DUI per se), 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~~
  - (C) within the two years preceding the date the criminal history record check is completed, convicted of an offense comparable to those included in subparagraph (III)(B) 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) The Commission and Commission 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.
  - (h) At any time, Commission staff shall disqualify a previously qualified driver whose subsequent conviction meets the criteria of this rule.
  - (i) 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 (f) of this rule; or
    - (III) the driver's qualification status has expired.
  - (j) 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 criminal history record check:
    - (I) at least once every five 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.
  - (k) Commission staff shall notify the driver of its qualification determination. The Commission will also maintain a password-protected portion of its website where drivers, passenger carriers, and other persons authorized by Commission staff may access the current qualification status of drivers.
  - (l) If the driver is disqualified and prohibited from driving, the driver may, within 60 days of Commission staff's notification, file a petition with the Commission for qualification determination.

- (l) Upon the filing of a petition for qualification-, Commission staff shall be an indispensable party.
- (A) If a driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(II), the driver shall bear the burden of proving that he is of good moral character based upon all surrounding facts and circumstances or that disqualification is not supported by fact or law.
- (B) If a driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(III), the driver shall bear the burden of proving that disqualification is not supported by fact or law;
- (C) If a driver is disqualified pursuant to paragraph (h), the Commission staff shall bear the burden of proving all applicable elements.
- (D) The Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S. for disqualifications based on a determination of moral character.
- (m) Commission staff's qualification determination may be relied upon by all persons, unless and until the Commission rules on a driver's qualification.
- (n) If the Commission qualifies a driver upon petition, paragraph (f) shall be waived as to qualification determinations for future fingerprint resubmissions regarding the events upon which Commission staff's disqualification was based.

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

- (a) Each occurrence of a violation and each day that such violation continues, shall constitute a separate violation and shall be subject to a separate civil penalty.
- ~~(b)~~ 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(d)(VII)	Requiring or permitting a driver to operate a motor vehicle during the period the driver was placed out of service.
Rule 6103(d)(VI)	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)(2)

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(c)( <del>IV</del> )(A)	Requiring or permitting a driver to drive after having been on duty for 16 consecutive hours.
Rule 6103(c)( <del>IV</del> )(B)	Requiring or permitting a driver to drive more than ten hours.
Rule 6103(c)( <del>IV</del> )(C)	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 0.02 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.

(ed)

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	Allowing a driver to drive who is not medically examined and certified.
49 C.F.R. § 396.17(a)	Using a commercial motor vehicle not periodically inspected.

Rule 6103(d)(VI)	Operating a motor vehicle after the vehicle was placed out of service and before the required repairs are made.
Rule 6103(d)(VII)	Operating a motor vehicle during a period the driver was placed out of service.
<del>Rule 6107</del>	<del>Knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change, to any record.</del>

~~(de)~~ 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(c)( <del>III</del> IV)(D)	Failing to maintain and retain accurate and true time records, including all supporting documents verifying such time records.
Rule 6103(d)(II)	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.

~~(ef)~~ 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.

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



- (gh) Except as provided in paragraphs (ab) through (fg) of this rule, a person who violates any other rule may be assessed a civil penalty of up to \$250.00 for each violation.
- (hi) 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~~
- (j) Civil penalty assessments are in addition to any other penalties provided by law.

**~~6107. Records: Falsification, Reproduction, or Alteration.~~**

~~No person shall knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record, subject to inspection by the Commission.~~

**6107. Age and Condition of Passenger Carrier Motor Vehicles.**

Vehicles used for the transportation of passengers and operated under certificates or permits issued by this Commission shall be in good physical condition, meeting the following minimum standards.

- (a) The body of the vehicle has a good not faded paint job; is devoid of dents, rust, cracked bumpers, broken trim, broken mirrors, or cracked windows including the windshield.
- (b) The interior of the vehicle has no missing or loose parts; has no exposed wiring; is clean; and has no cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim.
- (c) The vehicle's air conditioning system is capable of cooling the vehicle interior to 65 degrees.
- (d) The vehicle's heating system is capable of heating the vehicle interior to 85 degrees.
- (e) Exterior markings are compliant with applicable vehicle marking rules 6015 and 6304.
- (f) The motor carrier's name, permit number and the name of the driver are identified in the interior of the vehicle and are clearly visible to the passenger.
- (g) A vehicle equipped with ramps, lifts, or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities has all such devices in good working order.
- (h) A vehicle with a seating capacity of less than 16 passengers that is eight or more years old as of January 1 of each calendar year, or has more than 150,000 miles shall have the required periodic vehicle inspection completed at least semi-annually. The required inspections must be compliant with the provisions of 49 C.F.R. § 396.17 and be completed by a qualified inspector meeting the minimum qualification requirements set forth in 49 C.F.R. § 396.19.
- (i) No vehicle with a seating capacity of less than 16 passengers shall be more than 12 years old regardless of condition or mileage.
- (j) No vehicle with a seating capacity of less than 16 passengers that has more than 250,000 miles shall be operated regardless of age or condition.

- (k) No vehicle with a seating capacity of 16 passengers or more shall be more than 15 years old regardless of condition or mileage.
- (l) The age of the vehicle shall be determined by subtracting the model year of the vehicle from the present calendar year. By way of example, a 2010 model year vehicle is seven years old for the calendar year 2017.
- (m) No petition for waiver of this rule shall be considered by the Commission unless the petitioner files; along with his or her petition:
  - (I) proof of compliance with all provisions of this rule;
  - (II) proof that the vehicle has been owned and operated by the petitioner for at least three consecutive years prior to the filing of the petition and documentation confirming the mechanical integrity of the vehicle;
  - (III) the motor carrier's plan to come into compliance with the minimum vehicle standards (plans to retire and replace the vehicle, the status of any loan against the vehicle, etc.);
  - (IV) identification of any factors related to the market served as it pertains to the uniqueness or specific needs of the specified market; and
  - (V) any other information the petitioner deems relevant.

