

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 11R-638TR

---

IN THE MATTER OF THE EMERGENCY RULES IMPLEMENTING SENATE BILL 11-180 AND HOUSE BILL 11-1198 CONCERNING AUTHORITY FOR TAXICABS TO PICK UP PASSENGERS OUTSIDE THEIR ASSIGNED GEOGRAPHIC AREAS, REORGANIZING THE STATUTES GOVERNING MOTOR CARRIERS, AND MAKING SUBSTANTIVE AND NONSUBSTANTIVE AMENDMENTS TO PROVISIONS GRANTING REGULATORY AUTHORITY TO THE PUBLIC UTILITIES COMMISSION.

---

**DECISION ADOPTING EMERGENCY RULES**

---

---

Mailed Date: August 9, 2011

Adopted Date: August 3, 2011

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for adoption of emergency rules implementing Senate Bill 11-180 (SB 11-180), which amends the authority of taxicabs to pick up passengers outside their assigned geographic areas, and House Bill 11-1198 (HB 11-1198), which reorganizes the statutes governing motor carriers and makes substantive and non-substantive amendments to provisions granting regulatory authority to the Commission. For the reasons set forth in this decision, we adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) the emergency rules.

2. SB 11-180 amended § 40-10-105 (2) (d) (I), C.R.S., (subsequently recodified as § 40-10.1-203, C.R.S., by HB 11-1198) to allow taxicabs operating in Colorado to pick up passengers at any point in the state of Colorado when the taxicab has dropped off passengers in close proximity to that point, except if that drop off point is an airport. The Commission in these

emergency rules defines the new statutory term “close proximity,” for the benefit of the taxicab companies and the traveling public.

3. HB 11-1198 repeals Articles 10, 11, 13, 14 and 16 of Title 40, C.R.S. and creates new Article 10.1 in Title 40, C.R.S. (§ 40-10.1-101 *et seq.*), which is organized as follows: Part 1 contains general provisions applicable to all motor carriers; Part 2 governs motor carriers of passengers, including taxicabs, that are required to obtain operating authority; Part 3 governs motor carriers of passengers that are not required to obtain operating authority; Part 4 governs towing carriers; and, Part 5 governs carriers of household goods.

4. In addition to reorganizing existing statutory material, HB 11-1198 makes certain substantive changes, such as the following that require emergency rule implementation:

a) Clarifies the services authorized under a children's activity bus permit (§ 40-10.1-301 (4), C.R.S.);

b) Transfers all safety jurisdiction over household goods movers from the Commission to the Colorado Department of Public Safety (repeal of § 40-14-105, C.R.S.);

c) Standardizes provisions relating to the conduct of fingerprint-based criminal history record checks, both on initial issuance and resubmission, as a condition of continued qualification to drive for a motor carrier (§ 40-10.1-110, C.R.S.); and,

d) Requires towing carriers to maintain workers' compensation insurance and post a \$50,000 bond to ensure payment of any civil penalties assessed by the Commission (§ 40-10.1-401(3), C.R.S.).

5. SB 11-180 became effective on June 2, 2011. HB 11-1198 will become effective on August 10, 2011, if a referendum petition is not filed. Therefore, the purpose of the

emergency rules adopted by this order is to ensure that there is no lapse of governing regulations concerning the above mentioned substantive changes and no confusion with regard to the reorganization of the motor carrier statutes and the definition of the new statutory term.

6. We take this action in accordance with the provisions of §§ 40-2-108(2) and 24-4-103(6), C.R.S.

7. We find that immediate adoption of the emergency rules is imperatively necessary to implement the requirements of SB 11-180 and HB 11-1198. Unless the emergency rules are adopted, the existing rules will make reference to repealed statutes and will not implement the above-mentioned substantive changes in state law. Since SB 11-180 is currently in effect and HB 11-1198 becomes effective on August 10, 2011, compliance with the rulemaking requirements associated with permanent rules, pursuant to § 24-4-103 C.R.S., would be contrary to public interest.

8. The emergency rules shall be effective on August 10, 2011, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

9. The emergency rules in legislative (strikeout/underline) format, the emergency rules in final version format, a copy of HB 11-1198, and a copy of SB 11-180 are available through the Commission's E-Filings system at:

<https://www.dora.state.co.us/pls/efi/EFI.homepage>

Once at the *Electronic Filings* (E-Filings) system page, the rules can be accessed by selecting "Search" and entering this docket number (11R-638TR) in the "Proceeding Number" box and then selecting "Run".

**II. ORDER**

**A. The Commission Orders That:**

1. The rules in final version format available in this docket through the Commission's E-Filings system are hereby adopted as emergency rules consistent with the above discussion.

2. The emergency rules shall be effective on August 10, 2011.

3. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
August 3, 2011.**

(SEAL)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MATT BAKER

---

JAMES K. TARPEY

---

Commissioners

CHAIRMAN JOSHUA B. EPEL ABSENT

**COLORADO DEPARTMENT OF REGULATORY AGENCIES**

**Public Utilities Commission**

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

**PART 6**

**RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE**

**TABLE OF CONTENTS**

BASIS, PURPOSE, AND STATUTORY AUTHORITY .....	5
GENERAL PROVISIONS.....	5
6000. Scope and Applicability.....	5
6001. Definitions.....	6
6002. Applications.....	10
6003. Petitions.....	11
6004. Registration.....	11
6005. Records, and Authority to Inspect Records, Motor Vehicles, and Facilities.....	11
6006. Reports, Name Changes, Address Changes, and Address Additions.....	12
6007. Financial Responsibility.....	12
6008. Revocation, Suspension, Alteration, or Amendment.....	16
6009. Annual Motor Vehicle Fees - Exemption.....	19
6010. Letter of Authority and Permit - Exemption.....	20
6011. Designation of Agent.....	20
6012. Leasing of Motor Vehicles.....	21
6013. Notice.....	22
6014. Waivers.....	22
6015. [Reserved.].....	22
6016. Advertising.....	22

6017. Violations, Civil Enforcement, and Enhancement of Civil Penalties. ....	23
6018. – 6099. [Reserved].....	24
SAFETY RULES .....	24
6100. Applicability of Safety Rules.....	24
6101. Definitions. ....	25
6102. Regulations Incorporated by Reference. ....	25
6103. Modification of Regulations Incorporated by Reference. ....	26
6104. Motor Vehicle Weight.....	31
6105. Fingerprint-Based Criminal History Background Checks.....	31
6106. Safety Violations, Civil Enforcement, and Civil Penalties. ....	34
6107. – 6199. [Reserved].....	38
COMMON AND CONTRACT CARRIER RULES .....	38
Rules Generally Applicable to Common and Contract Carriers.....	38
6200. Applicability of Common and Contract Carrier Rules. ....	38
6201. Definitions. ....	39
6202. Prohibitions. ....	40
6203. Applications to Operate as a Common or Contract Carrier. ....	40
6204. Abandonment or Voluntary Suspension of Authorities. ....	44
6205. Encumbrances, Transfers, Mergers, Consolidations, and Acquisitions of Control.....	44
6206. Duplicating or Overlapping Authorities.....	47
6207. Tariffs. ....	47
6208. Time Schedules. ....	50
6209. Contract Carrier Contracts. ....	51
6210. Driver Courtesy. ....	52
6211. Use of Motor Vehicles Qualified as Luxury Limousines.....	52
6212. Annual Reports. ....	53
6213. Regulated Intrastate Carrier Violations, Civil Enforcement, and Civil Penalties.....	53

6214. – 6249. [Reserved].....	54
Rules Specifically Applicable to Taxicab Carriers.....	54
6250. Applicability of Taxicab Carrier Rules. ....	54
6251. Definitions. ....	54
6252. Notices. ....	55
6253. Service: Multiple Loading; Routing; Refusals; Quality.....	56
6254. Additional Service Requirements for Taxicab Carriers Operating Within and Between Counties with a Population of Sixty Thousand or Greater.....	56
6255. Record Keeping. ....	57
6256. Flat Rates to and from Denver International Airport. ....	57
6257. Taxicab Violations, Civil Enforcement, and Civil Penalties.....	60
6258. - 6299. [Reserved].....	60
LIMITED REGULATION CARRIER RULES .....	60
6300. Applicability of Limited Regulation Carrier Rules.....	60
6301. Definitions. ....	60
6302. Permit Requirement. ....	61
6303. Permit.....	61
6304. Exterior Signs or Graphics.....	62
6305. Luxury Limousine Features.....	63
6306. [Reserved].....	63
6307. [Reserved].....	63
6308. Luxury Limousine Categories. ....	63
6309. Luxury Limousines – Previously Qualified Vehicles. ....	64
6310. Luxury Limousines – Operational Requirements, Prearrangement Required.....	65
6311. Luxury Limousine Service – Presumptions.....	65
6312. Limited Regulation Carrier Violations, Civil Enforcement, and Civil Penalties. ....	65
6313. – 6399. [Reserved].....	66

UNIFIED CARRIER REGISTRATION AGREEMENT RULES .....	66
6400. Applicability of Unified Carrier Registration Agreement Rules. ....	66
6401. Unified Carrier Registration Agreement. ....	66
6402. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties. ....	66
6403. - 6499. [Reserved].....	66
TOWING CARRIER RULES .....	67
6500. Applicability of Towing Carrier Rules. ....	67
6501. Definitions. ....	67
6502. Permit Requirement. ....	68
6503. Permit Application. ....	69
6504. [Reserved].....	70
6505. [Reserved].....	70
6506. Equipment and Accessories. ....	70
6507. Storage Facilities.....	72
6508. Authorization for Towing of Motor Vehicles. ....	72
6509. Tow Record/Invoice. ....	74
6510. Disclosure of Rates and Charges. ....	75
6511. Rates and Charges. ....	75
6512. Release of Motor Vehicle.....	79
6513. [Reserved].....	80
6514. Towing Violations and Civil Penalty Assessments. ....	80
6515. - 6599. [Reserved].....	81
MOVER RULES .....	81
6600. Applicability of Mover Rules.....	81
6601. Definitions. ....	81
6602. Permit Requirement and Limitation.....	81
6603. Permit.....	81

6604. [Reserved].....	83
6605. Movers — Annual Permit Fee.....	84
6606. [Reserved].....	84
6607. Forms of Payment.....	84
6608. Estimates and Contracts.....	84
6609. Consumer Advisement and Binding Arbitration .....	86
6610. Delivery and Storage of Household Goods. ....	87
6611. Violations, Civil Enforcement, and Civil Penalties. ....	88
6612. – 6699. [Reserved].....	88
MOTOR CARRIER SURETY BOND .....	89

**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~~motor carrier; insurance and permit, 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~~, hazardous materials carriers, towing carriers, ~~household goods mover~~movers, and limited regulation motor vehicle carriers ~~exempt from regulation as public utilities~~ (charter ~~or scenic~~ buses, children’s activity buses, luxury limousines, off-road scenic charters, and fire crew transport). In addition, these rules cover motor carriers, motor private carriers, 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), 40-10.1-101 through 507; ~~40-10-105(1), 40-10-105.5(5), 40-10-107, 40-10-110, 40-10-111, 40-10.5-102(2), 40-11-103(1), 40-11-105, 40-11-106, 40-11-109, , 40-13-104(1), 40-13-105, 40-13-107, 40-13-110(1), 40-14-103(2)(c), 40-14-106(2)(a)(I), 40-14-108(1), 40-14-110 42-4-235, 40-16-103.6(1), 40-10.1-106(1), 40-16-104, 40-16-104.5(5), 40-16-105(1), 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.~~

**GENERAL PROVISIONS**

**6000. Scope and Applicability.**

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by motor vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all common carriers, contract carriers, ~~exempt passenger~~limited regulation carriers, towing carriers, ~~household goods mover~~movers, UCR registrants, and drivers as defined herein. For hazardous materials carriers and nuclear materials carriers,

only rule 6008 and the related definitions in rule 6001 shall apply. 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.

#### **6001. Definitions.**

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

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by use of any oral, written, or graphic statement made in a newspaper or other publication, on radio, television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property.
- (b) "Authority," except as otherwise defined or contextually required, means a common carrier certificate, a contract carrier permit, or an emergency temporary authority or a temporary authority issued by the Commission to a regulated intrastate carrier.
- (c) "~~Common carrier certificate~~" means "~~the~~ certificate of public convenience and necessity" issued to a common carrier as that term is defined herein, used in Article 10.1 of Title 40, C.R.S.
- (d) "C.F.R." means the Code of Federal Regulations.
- (e) "Common carrier" means "~~motor vehicle carrier~~" as that term is defined in § 40-10-101(4), C.R.S.; every person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state by motor vehicle or other vehicle whatever by indiscriminately accepting and carrying passengers for compensation; except that the term does not include a contract carrier as defined under § 40-10.1-101(6), C.R.S.; a motor carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; or a limited regulation carrier defined under § 40-10.1-301, C.R.S.
- ~~(f) "Common and Contract Carrier Rules" means rules 6200 through 6299, inclusive.~~
- ~~(f) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly.~~
- (g) "Contract carrier" means every person, other than a common carrier or a motor carrier of passengers under Part 3 of Article 10.1 of Title 40, C.R.S., who, by special contract, directly or indirectly affords a means of passenger transportation over any public highway of this state, contract carrier by motor vehicle" as that term is defined in § 40-11-101(3), C.R.S.
- ~~(h) "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.
- ~~(h)~~ "Driver" means any person driving a motor vehicle, including an independent contractor.

- (~~ki~~) "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.
- (~~lk~~) "Enforcement official" means either:
- (I) any employee or independent contractor appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation by motor vehicle; or
  - (II) "enforcement official," as that term is defined by § 42-20-103(2), C.R.S.
- ~~(m) [Reserved for future use.]~~
- ~~(n) "Exempt passenger carrier" means a person who provides service by charter or scenic bus, children's activity bus, fire crew transport, luxury limousine, or off-road scenic charter as those terms are defined in § 40-16-101, C.R.S.~~
- ~~(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.~~
- (~~ql~~) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (~~rm~~) "Form E" means a Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (~~sn~~) "Form G" means a Form G Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, executed by a duly authorized agent of the surety.
- (~~to~~) "Form H" means a Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (~~up~~) "Form J" means a Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.
- (~~vq~~) "Form K" means a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.
- (~~wr~~) "Form L" means a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.
- ~~(s) "Form SB" means a form prescribed by the Commission which provides a towing carrier's proof of a surety bond pursuant to § 40-10.1-401(3), C.R.S., for the purpose of paying a civil penalty assessment that the carrier fails to pay when due.~~
- ~~(t) "Form WC" means a form prescribed by the Commission which provides a towing carrier's proof of workers' compensation coverage in accordance with the Workers' Compensation Act of Colorado (see § 40-10.1-401(3), C.R.S.).~~
- (~~xu~~) "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.

- (yv) "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.
- (zw) "Hazardous materials carrier" means a person who transports hazardous materials as defined in § 42-20-103(3), C.R.S.
- (aax) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.
- (by) "Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property if the transportation of such effects and property is: (a) arranged and paid for by the householder; except that "household goods" does not include property moving from a factory or store, other than property that the householder has purchased with the intent of use in his or her dwelling and that is transported at the request of, and the transportation charges are paid to the mover by, the householder; or (b) arranged and paid for by another party. ~~"household goods" as that term is defined in § 40-14-102(7), C.R.S.~~
- ~~(cc) "Household goods mover" means "mover" as that term is defined by § 40-14-102(9), C.R.S.~~
- ~~(dd) "Household Goods Mover Rules" means rules 6600 through 6699, inclusive.~~
- ~~(ee) "Household goods mover registration" means the registration issued to a household goods mover pursuant to § 40-14-103, C.R.S.~~
- (fz) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (aa) "Intrastate commerce" means transportation, for compensation, by motor vehicle over the public highways between points in this state.
- (ggb) "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.
- ~~(cc) "Limited regulation carrier" means a person who provides service by charter bus, children's activity bus, fire crew transport, luxury limousine, or off-road scenic charter as those terms are defined in § 40-10.1-301, C.R.S.~~
- (hdd) "Luxury limousine" means a motor vehicle, for hire for compensation to transport passengers in luxury limousine service.
- (iie) "Luxury limousine service" means a specialized, luxurious transportation service provided on a prearranged, charter basis as defined in rule 6301(a). "Luxury limousine service" does not include taxicab service or any service provided between fixed points over regular routes at regular intervals.
- (ff) "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle that provides transportation in intrastate commerce pursuant to Article 10.1 of Title 40, C.R.S.

~~(gg) "Motor vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby.~~

~~(hh) "Mover" means a motor carrier that provides the transportation or shipment of household goods..~~

(~~h~~ii) "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.

(~~k~~jj) "Nuclear materials carrier" means a person who transports nuclear materials as defined in § 42-20-402(3), C.R.S.

~~(ll) [Reserved.]~~

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

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

(~~o~~ll) ~~[Reserved.]~~ "Permit" means the permit issued to a contract carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S., or to a motor carrier pursuant to parts 3, 4, and 5 of said Article.

~~(pp) [Reserved.]~~

(~~q~~mm) "Regulated intrastate carrier" means a common carrier and/or a contract carrier.

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

(~~s~~nn) "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.

