

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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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 cover an array of carriers, including Common Carriers (such as Taxicab, Shuttle and Sightseeing service), Contract Carriers, Limited Regulation Carriers (such as Charter Buses, Children's Activity Buses, Luxury Limousines, Medicaid Client Transport, Off-Road Scenic Charters, and Fire Crew Transport), Transportation Network Companies, Hazardous Materials Carriers, Nuclear Materials Carriers, Towing Carriers, and Movers. These rules address a wide variety of subject areas including, but not limited to: the issuance, extension, transfer, and revocation of Certificates and Permits to operate; public safety including vehicle inspections, hours of service, and insurance requirements; Tariff and time Schedule requirements; record keeping; service standards; Civil Penalties; and the identification, condition, and leasing of Motor Vehicles. In addition, these rules cover Persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504(a), 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), 40-7-112 and 113, 40-10.1-101 through 705; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), 42-20-201, et seq., 42-20-501, et seq., and 24-4-104(4), 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, Large Market Taxicab Service carriers, and Drivers as defined herein. For Hazardous Materials Carriers and Nuclear Materials Carriers, rule 6010 and the related definitions in rule 6001 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 the 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. § 40-10.1-101(1), C.R.S.

- (b) "Advice Letter" has the same meaning as set forth in paragraph 1004(d) of the Commission's Rules of Practice and Procedure.
- (c) "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.
- (d) "Annual Report" refers to the information required from Fully Regulated Intrastate Carriers as set forth in rule 6212.
- (e) "Authority" or "Authorities," except as otherwise defined or contextually required, means a Certificate of Public Convenience and Necessity granted to a Common Carrier or the Permit granted to a Contract Carrier, or an emergency temporary Authority or a temporary Authority issued by the Commission. The Authority specifies the Type of Service, the authorized geographic area of service, and any restrictions limiting the authorized service.
- (f) "AVI" means Automatic Vehicle Identification Tag.
- (g) "Call-and-Demand", "On Call-and-Demand", or "Call-and-Demand Service" means the transportation of Passengers by a Common Carrier, but not on a Schedule.
- (h) "CBI" means the Colorado Bureau of Investigation.
- (i) "Certificate of Public Convenience and Necessity", "Certificate", or "CPCN" means the Authority issued to a Common Carrier declaring that the present or future public convenience and necessity requires or will require the stated operation.
- (j) "C.F.R." means the Code of Federal Regulations.
- (k) "Charter Bus," "Charter Basis," and "Charter Order" refer to service by a Limited Regulation Carrier and are defined at rule 6301.
- (l) "Charter Service" is different from the service referred to in (k) above. Charter Service is transportation by a Common Carrier on a Call-and-Demand basis. The Passengers are individuals or groups of individuals who share a personal or professional relationship whereby all such individuals are members of the same affiliated group, including a family, business, religious group, social organization, or professional organization. This does not include groups of unrelated individuals brought together by a carrier, Transportation Broker, or other third party.
- (m) "Children's Activity Bus" means a type of Limited Regulation Carrier as defined in rule 6301.
- (n) "Commercial Motor Vehicle" is defined at paragraph 6101(b).
- (o) "Commission" has the same meaning as set for in paragraph 1004(h) of the Commission's Rules of Practice and Procedure.
- (p) "Common Carrier" is a public utility as defined in § 40-1-102, C.R.S., and includes the obligation to indiscriminately accept and carry Passengers for Compensation. Common Carrier includes

every Person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state, by Motor Vehicle; 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.; a Limited Regulation Carrier defined by § 40-10.1-301, C.R.S.; a Large Market Taxicab Service defined by § 40-10.1-101(9.5) C.R.S.; and a Transportation Network Company defined under § 40-10.1-602, C.R.S.

- (q) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly. § 40-10.1-101(5), C.R.S.
- (r) "Contract Carrier" means every Person, who, by special contract, directly or indirectly affords a means of Passenger transportation over any public highway of this state; except that the term does not include a Common Carrier defined in § 40-1-102, C.R.S.; a Limited Regulation Carrier defined in § 40-10.1-301, C.R.S.; a Transportation Network Company defined in § 40-10.1-602, C.R.S.; or a Large Market Taxicab Service defined in § 40-10.1-101(9.5), C.R.S.
- (s) "CPAN" means a Civil Penalty Assessment Notice as defined in rule 6017.
- (t) "Daily Vehicle Inspection Report" or "DVIR" refers to the inspection conducted by the Driver as set forth in rule 6105.
- (u) "DIA" means the Denver International Airport.
- (v) "Driver" means a Person who drives or applies to drive a Motor Vehicle for a Motor Carrier, regardless of whether such Person drives as an employee or Independent Contractor.
- (w) "Driver Qualification File" refers to the information required pursuant to rule 6108.
- (x) "Driver/Vehicle Compliance Report" or "DVCR" refers to the report prepared by an Enforcement Official as set forth in rule 6106.
- (y) "Driving Time" means all time spent at the driving controls of a Motor Vehicle operating in a for-hire capacity.
- (z) "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 Fully Regulated Intrastate Carrier.
- (aa) "Employer" is defined at paragraph 6101(c).
- (bb) "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.
- (cc) "Enforcement Official" means either:
 - (I) any employee or Independent Contractor appointed or hired by the Director of the Commission, 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.
- (dd) "FBI" means the Federal Bureau of Investigation.

- (ee) "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.
- (ff) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (gg) "Fully Regulated Intrastate Carrier" means a Motor Carrier that is subject to market entry, economic, operational, and safety regulation by the Commission as a public utility pursuant to Article 10.1 of Title 40, C.R.S. Fully Regulated Intrastate Carriers include Common Carriers, such as Taxicab Carriers, Shuttle Service, formerly known as Limousine Service, Sightseeing Service, or Charter Service, and Contract Carriers.
- (hh) "Golf Cart" means a Golf Cart as defined in § 42-1-102(39.5), C.R.S.
- (ii) "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.
- (jj) "GVWR" means Gross Vehicle Weight Rating, the value specified by the Manufacturer as the loaded weight of a single Motor Vehicle.
- (kk) "Hazardous Materials Carrier" means a Motor Carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S. and is subject to the permitting requirements of the Commission, as set forth in § 40-20-201, C.R.S., et seq.
- (ll) "Household Goods Mover" or "Mover" refers to a Motor Carrier whose business is the moving of household goods from one location to another, as set forth in § 40-10.1-501, C.R.S., et seq.
- (mm) "Independent Contractor" means "Independent Contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (nn) "Intrastate Commerce" means transportation, other than in interstate commerce, for Compensation, by a Motor Vehicle over the public highways between points in Colorado. § 40-10.1-101(9), C.R.S.
- (oo) "Large Market Taxicab Service" means indiscriminate Passenger transportation for Compensation in a Taxicab on a Call-and-Demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld as defined in § 40-10.1-101(9.5), C.R.S., and is not a Common Carrier.
- (pp) "Letter of Authority" means a document issued by the Commission to a Common or Contract Carrier which describes the permanent Authority granted by the Commission. A Letter of Authority is deemed to provide proof of Commission-granted Common or Contract Carrier Authority.
- (qq) "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. and rule 6301.

- (rr) "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.
- (ss) "Low-power Scooter" means low-power scooter as defined in § 42-1-102(48.5), C.R.S.
- (tt) "Low-speed Electric Vehicle" means low-speed electric vehicle as defined in § 42-1-102(48.6), C.R.S.
- (uu) "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. Limousine Service is also referred to as Shuttle Service which is defined below. The term Limousine Service is distinguished from the term "Luxury Limousine Service" as used in Article 10.1 of Title 40, C.R.S. and is only used in historical authorities.
- (vv) "Luxury Limousine Carrier" is a type of Limited Regulation Carrier that provides luxury limousine service as defined at rule 6301, using vehicles defined at rule 6305.
- (ww) "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.
- (xx) "Medicaid Client Transport" is a type of Limited Regulation Carrier defined at rule 6301.
- (yy) "Medicaid Non-emergent Medical Transportation Contract" is defined at rule 6301.
- (zz) "Medicaid Non-medical Transportation Contract" is defined at rule 6301.
- (aaa) "Meter" means a device that calculates charges for Passenger transportation and/or measurement of distance travelled by a Passenger.
- (bbb) "Motor Carrier" has the same meaning as set forth in paragraph 1004(s) of the Commission's Rules of Practice and Procedure and § 40-10.1-101(10), C.R.S.
- (ccc) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.
- (ddd) "Motor Vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby. § 40-10.1-101(11), C.R.S.
- (eee) "Multiple Loading" means the sharing of a Taxicab ride, or portion thereof, by unrelated traveling parties.
- (fff) "Nuclear Materials Carrier" means a Motor Carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S and subject to permitting requirements through the Commission as set forth in § 42-20-501, C.R.S., et seq.
- (ggg) "Off-Road Scenic Charter" means a Limited Regulation Carrier as further defined in rule 6301.
- (hhh) "On Duty" means:

- (I) all time that a Driver is at a facility of the Motor Carrier as well as time waiting to be dispatched while on public property or at a commercial holding lot;
 - (II) all time that a Driver is inspecting, servicing, or repairing a Motor Vehicle;
 - (III) all Driving Time; and
 - (IV) all time a Driver spends sitting at the controls of a Motor Vehicle, performing any other work in the capacity, employ, or service of the Motor Carrier.
- (iii) "Out-of-Service" is a state in which a Driver or Motor Vehicle is placed by an Enforcement Official due to a violation of Commission safety rules or Commercial Vehicle Safety Alliance Out-of-Service criteria. When a Driver is placed Out-of-Service, the Driver shall not operate any Motor Vehicle in a for hire capacity until such time the Out-of-Service violation is cured. When a Motor Vehicle is placed Out-of-Service, the vehicle shall not be operated in a for-hire capacity until such time the Out-of-Service violation is cured.
- (jjj) "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.
- (kkk) "Passenger Carrier" is defined in rule 6114.
- (III) "Permit" means the Permit issued to: a Contract Carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S.; a Limited Regulation Carrier pursuant to part 3 of Article 10.1 of Title 40, C.R.S.; a Towing Carrier pursuant to part 4 of Article 10.1 of Title 40, C.R.S.; a Household Goods Mover pursuant to part 5 of Article 10.1 of Title 40, C.R.S.; a Transportation Network Company pursuant to part 6 of Article 10.1 of Title 40, C.R.S.; a Large Market Taxicab Service carrier pursuant to part 7 of Article 10.1 of Title 40, C.R.S.; a Hazardous Materials Carrier pursuant to Article 20 of Title 42, C.R.S.; or a Nuclear Materials Carrier pursuant to Article 20 of Title 42, C.R.S.
- (mmm) "Person" has the same meaning as set forth in paragraph 1004(w) of the Commission's Rules of Practice and Procedure and at § 40-10.1-101(15), C.R.S.
- (nnn) "Principal" means a Person who:
- (I) participates directly or indirectly 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.

