COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 6
RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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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), 40-16-104(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.

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, exempt intrastate carriers, towing carriers, household goods movers, and interstate carriers, as defined herein. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, and 6600.

Nothing in this Part 6, the "6000" series, shall be construed to apply to a secured creditor or assignee (principal), or repossessor (agent), or to the repossession of a motor vehicle by a secured creditor or assignee (principal), or repossessor (agent), when repossessing pursuant to § 4-9-503.5, C.R.S.

6001. Definitions.

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

(a) "Authority" means a common carrier certificate, a contract carrier permit, or an emergency temporary authority or a temporary authority issued by the Commission to a regulated intrastate carrier.

(b) "Common carrier certificate" means "certificate of public convenience and necessity" as that term is used in Article 10 of Title 40, C.R.S.

(c) "C.F.R." means the Code of Federal Regulations.

(d) "Common carrier" means "motor vehicle carrier" as that term is defined in § 40-10-101(4), C.R.S.

(e) "Common and Contract Carrier Rules" means rules 6200 through 6299, inclusive.

(f) "Contract carrier" means "contract carrier by motor vehicle" as that term is defined in § 40-11-101(3), C.R.S.

(g) "Contract carrier permit" means a permit issued by the Commission pursuant to § 40-11-103, C.R.S.

(h) "Duplicating or overlapping authority" means transportation in the same type of service between the same points under two or more separate common or contract carrier authorities which are held by the same regulated intrastate carrier.

(i) "Driver" means any person driving a motor vehicle, including an independent contractor.

(j) "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.

(k) "Enforcement official" means authorized personnel of the Commission, the Colorado Department of Revenue, the Colorado State Patrol, and any other law enforcement agency.

(l) "Exempt interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado pursuant to federal exemptions or partial exemptions from economic regulation, as described in § 40-10-120(3) and 40-11-115(3), C.R.S.

(m) "Exempt intrastate carrier" means "motor vehicle carrier exempt from regulation as a public utility" as that term is defined in § 40-16-101(4), C.R.S.

(n) "Exempt passenger carrier" means "motor vehicle carrier exempt from regulation as a public utility" as that term is defined in § 40-16-101(4), C.R.S., except property carriers by motor vehicle.

(o) "Exempt passenger carrier registration" means the registration issued to an exempt passenger carrier pursuant to § 40-16-103, C.R.S.

(p) "Exempt Passenger Carrier Rules" means rules 6300 through 6399, inclusive.

(q) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.

(r) "Form BMC 35" means Notice of Cancellation of Motor Carrier Insurance.

(s) "Form BMC 36" means Notice of Cancellation of Motor Carrier Surety Bond.

(t) "Form BMC 91" or "Form BMC 91X" means a Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance, executed by an authorized representative of the insurer.

(u) "Form BMC 91MX" means a Motor Carrier Automobile Bodily Injury and Property Damage Liability Surety Bond, executed by an authorized representative of the surety.

(v) "Form BOC-3" means the form designating an agent for service of process required under 49 C.F.R. Part 366.

(w) "Form D-1" means a NARUC Uniform Identification Cab Card for motor vehicle or driveaway operations conducted by an exempt interstate carrier.

(x) "Form E" means a NARUC Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.

(y) "Form G" means a NARUC Form G Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, executed by a duly authorized agent of the surety.

(z) "Form H" means a NARUC Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.

(aa) "Form J" means a NARUC Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.

(bb) "Form K" means a NARUC Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.

(cc) "Form L" means a NARUC Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.

(dd) "Form MCS 82" means a Motor Carrier Public Liability Surety Bond, executed by an authorized representative of the surety.

(ee) "Form MCS 90" means an Endorsement for Motor Carrier Policies of Insurance for Public Liability, executed by an authorized representative of the insurer.

(ff) "Form RS-3 registration receipt" means a receipt issued to a regulated interstate carrier indicating that the required financial responsibility has been filed with the Commission and fees have been paid.

(gg) "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.

(hh) "GVWR" means gross vehicle weight rating, the value specified by the manufacturer as the loaded weight of a single motor vehicle. For purposes of the definition of "GVWR," "manufacturer" means the final person modifying the physical structure of a motor vehicle, such as when a motor vehicle's wheelbase is stretched in a luxury limousine.

(ii) "Hazardous materials carrier" a transportation carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S.

(jj) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.

(kk) "Household goods" means "household goods" as that term is defined in § 40-14-102(7), C.R.S.

(ll) "Household goods mover" means "mover" as that term is defined by § 40-14-102(9), C.R.S.

(mm) "Household Goods Mover and Property Carrier Rules" means rules 6600 through 6699, inclusive.

(nn) "Household goods mover registration" means the registration issued to a household goods mover pursuant to § 40-14-103, C.R.S.

(oo) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.

(pp) "Interstate carrier" means a "regulated interstate carrier" or an "exempt interstate carrier," as those terms are defined in this rule.

(qq) "Interstate Carrier Rules" means rules 6400 through 6499, inclusive.

(rr) "Letter of authority" means a document issued by the Commission to a common or contract carrier, which specifies the authorized type of service, the authorized geography of service, and the restrictions applied against the authorized service. Common or contract carriers authorized by Commission Order to operate under a temporary or emergency temporary authority are not issued a letter of authority. Letters of authority are deemed to provide proof of Commission-granted common or contract carrier authority.

(ss) "Luxury limousine" means "luxury limousine" as that term is defined in § 40 16 101(3), C.R.S.

(tt) "Multiple loading" means the sharing of a taxicab ride, or portion thereof, by individuals or parties who are not traveling together, who agree to share a cab to destinations in the same area or along the same route, and who depart from a common origin. When radio dispatched, multiple loading may be initiated from points other than those of common origin.

(uu) "NARUC" means the National Association of Regulatory Utility Commissioners.

(vv) "Nuclear materials carrier" means a transportation carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S.

(ww) "Office and specialty goods" means:

(I) Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; except that this subparagraph shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment, or a portion thereof, from one location to another; and

(II) Articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods; except that this subparagraph shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

(xx) "Operating right" means a towing carrier permit, a household goods registration, an exempt passenger carrier registration, a property carrier registration, or an interstate carrier registration.

(yy) "Passenger," except as otherwise specifically defined or contextually required, means any person, other than a driver, occupying a motor vehicle.

(zz) [Reserved]

(aaa) "Property carrier" means "property carrier by motor vehicle," as that term is defined in § 40-16-101(6.5), C.R.S.

(bbb) "Property carrier registration" means the registration issued to a property carrier pursuant to § 40-16-103, C.R.S.

(ccc) "Regulated interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado under authority issued by the FMCSA, as described in §§ 40-10-120(2) and 40-11-115(2), C.R.S.

(ddd) "Regulated intrastate carrier" means a common carrier and/or a contract carrier.

(eee) "Safety Rules" means rules 6100 through 6199, inclusive.

(fff) "Seating capacity"

(I) Except as otherwise specifically defined or contextually required, and in the absence of the manufacturer-rated number of seating positions in a motor vehicle, "seating capacity" means the greatest of the following:

(A) the total number of seat belts, including the driver's, in a motor vehicle; or

(B) the number generated by adding:

(i) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;

(ii) the number of single-occupancy seats, including the driver's seat if it is not part of a split-bench seat; and

(iii) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number.

(II) In all cases, any auxiliary seating positions such as folding jump seats shall be counted in determining seating capacity.

(III) For purposes of the definition of "seating capacity," "manufacturer" means the final person modifying the physical structure of a motor vehicle, such as when a motor vehicle's wheelbase is stretched in a luxury limousine.

(ggg) "SSRS" means the Single State Registration System, the insurance registration system for regulated interstate carriers implemented by 49 U.S.C. § 14504 and 49 C.F.R. Part 367.

(hhh) "Taxicab Carrier Rules" means rules 6250 through 6259, inclusive.

(iii) "Taxicab" means a passenger-carrying motor vehicle for public hire, with a maximum seating capacity of eight, operating on a call-and-demand basis, the first passenger therein having exclusive use of the motor vehicle unless such passenger agrees to multiple loading.

(jjj) "Towing carrier" means "towing carrier" as defined by § 40-13-101(3), C.R.S.

(kkk) "Towing carrier permit" means the permit issued by the Commission to a towing carrier pursuant to § 40-13-103(1), C.R.S.

(lll) "Towing Carrier Rules" means rules 6500 through 6599, inclusive.

(mmm) "Transportation carrier" means common carrier, contract carrier, towing carrier, household goods mover, exempt intrastate carrier, or interstate carrier.

(nnn) "Type of service" means any one of the following services: charter, limousine, sightseeing, taxicab, or scheduled, as those terms are defined by rule 6201.

(ooo) "Voluntary suspension" means a suspension sought by a transportation carrier.

6002. Applications.

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

(a) For the grant or extension of authority to operate as a regulated intrastate carrier, as provided in rule 6203.

(b) To abandon or voluntarily suspend an authority to operate as a regulated intrastate carrier, as provided in paragraph 6204(b).

(c) To encumber or transfer any authority to operate as a regulated intrastate carrier, to acquire control of any regulated intrastate carrier, or to merge or consolidate a regulated intrastate carrier with any other entity, as provided in rule 6205.

(d) To amend a tariff on less than statutory notice, as provided in paragraph 6207(~~k~~j).

(e) To qualify a motor vehicle as a luxury limousine after an enforcement official of the Commission has determined that the motor vehicle does not meet relevant statutory or regulatory requirements, as provided in paragraph 6305(b).

(f) For a permit to operate as a towing carrier, as provided in rule 6503.

(g) For any other matter provided by statute or rule but not specifically described in this rule.

6003. Petitions. [Reserved].

6004. Registrations.

Transportation carriers may seek Commission action regarding any of the following matters through the filing of an appropriate registration:

(a) For registration as an exempt passenger carrier, as provided in rule 6303.

(b) For registration as a regulated interstate carrier, as provided in rule 6403.

(c) For registration as an exempt interstate carrier, as provided in rule 6404.

(d) For registration as a property carrier or household goods mover, as provided in rule 6603.

6005. Records.

(a) Unless a period of record retention is specified in a rule, transportation carriers shall maintain the records required by these rules for a period of three years.

(b) The records may be kept in either a written or electronic format.

(c) Upon receipt of a records request by an enforcement official, except as otherwise required by these rules or an order of the Commission, the records must be made available to such enforcement official pursuant to the following timelines:

(I) Immediately for any records required to be maintained in a motor vehicle or with the driver, towing authorizations, household goods mover contracts for service, or any records related to insurance or safety;

(II) Within two days for any records related to a complaint investigation; or

(III) Within ten days for all other records.

(d) When a request under paragraph (c) of this rule meets multiple standards under subparagraphs (c)(I) through (III), the strictest standard shall apply.

6006. Reports, Name Changes, Address Changes, and Address Additions.

(a) Each common carrier and contract carrier shall submit its annual report, as prescribed by rule 6212.

(b) Within two days of receipt of all supporting documentation required by this paragraph, each transportation carrier shall file a signed report with the Commission detailing any change of name or address on file with the Commission. Such a filing shall indicate all the affected transportation carrier's common carrier certificate, contract carrier permit, towing carrier permit, or registration numbers. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State and/or the Colorado Department of Revenue.

(I) In the event of a name change or an address change, the transportation carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility filings.

(II) No name change shall be effective until proper proof of financial responsibility in the transportation 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.

6007. Financial Responsibility.

(a) Financial responsibility requirements:

(I) Motor vehicle liability coverage. Every transportation carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing ~~the same~~ coverage that conforms with the requirements of this rule. Motor vehicle liability means liability for bodily injury and property damage.

(II) Cargo liability coverage. Every household goods mover, property carrier, and towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing ~~the same~~ coverage that conforms with 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.

(III) 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 that conforms with the requirements of this rule.

(IV) General liability coverage. Every household goods mover shall obtain and keep in force at all times general liability insurance coverage or a surety bond providing ~~the same~~ coverage that conforms with the requirements of this rule. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage.

(b) Financial responsibility, minimum levels. The minimum levels of financial responsibility are prescribed as follows:

(I) Motor vehicle liability coverage.

(A) Motor vehicle liability coverage shall be combined single limit liability.

(B) Schedule of limits:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Common and Contract Carriers	8 or less	$ 500,000
	9 through 15	$1,000,000
	16 through 32	$1,500,000
	33 or more	$5,000,000
Exempt Passenger Carriers:	15 or less	$1,000,000
	16 through 32	$1,500,000
~~Charter or Scenic Bus~~	33 or more	$5,000,000 or, for public entities, the maximum amount per § 24-10-114(1) C.R.S.
~~Luxury Limousine~~	~~15 or less~~	~~$1,000,000~~
	~~16 through 32~~	~~$1,500,000~~
	~~33 or more~~	~~$5,000,000~~
~~Off-Road Scenic Charter~~	~~Any size~~	~~$1,000,000~~
~~Children's Activity Bus~~	~~Any size~~	~~$1,000,000~~
Property Carrier or Household Goods Mover	10,000 pounds or more GVWR	$ 750,000
	Less than 10,000 pounds GVWR	$ 300,000
Towing Carriers	Any GVWR	$ 750,000
Interstate Carriers	See 49 C.F.R. Part 387	In amounts required by 49 C.F.R. Part 387

(C) Transportation carriers may obtain a certificate of self-insurance issued pursuant to §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R.

(II) Cargo liability coverage.

(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 person or 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) Except as provided in subparagraphs (II)(B)(i) or (ii), for property carriers, the minimum level of cargo liability coverage shall be $10,000.00 for loss of or damage to property carried on any one motor vehicle, or an amount adequate to

cover the value of the property being transported, whichever is less, unless the shipper and the property carrier otherwise agree by written contract to a lesser amount.

(i) A property carrier transporting commodities other than office and specialty goods is exempt from subparagraph (II)(B) if the property carrier submits to the Commission a signed statement reading as follows:

I swear that the only commodities transported by [name of company] either:

[ ] have an aggregate value of $500.00 or less, or

[ ] are not subject to appreciable loss or damage due to their physical characteristics.

(ii) For a property carrier transporting office and specialty goods the minimum level of cargo liability coverage shall be $10,000.00 for loss of or damage to office or specialty goods carried on any one motor vehicle, or sixty cents ($.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) For household goods carriers, the minimum level of cargo liability coverage shall be $10,000.00 for loss of or damage to household goods carried on any one motor vehicle, or sixty cents ($.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.

(III) 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 or persons, other than the insured, which is stored by the towing carrier directly or through an agent.

(IV) For household goods movers, the minimum general liability coverage shall be $500,000.00.

(c) Except as provided in paragraph (d), the transportation 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 an interstate carrier, is provided in accordance with § 387 of 49 C.F.R.; 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 (b) of this rule;

(III) covers all motor vehicles which may be operated by or for the transportation carrier, or which may be under the control of the transportation 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 transportation 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 transportation carrier regardless of the level of funds in the retained risk pool; and

(VI) does not permit a transportation carrier to pay insurance or surety benefits directly to a party damaged by said transportation 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 transportation carrier's insurance or surety policy.

(d) The provisions of subparagraphs (IV) through (VI) of paragraph (c) shall not apply to transportation carriers with regard to proof of self-insurance pursuant to 49 C.F.R. Part 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S.

(e) The transportation carrier shall retain each original insurance or surety policy for required coverage, make such policies available for inspection by authorized personnel of the Commission, and keep a copy of its proof of motor vehicle liability coverage in each motor vehicle that it operates.

(f) The transportation carrier shall cause to be filed with the Commission the appropriate form in lieu of the original policy as follows:

(I) Motor vehicle liability coverage.

(A) For all common carriers, contract carriers, exempt intrastate carriers, household goods movers, and towing carriers, a Form E or G.

(B) For common carriers, contract carriers, exempt intrastate carriers, household goods movers, and towing carriers obtaining a certificate of self-insurance under the provisions of §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R., a copy of said certificate of self-insurance. Upon renewal of the certificate of self-insurance, the common carrier, contract carrier, exempt intrastate carrier, household goods mover, or towing carrier shall file a copy of the most current version of such certificate of self-insurance.

(C) For interstate carriers, such forms as are required by 49 C.F.R. Part 387.

(II) Cargo liability coverage. For all property carriers, household goods movers, or towing carriers, a Form H or J. For a towing carrier, a Colorado Form 12-INS may be used in lieu of the Form H.

(III) Garage keeper's liability coverage. For all towing carriers, a Colorado Form 14-INS.

(IV) General liability coverage. For all household goods movers, a Colorado Form GL.

(g) All forms referred to in this rule are available from the Commission.

(h) The transportation carrier shall ensure that the policy and the forms noted in this rule contain the transportation carrier's exact name, trade name (if any), and address as shown in the records of the Commission; and

(i) Any subsequent changes of name, address, or policy number shall be reflected by the filing of an appropriate endorsement or amendment with the Commission.

(j) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.

(k) Except as provided in paragraph (l) of this rule, ~~E~~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 Form K, Form L, 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.

(l) Administrative cancellation of certificates of insurance and/or surety bond.

(I) When a new certificate of insurance and/or surety bond is received by the Commission, all certificates of insurance and/or surety bond for the same type and category of coverage with an older effective date shall be administratively cancelled. For purposes of this paragraph, type of coverage means those listed in paragraph (f) of this rule, and category of coverage means primary coverage or excess coverage.

(II) When the Commission receives notice from a transportation carrier to cancel all of its authorities and operating rights, all certificates of insurance and/or surety bond for the transportation carrier shall be administratively cancelled.

(~~l~~m) Common and contract carriers operating under a waiver or variance of the insurance limits shall:

(I) Post the following notice in each of its passenger motor vehicles affected by the waiver or variance, disclosing the appropriate amounts in the blanks of said notice:

NOTICE

The Public Utilities Commission's rules generally require $_____ amount of insurance on a motor vehicle of this size. However, the Commission has authorized this company to operate with $_____ of combined single limit liability insurance. This limit may not cover the total amount of a claim in the event of a serious accident.

(II) Print such notice in letters of not less than 14-point size and posted in a manner that makes it readily visible to each passenger.

6008. Summary Suspensions and/or Revocations for Lack of Financial Responsibility.

(a) Common carriers, contract carriers, household goods movers, exempt intrastate carriers, hazardous materials carriers, nuclear materials carriers, or towing carriers.

(I) Whenever Commission records indicate that a common carrier's, contract carrier's, household goods mover's, exempt intrastate carrier's, hazardous materials carrier's, nuclear materials carrier's, or towing carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to § 24-4-104(3) and (4), C.R.S., summarily suspend such common carrier, contract carrier, household goods mover, exempt intrastate carrier, or towing carrier's authority or operating right, or hazardous materials carrier or nuclear materials carrier's permit,. The summary suspension shall be effective on the date of coverage cancellation.

(II) The Commission shall ~~serve a Complaint and Notice of Suspension and Hearing upon such a common carrier, contract carrier, household goods mover, or towing carrier. Such Complaint and Notice shall advise~~ advise the common carrier, contract carrier, household goods mover, exempt intrastate carrier, hazardous materials carrier, nuclear materials carrier, or towing carrier:

(A) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;

(B) that its authority or operating right is summarily suspended as of the coverage cancellation date;

(C) that it shall not conduct operations under any of its authorities, ~~or~~ operating rights or permits after the coverage cancellation date;

(D) that the Commission has initiated complaint proceedings to revoke its authorities, ~~or~~ operating rights, or permits;

(E) that it may submit, at a hearing convened to determine whether its authorities, ~~or~~ operating rights, or permits should be revoked, written data, views, and arguments showing why such authorities, ~~or~~ operating rights, or permits should not be revoked; and

(F) the date, time, and place set for such hearing.