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

~~(uuoo) "Taxicab" means a passenger-carrying motor vehicle for public hire, with a maximum seating capacity of eight or less, including the driver, operated in taxicab service, on a call-and-demand basis, the first passenger therein having exclusive use of the motor vehicle unless such passenger agrees to multiple loading.~~

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

~~(vvqq) "Towing carrier" means a motor carrier that: (a) provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck; and (b) may also provide storage of towed vehicles. "towing carrier" as defined by § 40-13-101(3), C.R.S.~~

~~(wwrr) "Towing carrier permit" means the permit issued by the Commission to a towing carrier pursuant to § 40-13-103(1)10.1-401, C.R.S.~~

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

~~(yy) "Transportation carrier" means common carrier, contract carrier, towing carrier, household goods mover, or exempt passenger carrier.~~

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

~~(aaatt) "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.~~

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

~~(ccc) "Unified Carrier Registration Agreement Rules" means rules 6400 through 6499, inclusive.~~

~~(dddvv) "Voluntary suspension" means a suspension sought by a transportation carrier motor carrier.~~

## 6002. Applications.

A person 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(j).
- (e) For a permit to operate as a ~~towing carrier~~limited regulation carrier, as provided in rule ~~635~~603.
- ~~(f) For a permit to operate as a towing carrier, as provided in rule 6503.~~
- ~~(g) For a permit to operate as a mover, as provided in rule 6603.~~
- ~~(hf)~~ For any other matter provided by statute or rule but not specifically described in this rule.

#### 6003. Petitions.

Any person may petition the Commission for a waiver or variance of any rule in this Part 6 as provided in rule 1003 of the Commission's Rules of Practice and Procedures, 4 CCR 723-1.

#### 6004. Registrations.

A person may seek Commission action ~~regarding any of the following matters~~ through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rule 6401.

- ~~(a) For registration as an exempt passenger carrier, as provided in rule 6303.~~
- ~~(b) For registration in the UCR Agreement, as provided in rule 6401.~~
- ~~(c) For registration as a household goods mover, as provided in rule 6603.~~

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

- (a) Unless a period of record retention is specified in a rule,
  - (I) ~~transportation carrier~~motor carriers shall maintain the records required by these rules for a period of three years; and
  - (II) ~~a~~UCR registrants shall maintain the records upon which ~~the~~ annual registration in the UCR Agreement ~~are~~is based for a period of three years.
- (b) The records may be kept in either a written or electronic format.
- (c) An enforcement official has the authority to inspect the records and supporting documents, motor vehicles used in providing a transportation service, and facilities such as dispatch systems and storage facilities of a ~~transportation carrier~~motor carrier.
  - (I) 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 and provided to such enforcement official pursuant to the following timelines:
    - (A) Immediately for any records required to be maintained in a motor vehicle or with the driver, towing authorizations, ~~household goods mover~~mover contracts for service, or any records related to insurance or safety;

- (B) Within two days for any records related to a complaint investigation; or
  - (C) Within ten days for all other records.
- (II) When a request under paragraph (c) of this rule meets multiple standards under subparagraphs (c)(I) through (III), the strictest standard shall apply.
  - (III) Upon request of an enforcement official and during normal business hours, a motor carrier shall make its facilities available for inspection.
  - (IV) Upon request by an enforcement official, a motor carrier, including its drivers, shall make its motor vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.

**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~~motor carrier shall file a signed report with the Commission detailing, as applicable, any change of name, mailing address, physical address, telephone number, agent for service of process on file with the Commission. Such a filing shall indicate all of the affected ~~transportation carrier~~motor carrier's common carrier certificate, contract carrier permit, limited regulation carrier permit, towing carrier permit, ~~household goods carrier mover permit~~ or UCR registration numbers. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State.
  - (I) In the event of a name change or an address change, the ~~transportation carrier~~motor 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~~motor carrier's new name has been filed with the Commission.
- (c) If a towing carrier wishes to begin providing storage for towed motor vehicles at a new or additional storage facility, the towing carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.

**6007. Financial Responsibility.**

- (a) Financial responsibility requirements:
  - (I) Motor vehicle liability coverage. Every ~~transportation carrier~~motor carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. Motor vehicle liability means liability for bodily injury and property damage.
  - (II) Cargo liability coverage. Every ~~household goods mover~~mover and towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that conforms with 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~~mover shall obtain and keep in force at all times general liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage.

(V) Civil penalty assessment guarantee. Every towing carrier shall obtain and keep in force at all times a surety bond providing coverage that conforms with § 40-10.1-401(3), C.R.S.

(VI) Workers' compensation insurance coverage. Every towing carrier shall obtain and keep in force at all times workers' compensation coverage in accordance with § 40-10.1-401(3), C.R.S., and in accordance with the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S.

(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
<del>Exempt Passenger</del> <u>Limited Regulation</u> 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.
<del>Household Goods Mover</del> <u>Mover</u>	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000

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

(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) For ~~household goods carriers~~movers, the minimum level of cargo liability coverage shall be \$10,000.00 for loss of or damage to household goods carried on any one motor vehicle, or sixty cents (\$0.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
- (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 mover~~moverss, the minimum general liability coverage shall be \$500,000.00.
- (V) For towing carriers, the civil penalty assessment guarantee shall be \$50,000.00. The yearly aggregate liability of the surety shall not exceed the amount of the bond, regardless of the number of claims. The surety bond must be made payable to the Commission and is for the purpose of paying any civil penalty assessments levied by the Commission against the carrier that the carrier fails to pay when due. The surety bond shall be in a form that conforms to the Commission's Motor Carrier Surety Bond, as represented in Appendix A.
- (VI) For towing carriers, workers' compensation insurance coverage as established by the Workers' Compensation Act of Colorado and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
- (c) Except as provided in paragraph (d), the ~~transportation carrier~~motor carrier shall ensure that insurance or surety bond coverage:
  - (I) is provided only by insurance or surety companies authorized to provide such coverage in the State of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and 42-7-501, C.R.S.;
  - (II) is not less than the minimum limits set forth under paragraph (b) of this rule;
  - (III) covers all motor vehicles which may be operated by or for the ~~transportation carrier~~motor carrier, or which may be under the control of the ~~transportation carrier~~motor carrier, regardless of whether such motor vehicles are specifically described in the policy or amendments or endorsements thereto;
  - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the ~~transportation carrier~~motor carrier on a "first dollar"/"dollar one" basis;
  - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the ~~transportation carrier~~motor carrier regardless of the level of funds in the retained risk pool; and

- (VI) does not permit a ~~transportation carrier~~motor carrier to pay insurance or surety benefits directly to a party damaged by said ~~transportation carrier~~motor carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the ~~transportation carrier~~motor carrier's insurance or surety policy.
- (d) The provisions of subparagraphs (IV) through (VI) of paragraph (c) shall not apply to ~~transportation carrier~~motor carriers with regard to proof of self-insurance pursuant to 49 C.F.R. Part 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (c) shall not apply to surety bond and workers compensation requirements for towing carriers pursuant to § 40-10.1-401(3), C.R.S.
- (e) The ~~transportation carrier~~motor carrier shall retain each original insurance or surety policy for required coverage, make such policies available for inspection by enforcement officials, and keep a copy of its proof of motor vehicle liability coverage in each motor vehicle that it operates.
- (f) The ~~transportation carrier~~motor 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 passenger~~limited regulation carriers, ~~household goods mover~~movers, and towing carriers, a Form E or G.
- (B) For common carriers, contract carriers, ~~exempt passenger~~limited regulation carriers, ~~household goods mover~~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 passenger~~limited regulation carrier, ~~household goods mover~~mover, or towing carrier shall file a copy of the most current version of such certificate of self-insurance.
- (II) Cargo liability coverage. For all ~~household goods mover~~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 mover~~movers, a Colorado Form GL.
- (V) Civil penalty assessment guarantee. For all towing carriers, a Colorado Form SB.
- (VI) Worker's compensation insurance coverage. For all towing carriers, a Colorado Form WC.
- (g) The ~~transportation carrier~~motor carrier's failure to file proof of liability coverage, workers' compensation insurance coverage, or civil penalty assessment guarantee, as required by this rule, shall constitute a rebuttable presumption that the carrier is not properly covered under the requirements of this rule.
- ~~(h) All forms referred to in this rule are available from the Commission.~~

- (ih) The ~~transportation carrier~~motor carrier shall ensure that the policy and the forms noted in this rule contain the ~~transportation carrier~~motor carrier's exact name, trade name (if any), and address as shown in the records of the Commission; and
- (ij) Any subsequent changes of name, address, or policy number shall be reflected by the filing of an appropriate endorsement or amendment with the Commission.
- (kj) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
- (kl) Except as provided in paragraph (lm) 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, 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.
- (lm) 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~~motor carrier to cancel all of its authorities and ~~operating right~~permits, all certificates of insurance and/or surety bond for the ~~transportation carrier~~motor carrier shall be administratively cancelled.
- (am) 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. Revocation, Suspension, Alteration, or Amendment.**

- (a) Summary suspension and/or revocation for lack of financial responsibility of common carriers, contract carriers, ~~household goods mover~~movers, ~~exempt passenger~~limited regulation carriers, hazardous materials carriers, nuclear materials carriers, or towing carriers.

- (I) Summary suspension.
- (A) Whenever Commission records indicate that a common carrier's, contract carrier's, ~~household goods mover~~mover's, ~~exempt passenger~~limited regulation 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 authority or permit. ~~common carrier, contract carrier, household goods mover, exempt passenger carrier, or towing carrier's authority or operating right, or hazardous materials carrier or nuclear materials carrier's permit.~~
- (B) For purposes of this paragraph, failure on the part of an insurance company to respond to a Commission inquiry for verification of insurance coverage within 60 days shall be treated as a cancellation of insurance.
- (C) The summary suspension shall be effective on the date of coverage cancellation.
- (II) The Commission shall advise the common carrier, contract carrier, ~~household goods mover~~mover, ~~exempt passenger~~limited regulation 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~~permit is summarily suspended as of the coverage cancellation date;
- (C) that it shall not conduct operations under any of its authorities, ~~operating rights~~ or permits after the coverage cancellation date;
- (D) that the Commission has initiated complaint proceedings to revoke its authorities, ~~operating rights~~, or permits;
- (E) that it may submit, at a hearing convened to determine whether its authorities, ~~operating rights~~, or permits should be revoked, written data, views, and arguments showing why such authorities, ~~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~~mover, ~~exempt passenger~~limited regulation carrier, hazardous materials carrier, nuclear materials carrier, or towing carrier receiving notice of summary suspension shall not, under any of its authorities, ~~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) If, due to an administrative error or omission of the Commission staff, an authority or ~~operating right~~permit is suspended or revoked for lack of financial responsibility coverage, such authority or ~~operating right~~permit shall, without a hearing, be retroactively reinstated as of the effective date of the proof of coverage. Staff shall document in its files the correction of such administrative error or omission.
- (c) After a hearing upon at least ten days' notice to the regulated intrastate carrier, ~~exempt passenger~~limited regulation carrier, towing carrier, ~~household goods mover~~mover, hazardous materials carrier, or nuclear materials carrier affected, the Commission may:
- (I) revoke, suspend, alter, or amend said regulated intrastate carrier's authority(ies) or towing carrier's permit(s) for any of the following reasons:
- (A) Violation of, or failure to comply with, any statute or regulation concerning regulated intrastate carriers or towing carriers;
- (B) Violation of, or failure to comply with, any statute or regulation concerning the towing, storage, or disposal of towed motor vehicles by a towing carrier. 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.;
- (C) Violation of, or 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 the towing carrier's towing carrier permit; or
- (D) Violation of, or failure to comply with, any order, rule, or regulation of the Commission.
- (II) revoke the ~~registration~~permit of said ~~exempt passenger~~limited regulation carrier or ~~household goods mover~~mover for any of the following reasons:
- (A) Violation of, or failure to comply with, any statute or regulation concerning ~~exempt passenger~~limited regulation carriers or ~~household goods mover~~movers;
- (B) Violation of, or failure to comply with, the terms and conditions of, or exceeding the authority granted in, the ~~exempt passenger~~limited regulation carrier's or ~~household goods mover~~mover's ~~registration~~permit; or
- (C) Violation of, or failure to comply with, any order, rule, or regulation or the Commission.
- (III) pursuant to §§ 42-20-205 and 42-20-506, C.R.S., suspend for a period not to exceed six months or revoke said hazardous materials carrier's permit or nuclear materials carrier's permit.
- (A) Such an action shall only be instituted at the request of the Colorado State Patrol.

(B) Such actions shall be prosecuted by the Colorado State Patrol.

(d) Period of ineligibility.

- (I) Except as provided in paragraph (e), an ~~exempt passenger~~limited regulation carrier, ~~household goods mover~~mover, or towing carrier whose ~~operating right(s)~~permit is revoked shall be ineligible to be issued another ~~operating right~~permit for at least one year from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.
- (II) Except as provided in paragraph (e), an ~~exempt passenger~~limited regulation carrier, ~~household goods mover~~mover, or towing carrier whose ~~operating right(s)~~permit is revoked more than twice shall be ineligible to be issued another ~~operating right~~permit for at least two years from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.
- (III) In the case of an entity other than an individual, such period of ineligibility shall also apply to all principals (including members of a limited liability company), officers, and directors of the entity, whether or not such principal, officer, or director applies individually or as a principal, officer, or director of the same or a different entity for a ~~permit~~operating right during the period of ineligibility.

(e) Subparagraphs (d)(I) and (II) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility required by rule 6007, unless the ~~transportation carrier~~motor carrier knowingly operated without the required financial responsibility.

**6009. Annual Motor Vehicle ~~Identification~~ Fees - Exemption.**

- (a) Every ~~transportation carrier~~motor carrier shall pay to the Commission an annual ~~identification~~ fee before the first day of January of each calendar year, for each motor vehicle that such ~~transportation carrier~~motor carrier owns, controls, operates, or manages within the ~~S~~state of Colorado as set forth in § 40-~~10.1-1112-110.5~~, C.R.S.
- (b) ~~The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee. Notice of the annual identification fee provided on the Commission's website at least 60 days prior to the effective date of such fee, transportation carrier registration and application forms, and annual identification fee renewal notices, shall constitute sufficient public notice of the applicable annual identification fee.~~
- (c) A ~~transportation carrier~~motor carrier that obtains an authority or ~~operating right~~permit 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~~permit.
- (d) A ~~transportation carrier~~motor 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.
- ~~(e) Annual identification fees shall be valid only for the calendar year for which they are purchased.~~
- ~~(fe)~~ Proof of payment of each annual ~~identification~~ fee shall be in the form of a vehicle ~~identification~~ stamp issued by the Commission.
- ~~(f) A vehicle stamp is valid only for the calendar year for which it is purchased.~~

- (g) A ~~transportation carrier~~motor 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. In the alternative, the vehicle ~~identification~~ stamp may be affixed to the right front side window of the motor vehicle so long as the stamp does not interfere with the driver's use of the right-hand outside mirror.
- (h) Exemption for a UCR registrant.
  - (I) Except as provided in subparagraph (II), a ~~transportation carrier~~motor carrier that is also a UCR registrant for the same calendar year is exempt from paragraphs (a) through (g) of this rule.
  - (II) A ~~transportation carrier~~motor carrier that is also a UCR registrant for the same calendar year is not exempt from paragraphs (a) through (g) of this rule for any motor vehicle that:
    - (A) was used only in intrastate commerce;
    - (B) was not included in the calculation of fees paid under the UCR Agreement; and
    - (C) provides transportation of household goods, non-consensual tows, or passenger transportation that is not subject to the preemption provisions of 49 U.S.C. section 14501(a).
- (i) Exemption for a mover. A mover holding a permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (g) of this rule.

**6010. Letter of Authority ~~and~~, Permit, ~~and~~ Registration - Exemption.**

- (a) Every ~~transportation carrier~~motor carrier shall maintain a copy of the following in each motor vehicle it owns, controls, operates, or manages under an authority or ~~operating right~~permit:
  - (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 passenger~~limited regulation carrier a copy of its ~~letter of registration~~permit;
  - (III) For every towing carrier a copy of its towing carrier permit;
  - (IV) For every ~~household goods mover~~mover a copy of its ~~letter of registration~~permit;
- (b) The ~~transportation carrier~~motor carrier shall, upon request, present the copy of its letter of authority, ~~letter of registration~~, or ~~towing carrier~~ permit to any enforcement official.
- (c) This rule shall not apply to a commercial motor vehicle that is subject to 49 U.S.C. section 14506 regarding restrictions on identification of vehicles.

**6011. Designation of Agent.**

- (a) Except for a sole proprietorship or partnership, each ~~transportation carrier~~motor 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~~motor carrier's designated agent. A ~~transportation carrier~~motor carrier shall not designate the Secretary of State of the State of Colorado. The person designated, if a natural person, shall be at least 18 years of age. The address of the person designated shall be in the State of Colorado. The ~~transportation carrier~~motor carrier shall provide a signed statement by the designated agent indicating that person has approved the designation.

- (b) Each ~~transportation carrier~~motor carrier shall notify the Commission of any changes in the designated agent's identity, name, or address by filing a new designation within two days of receiving the information related to such change.
- (c) Service upon a ~~transportation carrier~~motor carrier's named designated agent, as filed with the Commission, shall be deemed to be service upon the ~~transportation carrier~~motor 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~~motor carrier's address on file with the Commission shall constitute prima facie evidence that the ~~transportation carrier~~motor carrier received the notice.

**6014. Waivers.**

A ~~transportation carrier~~motor 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~~motor 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~~motor carrier's primary place of business.