- (ooo) "Roof Light" means a light attached to the roof or extending above the roofline of a Taxicab for the purpose of displaying information.
- (ppp) "Salvage Vehicle" means a vehicle branded as a Salvage Vehicle by any state, or the insurer of the vehicle as further set forth in § 42-6-102(17), C.R.S.
- (qqq) "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 Tariff filed with and approved by the Commission.
- (rrr) "Seating Capacity" means the greatest of the following:
- (I) the total number of seats as designed by the original Manufacturer;
 - (II) the total number of seat belts, including the Driver's, in a Motor Vehicle;
 - (III) the number generated by adding:
 - (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) the number of single-occupancy seats, including the Driver's seat if it is not part of a split-bench seat; and
 - (C) 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
 - (IV) 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.
- (sss) "Shuttle Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate and use of the Motor Vehicle is not exclusive to any individual or group. Historical Certificates of Public Convenience and Necessity refer to this service as Limousine Service, which is different than Luxury Limousine Service that is provided by a Limited Regulation Carrier.
- (ttt) "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.
- (uuu) "Special Bus Service," Special Bus Transportation", or "Special Bus" is defined in rule 6201.
- (vvv) "Tariff" means a schedule showing all rates and charges to be assessed by a Fully Regulated Intrastate Carrier, for all transportation and accessorial services. The Tariff also discloses all rules and conditions relating its rates and services, and time Schedules as applicable.
- (www) "Taxicab" means a Motor Vehicle with a Seating Capacity of eight or less, including the Driver, operated in Taxicab Service. § 40-10.1-101(18), C.R.S.

- (xxx) "Taxicab Carrier" means a Common Carrier with a Certificate to provide transportation in a Taxicab on a Call-and-Demand basis, with the first Passenger therein having exclusive use of the Vehicle unless said Passenger agrees to Multiple Loading.
- (yyy) "Taxicab Service" means an indiscriminate Passenger transportation service provided by either a Large Market Taxicab Service carrier or a Taxicab Carrier, on a Call-and-Demand basis, with the first Passenger having exclusive use of the Taxicab unless such Passenger agrees to Multiple Loading. § 40-10.1-101(9.5) and (19), C.R.S.
- (zzz) "Towing Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.5 of Title 40, C.R.S. and rule 6500, et seq.
- (aaaa) "Transfer" is defined at paragraph 6201(h).
- (bbbb) "Transportation Broker" means a Person, 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.
- (cccc) "Transportation Network Company" or "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 Taxicab Service, transportation service arranged through a Transportation Broker, ridesharing arrangements, as defined in § 39-22-509(1)(a)(II), C.R.S., or any transportation service over fixed routes at regular intervals. A Transportation Network Company is not deemed to own, control, operate, or manage the personal vehicles used by Transportation Network Company drivers. A Transportation Network Company does not include a political subdivision or other entity exempted from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended. § 40-10.1-602(3), C.R.S.
- (dddd) "Type of Service" means any one of the following services provided by a Common Carrier under its Certificate of Public Convenience and Necessity: Charter, Shuttle, Sightseeing, Taxicab, or Scheduled.
- (eeee) "Unified Carrier Registration Agreement" or "UCR" or "UCR Agreement" refers to all Persons, Motor Carriers, freight forwarders, brokers, leasing companies or other Persons who are required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. 14504(a).
- (ffff) "Vehicle Inspection" refers to the annual or periodic safety inspection of vehicles pursuant to rule 6104.
- (gggg) "Vehicle Maintenance File" refers to the information required by rule 6112.
- (hhhh) "Vehicle Stamp" or "Motor Vehicle Identification Stamp" refers to the stamp issued pursuant to rule 6102 and § 40-10.1-111, C.R.S.

6002. Applications.

Any Person may seek Commission action regarding any of the following matters through the filing of an appropriate application and in compliance with Commission rules on completeness as set forth in paragraphs 1303(b) and (c) of the Commission's Rules of Practice and Procedure, to do or obtain the following:

- (a) the grant or extension of Authority, temporary Authority, or emergency temporary Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rules 6203 and 6204;
- (b) voluntarily abandon or suspend an Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rule 6205;
- (c) Transfer any Authority to operate as a Fully Regulated Intrastate Carrier, to acquire control of any Fully Regulated Intrastate Carrier, or to merge or consolidate a Fully Regulated Intrastate Carrier with any other entity, as provided in rule 6206;
- (d) amend a Tariff or time Schedule on less than statutory notice, as provided in rules 6208 and 6209;
- (e) convert a Common Carrier Authority for Taxicab 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 rule 6257;
- (f) permit to operate as a Part 3 Limited Regulation Carrier;
- (g) permit to operate as a Part 7 Large Market Taxicab Service carrier;
- (h) permit to operate as a Part 4 Towing Carrier; or
- (i) permit to operate as a Part 5 Household Goods Mover.

6003. Petitions.

- (a) Any Person may seek Commission action regarding any of the following through the filing of an appropriate petition:
 - (I) for a waiver or variance of a Commission rule, as provided for in rule 1003 of the Commission's Rules of Practice and Procedure by establishing hardship, seeking equity, or a more effective implementation of overall policy on an individual basis;
 - (II) for issuance of a declaratory order, as provided in paragraph 1304(i); or
 - (III) to commence a rulemaking as provided in rule 1306.
- (b) A Person seeking a waiver of rule 6109 (Medical Fitness), rule 6117 (Age and Condition of Motor Vehicle) or rule 6305 (Luxury Limousine Vehicle) shall file a completed petition using the form approved by the Commission and available on its website. Each petition must include the supporting information requested by the Commission-prescribed form. If the petition does not include all the requested information, the Commission may find the petition incomplete, dismiss the petition without prejudice, and close the proceeding.
- (c) The notice and intervention period for petitions that seek a waiver of rule 6117 shall expire ten days from the date the notice was mailed; the notice and intervention period for petitions that seek a waiver of rule 6305 shall expire ten days from the date the notice was mailed.

6004. UCR 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 6400 through 6499.

6005. Naming Requirements, Contact Information, and Changes.

- (a) No Person shall operate under a name or trade name that identifies a 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).
- (b) A Motor Carrier is required to provide contact information to the Commission and 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, registrations and/or Vehicle Stamps. A notice of name change including trade name changes and trade name additions shall include copies of documents filed with or issued by 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, as set forth in rule 6008, 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.

6006. Designation of Agent, Service, and Notice.

- (a) In addition to providing contact information as set forth in rule 6005 above, each Motor Carrier shall file in writing with the Commission, 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 for service as provided in these rules and under Colorado statutes. A Motor Carrier shall not designate the Secretary of State of Colorado as its designated agent. The Person designated, if a natural Person, shall be at least 18 years of age. The address and domicile 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.
- (c) Service upon a Motor Carrier's designated agent, 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.

6007. Commission's Records, Authority to Inspect Records, Motor Vehicles, and Facilities and to Interview Personnel.

- (a) A Motor Carrier is obligated to ensure the accuracy of any information it provides to the Commission pursuant to these rules. Any information provided pursuant to these rules by a

Motor Carrier for the Commission's files shall be deemed to be accurate until changed by the Motor Carrier.

- (b) Motor Carriers shall maintain all records required by these rules, or as ordered by the Commission, for three years and have the option to maintain the records in electronic format or in their original format.
- (c) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.
- (d) 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.
- (e) An Enforcement Official has the authority to interview personnel of a Motor Carrier and to inspect records, Motor Vehicles used in providing transportation service, and the facilities of a Motor Carrier as follows:
 - (I) immediately for any records required to be maintained in a Motor Vehicle or with the Driver, including towing authorizations, Mover estimates for service, Mover contracts for service, or any records related to insurance or safety;
 - (II) within two days for any records related to a complaint or investigation; or
 - (III) within ten days for all other records.
- (f) When a request under paragraph (e) of this rule meets multiple time periods, the shortest time period shall apply.
- (g) Upon request of an Enforcement Official during business hours, a Motor Carrier shall immediately make its facilities available for inspection.
- (h) Upon request by an Enforcement Official, a Motor Carrier, including its Drivers, shall immediately make its Motor Vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.
- (i) Upon request by an Enforcement Official, Motor Carrier personnel and Drivers shall be available for interview during business hours.
- (j) No Motor Carrier shall make or cause to be made fraudulent or intentionally false statements or records to the Commission or Commission staff.
- (k) No Person shall knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record subject to inspection by the Commission.
- (l) 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.

6008. 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 to 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 pursuant to § 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) To demonstrate proof of commercial Motor Vehicle liability coverage, all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Household Goods Movers, and Large Market Taxicab Service 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, 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.
- (A) The applicable Form E or Form G shall be executed by a duly authorized agent of the insurer or surety.
- (B) Upon renewal of the certificate of self-insurance, the Common Carrier, Contract Carrier, Limited Regulation Carrier, Household Goods Mover, Towing Carrier or Large Market Taxicab Service carrier shall file with the Commission 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 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 and 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) for 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) for other Towing Carriers, a statement that workers' compensation insurance coverage is not required.
 - (VI) General liability coverage. In addition to the Motor Vehicle liability coverage and, the cargo liability coverage, set forth above, 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. 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. 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 Motor Carrier is in violation of the requirements of this rule.

- (f) The Motor Carrier shall ensure that the policy and 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, including but not limited to a cancellation or change rating or premium, 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 within seven days of receipt.
- (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 canceled. 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 Fully Regulated Intrastate 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 canceled.
 - (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 Contract Carrier Permit or Certificate is suspended, revoked or abandoned, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.

6009. Summary Suspension and Revocation for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Motor Carrier's or a 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(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 6008 the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such 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.
- (e) The Commission shall notify the Motor Carrier or Nuclear Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (II) that its Authority or Permit is summarily suspended as of the coverage cancellation date;
 - (III) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date;
 - (IV) that the Commission has initiated a proceeding to revoke its Authorities or Permits;
 - (V) 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
 - (VI) the date, time, and place set for such hearing.
- (f) 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 or Nuclear Material 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.
- (g) If the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required prior to the hearing, the summary suspension 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.
- (h) After the hearing and prior to a final decision by the Commission, if the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required, the Commission shall dismiss the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (i) After the hearing and upon proof of violation of the financial responsibility requirements by a final Commission decision, the Authority or Permit will be revoked.
- (j) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6010. Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/ Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Hazardous Materials 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.
- (b) The Commission shall notify the Hazardous Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation and 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.
- (c) Operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6011. Summary Suspension and Revocation for Violation of Commission Rule or Order or for Endangering Public Health, Safety and Welfare.