(III) Until proper proof of insurance or surety coverage is filed with the Commission, a common carrier, contract carrier, household goods mover, exempt intrastate carrier, hazardous materials carrier, nuclear materials carrier, or towing carrier receiving notice of summary suspension shall not, under any of its authorities, ~~or~~ operating rights, or permits, conduct operations after the effective date of such summary suspension.

(IV) If the Commission receives proper proof of coverage prior to the hearing, the summary suspension and complaint will be dismissed without further order of the Commission,

even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.

(V) If the Commission receives proper proof of coverage prior to revocation, the Commission shall dismiss the summary suspension and complaint, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.

(b) Exempt interstate carriers ~~and exempt intrastate carriers~~. Whenever Commission records indicate that an exempt interstate carrier's ~~or an exempt intrastate carrier's~~ required insurance or surety coverage is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall:

(I) Prior to coverage cancellation, mail notice to said exempt interstate ~~or exempt intrastate~~ carrier indicating that its required coverage will be cancelled and that the exempt interstate ~~or exempt intrastate~~ carrier's registration to operate will be revoked on the date of coverage cancellation; and

(II) After coverage cancellation, immediately revoke the exempt interstate ~~or exempt intrastate~~ carrier's registration and mail notice to said carrier indicating that its required coverage has been cancelled and that the exempt interstate ~~or exempt intrastate~~ carrier's registration to operate has been revoked.

~~(c) Hazardous materials carriers and nuclear materials carriers. Whenever Commission records indicate that a hazardous materials carrier's and nuclear materials carrier's required insurance or surety coverage is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall:~~

~~(I) Prior to coverage cancellation, mail notice to said hazardous materials carriers or nuclear materials carrier indicating that its required coverage will be cancelled and that the hazardous materials carriers or nuclear materials carrier's hazardous materials permit or nuclear materials permit will be suspended or revoked as provided for in §§ 42-20-205 or 42-20-506, C.R.S.; and~~

~~(II) After coverage cancellation:~~

~~(A) immediately revoke the hazardous materials permit as provided for in § 42-20-205, C.R.S., and mail notice to the hazardous materials carrier indicating that its required coverage has been cancelled and that the hazardous materials carrier's hazardous materials permit has been revoked; or~~

~~(B) either suspend or revoke the nuclear materials permit as provided for in § 42-20-506, C.R.S., and mail notice to the nuclear materials carrier indicating that its required coverage has been cancelled and that the nuclear materials carrier's nuclear materials permit has been either suspended or revoked.~~

(~~d~~c) If, due to an administrative error or omission of the Commission staff, an authority or operating right is suspended or revoked for lack of financial responsibility coverage, such authority or operating right shall, without a hearing, be retroactively reinstated as of the effective date of the

proof of coverage. Staff shall document in its files the correction of such administrative error or omission.

6009. Annual Motor Vehicle Identification Fees.

(a) Every transportation carrier shall pay to the Commission an annual identification fee of five dollars before the first day of January of each calendar year, for each motor vehicle that such transportation carrier owns, controls, operates, or manages within the State of Colorado as set forth in § 40-2-110.5, C.R.S.

(b) A transportation carrier that obtains an authority or operating right during the calendar year shall, unless the Commission orders otherwise, pay the annual identification fees at the time of obtaining the authority or operating right.

(c) A transportation carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual identification fees prior to placing the additional vehicle(s) into service.

(d) Annual identification fees shall be valid only for the calendar year for which they are purchased.

(e) Proof of payment of each annual identification fee shall be in the form of a vehicle identification stamp issued by the Commission; except that a Form RS-3 shall be issued to a regulated interstate carrier registered under the SSRS.

(I) Except as provided in subparagraphs (II) or (III) of this paragraph, a transportation carrier shall not operate a motor vehicle unless it has affixed a valid vehicle identification stamp to the inside lower right-hand corner of the motor vehicle's windshield.

(II) Except as provided in subparagraph (III) of this paragraph, transportation carriers that are also exempt interstate carriers shall carry a Form D-1 with the identification stamp on the back of the cab card in the square bearing the name of the State of Colorado in lieu of affixing the vehicle identification stamp to the windshield.

(III) Transportation carriers that are also regulated interstate carriers registered under the SSRS shall carry a copy of the current year's Form RS-3 Registration Receipt in each motor vehicle in lieu of affixing the vehicle identification stamp to the windshield or to the Form D-1.

(f) Transportation carriers using a motor vehicle in both interstate and intrastate operations need only pay the annual identification fees associated with interstate operations for that motor vehicle.

6010. Letter of Authority, Permit, and Registration.

(a) Every transportation carrier shall maintain a copy of the following in each motor vehicle it owns, controls, operates, or manages under an authority or operating right:

(I) For every common and contract carrier a copy of its current letter of authority or a copy of the letter from the Commission advising service may be initiated under an emergency temporary authority or a temporary authority;

(II) For every exempt intrastate carrier a copy of its letter of registration;

(III) For every towing carrier a copy of its towing carrier permit;

(IV) For every household goods mover a copy of its letter of registration;

(b) The transportation carrier shall, upon request, present the copy of its letter of authority, letter of registration, or towing carrier permit to any enforcement official.

6011. Designation of Agent.

(a) Each transportation carrier shall file in writing with the Commission, and shall maintain on file, its designation of the name and address of a person upon whom service may be made of any lawful notice, order, process, or demand. The named person is the transportation carrier's designated agent. A transportation carrier shall not designate the Secretary of State of the State of Colorado. The person designated, if a natural person, shall be at least 18 years of age. The address of the person designated shall be in the State of Colorado. An interstate carrier shall file its designation using Form BOC-3. Except for an interstate carrier, the transportation carrier shall provide a signed statement by the designated agent indicating that person has approved the designation.

(b) Each transportation carrier shall notify the Commission of any changes in the designated agent's identity, name, or address by filing a new designation within two days of receiving the information related to such change.

(c) Service upon a transportation carrier's named designated agent, as filed with the Commission, shall be deemed to be service upon the transportation carrier.

6012. Leasing of Motor Vehicles.

(a) For purposes of this rule, "lessee" means a common carrier, contract carrier, or towing carrier, and "lessor" means the motor vehicle owner.

(b) Subject to the requirements of this rule, a lessee may lease one or more motor vehicles for use in the lessee’s fleet. Nothing in this rule shall be construed to:

(I) make an independent contractor an employee of the lessee; or

(II) prohibit the leasing or re-leasing of motor vehicles pursuant to Article 11.5 of Title 40, C.R.S.

(c) The lessee shall ensure that leases are in writing on a form supplied by the Commission. The lease shall contain: the name and signature of the lessor; the name and signature of the lessee; the date of the agreement; for each motor vehicle subject to the lease, the motor vehicle’s make, model, year, and identification number; the period covered by the lease; and the consideration to be paid by the lessee. Nothing in this rule precludes the use of a more comprehensive lease supplementing the Commission’s lease form. The lessee shall ensure that any supplemental lease provisions do not conflict with the required information of the Commission's lease form.

(d) The lessee shall ensure that a copy of the lease is carried in each leased motor vehicle during the time that the lease is effective.

(e) The lessee shall ensure that a copy of the lease is kept in the lessee's files during the time that the lease is effective and for six months after the date on which the last motor vehicle covered by the lease leaves the lessee's control.

(f) During the existence of the lease, the lessee shall have full discretion and complete control of the leased motor vehicle and shall be fully responsible for its operation in accordance with applicable law. This responsibility includes, but is not limited to, compliance with marking requirements, safety of the motor vehicle and its equipment and accessories, and all financial responsibility.

(g) Unless the type of notice is specified in the lease, either the lessee or the lessor may cancel the lease at any time by giving either written or oral notice to the other party to the lease.

6013. Notice.

Notice sent by any person to the transportation carrier's address on file with the Commission shall constitute prima facie evidence that the transportation carrier received the notice.

6014. Waivers.

A transportation carrier that has obtained a waiver of any rule in this Part 6 shall:

(a) If the waiver pertains to a motor vehicle: maintain a copy of the waiver in (1) the affected motor vehicle, and (2) the transportation carrier's motor vehicle maintenance files.

(b) If the waiver pertains to a driver: ensure that a copy of the waiver is (1) carried on the affected driver's person whenever the driver is operating a motor vehicle over which the Commission has jurisdiction, and (2) maintained in the affected driver's qualification file.

(c) If the waiver pertains to any matter not listed in paragraphs (a) or (b) of this rule: maintain a copy of the waiver at the transportation carrier's primary place of business.

6015. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

(a) A violation of subparagraph (a)(I) or (b)(I)(B) of rule 6007 may result in the assessment of a civil penalty of up to $11,000.00 for each violation.

(b) Any person subject to § 40-2-110.5, C.R.S., who operates a motor vehicle without having paid the annual identification fee, or who violates any provision of rule 6009, may be assessed a civil penalty of up to $400.00 for each violation.

(c) Except as provided for in paragraph (a) or (b) of this rule, a person who violates any provision of rules 6000 through 6014 may be assessed a civil penalty of up to $275.00 for each violation.

(d) Pursuant to § 40-7-114, C.R.S., a person, whose driver operates a motor vehicle in violation of applicable statutes or these Rules Regulating Transportation by Motor Vehicle, may be assessed a civil penalty for such violation.

(e) Notwithstanding any provision in these rules to the contrary, the Commission may assess double or triple civil penalties against any person, as provided by statute and this rule.

(f) The Commission may assess any person a civil penalty containing doubled penalties if:

(I) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;

(II) the conduct for which doubled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;

(III) the conduct for which doubled penalties are sought occurred within one year after the conduct which resulted in the issuance of a civil penalty assessment notice; and

(IV) the conduct for which doubled penalties are sought occurred after the person's receipt of the prior civil penalty assessment notice.

(g) The Commission may assess any person a civil penalty containing tripled penalties if:

(I) the person engaged in two or more instances of prior conduct which resulted in the issuance of two or more prior civil penalty assessment notices;

(II) the conduct for which tripled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;

(III) the conduct for which tripled penalties are sought occurred within one year after the two most recent prior instances of conduct cited in the prior civil penalty assessment notices; and

(IV) the conduct for which tripled penalties are sought occurred after the person's receipt of two or more prior civil penalty assessment notices.

(h) When more than two instances of prior conduct exist, the Commission shall only consider those instances occurring within one year prior to the conduct for which triple penalties are sought.

(i) Nothing in this rule shall preclude the assessment of triple penalties when double and triple penalties are sought on the same civil penalty assessment notice.

(j) The Commission shall not issue a decision on double or triple penalties until after the effective date of the Commission decision upon which the double or triple penalties are based.

(k) If the respondent pays the double or triple penalties prior to the effective date of the Commission decision upon which the double or triple penalties are based, and such Commission decision finds the respondent not liable for the violation(s), on its own motion the Commission shall refund the appropriate amount of any over payment. By way of example, if the respondent pays a double penalty and is later found not liable for the first violation upon which the double penalty is based, the Commission shall retain one half of the double penalty amount and refund the other half to the respondent. Likewise, for payment of the reduced amount provided in paragraph (l) of this rule, the Commission shall make an appropriate proportional refund.

(l) The civil penalty assessment notice shall contain the maximum penalty amount provided by rule for each individual violation noted, with a separate provision for a reduced penalty of 50% of the maximum penalty amount if paid within ten days of receipt of the civil penalty assessment notice.

6016. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

(a) Except as set forth in paragraphs (b) and (c) of this rule, Rules 6100 through 6199 apply to:

(I) common carriers, contract carriers, and exempt passenger carriers;

(II) household goods movers and property carriers operating motor vehicles with a GVWR of less than 26,001 pounds; and

(III) the employees and commercial motor vehicles of the transportation carriers listed in (a)(I) and (II) above.

(b) In addition to the other applicability provisions of this rule, paragraph (a) of rule 6103 shall also apply to towing carriers.

(c) Unless otherwise specifically provided, these Safety Rules do not apply to transportation performed by the federal government, a state, or an agency established under a compact between states that has been approved by the Congress of the United States.

(d) Certain transportation carriers may be subject to the rules of the Colorado Department of Public Safety. Said rules may be applicable either in addition to or in lieu of the Commission's Safety Rules. In order to determine the applicability of the rules of the Colorado Department of Public Safety, please consult 8 CCR 1507-1.

6101. Definitions.

In addition to the generally applicable definitions in rule 6001, and those incorporated from federal law in rule 6102, the following definitions apply only in the context of 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", for purposes of those rules incorporated by reference, means a motor vehicle operated by a transportation carrier. Notwithstanding the foregoing, for purposes of the incorporated rules found in 49 C.F.R. Part 382 (concerning drug and alcohol testing), the definition of commercial motor vehicle shall be as found in 49 C.F.R. § 382.107; and for purposes of the incorporated rules found in 49 C.F.R. Part 383 (concerning commercial driver's licenses) the definition of commercial motor vehicle shall be as found in 49 C.F.R. § 383.5.

(c) "Employer", in addition to the definition found in 49 C.F.R. § 390.5, means a transportation carrier.

(d) "Motor vehicle" is synonymous with the term "commercial motor vehicle" as defined in this rule.

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

(f) "Motor-driven cycle" means "motor-driven cycle" as that term is defined in § 42-1-102(56), C.R.S.

6102. Regulations Incorporated by Reference.

(a) Except as provided in rule 6103 or paragraph (c) of this rule, the Commission incorporates by reference the regulations published in:

(I) 49 C.F.R. Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, and 399, as revised on October 1, ~~2003~~2005.

(II) 49 C.F.R. Appendix G to Subchapter B of Chapter III, as revised on October 1, ~~2003~~2005.

(b) No later amendments to or editions of the C.F.R. are incorporated into these rules.

(c) The following provisions of 49 C.F.R. are not incorporated by reference:

(I) §§ 382.507, 383.53, 390.3(a), 390.3(c), 390.3(f)(2), 390.21(a), 390.21(b), 390.21(e), 390.21(f), 390.37, 391.47, 391.49, 391.67, 391.68, 391.69, 395.1(h), 395.1(i), 395.8(e), and 396.9; and

(II) The definition of "commercial motor vehicle" in § 390.5.~~; and~~

~~(III) The definition of "bus" in § 393.5;~~

(d) Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact:

Transportation Section Chief
Colorado Public Utilities Commission
Office Level 2
1580 Logan Street
Denver, Colorado 80203

Telephone: (303) 894-2850

(e) The material incorporated by reference may be examined at the offices of the Commission, Office Level 2, 1580 Logan Street, Denver, Colorado 80203, 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.

6103. Modification of Regulations Incorporated by Reference.

(a) With regard to the external markings of motor vehicles:

(I) All markings shall be in accordance with 49 C.F.R. § 390.21(c) and (d) as it pertains to size, shape, location, color, construction, and durability.

(II) The markings shall contain all of the following information, as applicable:

(A) The name or a trade name as set forth in the common carrier certificate(s), the contract carrier permit(s), the towing carrier permit(s), and the household goods mover registration(s), as applicable.

(B) The letter and/or number designation of the common carrier certificate(s), the contract carrier permit(s), the exempt passenger carrier registration(s), the towing carrier permit(s), and the household goods mover registration(s), as applicable, preceded by the letters "CO PUC" or "PUC."

(C) The letter and number designation of the property carrier registration, except that the property carrier may meet this requirement by marking its USDOT number in compliance with 49 C.F.R. 390.21(b).

(III) Motor vehicles operated by a regulated intrastate carrier or an exempt passenger carrier having a seating capacity of fifteen or less may meet all of the requirements of subparagraphs (I) and (II) of this paragraph if the such carrier affixes the marking required by subparagraph (II)(B) so as to be readily visible to both the front and rear of the motor vehicle.

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

(V) The words "operated by" shall precede the markings required by subparagraph (II) of this paragraph if the name of any transportation carrier other than the transportation carrier operating the motor vehicle appears on the motor vehicle.

(VI) In addition to the provisions of this paragraph, persons operating a luxury limousine must comply with rule 6304.

(b) With regard to qualification and examination of drivers:

(I) 49 C.F.R. Part 391 shall not apply to household goods movers or property carriers, or to their drivers; but this exclusion applies only to the extent that the motor vehicles used:

(A) do not transport passengers,

(B) have a GVWR or GCWR of less than 10,001 pounds, and

(C) do not require a commercial driver's license to operate.

(II) Subpart E of 49 C.F.R. Part 391, relating to physical qualifications and examinations, shall not apply to household goods movers or property carriers, or to their drivers; but this exclusion applies only to the extent that the motor vehicles used:

(A) do not transport passengers,

(B) have a GVWR or GCWR of less than 26,001 pounds, and

(C) do not require a commercial driver's license to operate.

(III) 49 C.F.R. § 391.11(b)(1), relating to age of drivers, shall not apply to drivers operating solely in intrastate commerce; such drivers shall be at least eighteen years of age. This subparagraph (III) shall not apply to drivers operating motor vehicles used in transporting hazardous materials of a type and quantity that would require the motor vehicle to be marked or placarded under 49 C.F.R. § 177.823.

(IV) In addition to the requirements found in 49 C.F.R. §391.45, any person whose medical examiner's certificate has expired must be medically examined and certified as being physically qualified to operate a commercial motor vehicle.

(c) With regard to motor vehicle parts and accessories necessary for safe operation:

(I) The provisions of 49 C.F.R. § 393.55 shall only apply to a bus with a seating capacity of 16 or more and to a truck, and truck tractor as those terms are defined in 390.5.

~~(II) The provisions of 49 C.F.R. § 393.92 shall only apply to a bus with a seating capacity of 16 or more.~~

(~~II~~II) The provisions of 49 C.F.R. § 393.83(c) and (d) shall not apply to any bus with a seating capacity of 15 or less and having a GVWR of less than 10,001 pounds, which is manufactured with a side discharge exhaust.

(~~III~~III) The provisions of 49 C.F.R. § 393.89, relating to driveshaft protection, and 393.95~~(a)~~, relating to ~~fire extinguishers~~ emergency equipment, shall not apply to any bus with a seating capacity of 15 or less and having a GVWR of less than 10,001 pounds.

(~~IV~~IV) The following provisions of 49 C.F.R. Part 393 shall not apply to motorcycles or to motor-driven cycles:

(A) Sections 393.11 and 393.24(~~b~~a) requiring at least two headlamps. Motorcycles and motor-driven cycles shall have at least one headlamp.

(B) Section 393.41 requiring parking brakes. Motorcycles and motor-driven cycles shall carry sufficient chocking blocks to prevent movement when parked.

(C) Section 393.51 requiring service brake system warning devices and gauges.

(D) That part of § 393.65(d) prohibiting gravity feed to supply fuel to the carburetor or injector.

(d) With regard to hours of service of drivers:

(I) 49 C.F.R. Part 395 shall not apply to household goods movers or property carriers, or to their drivers; but this exclusion applies only to the extent that the motor vehicles used:

(A) do not transport passengers,

(B) have a GVWR or GCWR of less than 10,001 pounds, and

(C) do not require a commercial driver's license to operate.

(II) A driver for a transportation carrier of passengers is exempt from the requirements of 49 C.F.R. §§ 395.~~3~~5(a)(2) and 395.8 if all of the following conditions are met:

(A) The driver operates a motor vehicle having a GVWR or GCWR of less than 10,001 pounds and has a seating capacity of 15 or less;

(B) The driver operates within a 100 air-mile radius of the normal work reporting location;

(C) The driver, except a driver salesperson, returns to the work reporting location and is released from duty within 16 consecutive hours;

(D) At least eight consecutive hours off duty separate each 16-hour period referenced in subparagraph (II)(C) of this paragraph;

(E) The driver does not exceed 10 hours maximum driving time following eight consecutive hours off duty; and

(F) The transportation carrier that employs or retains the driver maintains and retains accurate and true time records, and 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;

(iv) For a driver who is off duty for an entire day, an indication to that effect; and

(v) The total time for the preceding seven days in accordance with 49 C.F.R. § 395.8(j)(2) for drivers used for the first time or intermittently. For purposes of this subparagraph (v), first time or intermittently means a driver who has not been on duty for the transportation carrier during the immediately preceding seven days.