**6015. [Reserved.]**

**6016. Advertising.**

- (a) No ~~motor carrier regulated intrastate carrier, exempt passenger carrier, towing carrier, and household goods mover~~, or any officer, agent, employee, or representative of said carrier ~~or mover~~, shall advertise a transportation service in a name other than that in which said carrier's ~~or mover's~~ authority or ~~operating right~~permit is held.
  - (I) If a ~~motor carrier regulated intrastate carrier, exempt passenger carrier, or household goods mover~~ holds an authority or ~~operating right~~permit under a trade name, nothing in this paragraph shall be construed to require advertising under the name of said carrier's ~~or mover's~~ parent company.
  - (II) If a ~~motor carrier regulated intrastate carrier, exempt passenger carrier, or household goods mover~~ holds an authority or ~~operating right~~permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier ~~or mover to~~ advertise under all the trade names.
  - (III) This paragraph (a) shall not apply to advertising that cannot readily be amended or cancelled, such as in the telephone Yellow Pages, when a ~~transportation carrier~~motor carrier has changed its name due to, for example, a change in the business structure, such as incorporation, or sale of the ~~transportation carrier~~motor carrier's authority or ~~operating right~~permit, provided that such change is on file with the Commission.
- (b) Each advertisement of a ~~household goods mover~~mover shall include the phrase "CO PUC Mover ~~RegPermit~~- No. [~~HHG registration permit number~~]" and the physical address of the ~~household goods mover~~mover.
- (c) Roof lights.
  - (I) For purposes of this section, roof light means equipment attached to the roof of a vehicle, or extending above the roofline of a vehicle, for the purpose of displaying any information.

- (II) Except as provided in subparagraph (III), a regulated intrastate carrier or ~~exempt passenger~~limited regulation carrier shall not have a roof light, whether or not it displays any information, located on any motor vehicle operated under the regulated intrastate carrier's authority or ~~exempt passenger~~limited regulation carrier's ~~registration~~permit.
- (III) Nothing in subparagraph (II) shall prohibit the following:
  - (A) any light otherwise required by law; or
  - (B) a roof light to identify a taxicab operated by a common carrier under an authority to provide taxicab service, or any advertising on the roof of a taxicab operated by a common carrier under an authority to provide taxicab service.

#### **6017. 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) A violation of § 40-~~10.1-111(1)(f) or (2)~~2-110-5(1) or (4), C.R.S., or rule 6009(a), (c), or (d) with regard to operating a motor vehicle without having paid the annual ~~identification~~ fee may result in the assessment of a civil penalty of up to \$400.00 for each violation.
- (c) A violation of rule 6016(a) may result in the assessment of a civil penalty of up to \$550.00 for each violation.
- (d) Except as provided for in paragraph (a), (b), or (c) of this rule, a person who violates any provision of rules 6000 through 6016 may be assessed a civil penalty of up to \$275.00 for each violation.
- (e) Pursuant to § 40-7-~~111~~112, C.R.S., a person, whose driver operates a motor vehicle in violation of applicable statutes or these ~~Rules Regulating Transportation by Motor Vehicle~~rules, may be assessed a civil penalty for such violation.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
  - (j) 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.
  - (k) 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.
  - (l) 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.
  - (m) The civil penalty assessment notice shall contain the maximum penalty amount provided by rule for each individual violation noted, the amount of the penalty surcharge pursuant to § 24-34-108(2), 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.

6018. – 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~~limited regulation carriers; and
  - ~~(II) household goods mover operating motor vehicles with a GVWR of less than 26,001 pounds; and~~
  - (II) all Commission proceedings and operations concerning ~~transportation carrier~~motor carriers, drivers (whether as employees or independent contractors), employees, and commercial motor vehicles of the ~~transportation carrier~~motor 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 ~~S~~safety ~~R~~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 carrier~~motor carrier 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 ~~S~~safety ~~R~~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 ~~S~~safety ~~R~~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 ~~S~~safety ~~R~~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~~motor 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~~motor carrier.
- (d) ~~"Low-power scooter" means "Low-power scooter" as that term is defined in § 42-1-102(48.5), C.R.S.~~
- ~~(e) "Motor vehicle" is synonymous with the term "commercial motor vehicle" as defined in this rule.~~
- ~~(ef) "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, 2009.
  - (II) 49 C.F.R. Appendix G to Subchapter B of Chapter III, as revised on October 1, 2009.
- (b) No later amendments to or editions of the C.F.R. are incorporated into these rules.

- (c) The following provisions of 49 C.F.R. are not incorporated by reference:
- (I) §§ 382.507, 383.53, 390.3(a), 390.3(c), 390.3(f)(2), 390.3(f)(6), 390.21(a), 390.21(b), 390.21(e), 390.21(f), 390.37, 391.47, 391.49, 391.67, 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.
- (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  
1560 Broadway, Suite 250,  
Denver, Colorado 80202
- Telephone: (303) 894-~~2000~~2850
- (e) 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.

**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~~mover ~~permit-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~~limited regulation carrier ~~registration permit~~(s), the towing carrier permit(s), and the ~~household goods mover~~mover ~~registration permit~~(s), as applicable, preceded by the letters "CO PUC" or "PUC."
    - (C) This subparagraph (II) shall not apply to a commercial motor vehicle that is subject to 49 U.S.C. section 14506 regarding restrictions on identification of vehicles.
  - (III) Motor vehicles operated by a regulated intrastate carrier or a ~~an exempt passenger~~limited regulation 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 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~~motor carrier shall remove all markings required by this rule from a motor vehicle that the ~~transportation carrier~~motor 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~~motor carrier other than the ~~transportation carrier~~motor 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 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 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. § 393.83(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) The provisions of 49 C.F.R. § 393.89, relating to driveshaft protection, and 393.95, relating to 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) The following provisions of 49 C.F.R. Part 393 shall not apply to motorcycles or to ~~motor-driven cycles~~low-power scooters:
  - (A) Sections 393.11 and 393.24(a) requiring at least two headlamps. Motorcycles and ~~motor-driven cycles~~low-power scooters shall have at least one headlamp.
  - (B) Section 393.41 requiring parking brakes. Motorcycles and ~~motor-driven cycles~~low-power scooters 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 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~~motor carrier of passengers is exempt from the requirements of 49 C.F.R. §§ 395.5(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 ~~ten~~10 hours maximum driving time following eight consecutive hours off duty; and
    - (F) The ~~transportation carrier~~motor 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~~motor 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.
- (III~~V~~) Maximum driving time.
- (A) In lieu of 49 C.F.R. § 395.5(b), a ~~transportation carrier~~motor 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~~motor 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 carrier~~motor 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~~motor 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~~motor 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~~motor carrier with a copy of the completed DVCR.
  - (II) The driver receiving a DVCR shall deliver the DVCR to the ~~transportation carrier~~motor carrier operating the motor vehicle upon the driver's next arrival at any of the ~~transportation carrier~~motor carrier's terminals or facilities. If the driver is not scheduled

to arrive at a terminal or facility within 24 hours, the driver shall immediately mail the report to the ~~transportation carrier~~motor carrier operating the motor vehicle.

- (III) ~~Transportation carrier~~Motor 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~~motor 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~~motor 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~~motor carrier regarding the out-of-service condition.
- (V) No ~~transportation carrier~~motor carrier shall require or permit any person to operate, nor shall any person operate, any motor vehicle declared and ordered out-of-service until all repairs required by the out-of-service order have been satisfactorily completed. No ~~transportation carrier~~motor carrier shall require or permit any person declared and ordered out-of-service to operate, nor shall any person operate, any motor vehicle until the person's out-of-service condition has been corrected. 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 ~~S~~safety ~~R~~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;~~
  - (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 carrier~~Motor 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: 1560 Broadway, Suite 250, Denver, Colorado 80202.
- (h) ~~Transportation carrier~~Motor carriers and drivers shall, upon request by an enforcement official, make available for inspection all records required to be made by these ~~S~~ssafety ~~R~~rules and all motor vehicles subject to these ~~S~~ssafety ~~R~~rules.

#### **6104. Motor Vehicle Weight.**

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

#### **6105. Fingerprint-Based Criminal History Background Checks.**

- (a) For purposes of this rule only:
  - (I) "CBI" means the Colorado Bureau of Investigation.
  - (II) "Driver" means a person who drives or wishes to drive a taxicab for a taxicab carrier or who drives or wishes to drive for an ~~an exempt passenger~~limited regulation carrier, regardless of whether such person drives or wishes to drive as an employee or independent contractor.
  - (III) "Passenger carrier" means an ~~an exempt passenger~~limited regulation carrier, except for fire crew transport, and a taxicab carrier, but only to the extent the taxicab carrier uses or wishes to use drivers to drive taxicabs.
  - (IV) "Record check" means a state and national fingerprint-based criminal history record check.
- (b) This rule applies to passenger carriers and drivers.
- (c) Within ten days of contracting or being employed to drive for passenger carrier, a driver shall submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check.
- (d) A driver shall re-submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check within five years after the Commission provides him/her with the qualification notice required by subparagraph (j)(III) of this rule.
- (e) The driver may obtain information regarding the actual cost of the record check from the Commission or its website. The driver shall submit his or her fingerprints on an official form (FD-258). The Commission will only accept official forms completed in accordance with the instructions available from the Commission or its website.
- (f) Disqualification.
  - (I) A driver is not of good moral character, and shall be disqualified and prohibited from driving, if the driver has been convicted of a felony or misdemeanor involving moral turpitude.

- (II) For purposes of Commission Staff's initial qualification determination under paragraph (j) of this rule, a felony or misdemeanor involving moral turpitude means:
    - (A) a conviction in the State of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;
    - (B) a conviction in the State of Colorado at any time of any unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S.;
    - (C) a conviction in the State of Colorado, within the ten years preceding the date the criminal history record check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
    - (D) a conviction in the State of Colorado, within the eight years preceding the date the criminal history record check is completed, of any class 3 felony under Title 18, C.R.S.;
    - (E) a conviction in the State of Colorado, within the four years preceding the date the criminal history record check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or
    - (F) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (II)(A) through (E).
  - (III) A driver shall be disqualified and prohibited from driving if, within the two years preceding the date the criminal history record check is completed, the driver was:
    - (A) convicted in this state of driving under the influence, as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content, as described in § 42-4-1301(2)(a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301(1)(g), C.R.S.; or driving while an habitual user of a controlled substance, as described in § 42-4-1301(1)(c), C.R.S.; or
    - (B) convicted of a comparable offense in any other state or in the United States.
  - (IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (g) A passenger carrier shall not permit a driver to drive for the passenger carrier if:
- (I) the driver has not complied with this rule and § 40-~~16-104.5~~ or § 40-10-105-~~510.1-110~~, C.R.S., as applicable; or
  - (II) the driver is disqualified and prohibited from driving under paragraph (j) of this rule.
- (h) Passenger carriers are authorized to contact the Commission regarding whether a particular driver has been disqualified and prohibited from driving.
- (i) A passenger carrier shall, as a condition of continued contract or employment, require a driver to submit his or her fingerprints to the Commission for a record check:
- (I) at least once every five years; and/or

- (II) within ten days of becoming aware that the driver has been convicted of the offenses listed in paragraph (f) of this rule.
- (j) Driver qualification determinations.
  - (I) Upon the Commission's receipt of a completed record check, Staff of the Commission (Staff) shall make the initial qualification determination regarding the driver's qualification status under paragraph (f) of this rule.
  - (II) In making its initial qualification determination, Staff is authorized to request from the driver, and the driver shall provide, additional information that will assist Staff in making the initial determination regarding the driver's qualification status. If, within 15 days of Staff's request, a driver does not provide such additional information or a reason explaining why it is unavailable, Staff may disqualify the driver.
  - (III) Staff shall ~~give provide to the driver written~~ notice of its initial qualification determination. If Staff initially determines that the driver is disqualified and prohibited from driving, the driver may, within 60 days of Staff's ~~written disqualification~~ notice, petition the Commission for an order reversing Staff's initial determination.
  - (IV) Upon the filing of a petition to reverse Staff's initial determination:
    - (A) Staff shall be an indispensable party and shall bear the burden of going forward to demonstrate the reasons for its initial determination;
    - (B) the driver shall bear the burden of proving that Staff's initial determination is not supported by fact or law; and
    - (C) the Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S.
  - (V) Staff's initial qualification determination may be relied upon by all persons, unless and until the Commission reverses Staff's initial qualification determination.
- (k) The Commission and its Staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks. The Commission may require a name-based criminal history record check of a driver who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unreadable or unclassifiable.
- (l) Nothing in this rule shall be construed to make an independent contractor driver an employee driver of a passenger carrier.
- (m) At any time, Staff shall disqualify a previously qualified driver whose subsequent conviction meets the criteria of subparagraph (f)(II) of this rule. The provisions of paragraph (j) shall apply as if the subsequent qualification determination were an initial qualification determination.
- ~~(n) Paragraphs (d) and (i) of this rule shall be void if Senate Bill 10-060 causes the expiration of said paragraphs.~~

**6106. 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 <del>four</del> 4 hours of using, while under the influence of, or having in his/her possession, alcohol, per §392.5(a).
49 C.F.R. § 392.5(b)(2)	Requiring or permitting a driver to operate a commercial motor vehicle who shows evidence of, or the general appearance and conduct of, having consumed alcohol within the preceding <del>four</del> 4 hours.
49 C.F.R. § 396.11(c)	Failing to correct out-of-service defects listed by the driver in a driver vehicle inspection report before the vehicle is operated again.
Rule 6103(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 <del>transportation carrier</del> <u>motor carrier</u> 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.
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 11 cumulative hours.
49 C.F.R. § 395.3(a)(2)	Requiring or permitting a driver to drive after having been on duty 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 60 hours in <del>seven</del> <sup>7</sup> 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 70 hours in <del>eight</del> consecutive days.
49 C.F.R. § 395.5(a)(1)	Requiring or permitting a driver to drive more than <del>ten</del> <sup>10</sup> 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 70 hours in <del>seven</del> <sup>7</sup> consecutive days.
Rule 6103(d)(IV)(B)(ii)	Requiring or permitting a driver to drive after having been on duty 80 hours in <del>eight</del> <sup>8</sup> consecutive days.
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.
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.
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 <del>six</del> 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.

- (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.
- (h) A person who violates any provision of rule 6105 may be assessed a civil penalty of \$275.00 for each violation.
- (i) Except as provided in paragraphs (a) through (h) of this rule, a person who violates any other rule may be assessed a civil penalty of up to \$250.00 for each violation up to a cumulative maximum of \$5,000.00 for each type of recordkeeping violation.
- (j) With the exception of paragraph (h) of this rule, the provisions relating to the doubling and tripling of civil penalty assessments, found in § 40-7-113(3) and (4), and in paragraphs (g) through (l) of rule 6017, shall not apply to the assessment of civil penalties for safety rule violations.

**6107. – 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, all contract carriers, and to all Commission proceedings and operations concerning common carriers, contract carriers, applicants, employees, and drivers. Rules 6250 through 6259 are specifically applicable only to taxicab carriers. Nothing in these ~~C~~common and ~~C~~contract ~~C~~carrier ~~R~~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 ~~C~~common and ~~C~~contract ~~C~~carrier ~~R~~rules:

- (a) "Auto livery" or "auto livery service" means the transportation of passengers by common carrier, including the transportation of passengers in scheduled and/or call-and-demand service.
- (b) "Capable," as used in § 40-~~10.1-2046-120~~(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.
- (c) "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.
- (d) "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.
- (e) "Charter service" means transportation of a charter party.
- (f) "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.
- (g) "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.
- (h) "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 ~~16-10.1~~ of Title 40, C.R.S.
- (i) "Outstanding authority" means an existing authority, or any portion thereof, which is not under suspension.
- (j) "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.
- (k) "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.
- (l) "Special bus," "special bus transportation," or "special bus service" means the transportation of passengers by common carrier:
  - (l) not including ordinary and continuous scheduled service;

- (II) rendered generally on weekends, holidays, or other special occasions;
  - (III) with a fixed termination date; and
  - (IV) to a number of passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, for a trip or tour planned by the carrier.
- (m) "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.
- ~~(n) "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) The name and address of the applicant's Colorado agent for service of process, if required by rule 6011.
- (IV) A statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.).
- (V) If the applicant is a corporation: the name of the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.
- (VI) If the applicant is a limited liability company: the name of the state in which it is organized; the 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.
- (VII) 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.5) A copy of the applicant's certificate of assumed trade name or trade name registration, if applicable.
- (VIII) 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, but not auto livery or special bus), if the applicant proposes to operate as a common carrier;
  - (C) the proposed geographic area of service or the proposed points or routes of service;
  - (D) any proposed restrictions to the authority sought; and
  - (E) a description of the make, model, and year of the motor vehicles proposed to be operated, or if unknown, then a summary of the number and types of motor vehicles proposed to be operated.
- (IX) 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.
- (X) If the applicant seeks common carrier authority, the applicant shall attach (for an application to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, the applicant may 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.
- (XI) 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.
- (XII) A statement of the facts upon which the applicant relies to establish that the application should be granted. Except for an application to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, 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.
- (XIII) Except as provided in subparagraph (a)(XIV), a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations.
- (XIV) For an applicant applying to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, a statement setting forth the qualifications of the applicant, including operational and financial fitness, to conduct the proposed operations.
- (XV) 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.
- (XVI) 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.

- (XVII) 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.
  - (XVIII) 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.
  - (XIX) A statement indicating the town or city where the applicant prefers any hearing to be held.
  - (XX) 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 subparagraph (a)(XVII) 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 or Voluntary Suspension of Authorities.**

- (a) 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.
- (b) Except as specified in paragraph (c) 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.
- (c) 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 (XIX).
  - (II) Transferees and encumbrancers shall provide the information required by subparagraphs 6203(a)(III) - (VII), and (XV) - (XVII).
  - (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 or as provided in subparagraph (c)(XIV), a statement setting forth the qualifications of the transferee, including managerial, operational, and financial fitness, to conduct the proposed operations.
  - (XIV) For an application involving only taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, a statement setting forth the qualifications of the transferee, including operational and financial fitness, to conduct the proposed operations.
  - (XV) A statement that the applicants understand the Commission will, in its discretion, cancel any duplicating or overlapping authority created by the transaction.
  - (XVI) A statement setting forth whether the transferor has been and is conducting active, bona fide operations under the authorities at issue in the transaction.
  - (XVII) 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.
  - (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.
- (d) An application filed under § 40-~~6-120(2)~~ or (4)10.1-204, 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)10.1-204, 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) 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)(1)(A), the tariff's title page shall contain the regulated intrastate carrier's common carrier certificate or contract carrier permit numbers to which the tariff applies.
- (g) 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) A regulated intrastate carrier proposing a tariff amendment shall file, upon the request of Commission Staff, a statement justifying the amendment. The justification shall include an explanation of the circumstances and data relied upon in requesting approval of the proposed amendment.
- (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 (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 for call-and-demand limousine, scheduled, special bus, or taxicab service, 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, the common carrier shall file with the Commission, at least seven 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.