- (a) The Commission may summarily suspend a Motor Carrier's Certificate or Permit in accordance with § 24-4-104(4), C.R.S., and pursuant to the following process.
 - (I) When Commission staff has objective and reasonable grounds to believe that a Motor Carrier has willfully and deliberately violated Commission rules or applicable statutes, based on a reasonable ascertainment of the underlying facts on which this action is based, or that the public health, safety, or welfare imperatively requires emergency action, the Director of the Commission may issue a letter incorporating such findings that summarily suspends the Motor Carrier's Certificate or Permit.
 - (II) "Willful and deliberate," for purposes of this rule, means a deliberate, voluntary, or intentional action or inaction that is in violation of the applicable rules, statutes, or any other lawful order. Willful and deliberate 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 consequences 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) The letter of summary suspension by the Director of the Commission and the notice of hearing shall be served on the Motor Carrier along with supporting information.
 - (IV) Unless otherwise requested by the Motor Carrier, an Administrative Law Judge (ALJ) shall promptly hold a hearing no later than ten days after the Director of the Commission's letter of summary suspension was served on the Motor Carrier. The ALJ will expedite the issuance of a decision after hearing.
- (b) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6012. Revocation of Limited Regulation Permits, Towing Permits, Household Goods Mover Permits for Failure to Pay Civil Penalty.

- (a) When a Motor Carrier operating under a Limited Regulation Carrier 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.
- (b) When a Motor Carrier operating under a Towing Carrier 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 60 months from the date the penalty payment was due.
- (c) When a Motor Carrier operating under a Household Goods Mover 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) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6013. Period of Ineligibility.

- (a) In addition to the periods of ineligibility under rule 6012, 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 required by statute or as the Commission may in its discretion determine to be appropriate.
- (b) 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 required by statute or as the Commission may in its discretion determine to be appropriate.
- (c) 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.
- (d) Paragraphs (a) and (b) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility requirements of rule 6008, unless the Motor Carrier knowingly operated without the required financial responsibility.
- (e) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law. To the extent that there is a conflict between this rule and the periods set forth in rule 6012, the longer period of disqualification shall apply.

6014. Prohibited Credit Card Fees.

Motor Carriers and Drivers are prohibited from imposing a surcharge on any Passenger or customer who uses a credit or charge card in lieu of payment by cash as set forth in § 5-2-212, C.R.S. The Civil Penalty is the greater of \$225 or two times the amount of the improper charge.

6015. Exterior Vehicle Markings, Signs, Graphics and Roof Lights.

- (a) All Motor Vehicles, with the exception of Luxury Limousines which are covered by rule 6303, must have external markings as detailed below. The markings must:
 - (I) appear on both sides of vehicles or on the front and back of the vehicle;
 - (II) be in letters that contrast sharply in color with the background on which the letters are placed;
 - (III) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
 - (IV) be maintained in a manner that retains the legibility required above;
 - (V) display the name or a trade name as set forth in the Motor Carrier's Certificate(s), Contract Carrier Permit(s), Limited Regulation Permit(s) (Charter Bus, Children's Activity Bus, Fire Crew Transport, Medicaid Client Transport, and Off-Road Scenic Charter); Large Market Taxi Permit(s); Household Goods Permit(s); or Towing Carrier Permit(s);
 - (VI) display the letter and/or number designation of the Motor Carrier's Certificate(s) and or Permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
 - (VII) either be permanently affixed on the Motor Vehicle or consist of a removable device.
- (b) Subparagraphs (a)(V) and (a)(VI) shall not apply to a Commercial Motor Vehicle that is subject to 49 U.S.C. § 14506 regarding restrictions on identification of vehicles.
- (c) Roof Lights. Except as otherwise required by law, only a Taxicab operated by a Common Carrier under an Authority to provide Taxicab Service or a Large Market Taxicab Service may have a Roof Light. In lieu of a Roof Light, a digital light providing identifying information may be installed on the condition that it is placed in the front and rear windshield and does not obstruct the Driver's view.
- (d) A Motor Carrier shall remove all markings, including Roof Lights, required or authorized by this rule from a Motor Vehicle that the Motor Carrier is permanently withdrawing from service.

6016. Restrictions on Offering or Advertising Transportation Service.

- (a) No Person shall offer to provide a transportation service without an Authority or Permit to provide such service.
- (b) 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 that the services are being arranged by a Transportation Broker.

- (c) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised 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]".

CIVIL PENALTIES

6017. Definitions

The following definitions apply to rules 6018 and 6019, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Civil Penalty" means any monetary penalty assessed against a Person as the result of violations of statutes in Articles 7 and 10.1 of Title 40, C.R.S., and violations of the safety regulations published in 49 C.F.R. 382 (Controlled Substances and Alcohol Use and Testing); 392 (Driving Commercial Vehicles); 395 (Hours of Service) and 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.

- (b) “Civil Penalty Assessment” means the act by the Commission of imposing a Civil Penalty against a Person subject to these rules after that Person has admitted liability or has been adjudicated by the Commission to be liable for violations of Articles 7 or 10.1 of Title 40, C.R.S., or 49 C.F.R. 386, Commission rules, and Commission orders.
- (c) “CPAN” means the written document by which a Person subject to these rules is given notice of an alleged violation. Pursuant to § 40-7-116, C.R.S., a CPAN may be issued by an Enforcement Official of the Commission, the Colorado State Patrol, or a Port of Entry Officer.
- (d) For purposes of this rule, an Enforcement Official includes the Colorado State Patrol and a Port of Entry Officer, authorized by § 40-7-116, C.R.S.

6018. Maximum Civil Penalties, without Statutory Enhancement.

- (a) The Director of the Commission, his or her designee, or an Enforcement Official have the authority to issue CPANs for violations of Article 10.1 of Title 40, C.R.S., Article 7 of Title 40, C.R.S. as well as 49 C.F.R. 386, subpart G and the relevant appendices as they existed on January 1, 2017.
- (b) The CPAN shall separately state for each violation the maximum penalty amount provided. In addition, the CPAN shall include the amount of the surcharge, if any, imposed pursuant to § 24-34-108(2), C.R.S., the amount of the penalty enhancement pursuant to § 40-7-113(2) and (3), C.R.S., as set forth in rule 6019, if any, and shall also provide for a reduced penalty of 50 percent of the penalty amount sought if the penalty is paid within ten days after the CPAN is tendered.
- (c) The Person cited for an alleged violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c), C.R.S. or may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.
- (d) Pursuant to § 40-10.1-114, C.R.S. each occurrence of a violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.
- (e) An admission to, or Commission adjudication of, a liability for a violation of the following may result in the assessment of a Civil Penalty up to the amount specified in the statute, 49 C.F.R. 386, subpart G or in these rules as follows:

Citation	Description	Maximum Penalty Per Violation
§ 40-7-113, C.R.S. Rule 6008	Financial responsibility/Motor Vehicle liability coverage	\$11,000
§§ 40-10.1-201(1) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Common Carrier in Intrastate Commerce without first having obtained a CPCN from the Commission or operating in violation of the Certificate	\$1,100

§§ 40-10.1-202(1)(a) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Contract Carrier in Intrastate Commerce without first having obtained a Permit for such operations from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-302 and 40-7-113(1), C.R.S. Rule 6302	Operating or offering to operate a Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine Carrier, Medicaid Client Transport, or Off-Road Scenic Charter in Intrastate Commerce without first having obtained a Permit from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-205 and 40-7-113(1), C.R.S. Rule 6206	Transferring a Certificate or Permit or the rights obtained under said Certificate or Permit prior to obtaining authorization from the Commission	\$1,100
Rule 6007	Violation of record keeping rule or refusal to make records, facilities, personnel, or Drivers available for interview	\$1,100
Rules 6105, 6106, and 6116	Failure to abide by Out-of-Service orders	\$1,100
Rules 6106, 6107, 6109 6114, and 6116	Requiring or permitting a Person, who does not meet the Driver minimum qualification, to act as a Driver	\$1,100
Rule 6110	Violation of hours of service requirements.	\$1,100
Rule 6111	Failure to maintain digital log system and dispatch system	\$1,100
Rules 6208 and 6209	Failure to have Tariffs or time Schedules on file and or failure to operate pursuant to the Tariffs or time Schedules	\$1,100
Rule 6306	Providing Luxury Limousine Service or service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis	\$1,100
Rule 6015	Improper use of exterior vehicle markings, signs, graphics or Roof Light	\$500
Rule 6016	Violating the restrictions on offering or Advertising transportation services	\$500
Rule 6212	Failure to file an Annual Report on or before April 30 of each year	\$500

Rule 6253	Failure to maintain and retain true and accurate trip records, for a period of one year	\$500
Rule 6106(a)(II)(C)	Failure to return the completed DVCR to the Commission at the address shown on the DVCR	\$500
Rule 6105	Requiring or permitting a motor vehicle to be used or operated without the completion of a Daily Vehicle Inspection Report and/or failure to maintain the Vehicle Maintenance File	\$500
Rule 6112	Requiring or permitting a Motor Vehicle to be used or operated without maintaining a Vehicle Maintenance File	\$500
Rule 6113	Failure to maintain accident registry and to submit information to Commission	\$500
Rule 6306	Failure to comply with Charter Order requirements.	\$500
Rule 6210	Failure to comply with contract requirements of the Permit	\$500
§ 40-10.1-111 (2), C.R.S.	Failure to pay filing, issuance and annual fees	\$400
§ 40-7-113(1)(e), C.R.S. Rule 6102	Failure to comply with annual Motor Vehicle Identification Stamp fee, Vehicle Stamp and Registry	\$400
Rule 6005	Failure to maintain accurate contact information with Commission	\$225
Rule 6006	Failure to maintain current registered agent with Commission	\$225

Rule 6103	Failure to use ASE mechanic to conduct safety inspection	\$225
Rule 6108	Failure to maintain Driver Qualification File	\$225
Rule 6113	Failure to maintain accident registry	\$225
Rule 6114(c), (d), (e), (i) and (j)	Fingerprint-based Criminal History Record Checks	\$225
Rule 6014	Improper credit card charges	Greater of \$225 or two times the amount of the charge.
Rule 6254	Overcharging in flat rate zones	\$225
Rule 6211	Refusal of service	\$225
Rule 6256 and 6304	Failure to display Taxicab license plate and or livery license plate	\$225
Rule 6303	Failure display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the age or type of vehicle requirements	\$225

	Any other violation of these rules	\$225
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6019. Doubling and Tripling of Civil Penalties.

