

Decision No. R08-0339

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 08R-027TR

IN THE MATTER OF THE PROPOSED RULES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFIED CARRIER REGISTRATION AGREEMENT FOUND IN THE RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, 4 CODE OF COLORADO REGULATIONS 723-6.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
ADOPTING RULES**

Mailed Date: March 31, 2008

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. The Colorado Public Utilities Commission (Commission) issued its Notice of Proposed Rulemaking (NOPR) regarding proposed Rules Regulating Transportation by Motor Vehicle in Decision No. C08-0117, January 31, 2008. A copy of the proposed rules was attached to that Decision. The NOPR was published in the February 10, 2008 edition of the *Colorado Register*, and it stated that a hearing on the proposed rules would be held on March 13, 2008 at 9:00 a.m. in a Commission Hearing Room in Denver, Colorado.

2. At the assigned time and place the undersigned Administrative Law Judge (ALJ) called the matter for hearing. Terry Willert, the Commission's Chief of Transportation, gave a summary and overview of the proposed rules. There were no other comments.

3. At the conclusion of the hearing the matter was taken under advisement.

4. In accordance with § 40-6-109, C.R.S., the ALJ now transmits the record to the Commission, along with a written recommended decision.

5. The statutory authority for the proposed rules is found in §§ 40-2-108, 40-2-116, 40-7-113(2), and 40-10.5-102, C.R.S.

6. Section 1 of Colorado Senate Bill 06-094 (the Bill) created Article 10.5 of Title 40, C.R.S., establishing the Commission as the agency that will administer the Unified Carrier Registration Agreement (UCR Agreement) for the State of Colorado. The UCR Agreement was established under the federal “Unified Carrier Registration Act of 2005,” Public Law 109-59, and provides for the registration and payment of fees by motor carriers, motor private carriers, freight forwarders, brokers, leasing companies, and other entities engaged in interstate transportation. The Bill mandates that the Commission promulgate rules for the proper administration and enforcement of Article 10.5. Federal rulemaking regarding the UCR Agreement was completed on August 24, 2007, and implementation of the UCR Agreement on-line registration system was completed on September 10, 2007. With those two elements completed, the UCR Agreement has been implemented nationally.

7. Sections 2 and 3 of the Bill provided for the repeal of §§ 40-10-120 and 40-11-115, C.R.S., respectively upon the repeal of 49 U.S.C. § 14504. Under § 131 of Federal House Resolution 5576, the repeal of 49 U.S.C. § 14504 was delayed 12 months and set to become effective on January 1, 2008. Therefore, federal law has now repealed or preempted all of §§ 40-10-120 and 40-11-115, C.R.S., making it appropriate to repeal the rules associated with those statutory sections in this rulemaking proceeding.

8. Thus, the purpose of the proposed rules is to ensure the implementation and enforcement of the UCR Agreement for the motor carriers, motor private carriers, freight forwarders, brokers, leasing companies, and other entities engaged in interstate transportation that are required to register and pay fees under the UCR Agreement.

9. The proposed rules generally make the following amendments, without limitation, to the Rules Regulating Transportation by Motor Vehicle (rule numbers below appear in abbreviated form; *e.g.*, rule 6001(xx) of 4 *Code of Colorado Regulations* 723-6 appears as rule 6001(xx)):

a) Proposed rule 6000 deletes references to the rules held in abeyance in the emergency rules because those rules will be deleted in these proposed rules.

b) Proposed rules 6001(ooo) and 6001(ppp) will make permanent the emergency rule definitions of “UCR Agreement” and “UCR registrant.”

c) Rules 6001(l), (r), (s), (t), (u), (v), (w), (dd), (ee), (ff), (pp), (ccc), and (ggg), 6004(b) and (c), and 6008(b), are proposed to be deleted because they are preempted by the UCR Agreement.

d) Proposed rules 6001(xx) and (mmm) delete references to interstate carriers.

e) Rule numbers in rule 6001 will be administratively corrected, without substantive change, following completion of this rulemaking and the rulemaking in Docket No. 07R-327TR.

f) Proposed rule 6005(a)(II) makes permanent the emergency rule for records retention.

g) Proposed rule 6007(b)(I)(B) deletes the schedule of limits for interstate carriers.

h) Proposed rules 6007(c)(I), (f)(I)(C), and (k) delete references to interstate carriers and related forms.

i) Proposed rules 6009(e) and (f) delete the references to forms that are no longer required for interstate carriers and to fees for vehicles used in both interstate and intrastate commerce.

j) Proposed rule 6011(a) deletes the reference to the BOC-3 form that is no longer required.

k) Proposed rule 6400 changes the name of the title of the rule to accurately reflect the applicability of rules 6400 through 6499. Also, emergency rules 6400(a) and (b) are proposed to be deleted because the word “interstate” and the rules held in abeyance will be deleted in these proposed rules.

l) Rule 6401 is proposed to be deleted and replaced by proposed rule 6401(e) because the UCR Agreement fees may be changed annually by the United States Department of Transportation and the Commission must be able to administer and enforce those fees as soon as they are approved.

m) Rules 6402, 6403, and 6404 are proposed to be deleted because they are preempted by the UCR Agreement.

n) Proposed rule 6402 deletes the paragraphs that refer to rules and statutes that are preempted by the UCR Agreement, and makes permanent the emergency rule regarding UCR Agreement violations.