- (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
- (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 ~~ten~~10 days before the effective date of the proposed tariff.
- (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.
- (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.
- (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.
- (o) If the Commission issues a decision prescribing any tariff change, the affected regulated intrastate carrier shall file, within ~~40~~ten days of the effective date of the Commission decision, a revised tariff or revised tariff sheets, as applicable, reflecting the prescribed change.

#### **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:
    - (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.

**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 for compensation 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 towards passengers or other persons. Passenger or other person 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~~permit 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~~III).

#### **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-~~40-104(1)~~10.1-201(1), C.R.S.; or § 40-~~10.1-202(1)~~11-103(1), C.R.S.
  - (II) § 40-~~40-106~~, C.R.S.; § 40-~~11-104~~10.1-205, C.R.S.; paragraph 6202(b); or paragraph 6205(f).

- (III) subparagraph (I), (II), (III), or (IV) of paragraph 6202(a).
- (IV) § 40-~~40-117~~10.1-206, 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 Part 2 of Articles 10.1 or 11 of Title 40, C.R.S., or any provision of these ~~C~~common and ~~C~~contract ~~C~~carrier ~~R~~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 ~~T~~taxicab ~~C~~carrier ~~R~~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 ~~T~~taxicab ~~C~~carrier ~~R~~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.

(f) "Time call" means a customer's communication with a common carrier requesting a specific date and time for service (otherwise known as an appointment), or the common carrier's service provided in response to the customer's communication, as the context requires.

(g) "Close proximity", as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and twenty minutes from the drop-off location and time.

**6252. Notices.**

Each taxicab carrier shall post the following notices, as applicable, on the inside of the left window immediately behind the driver's window or on the back of the front seat of each taxicab it operates. Except as provided in subparagraph (f), the font size of such notice shall be at least 14 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

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) 894-2070.

(b) If the taxicab carrier uses meters only, the notice shall 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 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 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 or email address from the passenger and give an estimated time of pickup. Unless its effective tariff specifies a different time, the taxicab carrier shall arrive at the pickup location within 45 minutes from the time the customer first requested service or within five minutes of a time call, whichever is applicable. A taxicab carrier need not provide time call service if doing so would conflict with the 45-minute margin (or such other margin specified in the taxicab carrier's effective tariff) allowed a taxicab carrier under this paragraph. A delay under this rule shall be excused if:
  - (I) the customer has left the passenger's telephone number or email address with the taxicab carrier;
  - (II) the taxicab carrier notifies the passenger regarding the delay; and
  - (III) such delay is caused by inclement weather, traffic congestion, or other circumstances beyond the control of the taxicab carrier.

**6254. Additional Service Requirements for Taxicab Carriers Operating Within 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 2000 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 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2009, and June 30, 2010, counting backwards, 2009 is the first model year, 2008 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.

**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 \$51.00, 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 \$57.00, 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 \$84.00, 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 ~~40~~ten 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 LIMITED REGULATION PASSENGER CARRIER RULES**

**6300. Applicability of Exempt Passenger Limited Regulation Carrier Rules.**

Rules 6300 through 6399 apply to all exempt passenger limited regulation carriers, and to all Commission proceedings and operations concerning exempt passenger limited regulation carriers, registrants permit holders, employees, and drivers.

**6301. Definitions.**

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

- (a) "Charter basis" means on the basis of a contract for transportation whereby a person agrees to provide exclusive use of a motor vehicle to a single chartering party for a specific period of time during which the chartering party has shall have the exclusive right to direct the operation of the vehicle, including, but not limited to, selection of the origin, destination, route, and intermediate stops.
- (b) "Chartering party" means a person or group of persons who share a personal or professional relationship whereby all such persons are members of the same affiliated group, including, without limitation, a family, business, religious group, social organization or professional organization. "Chartering party" does not include groups of unrelated persons brought together by a carrier, transportation broker, or other third party.

**6302. ~~Registration Permit~~ Requirement.**

No person shall ~~operate or~~ offer ~~to operate services~~ as an ~~exempt passenger~~~~limited regulation~~ carrier without a valid ~~registration permit~~ issued by the Commission.

**6303. ~~Registration Permit~~.**

- (a) Any person seeking ~~to register a permit to operate~~ as an ~~exempt passenger~~~~limited regulation~~ carrier shall provide the following information, as applicable:
- (I) The name of the ~~registrant applicant~~ and the trade name under which operations will be conducted.
  - (II) A copy of the ~~registrant's applicant's~~ certificate of assumed trade name or trade name registration.
  - (III) The ~~registrant's 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) The name and address of the ~~registrant's applicant's~~ Colorado agent for service of process, if required by rule 6011.
  - (V) A statement describing the ~~registrant's applicant's~~ business structure (corporation, limited liability company, partnership, or sole proprietorship).
  - (VI) If an ~~registrant applicant~~ is a corporation:
    - (A) The name of the state in which the ~~registrant applicant~~ is incorporated.
    - (B) The location of the ~~registrant's applicant'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 applicant's~~ certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the ~~registration application~~.
  - (VII) If the ~~registrant applicant~~ is a limited liability company:
    - (A) The state in which the company is organized.
    - (B) The location of the ~~registrant's applicant's~~ principal office, if any, in Colorado.
    - (C) The name and title of each member.
    - (D) A certified copy of the ~~registrant's applicant's~~ certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the ~~registration application~~.
  - (VIII) If the ~~registrant applicant~~ is a partnership:
    - (A) The name and business address of all general and limited partners.

- (B) The location of the registrantapplicant's principal office, if any, in Colorado.
- (IX) If the registrantapplicant 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 registrantapplicant under its registrationapplication.
- (XI) Copies of any authority, issued by either a state or a federal agency, under which the registrantapplicant contends that it may provide for-hire transportation of passengers in the State of Colorado.
- (XII) A statement that the registrantapplicant is familiar with the Exempt Passengerlimited regulation Ccarrier Rrules and all applicable safety rules and that the registrantapplicant will comply with them.
- (XIII) A statement that the registrantapplicant understands that the filing of an an application registration does not constitute authority to operate.
- (XIV) A verification made under penalty of perjury and signed by an authorized officer, partner, owner, employee, or manager of the registrantapplicant, as appropriate, verifying that the contents of the registration-application form and all attachments are true, accurate, and correct. The registration-application form shall contain the complete address of the affiant.
- (b) In addition to the information required by paragraph (a), a person applying registering to be as an exempt passengera limited regulation carrier under this rule shall:
  - (I) cause to be filed the required proof of financial responsibility; and
  - (II) pay the required annual identification fees or, if applicable, shall be in compliance with the UCR Agreement.
- (c) The Commission will not issue a permit to register any person as an exempt passengerlimited regulation carrier until the Commission has received all information, documentation, and payments 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 have any exterior signs or graphics on a luxury limousine that provide:
  - (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, bus, limousine, shuttle, or taxi.

- (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) 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.**

- (a) Features. Each luxury limousine carrier shall ensure that its motor vehicles are in good physical condition, excluding consideration of defects covered by the Commission's safety rules. The Commission shall use the following general guidelines in determining if a vehicle is in good physical condition:
  - (I) The body of the luxury limousine has a good, unfaded paint job; is devoid of 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 luxury limousine is clean, free of offensive odors, and has no major tears, cracks, or stains upon the upholstery, headliner, and carpeting.
- (b) Age of Motor Vehicles. Except for luxury limousines covered under rule 6308(a)(IV) and/or vehicles covered by rule 6309, luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2004, and June 30, 2005, counting backwards, 2004 is the first model year, 2003 is the second model year, and so forth.

**6306. [Reserved].**

**6307. [Reserved].**

**6308. Luxury Limousine Categories.**

- (a) A luxury limousine shall fit one or more of the following categories:
  - (I) Stretched limousine, which is a motor vehicle whose wheelbase has been lengthened beyond the manufacturer's original specifications whether at the manufacturer's factory or otherwise.

- (II) Executive car, which is a motor vehicle that has four doors and is:
    - (A) one of the following sedans: Acura RL, Audi A8 Series, Audi A6 Series, Audi S8 Series, Bentley Continental Flying Spur, Bentley Arnage, BMW 7 Series, BMW 5 Series, BMW Alpina, BMW M5, Cadillac DTS, Chrysler 300, Ferrari 612, Infiniti M Series, Jaguar S-Type, Jaguar Vdp Lwb, Jaguar XJ Series, Jaguar X-Type Series, Jaguar Super, Lexus LS Series, Lexus G Series, Lexus E Series, Lincoln Town Car, Maserati Quattroporte, Maybach 57 Series, Maybach 62 Series, Mercedes-Benz S Class Series, Mercedes-Benz E Class Series, or Rolls Royce Phantom; or
    - (B) one of the following sport utility vehicles: Audi Q7, Cadillac Escalade, Chevrolet Suburban, Chevrolet Tahoe, Ford Excursion, Ford Expedition, GMC Yukon, Hummer (all models, excluding sport utility truck version), Infiniti QX, Lexus LX, Lincoln Navigator, Mercedes-Benz M Class Series, Mercedes-Benz G Class Series, or Mercury Mariner Hybrid with livery package.
  - (III) Executive van, which is a motor vehicle built on a cutaway chassis, a motor coach, or a van (but not a mini-van as classified by the manufacturer) whose interior has been enhanced by the installation of either:
    - (A) Captain's chairs, couch seats, or similar seating in place of standard bench seating; or
    - (B) Both of the following:
      - (i) An electronic video media system such as television, DVD, or VHS that is securely attached to the motor vehicle in a professional manner. The screen shall have a diagonal measurement of at least three inches, be viewable by passengers seated to the rear of the driver, and be in compliance with 49 C.F.R., § 393.88.
      - (ii) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be securely positioned inside a console or cabinet located inside the passenger compartment, to include any containment system, console and cup holder built into the motor vehicle by the manufacturer, and securely attached to the motor vehicle in a professional manner. The beverages are not required to be alcoholic in nature.
  - (IV) Other limousine, which is a classic, antique, or specially built motor vehicle that has or had a retail value of fifty thousand dollars or more.
- (b) A luxury limousine carrier operating a motor vehicle pursuant to subparagraph (a)(IV) of this rule shall, upon request by an enforcement official, produce evidence that the motor vehicle meets the requirements of subparagraph (a)(IV) of this rule.

**6309. Luxury Limousines – Previously Qualified Vehicles.**

Notwithstanding anything in rules 6305(b) and 6308 to the contrary, any vehicle qualified as a luxury limousine on or before July 30, 2008, shall maintain its qualification status so long as it is operated under the exempt passenger/limited regulation carrier registration permit under which it was so qualified.

**6310. Luxury Limousines – Operational Requirements, Prearrangement Required.**

- (a) No person shall provide luxury limousine service except on a prearranged basis. For purposes of this rule, “prearranged basis” means that the luxury limousine service has been arranged or reserved before the luxury limousine service, or ancillary service thereto, is provided. No person shall provide luxury limousine service, or a service ancillary to luxury limousine service, if that person arranges provision of the service with the chartering party at or near the point of departure.
- (b) A luxury limousine carrier shall, at all times when providing luxury limousine service, carry in each vehicle a charter order containing the name, telephone number, pickup time, and pickup address of the chartering party who has arranged for use of the vehicle.
- (c) A luxury limousine carrier shall not station a luxury limousine in front of or across the street from a hotel or motel, or within one hundred feet of a recognized taxicab stand or a designated passenger pickup point at an airport without the completed charter order in the vehicle. The stationing of the luxury limousine shall be within a reasonable period of the pickup time noted on the charter order.
- (d) A luxury limousine carrier shall provide the charter order immediately upon request by any enforcement official or airport authority.

**6311. Luxury Limousine Service – Presumptions.**

- (a) A person shall be presumed to have provided luxury limousine service in violation of rule 6310(a) 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 or near the point of departure;
  - (IV) loads the chartering party or its baggage into the luxury limousine; or
  - (V) transports the chartering party in the luxury limousine.
- (b) A luxury limousine carrier that charges or offers to charge for transportation services on a per person basis shall be presumed to be providing or offering to provide services as a common carrier.
- (c) A luxury limousine carrier may rebut the presumptions created in this rule by competent evidence.

**6312. ~~Exempt Passenger~~Limited Regulation Carrier Violations, Civil Enforcement, and Civil Penalties.**

- (a) A person who violates § 40-1~~0.1-3026-103~~, C.R.S., ~~with regard to offering service without being registered,~~ or rule 6302, may be assessed a civil penalty of up to \$1,100.00 for each violation:
- (b) A person who violates rule 6310 may be assessed a civil penalty of up to \$500.00 for each violation.

- (c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of Part 3 of Article 46 10.1 of Title 40, C.R.S., or any provision of these Exempt Passenger limited regulation Carrier Rules may be assessed a civil penalty of up to \$275.00 for each violation.

**6313. – 6399. [Reserved].**

## **UNIFIED CARRIER REGISTRATION AGREEMENT RULES**

### **6400. Applicability of Unified Carrier Registration Agreement Rules.**

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

### **6401. 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 must register in the proper category pursuant to the rules established under 49 U.S.C. § 14504a.
- (d) Information regarding the federally set fees is available from the Commission or its website.
- (e) If a person has registered under Chapter 139 of Title 49, U.S.C., to operate in interstate commerce, there shall be a rebuttable presumption that the person is required to register under the UCR Agreement.

### **6402. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties.**

- (a) A person who violates § 40-10.5-102(1)(a), C.R.S., or rule 6401(a) with regard to operating without a registration, may be assessed a civil penalty of up to \$1,100.00 for each violation.
- (b) A person who violates rule 6401(c) by registering in a lower category than is proper, may be assessed a civil penalty of up to \$400.00 for each violation.
- (c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of § 40-10.5-102, C.R.S., or any provision of the Unified Carrier Registration Agreement Rules may be assessed a civil penalty of up to \$275.00 for each violation.

**6403. - 6499. [Reserved].**

## TOWING CARRIER RULES

### 6500. Applicability of Towing Carrier Rules.

- (a) Rules 6500 through 6599 apply to all towing carriers, and to all Commission proceedings and operations concerning towing carriers, applicants, employees, and drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement with a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations with regard to rules 6506; 6507(a), (c), and (d); 6508; 6509; 6510; and 6512(a), (b), (d), (e), and (f).
- (c) With regard to rules 6511(b), (c), (d), (f), (g)(I)(A), (g)(II), (h), and (i), the written agreement may set higher or lower maximum rates than are provided in such rules. In the event the written agreement does not set such rates, the Commission's rules will prevail. For purposes of this paragraph, a written agreement does not include a tow authorization by a law enforcement official given to a towing carrier with which the law enforcement official's agency does not have a written agreement.

### 6501. Definitions.

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these ~~T~~owing ~~C~~orrier ~~R~~erules:

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by §§ 42-4-1802(1) and 42-4-2102(1), C.R.S.
- (b) "Authorized agent" means a person, including a towing carrier, 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.

(~~hg~~) "Non-consensual tow" means ~~the transportation of a motor vehicle by tow truck if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.~~

~~(I) a tow authorized or directed by a person other than the owner, authorized operator, or authorized agent of the owner;~~

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

~~(III) 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;~~

~~(IV) 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~~

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

(~~h~~) "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 (see also rule 6508(a) as to requirements applicable to towing carriers acting as agent); 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.

(~~k~~) "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~~Tow truck" means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another. "~~towing vehicle~~" as defined by ~~§ 40-13-101(4), C.R.S.~~

## 6502. Permit Requirement.

Unless exempted by § 40-~~13-103(2)~~10.1-105(1)(j), C.R.S., no person shall operate or offer to 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 the applicant's certificate of assumed trade name 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) The name and address of the applicant's Colorado agent for service of process, if required by rule 6011.
  - (V) A statement describing the applicant's business structure (corporation, limited liability company, partnership, or sole proprietorship).
  - (VI) 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.
  - (VII) 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.
  - (VIII) If the applicant is a partnership, the name, title, and business address of each partner.
  - (IX) A statement that applicant is familiar with the ~~T~~owing ~~C~~orrier ~~R~~erules and all applicable safety rules and that applicant will comply with them.
  - (X) A statement that applicant understands that the filing of an application does not constitute authority to operate.

- (XI) 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.
  - (XII) 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.
  - (XIII) An application fee of \$150.00.
- (c) In addition to the application, a person seeking a permit to operate as a towing carrier shall:
- (I) cause to be filed the required proof of financial responsibility; and
  - (II) pay the required annual ~~identification~~-fees or, if applicable, shall be in compliance with the UCR Agreement.
- (d) The Commission will not issue a permit to operate as a towing carrier until the Commission has received all information, documentation, and payments required by paragraphs (a), (b), and (c) of this rule.

**6504. [Reserved].**

**6505. [Reserved].**

**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 of other than an abandoned motor vehicle as provided for under paragraph (b) of this rule, within one hour of placing a motor vehicle in a storage facility, or such lesser time as may be required by law, a towing carrier shall disclose the location of the storage facility by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed. However, if notification of the law enforcement agency is not possible, then by notifying either:
  - (I) the owner, the authorized operator, or the authorized agent of the owner of the towed motor vehicle; or
  - (II) the owner of the property from which the motor vehicle was towed.