- (a) The Commission may assess doubled penalties for similar violations within 24 months pursuant to § 40-7-113(3), C.R.S., as follows:
- (I) the Person has admitted liability by paying a previous Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the doubled Civil Penalties are sought violates the same statute, rule or order; and
 - (III) the conduct for which the doubled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.
- (b) The Commission may assess tripled penalties for similar violations occurring three times within 24 months pursuant to § 40-7-113(4), C.R.S., as follows:
- (I) the Person has admitted liability by paying the Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the tripled Civil Penalties are sought violates the same statute, rule or order as conduct for which the Person has admitted liability by paying the Civil Penalty or conduct for which the Person has been adjudicated by the Commission in an administratively final written decision to be liable; and
 - (III) the conduct for which the tripled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.
- (c) Doubled and tripled penalties may be sought in the same CPAN.
- (d) Nothing in these rules shall affect the Commission's ability to pursue other remedies in lieu of or in addition to, issuing Civil Penalties.

6020. Report by Commission Staff.

At least once every twelve months, or more frequently if requested by the Commission, the Commission staff shall provide a report to the Commissioners and to the Director of the Commission of the financial results (for Fully Regulated Intrastate Carriers), the operational performance of Motor Carriers regulated

by these rules as well as the enforcement and compliance actions taken by Enforcement Officials. The first report is due July 1, 2019. The financial and operational report shall include the following:

- (a) number of existing and new Certificates and Permits (by type) issued in the current year as well as the previous four years by Type of Service and geographical area;
- (b) total amount of revenue as reported on the Annual Report for the current year and the previous four years for each Common Carrier as well as revenue in the main geographic areas of the state;
- (c) number of trips to Denver International Airport and revenue generated for the current year and each of the last four years for each of the Common Carriers or Contract Carriers or Large Market Taxicab Service providers;
- (d) total number of Motor Vehicle Identification Stamps issued for the current year and for each of the previous four years as well as the amount of annual revenue generated from the stamps;
- (e) the total number of UCR Plan registrations each year as well as the previous four years;
- (f) number of Authorities suspended, revoked, or abandoned in the current year and each of the previous four years and a summary of the reasons for such status;
- (g) number of Permits (but not Contract Carrier permits) expired, canceled, or revoked in the current year and each of the previous four years;
- (h) number of vehicle inspections conducted by Enforcement Officials in the current year and each of the previous four years by type (vehicles 10,000 pounds or less and 15 Passenger or less and Commercial Vehicles 10,001 pounds or more and 16 Passengers or more) and a summary of the types of deficiencies noted;
- (i) safety and compliance reviews for the current year and each of the past four years; investigations opened and closed;
- (j) number of CPANs issued (by type) and the amount collected for the current year and each of the previous four years;
- (k) refunds to customers for current year and each of the past four years;
- (l) violation warnings issued for current year and each of the past four years;
- (m) number of petitions for age waivers for each year and the previous four years, action taken by the Commission, and age of vehicles and mileage for petitions granted and denied;
- (n) recommendations as to what if any changes should be made to the current rules of the Commission; and
- (o) recommendations as to the priority for the type of enforcement actions for the next year.
- (p) The report shall be provided to each of the Commissioners and the Director and shall be posted on the website of the Commission.

6021. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

One of the most important obligations of the Commission is to require that any Motor Carrier abide by reasonable safety requirements so that the traveling public is safe.

- (a) Rules 6100 through 6199 apply to:
 - (I) Common Carriers, Contract Carriers, Limited Regulation Carriers, Large Market Taxicab Service carriers; and
 - (II) Drivers (whether as employees or Independent Contractors), employees, and Motor Vehicles of the Motor Carriers listed in subparagraph (a)(I).
- (b) Motor Carriers that operate Commercial Motor Vehicles as defined by 49 C.F.R. 390.5, or the modifications of the Colorado State Patrol, are subject to the rules found in title 49 of the Code of Federal Regulations and the rules adopted by the Colorado State Patrol; 49 C.F.R. 382 (Controlled Substances); 391.41 (Physical Qualifications for Drivers); 392 (Driving); 395 (Hours of Service); 396 (Vehicle Inspection Repair and Maintenance); and/or 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.
- (c) Rule 6008 (Financial Responsibility) is a safety rule to provide benefits to the traveling public and is incorporated into these safety rules.

6101. Definitions.

In addition to the definitions in rule 6001, and those incorporated from federal law in this section, the following definitions apply to all Motor 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" means a self-propelled or towed vehicle used in commerce on the public highways and is operated by a Fully Regulated Intrastate Carrier or a Limited Regulation Carrier that: has a Manufacturer's Gross Vehicle Weight Rating or Gross Combination Weight Rating of at least 10,001 pounds or is designed or used to transport more than 15 Passengers including one Driver. 49 C.F.R. 390.5.

- (c) "Employer" means a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, in addition to the definition found in 49 C.F.R. 390.5.

6102. Annual Motor Vehicle Identification Fees and Vehicle Registry.

- (a) Every Motor Vehicle operated by a Motor Carrier pursuant to its Authority or Permit must obtain and display a Motor Vehicle Identification Stamp.
- (b) To obtain the Motor Vehicle Identification Stamp, the Motor Carrier shall:
- (I) 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.; and
 - (II) provide to the Commission, on a Commission prescribed form or through a Commission provided electronic Motor Vehicle registry, the identification of the vehicle to which the Vehicle Stamp will be placed and shall include the Manufacturer, type, make, model year, the vehicle identification number or VIN, license plate number, mileage, date of purchase and if applicable the automatic vehicle identification tag. The Motor Carrier shall also list and describe all structural modifications made to the Motor Vehicle, including the date and reason.
- (c) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.
- (d) If the Motor Carrier does not own the vehicle or know all the information in paragraph (b) above at the time of purchase of the Vehicle Stamp, the Motor Carrier shall have 60 days from the purchase of the Vehicle Stamp to provide the information to the Commission. If the Motor Carrier does not provide the information in paragraph (b) above within 60 days, the Vehicle Stamp shall be canceled and the Motor Carrier is not entitled to a refund of the amount paid.
- (e) If the Motor Carrier is required to place an automatic vehicle identification tag on the vehicle by DIA or any other airport or tolling authority, the Motor Carrier shall, within 30 days of obtaining the transponder, provide the identifying number of the transponder to the Commission for each vehicle used by the Motor Carrier.
- (f) 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.
- (g) A Motor Carrier that acquires one or more additional Motor Vehicles during the calendar year shall pay the annual fee and provide the information required by this rule, prior to placing the additional vehicle(s) into service.
- (h) A Vehicle Stamp is valid only for the calendar year for which it is purchased.
- (i) 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 Passenger side window of the Motor Vehicle so long as the Vehicle Stamp does not interfere with the Driver's use of the right-hand outside mirror.

- (j) A Motor Carrier may request a replacement Vehicle Stamp if the stamp is damaged. 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.
- (k) Exemption for a UCR registrant.
 - (I) Except as provided in subparagraph (II) of this paragraph, a Motor Carrier is exempt from paragraphs (a) through (j) of this rule if it is a current UCR registrant.
 - (II) A Motor Carrier that is also a current UCR registrant is not exempt from paragraphs (a) through (j) of this rule, for any Motor Vehicle that:
 - (A) is used only in Intrastate Commerce;
 - (B) was not included in the calculation of fees paid under the UCR Agreement; and
 - (C) provides nonconsensual tows, or Passenger transportation that is not subject to the preemption provisions of 49 U.S.C. § 14501(a).
- (l) Exemption for a Household Goods 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 (k) of this rule.

6103. Vehicle Inspectors—Who Is Authorized to Inspect a Motor Vehicle.

Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles not defined as Commercial Motor Vehicles at 49 C.F.R. 390.5, shall be an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection and employed by a company authorized to do business in Colorado. Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles defined as Commercial Motor Vehicles at 49 C.F.R. 390.5 shall be qualified to perform the inspection pursuant to the requirements of 49 C.F.R. 396.19.

6104. Safety Inspections of Motor Vehicles.

- (a) Every Motor Carrier shall cause an authorized vehicle inspector to conduct an initial safety inspection of any Motor Vehicle that will be used by the Motor Carrier in providing transportation services under these rules and shall cause periodic inspections of vehicles conducted thereafter, at intervals of a least one inspection per year or as otherwise required by Commission rule or order. The Driver and the Motor Carrier shall ensure that the initial and periodic inspections are completed on a form prescribed by the Commission. A Motor Vehicle shall be placed Out-of-Service if it fails to meet the minimum vehicle inspection criteria identified in this rule. The Motor Carrier may reinstate the vehicle for service after the Out-of-Service condition is removed or resolved.
- (b) Initial inspections and periodic inspections shall include an inspection of the following items.
 - (I) Foot brakes: each vehicle shall be equipped with brakes acting on all wheels and capable of operating as designed by the Manufacturer; the brake lining/pad thickness on the steering axle shall not be less than 3/16 of an inch and shall not be less than 1/16 of an inch on the non-steering axle; the thickness of the drums or rotors shall not be less than the limits established by the brake drum or rotor Manufacturer and no evidence of

metal to metal contact or rusting on contact surfaces; and shall not have missing or broken calipers, pad retaining components, brake pads, shoes, or linings.

- (II) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the Manufacturer.
- (III) Frame or chassis shall not be cracked, loose, sagging, or broken.
- (IV) Steering mechanism: each vehicle shall not have steering wheel lash that exceeds four inches. Universal joints and ball and socket joints shall not be worn, faulty or repaired by welding and all components of the power steering system must be present with no parts missing and belts shall not be frayed, worn or slipping. Telescoping or tilt steering wheels shall lock in a fixed position.
- (V) Suspension shall not be cracked, broken, loose, or have missing parts.
- (VI) Windshield shall be free of discoloration or cracks.
- (VII) Rear window and other glass: vehicle windows to the side and rear of the Driver shall be fully operational if originally manufactured to be so and shall be free from cracks.
- (VIII) Windshield wipers: each vehicle shall be equipped with a wiping system and washer system that are in proper working condition and capable of being controlled by the Driver from within the vehicle.
- (IX) Head lamps: each vehicle must have head lamps that do not have broken or missing lens covers and that have both upper and lower beams; and are in proper working condition.
- (X) Tail lamps: each vehicle must have tail lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XI) Turn indicator lights: each vehicle must have turn indicator lights that do not have broken or missing lens covers and the lamps must be in proper working condition. The vehicle must be equipped with a hazard warning signal unit that is in proper working condition.
- (XII) Stop lamps: each vehicle must have stop lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XIII) Doors: all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original Manufacturer.
- (XIV) Horn: each vehicle must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (XV) Bumpers: each vehicle must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (XVI) Mufflers and exhaust system: each vehicle must be equipped with a securely fastened and properly located muffler and exhaust system capable of expelling and directing harmful combustion fumes as designed by the original Manufacturer. No part of the exhaust system shall leak or be repaired with wrap or patches.