**6108. – 6199. [Reserved].**

## **REGULATED INTRASTATE CARRIER RULES**

### **Regulated Intrastate Carrier Rules.**

#### **6200. Applicability.**

Rules 6200 through 6249 apply to all common carriers, all contract carriers, and to all Commission proceedings and operations concerning common carriers and contract carriers as well as applicants, employees, and drivers of such carriers.

#### **6201. Definitions.**

In addition to the definitions in rules s 6001 and 6101, the following definitions apply to all carriers and drivers subject to these regulated intrastate carrier rules:

- (a) "Access fee" means the fee assessed by an airport for the use of its facilities for one trip levied upon motor carriers transporting passengers to, from or at an airport.
- (ab) "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.
- (c) "Base area" means a geographic area in which a taxicab is authorized to provide point-to-point service. This term is defined only because of its use in authorities issued by the Commission.
- (bd) "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.

- ~~(e) "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) "Call-and-demand," "on call-and-demand," or "call-and-demand service" means the transportation of passengers by a common carrier not on schedule.~~
- ~~(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 provided by a common carrier on a call-and-demand basis.~~
- ~~(f) "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.~~
- ~~(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) "Encumbrancer" means a person seeking or holding an encumbrance (e.g., lien or mortgage) against the authority of a common or contract carrier.~~
- ~~(i) "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.~~
- ~~(j) "Limousine service" means the transportation of passengers by a common carrier on a call-and-demand basis 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.~~
- ~~(k) "Outstanding authority" means an existing authority, or any portion thereof, which is not under suspension.~~
- ~~(l) "Scheduled service," "on schedule," or "schedule" means the transportation of passengers by a common carrier between fixed points and over designated routes at established times as specified in the common carrier's time schedule filed with and approved by the Commission.~~
- ~~(m) "Shuttle service" means the transportation of passengers by a common carrier on a call-and-demand basis charged at a per-person rate and the use of the motor vehicle is not exclusive to any individual or group.~~

~~(n) "Sightseeing service" means the transportation of passengers by a common carrier on a call and demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places of natural, historic, or scenic interest.~~

(eg) "Special bus service," "special bus transportation," or "special bus", only used in historical authorities, 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.

(ph) "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.

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

~~(r) "Taxicab service" means passenger transportation by a common carrier on a call and demand basis in a taxicab, with the first passenger therein having exclusive use of the taxicab unless such passenger agrees to multiple loading.~~

(si) "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.

(ti) "Transferee" means any entity newly acquiring control of any authority from a transferor.

(uk) "Transferor" means any entity transferring control of any authority to a transferee.

## **6202. Prohibited Operations.**

(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 or authorized by statute;
- (IV) abandon or suspend operations under its authority; or
- (V) file a tariff or time schedule whose applicability or scope violates this rule.

**6203. Applications to Operate as a Common or Contract Carrier.**

- (a) ~~Any~~ person seeking permanent authority, temporary authority or emergency temporary authority to operate as a common ~~carrier or to extend a common carrier certificate or contract carrier, or permanent authority to extend a common carrier certificate or contract carrier permit,~~ shall file an completed application using the form provided by the Commission on its website. Each application requires supporting information which must be submitted with the application. ~~The application shall contain the following information:~~
- (b) ~~A person seeking permanent authority, temporary authority or emergency temporary authority to operate as a contract carrier or to extend a contract carrier certificate shall file a completed application using the form provided by the Commission on its website. Each application requires supporting information which must be submitted with the application.~~
- (c) ~~The granting of an emergency temporary authority creates no presumption that a temporary or permanent authority will be granted. The granting of a temporary authority creates no presumption that a permanent authority will be granted.~~
- (I) ~~The name, including trade name if applicable, physical address, mailing address, telephone number, and email address of the applicant.~~
- (II) ~~The name, mailing address, telephone number, and email 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 mailing address and physical address of its principal office; 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 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, shuttle, sightseeing, taxicab, or scheduled, but not limousine, 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 service area, or the proposed points or routes of service, if and in the form requested by the Commission or Commission staff.~~
- ~~(XI) — A statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations.~~
- ~~(XII) — 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.~~
- ~~(XIII) — 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.~~
- ~~(XIV) — A statement that the applicant understands the Commission will, in its discretion, cancel any duplicating or overlapping authorities created by granting the application.~~
- ~~(XV) — A statement indicating the town or city where the applicant prefers any hearing to be held.~~
- ~~(XVI) — 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.~~
- ~~(XVII) — If the applicant applies for common carrier authority, the applicant shall demonstrate a public need for the proposed service and 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., this demonstration is not required when the proposed service is taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson. Any letter of support filed to demonstrate a public need:
  - ~~(A) — shall contain the author's name, address, and telephone number;~~
  - ~~(B) — should describe the public need;~~
  - ~~(C) — should specifically support the applicant's particular request for authority;~~
  - ~~(D) — should describe whether and how existing service is inadequate;~~
  - ~~(E) — should contain a statement that the letter contains only information that is true and correct to the best of the author's knowledge and belief; and~~
  - ~~(F) — shall be signed by the author.~~~~