(III) With regard to subparagraph (II) of this paragraph, drivers may go off duty for any period of time during the 16-hour period, but the 16-hour period shall only be restarted after eight consecutive hours off duty.

(IV) Maximum driving time.

(A) In lieu of 49 C.F.R. § 395.~~3~~5(b), a transportation carrier of passengers may apply subparagraph (IV)(B) to drivers who, in any eight consecutive days, operate only motor vehicles having:

(i) a GVWR or GCWR of less than 10,001 pounds; and

(ii) a seating capacity of 15 or less.

(B) A transportation carrier shall neither permit nor require a driver to drive, nor shall any such driver drive, regardless of the number of motor carriers or transportation carriers using the driver's services, for any period after:

(i) Having been on duty 70 hours in any seven consecutive days if the employing transportation carrier does not operate motor vehicles every day of the week; or

(ii) Having been on duty 80 hours in any eight consecutive days if the employing transportation carrier operates motor vehicles every day of the week.

(e) With regard to inspection of drivers and/or motor vehicles:

(I) Commission investigators shall record the results of driver and/or motor vehicle inspections on a form titled "Driver/Vehicle Compliance Report" ("DVCR"). The investigator shall provide the driver and/or the transportation carrier with a copy of the completed DVCR.

(II) The driver receiving a DVCR shall deliver the DVCR to the transportation carrier operating the motor vehicle upon the driver's next arrival at any of the transportation carrier's terminals or facilities. If the driver is not scheduled to arrive at a terminal or facility within 24 hours, the driver shall immediately mail the report to the transportation carrier operating the motor vehicle.

(III) Transportation carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the transportation carrier shall:

(A) by completing the "Carrier Official's Signature, Title, and Date" portions of the DVCR, certify that all violations noted on the DVCR have been corrected;

(B) return the completed DVCR to the Commission at the address shown on the DVCR; and

(C) retain a copy of the DVCR for 12 months from the date of the inspection at the transportation carrier's principal place of business or where the motor vehicle is housed.

(IV) Enforcement officials shall declare and order out-of-service any motor vehicle that, by reason of its mechanical condition or loading, would likely cause an accident or a breakdown. Enforcement officials shall declare and order out-of-service any 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. In determining whether a specific condition constitutes an out-of-service condition, enforcement officials shall use as guidance the current out-of-service criteria set forth by the Commercial Vehicle Safety Alliance. 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 transportation carrier regarding the out-of-service condition.

(V) No transportation 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. No transportation carrier shall require or permit any person declared and ordered out-of-service to operate, nor shall any person operate, any motor vehicle until the person's out-of-service condition has been corrected. The term "operate" as used in this rule shall include towing the motor vehicle, except that motor vehicles declared and ordered out-of-service may be towed away by means of a motor vehicle using a crane, hoist, or rollback. A motor vehicle combination consisting of an emergency towing vehicle and an out-of-service motor vehicle shall not be operated unless such combination meets the performance requirements of these Safety Rules except for those conditions noted on the DVCR.

(f) The provisions for periodic inspections, inspector qualifications, periodic inspection record keeping, and equivalent to periodic inspections contained in 49 C.F.R. §§ 396.17, 396.19, 396.21, and 396.23 shall apply only to motor vehicles that:

(I) have a GVWR or GCWR of 10,001 pounds or more and are operated by a household goods mover or property carrier;

(II) are designed to transport passengers; or

(III) are used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued under the Hazardous Material Transportation Act, 49 U.S.C. § 5101 et seq.

(g) Transportation carriers filing reports required by 49 C.F.R. Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, or 399 shall file such reports with the Commission at its business address: Office Level 2, 1580 Logan Street, Denver, CO 80203.

(h) Transportation carriers and drivers shall, upon request by an enforcement official, make available for inspection all records required to be made by these Safety Rules and all motor vehicles subject to these Safety Rules.

6104. Motor Vehicle Weight.

An enforcement official may require a transportation carrier to have a motor vehicle weighed, if such motor vehicle's structural components, suspension components, wheels, tires, or loading may, in the enforcement official's judgment, create potentially unsafe operations.

6105. Safety Violations, Civil Enforcement, and Civil Penalties.

(a) A person who violates the following provisions may be assessed a civil penalty of up to $10,000.00 for each violation:

Citation	Violation Description
49 C.F.R. § 392.4(b)	Requiring or permitting a driver to drive while under the influence of, or in possession of, a narcotic drug, amphetamine, or any other substance capable of rendering the driver incapable of safely operating a motor vehicle, per §392.4(a).
49 C.F.R. § 392.5(b)(1)	Requiring or permitting a driver to operate a commercial motor vehicle within 4 hours of using, while under the influence of, or having ~~physical control of~~ in his/her possession, alcohol, per §392.5(a).
49 C.F.R. § 392.5(b)(2)	Requiring or permitting a driver to operate a commercial motor vehicle who shows evidence of, or the general appearance and conduct of, having consumed ~~an intoxicating beverage~~ alcohol within the preceding 4 hours ~~to operate a motor vehicle~~.
49 C.F.R. § 396.11(c)	Failing to correct out-of-service defects listed by the driver in a driver vehicle inspection report before the vehicle is operated again.
Rule 6103(e)(V)	Requiring or permitting a driver to operate a motor vehicle during the period the driver was placed out of service.
Rule 6103(e)(V)	Requiring or permitting the operation of a motor vehicle placed out of service before the required repairs are made but after the transportation carrier has received notice of the defect.

(b) A person who violates the following provisions may be assessed a civil penalty of up to $2,500.00 for each violation:

Citation	Violation Description
49 C.F.R. § 390.35	Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.
49 C.F.R. § 391.11(a)	Requiring or permitting a driver who is not qualified to drive [§ 391.11(b)(4), (5), and (7)].
49 C.F.R. § 391.15(a)	Using a disqualified driver.
~~391.45(a)~~	~~Using a driver not medically examined and certified.~~
~~391.45(b)(1)~~	~~Using a driver not medically examined and certified during the preceding 24 months.~~
49 C.F.R. § 392.2	Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.
49 C.F.R. § 392.9(a)(1)	Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured.
49 C.F.R. § 395.3(a)(1)	Requiring or permitting a driver to drive ~~more than 10~~11 cumulative hours.
49 C.F.R. § 395.3(a)(2)	Requiring or permitting a driver to drive after having been on duty ~~15~~14 hours.
49 C.F.R. §§ 395.3(b)(1) or 395.5(b)(1)	Requiring or permitting a driver to drive after having been on duty ~~more than~~ 60 hours in 7 consecutive days.
49 C.F.R. §§ 395.3(b)(2) or 395.5(b)(2)	Requiring or permitting a driver to drive after having been on duty ~~more than~~ 70 hours in 8 consecutive days.
49 C.F.R. § 395.5(a)(1)	Requiring or permitting a driver to drive more than 10 hours.
49 C.F.R. § 395.5(a)(2)	Requiring or permitting a driver to drive after having been on duty 15 hours.
Rule 6103(d)(IV)(B)(i)	Requiring or permitting a driver to drive after having been on duty ~~more than~~ 70 hours in 7 consecutive days.
Rule 6103(d)(IV)(B)(ii)	Requiring or permitting a driver to drive after having been on duty ~~more than~~ 80 hours in 8 consecutive days.

Citation	Violation Description
~~396.17(a)~~	~~Using a commercial motor vehicle not periodically inspected.~~
49 C.F.R. § 396.17(g)	Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards.

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

Citation	Violation Description
49 C.F.R. § 382.115(a)	Failing to implement an alcohol and/or controlled substances testing program.
49 C.F.R. § 382.201	Using a driver known to have an alcohol concentration of 0.04 or greater.
49 C.F.R. § 382.211	Using a driver who has refused to submit to an alcohol or controlled substances test required under Part 382.
49 C.F.R. § 382.213(b)	Using a driver known to have used a controlled substance.
49 C.F.R. § 382.215	Using a driver known to have tested positive for a controlled substance.
49 C.F.R. § 382.301(a)	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.
49 C.F.R. § 382.303(a)	Failing to conduct post accident testing on driver for alcohol and/or controlled substances.
49 C.F.R. § 382.305	Failing to implement a random controlled substances and/or an alcohol testing program.
49 C.F.R. § 382.305(b)(1)	Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.
49 C.F.R. § 382.305(b)(2)	Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.
49 C.F.R. § 382.309(a)	Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
49 C.F.R. § 382.309(b)	Using a driver who has not undergone a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances.

Citation	Violation Description
49 C.F.R. § 382.503	Allowing a driver to perform safety sensitive function, after engaging in conduct prohibited by subpart B, without being evaluated by substance abuse professional, as required by § 382.605.
49 C.F.R. § 382.505(a)	Using a driver within 24 hours after being found to have an alcohol concentration of 0.02 or greater but less than 0.04.
49 C.F.R. § 382.605(c)(1)	Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02 or with verified negative test result, after engaging in conduct prohibited by part 382 subpart B.
49 C.F.R. § 382.605(c)(2)(ii)	Failing to subject a driver who has been identified as needing assistance to at least six unannounced follow-up alcohol and/or controlled substance tests in the first 12 months following the driver's return to duty.
49 C.F.R. § 391.45(a)	Allowing a driver to drive who has not been medically examined and certified.
49 C.F.R. § 391.45(b)(1)	Allowing a driver to drive who has not been medically examined and certified every 24 months.
Rule 6103(b)(4)	Allowing a driver to drive who has not been medically examined and certified upon expiration of the medical examiner's certificate.
49 C.F.R. § 396.17(a)	Using a commercial motor vehicle not periodically inspected.

(d) A driver placed out of service for 24 hours for violating the alcohol prohibitions of 49 C.F.R. § 392.5(a) or (b) who drives during that period may be assessed a civil penalty of up to $2,750.00 for each violation.

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

Citation	Violation Description
Rule 6103(e)(V)	Operating a motor vehicle during a period the driver was placed out of service.
Rule 6103(e)(V)	Operating a motor vehicle after the vehicle was placed out of service and before the required repairs are made.

(f) A person who violates the following recordkeeping provisions may be assessed a civil penalty of up to $500.00 for each violation up to a cumulative maximum of $5,000.00:

Citation	Violation Description
49 C.F.R. § 392.6	Scheduling a run that would necessitate the vehicle being operated at speeds in excess of those prescribed.
Rule 6103(e)(III)	Failing to return the written certification of correction as required by the out-of-service order.

~~(g) A person who violates the following recordkeeping provisions may be assessed a civil penalty of up to $375.00 for each violation up to a cumulative maximum of $5,000.00:~~

~~Citation~~	~~Violation Description~~
49 C.F.R. § 395.8(a)	Failing to require driver to make a record of duty status.
49 C.F.R. § 395.8(i)	Failing to require driver to forward within 13 days of completion, the original of the record of duty status.
49 C.F.R. § 395.8(k)(1)	Failing to preserve driver's record of duty status and supporting documents for 6 months.
49 C.F.R. § 396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.
49 C.F.R. § 396.11(a)	Failing to require driver to prepare driver vehicle inspection report.

~~(h) A person who violates the following recordkeeping provisions may be assessed a civil penalty of up to $250.00 for each violation up to a cumulative maximum of $5,000.00:~~

~~Citation~~	~~Violation Description~~
~~390.15(b)(2)~~	~~Failing to maintain copies of all accident reports required by State or other governmental entities or insurers.~~
~~391.51(a)~~	~~Failing to maintain driver qualification file on each driver employed.~~
~~391.51(b)(2)~~	~~Failing to maintain inquiries into driver's driving record in driver's qualification file.~~
~~391.51(b)(7)~~	~~Failing to maintain medical examiner's certificate in driver's qualification file.~~

(~~i~~g) A person who violates 49 C.F.R. Part 383, Subparts B, C, E, F, G, or H may be assessed a civil penalty of $2,750.00 for each violation.

~~(j) Special penalties pertaining to violations of out-of-service orders by persons holding a commercial driver's license (CDL-holders).~~

~~(I) A CDL-holder who is convicted of violating an out-of-service order may be assessed a civil penalty of not less than $1,100.00, nor more than $2,750.00.~~

~~(II) An employer of a CDL-holder who knowingly allows, requires, permits, or authorizes that CDL-holder to operate a commercial motor vehicle as defined in 49 C.F.R. § 383.5 during any period in which the CDL-holder is subject to an out-of-service order may be assessed a civil penalty of not less than $2,750.00, nor more than $5,000.00.~~

(~~k~~h) Except as provided in paragraphs (a) through (~~j~~g) of this rule, a person who violates any other rule may be assessed a civil penalty of up to $~~100.00~~250.00 for each violation up to a cumulative maximum of $5,000.00 for each type of recordkeeping violation.

(l) The provisions relating to the doubling and tripling of civil penalty assessments, found in § 40-7-113(3) and (4), and in paragraphs (f) through (k) of rule 6015, shall not apply to the assessment of civil penalties for safety rule violations.

6106. – 6199. [Reserved].

COMMON AND CONTRACT CARRIER RULES

Rules Generally Applicable to Common and Contract Carriers

6200. Applicability of Common and Contract Carrier Rules.

Rules 6200 through 6299 apply to all common carriers and all contract carriers. Rules 6250 through 6259 are specifically applicable only to taxicab carriers. Nothing in these Common and Contract Carrier Rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any authority issued to any regulated intrastate carrier prior to the adoption of these rules.

6201. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Common and Contract Carrier Rules:

(a) "Capable," as used in § 40-6-120(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.

(b) "Call-and-demand," "on call-and-demand," or "call-and-demand service" means the transportation of passengers not on schedule. Call-and-demand service includes charter service, limousine service, sightseeing service, and taxicab service.

(c) "Charter party" means a person or group of persons who are traveling together pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, having acquired the exclusive use of the motor vehicle.

(d) "Charter service" means transportation of a charter party.

(e) "Dual-use vehicle" means a specific motor vehicle used to provide luxury limousine service, on the one hand, and either common carrier service, contract carrier service, or both, on the other hand.

(f) "Flag stop" means a point of service designated by a scheduled common carrier on its filed schedule, which point is located between two scheduled points on the scheduled route. Typically, the common carrier does not designate a specific time for service to the flag stop; if the common carrier does designate a specific time for service, the time is considered to be an approximation.

(g) "Limousine service" means the transportation of passengers charged at a per person rate, and the use of the motor vehicle is not exclusive to any individual or group. The term "limousine service" is distinguished from the term "luxury limousine service" as used in Article 16 of Title 40, C.R.S.

(h) "Outstanding authority" means an existing authority, or any portion thereof, which is not under suspension.

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

(j) "Sightseeing service" means the transportation of passengers for the sole purpose of viewing or visiting places of natural, historic, or scenic interest, such that the transportation originates and terminates at the same point.

(k) “Tacking” means the joinder of two or more separate authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.

(l) "Taxicab service" means passenger transportation by taxicab.

6202. Prohibitions.

(a) Without specific approval by the Commission, no regulated intrastate carrier shall:

(I) combine or tack two or more separate authorities or two or more separate parts of an authority in order to render a transportation service not authorized by any individual authority or part thereof;

(II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its authority;

(III) serve any point not included in its authority;

(IV) abandon or suspend operations under its authority; or

(V) file a tariff or time schedule whose applicability or scope violates this rule.

(b) Except as specifically provided by Commission Order, rule 6012, rule 6205, or Article 11.5 of Title 40, C.R.S., no regulated intrastate carrier shall by any means, directly or indirectly, sell, lease, merge, consolidate, assign, license, encumber, or otherwise transfer any right or interest in any portion of said regulated intrastate carrier's authorities. Every such transaction, unless excepted, shall be void. This prohibition applies, without limitation, to a regulated intrastate carrier permitting a person to operate under said regulated intrastate carrier's contract carrier permit or common carrier certificate pursuant to a motor vehicle lease.

(c) Except as approved by the Commission, no transfer of any authority by means of foreclosure of an encumbrance or by means of an execution in satisfaction of any judgment or claim shall be effective. The fact that the Commission has approved an encumbrance is not an indication that a transfer has been authorized.

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 with the Commission. The application shall contain the following information:

(I) The name, including trade name if applicable, physical address, mailing address, and telephone number of the applicant.

(II) The name, mailing address, and telephone number of the applicant's representative to whom the Commission may direct inquiries regarding the application.

(III) A statement describing the applicant's business structure (corporation, partnership, sole proprietorship, etc.).

(IV) If the applicant is a corporation: the name of the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors and officers; the name and address of its Colorado agent for service of process; 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. ~~If the applicant does not possess authority qualifying it to do business in Colorado, the applicant shall:~~

~~(A) state in the application that "the applicant understands that, if the application is approved, the Commission will not issue any letter of authority unless and until the applicant files with the Commission its authority qualifying it to do business in Colorado"; and~~

~~(B) submit proof of such authority as required by Commission order or as soon as possible after the application is granted, if that is the case.~~

(V) If the applicant is a limited liability company: a statement of that fact; the name of the state in which it is organized; the complete 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. ~~If the applicant does not possess authority qualifying it to do business in Colorado, the applicant shall:~~

~~(A) state in the application that "the applicant understands that, if the application is approved, the Commission will not issue any letter of authority unless and until the applicant files with the Commission its authority qualifying it to do business in Colorado"; and~~

~~(B) submit proof of such authority as required by Commission order or as soon as possible after the application is granted, if that is the case.~~

(VI) If the applicant is a partnership: the names, titles, and addresses of all general and limited partners; and a copy of the partnership agreement establishing the partnership and all subsequent amendments.

(VII) 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 (i.e., charter, limousine, sightseeing, taxicab, or scheduled), 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.

(VIII) A map or diagram showing the proposed geographic area of service, or the proposed points or routes of service, if and in the form requested by the Commission or Commission staff.

(IX) If the applicant seeks common carrier authority, the applicant shall attach signed letters of support indicating a public need for the proposed service. A letter from the applicant shall be considered a letter of public support. A letter of support:

(A) shall contain the author's name, address, and phone number;

(B) should explain the public need;

(C) should specifically support the applicant's particular request for authority;

(D) should describe whether and how existing service is inadequate; and

(E) shall contain a statement, signed by the author, stating that the letter contains only information that is true and correct to the best of the author's knowledge and belief.

(X) If the applicant seeks contract carrier authority, the applicant shall attach a letter signed by each proposed customer. Such a letter:

(A) shall contain the proposed customer's name, address, and phone number;

(B) should indicate the proposed customer's special or distinctive transportation needs and whether those needs can be met by existing service;

(C) should specifically support the applicant's particular request for authority;

(D) should describe whether and how existing service is inadequate; and

(E) shall contain a statement, signed by the proposed customer, stating that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief.

(XI) A statement of the facts upon which the applicant relies to establish that the application should be granted. If the application seeks common carrier authority, the statement should establish how granting the application is in the public interest. If the application seeks contract carrier authority, the statement should establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customer's needs.

(XII) A statement setting forth the qualifications of the applicant to conduct the proposed operations.

(XIII) A statement describing the extent to which the applicant, or any person affiliated with the applicant, holds or is applying for authority duplicating or overlapping in any respect the authority at issue in the application.

(XIV) If applicable, current copies of any authority, issued by either a state or federal agency, authorizing the applicant to provide for-hire transportation of passengers in the State of Colorado.