Compliance with this paragraph will be considered accomplished if the location of the storage facility was provided to the property owner or the law enforcement agency in conjunction with obtaining authorization for the tow.

- (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.

**6508. Authorization for Towing of Motor Vehicles.**

- (a) Towing carrier acting as agent for the property owner.
  - (I) A towing carrier may act as the agent for the property owner under a written agreement to that effect, provided the agreement is compliant with this paragraph (a). Such written agreement shall be maintained as provided in rule 6005 and shall contain at least the following information:
    - (A) the name, address, telephone number, email address (if applicable), and PUC Towing Permit number of the towing carrier;
    - (B) the name, address, email address (if applicable), and telephone number of the property owner;

- (C) the address of the property from which the tows will originate;
  - (D) the name of each individual person who is authorized to sign the tow authorization;
  - (E) the address and phone number of the storage facility where the vehicle owner may retrieve the vehicle;
  - (F) the time period for which the agreement is made;
  - (G) a statement that the rates for a non-consensual tow from private property, and the drop charge if the vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;
  - ~~(GH)~~ the name, title, and signature of the person making the agreement on behalf of the property owner and on behalf of the towing carrier; and
  - ~~(H)~~ the date the agreement is signed;
- (II) Nothing in this paragraph (a) 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.
- (III) No agency provided for in Rule 6508(a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
- (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 before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name.
    - (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, 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 to the owner, lienholder, or agent of the owner or lienholder without charge.

**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) unless incorporated into the authorization in rule 6508(b)(II),
    - (A) the name, address, and telephone number of the person authorizing the tow; and
    - (B) the signature of the property owner authorizing a tow;
  - (VIII) if the towed motor vehicle is unlocked, a list of its contents;
  - (IX) the unit number or license number of the towing vehicle;
  - (X) the signature of the towing vehicle operator;
  - (XI) an itemized invoice of all towing charges assessed; and
  - (XII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released.

- (XIII) ~~within six months of the effective date of these rules and~~ on at least the customer's copy, the following notice in a font size of at least 10: Report problems to the Public Utilities Commission at (303) 894-2070.
- (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 a non-consensual tow authorized by the property owner or a tow ordered by a law enforcement officer.

**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.; or
  - (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.

- (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 \$70.00.
  - (II) In such circumstances, the towing carrier shall, prior to removal, 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. The towing carrier shall concurrently advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of acceptable forms of payment under rule 6512.
  - (III) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle offers payment of the drop charge in accordance with rule 6512, the towing carrier shall immediately accept payment and release the motor vehicle. Release of the motor vehicle shall be in accordance with rule 6512.
- (c) Rates for 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 recovery of any size vehicle.
  - (II) When accompanied by documentation showing starting and ending times of the recovery, which documentation may include law enforcement incident reports and verification, a towing carrier may charge for recovery at its hourly rates, a record of which is maintained in compliance with rule 6005.
  - (III) Hourly rates for recovery may include time to load and to secure recovery equipment and the cleanup of the scene and post-towing maintenance of recovery equipment directly attributable to the recovery. If the recovery vehicle is also the towing vehicle, then the rates and charges provided in paragraph (d) shall not be charged in addition to the hourly rate.
  - (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, 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 \$154.00. Except as provided in paragraphs (b), (c), (e), (f), (g), (h), (i), and (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) except for an abandoned motor vehicle, removal of personal property that is not attached to or a part of the equipment of the motor vehicle;
  - (VI) all commissions paid; and
  - (VII) all other services rendered in performing such non-consensual tow.
- (e) The maximum rates for a non-consensual tow from storage (i.e., directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation) are as follows:
- (I) \$91.00 for one additional hookup;
  - (II) \$91.00 per hour waiting time; and
  - (III) mileage charges as provided in paragraph (f).
- (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 \$3.80 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 July 30, 2008, t~~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 of \$2.60 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.
- (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, or for any portion of a calendar day after the first 48 hours:
      - (i) \$30.00 for motor vehicles having a GVWR of less than 10,000 pounds;
      - (ii) \$37.00 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 \$1.50 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 subject to part 21 of title 42, C.R.S., shall not be accumulated beyond 120 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.
- (h) For a non-consensual tow, the maximum additional 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 \$66.00.
- (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 (f).
  - (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 (g).
- (j) Abandoned motor vehicles.
  - (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.
  - (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 not charge, collect, or retain storage fees.
  - (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.
  - (IV) Additional costs that may be charged when a stored motor vehicle is sold.
    - (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.
    - (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.

- (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.
- (D) Certified VIN verification procedure. 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) Rates as provided in paragraph (e); and
  - (ii) In addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.

**6512. Release of Motor Vehicle.**

- (a) The towing carrier shall immediately accept payment of the drop charge if payment is offered in cash or by valid major credit card (the towing carrier shall accept at least one type of major credit card). Except as provided in paragraph (d) of this rule, the towing carrier shall immediately accept payment of towing, storage, and/or release charges offered in cash or another form of payment accepted by the towing carrier. In either case, the towing carrier shall 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) Unless the release of the motor vehicle does not comply with the release procedures agreed to between the towing carrier and the applicable law enforcement agency, 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 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:
  - (I) With one hour's notice during all times other than normal business hours that occur within the first 24 ~~four~~ hours of storage; or
  - (II) Upon demand during normal business hours.
- (c) 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 to the owner, lien holder, or their agents.
- (d) The towing carrier, at its discretion, need not comply with paragraph (a) or (c) if:
  - (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;

- (II) 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;
  - (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer; or
  - (IV) the release of the motor vehicle does not comply with the release procedures agreed to between the towing carrier and the applicable law enforcement agency.
  - (V) 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.
- (e) 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.
- (f) The towing carrier may require either written or oral notification from the owner or lienholder of a motor vehicle that the person to whom it is to be released is authorized to take possession of the motor vehicle.

**6513. [Reserved].**

**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-~~43-403(1)~~10.1-401(1)(a), 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 (d), (e), (f), (h), (i), or subparagraphs (b)(1) or (g)(I)(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 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.

**6515. - 6599. [Reserved].**

## **HOUSEHOLD GOODS ~~MOVER~~MOVER RULES**

### **6600. Applicability of ~~Household Goods Mover~~Mover Rules.**

Rules 6600 through 6699 apply to all ~~household goods mover~~movers, and to all Commission proceedings and operations concerning ~~household goods mover~~movers, ~~registrants~~permit holders, employees, and drivers.

### **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~~mover Rules:

- (a) "Accessorial service" means "accessorial service" as that term is defined in § 40-~~10.1-501(1)44-402(4)~~, C.R.S.
- (b) "Contract" means "~~document~~" as that term is defined in § 40-14-102(5), C.R.S. a written document, approved by the shipper in writing before the performance of any service, that authorizes services from the named mover and lists the services and all costs associated with the transportation of household goods and accessorial services to be performed.
- (c) "Estimate" means "~~estimate~~" as that term is defined in § 40-14-102(6), C.R.S. a written document that sets forth the total costs and the basis of such costs related to a shipper's move, including transportation or accessorial services. An estimate is not a contract.
- (d) "Shipper" means "~~shipper~~" as that term is defined in § 40-14-102(12), C.R.S. a person who uses the services of a mover to transport or ship household goods.
- (e) "Storage" means "~~storage~~" as that term is defined in § 40-14-102(13), C.R.S. warehousing of the shipper's goods while under the care, custody, and control of the mover.

### **6602. ~~Registration Permit~~ Requirement and Limitation.**

No person shall ~~operate~~, offer ~~to operate~~service, ~~operate~~, or advertise as a ~~household goods mover~~mover without a valid ~~registration permit~~ issued by the Commission or a temporary ~~household goods mover~~mover ~~registration permit~~ issued through the Colorado Ports of Entry.

### **6603. ~~Registration Permit~~.**

- (a) Any person seeking a permit to ~~register~~operate as a ~~household goods mover~~mover shall provide the following information, as applicable:
  - (l) The name of the ~~registrant~~applicant and the trade name under which operations will be conducted.

- (II) A copy of the registrantapplicant's certificate of assumed trade name or trade name registration.
- (III) The registrantapplicant'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) The name and address of the registrantapplicant's Colorado agent for service of process, if required by rule 6011.
- (V) A statement describing the registrantapplicant's business structure (corporation, limited liability company, partnership, or sole proprietorship).
- (VI) If thea registrantapplicant is a corporation:
  - (A) The name of the state in which the registrantapplicant is incorporated.
  - (B) The location of the registrantapplicant's principal office, if any, in Colorado.
  - (C) The name and title of each director and officer.
  - (D) A certified copy of the registrantapplicant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registrationapplication.
- (VII) If the registrantapplicant is a limited liability company:
  - (A) The state in which the company is organized.
  - (B) The location of the registrantapplicant's principal office, if any, in Colorado.
  - (C) The name and title of each member.
  - (D) A certified copy of the registrantapplicant's certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the registrationapplication.
- (VIII) If the registrantapplicant is a partnership:
  - (A) The name and business address of all general and limited partners.
  - (B) The location of the registrantapplicant's principal office, if any, in Colorado.
- (IX) If the registrantapplicant 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 registrantapplicant is familiar with the ~~Household Goods Movermover R~~ rules and all applicable safety-Commission rules and that the registrantapplicant will comply with them.

- (XI) A statement that the ~~registrant~~applicant understands that the filing of ~~an~~registration application 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~~applicant, as appropriate, verifying that the contents of the ~~registration application form~~ and all attachments are true, accurate, and correct. The ~~application registration form~~ shall contain the complete address of the affiant.
- (b) In addition to the information required by paragraph (a):
- (I) A person ~~seeking a permit~~registering as a ~~household goods mover~~mover under this rule shall:
- (A) cause to be filed the required proof of financial responsibility; and
- (B) ~~pay the required annual identification fees or,~~ if applicable, shall be in compliance with the UCR Agreement.
- (II) ~~Household goods mover~~Movers shall pay an annual filing fee of \$~~32500~~2500.00.
- (c) The Commission will not ~~register~~issue a permit to any person as a ~~household goods mover~~mover until the Commission has received all information, documentation, and payments required by paragraphs (a) and (b) of this rule.
- (d) The Commission may deny or refuse to renew the ~~registration permit~~ of a ~~household goods mover~~mover pursuant to ~~§§ 40-14-103(3)~~10.1-502(2), C.R.S.
- (e) The Colorado Department of Revenue, Motor Carrier Services Division, through its Port of Entry weigh stations may issue a non-renewable temporary ~~household goods mover~~mover ~~registration permit~~, valid for 15 consecutive days, to a person who:
- (I) completes the temporary ~~household goods mover~~mover ~~registration application~~ form provided by the Commission;
- (II) provides evidence of ~~financial responsibility motor vehicle liability insurance~~ as required by ~~§ 40-14-104~~10.1-107, C.R.S.;
- (III) 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~~10.1-107, C.R.S.;
- (IV) pays a fee of one hundred fifty dollars;~~;~~ ~~and~~
- ~~(V) — pays the annual identification fee required by § 40-2-110.510.1-111, C.R.S.~~

**6604. [Reserved].**

**6605. ~~Household Goods Mover~~Movers — Annual ~~Filing Permit~~ Fee.**

- (a) Every ~~household goods mover~~mover shall pay to the Commission an annual ~~registration filing permit~~ fee of ~~not more than \$325300~~, as set forth in § 40-~~14-103(2)(a)~~10.1-111(1)(d), C.R.S.
- (b) ~~For initial registrants, the a~~Annual ~~registration filing permits are fee shall be~~ valid for one year from the date the ~~registration permit~~ 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. [Reserved].**

**6607. Forms of Payment.**

A ~~household goods mover~~mover shall accept at least two of the following four forms of payment:

- (a) Cash;
- (b) Cashier's check, money order, 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~~mover may provide an estimate of the total costs, and the basis for such costs, to be incurred by the shipper. Estimates need not be binding. Notwithstanding this paragraph, a ~~household goods mover~~mover shall comply with paragraph (b) of this rule.
- (b) Contracts. Prior to providing any transportation or accessorial services, a ~~household goods mover~~mover shall leave a ~~contract document (the contract)~~ with 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~~mover, and shall clearly and conspicuously include at least the following information:
  - (I) The name, telephone number, and physical address where the ~~household goods mover~~mover's employees are available during normal business hours;
  - (II) The ~~household goods mover~~mover's mailing address on file with the Commission;
  - (III) The phrase "[name of ~~household goods mover~~mover] is registered with the Public Utilities Commission of the State of Colorado as a ~~household goods mover~~mover. Registration Permit No. [~~household goods mover~~mover's registration permit 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~~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~~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 including, if applicable, an explanation of the hourly amounts charged and/or amounts charged based on the weight of the load, (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~~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 (\$0.60) 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~~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~~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~~mover and the shipper from entering into a more comprehensive contract. However, the ~~household goods mover~~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~~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~~mover and the shipper sign such amendment. A ~~household goods mover~~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. The mover shall leave with the shipper a copy of the amendment.
- (e) Effect. The terms of an executed contract shall be binding on both the ~~household goods mover~~mover and the shipper unless a court of competent jurisdiction determines otherwise.

- (f) Upon completion of the move, the mover shall provide the shipper with a copy of the completed contract, including any amendments, with a breakdown of all charges.

**6609. Consumer Advisement and Binding Arbitration**

- (a) A mover shall provide the shipper with a consumer advisement at or before the commencement of the move or any accessorial services rendered. The consumer advisement shall be in substantially the following form and language:

**CONSUMER ADVISEMENT**

Intrastate movers in Colorado are regulated by the Colorado Public Utilities Commission (PUC). Each mover should have a PUC ~~registration permit~~ number. You are encouraged to contact the PUC to confirm that the mover you are using is indeed ~~registered permitted~~ in Colorado.

A mover that is not ~~registered permitted~~ may not withhold any of your property to enforce payment of money due under the contract ('carrier's lien').

A mover must include its PUC ~~registration permit~~ number, true name, and physical (street) address in all advertisements.

You should be aware that the total price of any household move can change, based on a number of factors that may include at least the following; ~~but are not limited to~~:

Additional services you request at the time of the move;

Additional items to be moved that were not included in the mover's original estimate;

Changes to the location or accessibility of building entrances, at either end of the move, that were not included in the mover's original estimate; and

Changes to the previously agreed date of pickup or delivery.

You should also be aware that, in case of a dispute between you and the mover, Colorado has an arbitration process available to resolve the dispute without going to court.

If you have any questions, you are encouraged to call the PUC at (303) 894-2070 for guidance on your rights and obligations.

I acknowledge that I have been given a copy of this consumer advisement to keep for my records.

Signed \_\_\_\_\_ (shipper). Date \_\_\_\_\_

- (b) In the event of a dispute between the shipper and the mover regarding the amount charged for services or concerning lost or damaged goods, the mover shall offer the shipper the opportunity to participate in binding arbitration per the requirements of ~~§ 40-14-114~~10.1-507, C.R.S.

**6610. Delivery and Storage of Household Goods.**

- (a) Pursuant to § 40-~~14-109(1)~~10.1-506(1), C.R.S., a ~~household goods mover~~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~~mover shall relinquish such items as expeditiously as possible under the circumstances.
- (b) A ~~household goods mover~~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~~mover maintains possession of a shipper's household goods, such ~~household goods mover~~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~~mover stores the household goods at such an alternate location, the ~~household goods mover~~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~~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~~mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the ~~household goods mover~~mover shall take reasonable care to ensure the safekeeping of such household goods.
- (f) A ~~household goods mover~~mover shall not require a shipper to waive any rights or requirements under this rule.

**6611. 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-~~44-103(1)~~10.1-502(1), C.R.S., with regard to operating, offering service, or advertising without being registered; or rule 6602.
  - (II) § 40-~~44-108(1)~~10.1-505(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) § 40-10.1-506~~14-109~~(1) or (2), C.R.S.; or paragraph (a) or (b) of rule 6610.
- (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 (c), (d), (e), or (f) of rule 6610.
- (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 mover~~movers, or any provision of rules 6600 through 6610 may be assessed a civil penalty of up to \$275.00.

**6612. – 6699. [Reserved].**

**APPENDIX A - MOTOR CARRIER SURETY BOND**

Bond No. \_\_\_\_\_

## **MOTOR CARRIER SURETY BOND**

KNOW ALL PEOPLE BY THESE PRESENTS, that we  
\_\_\_\_\_ , as Principal (Carrier), doing business at

and \_\_\_\_\_ , as Surety, authorized to transact business  
in Colorado, are held and firmly bound unto the PUBLIC UTILITIES COMMISSION  
(Commission) in the STATE OF COLORADO, in the amount of FIFTY THOUSAND  
DOLLARS (\$50,000.00), to the payment of which we hereby bind ourselves, our heirs,  
administrators, executors, representatives, successors and assigns, firmly by these presents.

WHEREAS, § 40-10.1-401 (3) (a), C.R.S., requires a motor carrier of towed motor vehicles to be  
bonded for the purpose of paying any civil penalty assessments made by the Commission against  
the carrier that the carrier fails to pay when due. Such bond must be filed with and drawn in  
favor of the Public Utilities Commission of the State of Colorado.

NOW, THEREFORE, the condition of this obligation is such that if the above-named Principal  
shall satisfy all money judgments, default or otherwise, rendered against it by a court of  
competent jurisdiction or in binding arbitration arising from a civil penalty assessment due to a  
violation of article 10.1 of Title 40, C.R.S. or Commission rules promulgated in the furtherance  
thereof., this obligation is void, but if the Principal shall fail to satisfy any such judgment arising  
from a civil penalty assessment, this obligation remains in full force and effect.

This bond shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, but  
if these spaces are not completed, the date of execution shall be the effective date of the bond.