- ~~(XVIII) If the applicant seeks 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. The applicant shall also attach a letter from 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;~~
  - ~~(E) should contain a statement that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief; and~~
  - ~~(F) shall be signed by the proposed customer.~~
- ~~(b) Any person seeking temporary authority to operate as a common or contract carrier, shall file an application.~~
- ~~(I) The application shall contain all the information specified by paragraph (a) of this rule, modified as follows:~~
- ~~(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 that there is no such service capable of meeting the need;~~
  - ~~(C) the statement in subparagraph (a)(XIX) is not required;~~
  - ~~(D) a statement shall be included 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; and~~
  - ~~(E) a statement shall be included of the period of time which applicant requests the temporary authority to cover, not to exceed 180 days.~~
- ~~(II) The Commission shall not grant temporary authority to provide the same service, including both temporary authority and emergency temporary authority for a total period greater than 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)(1)(E) 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. Any letters of support shall describe the basis and nature of the emergency. Without regard to the period of time in the application, the Commission shall not issue emergency temporary authority for a period greater than 30 days following the effective date of the Commission decision granting the authority.~~

~~(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.~~

~~(1) — A contract carrier applicant shall bear the burden of proving that the service it proposes is superior, special, of a distinctive nature, or that the service will otherwise be specifically tailored to meet the potential customers' needs.~~

~~(II) — Such a showing is overcome by an intervenor's showing that the intervenor is ready, willing, and able to meet the potential customers' needs.~~

~~(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 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. Applications to Voluntarily Abandon or Suspend Authority.**

(a) A regulated intrastate carrier ~~seeking to voluntarily abandon or suspend its authority, or any portion of its authority,~~ shall file ~~an completed~~ application using the form provided by the Commission on its website. ~~to voluntarily abandon or suspend its authority, or any portion thereof. Any supporting information must be submitted with the application. After ten days' notice, the Commission may either issue a decision determining the outcome of the application decide such an application without a hearing or set it the matter~~ for hearing. ~~A cCarrier's obligations to continue to provide service pursuant to its authority~~ are not affected by filing of the application; ~~rather they will be determined by Commission decision. Service may only be abandoned or suspended after approval by the Commission through the issuance of a decision.~~ ~~The application shall:~~

~~(I) — fully describe why the abandonment or suspension is sought;~~

~~(II) — describe how the abandonment or suspension will affect the public;~~

~~(III) — contain a statement that the application contains only information that is true and correct to the best of the applicant's knowledge and belief; and~~

~~(IV) — be signed by the applicant.~~



- (b) A regulated intrastate carrier may not ~~request and the Commission shall not grant a~~ voluntarily suspension ~~persisting an authority~~ 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) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation in paragraph (b) must demonstrate that ~~the~~ suspension is in the public interest and that alternative service will be available during the period of suspension.

**6205. Application to Encumber, Transfer, Merge, Consolidate, and Acquire Control.**

- (a) 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, this rule 6205, or ~~Article 11.5 of Title 40~~ § 40-10.1-205, C.R.S.
- (b) ~~Except with regard to foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order, o~~ Only the owners of an authority as shown in the official records of the Commission may transfer ~~the an~~ authority issued by this Commission. 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 or as ordered by a court of law. Commission approval of an encumbrance is not authorization to transfer the subject 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 be jointly filed by all parties to the transaction. Such an application shall contain all the information below. If an applicant is unable to supply the required information, the applicant shall explain the reason for the lack of information. The parties shall file a completed application using the form provided by the Commission on its website.~~
- ~~(I) All applicants shall provide the information required by subparagraphs 6203(a)(I), (II), and (XIV).~~
  - ~~(II) Transferees and encumbrancers shall provide the information required by subparagraphs 6203(a)(III)–(VIII), and (XI)–(XVI). 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 an 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) Unless the transaction only involves an acquisition of stock or membership interests. Upon approval of an application to transfer an authority, ~~application~~ 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. In accordance with the timelines set forth by the Commission's decision, the transferee shall:
- (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;
  - (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.
- (f) The transferor of any authority or permit shall not cancel its insurance, surety bond, or tariffs until the Commission has approved-issued its decision approving the transfer, the transferee and transferor ~~has~~ave filed all required documents ~~in the transferee's own name~~, and the Commission has advised the transferee that it is authorized to begin operations.
- (g) Upon approval of an application to permanently transfer ~~application~~an authority, the transferor and transferee shall file an Commission-prescribed acceptance of transfer using the form provided by the Commission. The form shall be signed by both parties, indicating acceptance of the terms and conditions of the decision authorizing the transfer. The Acceptance of Transfer shall contain a statement indicating that the transferee has complied, and will comply, with all provisions of the agreement of sale, lease, or other transfer.
- (h) When the Commission authorizes the transfer of control of one regulated intrastate carrier to another regulated intrastate carrier on a permanent basis, the adoption notice and ~~adopted~~ tariffs and time schedules adopted by the transferee shall be valid for a maximum of 65~~420~~ days from the date of issuance of the authority, or as otherwise ordered by the Commission.
- (i) Within 60-30 days from approval of the permanent transfer of the authority, the transferee shall file an advice letter and proposed tariff in the transferee's name in accordance with Commission rules.
- (j) The granting of emergency temporary authority to operate or transfer control creates no presumption that temporary or permanent authority will be granted. The granting of temporary

authority to operate or transfer control creates no presumption that permanent authority will be granted.