(XV) If applicable, current copies of any authority, issued by either a state or federal agency, authorizing any affiliate of the applicant to provide for-hire transportation of passengers in the State of Colorado.

(XVI) If applicable, a statement that the applicant understands the Commission will, in its discretion, cancel any duplicating or overlapping authorities created by granting the application.

(XVII) A statement indicating the town or city where the applicant prefers any hearing to be held.

(XVIII) 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.

(b) Any person seeking temporary authority to operate as a common or contract carrier, or temporary authority to extend a common carrier certificate or contract carrier permit, shall file an application with the Commission. The application shall contain the following information:

(I) All the information specified by paragraph (a) of this rule, except that:

(A) Any support letters shall contain the following additional information: an explanation of the immediate and urgent need for the proposed service; whether there is any other transportation service available; if such service is available, a detailed description of the author's efforts to use it and whether it is capable of meeting the author's needs; and the extent to which available transportation services have refused to provide service.

(B) The statements in subparagraphs (a)(IV)(A) and (a)(XV) are unnecessary.

(II) A statement indicating whether the Commission has previously granted to the applicant authority to render all or any part of the proposed service. If this statement is answered in the affirmative, a copy of the decision granting the authority shall be attached to the application.

(III) A statement of facts establishing an immediate and urgent need for the proposed service and further establishing that no existing regulated intrastate carrier is capable of providing the proposed service.

(IV) A statement of the period of time which applicant requests the temporary authority to cover, not to exceed 180 days.

(c) Any person seeking emergency temporary authority to operate as a common or contract carrier, or emergency temporary authority to extend a common carrier certificate or contract carrier permit, shall file an application with the Commission. The application shall contain all the information required by paragraph (b) of this rule, except that the period of time identified in subparagraph (b)(IV) shall not exceed 30 days. The application shall include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Support letters shall explain the basis and nature of the emergency.

(d) The granting of emergency temporary authority creates no presumption that temporary or permanent authority will be granted. The granting of temporary authority creates no presumption that permanent authority will be granted.

(e) Burden of proof for contract carrier applicants.

(I) A contract carrier applicant shall bear the burden of proving that the service it proposes is specialized and tailored to the potential customer's distinct need.

(II) Such a showing is overcome by an intervenor's showing that the intervenor has the ability and willingness to meet the potential customer's distinct need.

(III) If the intervenor makes such a showing, the applicant shall bear the burden of proving that the applicant is better suited than the intervenor to meet the distinct needs of the potential customer.

(IV) The intervenor may overcome such a demonstration by establishing that the applicant's proposed operation will impair the efficient public service of any common carrier then adequately serving the same geographic area.

(V) Nothing in this paragraph shall be construed to direct the sequence of evidence presented by the parties.

6204. Abandonment, Revocation, Suspension, Alteration, or Amendment of Authorities.

(a) The Commission may, after at least ten days' notice to the regulated intrastate carrier affected, hold a hearing to revoke, suspend, alter, or amend said regulated intrastate carrier's authorities for any of the following reasons:

(I) Failure to comply with any statutory requirement concerning regulated intrastate carriers;

(II) Failure to comply with the terms and conditions of, or exceeding the authority granted in, the regulated intrastate carrier's common carrier certificate or contract carrier permit; or

(III) Failure to comply with any lawful order, rule, or regulation of the Commission.

(b) A regulated intrastate carrier wishing to abandon or voluntarily suspend its authority(ies), or any portion thereof, shall file an application to do so. The application shall contain information fully explaining why the abandonment or suspension is sought and how the abandonment or suspension will affect the public. The application must also contain 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. The Commission, in its discretion, may either grant such an application without a hearing after ten day's notice or set it for hearing.

(c) Except as specified in paragraph (d) of this rule, a regulated intrastate carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:

(I) twelve consecutive months;

(II) twelve months in any 24-month period; or

(III) two consecutive seasons, for a regulated intrastate carrier operating seasonally.

(d) A regulated intrastate carrier requesting a voluntary suspension for a longer period than authorized by this rule shall be required to prove that the suspension is in the public interest and that alternative service will be available during the period of suspension.

6205. Encumbrances, Transfers, Mergers, Consolidations, and Acquisitions of Control.

(a) For purposes of this rule:

(I) "Encumbrancer" means a person seeking or holding an encumbrance (e.g., lien or mortgage) against the authority of a common or contract carrier.

(II) "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.

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

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

(b) Except with regard to foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order, only the owners of an authority as shown in the official records of the Commission may transfer the authority.

(c) An application to encumber any authority, transfer any authority, acquire control of any regulated intrastate carrier, or permit a merger or consolidation of a regulated intrastate carrier with any other entity, shall, if possible, take the form of a joint application submitted by all parties to the transaction. Such an application shall contain all the following information. If an applicant is unable to supply the required information, the applicant shall explain the reason for the lack of information.

(I) All applicants shall provide the information required by subparagraphs 6203(a)(I), (II), and (XVII).

(II) Transferees and encumbrancers shall provide the information required by subparagraphs 6203(a)(III) (V), (XII) (XIV), and (XVI).

(III) If a transferee or encumbrancer is an executor, trustee, receiver, or other similar representative of the real party in interest: a copy of the court order evidencing the representative's appointment, or other evidence of authority if not under court order.

(IV) If the transaction covers only portions of an authority: a statement fully explaining which portions are covered by the transaction and which are not.

(V) A complete description of the type of transaction for which the applicants seek Commission approval, together with a statement describing each applicant's role in the transaction.

(VI) If the transaction involves an acquisition of stock: a statement of the transferor's total number of outstanding capital stock shares, by class; and the number of shares of each class to be acquired by transferee.

(VII) A copy of all agreements concerning the transaction, including a copy of all documents creating a security interest, if any, and a statement of the consideration paid in the transaction.

(VIII) A statement explaining how the transferee proposes to meet the financial requirements of the transaction, including, if a loan is involved, the amount, maturity, interest rate, and other terms and conditions.

(IX) A statement setting forth the nature, extent, and proposed disposition of any existing encumbrances against the affected authorities.

(X) A current copy of each of the letters of authority encompassing the authorities at issue in the application.

(XI) If the transaction involves the lease of an authority: a copy of the proposed lease and a statement of the lease's effective date and termination date.

(XII) If a transferor or encumbrancer seeks foreclosure of an encumbrance or execution in satisfaction of any judgment or claim: the transferee's written consent to transfer, or in lieu thereof, a judicial order authorizing unilateral action by the transferor or encumbrancer.

(XIII) Except in the case of an application involving only the creation of an encumbrance, a statement setting forth the qualifications of the transferee to conduct the proposed operations.

(XIV) A statement that the applicants understand the Commission will, in its discretion, cancel any duplicating or overlapping authority created by the transaction.

(XV) A statement setting forth whether the transferor has been and is conducting active, bona fide operations under the authorities at issue in the transaction.

(XVI) A statement of the facts upon which the applicants rely to show that the application should be granted. In this regard, the applicants should consult paragraph (e) of this rule.

(XVII) 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.

(d) An application filed under § 40-6-120(2) or (4), C.R.S., seeking temporary or emergency temporary approval to operate the regulated intrastate carrier or regulated intrastate carrier properties, shall be filed concurrently with the permanent application filed under paragraph (c) of this rule. A temporary and/or emergency temporary application shall contain a statement of the facts establishing that failure to grant temporary or emergency temporary approval may result in destruction of or injury to the utility's properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public. In the case of an emergency temporary application, the application shall contain a statement explaining the nature and extent of the emergency.

(e) Applicants seeking temporary or emergency temporary approval to transfer control of any authority have the burden of proving the elements prescribed by § 40-6-120(2) or (4), C.R.S., as applicable. Applicants seeking approval to permanently transfer any authority have the burden of proving:

(I) that the transferor has not abandoned the authority and has not allowed the authority to become dormant;

(II) that the transferor has been and is engaged in bona fide operations under its authority, or the extent to which bona fide operations have been excused because of a Commission-approved suspension;

(III) that the transfer is not contrary to the public interest;

(IV) that the transfer will not result in the common control or ownership of duplicating or overlapping authorities; and

(V) except in transfers involving foreclosures of encumbrances, executions in satisfaction of a judgment or claim, or transfers pursuant to a court order, that the transferee will engage in bona fide regulated intrastate carrier operations and is fit to do so.

(f) A transferor shall not cancel its insurance, surety bond, or tariffs until the Commission has approved the transfer, the transferee has filed all required documents in the transferee's own name, and the Commission has advised the transferee that it is authorized to begin operations. This paragraph (f) applies regardless of the type of transfer, whether permanent, temporary, or emergency temporary.

(g) Upon approval of a transfer application (permanent, temporary, or emergency temporary) the transferee shall, in accordance with the timelines set forth by the Commission's order:

(I) file with the Commission an adoption notice, in a form available from the Commission, whereby the tariff and/or time schedule of the transferor shall become those of the transferee until changed in accordance with Commission rules;

(II) cause to be filed with the Commission certificates of insurance as required by Commission rules; and

(III) pay the issuance fee and annual motor vehicle identification fee.

(h) Upon approval of a permanent transfer application, the transferor and transferee shall file an acceptance of transfer form, which form shall be provided by the Commission. The form shall be signed by both parties, indicating acceptance of the terms and conditions of the Order authorizing the transfer. The acceptance of transfer shall contain a statement indicating that the transferee has complied with all provisions of the agreement of sale, lease, or other transfer.

(i) A transferee shall not begin operations until after the Commission has advised the transferee that it is in compliance with all requirements and is authorized to begin operations.

(j) The granting of emergency temporary authority creates no presumption that temporary or permanent authority will be granted. The granting of temporary authority creates no presumption that permanent authority will be granted.

6206. Duplicating or Overlapping Authorities.

The Commission shall not grant, extend, or otherwise modify a common carrier certificate or contract carrier permit, if the regulated intrastate carrier would thereby obtain duplicating or overlapping authorities. Nothing in this rule shall be construed to prohibit Commission cancellation of duplicating or overlapping language that arises as a result of any such grant, extension, or other modification.

6207. Tariffs.

(a) A regulated intrastate carrier shall keep on file with the Commission, at all times, approved tariffs clearly revealing the rates and charges to be assessed for all transportation and accessorial services and clearly revealing all rules and conditions relating to rates or service.

(b) Tariff compliance.

(I) No regulated intrastate carrier may operate its motor vehicles without having approved tariffs on file with the Commission.

(II) No regulated intrastate carrier shall disseminate to any person information contrary to the information contained in its approved tariff.

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

(c) A common carrier shall ensure that a copy of its approved tariff is available for public inspection, at all reasonable times, in each of the common carrier's offices or terminals transacting business with the public.

(d) Every taxicab carrier shall publish, in its tariffs, reduced fares that are applicable to passengers riding under a multiple loading arrangement.

(e) A contract carrier shall ensure that:

(I) Its tariff complies with the requirements of rule 6209.

(II) It is paid in accordance with its approved tariff.

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

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

(ii) by such entity's legal agent for distribution of payment.

(B) The tariff shall not provide for payment from an individual passenger, unless:

(i) such passenger is the Commission-approved entity specifically named in the contract carrier's permit; or

(ii) the Commission specifically so approves.

(III) It mails notice of its tariff filings to the affected entity with whom the contract carrier has contracted for transportation services.

(A) Such notice shall be mailed concurrently with the tariff filing.

(B) Such notice shall contain: a copy of the initial tariff, or the proposed changes thereto, as applicable; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the filing; a statement that a written objection to the filing may be filed with the Commission; the date for filing such an objection; a statement that the filing of an objection by itself will not allow a person to participate in the hearing, unless such person has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.

(C) The contract carrier shall file an affidavit of mailing with the Commission prior to the filing's effective date. A copy of the notice shall be attached to the affidavit.

(f) ~~At a minimum, tariffs shall contain the following:~~Unless this rule specifies otherwise, the provisions of rule 1210 govern the tariffs and advice letters of regulated intrastate carriers. In addition to the requirements of rule 1210(b)(I)(A), the tariff's title page shall contain the regulated intrastate carrier's common carrier certificate or contract carrier permit numbers to which the tariff applies.

~~(I) The front cover of the tariff shall take the form of a title page and shall contain the following information:~~

~~(A) In the upper right corner, a tariff number, running consecutively for each subsequent tariff filing.~~

~~(B) Immediately below the tariff number, the number or numbers of the canceled tariff or tariffs.~~

~~(C) In the central portion of the page, the name and, if applicable, trade name of the regulated intrastate carrier.~~

~~(D) Under the name and trade name of the regulated intrastate carrier, the regulated intrastate carrier's common carrier certificate or contract carrier permit numbers to which the tariff applies.~~

~~(E) In the lower right corner, the date when the tariff provisions become effective. A tariff containing provisions effective on a date different from the general effective date of the tariff shall, beneath the tariff's general effective date, contain the phrase "except as otherwise provided herein." A tariff containing provisions effective on less than statutory notice shall contain the phrase "issued on [number] days' notice by authority of Decision No. _____."~~

~~(F) Beneath the effective date, but only if applicable, a statement that the tariff "expires on [date] , unless sooner canceled, changed, or extended."~~

~~(G) At the bottom center of the page, the name, title, address, signature, and phone number of the person issuing the tariff.~~

~~(II) The pages following the cover page shall contain the following information:~~

~~(A) A statement of the scope of the tariff, describing the territory or points to which the tariff provisions apply.~~

~~(B) An explanation of the symbols, reference marks, and abbreviations used.~~

~~(C) The provisions governing the tariff, including without limitation all terms, conditions, rules, rates, fares, and charges. If a certain provision is to expire on a given date, the date shall be set forth with any appropriate explanation.~~

(g) ~~A regulated intrastate carrier shall file with the Commission an original and one copy of each tariff or amendment.~~Except as otherwise ordered by the Commission, a regulated intrastate carrier filing a tariff for newly granted or extended authority shall do so on no less than:

(I) five days notice for emergency temporary authority;

(II) ten days notice for temporary authority; and

(III) fifteen days notice for permanent authority.

~~(h) Regulated intrastate carriers amending a tariff shall only do so by supplement, page reissuance, or tariff reissuance. Regulated intrastate carriers shall note amendments by using the following uniform symbols:~~

~~(I) to denote rate or charge reductions, "(R)";~~

~~(II) to denote rate or charge increases, "*" or "(I)";~~

~~(III) to denote wording changes resulting in neither increases nor reductions in rates or charges, "(C)";~~

~~(IV) to denote additions, "+" or "(A)"; and~~

~~(V) to denote deletions, "(D)".~~

(~~i~~h) A regulated intrastate carrier proposing a tariff amendment shall file, ~~concurrently with the proposed amendment~~ upon the request of Commission Staff, a statement justifying the amendment. The justification shall include an explanation of ~~all~~ the circumstances and data relied upon in requesting approval of the proposed amendment.

(~~j~~i) In addition to the notice required by § 40-3-104, C.R.S., and the notice requirements of the rules of practice and procedure, a common carrier proposing an amended tariff, other than an amended tariff applied for under paragraph (~~k~~j) of this rule, shall give notice as follows:

(I) The common carrier shall, concurrently with the filing of the proposed amendment with the Commission, post in a prominent public place in each terminal facility and office of the common carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment, for a duration equal to the objection or intervention period, whichever is longer, a printed notice of the proposed tariff amendment.

(II) The common carrier shall include in such notice: the proposed changes; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the proposed amendment; a statement that a written objection may be filed with the Commission; the date for filing such an objection; a statement that the filing of an objection by itself will not allow a person to participate in the hearing, unless the party has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.

(III) If a proposed tariff amendment results in an increase in rates, fares, or charges, a common carrier shall also publish notice in one or more newspapers. The form of notice shall be available from the Commission. The common carrier shall ensure that the newspapers' circulations cover the localities or areas of the state where people affected by the proposed tariff reside. A common carrier having a choice under this rule between a local newspaper and a newspaper of general statewide circulation shall place the notice in the local newspaper and may place the notice in the newspaper of general statewide circulation. The notice shall appear in the newspaper at least 20 days prior to the proposed tariff amendment's effective date. Notwithstanding rule 1206(h) of the Commission's Rules of Practice and Procedure, ~~T~~the common carrier shall file with the Commission, at least 7 days prior to the proposed tariff amendment's effective date, an affidavit of publication prepared by the newspaper or a copy of the publication itself.

(~~k~~j) An application to amend a tariff on less than 30 days notice shall only be granted for good cause. The application shall contain information fully explaining why the tariff amendment is sought, why it is sought on less than 30 days notice, and how the tariff change will affect the public if approved. If the Commission approves the application, it shall do so by written order. A common carrier proposing an amended tariff pursuant to this paragraph shall give notice as follows:

(I) The common carrier shall, concurrently with the filing of the proposed amendment with the Commission, post in a prominent public place in each terminal facility and office of the common carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment a printed notice of the proposed tariff amendment. The notice shall remain posted until the Commission approves or rejects the application.

(II) The common carrier shall include in such notice: the proposed changes; the date the application was filed with the Commission; a statement that the Commission may grant or deny the application; a statement that a written objection may be filed with the Commission; the Commission's address where objections may be filed; and a statement that an objection may only be filed prior to the date that the Commission grants or denies the application

(~~l~~k) Any person affected by a tariff amendment proposed under this rule may submit a written objection to the proposed amendment. Unless otherwise ordered by the Commission, an objection shall not be considered unless it is filed with the Commission at least 10 days before the effective date of the proposed tariff.

(~~m~~l) If the Commission suspends and sets any tariff for hearing:

(I) Any entity desiring to participate as a party shall intervene in the proceeding.

(II) The Commission shall send the order suspending the tariff to the regulated intrastate carrier and any person who has filed an objection. The order shall specify when the matter is set for hearing, that an objection without an intervention is insufficient to participate as a party in the hearing, and the due date for interventions.

(~~n~~m) If the Commission suspends a proposed tariff amendment, the regulated intrastate carrier shall file with the Commission a suspension supplement. The suspension supplement shall be on a form deemed proper by the Commission or its staff.

(~~o~~n) If the Commission rejects a tariff or amendment, the tariff number contained in it shall not be used again. The tariff or amendment shall not be referred to afterwards as canceled, amended, or otherwise. ~~A tariff or amendment that is issued to take the place of the rejected tariff or amendment shall contain the following statement:~~

~~Issued in lieu of Tariff No. ____ [or Revised Page No. ____], which was rejected by the Commission.~~

(~~p~~o) If the Commission issues a decision prescribing any tariff change, the affected regulated intrastate carrier shall file, within 10 days of the effective date of the Commission decision, a revised tariff or revised tariff sheets, as applicable, reflecting the prescribed change. ~~Such a filing shall be clearly marked with the following statement:~~

~~Filed in compliance with Public Utilities Commission Decision No. _____.~~

~~(q) The Commission may reject any filed tariff that does not comport with the form required by this rule, pursuant to § 40-6-111(3).~~

6208. Time Schedules.

(a) No scheduled common carrier may operate its motor vehicles without having approved time schedules on file with the Commission. No such common carrier shall operate in conflict with its approved time schedules.

(b) No scheduled common carrier shall disseminate to any person information contrary to the information contained in its approved time schedules.

(c) A common carrier shall promptly report in writing to the Commission and shall communicate to the affected public any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.

(d) A scheduled common carrier shall designate its flag stops on its schedule. Such a common carrier shall drive by each flag stop in such close proximity and speed as to be able to reasonably assess whether passengers are waiting for service. Failure to stop for a waiting passenger constitutes prima facie evidence of a violation of subparagraph 6202(a)(II).