- (XVII) Emission compliance: if the vehicle is registered in a jurisdiction that requires an emission inspection and emission sticker, the vehicle must have the proper emission documentation.
- (XVIII) Speedometer: each vehicle must be equipped with an operating speedometer that is paired with an original equipment Manufacturer approved tire size.
- (XIX) Tires and wheels: no tire shall have any tread or sidewall separation or has a cut to the extent that the ply or belt material is exposed; any tire on the front or rear wheels of a vehicle shall have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove. The measurement shall not be made where the tie bars, humps or fillets are located; and vehicle wheels shall not have cracks or missing spokes, shall be securely attached to the vehicle and not have loose or missing lug nuts.
- (XX) Rear view mirrors and back-up cameras: each vehicle must be equipped with rear view mirrors as designed by the original Manufacturer. If the original Manufacturer has installed a back-up camera, that camera must be operational as designed by the original Manufacturer.
- (XXI) Safety belts: each vehicle designed by the original Manufacturer to carry no more than eight Passengers, must be equipped with no more than eight safety belts as designed by the original Manufacturer, and must be equipped with safety belts for both the Driver and all riding Passengers that are in proper working condition and capable of being operated at all times.
- (XXII) Passenger restraints: any Passenger restraints, including air bags, must be in proper working condition.
- (XXIII) Heating and air conditioning must be in proper working condition.
- (XXIV) A vehicle equipped with restraints, 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 including:
 - (A) wheelchair lifts: a lift must be able to lift a minimum of 600 pounds;
 - (B) a lift must also be able to accommodate individuals who use walkers, crutches, canes, braces or who have difficulty using steps. The equipment must also permit onboarding and offboarding of individuals with wheelchairs and other mobility aids. The platform must be equipped with handrails on two sides, which move with the lift to provide support to standees throughout the lift operations, must have lift controls which are interlocked with the vehicle brakes, transmission, door or other devices;
 - (C) a ramp which is less than 30 inches in length must be able to support 300 pounds;
 - (D) a ramp which is 30 inches or longer must be able to support 600 pounds; and
 - (E) the maximum allowable slope of a ramp is:

- (i) a ratio of 1:4, if the floor height is three inches or less above a six-inch curb;
- (ii) a ratio of 1:6, if the floor height is between three and six inches above a six-inch curb;
- (iii) a ratio of 1:8, if the floor height is between six and nine inches above a six-inch curb; and
- (iv) a ratio of 1:12 if the floor height is greater than nine inches above a six-inch curb.

(XXV) Wheelchair accessible vehicles must have the following:

- (A) slip resistant surfaces in all areas where individuals walk, including all aisles, steps and floors;
- (B) a band of contrasting color(s) on each step edge, threshold and the boarding edge of ramps or lift platforms. The contrasting colors must run the full width of the step or edge; and
- (C) the entrance doors equal to or greater than the following minimum heights:
 - (i) 56 inches for vehicles 22 feet or less in length; or
 - (ii) 68 inches for vehicles greater than 22 feet in length.

(XXVI) Within the vehicle, signs must designate securement locations and seating locations for persons with disabilities. Stepwells and doorways must have treads that are lit at all times while the vehicle is lit.

(XXVII) Wheelchair tie down and occupant restraint systems:

- (A) shall be designed, installed, and operated to accommodate Passengers in a forward facing position;
- (B) shall be affixed to a vehicle in such a manner that no exit or aisle is blocked in the vehicle;
- (C) shall be free of sharp or jagged areas and shall be of non-corrosive material or treated to resist corrosion;
- (D) shall consist of a minimum of four anchor points. Two points shall be located in the front and two in the rear. All anchor points shall be secured to the floor;
- (E) each wheelchair tie down shall provide a means of slack adjustment and shall not allow more than two inches of movement in any direction during normal driving conditions. They shall be free of any fraying, rust, cuts or inoperable slack adjusters; and

- (F) all vehicles equipped with attachment point devices shall also be equipped with a durable webbing cutter having a full width hand grip and protected blade. The cutter must be stored in the Driver's compartment within the Driver's reach.

6105. Daily Vehicle Inspection Report (DVIR).

- (a) Every Driver and every Motor Carrier that operates more than one Motor Vehicle, shall require its Drivers to prepare a Daily Vehicle Inspection Report (DVIR), in writing at the completion of each day's work on each Motor Vehicle operated and the report shall cover at least the following parts and accessories:
 - (I) service brakes including trailer brake connections;
 - (II) parking (hand) brake;
 - (III) steering mechanism;
 - (IV) lighting devices and reflectors;
 - (V) tires;
 - (VI) horn;
 - (VII) windshield wipers;
 - (VIII) rear vision mirrors;
 - (IX) coupling devices;
 - (X) wheels and rims; and
 - (XI) emergency equipment.
- (b) The Driver, on the DVIR, shall:
 - (I) identify the vehicle and list any defect or deficiency discovered by or reported to the Driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;
 - (II) if no defect or deficiency is discovered by or reported to the Driver, the report shall so indicate;
 - (III) in all instances, the Driver shall sign the report;
 - (IV) on two-Driver operations, only one Driver needs to sign the DVIR, provided both Drivers agree as to the defects or deficiencies identified; and
 - (V) if a Driver operates more than one vehicle during the day, the Driver shall prepare the DVIR for each vehicle operated.

- (c) Prior to requiring or permitting a Driver to operate a vehicle in a for-hire capacity, every Motor Carrier shall repair any defect or deficiency listed on the DVIR that would be likely to affect the safety of operation of the vehicle.
- (d) The Driver shall review and certify the repairs have been made.
- (e) For every DVIR which identifies any defect or deficiency, every Motor Carrier or its agent shall certify, upon completion of the repair and on the original DVIR, that the defect or deficiency has been repaired or alternatively that repair is unnecessary before the vehicle is operated again.
- (f) Every Motor Carrier shall maintain all original DVIRs, any certification of repairs, and the certification of the Driver's review for three months from the date the DVIR was prepared.
- (g) For all reports required under this rule, Motor Carriers shall use the form provided on the Commission website.

6106. Inspection Process by Enforcement Official.

- (a) Inspection of Drivers and/or Motor Vehicles.
 - (I) When a Driver or Motor Vehicle is inspected by an Enforcement Official, the Enforcement Official shall tender a copy of a Driver/Vehicle Compliance Report (DVCR) to the Driver. The Driver receiving a DVCR shall deliver it to the Motor Carrier with the Certificate or Permit under which the Motor Vehicle was operating at the time of the inspection. Delivery of the DVCR shall occur 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 or electronically submit the report to the Motor Carrier.
 - (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 required repairs;
 - (B) certify all violations have been corrected by appropriately signing and dating the DVCR, completing the following fields:
 - (i) carrier official's signature,
 - (ii) title; and
 - (iii) date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (C) return the completed DVCR to the Commission at the address shown on the DVCR; and
 - (D) retain a copy of the DVCR in its records.
- (b) If the Enforcement Official determines that a Motor Vehicle will likely cause an accident or break down due to its mechanical condition, or that an unsafe condition exists that would likely harm the occupants, the Motor Vehicle shall be placed Out-of-Service.

- (c) 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 or Commission safety rules shall be placed Out-of-Service.
- (d) 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 or Commission safety rules shall be placed Out-of-Service.
- (e) 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.
- (f) 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.
- (g) No Motor Carrier shall require or permit any Person declared or ordered Out-of-Service to operate, nor shall any Person declared or ordered Out-of-Service operate any Motor Vehicle until the Person's Out-of-Service condition has been corrected.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) The Motor Carrier may reinstate the Motor Vehicle or Driver for service after the Out-of-Service conditions have been removed or resolved. The written certification is required to be provided to the Commission within 15 days.
- (l) A Motor Vehicle that does not qualify under these Part 6 rules may be placed Out-of-Service.

6107. Driver Minimum Qualifications.

- (a) A Motor Carrier shall not permit a Person to act as a Driver unless the Person:
 - (I) is at least 21 years of age;
 - (II) has a valid Driver's license;
 - (III) is medically qualified to drive as required by rule 6109; and
 - (IV) is not disqualified to drive based on the results of the DVCR report required by rule 6106 or the Criminal History Record Check required by rule 6114.

- (b) A Motor Carrier shall require a Driver to maintain on their person or in their Motor Vehicle the following documents in physical or electronic form:
 - (I) a current medical certification card;
 - (II) a valid driver's license;
 - (III) a current vehicle inspection form; and
 - (IV) any waiver granted by the Commission.
- (c) Before permitting an individual to act as a Driver, and at least once every 12 months thereafter, a Motor Carrier shall obtain and review a driving history from the Department of Motor Vehicles for the individual. The Driver Motor Vehicle report shall include, at a minimum, any moving violations in the United States for the three-year period preceding the individual's application.

6108. Driver Qualification File and Records.

A Motor Carrier shall maintain records for each Driver as follows.

- (a) A completed Driver's application. A Driver's application must be maintained during the period of service and for three years thereafter. The required Driver's application form is available on the Commission's website.
- (b) The driving history for a Driver, obtained from the Department of Motor Vehicles. Driving history reports shall be maintained for a period of three years from the date the research was conducted.
- (c) The Drivers fingerprint qualification status, if applicable.
- (d) The Driver's state issued driver's license. The driver's license copy shall be maintained during the period of service and for three years thereafter.
- (e) The Driver's current medical certificate. The Driver's most current medical certificate shall be maintained for a period of three years from the date of certification.
- (f) If applicable, any current medical waiver or variances issued to the Driver.
- (g) Hours of service records, including all required supporting documentation, shall be maintained for the most recent six months during the term of service; and such records shall be maintained for six months after the term of service.

6109. Proof of Medical Fitness.

- (a) No Motor Carrier shall permit any Driver to drive who is not medically examined and certified. Drivers of vehicles with a seating capacity of 16 Passengers or more, including the Driver, must be certified pursuant to the requirements of 49 C.F.R. 391.41, as revised on January 1, 2017. Drivers of vehicles with a seating capacity of 15 Passengers or less, including the Driver, may be certified under the provisions of this rule or 49 C.F.R. 391.41, as revised on January 1, 2017.
- (b) All medical examiners issuing Driver medical certification cards must be licensed medical practitioners in accordance with their specific specialty practice act in the Colorado Revised

Statutes as a doctor of medicine or osteopathy, a physician assistant, nurse practitioner, or clinical nurse specialist working under the direct supervision of a physician.