- (k) If temporary or emergency temporary authority to assume operating control is not made permanent, transferor shall file an adoption notice reassuming permanent operating control. ~~The transferor shall also post the adoption notice in a prominent public place in each terminal facility and office of the transportation utility, and shall make the adoption notice available for public inspection at each terminal and office.~~ The temporary or emergency temporary authority assumed by the transferee expires on the effective date of the transferor's adoption notice reassuming permanent operating control.

#### 6206. Duplicating or Overlapping Authorities.

The Commission ~~shall~~ may 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 showing rates and, charges, ~~and collections~~ to be assessed for all transportation and accessorial services provided by the carrier. The tariff must also and disclosing all rules and conditions, and time schedules, as applicable, relating to rates or service. Tariffs filed with the Commission must be filed on the form or in the format prescribed by the Commission.
- (b) Flexible tariffs. A common carrier may file a tariff which allows for pricing flexibility in order to compete in the transportation market.
- (I) A flexible tariff must be filed on a Commission prescribed form. A flexible tariff must include a minimum and a maximum rate for each service the carrier seeks flexible pricing treatment.
- (II) Once a flexible tariff is either approved by the Commission or allowed to become effective by operation of law, the carrier may change its rates within the minimum and maximum range, as follows.
- (A) Carriers shall notify the Commission of all rate changes within the tariffed range through the filing of a notice. The notice shall:
- (i) be on the Commission prescribed form for a notice of rate change;
- (ii) be filed with the Commission using its E-Filings System;
- (iii) be filed into the proceeding authorizing the initial flexible tariff; and
- (iv) be filed concurrently or prior to the date and time the rate change is implemented.
- (B) Carriers shall post the current rates that are in effect:
- (i) on the carrier's website; and
- (ii) in each vehicle used to provide service under the flexible tariff.

(C) All drivers operating a vehicle under a carrier's authority and tariff shall charge the current rate that is on file with the Commission for that carrier. Drivers may not charge rates different from the rate set by the carrier and filed with the Commission.

(D) In the event a driver is providing a ride to a passenger when a rate is changed, the rate in effect when the ride initiated shall apply.

(III) Flexible tariffs for transportation to and from current flat rate zones.

[OPTION ONE]

Keep the flat rate zones as they exist today and allow individual companies to file flexible tariff with minimums and maximums for flat rates consistent with the provisions of the flexible tariff rule. The maximum flat rates must be at or below the approved flat rates set by the Commission for each zone.

[OPTION TWO]

Eliminate flat zones and apply metered rates allowing for flexible tariffing.

(bc) 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 operate in conflict with its approved tariff -or disseminate to any person information contrary to the tariff which is information contained in its approved tariff.

~~(III) No regulated intrastate carrier shall operate in conflict with its approved tariff.~~

(ed) 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. If the common carrier maintains a presence on the Internet, its tariff must also be posted on its website(s) relevant to the common carrier's services.

(de) A common carrier that is authorized to provide Every taxicab carrier service shall publish, in its tariffs, reduced fares applicable to -each passenger being transported under a multiple loading arrangement. The calculated fare for each passenger in a multiple load shall be reduced by a minimum of 20 percent.

(ef) A contract carrier shall ensure that its tariff, at a minimum:

(I) Its tariff includes the names of the parties to the contract, the provisions required by paragraph 6209(d) regarding the scope and terms of transportation and accessorial services to be provided, and the date(s) and terms of the contract, including rates, or incorporates A copy of the executed written contract may be filed in lieu of the requirement to provide dates, terms and rates of the contract; into tariff by attaching a copy of the contract to the tariff.

(II) It is paid in accordance with its approved tariff provides for payment by the person or agent of the entity with whom the contract carrier has directly contracted pursuant to the authority granted by the Commission; and

(III) prohibits payment from individual passengers.

(A) The tariff shall provide for payment to the contract carrier only:

(i) by the Commission approved person with whom the contract carrier has directly contracted; or

(ii) by such entity's 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 person specifically named in the contract carrier's permit; or

(ii) the Commission specifically so approves.

(gf) Unless this rule specifies otherwise, the provisions of rules 1210(a)(IV) through (VIII) and 1305 of the Commission's Rules of Practice and Procedure govern the tariffs and advice letters of regulated intrastate carriers. In addition to the requirements of subparagraph 1210(b)(1)(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.

(h) By October 1, 2018 all regulated intrastate carriers with tariffs on file with the Commission, shall file a complete and updated tariff on the form or in the format prescribed by the Commission.

(gi) A regulated intrastate carrier filing a tariff for newly granted a new authority or extended an extension of an authority shall file a proposed tariff on not less than the number of days' notice specified in the Commission decision granting the new or extended authority. do so on no less than:

(I) one day notice for emergency temporary authority;

(II) five days' notice for temporary authority; and

(III) ten days' notice for permanent authority.

(hi) A regulated intrastate carrier proposing a tariff to replace or modify any portion of an existing tariff shall:

(I) not implement such change except after 30 days' notice to the Commission and the public. Notice shall be calculated in accordance with paragraph 1203(c) of the Commission's Rules of Practice and Procedure;

(II) file a complete and up-to-date tariff on a form or in the format prescribed by the Commission; and

(III) not operate under any proposed change until it receives approval by the Commission and after notice to the Commission and the public has expired.

(k) Any person seeking to protest any portion of a rate, fare, classification or service not altered by the carrier in its proposed changes to an existing tariff, shall bear the burden of proof as it pertains to why such rate, fare, classification or service is not just and reasonable.

(l) ~~The A~~ regulated intrastate carrier shall file, ~~upon the request of Commission staff,~~ additional supporting documentation ~~upon the request of Commission staff to justify the proposed tariff.~~ The ~~justification documentation shall~~ should include an explanation of the circumstances and data relied upon ~~in to justify requesting approval of~~ the proposed tariff.