(e) A scheduled common carrier shall ensure that a copy of its approved time schedule is available for public inspection, at all reasonable times, in each of the common carrier's offices or terminals transacting business with the public. The common carrier shall carry copies of its time schedules in its scheduled motor vehicles, and shall furnish them to passengers upon request.

(f) Time schedules shall be filed with the Commission as part of the scheduled common carrier's tariff, in accordance with applicable provisions of rule 6207.

(I) At a minimum, time schedules shall contain the following:

~~(I) The front cover of the time schedule shall take the form of a title page and shall contain the following information:~~

~~(A) In the upper right corner, a time schedule number, running consecutively for each subsequent time schedule filing.~~

~~(B) Immediately below the time schedule number, the number or numbers of the canceled time schedule(s).~~

~~(C) In the central portion of the page, the name and, if applicable, trade name of the common carrier.~~

~~(D) Under the name and trade name of the common carrier, the common carrier certificate number(s) to which the time schedule applies.~~

~~(E) In the lower right corner, the date when the time schedule becomes effective. A time schedule containing provisions effective on a date different from the general effective date shall, beneath the general effective date, contain the phrase "except as otherwise provided herein." A time schedule effective on less than statutory notice shall contain the phrase "issued on [number] days' notice by authority of Decision No. _____."~~

~~(F) Beneath the effective date, but only if applicable, a statement that the time schedule "expires on [date] , unless sooner canceled, changed, or extended."~~

~~(G) At the bottom center of the page, the name, title, address, and phone number of the person issuing the time schedule.~~

~~(II) The pages following the cover page shall contain the following information:~~

(A) A statement of the scope of the time schedule, describing the route or points to which the time schedule applies.

(B) An explanation of the symbols, reference marks, and abbreviations used.

(C) One or more lists of all scheduled stops and all flag stops, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate.

(D) A statement whether service is daily or otherwise, and if otherwise a statement describing the other service.

(E) The address of each scheduled stop, if such address exists, otherwise a description sufficient to notify the Commission and the public regarding the location of the scheduled stop.

(F) Any other appropriate information regarding the service the common carrier desires to perform.

~~(g) A scheduled common carrier shall file with the Commission an original and one copy of each time schedule.~~

~~(h) Scheduled common carriers amending a time schedule shall only do so by supplement, page reissuance, or time schedule reissuance. Such common carriers shall note amendments by using the following uniform symbols:~~

~~(I) to denote wording changes, "(C)";~~

~~(II) to denote additions, "+" or "(A)"; and~~

~~(III) to denote deletions, "(D)".~~

~~(i) A common carrier proposing a time schedule amendment shall file, concurrently with the proposed amendment, a statement justifying the amendment. The justification shall include an explanation of all circumstances and data relied upon in requesting approval of the proposed amendment.~~

~~(j) In addition to the notice required by § 40-3-104, C.R.S., and the notice requirements of the rules of practice and procedure, a common carrier proposing an amended time schedule, other than an amended time schedule applied for under paragraph (k) of this rule, shall give notice as follows:~~

~~(I) The common carrier shall, concurrently with the filing of the proposed amendment with the Commission, post in a prominent public place in each terminal facility and office of the common carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment, for a duration equal to the objection or intervention period, whichever is longer, a printed notice of the proposed time schedule amendment.~~

~~(II) The common carrier shall include in such notice: the proposed amendments; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the proposed amendment; a statement that a written objection may be filed with the Commission; the date for filing such an objection; a statement that the filing of an objection by itself will not allow a party to participate in the hearing, unless the~~

party has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.

(III) The common carrier shall file with the Commission, at least 15 days prior to the proposed time schedule amendment's effective date, an affidavit indicating that the common carrier has complied with subparagraphs (I) and (II) of this paragraph.

(k) An application to amend a time schedule on less than 30 days' notice shall only be granted for good cause. The application shall contain information fully explaining why the time schedule change is sought, why it is sought on less than 30 days notice, and how the change will affect the public if approved. If the Commission approves the application, it shall do so by written order. A common carrier proposing an amended time schedule pursuant to this paragraph shall give notice as follows:

(I) The common carrier shall, concurrently with the filing of the proposed amendment with the Commission, post in a prominent public place in each terminal facility and office of the common carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment a printed notice of the proposed tariff amendment. The notice shall remain posted until the Commission approves or rejects the application.

(II) The common carrier shall include in such notice: the proposed changes; the date the application was filed with the Commission; a statement that the Commission may grant or deny the application; a statement that a written objection may be filed with the Commission; the Commission's address where objections may be filed; and a statement that an objection may only be filed prior to the date that the Commission grants or denies the application.

(l) Any person affected by a time schedule amendment proposed under this rule may submit a written objection to the proposed amendment. Unless otherwise ordered by the Commission, an objection shall not be considered unless it is filed with the Commission at least 10 days before the effective date of the proposed time schedule.

(m) If the Commission suspends and sets any time schedule for hearing:

(I) Any entity desiring to participate as a party shall intervene in the proceeding.

(II) The Commission shall send the order suspending the time schedule to the common carrier and any person who has filed an objection. The order shall specify when the matter is set for hearing, that an objection without an intervention is insufficient to participate as a party in the hearing, and the due date for interventions.

(n) If the Commission suspends a proposed time schedule amendment, the Commission or its staff shall issue a Suspension Supplement to be maintained in the Commission's time schedule files. The Suspension Supplement shall be on a form deemed proper by the Commission or its staff.

(o) If the Commission rejects a time schedule or amendment, the time schedule number contained in it shall not be used again. The time schedule or amendment shall not be referred to afterwards

~~as canceled, amended, or otherwise. A time schedule or amendment that is issued to take the place of the rejected time schedule or amendment shall contain the following statement:~~

~~Issued in lieu of Time Schedule No. _____ [or Revised Page No. _____], which was rejected by the Commission.~~

~~(p) If the Commission issues a decision prescribing any time schedule change, the affected common carrier shall file, within 10 days of the effective date of the Commission decision, a revised time schedule or revised time schedule sheets, as applicable, reflecting the prescribed change. Such a filing shall be clearly marked with the following statement:~~

~~Filed in compliance with Public Utilities Commission Decision No. _____.~~

~~(q) The Commission may reject any filed time schedule that does not comport with the form required by this rule, pursuant to § 40-6-111(3).~~

6209. Contract Carrier Contracts.

(a) Except as otherwise permitted by law, a contract carrier shall not enter into a contract for transportation with any person not named in the contract carrier's permit.

(b) Except as otherwise permitted by law, a contract carrier shall not engage in any act of transportation for hire except in compliance with the contract between the contract carrier and the person named in the contract carrier's permit.

(c) Contracts may be oral or written.

(d) At a minimum, all contracts, whether oral or written, 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 and term of the contract.

(e) A contract carrier shall ensure that its contracts do not conflict with provisions in the contract carrier's permit or tariff.

(f) A contract carrier shall include in its tariff the provisions required under paragraph (d) of this rule.

(I) In lieu of including said provisions in its tariff, a contract carrier may incorporate its written contract into its tariff by attaching a copy of the contract to the tariff.

(II) A contract carrier amending a contract shall immediately file an amended tariff as prescribed by rule 6207.

(g) The Commission is empowered, at any time, to investigate any contract and to require copies of written contracts from any contract carrier. The Commission is empowered to approve, or to disapprove for cause, any operations under any contract.

6210. Driver Courtesy.

Every regulated intrastate carrier shall ensure that its drivers provide its passengers with courteous service promoting the passengers' comfort and convenience. Drivers shall not behave discourteously. Discourteous service by a driver includes, but is not limited to, instances involving profanity, obscenity, assault, or the making of derogatory sexual or racial remarks. Passenger conduct, especially if it is unlawful, disorderly, or endangers others, is a factor to consider in determining whether a driver behaves discourteously.

6211. Use of Motor Vehicles Qualified as Luxury Limousines.

(a) No regulated intrastate carrier may use a dual-use vehicle to provide luxury limousine service unless it has provided the Commission advance written notice of its intent to do so.

(b) The notice shall not be effective until received by the Commission. Notice may be accomplished by U.S. Mail, hand delivery, facsimile transmission, or email. Notices transmitted by facsimile will be deemed received on the date and time imprinted on the notice by the sender's facsimile equipment. In the event the sender's facsimile equipment does not imprint a date and time on the notice, or if the date and time of receipt shown by the Commission's facsimile equipment is different than that shown on by the sender's facsimile equipment, the date and time of receipt shown by the Commission's facsimile equipment shall be conclusive. Notices transmitted by email will be deemed received on the date and time shown on the email received by the Commission.

(c) Regulated intrastate carriers should use the form of notice available from the Commission. In lieu of such form, however, the regulated intrastate carrier shall give notice under this rule by identifying:

(I) the regulated intrastate carrier and the relevant common carrier certificate or contract carrier permit numbers;

(II) the luxury limousine registration number;

(III) the make, model, license number, and vehicle identification number of the dual-use vehicle;

(IV) the date(s) and time(s) of day the dual-use vehicle will be operated as a luxury limousine;

(V) the customer's name for each specified date and time;

(VI) the date prearrangement for the dual use vehicle was made;

(VII) the manner in which prearrangement was made; and

(VIII) the total number of passengers in the chartering party.

(d) The regulated intrastate carrier shall keep a copy of the notice in the dual-use vehicle during the time such dual-use vehicle is operated as a luxury limousine.

(e) The regulated intrastate carrier may file an amended notice if necessary, but only if such amendment is received by the Commission before the regulated intrastate carrier implements the changes listed in the amendment.

(f) Dual-use vehicle transportation services conducted in the absence of or prior to Commission receipt of the notice required by this rule shall be deemed to be regulated intrastate carrier services. Dual-use vehicle transportation services conducted as specified in the notice required by this rule shall be deemed to be luxury limousine service. Any operation other than as designated in the notice shall be deemed to be regulated intrastate carrier services.

6212. Annual Reports.

Each regulated intrastate carrier shall file with the Commission an annual report on a Commission-supplied form on or before April 30 of each year. The regulated intrastate carrier shall complete all sections of the annual report applicable to said regulated intrastate carrier for the 12-month period ending on December 31 of the previous calendar year. When the Commission grants a permanent transfer of authority, the transferor shall complete a terminating annual report on a Commission-supplied form, which report shall cover the period from January 1 to the date the transfer is effective. The regulated intrastate carrier's owner, authorized partner, or authorized officer, as applicable, shall sign the certification of the annual report or terminating annual report. In all annual report filings, the regulated intrastate carrier shall comply with rule 1204(a)(IV).

6213. Regulated Intrastate Carrier Violations, Civil Enforcement, and Civil Penalties.

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

(I) § 40-10-104(1), C.R.S.; or § 40 11-103(1), C.R.S.

(II) § 40-10-106, C.R.S.; § 40-11-104, C.R.S.; paragraph 6202(b); or paragraph 6205(f).

(III) subparagraph (I), (II), (III), or (IV) of paragraph 6202(a).

(IV) § 40-10-117, C.R.S.; subparagraph 6207(b)(I); or paragraph 6208(a).

(b) A violation of subparagraph 6207(b)(II), paragraph 6209(a) or 6211(a), or rule 6212 regarding filing an annual report may result in the assessment of a civil penalty of up to $550.00 for each violation.

(c) A violation of subparagraph 6207(b)(III) may result in the assessment of a civil penalty as follows for each violation:

(I) Up to $275.00 for an overcharge of $25.00 or less.

(II) Up to $550.00 for an overcharge greater than $25.00 but less than or equal to $50.00.

(III) Up to $1,100.00 for an overcharge greater than $50.00.

(d) Except as provided for in paragraphs (a), (b), and (c) of this rule, a person who violates any provision of Articles 10 or 11 of Title 40, C.R.S., or any provision of these Common and Contract Carrier Rules may be assessed a civil penalty of up to $275.00 for each violation.

6214. – 6249. [Reserved].

Rules Specifically Applicable to Taxicab Carriers

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6257 apply to all common carriers providing taxicab service. Nothing in these Taxicab Carrier Rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any authority issued to any common carrier prior to the adoption of these rules.

6251. Definitions.

In addition to the generally applicable definitions in rule 6001, and the definitions applicable to common and contract carriers in rule 6201, the following definitions apply only in the context of these Taxicab Carrier Rules:

(a) "Base area" means any geographic area in which a taxicab carrier is authorized to provide point-to-point service.

(b) "DIA" means Denver International Airport.

(c) "Flat rate" means a fixed charge for the use of a taxicab traveling between DIA and one of the zones described in these taxicab carrier rules, regardless of the number of passengers being transported, and regardless of whether the passengers are traveling together.

(d) "Live meter" means any taxicab meter that, without intervention from the driver, automatically calculates changes in rates due to waiting time, traffic delay, or changes in the taxicab's speed.

(e) "Taxicab carrier" means a common carrier with common carrier certificate authorizing service by taxicab.

6252. Notices.

Each taxicab carrier shall post the following notices, as applicable, on the inside of the left window immediately behind the driver's window of each taxicab it operates. Except as provided in subparagraph (f), the font size of such notice shall be at least 14 and the font size of the cab number shall be at least 24. The taxicab carrier shall complete all blanks in the notices.

(a) The following notice shall be placed in all taxicabs:

NOTICE:

This is Cab No. _____

The driver of this taxicab shall not load other passengers without the permission of the first passenger. If the first passenger agrees to multiple loading, all passengers are entitled to a reduced fare.

Additional charges may apply for additional passengers, passenger drop offs, baggage and packages, waiting time, pets, and toll or gate charges.

Report any problems to the Public Utilities Commission at (303) 894-2001.

(b) If the taxicab carrier uses meters only, the notice shall also state:

Fares are calculated by use of a meter. The meter fares are _____ for the first _____ mile plus _____ for each additional _____ mile.

(c) If the taxicab carrier uses a live meter, the notice shall also state:

The meter will automatically change to a time charge of _____ per minute when the taxicab's speed is less than _____ miles per hour.

(d) If the taxicab carrier uses odometers only, the notice shall, in lieu of paragraphs (b) and (c), state:

Fares are calculated by use of the odometer. The fares are _____ for the first _____ mile, plus _____ for each additional _____ mile.

(e) If the taxicab carrier uses both meters and odometers, such notice shall contain the information specified by paragraphs (b), (c), and (d), as applicable.

(f) If the taxicab carrier serves DIA subject to the flat rate provided for in rule 6256 the notice shall contain a zone map showing the zones and, except for airport gate fees and drop charges, the applicable flat rate in each zone. The font size may be less than 14, but shall be as large as practicable.

6253. Service: Multiple Loading; Routing; Refusals; Quality.

(a) No taxicab carrier or taxicab driver shall engage in multiple loading unless the first passenger occupying the taxicab agrees to multiple loading.

(b) A taxicab carrier shall ensure that passenger transportation shall be by the shortest possible route between the origin and destination; provided, however, that a passenger may agree to an alternate route or designate the route he or she wishes to travel, if the taxicab carrier has first advised the passenger regarding the extent of deviation from the shortest possible route.

(c) No taxicab 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 taxicab 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 taxicab equipment, a taxicab driver shall immediately report to the dispatcher any refusal to transport a passenger.

(d) When a customer calls a taxicab carrier for service, the taxicab carrier shall request a phone number from the passenger and give an estimated time of pickup. If a customer's pickup location is within a 10-mile radius of the taxicab carrier's terminal from which a call is or would be dispatched, the taxicab carrier shall arrive at the pickup location within 45 minutes from the time the customer first requested service. If a customer's pickup location is outside a 10-mile radius of the taxicab carrier's terminal from which a call is or would be dispatched, the taxicab carrier shall have 4 additional minutes under this rule for each additional mile outside the 10-mile radius. A delay under this rule of more than 10 minutes shall be excused if:

(I) the customer has left a telephone number with the taxicab carrier;

(II) the taxicab carrier notifies the customer regarding the delay; and

(III) such delay is caused by inclement weather, traffic congestion, or other circumstances beyond the control of the taxicab carrier.

6254. Additional Service Requirements for Taxicab Carriers Operating Within and Between Counties with a Population of Sixty Thousand or Greater.

Taxicab carriers operating within and between counties with a population of sixty thousand or greater based on the federal census conducted in 1990 shall be subject to the additional requirements of this rule.

(a) Communications and Dispatch. Taxicab carriers subject to this rule shall obtain and advertise a central telephone number by which the public may call and request service. Taxicab carriers shall employ a communications system capable of contacting each of its taxicabs in service. The communications system shall have the ability to "broadcast" to all motor vehicles in the fleet at the same time. For good cause shown, taxicab carriers shall have 12 months from the time the Commission issues the taxicab carrier's common carrier certificate to comply with this paragraph (a). To qualify for the 12-month delay, the taxicab carrier shall file with the Commission a Plan for Compliance within 30 days after the common carrier certificate has been issued. Said plan shall include time frames and the details explaining how the taxicab carrier intends to comply with the requirements of this paragraph (a).

(b) Hours of Operation. Taxicab carriers subject to this rule shall be available to provide service 24 hours per day, every day of the year.

(c) Age of Motor Vehicles. Taxicab carriers subject to this rule shall not use taxicabs older than ten model years as of July 1st of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2004, and June 30, 2005, counting backwards, 2004 is the first model year, 2003 is the second model year, and so forth.

(d) A taxicab subject to this rule that is equipped with ramps, lifts, or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities is exempt from the requirements of paragraph (c) of this rule.

(e) A taxicab subject to this rule shall be in good physical condition, excluding consideration of defects covered by the Commission's safety rules. The Commission's enforcement officials shall use the following general guidelines in determining if a taxicab is in good physical condition:

(I) The body of the taxicab has a good, unfaded paint job; is devoid of major dents and rust, broken trim, and cracked windows other than the windshield; and

(II) Except for problems caused by current weather conditions, the interior of the taxicab is clean, free of offensive odors, and has no major tears, cracks, or stains upon the upholstery, headliner, and carpeting.

(f) Size of Fleet. Taxicab carriers subject to this rule that are also authorized to serve a base area with a population of at least 250,000 shall, at all times, employ a fleet of motor vehicles large enough to ensure the taxicab carrier's ability, at any given time, to deploy at least 15 taxicabs providing service to the public.

6255. Record Keeping.

(a) A taxicab carrier shall maintain in its files, for a minimum of one year from the date a customer requested service, the following data for each trip:

(I) the taxicab number;

(II) the driver's name;

(III) the date and time of the customer's request for service;

(IV) the address, date, and time of the customer's pickup; and

(V) the address of the customer's destination.

(b) If multiple loading is applicable for a given trip, then the data shall reflect the requirements of this rule for each party involved in the multiple loading trip.

6256. Flat Rates to and from Denver International Airport.

Taxicab carriers authorized to provide service to or from any portion of the zones listed in this rule shall be subject to all the provisions of this rule.

(a) Flat rate service shall be the only authorized taxicab service between points in the zones described by this rule, on the one hand, and DIA, on the other hand. The flat rates established under this rule shall be the flat rates in effect for every taxicab carrier subject to this rule.

(b) Flat rate charges.

(I) To the extent a taxicab carrier is subject to this rule, such taxicab carrier shall not charge meter rates for service between DIA and the zones listed in this rule, but shall instead charge the flat rates permitted under this rule.

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

(III) Except as specifically authorized by this rule, taxicab carriers providing service between DIA and the zones listed in this rule shall not additionally charge for waiting time, traffic delay, or airport fees.

(IV) Provided that the taxicab carrier so specifies in its approved tariff, the flat rate from DIA may be increased by $5.00 for each additional drop within a zone.