10. The Rules attached to this Decision are clear; are necessary to protect the public health, safety, and welfare; are understandable; do not conflict with other provisions of law; and do not duplicate other rules. The Rules are in the public interest, and they should be adopted.

11. The Commission has another transportation rulemaking proceeding underway in Docket No. 07R-327TR. A recommended decision in that proceeding was issued on February 21, 2008.¹ While the subject matter of that proceeding is different from this proceeding, it involves different subsections of some of the same rules that are the subject of this proceeding. Depending on the ultimate rules adopted in each proceeding, there will need to be some renumbering before the rules are published for adoption in the Colorado Register.

12. In accordance with § 40-6-109, C.R.S., the ALJ recommends that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6, contained in Attachment A to this Order, are adopted.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

¹See Decision No. R08-0169.

3. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

4. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KEN F. KIRKPATRICK

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

**Doug Dean,
Director**

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). In addition, these rules cover motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a.

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), ~~40-10-105.5(5)~~, 40-10-107, 40-10-110, 40-10.5-102(2), 40-10-111, ~~40-10-120(4)~~, ~~40-10.5-102(2)~~, 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), ~~40-14-106(2)(a)(l)~~, 40-14-108(1), 40-14-110, 40-16-103.6(1), 40-16-103.8, 40-16-104, ~~40-16-104.5(5)~~, 40-16-105(1), 42-4-1809(2)(a), ~~and 42-4-2108(2)(a)~~, ~~and 42-20-202(1)(a)~~, C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by motor vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all common carriers, contract carriers, exempt intrastate carriers, towing carriers, household goods movers, and UCR registrants, ~~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 reposessor (agent), or to the repossession of a motor vehicle by a secured creditor or assignee (principal), or reposessor (agent), when repossessing pursuant to § 4-9-629, C.R.S.

~~Notwithstanding anything in this Part 6 to the contrary, the following rules shall be held in abeyance until further notice:~~

- ~~(a) — The reference in the first paragraph of this rule to interstate carriers;~~
- ~~(b) — Rule 6001(l), (r), (s), (t), (u), (v), (w), (dd), (ee), (ff), (pp), (ccc), and (ggg);~~
- ~~(c) — The last phrase in rule 6001(xx) that reads, "or an interstate carrier registration";~~
- ~~(d) — The phrase in rule 6001(mmm) that reads, "or interstate carrier";~~
- ~~(e) — Rule 6004(b) and (c);~~
- ~~(f) — The schedule of limits for interstate carriers in the table found in rule 6007(b)(l)(B);~~

- ~~(g) The phrase in rule 6007(c)(l) that reads, "or, for an interstate carrier, is provided in accordance with § 387 of 49 C.F.R.";~~
- ~~(h) Rule 6007(f)(l)(C);~~
- ~~(i) The terms "Form BMC 35" and "Form BMC 36" found in rule 6007(k);~~
- ~~(j) Rule 6008(b);~~
- ~~(k) That portion of rule 6009(e) that reads, "except that a Form RS-3 shall be issued to a regulated interstate carrier registered under the SSRS";~~
- ~~(l) That portion of rule 6009(e)(l) that reads, "to subparagraphs (II) and (III) of this paragraph";~~
- ~~(m) Rule 6009(e)(II) and (III), and rule 6009(f); and~~
- ~~(n) That portion of rule 6011(a) that reads, "An interstate carrier shall file its designation using Form BOC-3. Except for an interstate carrier";~~

6001. Definitions.

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

* * *

[signifies omission of unaffected rules]

- ~~(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. [Reserved].~~

* * *

- ~~(r) "Form BMC 35" means Notice of Cancellation of Motor Carrier Insurance. [Reserved].~~
- ~~(s) "Form BMC 36" means Notice of Cancellation of Motor Carrier Surety Bond. [Reserved].~~
- ~~(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. [Reserved].~~
- ~~(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. [Reserved].~~
- ~~(v) "Form BOC-3" means the form designating an agent for service of process required under 49 C.F.R. Part 366. [Reserved].~~
- ~~(w) "Form D-1" means a NARUC Uniform Identification Cab Card for motor vehicle or driveaway operations conducted by an exempt interstate carrier. [Reserved].~~

* * *

- (dd) ~~"Form MCS 82" means a Motor Carrier Public Liability Surety Bond, executed by an authorized representative of the surety.~~[Reserved].
- (ee) ~~"Form MCS 90" means an Endorsement for Motor Carrier Policies of Insurance for Public Liability, executed by an authorized representative of the insurer.~~[Reserved].
- (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.~~[Reserved].