(im) 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 filing ~~an advice letter and~~ proposed tariff ~~pages changes~~ shall concurrently give notice to the public, as follows:

(I) ~~The common carrier shall~~ post notice of its proposed tariff in a prominent public place in each of its offices, on its website, if the carrier has a website, and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed tariff changes. ~~pages, concurrently with the filing of the advice letter with the Commission.~~

(A) ~~Notice shall be posted in a prominent public place in each terminal facility and office of the common carrier.~~

(B) ~~Notice shall be posted on the carrier's website. In the event that a carrier does not have a website, such carrier shall post notice of its proposed tariff pages in a newspaper of general circulation which covers the localities or areas of the state where people affected by the proposed tariff change reside. Such notice shall appear in the newspaper at least 20 days prior to the proposed effective date. A common carrier utilizing this form of notice shall file an affidavit of publication prepared by the newspaper, or a copy of the published notice, with the Commission no later than seven days prior to the proposed effective date,~~

(C) ~~Notice shall be posted in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed tariff pages.~~

(DII) The notice shall remain posted through the effective date of the proposed tariff. ~~for a minimum of 20 days from the date filed with the Commission.~~

(III) The ~~common carrier shall include in such~~ notice shall include: ~~the all~~ proposed changes to the tariff; the proposed effective date; a statement that a written objection may be 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.

(jn) An application to amend a tariff on less notice than otherwise required by these rules shall only be granted for good cause. The application shall contain the proposed advice letter and tariff, information fully explaining the circumstances and data relied upon to justify why the tariff amendment is sought, why it should be made on lesser notice, and how the tariff change will affect the public if approved. Public Nnotice of an application requesting lesser notice shall be given as follows provided as described in paragraph (m) of this rule.:

(I) ~~The common carrier shall post notice of its proposed tariff amendment concurrently with the filing of the proposed amendment with the Commission.~~

(A) ~~Notice shall be posted in a prominent public place in each terminal facility and office of the common carrier.~~

(B) ~~Notice shall be posted on the carrier's website.~~



~~(C) — Notice shall be posted in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment.~~

~~(D) — 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 may be 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)~~ If the Commission rejects a tariff, 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.

#### 6208. Time Schedules.

(a) A common carrier that has been granted authority to provide scheduled service shall file time schedules as part of the carrier's tariff. No ~~scheduled~~ common carrier may operate its motor vehicles in scheduled service 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 operating a scheduled service shall disseminate to any person information contrary to the information contained in its approved time schedules.

(c) A common carrier operating a scheduled service shall ~~promptly concurrently~~ report in writing to the Commission and post to its website 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 operating a scheduled service 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. The common carrier is not required to 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. Failure to stop for a waiting passenger constitutes prima facie evidence of a violation of subparagraph 6202(a)(II).

(e) A ~~scheduled~~ common carrier operating a scheduled service 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 operating the schedule, and shall furnish them to passengers upon request.

(f) A common carrier operating a scheduled service shall file and keep current. 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. The time schedule shall be filed on the form or in the format prescribed by the Commission. 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; and
- (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 that is in conflict with the contract carrier's permit or 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, not oral.
- (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, including rates.
- ~~(e) Contracts shall provide for payment by the person or agent of the entity with whom the contract carrier has directly contracted pursuant to the authority granted by the Commission. In no circumstances shall a contract carrier receive payment for providing contract services from individual passengers.~~
- ~~(e) A contract carrier shall not operate in conflict with the contract carrier's permit.~~
- ~~(f) A contract carrier shall not operate in conflict with the contract carrier's tariff.~~

**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-prescribed 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-prescribed form, which report shall cover the period from January 1 to the date of the decision approving the transfer.~~
- ~~(c) — A principal of the regulated intrastate carrier shall sign the certification of the annual report or terminating annual report. In all annual report filings, the regulated intrastate carrier shall comply with subparagraph 1204(a)(III) and rule 1100 et seq., of the Commission's Rules of Practice and Procedure.~~

**6213. - ~~6214. [Reserved]. Age of Motor Vehicles.~~**

- ~~(a) — 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.~~
- ~~(b) — 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) — An intrastate regulated carrier operating vehicles that are over 12 model years old as of August 1, 2012, shall have until July 31, 2014, to comply with paragraph (a) for those specific vehicles.~~
- ~~(d) — A vehicle that would otherwise be 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 this rule if all such devices are in good working order.~~

**~~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, 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 of:
- (I) § 40-10.1-201(1), C.R.S., or § 40-10.1-202(1)(a), C.R.S.;
  - (II) § 40-10.1-205, C.R.S.;
  - ~~(III) Rule 6202; or paragraph 6205(e); or~~
  - ~~(IV)~~ § 40-10.1-206, C.R.S.; subparagraph 6207(c)(I); or paragraph 6208(a).
- (b) A violation of subparagraph 6207(c)(II), paragraph 6209(a), paragraph 6210(a), or ~~rule paragraph 6212(a) 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)(II) 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; and
  - (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 regulated intrastate carrier rules may be assessed a civil penalty of up to \$275.00 for each violation.
- (e) Civil penalty assessments are in addition to any other penalties provided by law.