The Surety shall have the right to terminate its liability hereunder only by giving the Principal  
and the Colorado Public Utilities Commission thirty (30) days written notice of such termination,  
addressed to the Principal at the address last known to the Surety and to the Colorado Public  
Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. Such termination  
shall not release the Surety from any liability existing under this bond at the time of the effective  
date of termination.

In order to draw funds on this bond, the Colorado Public Utilities Commission shall first give the  
Surety written notice of the Principal's failure to satisfy a civil penalty assessment, as described  
above, and shall demand payment or satisfaction of said judgment. In the event that the Surety  
fails to perform its obligation under this bond, the Colorado Public Utilities Commission may  
commence appropriate legal action against the Surety to recover the amount of the judgment plus  
interest, costs and attorney fees.

In no event shall the aggregate liability of the Surety for all claims under this bond exceed the amount of this bond, regardless of the number of years this bond shall continue in force, the number of claims made against this bond, and the number of premiums which shall be payable or paid. Any revision of the bond amount shall not be cumulative.

Bond No. \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_, Principal

By: \_\_\_\_\_

\_\_\_\_\_, Surety

By: \_\_\_\_\_

Signed and acknowledged by Surety's Agent, \_\_\_\_\_, before me this  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

# **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

## **Public Utilities Commission**

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

#### **PART 6**

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

#### **TABLE OF CONTENTS**

BASIS, PURPOSE, AND STATUTORY AUTHORITY .....	5
GENERAL PROVISIONS.....	5
6000. Scope and Applicability.....	5
6001. Definitions. ....	6
6002. Applications.....	10
6003. Petitions. ....	10
6004. Registration. ....	10
6005. Records, and Authority to Inspect Records, Motor Vehicles, and Facilities. ....	10
6006. Reports, Name Changes, Address Changes, and Address Additions. ....	11
6007. Financial Responsibility. ....	12
6008. Revocation, Suspension, Alteration, or Amendment. ....	16
6009. Annual Motor Vehicle Fees - Exemption. ....	18
6010. Letter of Authority and Permit - Exemption.....	19
6011. Designation of Agent.....	20
6012. Leasing of Motor Vehicles.....	20
6013. Notice. ....	21
6014. Waivers. ....	21
6015. [Reserved.].....	21
6016. Advertising. ....	21

6017. Violations, Civil Enforcement, and Enhancement of Civil Penalties. ....	22
6018. – 6099. [Reserved].....	23
SAFETY RULES .....	23
6100. Applicability of Safety Rules.....	23
6101. Definitions. ....	24
6102. Regulations Incorporated by Reference. ....	24
6103. Modification of Regulations Incorporated by Reference. ....	25
6104. Motor Vehicle Weight.....	29
6105. Fingerprint-Based Criminal History Background Checks.....	29
6106. Safety Violations, Civil Enforcement, and Civil Penalties. ....	32
6107. – 6199. [Reserved].....	36
COMMON AND CONTRACT CARRIER RULES .....	36
Rules Generally Applicable to Common and Contract Carriers.....	36
6200. Applicability of Common and Contract Carrier Rules. ....	36
6201. Definitions. ....	37
6202. Prohibitions. ....	38
6203. Applications to Operate as a Common or Contract Carrier. ....	38
6204. Abandonment or Voluntary Suspension of Authorities. ....	42
6205. Encumbrances, Transfers, Mergers, Consolidations, and Acquisitions of Control.....	42
6206. Duplicating or Overlapping Authorities.....	45
6207. Tariffs. ....	45
6208. Time Schedules. ....	48
6209. Contract Carrier Contracts. ....	49
6210. Driver Courtesy. ....	50
6211. Use of Motor Vehicles Qualified as Luxury Limousines.....	50
6212. Annual Reports. ....	51
6213. Regulated Intrastate Carrier Violations, Civil Enforcement, and Civil Penalties.....	51

6214. – 6249. [Reserved].....	52
Rules Specifically Applicable to Taxicab Carriers.....	52
6250. Applicability of Taxicab Carrier Rules. ....	52
6251. Definitions. ....	52
6252. Notices. ....	52
6253. Service: Multiple Loading; Routing; Refusals; Quality.....	53
6254. Additional Service Requirements for Taxicab Carriers Operating Within and Between Counties with a Population of Sixty Thousand or Greater.....	54
6255. Record Keeping. ....	55
6256. Flat Rates to and from Denver International Airport. ....	55
6257. Taxicab Violations, Civil Enforcement, and Civil Penalties.....	58
6258. - 6299. [Reserved].....	58
LIMITED REGULATION CARRIER RULES .....	58
6300. Applicability of Limited Regulation Carrier Rules.....	58
6301. Definitions. ....	58
6302. Permit Requirement. ....	58
6303. Permit.....	59
6304. Exterior Signs or Graphics.....	60
6305. Luxury Limousine Features.....	61
6306. [Reserved].....	61
6307. [Reserved].....	61
6308. Luxury Limousine Categories. ....	61
6309. Luxury Limousines – Previously Qualified Vehicles. ....	62
6310. Luxury Limousines – Operational Requirements, Prearrangement Required.....	62
6311. Luxury Limousine Service – Presumptions.....	63
6312. Limited Regulation Carrier Violations, Civil Enforcement, and Civil Penalties. ....	63
6313. – 6399. [Reserved].....	63

UNIFIED CARRIER REGISTRATION AGREEMENT RULES .....	63
6400. Applicability of Unified Carrier Registration Agreement Rules. ....	63
6401. Unified Carrier Registration Agreement. ....	64
6402. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties. ....	64
6403. - 6499. [Reserved].....	64
TOWING CARRIER RULES .....	64
6500. Applicability of Towing Carrier Rules. ....	64
6501. Definitions. ....	65
6502. Permit Requirement. ....	66
6503. Permit Application. ....	66
6504. [Reserved].....	67
6505. [Reserved].....	67
6506. Equipment and Accessories. ....	67
6507. Storage Facilities.....	69
6508. Authorization for Towing of Motor Vehicles. ....	70
6509. Tow Record/Invoice. ....	71
6510. Disclosure of Rates and Charges. ....	72
6511. Rates and Charges. ....	73
6512. Release of Motor Vehicle.....	76
6513. [Reserved].....	77
6514. Towing Violations and Civil Penalty Assessments. ....	77
6515. - 6599. [Reserved].....	78
MOVER RULES .....	78
6600. Applicability of Mover Rules.....	78
6601. Definitions. ....	78
6602. Permit Requirement and Limitation.....	79
6603. Permit.....	79

6604. [Reserved].....	80
6605. Movers — Annual Permit Fee.....	81
6606. [Reserved].....	81
6607. Forms of Payment.....	81
6608. Estimates and Contracts.....	81
6609. Consumer Advisement and Binding Arbitration .....	83
6610. Delivery and Storage of Household Goods. ....	83
6611. Violations, Civil Enforcement, and Civil Penalties. ....	84
6612. – 6699. [Reserved].....	85
MOTOR CARRIER SURETY BOND .....	86

**BASIS, PURPOSE, AND STATUTORY AUTHORITY**

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the State of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a motor carrier; insurance and permit requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, and limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport). In addition, these rules cover motor carriers, motor private carriers, 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), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10.1-101 through 507; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

**GENERAL PROVISIONS**

**6000. Scope and Applicability.**

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by motor vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all common carriers, contract carriers, limited regulation carriers, towing carriers, movers, UCR registrants, and drivers as defined herein. For hazardous materials carriers and nuclear materials carriers, only rule 6008 and the related definitions in rule 6001 shall apply. 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.

**6001. Definitions.**

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

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by use of any oral, written, or graphic statement made in a newspaper or other publication, on radio, television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property.
- (b) "Authority," except as otherwise defined or contextually required, means a common carrier certificate, a contract carrier permit, or an emergency temporary authority or a temporary authority issued by the Commission to a regulated intrastate carrier.
- (c) "Certificate" means the certificate of public convenience and necessity issued to a common carrier as that term is defined herein.
- (d) "C.F.R." means the Code of Federal Regulations.
- (e) "Common carrier" means every person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state by motor vehicle or other vehicle whatever by indiscriminately accepting and carrying passengers for compensation; except that the term does not include a contract carrier as defined under § 40-10.1-101(6), C.R.S.; a motor carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; or a limited regulation carrier defined under § 40-10.1-301, C.R.S.
- (f) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly.
- (g) "Contract carrier" means every person, other than a common carrier or a motor carrier of passengers under Part 3 of Article 10.1 of Title 40, C.R.S., who, by special contract, directly or indirectly affords a means of passenger transportation over any public highway of this state.
- (h) "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 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 either:
  - (l) any employee or independent contractor appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation by motor vehicle; or

- (II) "enforcement official," as that term is defined by § 42-20-103(2), C.R.S.
- (l) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (m) "Form E" means a Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (n) "Form G" means a Form G Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, executed by a duly authorized agent of the surety.
- (o) "Form H" means a Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (p) "Form J" means a Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.
- (q) "Form K" means a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.
- (r) "Form L" means a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.
- (s) "Form SB" means a form prescribed by the Commission which provides a towing carrier's proof of a surety bond pursuant to § 40-10.1-401(3), C.R.S., for the purpose of paying a civil penalty assessment that the carrier fails to pay when due.
- (t) "Form WC" means a form prescribed by the Commission which provides a towing carrier's proof of workers' compensation coverage in accordance with the Workers' Compensation Act of Colorado (see § 40-10.1-401(3), C.R.S.).
- (u) "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.
- (v) "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.
- (w) "Hazardous materials carrier" means a person who transports hazardous materials as defined in § 42-20-103(3), C.R.S.
- (x) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.
- (y) "Household goods" means the personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property if the transportation of such effects and property is: (a) arranged and paid for by the householder; except that "household goods" does not include property moving from a factory or store, other than property that the householder has purchased with the intent of use in his or her dwelling and that is transported at the request of, and the transportation charges are paid to the mover by, the householder; or (b) arranged and paid for by another party.

- (z) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (aa) "Intrastate commerce" means transportation, for compensation, by motor vehicle over the public highways between points in this state.
- (bb) "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.
- (cc) "Limited regulation carrier" means a person who provides service by charter bus, children's activity bus, fire crew transport, luxury limousine, or off-road scenic charter as those terms are defined in § 40-10.1-301, C.R.S.
- (dd) "Luxury limousine" means a motor vehicle, for compensation to transport passengers in luxury limousine service.
- (ee) "Luxury limousine service" means a specialized, luxurious transportation service provided on a prearranged, charter basis as defined in rule 6301(a). "Luxury limousine service" does not include taxicab service or any service provided between fixed points over regular routes at regular intervals.
- (ff) "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle that provides transportation in intrastate commerce pursuant to Article 10.1 of Title 40, C.R.S.
- (gg) "Motor vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby.
- (hh) "Mover" means a motor carrier that provides the transportation or shipment of household goods..
- (ii) "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.
- (jj) "Nuclear materials carrier" means a person who transports nuclear materials as defined in § 42-20-402(3), C.R.S.
- (kk) "Passenger," except as otherwise specifically defined or contextually required, means any person, other than a driver, occupying a motor vehicle.
- (ll) "Permit" means the permit issued to a contract carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S., or to a motor carrier pursuant to parts 3, 4, and 5 of said Article.
- (mm) "Regulated intrastate carrier" means a common carrier and/or a contract carrier.
- (nn) "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.
- (oo) "Taxicab" means a motor vehicle with a seating capacity of eight or less, including the driver, operated in taxicab service.
- (pp) "Taxicab service" means passenger transportation in a taxicab on a call-and-demand basis, with the first passenger therein having exclusive use of the taxicab unless such passenger agrees to multiple loading.
- (qq) "Towing carrier" means a motor carrier that: (a) provides, as one of its primary functions, the towing of motor vehicles by use of a tow truck; and (b) may also provide storage of towed vehicles.
- (rr) "Towing carrier permit" means the permit issued by the Commission to a towing carrier pursuant to § 40-10.1-401, C.R.S.
- (ss) "Type of service" means any one of the following services: charter, limousine, sightseeing, taxicab, or scheduled, as those terms are defined by rule 6201.
- (tt) "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.
- (uu) "UCR registrant" means a motor carrier, motor private carrier, freight forwarder, broker, leasing company, or other person required to register under the UCR Agreement.
- (vv) "Voluntary suspension" means a suspension sought by a motor carrier.

**6002. Applications.**

A person 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(j).
- (e) For a permit to operate as a limited regulation carrier, as provided in rule 6303.
- (f) For a permit to operate as a towing carrier, as provided in rule 6503.
- (g) For a permit to operate as a mover, as provided in rule 6603.
- (h) For any other matter provided by statute or rule but not specifically described in this rule.

**6003. Petitions.**

Any person may petition the Commission for a waiver or variance of any rule in this Part 6 as provided in rule 1003 of the Commission's Rules of Practice and Procedures, 4 CCR 723-1.

**6004. Registration.**

A person may seek Commission action through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rule 6401.

**6005. Records, and Authority to Inspect Records, Motor Vehicles, and Facilities.**

- (a) Unless a period of record retention is specified in a rule,
  - (I) motor carriers shall maintain the records required by these rules for a period of three years; and
  - (II) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.
- (b) The records may be kept in either a written or electronic format.
- (c) An enforcement official has the authority to inspect the records and supporting documents, motor vehicles used in providing a transportation service, and facilities such as dispatch systems and storage facilities of a motor carrier.

- (I) 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 and provided to such enforcement official pursuant to the following timelines:
  - (A) Immediately for any records required to be maintained in a motor vehicle or with the driver, towing authorizations, mover contracts for service, or any records related to insurance or safety;
  - (B) Within two days for any records related to a complaint investigation; or
  - (C) Within ten days for all other records.
- (II) When a request under paragraph (c) of this rule meets multiple standards under subparagraphs (c)(I) through (III), the strictest standard shall apply.
- (III) Upon request of an enforcement official and during normal business hours, a motor carrier shall make its facilities available for inspection.
- (IV) Upon request by an enforcement official, a motor carrier, including its drivers, shall make its motor vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.

**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 motor carrier shall file a signed report with the Commission detailing, as applicable, any change of name, mailing address, physical address, telephone number, agent for service of process on file with the Commission. Such a filing shall indicate all of the affected motor carrier's common carrier certificate, contract carrier permit, limited regulation carrier permit, towing carrier permit, mover permit or UCR registration number. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State.
  - (I) In the event of a name change or an address change, the motor carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility filings.
  - (II) No name change shall be effective until proper proof of financial responsibility in the motor carrier's new name has been filed with the Commission.
- (c) If a towing carrier wishes to begin providing storage for towed motor vehicles at a new or additional storage facility, the towing carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.

**6007. Financial Responsibility.**

- (a) Financial responsibility requirements:
- (I) Motor vehicle liability coverage. Every motor carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. Motor vehicle liability means liability for bodily injury and property damage.
  - (II) Cargo liability coverage. Every mover and towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that conforms with 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 mover shall obtain and keep in force at all times general liability insurance coverage or a surety bond providing coverage that conforms with the requirements of this rule. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage.
  - (V) Civil penalty assessment guarantee. Every towing carrier shall obtain and keep in force at all times a surety bond providing coverage that conforms with § 40-10.1-401(3), C.R.S.
  - (VI) Workers' compensation insurance coverage. Every towing carrier shall obtain and keep in force at all times workers' compensation coverage in accordance with § 40-10.1-401(3), C.R.S., and in accordance with the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S.
- (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
Limited Regulation 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.
Mover	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000

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

(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) For movers, the minimum level of cargo liability coverage shall be \$10,000.00 for loss of or damage to household goods carried on any one motor vehicle, or sixty cents (\$0.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.

(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 movers, the minimum general liability coverage shall be \$500,000.00.

(V) For towing carriers, the civil penalty assessment guarantee shall be \$50,000.00. The yearly aggregate liability of the surety shall not exceed the amount of the bond, regardless of the number of claims. The surety bond must be made payable to the Commission and is for the purpose of paying any civil penalty assessments levied by the Commission against the carrier that the carrier fails to pay when due. The surety bond shall be in a form that conforms to the Commission's Motor Carrier Surety Bond, as represented in Appendix A.

- (VI) For towing carriers, workers' compensation insurance coverage as established by the Workers' Compensation Act of Colorado and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
- (c) Except as provided in paragraph (d), the motor carrier shall ensure that insurance or surety bond coverage:
- (I) is provided only by insurance or surety companies authorized to provide such coverage in the State of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and 42-7-501, C.R.S.;
  - (II) is not less than the minimum limits set forth under paragraph (b) of this rule;
  - (III) covers all motor vehicles which may be operated by or for the motor carrier, or which may be under the control of the motor carrier, regardless of whether such motor vehicles are specifically described in the policy or amendments or endorsements thereto;
  - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the motor carrier on a "first dollar"/"dollar one" basis;
  - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the motor carrier regardless of the level of funds in the retained risk pool; and
  - (VI) does not permit a motor carrier to pay insurance or surety benefits directly to a party damaged by said motor carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the motor carrier's insurance or surety policy.
- (d) The provisions of subparagraphs (IV) through (VI) of paragraph (c) shall not apply to motor carriers with regard to proof of self-insurance pursuant to 49 C.F.R. Part 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (c) shall not apply to surety bond and workers compensation requirements for towing carriers pursuant to § 40-10.1-401(3), C.R.S.
- (e) The motor carrier shall retain each original insurance or surety policy for required coverage, make such policies available for inspection by enforcement officials, and keep a copy of its proof of motor vehicle liability coverage in each motor vehicle that it operates.
- (f) The motor 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, limited regulation carriers, movers, and towing carriers, a Form E or G.