* * *

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

* * *

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

* * *

- (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.~~[Reserved].

* * *

- (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.~~[Reserved].

* * *

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

* * *

- (ooo) "UCR Agreement" means the Unified Carrier Registration Agreement authorized by section 4305 of the federal "Unified Carrier Registration Act of 2005," and found in 49 U.S.C. § 14504a.

- (ppp) "UCR registrant" means a motor carrier, motor private carrier, freight forwarder, broker, leasing company, or other person required to register under the UCR Agreement.

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

* * *

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 in the UCR Agreement, as provided in rule 6405.
- (e) 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,
 - (I) transportation carriers shall maintain the records required by these rules for a period of three years; and
 - (II) a UCR registrant shall maintain the records upon which the annual registration in the UCR Agreement are based 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.

* * *

6007. Financial Responsibility.

* * *

- (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 |
| | 33 or more | \$5,000,000 or, for public entities, the maximum amount per § 24-10-114(1) C.R.S. |
| 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) 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.;

* * *

- (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.~~

* * *

~~(k)~~ Except as provided in paragraph ~~(m)~~ of this rule, each certificate of insurance and/or surety bond required by and filed with the Commission shall be kept in full force and effect unless and until canceled or not renewed upon 30-days advance written notice, on Form K, ~~or~~ 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.

~~(m)~~ 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.

~~(n)~~ 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.

* * *

~~(b) Exempt interstate carriers. Whenever Commission records indicate that an exempt interstate 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 carrier indicating that its required coverage will be cancelled and that the exempt interstate carrier's registration to operate will be revoked on the date of coverage cancellation; and~~

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

~~(e)~~ 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.

* * *

~~(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.~~

~~(f)~~ Except as provided in ~~subparagraphs (II) or (III) of this paragraph and~~ paragraph (g) of this rule, 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.~~

~~(g)~~ For a transportation carrier that is also a UCR registrant, any motor vehicle that was included in the calculation of fees paid under the UCR Agreement is exempt from this rule.

* * *

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, t~~The transportation carrier shall provide a signed statement by the designated agent indicating that person has approved the designation.

* * *

INTERSTATE UNIFIED CARRIER REGISTRATION AGREEMENT RULES

6400. Applicability of Interstate Unified Carrier Registration Agreement Rules.

Rules 6400 through 6499 apply to all ~~interstate~~ motor carriers, motor private carriers, freight forwarders, brokers, leasing companies, or other persons required to register under the UCR Agreement.

~~The following rules shall be held in abeyance until further notice:~~

- ~~(a) — the word “interstate” found in the first paragraph of this rule; and~~
- ~~(b) — Rules 6401(a), 6402, 6403, 6404, and 6406(a), (b), and (c).~~

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) — The Commission incorporates by reference the regulations published at 49 C.F.R. Parts 367 as revised as of August 24, 2007. See 72 Fed. Reg. 164 (2007), pages 48585 through 48590. These rules do not incorporate later amendments to or editions of the C.F.R. or the Federal Register.~~
- ~~(c) — 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
1560 Broadway, Suite 250
Denver, Colorado 80202~~

~~Telephone: (303) 894-2850~~

- ~~(d) — The material incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, 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.~~
- (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.~~

64056401. Unified Carrier Registration Agreement.

- (a) A UCR registrant that designates or that is required to designate the State of Colorado as its base state under the UCR Agreement, shall register with the Commission. No UCR registrant may operate without registering for the applicable registration year. Each calendar year is a different registration year.
- (b) A UCR registrant shall register using the on-line registration system available at a website designated by the Commission. In lieu of registering on-line, a UCR registrant may register by submitting to the Commission a fully completed UCR Agreement registration form, the required fees, and any other required documents.
- (c) A UCR registrant using a motor vehicle in both interstate and intrastate commerce is exempt from the fees required under § 40-2-110.5(1), C.R.S., for that motor vehicle.
- (d) A UCR registrant must register in the proper category pursuant to the rules established under 49 U.S.C. § 14504a.
- (e) Information regarding the federally set fees is available from the Commission or its website.

64066402. 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.~~
- (da) A person who violates § 40-10.5-102(1)(a), C.R.S., or rule 64056401(a) with regard to operating without a registration, may be assessed a civil penalty of up to \$1,100.00 for each violation.
- (eb) Except as provided in paragraph (da) of this rule, a person who violates any provision of § 40-10-10.5-102, C.R.S., or any provision of the Interstate Carrier Unified Carrier Registration Agreement Rules may be assessed a civil penalty of up to \$275.00 for each violation.

64076403. - 6499. [Reserved].

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