**6217. – 6249. [Reserved].**

**Taxicab Carrier Rules**

**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. [Reserved].~~**

~~In addition to the definitions in rule 6001, and the definitions applicable to common and contract carriers in rule 6201, the following definitions apply to all common carriers providing taxicab service:~~

- ~~(a) "Access fee" means the fee assessed by an airport for the use of its facilities for one trip levied upon motor carriers transporting passengers to, from, or at an airport.~~
- ~~(b) "Base area" means a geographic area in which a taxicab carrier is authorized to provide point to point service.~~
- ~~(c) "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.~~
- ~~(d) "DIA" means Denver International Airport.~~
- ~~(e) "Live meter" means any taxicab meter that, without intervention from the driver, automatically calculates changes in rates for taxicab service 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 unrelated traveling parties.~~
- ~~(g) "Taxicab carrier" means a common carrier with authority to provide taxicab service.~~
- ~~(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-point characters and the font size of the cab number shall be at least 24-point characters. 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 charges or access fees.

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 maximum 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 maximum 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 maximum 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 rate provided for in rule 6257 the notice shall contain a zone map showing the zones and, except for airport access fees and drop charges, the applicable rate in each zone. The font size may be no less than 12-point characters.

**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 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 be 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 be 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. ~~The time restriction is limited to pickup locations within a 25-mile radius of the taxicab carrier's dispatch center.~~ 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 40 or More People per Square Mile.**

Taxicab carriers operating within or between counties with a population density of 40 or more people per square mile based on the most recent federal census shall be subject to the additional requirements of this rule. To the extent of conflict between rule 6254 and the regulated intrastate carrier rules, the requirements of rule 6254 shall prevail.

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

~~(b) Age of motor vehicles. The maximum age of motor vehicles shall be ten model years.~~

~~(c) A taxicab otherwise 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 paragraph 6213(a) and paragraph (b) of this rule if all such devices are in good working order.~~

**6255. Additional Service Requirements for Taxicab Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.**

Taxicab carriers operating within or between the counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be subject to the additional requirements of this rule. To the extent of conflict between rule 6255 and other taxicab carrier rules, the requirements of rule 6255 shall prevail.

(a) Communications and dispatch.

(I) Taxicab carriers 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) ~~Beginning January 1, 2014, t~~ Taxicab carriers shall employ a GPS-based, digital dispatch system that tracks and records driver hours of service, and records and reports trip information including origination point and customer wait times. Newly authorized taxicab carriers shall have six months from the date of the grant of their authority within which to implement the GPS-based digital-dispatch system required by this rule.

(IV) ~~Beginning January 1, 2014, t~~ Taxicab carriers shall employ a GPS-based, digital dispatch system that records and reports driver location all time logged into the system and on-duty time. The dispatch system must:

(A) Said system must log a driver on-duty when the driver's assigned vehicle is within record a driver as being on-duty when the driver's vehicle enters or exits an area within two miles of Denver International Airport or Colorado Springs Municipal Airport. Additionally, the immediately following 30 minutes shall be recorded as on-duty time and added to on-duty hours unless that time is already captured as on-duty time; and



(B) record a driver as being on-duty when the driver's assigned vehicle is within Zone A as defined in subparagraph 6257(d)(I) or is stationed for more than five minutes within and 5100 feet of any known taxi stand.

(V) ~~Beginning January 1, 2014, t~~Taxicab carriers shall employ a GPS-based digital dispatch system that locks out ~~from any dispatch system~~ any driver who has exceeded ~~on-duty~~ hours of service ~~provision~~ maximums.

(VI) ~~Beginning January 1, 2014, t~~Taxicab carriers shall lockout ~~from the dispatch system~~, for a minimum of eight hours, a driver who has exceeded ~~daily~~ 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) ~~Beginning January 1, 2014, t~~Taxicab carriers shall ~~log-record~~ a driver as being on-duty when the vehicle assigned to said driver, enters an area no less than two miles of Denver International Airport or Colorado Springs Municipal Airport ~~or is stationed more than five minutes~~, or ~~1500~~ feet of known taxi stands.

~~(b) Age of motor vehicles. The maximum age of motor vehicles shall be eight model years. A taxicab carrier operating vehicles that are over eight model years old as of August 1, 2012, shall have until July 31, 2014, to comply with this paragraph for those specific vehicles.~~

~~(c) A taxicab otherwise 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 paragraph 6213(a) and paragraph(b) of this rule if all such devices are in good working order.~~

#### **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;
- (IV) the address, date, and time of the customer's pickup; and
- (V) the address of the customer's destination.

(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. Total Charges for Transportation 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) The total charge established pursuant to this rule shall be the only authorized taxicab rates for service between points in the zones described by this rule, on the one hand, and DIA, on the

other hand. These charges shall be the rates in effect for every taxicab carrier subject to this rule.

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

~~(c) Taxicab carriers shall charge the rates permitted by this rule for service in Zone A (as defined in subparagraph 6257(e)(I). Taxicab carriers providing service between points in the zones listed in this rule shall not charge live meter rates (including any charge for mileage, waiting time, and traffic delays). Rates for taxicab service between any point originating and terminating in Zone A shall be \$7.00.~~

~~(ed)~~ Rates for -taxicab service between a defined zone and DIA.

(I) Taxicab carriers shall charge the rates permitted by this rule for service between DIA and the zones defined below. Taxicab carriers providing service between DIA and the zones listed in this rule shall not charge live meter rates, (including any charge for mileage, waiting time, and traffic delay). ~~Only as specifically authorized below, taxicab carriers providing service between DIA and the zones listed in this rule may charge airport access fees or for additional passengers in one traveling party.~~

(II) The total charge for transportation service between DIA and any point within a defined zone shall be the zone rate, plus any applicable airport access fee, plus any ~~applicable perpassenger~~ drop fee for additional drops within the zone.

(III) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.

(IV) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.

(V) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.

