COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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

PART 6
RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the State of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a transportation carrier; insurance and registration requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including motor vehicle carriers (common carriers), contract carriers by motor vehicle, interstate carriers, hazardous materials carriers, towing carriers, household goods movers, and motor vehicle carriers exempt from regulation as public utilities (charter or scenic buses, children's activity buses, luxury limousines, off-road scenic charters, and property carriers by motor vehicle).

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-2-116, 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10-105(1), 40-10-105(2)(c), 40-10-107, 40-10-110, 40-10-111, 40-10-120(4), 40-11-103(1), 40-11-105, 40-11-106, 40-11-109, 40-11-115(4), 40-13-104(1), 40-13-105, 40-13-107, 40-13-110(1), 40-14-103(2)(c), 40-14-104(2), 40-14-108(1), 40-14-110, ~~40-16-105,~~ 40-16-103.6(1), 40-16-103.8, 40-16-104~~(1.5)~~, 40-16-105(1), 42-4-1809(2)(a), and 42-4-2108(2)(a), 42-20-202(1)(a), C.R.S.

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[signifies omission of unaffected rule sections]

6001. Definitions.

The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

(ss) "Luxury limousine" means ~~"luxury limousine" as that term is defined in § 40-16-101(3), C.R.S.~~ a motor vehicle, for hire on a prearranged, charter basis to transport passengers in luxury limousine service. Luxury limousine does not include a taxicab.

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6304. Exterior Signs or Graphics.

(a) Except as otherwise provided in these rules, no person shall place, or permit to be placed, any exterior signs or graphics on a luxury limousine.

(b) Signs or graphics located inside the luxury limousine that are readily legible from the outside shall be deemed to be exterior signs and graphics.

(c) For purposes of this rule ~~and § 40-16-101(3)(a)(I), C.R.S.~~, and except as specifically provided in paragraph (d) of this rule, "identified" is deemed to mean:

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

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

(d) Nothing in this rule shall prohibit the following:

(I) markings, signs, or graphics otherwise required by law, including those required by any rule of the Commission, the Colorado Department of Public Safety, the FMCSA, or an airport authority;

(II) markings, signs, or graphics attached by any law enforcement agency; or

(III) signs or graphics attached by the motor vehicle manufacturer or dealership for the purpose of identifying the manufacturer, dealership, or the motor vehicle's make or model.

6305. Luxury Limousine Features, Qualification, and Applications for Qualification.

(a) Features. Each luxury limousine carrier shall ensure that its motor vehicles, when in operation as luxury limousines or waiting to pickup a chartering party, are equipped with the following:

(I) A television. The television shall be operational and securely attached to the motor vehicle in a professional manner. An electronic media system such as DVD or VHS may be used in conjunction with a television receiver. The screen shall have a diagonal measurement of at least three inches, be visible to passengers seated to the rear of the driver, and be in compliance with 40 C.F.R., § 393.88.

~~(II) A telephone. The telephone shall at all times be accessible to the passengers and capable of making and receiving calls. An intercom system does not meet the requirements of this rule.~~

~~(III)~~(II) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be securely positioned inside a console or cabinet located inside the passenger compartment, to include any containment system, console and cup holder built into the motor vehicle by the manufacturer, and securely attached to the motor vehicle in a professional manner. The beverages are not required to be alcoholic in nature.

(b) Qualification. No person shall operate any motor vehicle as a luxury limousine unless such person has first received approval from the Commission, in accordance with one of the following processes, to operate as a luxury limousine:

(I) A luxury limousine carrier may receive approval following an inspection of the motor vehicle by an enforcement official of the Commission.

(II) In the alternative, a luxury limousine carrier may receive approval by:

(A) contacting an enforcement official of the Commission responsible for inspecting motor vehicles for qualification;

(B) adequately describing the motor vehicle to the enforcement official; and

(C) receiving written confirmation from such enforcement official that, based on the description given by the luxury limousine carrier, the subject motor vehicle meets relevant statutory and regulatory requirements for operation as a luxury limousine.

~~(c) A luxury limousine carrier may obtain approval using the qualification method contained in subparagraph (b)(II) only if that luxury limousine carrier has contacted an enforcement official of the Commission responsible for inspecting motor vehicles for qualification, has asked for an appointment for an inspection, and has been informed that the motor vehicle cannot be inspected within the next 24 hours.~~

~~(d) A luxury limousine carrier whose motor vehicle is approved using the qualification method contained in subparagraph (b)(II) must present the motor vehicle for inspection by an enforcement official of the Commission within two months of the date of qualification pursuant to subparagraph (b)(II).~~

~~(e) An approval received using the qualification method contained in subparagraph (b)(II) expires two months from the date of qualification pursuant to subparagraph (b)(II) and cannot be renewed or extended.~~

~~(f) No luxury limousine carrier can use the qualification method contained in subparagraph (b)(II) to qualify a motor vehicle as a luxury limousine more than one time per motor vehicle.~~

(g) Applications for qualification. If the Commission's enforcement official determines that a motor vehicle does not meet relevant statutory and regulatory requirements for operation as a luxury limousine, and the luxury limousine carrier disagrees with such enforcement official's determination, such luxury limousine carrier may file an application to the Commission for a hearing on the matter. In any such hearing, the luxury limousine carrier shall bear the burden of proving that the motor vehicle in question complies with relevant statutory and regulatory requirements.