(c) Taxicab fares for service from DIA in which two or more parties have agreed to share a taxicab to their respective destinations shall comply with the following requirements. The taxicab driver shall inform the parties of the total charge prior to departing from DIA and advise the parties they must determine how much of the total fare each party is obligated to pay. The total charge may be approximated for taxicab service provided under subparagraphs (II), (III), or (IV) of this paragraph. Taxicab service provided under this paragraph is subject, without limitation, to the multiple loading provisions of paragraphs 6253(a) and 6255(b), and to the tariff provisions in paragraph 6207(d).

(I) If the first party is dropped at a point in Zone A, B, or C and the second party is dropped at a different point in the same zone, the total fare shall be the appropriate flat rate fare for the zone plus a $5.00 charge for each additional drop within the zone.

(II) If the first party is dropped at a point in Zone A, B, or C and the second party is dropped at a point in a different zone, the fare for the first party shall be the appropriate flat rate fare for that zone. The fare for the second party shall be the lesser of the meter fare from the drop point in the first zone to the drop point in the second zone or the appropriate flat rate fare from DIA to the zone.

(III) If the first party is dropped at a point in Zone A, B, or C and the second party is dropped at a point not in Zone A, B, or C, the fare for the first party shall be the appropriate flat rate fare for that zone. The fare for the second party shall be the meter fare from the drop point in Zone A, B, or C to the drop point that is not in Zone A, B, or C.

(IV) If the first party is dropped at point that is not in Zone A, B, or C and the second party is dropped at a point that is in Zone A, B, or C, the fare for the first party shall be the meter fare from DIA to the drop point that is not in Zone A, B, or C. The fare for the second party shall be the appropriate flat rate for that zone.

(d) The zones established in this rule include the following:

(I) Zone A (Downtown Denver): Beginning at the intersection of Clarkson Street and Park Avenue West, then northwest on Park Avenue West to Interstate 25, then south on Interstate 25 to 13th Avenue, then east on 13th Avenue to Clarkson Street, then north on Clarkson Street to the point of beginning.

(II) Zone B (Denver Technological Center): Beginning at the intersection of Dayton Street and Arapahoe Road, then north on Dayton Street to Belleview Avenue, then west on Belleview 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 Belleview Avenue, then east on Belleview Avenue to Quebec Street, then south on Quebec Street to Arapahoe Road, then east on Arapahoe Road to the point of beginning.

(III) Zone C (Boulder): The area within the city limits of the City of Boulder, Colorado, as such city limits exist on the day these Transportation by Motor Vehicle Rules become effective.

(e) The distances between DIA and the zones shall be measured by the Commission along the following routes:

(I) Zone A: Beginning at the taxi loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west and then south on Pena Boulevard to its intersection with Interstate 70, then west on Interstate 70 to its intersection with Brighton Boulevard, then southwest on Brighton Boulevard to its intersection with Broadway, then south on Broadway to its intersection with Tremont Street, then right on Tremont Street to the Brown Palace Hotel for a total distance of 24.2 miles.

(II) Zone B: Beginning at the taxi loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west and then south on Pena Boulevard to its intersection with Interstate 70, then west on Interstate 70 to its intersection with Interstate 225, then south on Interstate 225 to its intersection with Yosemite Street, then south on Yosemite Street to its intersection with Orchard Road for a total distance of 26.3 miles.

(III) Zone C: Beginning at the taxi loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west and then south on Pena Boulevard to its intersection with Interstate 70, then west on Interstate 70 to its intersection with Interstate 270, then northwest on Interstate 270 to its intersection with U. S. Highway 36, then northwest on U. S. Highway 36 to its intersection with Arapahoe Avenue in Boulder for a total distance of 44 miles.

(f) The flat rates shall be as set forth in the following provisions:

(I) Zone A: The flat rate between DIA and any point in Zone A shall be $43.00, plus any applicable airport gate fee divided evenly among the parties, plus any applicable per drop charge of $5.00.

(II) Zone B: The flat rate between DIA and any point in Zone B shall be $45.00, plus any applicable airport gate fee divided evenly among the parties, plus any applicable per drop charge of $5.00.

(III) Zone C: The flat rate between DIA and any point in Zone C shall be $70.00, plus any applicable airport gate fee divided evenly among the parties, plus any applicable per drop charge of $5.00.

(g) Two or more taxicab carriers subject to this rule may file a joint application proposing new flat rates. Such a joint application shall include the following information:

(I) The cost of fuel for a trip between DIA and Zone A, B, or C, as applicable.

(II) The average number of trips per day between DIA and Zone A, B, or C, as applicable.

(III) The difference between the existing mileage fare and the existing flat rate fare between DIA and Zone A, B, or C, as applicable.

(IV) The difference in lease rates referenced in § 40-3-103, C.R.S., between drivers who only provide transportation to and from DIA and drivers who accept dispatched calls.

(V) Any other pertinent information.

(h) The Commission may, on its own motion, open a docket to change existing flat rates. New flat rates approved by the Commission shall apply to any other taxicab carrier affected by this rule. Any such taxicab carrier shall file an amended tariff reflecting the new flat rates within 10 days of the mailed date of the Commission decision approving the new flat rates.

6257. Taxicab Violations, Civil Enforcement, and Civil Penalties.

(a) A person who violates subparagraph (b)(I) of rule 6256 may be assessed a civil penalty as follows for each violation:

(I) Up to $275.00 for an overcharge of $25.00 or less.

(II) Up to $550.00 for an overcharge greater than $25.00 but less than or equal to $50.00.

(III) Up to $1,100.00 for an overcharge greater than $50.00.

(b) A violation of paragraph (b) or (c) of rule 6253 may result in the assessment of a civil penalty of up to $550.00 for each violation.

(c) A violation of paragraphs (c) and (e) of rule 6254 may result in the assessment of a civil penalty of up to $100.00 for each violation.

(d) Except as provided for in paragraphs (a), (b), and (c) of this rule, a person who violates any provision of these Taxicab Carrier Rules may be assessed a civil penalty of up to $275.00 for each violation.

6258. - 6299. [Reserved].

EXEMPT PASSENGER CARRIER RULES

6300. Applicability of Exempt Passenger Carrier Rules.

Rules 6300 through 6399 apply to all exempt passenger carriers.

6301. Definitions.

"Fuel economy guide" means the fuel economy guide published by the federal Environmental Protection Agency and available on that Agency's website.

6302. Registration Requirement.

No person shall offer services as an exempt passenger carrier without a valid registration issued by the Commission.

6303. Registration.

(a) Any person seeking to register as an exempt passenger carrier shall provide the following information, as applicable:

(I) The name of the registrant and the trade name under which operations will be conducted.

(II) A copy of the registrant's certificate of assumed trade name~~, if applicable~~ or trade name registration.

(III) The registrant's telephone number, complete physical address, and complete mailing address. A post office box is only acceptable if a physical address is also provided.

(IV) A statement describing the registrant's business structure (corporation, limited liability company, partnership, or sole proprietorship).

(V) The name and address of the registrant's Colorado agent for service of process, as required by rule 6011.

(VI) If a registrant is a corporation:

(A) The name of the state in which the registrant is incorporated.

(B) The location of the registrant's principal office, if any, in Colorado.

(C) The name and title of each director and officer.

(D) A certified copy of the registrant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registration.

(VII) If the registrant is a limited liability company:

(A) The state in which the company is organized.

(B) The location of the registrant's principal office, if any, in Colorado.

(C) The name and title of each member.

(D) A certified copy of the registrant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registration.

(VIII) If the registrant is a partnership:

(A) The name and business address of all general and limited partners.

(B) The location of the registrant's principal office, if any, in Colorado.

(IX) If the registrant is a sole proprietorship:

(A) The name and business address of the sole proprietor.

(B) The location of the sole proprietor's principal office, if any, in Colorado.

(X) A statement setting out the seating capacity of the vehicle with the largest seating capacity in the fleet of vehicles to be used by the registrant under its registration.

(XI) Copies of any authority, issued by either a state or a federal agency, under which the registrant contends that it may provide for-hire transportation of passengers in the State of Colorado.

(XII) A statement that the registrant is familiar with the Exempt Passenger Carrier Rules and all applicable safety rules and that the registrant will comply with them.

(XIII) A verification made under penalty of perjury and signed by an authorized officer, partner, owner, employee, or manager of the registrant, as appropriate, verifying that the contents of the registration form and all attachments are true, accurate, and correct. The registration form shall contain the complete address of the affiant.

(b) In addition to the information required by paragraph (a), a person registering as an exempt passenger carrier under this rule shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.

(c) The Commission will not register any person as an exempt passenger carrier until the Commission has received all information and documentation required by paragraphs (a) and (b) of this rule.

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~~ 49 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) 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.

6306. Revocation.

~~The Commission, on its own motion or as a result of a formal or informal complaint by any person, after reasonable notice and a hearing, may revoke a luxury limousine carrier's registration pursuant to § 40-16-103.6, C.R.S.~~

(a) After a hearing upon at least ten days' notice to the exempt passenger carrier affected, the Commission may revoke an exempt passenger carrier registration for any of the following reasons:

(I) Violation of, or failure to comply with, any statute or regulation concerning exempt passenger carriers.

(II) Violation of, or failure to comply with, the terms and conditions of the exempt passenger carrier registration.

(III) Exceeding the authority granted in the exempt passenger carrier registration.

(IV) Violation of, or failure to observe and comply with, any Commission order, rule, or regulation.

(b) An exempt passenger carrier whose exempt passenger carrier registration(s) is revoked for a third time shall not be issued another exempt passenger carrier registration for two years from the date of the third such exempt passenger carrier registration revocation. In determining whether an exempt passenger carrier has had its exempt passenger carrier registration(s) revoked three times, a revocation for failure to maintain the financial responsibility required by rule 6007 shall not be counted as one of the three revocations unless the exempt passenger carrier knowingly operated without the required financial responsibility.

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, 2003. 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
Denver, Colorado 80203

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, Denver, Colorado 80203, 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.

6308. Discretionary Vehicle.

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

(I) A motor vehicle whose wheelbase has been lengthened beyond the manufacturer's original specifications.

(II) A motor vehicle 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.

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

(IV) 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) A motor vehicle, 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 a motor vehicle pursuant to subparagraph (a)(V) of this rule shall 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.

(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.

(c) No person shall provide luxury limousine service without having in the luxury limousine a manifest or charter order containing the name, pickup address, and telephone number of the chartering party and the time of pickup.

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. 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. 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 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.

6312. – 6399. Reserved].

INTERSTATE CARRIER RULES

6400. Applicability of Interstate Carrier Rules.

Rules 6400 through 6499 apply to all interstate carriers.

6401. Regulations Incorporated by Reference.

(a) The Commission incorporates by reference the regulations published at 49 C.F.R. Parts 366 and 367, as revised as of October 1, 2003. These rules do not incorporate later amendments to or editions of the C.F.R.

(b) Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact:

Transportation Section Chief
Colorado Public Utilities Commission
Office Level 2
1580 Logan Street
Denver, Colorado 80203

Telephone: (303) 894-2850

(c) The material incorporated by reference may be examined at the offices of the Commission, Office Level 2, 1580 Logan Street, Denver, Colorado 80203, 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.

6402. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Interstate Carrier Rules:

(a) "Jurisdiction" means a state of the United States, the District of Columbia, a province or territory of Canada, or the Republic of Mexico.

(b) "Federal authority" means authority issued by the FMCSA.

(c) "Registration state" means the State where the regulated interstate carrier maintains its principal place of business. If the regulated interstate carrier's principal place of business is located in a jurisdiction that is not a participating SSRS registration state, the registration state shall be the participating state in which such regulated interstate carrier will operate the largest number of motor vehicles during the registration year; if more than one state applies using this criterion, the registration state shall be one of those states chosen by such regulated interstate carrier. Once the registration state jurisdiction is determined, this designation shall be effective until the regulated interstate carrier changes its principal place of business.

6403. Registration: Regulated Interstate Carriers.

(a) All regulated interstate carriers that designate or that are required to designate the State of Colorado as their SSRS registration state shall register with the Commission for all states of travel. No regulated interstate carrier may operate without registering for the applicable registration year. Each calendar year is a different registration year. The regulated interstate carrier shall submit its registration materials on fully completed forms supplied by the Commission, attaching all required documents thereto. The regulated interstate carrier shall submit its registration materials with its payment of the required fees.

(b) A regulated interstate carrier using a motor vehicle in both interstate and intrastate commerce need only pay the fees associated with interstate commerce for that motor vehicle.

(c) A regulated interstate carrier may add additional motor vehicles or states of travel by filing supplemental registration materials and paying the appropriate fees. If a regulated interstate carrier is applying to add additional states of travel, the supplemental registration materials shall include a federal authority authorizing travel to those states.

(d) Prior to operating a motor vehicle in interstate commerce, the regulated interstate carrier shall place and keep a copy of the current year's registration receipt required by paragraph (a) or supplemental registration receipt required by paragraph (c) in each such motor vehicle.

(e) Any alteration or unauthorized use of a registration receipt or supplemental registration receipt by any person associated with the regulated interstate carrier, including a driver, shall render the registration of the regulated interstate carrier void. Such action shall be considered an intentional violation of the registration requirements set forth in § 40-10-120(2) and/or § 40-11-115(2), C.R.S.

6404. Registration: Exempt Interstate Carriers.

(a) Except for an interstate carrier that has lawfully registered through the SSRS for operations in Colorado, no exempt interstate carrier shall operate into, from, within, or through the State of Colorado until it has registered its operations with the Commission. In so registering, the exempt interstate carrier shall request the Commission's issuance of vehicle identification stamps for any motor vehicle that it intends to operate within Colorado for that year. The exempt interstate carrier shall submit its registration materials on fully completed forms supplied by the Commission, attaching all required documents thereto. The exempt interstate carrier shall submit its registration materials with its payment of the required fees.

(b) An exempt interstate carrier using a motor vehicle in both interstate and intrastate commerce need only pay the fees associated with interstate commerce for that motor vehicle.

(c) Each exempt interstate carrier shall apply to NARUC for the issuance of a sufficient supply of Forms D-1 (cab cards) for use in connection with the identification of any motor vehicle that it intends to operate in Colorado. On or before the first day of January of each year, and prior to operating a motor vehicle in Colorado during the year, the exempt interstate carrier shall place the vehicle identification stamp issued by the Commission on the back of the cab card in the square bearing the name of the State of Colorado in a manner that the stamp cannot be removed without defacing it. The exempt interstate carrier shall complete and execute the form of the certificate on the front of the cab card in order to identify itself and the motor vehicle. The exempt interstate carrier shall maintain the cab card in the motor vehicle for which it was prepared. The cab card shall only be used for the motor vehicle for which it was originally prepared.

(d) The cab card shall be valid only for the calendar year for which it was issued and shall become void at 12:01 AM on the first day of January of the succeeding year.

(e) An exempt interstate carrier shall file supplemental registration materials to report a change in operations.

(f) Any alteration or unauthorized use of a cab card by any person associated with the exempt interstate carrier, including a driver, shall render the registration of the exempt interstate carrier void. Such action shall be considered an intentional violation of the registration requirements set forth in §§ 40-10-120(2) and/or 40-11-115(2), C.R.S.

(g) If a cab card is mutilated or becomes illegible, the exempt interstate carrier may prepare a new cab card and attach the mutilated or illegible cab card. If a cab card is lost or destroyed, the exempt interstate carrier may prepare a new cab card and shall purchase a new vehicle identification stamp.

6405. Interstate 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) § 40-10-120(2), C.R.S.; § 40-11-115(2), C.R.S.; or paragraph 6403(a), with regard to operating without a registration.

(II) § 40-10-120(3), C.R.S.; § 40-11-115(3), C.R.S.; or paragraph 6404(a), with regard to operating without a registration.

(b) Any person who operates a motor vehicle pursuant to §§ 40-10-120 or 40-11-115, C.R.S., and who fails to carry proof of interstate registration in said motor vehicle as required by 49 C.F.R. § 367.5(e), paragraph 6403(c), or paragraph 6403(d), may be assessed a civil penalty of up to $25.00 for each violation.

(c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of §§ 40-10-120 or 40-11-115, C.R.S., or any provision of the Interstate Carrier Rules may be assessed a civil penalty of up to $275.00 for each violation.

6406. - 6499. [Reserved].

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

(a) Rules 6500 through 6599 apply to all towing carriers.

(b) Nothing in these towing carrier rules shall be construed to prohibit a county or municipality, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations.

6501. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Towing Carrier Rules:

(a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by §§ 42-4-1802 and 42-4-2102, C.R.S.

(b) "Authorized agent" means a person who has been given written or oral permission by the owner or lessee of a motor vehicle to act as agent for the disposition of said motor vehicle.

(c) "Authorized operator" means a person who has been given written or oral permission to drive a motor vehicle by the owner or lessee of said motor vehicle.

(d) “Law enforcement officer” means any sheriff, police officer, Colorado state patrol officer, municipal code enforcement officer, or other such person acting in his or her official capacity for enforcement of motor vehicle laws.

(e) "Legal disability" means the condition of a trailer or semi-trailer that, due to its weight, height, or other size characteristics, is unable to be transported when attached to the vehicle that was pulling it.

(f) "Motor vehicle" means any vehicle that is propelled or drawn by mechanical power on the public ways of the State of Colorado. The term also includes any trailer or semi-trailer attached to the vehicle, or any trailer or semi-trailer which, due to collision, mechanical disablement, legal

disability, order of a law enforcement officer or property owner, must be towed or transported separately from the vehicle from which it was detached.

(g) "Mountain area" means that part of the State of Colorado west of a line drawn ten air miles west of, and parallel to, Interstate Highway 25.

(h) "Non-consensual tow" means a tow authorized or directed by a person other than the owner, authorized operator, or authorized agent of the owner; except that a non-consensual tow does not include the repossession of a motor vehicle pursuant to § 4-9-629, C.R.S. A non-consensual tow includes:

(I) any tow performed contrary to the specific direction of the owner, authorized operator, or authorized agent of the owner;

(II) except for a tow authorized by the property owner or a tow ordered by a law enforcement officer, any tow performed without disclosure of the rates and charges to be assessed as set forth in rule 6510;

(III) a tow directed or authorized by a law enforcement officer, either orally or in writing, in any circumstance when the owner, authorized operator, or authorized agent of the owner is unavailable, unable, or unwilling to direct the tow; or

(IV) any other tow performed without prior consent or authorization of the owner, authorized operator, or authorized agent of the owner of the motor vehicle.

(i) "Normal business hours" means 8:00 AM to 5:00 PM, Monday through Friday, excluding holidays, and any additional hours and days the towing carrier may designate.

(j) ”Private property” means any real property that is not public property.

(k) “Property owner” means:

(I) the owner or lessee of the private property or public property;

(II) a person who has been authorized in writing to act as agent for the owner or lessee of the private property or public property; or

(III) a federal, state, county, municipal, or other government entity that is the owner or lessee of the private property or public property, or such entity's employees responsible for such property.

(l) “Public property” means any real property having its title, ownership, use, or possession held by the federal government; this state; or any county, municipality, or other governmental entity of this state.

(m) "Towing vehicle" means "towing vehicle" as defined by § 40-13-101(4), C.R.S.

6502. Permit Requirement.

Unless exempted by § 40-13-103(2), C.R.S., no person shall operate as a towing carrier without a valid towing carrier permit issued by the Commission.

6503. Permit Application.

(a) Any person seeking a permit to operate as a towing carrier shall submit an application for a towing carrier permit to the Commission and shall cause to be filed the information identified in paragraph (c) of this rule.

(b) The application shall contain the following, as applicable:

(I) The name of the applicant and the trade name under which operations will be conducted.

(II) A copy of its certificate of assumed trade name~~, if applicable~~ or trade name registration.