~~(VI) Zone D: The zone rate for transportation between DIA and any point in Zone D shall be \$24.00.~~

~~(VII)~~ Access fees as established by DIA for the use of its facilities for one trip levied upon the taxicab.

~~(VII)~~ A drop fee of \$5.00 may be charged for each additional drop within a zone required by members of one traveling party.

~~(ed)~~ 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 Speer Boulevard, then southeast on Speer Boulevard to 11th Avenue, then east on 11th 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 Bellevue Avenue, then west on Bellevue 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 Bellevue Avenue, then east on Bellevue 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~~ Beginning at the intersection of Jay Road and U.S. Highway 36, then northwest on U.S. Highway 36 to Lee Hill Drive, then west on Lee Hill Drive for one mile, then south on an imaginary line for seven miles, then east on an imaginary line to Cherryvale Road, then north on Cherryvale Road as extended to Jay Road, then west on Jay Road to the point of the beginning.

(IV) Zone D (Tower Road): Beginning at the intersection of 56<sup>th</sup> Avenue and Genoa Street, then north on Genoa Street as extended to 72<sup>nd</sup> Avenue, then west for one mile along 72<sup>nd</sup> Avenue, then south along an imaginary line to 56<sup>th</sup> Avenue, then east along 56<sup>th</sup> Avenue to the point of the beginning.

(fe) Additional requirements with multiple loading.

The taxicab driver shall inform the parties of the total charge prior to departing from the point of origin of the second traveling party and advise the parties they must determine how much of the total charge each party is obligated to pay. The total charge may be approximated for taxicab service provided under subparagraphs (I), (II), or (III) of this paragraph.

- (I) If the first party is dropped at a point within a defined zone and additional parties are ~~dropped~~ at different points in the same zone, the total charge (not a per party charge) shall be the appropriate zone rate, plus any applicable airport access fee, 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 any defined zone the charge for the first party shall be the appropriate zone rate plus the agreed portion of applicable airport access fees. The charge for the second party shall be the meter fare from the first drop point to the second drop point, plus the agreed portion of applicable airport access fees.
- (III) If the first party is dropped at a point outside of the defined zones, the rates established in this rule shall not apply.

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

(a) A person who violates subparagraph ~~(de)~~(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;~~  
~~or~~
- (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 or § 42-3-236, C.R.S. may be assessed a civil penalty of up to \$275.00 for each violation.
- (d) Civil penalty assessments are in addition to any other penalties provided by law.

**6259. Conversion to a Transportation Network Company**

A motor carrier authorized through the granting of a certificate of public convenience and necessity, to provide taxicab or shuttle service may convert that authority to a transportation network company (TNC) by filing an application to voluntarily abandon or suspend all or part of its authority pursuant to rule 6204 and simultaneously filing an application for a permit to operate as a TNC pursuant to rule 6702. During the period of suspension, the suspended portion of the authority authorizing taxicab or shuttle service is exempt from taxi and shuttle standards concerning the regulation of rates and charges pursuant to the requirements of rule 6207.

**6260. Taxicab License Plates.**

- (a) Vehicles used in the provision of taxi service require a taxi license plate.
- (b) A person providing taxi service under Article 10.1 of Title 40, C.R.S. shall register all vehicles used for such purposes with the Colorado Department of Revenue and display the taxi license plates on the vehicles used in providing the services.
- (c) A person providing taxi service under an active certificate may provide such service without registering the motor vehicle with the Department of Revenue or using a taxi license plate if the motor vehicle is rented, but the person shall not provide such services using a rented motor vehicle for more than 30 days.
- (d) If a motor vehicle is used to provide both taxicab and luxury limousine services, a taxicab license plate is required.
- (e) No person shall operate a motor vehicle with a taxi license plate unless the vehicle to which the license plates are attached is required to bear taxi license plates.
- (f) Any vehicle operated in violation of this rules may be placed out of service.

**625961.** - 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 definitions in rules 6001 and 6101, the following definitions apply to all carriers subject to these limited regulation carrier rules:

- (a) "Couch seat" means seating which is a minimum of 68" in length and is designed for four or more passengers to share at one time.

- (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) ~~“Charter order” means a paper or electronic document that memorializes the contract for luxury limousine or off-road scenic charter service for a specific period of time reasonably calculated to fulfill the purpose of the contract. A charter order shall state the charge, the charge method, or a reasonable estimate of the charge. A charter order also shall contain the name and telephone number of the person contracting on behalf of the passengers; the name and telephone number of at least one passenger; the name, telephone number, and PUC number of the carrier and, if different from the carrier, of the driver; pickup time; and pickup address. A copy of the charter order shall be maintained for at least one year following the provision of service.~~
- (c) ~~“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.~~
- (d) ~~“Luxury limousine carrier” means every person that provides luxury limousine service.~~
- (e) ~~“Luxury limousine service” means a specialized, luxurious transportation service provided on a prearranged charter basis as defined in paragraph 6301(a), memorialized in a contract. “Luxury limousine service” may not include taxicab service or any service provided between fixed points over regular routes at regular intervals.~~
- (f) ~~“Prearranged” means that the charter order for luxury limousine service is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the luxury limousine at the point of departure.~~

**6302. Application and Permit.**

- (a) In addition to completing the Commission-prescribed application, a person shall:
- (I) file the required proof of financial responsibility; and
  - (II) pay the required annual vehicle fees or, if applicable, shall be in compliance with the UCR Agreement.
- (b) Applications for new permits require the submission of a periodic vehicle inspection form for each vehicle to be operated under the permit. This requirement does not apply to applications to renew a permit.
- (c) A permit is valid for one year from the effective date.