- (c) A Person is physically qualified to drive if, upon physical examination, the medical examiner determines that the Person does not exhibit any of the following conditions:
- (I) defect, loss of limb or impairment which interferes with the ability to perform normal tasks associated with operating a Motor Vehicle;
 - (II) established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (III) current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure, and that is likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (IV) established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (V) established medical history or clinical diagnosis of high blood pressure likely to interfere with his/her ability to control and drive a Motor Vehicle safely;
 - (VI) established medical history or clinical diagnosis of rheumatic, arthritic orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and drive a Motor Vehicle safely;
 - (VII) established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control and drive a Motor Vehicle safely;
 - (VIII) mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a Motor Vehicle safely;
 - (IX) visual disorder or impairment resulting in acuity of worse than 20/40 (Snellen) in each eye without corrective lenses or corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity worse than 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision lower than 70° in the horizontal Meridian in each eye, and color blindness resulting in the lack of an ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;
 - (X) use of a controlled substance, which use is prohibited in Colorado unless prescribed by a licensed medical practitioner who is familiar with the Driver's medical history and has advised the Driver that the prescribed substance or drug will not adversely affect the Driver's ability to safely operate a Motor Vehicle; or
 - (XI) a current clinical diagnosis of alcoholism.
- (d) All medical examiners issuing driver medical certifications shall use the medical examination report included in a packet available on the Commission's website. Such driver medical certifications shall include a certification that the medical provider conducted an examination in

accordance with these rules, with knowledge of the driving duties, finding the individual is qualified, subject to any express conditions. Such packet shall also include an examination report that identifies the Driver, describes the Driver's medical history, and documents the examination including the doctor's independent judgment based thereupon.

- (e) All medical certification cards shall be valid for not more than two years from the date of issuance.

6110. Hours of Service.

- (a) A Motor Carrier shall neither permit nor require nor shall any Driver be On Duty in violation of the following: a Driver shall not be On Duty (as defined in paragraph 6001(hhh)) or be permitted to be On Duty more than 12 consecutive hours in any 24-hour period. A Driver 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.
- (b) In lieu of the 12 hour rule above, a Motor Carrier, other than a Motor Carrier providing Taxicab Service may, at their option, elect to account for hours of service as follows:
 - (I) 15 Hour Rule: At the end of the 15th 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 15-hour period, but the 15-hour period shall only be restarted after eight consecutive hours off duty. A Driver may only be released from duty by a Motor Carrier for a period of eight consecutive hours and not intermittently during the 15 hour period.
 - (II) Ten Hour Rule: After coming on duty and within the 15 hours provided by the 15 hour rule in subparagraph (I) above, a Driver shall not exceed ten hours Driving Time. At the end of the tenth hour, a Driver shall not drive for-hire until he or she has been released from duty by for a minimum of eight consecutive hours.
 - (III) 70 Hour Rule: In no instance shall a Driver's On Duty hours exceed 70 hours in any eight consecutive day period. Upon accumulating 70 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 hours. For the purposes of this rule, the total number of hours On Duty for each day within the eight day period shall be determined by adding the daily On Duty totals derived from the 15 hour rule in subparagraph (I) of this rule.
 - (IV) This election shall be made at the time the Motor Carrier purchases the Vehicle Stamps and shall remain in effect for the year listed on the stamp.
- (c) A Motor Carrier or Passenger Carrier that employs or retains a 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) a good faith effort to require the Driver to report the total number of On Duty hours the Driver performed with other Persons during the reporting period.

- (d) The requirements of 49 C.F.R. 395.5(a)(2) and (b) and 395.8, apply to all Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 16 or more (including the driver), or GVWR or GCWR of more than 10,000 pounds.
- (e) 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 to Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 15 or less (including the driver) and GVWR or GCWR or less than 10,001 pounds.

6111. Verification of Hours of Service for Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

- (a) Motor Carriers providing Taxicab Service 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:
 - (I) shall obtain and Advertise a central telephone number by which the public may call and request service;
 - (II) 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) shall employ a GPS-based, digital dispatch system that tracks and records Driver hours or service, and records and reports trip information including origination point and customer wait times;
 - (IV) shall employ a GPS-based, digital dispatch system that records and reports Driver location and On Duty time. Said system must log a Driver On Duty when the Driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand;
 - (V) shall employ a GPS-based digital dispatch system that locks out any Driver who has exceeded On Duty hours of service maximums;
 - (VI) shall lockout, for a minimum of eight hours, a Driver who has exceeded On Duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system; and
 - (VII) shall log 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 500 feet of known taxi stands.

6112. Vehicle Maintenance File.

A Motor Carrier shall maintain, in the Vehicle Maintenance File, the following records for each vehicle:

- (a) a means of identifying the vehicle noting the year, make, model, and vehicle identification number of the vehicle;
- (b) an overall maintenance plan that identifies the nature and due dates of the various inspection and maintenance operations to be performed;

- (c) a record of work done, including all receipts;
- (d) all required periodic vehicle inspections;
- (e) if applicable, any current vehicle waiver or variances; and
- (f) the Daily Vehicle Inspection Reports for the immediately preceding 30 days.

6113. Accident Registry.

- (a) For the purposes of this rule an accident is defined as an occurrence involving a Motor Vehicle which results in any of the following:
 - (I) bodily injury to any Person; or
 - (II) \$5,000 of damage to any property or vehicle.
- (b) A Motor Carrier shall maintain a registry of accidents, for a period of three years after the accident occurs. The register must contain the date of the accident, city and state where accident occurred, the Driver's name, number of injuries and fatalities, and any police report number associated with the accident.
- (c) All accident reports required by state or local governmental entities or insurers must be maintained with the accident register.
- (d) No later than 30 days after an accident meeting the criteria stated above, a Motor Carrier must report the accident, including the above information, to the Commission.

6114. Fingerprint-Based Criminal History Record Checks.

- (a) For purposes of this rule only:
 - (I) "Criminal History Record Check" means a state and national fingerprint-based Criminal History Record Check..
 - (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, a Large Market Taxicab Service carrier, and a Limited Regulation Carrier, except for Fire Crew Transport
- (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 a set of the Driver's fingerprints, documentation of any name change of the Driver 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, within five years after being qualified by the Commission and at least once every five years thereafter, re-submit: a set of the Driver's fingerprints; documentation of any name change of the Driver from the agency where the change was approved; and payment of the actual cost to conduct a Criminal History Record Check.
- (e) The Driver shall submit his or her fingerprints to the CBI according to its procedures.
- (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

- (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) The Commission will maintain a password-protected portion of its website where Drivers, Passenger Carriers, and other Persons authorized, in writing, by the Director of the Commission may access the current qualification status of Drivers.
 - (I) 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.
 - (II) 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.
- (l) Commission staff's qualification determination may be relied upon by all Persons, unless and until the Commission rules on a Driver's qualification.
- (m) 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.

6115. Motor Vehicle Weight.

An Enforcement Official may require a Motor Carrier to have a Motor Vehicle inspected or 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 or if the GVWR can't be determined or if there is a belief that the GVWR is incorrect.

6116. Prohibitions.

- (a) A Motor Carrier shall not require or permit any Driver declared and ordered Out-of-Service to drive, nor shall any Driver drive, any Motor Vehicle until the Driver's Out-of-Service condition has been corrected.
- (b) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (c) A Motor Carrier shall not allow a Driver to drive when the Driver's ability to operate a Motor Vehicle is impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle nor shall any Driver operate a Motor Vehicle while impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle.
- (d) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver is under the influence of or uses any drug or substance that renders the Driver incapable of safely operating a vehicle.
- (e) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver has consumed alcohol within four hours of driving or is under the influence of alcohol while driving.
- (f) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive while engaged in texting while operating a Motor Vehicle.

6117. Age and Condition of Passenger Carrying Motor Vehicles.

Motor Vehicles used by a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, shall meet the following standards.

- (a) No Motor Carrier shall operate a Salvage Vehicle as defined at paragraph 6001(ppp) and § 42-6-102(17), C.R.S.
- (b) No Taxicab shall be more than 12 years old regardless of condition or mileage.
- (c) With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.
- (d) A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.
- (e) The age of a 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.
- (f) In addition to the periodic safety inspections required under rule 6104, Motor Vehicles shall be in good physical condition, meeting the following minimum standards:
 - (I) 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;
 - (II) 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;
 - (III) exterior markings are compliant with applicable vehicle marking rules 6015 or 6303; and
 - (IV) the Motor Carrier’s name, Certificate or 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 petition for waiver of this rule shall be made under rule 6003 and is not complete unless it contains the following:
 - (I) photos of the interior and exterior (front and back and each side) of the vehicle;
 - (II) number of miles on the Motor Vehicle;
 - (III) dates and results of all periodic inspections for the last two years;
 - (IV) documents in the Vehicle Maintenance File required in rule 6112 for the last two years; and
 - (V) value of the Motor Vehicle using information from the Kelley Blue Book Price Guide, the Edmunds Used Car Price Guide, or similar valuation authority;
 - (VI) any petition that claims financial hardship prohibits replacement of the vehicle must include the revenue generated in the previous 12 months, the amount of loan on the Motor Vehicle, if any, an explanation of the market served and the reason why the Motor

Carrier cannot replace the vehicle. The petition must also list all safety equipment that is currently on the Motor Vehicle, by way of example – the number and type of seat belts, air bags, cameras, sonar detection systems, antilock braking systems, stability control, four-wheel drive, and age and type of tires; and

- (VII) any other information the petitioner deems relevant.
- (VIII) No vehicle is eligible for a waiver of the age requirements of this rule unless the petitioner has owned the vehicle for three full years and establishes proof of ownership for the three years with a title or registration from the Colorado Department of Revenue.

6118. – 6199. [Reserved].

FULLY 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 6001 and 6101, the following definitions apply to all Motor Carriers and Drivers subject to these Fully 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.
- (b) "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.
- (d) "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.
- (f) "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, or for a trip or tour planned by the carrier.
- (g) "Tack" 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.
- (h) "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.
- (i) "Transferee" means any entity newly acquiring control of any Authority or obtaining a security interest in the Authority.
- (j) "Transferor" means any entity transferring control of any Authority to a Transferee.

6202. Prohibited Operations.

- (a) No Person shall operate or offer to operate as a Common Carrier or a Contract Carrier, without obtaining the appropriate Certificate or Permit and paying the application fee and or the annual Motor Vehicle identification fees as set forth in rule 6102.
- (b) Without specific approval by the Commission, no Fully 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 to operate as a Common or Contract Carrier, or permanent Authority to extend a Common Carrier Certificate or Contract Carrier Permit, shall file an application. The application shall contain the following information:
 - (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, as required by rule 6006;

- (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) 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, 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, including but not limited to its ability to meet the requirements of rule 6111 (requiring, inter alia, a GPS based digital system that records the hours of service), and rule 6254 requiring 24 hour provision of service, if the applicant proposes to serve a geographical area covered by those rules. If the applicant is not currently able to meet the requirements of rule 6111 and/or 6254, the applicant must provide the reason and must state the period of time needed to come into compliance which shall not be longer than 120 days;
- (XII) a statement describing the extent to which the applicant, or any Person affiliated with the applicant, holds or is applying for Duplicating or Overlapping Authority 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; and
- (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. Any letter of support filed to demonstrate a public need shall:
 - (A) contain the author's name, address, and telephone number;
 - (B) describe the public need;
 - (C) describe whether and how the existing service is inadequate;
 - (D) 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
 - (E) be signed by the author.
- (XVIII) If the applicant seeks Contract Carrier Authority, the applicant 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 letters shall:
 - (A) contain the proposed customer's name, address, and telephone number;
 - (B) indicate the proposed customer's special or distinctive transportation needs;
 - (C) specifically support the applicant's particular request for authority;
 - (D) describe whether there is existing service and how the existing service is inadequate;
 - (E) 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) be signed by the proposed customer.
- (XIX) A statement that the applicant understands that there is an obligation to comply with all applicable Commission rules, and that the vehicles which it plans to use to provide the service are compliant with those rules.