- (B) For common carriers, contract carriers, limited regulation carriers, movers, and towing carriers obtaining a certificate of self-insurance under the provisions of §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R., a copy of said certificate of self-insurance. Upon renewal of the certificate of self-insurance, the common carrier, contract carrier, limited regulation carrier, mover, or towing carrier shall file a copy of the most current version of such certificate of self-insurance.
- (II) Cargo liability coverage. For all 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 movers, a Colorado Form GL.
- (V) Civil penalty assessment guarantee. For all towing carriers, a Colorado Form SB.
- (VI) Worker's compensation insurance coverage. For all towing carriers, a Colorado Form WC.
- (g) The motor carrier's failure to file proof of liability coverage, workers' compensation insurance coverage, or civil penalty assessment guarantee as required by this rule, shall constitute a rebuttable presumption that the carrier is not properly covered under the requirements of this rule.
- (h) The motor carrier shall ensure that the policy and the forms noted in this rule contain the motor carrier's exact name, trade name (if any), and address as shown in the records of the Commission; 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, 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 motor carrier to cancel all of its authorities and permits, all certificates of insurance and/or surety bond for the motor carrier shall be administratively cancelled.
- (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 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. Revocation, Suspension, Alteration, or Amendment.**

- (a) Summary suspension and/or revocation for lack of financial responsibility of common carriers, contract carriers, movers, limited regulation carriers, hazardous materials carriers, nuclear materials carriers, or towing carriers.
  - (I) Summary suspension.
    - (A) Whenever Commission records indicate that a common carrier's, contract carrier's, mover's, limited regulation 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 authority or permit.
    - (B) For purposes of this paragraph, failure on the part of an insurance company to respond to a Commission inquiry for verification of insurance coverage within 60 days shall be treated as a cancellation of insurance.
    - (C) The summary suspension shall be effective on the date of coverage cancellation.
  - (II) The Commission shall advise the common carrier, contract carrier, mover, limited regulation 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 permit is summarily suspended as of the coverage cancellation date;
    - (C) that it shall not conduct operations under any of its authorities, or permits after the coverage cancellation date;

- (D) that the Commission has initiated complaint proceedings to revoke its authorities, or permits;
  - (E) that it may submit, at a hearing convened to determine whether its authorities or permits should be revoked, written data, views, and arguments showing why such authorities or permits should not be revoked; and
  - (F) the date, time, and place set for such hearing.
- (III) Until proper proof of insurance or surety coverage is filed with the Commission, a common carrier, contract carrier, mover, limited regulation carrier, hazardous materials carrier, nuclear materials carrier, or towing carrier receiving notice of summary suspension shall not, under any of its authorities, or permits, conduct operations after the effective date of such summary suspension.
- (IV) If the Commission receives proper proof of coverage 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) If, due to an administrative error or omission of the Commission staff, an authority or permit is suspended or revoked for lack of financial responsibility coverage, such authority or permit shall, without a hearing, be retroactively reinstated as of the effective date of the proof of coverage. Staff shall document in its files the correction of such administrative error or omission.
- (c) After a hearing upon at least ten days' notice to the regulated intrastate carrier, limited regulation carrier, towing carrier, mover, hazardous materials carrier, or nuclear materials carrier affected, the Commission may:
- (I) revoke, suspend, alter, or amend said regulated intrastate carrier's authority(ies) or towing carrier's permit(s) for any of the following reasons:
    - (A) Violation of, or failure to comply with, any statute or regulation concerning regulated intrastate carriers or towing carriers;
    - (B) Violation of, or failure to comply with, any statute or regulation concerning the towing, storage, or disposal of towed motor vehicles by a towing carrier. 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.;
    - (C) Violation of, or 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 the towing carrier's towing carrier permit; or
    - (D) Violation of, or failure to comply with, any order, rule, or regulation of the Commission.

- (II) revoke the permit of said limited regulation carrier or mover for any of the following reasons:
  - (A) Violation of, or failure to comply with, any statute or regulation concerning limited regulation carriers or movers;
  - (B) Violation of, or failure to comply with, the terms and conditions of, or exceeding the authority granted in, the limited regulation carrier's or mover's permit; or
  - (C) Violation of, or failure to comply with, any order, rule, or regulation or the Commission.
- (III) pursuant to §§ 42-20-205 and 42-20-506, C.R.S., suspend for a period not to exceed six months or revoke said hazardous materials carrier's permit or nuclear materials carrier's permit.
  - (A) Such an action shall only be instituted at the request of the Colorado State Patrol.
  - (B) Such actions shall be prosecuted by the Colorado State Patrol.
- (d) Period of ineligibility.
  - (I) Except as provided in paragraph (e), a limited regulation carrier, mover, or towing carrier whose permit is revoked shall be ineligible to be issued another permit for at least one year from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.
  - (II) Except as provided in paragraph (e), a limited regulation carrier, mover, or towing carrier whose permit is revoked more than twice shall be ineligible to be issued another permit for at least two years from the date of such revocation or for such additional period of time as the Commission may in its discretion determine to be appropriate.
  - (III) In the case of an entity other than an individual, such period of ineligibility shall also apply to all principals (including members of a limited liability company), officers, and directors of the entity, whether or not such principal, officer, or director applies individually or as a principal, officer, or director of the same or a different entity for a permit during the period of ineligibility.
- (e) Subparagraphs (d)(I) and (II) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility required by rule 6007, unless the motor carrier knowingly operated without the required financial responsibility.

**6009. Annual Motor Vehicle Fees - Exemption.**

- (a) Every motor carrier shall pay to the Commission an annual fee before the first day of January of each calendar year, for each motor vehicle that such motor carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.
- (b) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.

- (c) A motor carrier that obtains an authority or permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the authority or permit.
- (d) A motor carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual fee prior to placing the additional vehicle(s) into service.
- (e) Proof of payment of each annual fee shall be in the form of a vehicle stamp issued by the Commission.
- (f) A vehicle stamp is valid only for the calendar year for which it is purchased.
- (g) A motor carrier shall not operate a motor vehicle unless it has affixed a valid vehicle stamp to the inside lower right-hand corner of the motor vehicle's windshield. In the alternative, the vehicle stamp may be affixed to the right front side window of the motor vehicle so long as the stamp does not interfere with the driver's use of the right-hand outside mirror.
- (h) Exemption for a UCR registrant.
  - (I) Except as provided in subparagraph (II), a motor carrier that is also a UCR registrant for the same calendar year is exempt from paragraphs (a) through (g) of this rule.
  - (II) A motor carrier that is also a UCR registrant for the same calendar year is not exempt from paragraphs (a) through (g) of this rule for any motor vehicle that:
    - (A) was used only in intrastate commerce;
    - (B) was not included in the calculation of fees paid under the UCR Agreement; and
    - (C) provides transportation of household goods, non-consensual tows, or passenger transportation that is not subject to the preemption provisions of 49 U.S.C. section 14501(a).
- (i) Exemption for a mover. A mover holding a permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (g) of this rule.

**6010. Letter of Authority and Permit - Exemption.**

- (a) Every motor carrier shall maintain a copy of the following in each motor vehicle it owns, controls, operates, or manages under an authority or permit:
  - (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 limited regulation carrier a copy of its permit;
  - (III) For every towing carrier a copy of its towing carrier permit;
  - (IV) For every mover a copy of its permit.
- (b) The motor carrier shall, upon request, present the copy of its letter of authority or permit to any enforcement official.

- (c) This rule shall not apply to a commercial motor vehicle that is subject to 49 U.S.C. section 14506 regarding restrictions on identification of vehicles.

**6011. Designation of Agent.**

- (a) Except for a sole proprietorship or partnership, each motor 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 motor carrier's designated agent. A motor carrier shall not designate the Secretary of State of the State of Colorado. The person designated, if a natural person, shall be at least 18 years of age. The address of the person designated shall be in the State of Colorado. The motor carrier shall provide a signed statement by the designated agent indicating that person has approved the designation.
- (b) Each motor carrier shall notify the Commission of any changes in the designated agent's identity, name, or address by filing a new designation within two days of receiving the information related to such change.
- (c) Service upon a motor carrier's named designated agent, as filed with the Commission, shall be deemed to be service upon the motor 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 motor carrier's address on file with the Commission shall constitute prima facie evidence that the motor carrier received the notice.

**6014. Waivers.**

A motor carrier 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 motor 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 motor carrier's primary place of business.

**6015. [Reserved.]**

**6016. Advertising.**

- (a) No motor carrier, or any officer, agent, employee, or representative of said carrier, shall advertise a transportation service in a name other than that in which said carrier's authority or permit is held.
- (I) If a motor carrier holds an authority or permit under a trade name, nothing in this paragraph shall be construed to require advertising under the name of said carrier's parent company.
- (II) If a motor carrier holds an authority or permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.
- (III) This paragraph (a) shall not apply to advertising that cannot readily be amended or cancelled, such as in the telephone Yellow Pages, when a motor carrier has changed its name due to, for example, a change in the business structure, such as incorporation, or sale of the motor carrier's authority or permit, provided that such change is on file with the Commission.
- (b) Each advertisement of a mover shall include the phrase "CO PUC Mover Permit No. [HHG permit number]" and the physical address of the mover.
- (c) Roof lights.
- (I) For purposes of this section, roof light means equipment attached to the roof of a vehicle, or extending above the roofline of a vehicle, for the purpose of displaying any information.

- (II) Except as provided in subparagraph (III), a regulated intrastate carrier or limited regulation carrier shall not have a roof light, whether or not it displays any information, located on any motor vehicle operated under the regulated intrastate carrier's authority or limited regulation carrier's permit.
- (III) Nothing in subparagraph (II) shall prohibit the following:
  - (A) any light otherwise required by law; or
  - (B) a roof light to identify a taxicab operated by a common carrier under an authority to provide taxicab service, or any advertising on the roof of a taxicab operated by a common carrier under an authority to provide taxicab service.

**6017. 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) A violation of § 40-10.1-111(1)(f) or (2), C.R.S., or rule 6009(a), (c), or (d) with regard to operating a motor vehicle without having paid the annual fee may result in the assessment of a civil penalty of up to \$400.00 for each violation.
- (c) A violation of rule 6016(a) may result in the assessment of a civil penalty of up to \$550.00 for each violation.
- (d) Except as provided for in paragraph (a), (b), or (c) of this rule, a person who violates any provision of rules 6000 through 6016 may be assessed a civil penalty of up to \$275.00 for each violation.
- (e) Pursuant to § 40-7-112, C.R.S., a person, whose driver operates a motor vehicle in violation of applicable statutes or these rules, may be assessed a civil penalty for such violation.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
  - (j) 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.
  - (k) 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.
  - (l) 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.
  - (m) The civil penalty assessment notice shall contain the maximum penalty amount provided by rule for each individual violation noted, the amount of the penalty surcharge pursuant to § 24-34-108(2), 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.

**6018. – 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 limited regulation carriers; and
  - (II) all Commission proceedings and operations concerning motor carriers, drivers (whether as employees or independent contractors), employees, and commercial motor vehicles of the motor 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 motor 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 motor 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 motor carrier.
- (d) "Low-power scooter" means " Low-power scooter " as that term is defined in § 42-1-102(48.5), C.R.S.
- (e) "Motor vehicle" is synonymous with the term "commercial motor vehicle" as defined in this rule.
- (f) "Motorcycle" means "motorcycle" as that term is defined in § 42-1-102(55), 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, 2009.
- (II) 49 C.F.R. Appendix G to Subchapter B of Chapter III, as revised on October 1, 2009.
- (b) No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (c) The following provisions of 49 C.F.R. are not incorporated by reference:
- (I) §§ 382.507, 383.53, 390.3(a), 390.3(c), 390.3(f)(2), 390.3(f)(6), 390.21(a), 390.21(b), 390.21(e), 390.21(f), 390.37, 391.47, 391.49, 391.67, 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.

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

Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, Colorado 80202

Telephone: (303) 894-2000

- (e) 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.

**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 mover permit(s), as applicable.
- (B) The letter and/or number designation of the common carrier certificate(s), the contract carrier permit(s), the limited regulation carrier permit(s), the towing carrier permit(s), and the mover permit(s), as applicable, preceded by the letters "CO PUC" or "PUC."
- (C) This subparagraph (II) shall not apply to a commercial motor vehicle that is subject to 49 U.S.C. section 14506 regarding restrictions on identification of vehicles.
- (III) Motor vehicles operated by a regulated intrastate carrier or a limited regulation 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 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 motor carrier shall remove all markings required by this rule from a motor vehicle that the motor 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 motor carrier other than the motor 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. § 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.
  - (II) 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. § 393.83(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) The provisions of 49 C.F.R. § 393.89, relating to driveshaft protection, and 393.95, relating to 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) The following provisions of 49 C.F.R. Part 393 shall not apply to motorcycles or to low-power scooters:
    - (A) Sections 393.11 and 393.24(a) requiring at least two headlamps. Motorcycles and low-power scooters shall have at least one headlamp.
    - (B) Section 393.41 requiring parking brakes. Motorcycles and low-power scooters 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) A driver for a motor carrier of passengers is exempt from the requirements of 49 C.F.R. §§ 395.5(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 ten hours maximum driving time following eight consecutive hours off duty; and
- (F) The motor 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 motor carrier during the immediately preceding seven days.
- (II) 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.
- (III) Maximum driving time.
  - (A) In lieu of 49 C.F.R. § 395.5(b), a motor 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 motor carrier shall neither permit nor require a driver to drive, nor shall any such driver drive, regardless of the number of motor carriers or motor 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 motor 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 motor 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 motor carrier with a copy of the completed DVCR.
  - (II) The driver receiving a DVCR shall deliver the DVCR to the motor carrier operating the motor vehicle upon the driver's next arrival at any of the motor carrier's terminals or facilities. If the driver is not scheduled to arrive at a terminal or facility within 24 hours, the driver shall immediately mail the report to the motor carrier operating the motor vehicle.
  - (III) Motor carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the motor carrier shall:
    - (A) 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 motor 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 motor carrier regarding the out-of-service condition.
  - (V) No motor carrier shall require or permit any person to operate, nor shall any person operate, any motor vehicle declared and ordered out-of-service until all repairs required by the out-of-service order have been satisfactorily completed. No motor carrier shall require or permit any person declared and ordered out-of-service to operate, nor shall any person operate, any motor vehicle until the person's out-of-service condition has been corrected. 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) are designed to transport passengers; or

- (II) 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) Motor 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: 1560 Broadway, Suite 250, Denver, Colorado 80202.
- (h) Motor carriers and drivers shall, upon request by an enforcement official, make available for inspection all records required to be made by these safety rules and all motor vehicles subject to these safety rules.

**6104. Motor Vehicle Weight.**

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

**6105. Fingerprint-Based Criminal History Background Checks.**

- (a) For purposes of this rule only:
  - (I) "CBI" means the Colorado Bureau of Investigation.
  - (II) "Driver" means a person who drives or wishes to drive a taxicab for a taxicab carrier or who drives or wishes to drive for a limited regulation carrier, regardless of whether such person drives or wishes to drive as an employee or independent contractor.
  - (III) "Passenger carrier" means a limited regulation carrier, except for fire crew transport, and a taxicab carrier, but only to the extent the taxicab carrier uses or wishes to use drivers to drive taxicabs.
  - (IV) "Record check" means a state and national fingerprint-based criminal history record check.
- (b) This rule applies to passenger carriers and drivers.
- (c) Within ten days of contracting or being employed to drive for passenger carrier, a driver shall submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check.
- (d) A driver shall re-submit to the Commission a set of the driver's fingerprints and payment of the actual cost to conduct a record check within five years after the Commission provides him/her with the qualification notice required by subparagraph (j)(III) of this rule.
- (e) The driver may obtain information regarding the actual cost of the record check from the Commission or its website. The driver shall submit his or her fingerprints on an official form (FD-258). The Commission will only accept official forms completed in accordance with the instructions available from the Commission or its website.

- (f) Disqualification.
  - (I) A driver is not of good moral character, and shall be disqualified and prohibited from driving, if the driver has been convicted of a felony or misdemeanor involving moral turpitude.
  - (II) For purposes of Commission Staff's initial qualification determination under paragraph (j) of this rule, a felony or misdemeanor involving moral turpitude means:
    - (A) a conviction in the State of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;
    - (B) a conviction in the State of Colorado at any time of any unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S.;
    - (C) a conviction in the State of Colorado, within the ten years preceding the date the criminal history record check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
    - (D) a conviction in the State of Colorado, within the eight years preceding the date the criminal history record check is completed, of any class 3 felony under Title 18, C.R.S.;
    - (E) a conviction in the State of Colorado, within the four years preceding the date the criminal history record check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or
    - (F) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (II)(A) through (E).
  - (III) A driver shall be disqualified and prohibited from driving if, within the two years preceding the date the criminal history record check is completed, the driver was:
    - (A) convicted in this state of driving under the influence, as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content, as described in § 42-4-1301(2)(a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301(1)(g), C.R.S.; or driving while an habitual user of a controlled substance, as described in § 42-4-1301(1)(c), C.R.S.; or
    - (B) convicted of a comparable offense in any other state or in the United States.
  - (IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (g) A passenger carrier shall not permit a driver to drive for the passenger carrier if:
  - (I) the driver has not complied with this rule and § 40-10.1-110, C.R.S., as applicable; or
  - (II) the driver is disqualified and prohibited from driving under paragraph (j) of this rule.
- (h) Passenger carriers are authorized to contact the Commission regarding whether a particular driver has been disqualified and prohibited from driving.