(h) Disqualification. No person shall operate any motor vehicle as a luxury limousine if such motor vehicle has been disqualified to operate as a luxury limousine.

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6307. Regulations Incorporated by Reference.

(a) The Commission incorporates by reference the regulations published in 40 C.F.R. § 600.315-82, as revised on July 1, 200~~3~~6. No later amendments to or editions of the C.F.R. are incorporated

into these rules. Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact the Chief of Transportation at:

Colorado Public Utilities Commission
~~Office Level 2~~
~~1580 Logan Street~~1560 Broadway, Suite 250
Denver, Colorado 8020~~3~~2

Telephone: (303) 894-2850

(b) The material incorporated by reference may be examined at the offices of the Commission, ~~Office Level 2, 1580 Logan Street~~1560 Broadway, Suite 250, Denver, Colorado 8020~~3~~2, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except when such days are state holidays. The material incorporated by reference may also be examined at any state publications library.

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6308. ~~Discretionary Vehicle~~ Luxury Limousine Categories.

(a) ~~Discretionary vehicle, as used in § 40-16-101(3)(a)(IV)(E), C.R.S., means a motor vehicle that meets any~~ A luxury limousine shall fit one or more of the following categories:

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

(II) Executive car, which is ~~A~~a motor vehicle

(A) that has four doors, that meets or exceeds the interior volume index of 120 cubic feet for "large cars" in 40 C.F.R. § 600.315-82, and that is classified as a luxury sedan or sport utility vehicle in the fuel economy guide~~.~~; or

~~(III)~~(B) ~~A motor vehicle which~~ that is similar to a motor vehicle which falls within the parameters of subparagraph ~~(II)~~(A) but is so new that it is not yet listed in the fuel economy guide.

~~(IV)~~(III) Executive van, which is ~~A~~a motor vehicle, first, which is built on a cutaway chassis, which is a motor coach, or which is a motor vehicle that is classified as a van (but not a mini van) in the fuel economy guide; and, second, whose interior seating has been enhanced from standard bench seats by the installation of captain's chairs, couch seats, or similar seating.

~~(V)~~(IV) ~~A motor vehicle~~Other limousine, which is a classic, antique, or specially built motor vehicle that, at the time of registration as a luxury limousine, has a retail value of fifty thousand dollars or more.

(b) A ~~registrant seeking to qualify~~ luxury limousine carrier operating a motor vehicle pursuant to subparagraph (a)~~(V)~~(IV) of this rule shall upon request by enforcement personnel of the Commission supply proof of the retail value of the vehicle in the form of: reference to the most

recent available edition of the National Automobile Dealers Association "blue book" or other similar and widely-recognized publication which establishes the retail value of the vehicle; or a sales receipt or affidavit confirming the actual price of the vehicle.

6309. Luxury Limousine – Prearrangement Required.

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

~~(b) No person shall provide luxury limousine service, or a service ancillary to luxury limousine service, if that person either~~

~~(I) arranges provision of the service with the chartering party at the point of departure, or~~

~~(II) reserves the service in person (that is, not by mail, telephone, telefacsimile, or computer) with the chartering party, whether or not at the point of departure.~~

6310. Presumption of Providing Luxury Limousine Service.

(a) A person shall be presumed to have provided luxury limousine service in violation of ~~§ 40-16-102.5, C.R.S.~~rule 6309 if, without prearrangement, such person:

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

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

(III) negotiates the immediate availability of, or the price for immediate use of, the luxury limousine at 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 may rebut the presumption created in paragraph (a) by competent evidence.

6311. Luxury Limousine – Operational Requirements.

(a) A luxury limousine carrier shall, at all times when providing service, carry in each vehicle a charter order containing the name, telephone number, and pickup address of the chartering party who has arranged for use of the vehicle. A luxury limousine carrier shall not station a luxury limousine at an airport, in front of or across the street from a hotel or motel, or within one hundred feet of a recognized taxicab stand without the completed charter order in the vehicle.

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

~~6311~~6312. Exempt Passenger Carrier Violations, Civil Enforcement, and Civil Penalties.

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

(I) ~~§ 40-16-102.5, C.R.S., with regard to providing service that is not prearranged; or r~~Rule 6309.

(II) § 40-16-103, C.R.S., with regard to offering service without being registered; or rule 6302.

(b) Except as provided in paragraph (a) of this rule, a person who violates any provision of Article 16 of Title 40, C.R.S., or any provision of these Exempt Passenger Carrier Rules may be assessed a civil penalty of up to $275.00 for each violation.

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