(III) The applicant's telephone number, complete physical address, and complete mailing address. A post office box is only acceptable if a physical address is also provided.

(IV) If the applicant is a corporation:

(A) The name of the state in which it is incorporated.

(B) The location of its principal office in the State of Colorado.

(C) The names of its directors and officers.

(D) A certified copy of the applicant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.

(V) If the applicant is a limited liability company:

(A) The state in which the company is organized.

(B) The location of the company's principal office in the State of Colorado.

(C) The name, title, and business address of each member.

(D) A certified copy of the applicant's 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 partnership, the name, title, and business address of each partner.

~~(VII) A list and complete description of the equipment to be operated under the permit, including information regarding motor vehicle year, make, model, vehicle identification number, and GVWR.~~

(VII~~I~~) A statement that applicant is familiar with the Towing Carrier Rules and all applicable safety rules and that applicant will comply with them.

(VIII~~X~~) A statement that applicant understands that the filing of an application does not constitute authority to operate.

(IX) A statement whether or not the towing carrier will provide storage for towed motor vehicles. If storage is provided, the application shall contain the storage facility's address and, if one exists, telephone number.

(X~~I~~) A statement made under penalty of perjury and signed by an officer, a partner, an owner, or an employee of the applicant, as appropriate, who is authorized to act on behalf of the applicant and which states that the contents of the application are true, accurate, and correct. The application shall contain the complete address of the affiant.

(XI~~I~~) An application fee of $150.00.

(c) In addition to the application, a person seeking a permit to operate as a towing carrier shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.

(d) The Commission will not issue a permit to operate as a towing carrier until the Commission has received a complete application, the required proof of financial responsibility, and the required annual identification fees.

6504. [Reserved].

6505. Revocation, Suspension, Alteration, or Amendment of Permit.

(a) After a hearing upon at least ten days' notice to the towing carrier affected, the Commission may revoke, suspend, alter, or amend a towing carrier permit for any of the following reasons:

(I) Violation of, or failure to comply with, any statute or regulation concerning towing carriers or the towing, storage, or disposal of towed motor vehicles. This subparagraph includes, but is not limited to, a violation of part 18 and part 21 of article 4 of title 42, C.R.S.

(II) Violation of, or failure to comply with, the terms and conditions of the permit.

(III) Exceeding the authority granted in the towing carrier permit.

(IV) Violation of, or failure to observe and comply with, any Commission order, rule, or regulation.

(b) A towing carrier whose towing carrier permit(s) is revoked for a third time shall not be issued another towing carrier permit for one year from the date of the third such permit revocation. In determining whether a towing carrier has had its towing carrier permit(s) revoked three times, a revocation for failure to maintain the financial responsibility required by rule 6007 shall not be counted as one of the three revocations unless the towing carrier knowingly operated without the required financial responsibility.

6506. Equipment and Accessories.

In addition to complying with all applicable safety regulations, all towing vehicles shall meet the following minimum requirements:

(a) Basic towing vehicle requirements.

(I) A towing carrier shall equip its towing vehicles with engines, transmissions, differentials, driveline components, brake systems, frames, steering components, and suspensions of sufficiently heavy construction to safely winch, lift, tow, load, and transport the towed motor vehicle.

(II) A towing carrier shall maintain its towing vehicles in a manner ensuring the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle.

(III) A towing carrier shall ensure that all its towing vehicles have each of the following:

(A) a GVWR of at least 10,000 pounds;

(B) fender coverings for front and rear wheels;

(C) the following operational electric lights:

(i) one spotlight, mounted behind the cab, capable of lighting the scene of disability and the motor vehicle to be moved (reverse/back-up lights of the towing vehicle shall not be used in lieu of the spotlight); and

(ii) one portable, combination light system capable of being securely attached on the rear of the towed motor vehicle; consisting of (with an equal number on each side) two tail lamps, two stop lamps, and two turn signals; and operated in conjunction with analogous lights on the towing vehicle;

(D) one steering wheel tying device free from cracks, fraying, or deterioration; and

(E) the following accessories for any towing carrier that performs tows from accident scenes:

(i) one shovel; and

(ii) one broom.

(b) Winching, lifting, towing, and carrying equipment shall be maintained in a manner to ensure the safe winching, lifting, towing, loading, and transporting of the towed motor vehicle, and shall include at least one of the following:

(I) Winch and crane: A power-driven winch and crane with a capacity of not less than 6,000 pounds with a winch cable capable of withstanding a test of not less than 10,000 pounds at breaking point or hydraulic system vehicle lift and a cradle, with a tow plate or sling,

equipped with safety chains and chains with J-hooks of sufficiently heavy construction to ensure the safe lifting of the motor vehicle;

(II) Wheel-lift system: A wheel-lift system with a stinger, L arm brackets, safety chains and tie-down straps, or a mechanical wheel retainer device forming an integral part of the L-arm bracket, of sufficiently heavy construction to secure the motor vehicle to the wheel-lift unit and to ensure the safe lifting and towing of the motor vehicle; or

(III) Rollback system: A rollback system with a winch and cable as described in subparagraph (I) of this paragraph, safety chains, tie-down equipment, and truck bed of sufficiently heavy construction to ensure the safe loading and transporting of the motor vehicle.

(c) A towing carrier shall not tow a motor vehicle that is so extensively damaged as to be unmovable on its own wheels, unless the towing vehicle is equipped with dollies, a wheel-lift system, or a rollback system of sufficiently heavy construction to ensure the safe loading and towing of the damaged motor vehicle.

(d) Rescue and recovery equipment.

(I) For purposes of this paragraph (d), rescue and recovery operation means that a motor vehicle must first be moved by means of the mechanical devices described in subparagraph (d)(II) before it is capable of being towed by the towing vehicle.

(II) The following equipment is required only if the towing carrier performs rescue and recovery operations:

(A) Dead-man blocks/scotch blocks and other tie-down equipment that are sufficient to hold the towing vehicle in place while performing the rescue or recovery operation;

(B) Web straps or slings that are free of cuts or fraying across 50 percent of the width of their surface;

(C) Snatch blocks that are free of any cracks and excessive wear, and are lubricated sufficiently to allow free movement of the sheave and other swivel points; and

(D) Chains that are capable of withstanding a test of not less than 10,000 pounds at breaking point, with links that are free of cracks and of wear that exceeds 15 percent of the original stock diameter.

6507. Storage Facilities.

(a) Disclosure of facility location. For non-consensual tows, within one hour of placing a motor vehicle other than an abandoned motor vehicle in a storage facility, a towing carrier shall disclose the location of the storage facility as follows:

(I) By notifying the owner, the authorized operator, or the authorized agent of the owner of the towed motor vehicle;

(II) By notifying the owner of the property from which the motor vehicle was towed; or

(III) By notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.

(b) Disclosure for abandoned motor vehicles. A towing carrier which places an abandoned motor vehicle in a storage facility shall disclose the location of the storage facility by complying with the procedure for abandoned motor vehicles in Parts 18 and 21 of Article 4 of Title 42, C.R.S.

(c) Noncompliance with disclosure requirements. A towing carrier that fails to comply with the disclosure requirements of this rule shall not charge, collect, or retain any fees or charges for storage of the stored motor vehicle.

(d) Release of motor vehicles from storage shall be in accordance with rule 6512.

~~(I) Except for the release of a motor vehicle under the direction of a law enforcement officer, a towing carrier that accepts for storage a motor vehicle that has been towed as a non-consensual tow upon the authorization of the property owner shall be available to release or provide access to said motor vehicle within the first 48 hours of storage to the owner, authorized operator, or authorized agent of the owner of the motor vehicle either:~~

~~(A) With one hour's notice during all times other than normal business hours; or~~

~~(B) Upon demand during normal business hours.~~

~~(II) Except as provided in subparagraph (III) of this paragraph, a towing carrier shall release the motor vehicle upon payment of the towing and storage charges as required by paragraph (m) of rule 6511.~~

~~(III) The towing carrier, at its discretion, need not comply with subparagraph (II) of this paragraph if:~~

~~(A) the towing carrier is reasonably certain that the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;~~

~~(B) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit or proof of motor vehicle liability coverage; or~~

~~(C) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer.~~

~~(e) Subparagraph (d)(I)(A) of this rule shall not apply when a towing carrier, upon notification for the release of or access to a motor vehicle at other than normal business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the stored motor vehicle. This exception is applicable when the towing carrier has reason to believe that the motor vehicle's owner, authorized operator, or authorized agent of the owner of the motor vehicle may disrupt the public order.~~

6508. Authorization for Towing of Motor Vehicles.

(a) Towing carrier not an agent.

(I) A towing carrier, its employees, partners, officers, directors, stockholders, or independent contractors working for or with the towing carrier shall not act as an agent for the property owner except that, when the property is vacant (i.e. not being used as a residence or as a business), the towing carrier may act as the agent for the property owner under a written contract to that effect. Such written contract shall be maintained as provided in rule 6005.

(II) Nothing in this paragraph shall preclude a towing carrier, which towing carrier has been paid for the tow by the property owner at rates in accordance with rule 6511(d), from collecting the towing charges from the motor vehicle owner and reimbursing said charges to the property owner.

(b) Authorization.

(I) A towing carrier shall not tow any motor vehicle unless one of the following conditions is met:

(A) The towing carrier is directed to perform a tow by a law enforcement officer;

(B) The towing carrier is requested to perform a tow by the owner, authorized operator, or authorized agent of the owner of a motor vehicle; or

(C) The towing carrier is requested to perform a tow upon the authorization of the property owner.

(II) Property owner authorization. The authorization from the property owner shall be in writing; shall identify, by make and license plate number (or in lieu thereof, by vehicle identification number), the motor vehicle to be towed; and shall include the date, time, and place of removal.

(A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier at the time the motor vehicle is to be removed from the property.

(B) A towing carrier shall not accept or use blank authorizations pre-signed by the property owner.

(C) A towing carrier shall make the written authorization available for inspection by the owner of the towed motor vehicle or his or her authorized representative.

(D) The written authorization may be incorporated with the tow record/invoice required by Rule 6509.

(c) Noncompliance. If a tow is performed in violation of this rule, or in violation of § 42-4-2103, C.R.S., the towing carrier shall not charge, collect, or retain any fees or charges for the

unauthorized services it performs. Any motor vehicle that is held in storage and that was towed without proper authorization shall be released immediately to the owner, lienholder, or agent of the owner or lienholder.

6509. Tow Record/Invoice.

(a) Towing carriers shall use and complete all applicable portions of a tow record/invoice form for all non-consensual tows. The tow record/invoice form shall contain the following information:

(I) the serial number of the tow record/invoice;

(II) the name, address, permit number, and telephone number of towing carrier;

(III) the address of the storage facility used by the towing carrier, including the telephone number for that storage facility if the number is different than the telephone number of the towing carrier;

(IV) the date and time of tow commencement and completion, the time of arrival on the scene if different from the time of commencement, the time the towed motor vehicle is placed in storage, and all other times necessary for the purpose of calculation of hourly charges;

(V) the make, model, year, vehicle identification number, and, if available, license plate number of the motor vehicle towed;

(VI) the origin address of the tow, the destination address of the tow, and the one-way mileage between such addresses;

(VII) the name, address, and telephone number of the person authorizing the tow;

(VIII) the signature of the property owner authorizing a tow;

(IX) if the towed motor vehicle is unlocked, a list of ~~the~~ its contents ~~of the motor vehicle towed~~;

(X) the unit number or license number of the towing vehicle;

(XI) the signature of the towing vehicle operator;

(XII) an itemized invoice of all towing charges assessed; and

(XIII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released.

(b) The tow record/invoice shall be a multiple copy form. The copies shall be distributed as follows:

(I) The towing carrier shall retain the copy bearing all required original signatures for authorization and release.

(II) The towing carrier shall deliver a copy to the owner, authorized operator, or authorized agent of the owner at the time of payment of towing charges and release of the towed motor vehicle.

6510. Disclosure of Rates and Charges.

(a) Except as provided in paragraph (c) of this rule, prior to performing any tow, a towing carrier shall disclose to the owner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed.

(b) This disclosure may either be written or oral and shall include, but is not limited to, the following information:

(I) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a repair or body shop during the normal working hours of such repair or body shop;

(II) any extra charges made necessary because, at the time of the tow, the towing carrier would be unable to deliver the motor vehicle to a location and at a time agreed upon by the owner, authorized operator, or authorized agent of the owner to take delivery of the vehicle and pay the tow charges; and

(III) estimated charges for mileage and storage.

(c) This rule does not apply to non-consensual tows authorized by the property owner or tows ordered by law enforcement officers.

6511. Rates and Charges.

(a) The rates and charges in this rule 6511 shall not apply to:

(I) a tow of an abandoned motor vehicle weighing in excess of 10,000 pounds GVWR for which the charges are determined by negotiated agreement between the towing carrier and the responsible law enforcement agency as provided in § 42-4-1809(2)(a), C.R.S.;

(II) a tow of an abandoned motor vehicle performed under a contract between the towing carrier and the responsible law enforcement agency as provided in § 42-4-1809(3), C.R.S.; or

(III) a tow of a motor vehicle authorized by a law enforcement officer, unless otherwise provided.

(b) Charge if retrieved before removal (commonly known as "drop charge").

(I) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle with a GVWR of less than 10,000 pounds that is parked without the authorization of the property owner attempts to retrieve the motor vehicle before its removal from the property, the maximum drop charge (whether motor vehicle is hooked up or not) is $64.00.

(II) In such circumstances, the towing carrier shall advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle that he or she may offer payment of the towing carrier's drop charge.

(III) ~~If payment in cash of the drop charge is offered before removal, the towing carrier shall immediately:~~Release of the motor vehicle shall be in accordance with rule 6512.

~~(A) accept payment;~~

~~(B) release the motor vehicle; and~~

~~(C) make the property owner's written authorization available for inspection by the owner of the towed motor vehicle or his or her authorized representative.~~

(c) Rates for ~~off-road retrieval~~ recovery, which includes waiting time, associated with a non-consensual tow.

(I) Except as provided in § 42-4-1809(2)(a) regarding abandoned motor vehicles, this paragraph shall apply to the ~~off-road retrieval~~ recovery of any size vehicle.

(II) When accompanied by documentation showing starting and ending times of the ~~retrieval~~ recovery, which documentation may include law enforcement incident reports and verification, a towing carrier may charge for ~~off-road retrieval~~ recovery at its hourly rates, a record of which is maintained in compliance with rule 6005.

(III) Hourly rates for ~~off-road retrieval~~ recovery shall be calculated from the time the towing carrier arrives at the scene and the law enforcement officer approves the ~~retrieval~~ recovery to the time the towing carrier has completed the ~~retrieval~~ recovery and may include time to load and to secure ~~retrieval~~ recovery equipment and the cleanup of the scene. ~~Off-road retrieval~~ Recovery time shall not include loading and securing the ~~retrieved~~ recovered motor vehicle to, or onto, the towing vehicle. Recovery time may include documented post-towing maintenance of recovery equipment directly attributable to the recovery.

(IV) The cost of additional equipment used may be recovered from the motor vehicle owner at the towing carrier's actual costs incurred plus a reasonable administrative fee of not more than twenty-five percent of those actual costs, provided that the actual costs are reasonable by industry standards.

(d) Rates and charges for non-consensual tows. Subject to the provisions of this paragraph ~~and except as provided in subparagraph VII of this paragraph~~, the maximum rate that a towing carrier may charge for a non-consensual tow of a motor vehicle with a GVWR of less than 10,000 pounds performed upon the authorization of the property owner is $140.00. Except as provided in paragraphs (b), (c), (e), (f), (g), (h), (i), and (~~i~~j) of this rule, this maximum rate shall include, but not be limited to, charges for the following:

(I) all towing services rendered;

(II) hookup;

(III) use of dollies or go-jacks;

(IV) access to or release of the motor vehicle from storage;

(V) all commissions paid; and

(VI) all other services rendered in performing such non-consensual tow.

(~~VII~~e) The maximum rates for a non-consensual tow from storage are as follows:

(~~A~~I) $83.00 for one additional hookup;

(~~B~~II) $83.00 per hour waiting time (i.e., directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation); and

(~~C~~III) ~~$3.45 per mile~~ mileage charges as provided in paragraph (f).

(~~e~~f) Mileage.

(I) The maximum mileage charge that may be assessed for a non-consensual tow of a motor vehicle with a GVWR of less than 10,000 pounds is $3.45 per laden mile. For purposes of this paragraph, laden mile means a mile when the towed motor vehicle is being transported.

(II) Fuel surcharge. Beginning on the effective date of these rules, the maximum mileage charge shall be adjusted monthly by the Public Utilities Commission by setting a fuel surcharge. The surcharge shall be based on the United States Department of Energy "weekly retail on-highway diesel prices" for the Rocky Mountain region using the price per gallon on April 1, 2006, as the base rate. The adjustment shall provide a one-percent increase in the mileage rate for every ten-cent increase in fuel cost, or a one-percent decrease in the mileage rate for every ten-cent decrease in fuel cost, but in no event decreasing below the base rate.

(~~f~~g) Storage for non-consensual tows.

(I) Generally.

(A) Storage charges shall not exceed the following rates based on a 24-hour period or any portion of a 24-hour period:

(i) $27.00 for motor vehicles having a GVWR of less than 10,000 pounds;

(ii) $34.00 for motor vehicles having a GVWR of 10,000 pounds or more;

(iii) in lieu of subparagraphs (A)(i) and (ii), and at the option of the towing carrier, storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at $1.35 per foot or portion thereof.

(B) Storage charges shall not be charged, collected, or retained for any day in which garage keeper's liability insurance coverage is not kept in force.

(II) Storage charges for a non-consensual tow may commence upon placing the motor vehicle in storage.

(III) Maximum accumulated charges for abandoned motor vehicles. Unless a hold order has been placed on the motor vehicle by a court, district attorney, or law enforcement agency, or unless extenuating circumstances have prevented a towing carrier from complying with the notice requirements of § 42-4-2103, C.R.S., storage charges after the tow and storage of an abandoned motor vehicle shall not be accumulated beyond 60 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.

(IV) Exemption for municipal or county contracts. Notwithstanding any other provision of these rules, this paragraph shall not apply to any storage of a towed motor vehicle performed under a contract with a municipal, county, state, or federal agency.

(~~g~~h) For a non-consensual tow, the maximum charge for release of a motor vehicle from storage or access to a motor vehicle in storage at any time other than normal business hours is $60.00.

(~~h~~i) Additional charges in mountain areas for non-consensual tows and storage.

(I) When a motor vehicle is towed between points in the mountain area, the towing carrier may add an additional amount not to exceed 12 percent of the towing charges provided in paragraphs (b), (d), (e), and (e~~f~~) ~~and subparagraph (IV)(A) of paragraph (l)~~.

(II) When a motor vehicle is towed into or out of the mountain area, the towing carrier may add an additional amount not to exceed 12 percent of the towing charges, provided that the mileage charge is prorated for, and applied only to, mileage actually traveled within the mountain area.

(III) The towing carrier may add an additional amount not to exceed 12 percent of the storage charges provided in subparagraph (I)(A) of paragraph (~~f~~g).

(j) Abandoned motor vehicles.

(~~i~~I) Notifications. The charges for notification(s) to the owner and the lien holder(s) of the motor vehicle held in storage shall be in accordance with §§ 42-4-1804(6)(a) and 42-4-2103(3)(c)(I), C.R.S., and the rules of the Colorado Department of Revenue.

(~~j~~II) Consequences of failure to notify. A towing carrier holding a motor vehicle in storage who cannot demonstrate that it has made a good faith effort, as set forth in §§ 42-4-1804(6)(b) and 42-4-2103(3)(c)(II), C.R.S., to comply with the notification requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S., shall release the motor vehicle immediately to the owner, lien holder, or their agents without charging, collecting, or retaining storage fees.