- (b) No Person shall file an application under a name or trade name that identifies a 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.
- (c) In lieu of filing an application as set forth above, the applicant may use the application form approved by the Commission and posted to its website.

6204. Application for Temporary Authority or Emergency Temporary Authority for a Common Carrier or Contract Carrier.

- (a) A Person may seek temporary Authority to operate as a Common or Contract Carrier, for a period not to exceed 180 days, and shall file an application providing the information specified in rule 6203 modified as follows:
 - (I) 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;
 - (II) any letters of support shall contain 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;
 - (III) a statement indicating whether the Commission has previously granted to the applicant Authority to render all or any part of the proposed service and the decision number granting the Authority;
 - (IV) a statement of the period of time which the applicant requests the temporary Authority to cover, not to exceed 180 days; and
 - (V) if the application is a request to operate as a Contract Carrier, a support letter from each proposed customer including:
 - (A) the proposed customer's name, address, and telephone number;
 - (B) the proposed customer's special or distinctive transportation needs;
 - (C) support for the applicant's particular request for authority;
 - (D) description of whether there is an existing service and, if so, how the service is inadequate; and
 - (E) the signature of the proposed customer attesting to the validity of the information in the support letter.
- (b) A Person may seek emergency temporary Authority to operate as a Common or Contract Carrier for a period not to exceed 30 days and shall file an application with the Commission providing the information in paragraph (a) of this rule. The application shall also 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.

- (c) The granting of temporary or emergency temporary Authority creates no presumption that permanent Authority will be granted.
- (d) 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.
- (e) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6205. Applications to Voluntarily Abandon or Suspend Authority.

- (a) A Fully Regulated Intrastate Carrier shall file an application to voluntarily abandon or suspend its Authority, or any portion thereof. After ten days' notice, the Commission may either decide such an application without a hearing or set it for hearing. Carrier obligations are not affected by the filing of an application; rather they will be determined by Commission 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 Fully Regulated Intrastate Carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:
 - (I) 12 consecutive months;
 - (II) 12 months in any 24-month period; or
 - (III) two consecutive seasons, for a Fully Regulated Intrastate Carrier operating seasonally.
- (c) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.
- (d) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6206. Application to Encumber, Transfer, Merge, Consolidate, or Acquire Control.

- (a) No Fully Regulated Intrastate Carrier shall by any means, directly or indirectly, encumber, Transfer any right or interest in any portion of said Fully Regulated Intrastate Carrier's Authorities, or the entity that is the owner of the Authorities, except as specifically provided by Commission order, this rule 6206, or § 40-10.1-205, C.R.S.
- (b) The Transferor and the Transferee shall file a joint application with the Commission not less than 60 days prior to the effective date of the proposed Transfer or Encumbrance. If the Transferee does not hold a Commission issued CPCN, the Transferee shall provide the Commission with the

information required pursuant to rule 6203, and must receive an appropriate Commission grant of authority to assume the Transferor's CPCN.

(c) The application shall include:

- (I) the information required by subparagraph 6203(a)(I) through (VIII) and (XI) through (XIX), as applicable;
- (II) a description of the transaction including the amount of consideration paid or to be paid and the terms of payment;
- (III) name under which the Transferee is, or will be, providing service in Colorado if the Transfer is approved and information establishing the operational and financial fitness of the Transferee to conduct the operations of the Authority;
- (IV) the specific assets, including any Authority (including copies of the Authorities) that the applicants propose to Transfer;
- (V) all agreements concerning the transaction including but not limited to: purchase and sale agreement, lease agreements, operating agreement, Encumbrances, security interests, stock agreements, repurchase agreements, promissory notes and/or operating agreements;
- (VI) an acknowledgment that by signing the application, the joint applicants represent the truth and accuracy of all statements in the application and supporting documents and understand and agree that:
 - (A) the filing of the application does not, by itself, constitute authority to execute the transfer;
 - (B) the applicants shall not undertake the proposed Transfer unless and until a Commission decision granting the application is issued;
 - (C) the granting of the application does not constitute the execution of the Transfer, but only represents the Commission's approval of the request for authority to Transfer or encumber;
 - (D) if a Transfer is granted, such Transfer is conditional upon:
 - (i) the existence of applicable, effective Tariffs for relevant services;
 - (ii) compliance with the statutes and all applicable Commission rules, including the Transferor's filing an Annual Report, complying with the rule on financial responsibility, updating the vehicle registry, and obtaining the periodic inspections of all vehicles and
 - (iii) compliance with all conditions established by Commission order; and
 - (E) if the application to Transfer is granted, the joint applicants shall notify the Commission if the Transfer is not consummated within 60 days of the proposed effective date stated in the application or if the proposed Transfer terms are changed prior to the consummation date. This notice shall include the

proceeding and decision number(s) which granted the authority to execute the Transfer.

- (d) The joint applicants may submit the required information by filing either an application or completing the Commission approved form on the website of the Commission.
- (e) The joint applicants may seek confidential or highly confidential treatment of information as provided in rule 1101 of the Commission's Rules of Practice and Procedure.

6207. Duplicating or Overlapping Authorities.

The Commission may cancel Duplicating or Overlapping Authorities that arise as a result of any grant, extension, or other modification to a Certificate or Contract Carrier Permit.

6208. Tariffs.

- (a) A Fully Regulated Intrastate Carrier shall not operate its Motor Vehicles without having approved Tariffs on file with the Commission.
- (b) A Fully Regulated Intrastate Carrier shall not operate in conflict with its approved Tariff or disseminate information contrary to that which is contained in its approved Tariff.
- (c) A Fully Regulated Intrastate Carrier shall keep on file with the Commission, at all times, approved Tariffs clearly showing rates and charges to be assessed for all transportation and accessorial services provided. The Tariff must also disclose all rules and conditions, and time Schedules, as applicable, relating to rates or service, shall be available for public inspection, at all reasonable times, in its office and posted on the website, if the carrier maintains a website.
- (d) Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period, or as otherwise ordered by the Commission.
- (e) A Common Carrier that is authorized to provide Taxicab Service shall publish, in its Tariffs, reduced fares applicable to each Passenger being transported under a Multiple Loading arrangement.
- (f) A Contract Carrier shall ensure that its Tariff, at a minimum:
 - (I) includes the names of the parties to the contract, the provisions regarding the scope and terms of transportation and accessorial services to be provided, and the date(s) and terms of the contract, including rates. A copy of the executed written contract may be filed in lieu of the requirement to provide dates, terms and rates of the contract;
 - (II) 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.
- (g) Notice. Within seven days of receipt of an Advice Letter and Tariff filing, the Commission will provide notice of the filing to affected parties by posting the filing in its E-Filings System.

- (h) Protests. Any Person affected by a Tariff change proposed under this rule may submit a written protest to the proposed change. Any protest must be filed sufficiently in advance of the effective date to permit Commission consideration before the Tariff becomes effective, generally at least ten days before the effective date of the proposed Tariff.
- (i) Any Person seeking to protest any portion of a rate, fare, classification or service not altered by the Motor 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.
- (j) A Fully Regulated Intrastate Carrier shall file additional supporting documentation upon the request of Commission staff. The documentation shall include an explanation of the circumstances and data relied upon to justify the proposed Tariff.

6209. Time Schedules.

- (a) A Common Carrier that has been granted Authority to provide Scheduled Service shall file time Schedules as part of the its Tariff. The time Schedule shall be filed on the form or in a format prescribed by the Commission. At minimum, time Schedules shall contain the following:
 - (I) an explanation of any symbols, reference marks, and abbreviations used;
 - (II) a list of all scheduled stops and all Flag Stops, including the address or description of the location, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate;
 - (III) a statement whether service is daily or otherwise; and
 - (IV) any other appropriate information regarding the service the Common Carrier desires to perform.
- (b) A Common Carrier may not operate its Motor Vehicles in Scheduled Service without having approved time Schedules on file with the Commission.
- (c) A Common Carrier shall not operate in conflict with its approved time Schedules.
- (d) A Common Carrier operating a Scheduled Service shall report in writing to the Commission and post to its website any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.
- (e) A Common Carrier shall drive by each Flag Stop in such proximity and speed as to be able to reasonably assess whether Passengers are waiting for service. Failure to stop for a waiting Passenger constitutes prima facie evidence of a violation of subparagraph 6202(b)(II).
- (f) A 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. If the Common Carrier maintains a presence on the Internet, its time Schedule must also be posted on its website(s) relevant to the Common Carrier's services.

6210. Contract Carrier Contracts.

- (a) 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) 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.

6211. Refusal of Service.

No Fully 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.

6212. Annual Reports.

- (a) Each Fully 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 Fully Regulated Intrastate Carrier shall complete all sections of the Annual Report applicable to said Fully Regulated Intrastate Carrier for the 12-month period ending on December 31 of the previous calendar year.
- (b) A Principal of the Fully Regulated Intrastate Carrier shall sign the certification of the Annual Report. In all Annual Report filings, the Fully 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. Forms of Payment.

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

6214. – 6249. [Reserved].

MOTOR CARRIERS PROVIDING TAXICAB SERVICE RULES

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6258 apply to all Motor Carriers providing Taxicab Service. Nothing in these 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. Notices.

- (a) Each Motor Carrier providing Taxicab service 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. 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.
- (b) 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.

The basis for calculating the rates charged, the amount of additional charges if any and the basis for them.

If the Taxicab Carrier serves DIA, the amount of the Flat Rate charges and a map showing the zones.

The amount of additional charges that 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.

- (c) In lieu of the above posting, the Taxicab Carrier may provide this information on a digital screen, on the condition that the screen is clearly visible to the Passenger.