**~~—~~6303. [Reserved].**

**6304. Luxury Limousine Exterior Vehicle Markings, Signs, or Graphics.**

- (a) Except as otherwise provided in this rule, no person shall have any exterior signs or graphics on a luxury limousine.

- (b) The carrier's permit number preceded by "LL" or "PUC LL" or "CO PUC LL" shall be of a size and color readily visible from 50 feet, but in any case not less than one and a half inches tall and not more than three inches tall. The markings ~~may~~must be displayed on ~~either both~~ the front and rear of the motor vehicle or on both sides if the carrier has a DOT number.
- (c) Signs or graphics located inside the luxury limousine that are readily legible from the outside shall be deemed to be exterior signs and graphics.
- (d) 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 official 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; or-
  - (IV) signage used solely for the purpose of identifying a group transported under an immediate charter order or contract.

**6305. [Reserved].Luxury Limousine Features.**

- ~~(a) In addition to compliance with the safety rules, each luxury limousine carrier shall otherwise ensure that its motor vehicles are in good physical condition. The Commission shall use the following 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 subparagraph 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. Livery License Plates.**

- (a) Vehicles used in the provision of luxury limousine service require a livery license plate.
- (b) A person providing luxury limousine service under Article 10.1 of Title 40, C.R.S., shall register all vehicles used for such purposes with the Colorado Department of Revenue and display the livery license plates on the vehicles used in providing the services.
- (c) A person providing luxury limousine service under an active permit may provide such service without registering the motor vehicle with the Department of Revenue or using a livery license

plate if the motor vehicle is rented, but the person shall not provide such services using a rented motor vehicle for more than 30 days.

(d) If a motor vehicle is used to provide both taxicab and luxury limousine services, a taxicab license plate is required.

(e) No person shall operate a motor vehicle with a livery license plate unless the vehicle to which the license plates are attached is required to bear livery license plates.

(f) Any vehicle operated in violation of this rule may be placed out of service.

**-6307. [Reserved].**

**6308. Luxury Limousine.**

(a) A luxury limousine is one of the following:

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

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

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

(B) one of the following: Chrysler 300, Hyundai Equus, Saab 9-5, Toyota Avalon Livery Edition, 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 original manufacturer) whose interior has been enhanced by the installation of either captain's chairs or couch seats:

~~(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 DVD that 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.~~

(IV) Collector's vehicle, which is defined in Title 42, C.R.S. as either a luxurious classic or antique vehicle, eligible for a collector's license plate. It is not a stretched limousine. Vehicles qualifying under this paragraph (IV) must have a current appraised retail value of at least \$100,000. A certified appraisal is required to prove the value of the vehicle. Vehicles within this category are exempt from the age of vehicle requirements set forth in rule 6108.

**6309. Luxury Limousines – Operational Requirements, Prearrangement Required.**

- (a) No person shall provide luxury limousine service, or a service ancillary to luxury limousine service, except on a prearranged charter basis with all terms and conditions documented on a charter order.
- ~~(b)~~ A charter order shall, at a minimum, state the charge, the charge method, or a reasonable estimate of the charge. A charter order shall also contain the name and telephone number of the person contracting on behalf of the passengers; the name and telephone number of at least one passenger; the name, telephone number, and PUC number of the carrier, and, if different than the carrier, of the driver; pick up time; and, pick up address.
- ~~(bc)~~ The fact that the drop off time is amended in a charter order during the course of performance (i.e., the amended drop off time is agreed to before the original drop off time is reached) does not, in and of itself, mean that such transportation is not on a prearranged charter basis. All requirements of a charter order apply equally to the amended charter order.
- ~~(cd)~~ Although a charter order must be for a specific period of time reasonably calculated to fulfill the purpose of the charter, these rules do not prohibit terms addressing time in excess of such calculated specific period of time.
- ~~(de)~~ Without affecting any other requirement of these rules, a luxury limousine carrier shall, at all times when providing luxury limousine service, carry in each vehicle a charter order. However, the total charge for the specific period of time may be omitted or stricken from the copy of the charter order carried in each vehicle.
- ~~(ef)~~ A luxury limousine carrier shall not station a luxury limousine within one hundred feet of a recognized taxicab stand, a designated passenger pickup point at an airport, a hotel, or a motel without the completed charter order in the vehicle. A luxury limousine carrier shall not station a luxury limousine at the point of departure more than forty-five minutes prior to the pickup time noted on the charter order.
- ~~(fg)~~ A luxury limousine carrier shall provide the charter order immediately upon request by any enforcement official or airport official authority.
- ~~(gh)~~ Prior to the provision of service, a luxury limousine carrier shall provide the other party to the contract underlying the charter a paper or electronic copy of the charter order.
- ~~(hi)~~ If a passenger is not a party to the contract underlying the charter, the luxury limousine carrier shall provide at least one passenger with name and telephone number of the carrier and, if different from the carrier, of the driver providing the transportation service at the point of departure.

**6310. Luxury Limousine Service – Presumptions.**

- (a) A person shall be presumed to have provided luxury limousine service in violation of paragraph 6309(a) if, without prearrangement, such person:
  - (I) accepts payment for the transportation of 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 paragraph 6309(a), may be assessed a civil penalty of up to \$1,100.00 for each violation.
- (b) A person who violates ~~rule paragraphs (b) through (i) of 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, the livery plate requirements set forth in § 42-3-235, 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.
- (d) Civil penalty assessments are in addition to any other penalties provided by law.

**6312. – 6399. [Reserved].**