(~~k~~III) Sale of an abandoned motor vehicle to cover the outstanding towing and storage charges must be done in accordance with the notice and procedural requirements of Parts 18 and 21 of Article 4 of Title 42, C.R.S., and § 42-5-109, C.R.S.

(~~I~~IV) Additional costs that may be charged when a stored motor vehicle is sold.

(~~I~~A) When a stored motor vehicle is sold, a towing carrier may charge the costs of maintaining that motor vehicle while in storage in accordance with § 38-20-109, C.R.S.

(~~II~~B) When a stored motor vehicle that does not come within the provisions of § 38-20-109, C.R.S., is sold, a towing carrier may charge the costs of maintaining that motor vehicle, to a maximum of $90.00.

(~~III~~C) "Cost of maintaining a motor vehicle" means a documented cost that is incurred by the towing carrier and that keeps a motor vehicle in safe or operable condition.

(~~IV~~D) Certified VIN verification procedure.

~~(A)~~ When an abandoned motor vehicle that is less than five model years old and that the Colorado Department of Revenue cannot find in its records must be sold, the maximum rates that may be charged for a certified vehicle identification number (VIN) verification are as follows:

(i) ~~$83.00 for one additional hookup~~Rates as provided in paragraph (e); and

~~(ii) $83.00 per hour waiting time while waiting for inspection; and~~

~~(iii) $3.45 per mile mileage charges.~~

(~~B~~ii) In addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.

(~~m~~) ~~Except as provided in subparagraph (d)(III) of rule 6507, upon payment of the towing and storage charges in cash or another form of payment accepted by the towing carrier, the towing carrier shall immediately accept payment and release the motor vehicle to:~~

~~(I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;~~

~~(II) the lienholder or agent of the lienholder of the motor vehicle; or~~

~~(III) the insurance company or agent of the insurance company providing coverage on the motor vehicle.~~

6512. Release of Motor Vehicle.

(a) Except as provided in subparagraph (b)(II) of this rule, if payment of the drop charge or the towing, storage, and release charges is offered in cash or another form of payment accepted by the towing carrier, the towing carrier shall immediately accept payment and release the motor vehicle to:

(I) the motor vehicle owner, authorized operator, or authorized agent of the owner of the motor vehicle;

(II) the lienholder or agent of the lienholder of the motor vehicle; or

(III) the insurance company or agent of the insurance company providing coverage on the motor vehicle, if released to the insurance company by the owner.

(b) Release of motor vehicles from storage.

(I) A towing carrier that accepts for storage a motor vehicle that has been towed as a non-consensual tow upon the authorization of the property owner shall be available within the first 24 hours of storage to provide access to or release of the motor vehicle as provided in paragraph (a) to the owner, authorized operator, or authorized agent of the owner of the motor vehicle either:

(A) With one hour's notice during all times other than normal business hours; or

(B) Upon demand during normal business hours.

(II) The towing carrier, at its discretion, need not comply with subparagraph (I) of this paragraph if:

(A) the towing carrier is reasonably certain that the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;

(B) the towing carrier that is to remove the motor vehicle from storage does not have a valid towing carrier permit or proof of motor vehicle liability coverage;

(C) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer; or

(D) the towing carrier, upon notification for the release of or access to a motor vehicle at other than normal business hours, has immediately contacted an appropriate law enforcement agency and, in the interest of public order, has requested a law enforcement officer's presence during the release of the motor vehicle. This exception is applicable when the towing carrier has reason to believe that the motor vehicle's owner, authorized operator, or authorized agent of the owner of the motor vehicle may disrupt the public order.

(c) Upon payment of the charges the towing carrier shall make the property owner's written authorization available for inspection by the owner of the towed motor vehicle or his or her authorized representative.

~~6512~~6513. Inspection of Records, Facilities, and Towing Vehicles.

(a) Upon request of any enforcement official and during normal business hours, a towing carrier shall make available for inspection its books and records concerning its towing and storage operations, and its storage facilities.

(b) Upon request by any enforcement official, the towing carrier shall make available for inspection its towing vehicles and any records required to be carried in the towing vehicle.

~~6513~~6514. Towing Violations and Civil Penalty Assessments.

(a) A violation of any of the following provisions may result in the assessment of a civil penalty of up to $1,100.00 for each violation:

(I) § 40-13-103(1), C.R.S.; or rule 6502.

(II) subparagraph (b)(I) or (II)(B) of rule 6508.

(III) paragraph (c) of rule 6508.

(b) A violation of paragraph (b), (d), (e), ~~(e)~~(f), ~~(f)~~(g), ~~(h)~~(i), or subparagraph ~~(f)~~(g)(I)(A) ~~or (I)(IV)(A)~~ of rule 6511 may result in the assessment of a civil penalty as follows for each violation:

(I) Up to $275.00 for an overcharge $25.00 or less.

(II) Up to $550.00 for an overcharge greater than $25.00 but less than or equal to $50.00.

(III) Up to $1,100.00 for an overcharge greater than $50.00.

(c) A violation of any of the following provisions may result in the assessment of a civil penalty of up to $550.00 for each violation:

(I) paragraph (a), (b), or (c) of rule 6507.

(II) paragraph (a) of rule 6510.

(d) A violation of rule 6506 may result in the assessment of a civil penalty of up to $100.00 for each violation

(e) Except as provided in paragraph (a), (b), (c), and (d) of this rule, a violation of any provision of Title 40, C.R.S., pertaining to towing carriers, or any provision of rules 6500 through ~~6512~~6513, may result in the assessment of a civil penalty of up to $275.00 for each violation.

~~6514~~6515. - 6599. [Reserved].

HOUSEHOLD GOODS MOVER AND PROPERTY CARRIER RULES

6600. Applicability of Household Goods Mover and Property Carrier Rules.

Rules 6600 through 6699 apply to all household goods movers and property carriers.

6601. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Household Goods Mover and Property Carrier Rules:

(a) "Accessorial service" means "accessorial service" as that term is defined in § 40-14-102(1), C.R.S.

(b) "Advertise" means "advertise" as that term is defined in § 40-14-102(2), C.R.S.

(c) "Contract" means "document" as that term is defined in § 40-14-102(5), C.R.S.

(d) "Estimate" means "estimate" as that term is defined in § 40-14-102(6), C.R.S. An estimate is not a contract.

(e) "Shipper" means "shipper" as that term is defined in § 40-14-102(12), C.R.S.

(f) "Storage" means "storage" as that term is defined in § 40-14-102(13), C.R.S.

6602. Registration Requirement and Limitation.

(a) Registration required.

(I) No person shall offer service, operate, or advertise as a household goods mover without a valid registration issued by the Commission or a temporary household goods mover registration issued through the Colorado Ports of Entry.

(II) No person shall offer service or operate as a property carrier without a valid registration issued by the Commission.

(b) Registration as a household goods mover is not a substitute for registration as a property carrier. Registration as a property carrier is not a substitute for registration as a household goods mover.

6603. Registration.

(a) Any person seeking to register as a household goods mover or property carrier shall provide the following information, as applicable:

(I) The name of the registrant and the trade name under which operations will be conducted.

(II) A copy of the registrant's certificate of assumed trade name~~, if applicable~~ or trade name registration.

(III) The registrant's telephone number, complete physical address, and complete mailing address. A post office box is only acceptable if a physical address is also provided.

(IV) A statement describing the registrant's business structure (corporation, limited liability company, partnership, or sole proprietorship).

(V) The name and address of the registrant's Colorado agent for service of process, as required by rule 6012.

(VI) If a registrant is a corporation:

(A) The name of the state in which the registrant is incorporated.

(B) The location of the registrant's principal office, if any, in Colorado.

(C) The name and title of each director and officer.

(D) A certified copy of the registrant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registration.

(VII) If the registrant is a limited liability company:

(A) The state in which the company is organized.

(B) The location of the registrant's principal office, if any, in Colorado.

(C) The name and title of each member.

(D) A certified copy of the registrant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registration.

(VIII) If the registrant is a partnership:

(A) The name and business address of all general and limited partners.

(B) The location of the registrant's principal office, if any, in Colorado.

(IX) If the registrant is a sole proprietorship:

(A) The name and business address of the sole proprietor.

(B) The location of the sole proprietor's principal office, if any, in Colorado.

(X) A statement that the registrant is familiar with the Household Goods Mover and Property Carrier Rules and all applicable safety rules and that the registrant will comply with them.

(XI) A statement that the registrant understands that the filing of a registration does not constitute authority to operate.

(XII) A statement indicating whether any of the motor vehicles to be used have a GVWR of 10,000 or more pounds.

(XIII) A verification made under penalty of perjury and signed by an authorized officer, partner, owner, employee, or manager of the registrant, as appropriate, verifying that the contents of the registration form and all attachments are true, accurate, and correct. The registration form shall contain the complete address of the affiant.

(b) In addition to the information required by paragraph (a):

(I) A person registering as a household goods mover or property carrier under this rule shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.

(II) Household goods movers shall pay an annual filing fee of $300.00.

(III) Property carriers shall pay a registration filing fee of $50.00; except that a person that simultaneously registers as a property carrier and as a household goods mover shall be exempt from the $50.00 registration filing fee and need only pay the $300.00 annual filing fee for a household goods mover.

(c) The Commission will not register any person as a household goods mover or property carrier until the Commission has received all information, documentation, and payments required by paragraphs (a) and (b) of this rule.

(d) The Colorado Department of Revenue, Motor Carrier Services Division, through its Port of Entry weigh stations:

(I) may issue a non-renewable temporary household goods mover registration, valid for 15 consecutive days, to a person who:

(A) completes the temporary household goods mover registration form provided by the Commission;

(B) provides evidence of motor vehicle liability insurance as required by § 40-14-104, C.R.S.;

(C) signs a verification, under penalty of perjury as specified in § 24-4-104(13)(a), C.R.S., that the applicant is insured as required by § 40-14-104, C.R.S.;

(D) pays a fee of one hundred fifty dollars; and

(E) pays the vehicle identification fee required by § 40-2-110.5, C.R.S.

(II) may issue a temporary registration for the seasonal transportation of unprocessed agricultural produce to market or to places of storage, valid for 90 consecutive days, to a person who:

(A) provides evidence of motor vehicle liability insurance as required by § 40-16-104, C.R.S., or

(B) signs a verification, under penalty of perjury as specified in § 24-4-104(13)(a), C.R.S., that the applicant is insured as required by § 40-16-104, C.R.S.; and

(C) pays a fee of twenty dollars per vehicle.

(III) may issue the temporary registrations provided for in subparagraph (2) upon notification by the Commission identifying the specific counties, crops, and time periods for which the registrations are required, as identified by the Colorado Department of Agriculture.

6604. Revocation of Registration.

~~The Commission, on its own motion or as a result of a formal or informal complaint by any person, after reasonable notice and a hearing, may revoke a household goods mover's registration pursuant to § 40-14-106(1) and (2), C.R.S.~~

(a) After a hearing upon at least ten days' notice to the household goods mover or property carrier affected, the Commission may revoke the household goods mover's registration pursuant to § 40-14-106(1) and (2), C.R.S., or a property carrier's registration pursuant to § 40-16-103.6, C.R.S. for any of the following reasons:

(I) Violation of, or failure to observe and comply with, any statute or regulation concerning household goods movers or property carriers.

(II) Violation of, or failure to comply with, the terms and conditions of the household goods mover or property carrier registration.

(III) Exceeding the authority granted in the household goods mover or property carrier registration.

(IV) Violation of, or failure to observe and comply with, any Commission order, rule, or regulation.

(b) A household goods mover or property carrier whose household goods mover or property carrier registration(s) is revoked for a third time shall not be issued another household goods mover or property carrier registration for two years from the date of the third such household goods mover or property carrier registration revocation. In determining whether a household goods mover or property carrier has had its household goods mover or property carrier registration(s) revoked three times, a revocation for failure to maintain the financial responsibility required by rule 6007 shall not be counted as one of the three revocations unless the household goods mover or property carrier knowingly operated without the required financial responsibility.

6605. Household Goods Movers — Annual Filing Fee.

(a) Every household goods mover shall pay to the Commission an annual registration filing fee of $300.00, as set forth in § 40-14-103(2)(a), C.R.S.

(b) For initial registrants, the annual registration filing fee shall be valid for one year from the date the registration is issued. For renewal registrants, the annual registration filing fee shall be valid for one year after expiration of the prior registration. For purposes of this paragraph, "initial registrant" includes any person re-registering after cancellation or revocation of a prior registration.

6606. Advertising.

(a) No household goods mover, nor any officer, agent, employee, or representative of the household goods mover, shall advertise a transportation service in a name other than that in which the household goods mover's registration is held. If a household goods mover registers under a trade name, nothing in this paragraph shall be construed to require advertising under the name of the household goods mover's parent company. If a household goods mover registers under more than one trade name, nothing in this paragraph shall be construed to require the household goods mover to advertise under all the trade names.

(b) Each advertisement of a household goods mover shall include the phrase "CO PUC Mover Reg. No. [HHG registration number] " and the physical address of the household goods mover.

(c) A household goods mover shall coordinate with the advertising companies with which it advertises to ensure compliance with this rule.

6607. Forms of Payment.

A household goods mover shall accept at least two of the following four forms of payment:

(a) Cash;

(b) Cashier's check, money order, ~~or~~ traveler's check, or other form of certified funds;

(c) A valid personal check, showing upon its face the name and address of the shipper or authorized representative; or

(d) A valid credit card.

6608. Estimates and Contracts.

(a) Estimates. A household goods mover may provide an estimate of costs to be incurred by the shipper. Estimates need not be binding. Not withstanding this paragraph, a household goods mover shall comply with paragraph (b) of this rule.

(b) Contracts. Prior to providing any transportation or accessorial services, a household goods mover shall provide a document (the contract) to the prospective shipper, which shall be in substantial compliance with the form available from the Commission or its website. Such

document shall be signed and dated by the shipper and the household goods mover, and shall clearly and conspicuously include:

(I) The name, telephone number, and physical address where the household goods mover's employees are available during normal business hours;

(II) The household goods mover's mailing address on file with the Commission;

(III) The phrase " [name of household goods mover] is registered with the Public Utilities Commission of the State of Colorado as a household goods mover. Registration No. [household goods mover's registration number] ."

(IV) The date the document is prepared and any proposed date of the move;

(V) The name and address of the shipper;

(VI) The addresses where the household goods are to be picked up and, if known, delivered;

(VII) A telephone number where the shipper may be reached, if available;

(VIII) A mailing address where the shipper can receive notices from the household goods mover, if available;

(IX) The name, telephone number, and physical address of a location where the household goods will be held pending further transportation, including situations where the household goods mover retains possession of household goods pending resolution of a fee or non-payment dispute with the shipper;

(X) An itemized breakdown and description of (i) all costs and/or rates, (ii) services for transportation, and (iii) accessorial services to be provided during a move or during the storage of household goods; and

(XI) The forms of payment the household goods mover accepts pursuant to rule 6607.

(XII) The cargo valuation options available to the shipper, including at least the following two options:

(A) Released Value Option. This option shall allow the calculation of the value of loss or damage to household goods shipments to the lesser of: (1) a value equal to sixty cents ($.60) per pound per lost or damaged article; or (2) the value of the lost or damaged article, less depreciation for age and wear.

(B) Full Replacement Cost Option. This option shall allow the shipper to recover the full replacement cost for loss or damage to household goods shipments. This option shall: (1) require the shipper to declare the value of the shipment; (2) permit the shipper to specify a deductible; (3) provide that the mover will be liable for the full replacement cost of each lost or damaged article up to the declared value of the shipment; (4) permit the shipper to purchase additional insurance coverage from the household goods mover's insurance company; and (5) explain

that, without the purchase of additional coverage, the shipper will be liable for any declared amount not covered by the household goods mover's insurance or surety company. However, if the shipper declares a value that is less than the value of the shipment, the mover's liability for each lost or damaged article will not exceed the proportional value of the article when compared to the declared value of the entire shipment.

(c) More comprehensive contract. Nothing in this rule shall be construed to preclude the household goods mover and the shipper from entering into a more comprehensive contract. However, the household goods mover shall not enter into any more comprehensive contract containing provisions that conflict with the provisions of this rule.

(d) Amendment. The contract may be amended at any time upon mutual agreement of the household goods mover and the shipper. An amendment of the contract shall not be valid or enforceable unless, without duress or coercion as per Colorado law, both the household goods mover and the shipper sign such amendment. A household goods mover shall not charge, collect, or retain any increased costs and/or rates contained in an amendment if the amendment is not signed by both parties or is obtained by duress or coercion.

(e) Effect. The terms of an executed contract shall be binding on both the household goods mover and the shipper unless a court of competent jurisdiction determines otherwise.

6609. Delivery and Storage of Household Goods.

(a) Pursuant to § 40-14-109(1), C.R.S., a household goods mover shall not refuse to relinquish prescription medicines, medical equipment, medical devices, or goods for use by children, including children's furniture, clothing, or toys under any circumstances. The household goods mover shall relinquish such items as expeditiously as possible under the circumstances.

(b) A household goods mover shall relinquish household goods to a shipper and shall place the goods inside a shipper's dwelling unless:

(I) the shipper has not tendered payment in the amount and in the acceptable form specified in the contract; or

(II) the shipper or the shipper's agent is not available to accept delivery of the household goods at the agreed upon date, time, and location.

(c) If, pursuant to paragraph (b) of this rule, a household goods mover maintains possession of a shipper's household goods, such household goods mover may place the household goods in storage until payment is tendered. Such storage shall only be at the location specified in the contract unless, for good cause and in good faith, the mover is required to store the household goods at a location other than that specified in the contract. If the household goods mover stores the household goods at such an alternate location, the household goods mover:

(I) Shall mail to the shipper a notice of such alternate storage location within two business days. For purposes of this subparagraph, "business day" means Monday through Friday, excluding legal holidays designated by the Colorado General Assembly.

(II) May only charge additional fees for such alternate storage (i.e., in excess of those set forth in the contract) unloading services, and reloading services, if:

(A) Such additional fees are reasonable; and

(B) Storage at the alternate storage location is necessitated by some act or omission of the shipper, or is necessitated by circumstances beyond the control of the mover.

(d) Notwithstanding any other provision of this rule, upon written request from the shipper, the household goods mover shall notify the shipper of the storage location and the amount due. Such notice shall be given within five days of receipt of the written request.

(e) If a household goods mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the household goods mover shall take reasonable care to ensure the safekeeping of such household goods.

(f) A household goods mover shall not require a shipper to waive any rights or requirements under this rule.

6610. 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) § 40-14-103(1), C.R.S., with regard to operating, offering service, or advertising without being registered; § 40-16-103, C.R.S., with regard to offering service without being registered; or rule 6602(a).

(II) § 40-14-108(1), C.R.S., or paragraph 6608(b), with regard to providing the shipper with a contract prior to providing transportation or accessorial services.

(III) paragraph 6608(d).

(IV) § 40-14-109(1) or (2), C.R.S.; or paragraph (a) or (b) of rule 6609.

(b) A person who violates any of the following provisions may be assessed a civil penalty of up to $550.00 for each violation:

(I) paragraph (a) of rule 6606.

(II) paragraph (c), (d), (e), or (f) of rule 6609.

(c) Except as provided for in paragraph (a) and (b)of this rule, a person who violates any provision of Title 40, C.R.S., pertaining to household goods movers, or any provision of rules 6600 through 6609 may be assessed a civil penalty of up to $275.00.

6611. – 6699. [Reserved].