6252. Service: Multiple Loading and Routing.

- (a) Multiple loading.
 - (I) No Taxicab Carrier, Large Market Taxicab Service carrier, or Taxicab Driver shall engage in Multiple Loading from a common point of origin or from separate locations unless the first Passenger agrees to the Multiple Load.
 - (II) Each Passenger shall pay a reduced fare and the Taxicab Driver shall advise each passenger that the charge from his/her origin to destination will be reduced. The amount by which the fare is to be reduced shall be a percentage of the original fare. The percentage decrease shall be named in the Taxicab Carrier's Tariff or the Large Market Taxicab Service carrier's schedule of rates.

- (b) Motor Carriers providing Taxicab Service 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 Motor Carrier providing Taxicab Service has first advised the Passenger regarding the extent of deviation from the shortest possible route.

6253. Record Keeping.

- (a) In addition to other requirements to maintain accurate records, a Motor Carrier providing Taxicab Service shall maintain in its files, either electronically or in hard copy, 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.

6254. Additional Service Requirements for Motor Carriers Providing Taxicab Service Operating Within or Between Counties with a Population Density of 40 or More People per Square Mile.

Motor Carriers providing Taxicab Service operating within or between counties with a population density of 40 or more people per square mile based on the most recent federal census are required to provide service 24 hours per day.

6255. Maximum Rates for Transportation to and from Denver International Airport and within the Denver Downtown Area.

Motor Carriers providing Taxicab Service 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 and rule 6208.

- (a) The zones established in this rule include the following:
 - (I) Zone A (Downtown Denver): Beginning at the intersection of 11th Avenue and Clarkson Street; the west on 11th Avenue to its intersection with Speer Boulevard; then north on Speer Boulevard to its intersection with 13th Avenue; then west on 13th Avenue to its intersection with Interstate 25; then north on Interstate 25 to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Delgany Street; then north on Delgany Street to its intersection with Denargo Street; then north on Denargo Street to its intersection with Arkins Court; then northeast on Arkins Court to its intersection with 38th Avenue; then southeast on 38th Avenue to its intersection with Marion Street; then south on Marion Street to its intersection with Lawrence Street; then southwest on Lawrence Street to its intersection with Park Avenue West; then southeast

on Park Avenue West to its intersection with Clarkson Street; then south 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): 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 56th Avenue and Genoa Street, then north on Genoa Street as extended to 72nd Avenue, then west for one mile along 72nd Avenue, then south along an imaginary line to 56th Avenue, then east along 56th Avenue to the point of the beginning.
- (b) Taxicab Drivers shall inform Passengers of the total charge prior to commencing the trip.
 - (c) The maximum rate for Taxicab Service between the following defined zones and DIA shall be no more than:
 - (I) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.
 - (II) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.
 - (III) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.
 - (IV) Zone D: The zone rate for transportation between DIA and any point in Zone D shall be \$24.00.
 - (V) In addition to the above maximum rates, the Taxicab Carrier may charge Access Fees as established by DIA for the use of its facilities for one trip levied upon the Taxicab.
 - (VI) A drop fee of no more than \$5.00 may be charged for each additional drop within the above zones required by members of one traveling party.
 - (d) Flat Rates within Zone A. The Maximum Rate within Zone A shall be no more than \$8.00, plus an additional \$3.00 drop off fee for each additional stop.
 - (e) 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.

6256. Motor Carriers Providing Taxicab Service License Plates.

- (a) Motor Vehicles used in the provision of Taxicab Service require a Taxicab license plate.
- (b) A Person providing Taxicab Service under Article 10.1 of Title 40, C.R.S. shall register all Motor Vehicles used for such purposes with the Colorado Department of Revenue and display the Taxicab license plates on the vehicles used in providing the services.
- (c) A Person providing Taxicab Service under an active Certificate or Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a Taxicab 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 Taxicab license plate unless the vehicle to which the license plates are attached is required to bear Taxicab license plates.
- (f) Any Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6257. 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 6205 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 Taxicab and Shuttle Service standards concerning the regulation of rates and charges pursuant to the requirements of rule 6208. Further, the Motor Carrier may pro-rate the application fee of \$111,250 over 12 months, paying 1/12th per month. If the Motor Carrier at any time elects not to proceed with the conversion, the Motor Carrier shall not owe the remaining amount of the prorated fee. If the Motor Carrier elects not to proceed with the conversion, the Motor Carrier is not entitled to the return of any amounts paid or any forgiveness for amounts already paid. This pro-rating of the fee is only applicable in the first year of the transition.

6258. - 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, employees, and Drivers. (The general rules and the safety rules also apply to Limited Regulation Carriers.)

6301. Definitions.

In addition to the definitions in rules 6001, 6017 and 6101, the following definitions apply to all carriers subject to these Limited Regulation Carrier rules:

- (a) “Charter Bus” means a Limited Regulation Carrier that provides transportation in a Motor Vehicle with a Seating Capacity of 33 or more, including the Driver, and provides service for a Person or group of affiliated Persons traveling for a common purpose, for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the Motor Vehicle, including selection of the origin, destination, route and intermediate stops. A Charter Bus does not provide service on a regular route or Schedule.
- (b) “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.
- (c) “Charter Order” means a paper or electronic document that memorializes the contract for Luxury Limousine or Off-Road Scenic Charter or Charter Bus service for a specific period of time reasonably calculated to fulfill the purpose of the contract. The Charter Order shall state the charge, the charge method, the name and telephone number of the parties to the contract, the pickup time and pick up address, and the type of Motor Vehicle that will be used. The Charter Order shall be maintained for at least one year following the provision of service and shall be provided to the parties to the contract and shall be available to the Commission upon request.
- (d) “Children’s Activity Bus” means a Limited Regulation Carrier that transports groups of eight or more children, 18 years of age or younger and their chaperones for trips that are sponsored by non-profit organization, and/ or transport children to and from school, school related activities, or school sanctioned activities that such transportation is not provided by the school or school district contractors to the school or school district. (§ 40-10.1-301(4), C.R.S.)
- (e) “Luxury Limousine Service” is a luxurious, specialized transportation service provided by a Luxury Limousine Carrier with great comfort, quality and ease of use that is not usually available from Common Carriers. The services provided are on a Prearranged Charter Basis memorialized in a contract prior to the provision of service.
- (f) “Medicaid Client Transport” is a Limited Regulation Carrier and means a service that uses a Motor Vehicle to transport Passengers who are recipients of Medicaid pursuant to Articles 4 to 6 of Title 25.5, C.R.S. and are being transported under a Medicaid Non-emergent Medical Transportation Contract or a Medicaid Non-Medical Transportation Contract. (§ 40-10.1-301(9), C.R.S.)

- (g) “Medicaid Non-emergent Medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing non-emergent medical transportation to approved recipients of Medicaid. (§ 40-10.1-301(10), C.R.S.).
- (h) “Medicaid Non-medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonmedical transportation to approved recipients of Medicaid. (§ 40-10.1-301(11), C.R.S.)
- (i) “Off-Road Scenic Charter” means a Limited Regulation Carrier that transports Passengers, on a Charter Basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads as that term is defined in § 40-10.1-301(12), C.R.S.
- (j) “Prearranged” or “Prearrangement” means that the Charter Order 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.
- (k) “Trip Ticket” means a document, electronic or paper, that contains the information that the Driver needs to fulfill the Prearranged service, such as customer or Passenger contact information, pickup and drop off time and location.

6302. Application and Permit.

- (a) No Person shall operate or offer to operate as a Limited Regulation Carrier, without obtaining the appropriate Permit by filing the appropriate application using a Commission approved form, available on its website. Each application requires supporting information which must be submitted with the application at the time of filing.
- (b) No Person shall request a Permit under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier shall not have taxi in its name.) If an application is filed in violation of this rule, the Commission shall not issue a Permit under such name.
- (c) The Motor Carrier must maintain the original or copy of its Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (d) In addition to completing and filing the Commission approved application form, a Motor Carrier shall:
 - (I) file the required proof of financial responsibility; and
 - (II) pay the required annual Vehicle Stamp fees, as set forth in rule 6102 or, if applicable, shall be in compliance with the UCR Agreement.
- (e) Applications for new Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 20 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable.

- (f) Applications for renewals of Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 180 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable
- (g) A Permit is valid for one year from the effective date.

6303. Luxury Limousine Exterior Vehicle Markings, Signs, or Graphics.

Instead of the vehicle marking requirements set forth in rule 6015, a Luxury Limousine Carrier is required to have only exterior markings on Motor Vehicles operated under its Permit, as detailed below:

- (a) The Carrier's Permit number preceded by "LL" or "PUC LL" or "CO PUC LL" shall be displayed on both sides of the vehicle or on the front and back of the vehicle.
- (b) The markings 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.
- (c) The Luxury Limousine Carrier has the option of including other markings, including company or trade name and phone number, on the vehicle, but is neither required to do so nor is it prohibited from including other markings

6304. Livery License Plates.

- (a) Motor 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 Motor 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 Colorado 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 Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6305. Luxury Limousine.

- (a) A "Luxury Limousine" means one of the following vehicles:
 - (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, Land Rover, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla, or Volvo; or
 - (B) Chrysler 300, Hyundai Equus, Toyota Avalon Livery Edition, Chevrolet Suburban, Chevrolet Tahoe, Ford Expedition, GMC Yukon, Hummer;
 - (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);
 - (IV) luxury 4 wheel drive, which is a Motor Vehicle that is a 4 wheel drive crew-cab pickup manufactured by Chevrolet, Ford, GMC, Nissan, Ram, or Toyota in the Limited, Platinum, or equivalent class;
 - (V) 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 (V) must have a current appraised retail value of at least \$15,000. 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 6117; and
 - (VI) any Motor Vehicle for which the Motor Carrier has paid \$50,000 or more, as evidenced by a copy of the dealer bill of sale submitted to the Colorado Department of Revenue on form DR2407, dated no more than 180 days prior to placing the vehicle into service.
- (b) A Person who believes that the Motor Vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation experience in the relevant market to be served. The notice and intervention period shall be ten days, after which time the Commission will consider the petition as soon as practical.
- (c) Age limits for Luxury Limousines shall be 15 years, with the age of the vehicle calculated as set forth in rule 6117. For vehicles older than eight model years and/or have more than 150,000 miles, the periodic safety inspection shall be completed semi-annually. After the Motor Vehicle reaches 225,000 miles, regardless of age, the inspections must occur every three months.

6306. 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.
- (b) 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.
- (c) 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.

- (d) 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 or Trip Ticket. However, the total charge for the specific period of time may be omitted or stricken from the copy of the Charter Order or Trip Ticket carried in each vehicle.
- (e) 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.
- (f) A Luxury Limousine Carrier shall provide the Charter Order or Trip Ticket immediately upon request by any Enforcement Official or Airport Official.
- (g) 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.

6307. Luxury Limousine Service – Presumptions.

- (a) A Person shall be presumed to have provided Luxury Limousine Service in violation of paragraph 6306(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.

6308. – 6399. [Reserved].

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[indicates omission of unaffected rules]