- (i) A passenger carrier shall, as a condition of continued contract or employment, require a driver to submit his or her fingerprints to the Commission for a record check:
  - (I) at least once every five years; and/or
  - (II) within ten days of becoming aware that the driver has been convicted of the offenses listed in paragraph (f) of this rule.
- (j) Driver qualification determinations.
  - (I) Upon the Commission's receipt of a completed record check, Staff of the Commission (Staff) shall make the initial qualification determination regarding the driver's qualification status under paragraph (f) of this rule.
  - (II) In making its initial qualification determination, Staff is authorized to request from the driver, and the driver shall provide, additional information that will assist Staff in making the initial determination regarding the driver's qualification status. If, within 15 days of Staff's request, a driver does not provide such additional information or a reason explaining why it is unavailable, Staff may disqualify the driver.
  - (III) Staff shall provide notice of its initial qualification determination. If Staff initially determines that the driver is disqualified and prohibited from driving, the driver may, within 60 days of Staff's notice, petition the Commission for an order reversing Staff's initial determination.
  - (IV) Upon the filing of a petition to reverse Staff's initial determination:
    - (A) Staff shall be an indispensable party and shall bear the burden of going forward to demonstrate the reasons for its initial determination;
    - (B) the driver shall bear the burden of proving that Staff's initial determination is not supported by fact or law; and
    - (C) the Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S.
  - (V) Staff's initial qualification determination may be relied upon by all persons, unless and until the Commission reverses Staff's initial qualification determination.
- (k) The Commission and its Staff may consult and use any commercially or governmentally available information source in conducting criminal history record checks. The Commission may require a name-based criminal history record check of a driver who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unreadable or unclassifiable.
- (l) Nothing in this rule shall be construed to make an independent contractor driver an employee driver of a passenger carrier.
- (m) At any time, Staff shall disqualify a previously qualified driver whose subsequent conviction meets the criteria of subparagraph (f)(II) of this rule. The provisions of paragraph (j) shall apply as if the subsequent qualification determination were an initial qualification determination.

**6106. 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 four hours of using, while under the influence of, or having in his/her possession, alcohol, per §392.5(a).
49 C.F.R. § 392.5(b)(2)	Requiring or permitting a driver to operate a commercial motor vehicle who shows evidence of, or the general appearance and conduct of, having consumed alcohol within the preceding four hours.
49 C.F.R. § 396.11(c)	Failing to correct out-of-service defects listed by the driver in a driver vehicle inspection report before the vehicle is operated again.
Rule 6103(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 motor 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.
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 11 cumulative hours.
49 C.F.R. § 395.3(a)(2)	Requiring or permitting a driver to drive after having been on duty 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 60 hours in seven 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 70 hours in eight consecutive days.
49 C.F.R. § 395.5(a)(1)	Requiring or permitting a driver to drive more than ten hours.
49 C.F.R. § 395.5(a)(2)	Requiring or permitting a driver to drive after having been on duty 15 hours.
Rule 6103(d)(IV)(B)(i)	Requiring or permitting a driver to drive after having been on duty 70 hours in seven consecutive days.
Rule 6103(d)(IV)(B)(ii)	Requiring or permitting a driver to drive after having been on duty 80 hours in eight consecutive days.
49 C.F.R. § 396.17(g)	Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards.

- (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.
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:

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

- (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.
- (h) A person who violates any provision of rule 6105 may be assessed a civil penalty of \$275.00 for each violation.
- (i) Except as provided in paragraphs (a) through (h) of this rule, a person who violates any other rule may be assessed a civil penalty of up to \$250.00 for each violation up to a cumulative maximum of \$5,000.00 for each type of recordkeeping violation.
- (j) With the exception of paragraph (h) of this rule, the provisions relating to the doubling and tripling of civil penalty assessments, found in § 40-7-113(3) and (4), and in paragraphs (g) through (l) of rule 6017, shall not apply to the assessment of civil penalties for safety rule violations.

**6107. – 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, all contract carriers, and to all Commission proceedings and operations concerning common carriers, contract carriers, applicants, employees, and drivers. 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) "Auto livery" or "auto livery service" means the transportation of passengers by common carrier, including the transportation of passengers in scheduled and/or call-and-demand service.
- (b) "Capable," as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the common carrier's authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations under such authority.
- (c) "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.
- (d) "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.
- (e) "Charter service" means transportation of a charter party.
- (f) "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.
- (g) "Flag stop" means a point of service designated by a common carrier on its filed schedule, which point is located between two scheduled points on the scheduled route. Typically, the common carrier does not designate a specific time for service to the flag stop; if the common carrier does designate a specific time for service, the time is considered to be an approximation.
- (h) "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 10.1 of Title 40, C.R.S.
- (i) "Outstanding authority" means an existing authority, or any portion thereof, which is not under suspension.
- (j) "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.
- (k) "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.
- (l) "Special bus," "special bus transportation," or "special bus service" means the transportation of passengers by common carrier:
  - (l) not including ordinary and continuous scheduled service;

- (II) rendered generally on weekends, holidays, or other special occasions;
  - (III) with a fixed termination date; and
  - (IV) to a number of passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, for a trip or tour planned by the carrier.
- (m) "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.

**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) The name and address of the applicant's Colorado agent for service of process, if required by rule 6011.
- (IV) A statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.).
- (V) If the applicant is a corporation: the name of the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.
- (VI) If the applicant is a limited liability company: the name of the state in which it is organized; the 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.
- (VII) 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.5) A copy of the applicant's certificate of assumed trade name or trade name registration, if applicable.
- (VIII) 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, but not auto livery or special bus), if the applicant proposes to operate as a common carrier;
  - (C) the proposed geographic area of service or the proposed points or routes of service;
  - (D) any proposed restrictions to the authority sought; and
  - (E) a description of the make, model, and year of the motor vehicles proposed to be operated, or if unknown, then a summary of the number and types of motor vehicles proposed to be operated.
- (IX) 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.
- (X) If the applicant seeks common carrier authority, the applicant shall attach (for an application to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, the applicant may 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.
- (XI) 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.
- (XII) A statement of the facts upon which the applicant relies to establish that the application should be granted. Except for an application to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, 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.
- (XIII) Except as provided in subparagraph (a)(XIV), a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations.
- (XIV) For an applicant applying to provide taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, a statement setting forth the qualifications of the applicant, including operational and financial fitness, to conduct the proposed operations.
- (XV) 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.
- (XVI) 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.
- (XVII) 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.

- (XVIII) 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.
  - (XIX) A statement indicating the town or city where the applicant prefers any hearing to be held.
  - (XX) 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 subparagraph (a)(XVII) 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 or Voluntary Suspension of Authorities.**

- (a) 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.
- (b) Except as specified in paragraph (c) 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.
- (c) 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 (XIX).
  - (II) Transferees and encumbrancers shall provide the information required by subparagraphs 6203(a)(III) - (VII), and (XV) - (XVII).
  - (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 or as provided in subparagraph (c)(XIV), a statement setting forth the qualifications of the transferee, including managerial, operational, and financial fitness, to conduct the proposed operations.
  - (XIV) For an application involving only taxicab service within and between the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson, a statement setting forth the qualifications of the transferee, including operational and financial fitness, to conduct the proposed operations.
  - (XV) A statement that the applicants understand the Commission will, in its discretion, cancel any duplicating or overlapping authority created by the transaction.
  - (XVI) A statement setting forth whether the transferor has been and is conducting active, bona fide operations under the authorities at issue in the transaction.
  - (XVII) 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.
  - (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.
- (d) An application filed under § 40-10.1-204, 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 § 40-10.1-204, 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) 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)(1)(A), the tariff's title page shall contain the regulated intrastate carrier's common carrier certificate or contract carrier permit numbers to which the tariff applies.
- (g) 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) A regulated intrastate carrier proposing a tariff amendment shall file, upon the request of Commission Staff, a statement justifying the amendment. The justification shall include an explanation of the circumstances and data relied upon in requesting approval of the proposed amendment.
- (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 (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 for call-and-demand limousine, scheduled, special bus, or taxicab service, 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, the common carrier shall file with the Commission, at least seven 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.
- (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
- (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 ten days before the effective date of the proposed tariff.
- (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.
- (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.
- (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.
- (o) If the Commission issues a decision prescribing any tariff change, the affected regulated intrastate carrier shall file, within ten days of the effective date of the Commission decision, a revised tariff or revised tariff sheets, as applicable, reflecting the prescribed change.

**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:
    - (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.

**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 compensation 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 towards passengers or other persons. Passenger or other person 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 permit 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)(III).

**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) § 40-10.1-201(1), C.R.S.; or § 40-10.1-202(1), C.R.S.
  - (II) § 40-10.1-205, C.R.S.; paragraph 6202(b); or paragraph 6205(f).
  - (III) subparagraph (I), (II), (III), or (IV) of paragraph 6202(a).
  - (IV) § 40-10.1-206, 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 Part 2 of Article 10.1 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.
- (f) "Time call" means a customer's communication with a common carrier requesting a specific date and time for service (otherwise known as an appointment), or the common carrier's service provided in response to the customer's communication, as the context requires.
- (g) "Close proximity", as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and twenty minutes from the drop-off location and time.

#### **6252. Notices.**

Each taxicab carrier shall post the following notices, as applicable, on the inside of the left window immediately behind the driver's window or on the back of the front seat of each taxicab it operates. Except as provided in subparagraph (f), the font size of such notice shall be at least 14 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

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) 894-2070.

- (b) If the taxicab carrier uses meters only, the notice shall 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 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 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 or email address from the passenger and give an estimated time of pickup. Unless its effective tariff specifies a different time, the taxicab carrier shall arrive at the pickup location within 45 minutes from the time the customer first requested service or within five minutes of a time call, whichever is applicable. A taxicab carrier need not provide time call service if doing so would conflict with the 45-minute margin (or such other margin specified in the taxicab carrier's effective tariff) allowed a taxicab carrier under this paragraph. A delay under this rule shall be excused if:
  - (I) the customer has left the passenger's telephone number or email address with the taxicab carrier;
  - (II) the taxicab carrier notifies the passenger regarding the delay; and
  - (III) such delay is caused by inclement weather, traffic congestion, or other circumstances beyond the control of the taxicab carrier.

**6254. Additional Service Requirements for Taxicab Carriers Operating Within 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 2000 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 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2009, and June 30, 2010, counting backwards, 2009 is the first model year, 2008 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.

**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 \$51.00, 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 \$57.00, 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 \$84.00, 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 ten 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].**

**LIMITED REGULATION CARRIER RULES**

**6300. Applicability of Limited Regulation Carrier Rules.**

Rules 6300 through 6399 apply to all limited regulation carriers, and to all Commission proceedings and operations concerning limited regulation carriers, permit holders, employees, and drivers.

**6301. Definitions.**

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these limited regulation carrier rules:

- (a) "Charter basis" means on the basis of a contract for transportation whereby a person agrees to provide exclusive use of a motor vehicle to a single chartering party for a specific period of time during which the chartering party has the exclusive right to direct the operation of the vehicle, including, selection of the origin, destination, route, and intermediate stops.
- (b) "Chartering party" means a person or group of persons who share a personal or professional relationship whereby all such persons are members of the same affiliated group, including, a family, business, religious group, social organization or professional organization. "Chartering party" does not include groups of unrelated persons brought together by a carrier, transportation broker, or other third party.

**6302. Permit Requirement.**

No person shall operate or offer to operate as a limited regulation carrier without a valid permit issued by the Commission.

**6303. Permit.**

- (a) Any person seeking a permit to operate as a limited regulation carrier shall provide the following information, as applicable:
  - (I) The name of the applicant and the trade name under which operations will be conducted.
  - (II) A copy of the applicant's certificate of assumed trade name 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) The name and address of the applicant's Colorado agent for service of process, if required by rule 6011.
  - (V) A statement describing the applicant's business structure (corporation, limited liability company, partnership, or sole proprietorship).
  - (VI) If an applicant is a corporation:
    - (A) The name of the state in which the applicant is incorporated.
    - (B) The location of the applicant's principal office, if any, in Colorado.
    - (C) The name and title of each director and officer.
    - (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.
  - (VII) If the applicant is a limited liability company:
    - (A) The state in which the company is organized.
    - (B) The location of the applicant's principal office, if any, in Colorado.
    - (C) The name and title 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.
  - (VIII) If the applicant is a partnership:
    - (A) The name and business address of all general and limited partners.
    - (B) The location of the applicant's principal office, if any, in Colorado.
  - (IX) If the applicant 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 applicant under its application.
  - (XI) Copies of any authority, issued by either a state or a federal agency, under which the applicant contends that it may provide for-hire transportation of passengers in the State of Colorado.
  - (XII) A statement that the applicant is familiar with the limited regulation carrier rules and all applicable safety rules and that the applicant will comply with them.
  - (XIII) A statement that the applicant understands that the filing of an application does not constitute authority to operate.
  - (XIV) A verification made under penalty of perjury and signed by an authorized officer, partner, owner, employee, or manager of the applicant, as appropriate, verifying that the contents of the application and all attachments are true, accurate, and correct. The application shall contain the complete address of the affiant.
- (b) In addition to the information required by paragraph (a), a person applying to be a limited regulation carrier under this rule shall:
- (I) cause to be filed the required proof of financial responsibility; and
  - (II) pay the required annual identification fees or, if applicable, shall be in compliance with the UCR Agreement.
- (c) The Commission will not issue a permit to any person as a limited regulation carrier until the Commission has received all information, documentation, and payments 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 have any exterior signs or graphics on a luxury limousine that provide:
- (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, bus, limousine, shuttle, or taxi.
- (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) 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.**

- (a) Features. Each luxury limousine carrier shall ensure that its motor vehicles are in good physical condition, excluding consideration of defects covered by the Commission's safety rules. The Commission shall use the following general guidelines in determining if a vehicle is in good physical condition:
  - (I) The body of the luxury limousine has a good, unfaded paint job; is devoid of 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 luxury limousine is clean, free of offensive odors, and has no major tears, cracks, or stains upon the upholstery, headliner, and carpeting.
- (b) Age of Motor Vehicles. Except for luxury limousines covered under rule 6308(a)(IV) and/or vehicles covered by rule 6309, luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2004, and June 30, 2005, counting backwards, 2004 is the first model year, 2003 is the second model year, and so forth.

**6306. [Reserved].**

**6307. [Reserved].**

**6308. Luxury Limousine Categories.**

- (a) A luxury limousine shall fit one or more of the following categories:
  - (I) Stretched limousine, which is a motor vehicle whose wheelbase has been lengthened beyond the manufacturer's original specifications whether at the manufacturer's factory or otherwise.
  - (II) Executive car, which is a motor vehicle that has four doors and is:
    - (A) one of the following sedans: Acura RL, Audi A8 Series, Audi A6 Series, Audi S8 Series, Bentley Continental Flying Spur, Bentley Arnage, BMW 7 Series, BMW 5 Series, BMW Alpina, BMW M5, Cadillac DTS, Chrysler 300, Ferrari 612, Infiniti M Series, Jaguar S-Type, Jaguar Vdp Lwb, Jaguar XJ Series, Jaguar X-Type Series, Jaguar Super, Lexus LS Series, Lexus G Series, Lexus E Series, Lincoln Town Car, Maserati Quattroporte, Maybach 57 Series, Maybach 62 Series, Mercedes-Benz S Class Series, Mercedes-Benz E Class Series, or Rolls Royce Phantom; or
    - (B) one of the following sport utility vehicles: Audi Q7, Cadillac Escalade, Chevrolet Suburban, Chevrolet Tahoe, Ford Excursion, Ford Expedition, GMC Yukon, Hummer (all models, excluding sport utility truck version), Infiniti QX, Lexus LX, Lincoln Navigator, Mercedes-Benz M Class Series, Mercedes-Benz G Class Series, or Mercury Mariner Hybrid with livery package.

- (III) Executive van, which is a motor vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the manufacturer) whose interior has been enhanced by the installation of either:
    - (A) Captain's chairs, couch seats, or similar seating in place of standard bench seating; or
    - (B) Both of the following:
      - (i) An electronic video media system such as television, DVD, or VHS that is securely attached to the motor vehicle in a professional manner. The screen shall have a diagonal measurement of at least three inches, be viewable by passengers seated to the rear of the driver, and be in compliance with 49 C.F.R., § 393.88.
      - (ii) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be securely positioned inside a console or cabinet located inside the passenger compartment, to include any containment system, console and cup holder built into the motor vehicle by the manufacturer, and securely attached to the motor vehicle in a professional manner. The beverages are not required to be alcoholic in nature.
  - (IV) Other limousine, which is a classic, antique, or specially built motor vehicle that has or had a retail value of fifty thousand dollars or more.
- (b) A luxury limousine carrier operating a motor vehicle pursuant to subparagraph (a)(IV) of this rule shall, upon request by an enforcement official, produce evidence that the motor vehicle meets the requirements of subparagraph (a)(IV) of this rule.

**6309. Luxury Limousines – Previously Qualified Vehicles.**

Notwithstanding anything in rules 6305(b) and 6308 to the contrary, any vehicle qualified as a luxury limousine on or before July 30, 2008, shall maintain its qualification status so long as it is operated under the limited regulation carrier permit under which it was so qualified.

**6310. Luxury Limousines – Operational Requirements, Prearrangement Required.**

- (a) No person shall provide luxury limousine service except on a prearranged basis. For purposes of this rule, "prearranged basis" means that the luxury limousine service has been arranged or reserved before the luxury limousine service, or ancillary service thereto, is provided. No person shall provide luxury limousine service, or a service ancillary to luxury limousine service, if that person arranges provision of the service with the chartering party at or near the point of departure.
- (b) A luxury limousine carrier shall, at all times when providing luxury limousine service, carry in each vehicle a charter order containing the name, telephone number, pickup time, and pickup address of the chartering party who has arranged for use of the vehicle.

- (c) A luxury limousine carrier shall not station a luxury limousine in front of or across the street from a hotel or motel, or within one hundred feet of a recognized taxicab stand or a designated passenger pickup point at an airport without the completed charter order in the vehicle. The stationing of the luxury limousine shall be within a reasonable period of the pickup time noted on the charter order.
- (d) A luxury limousine carrier shall provide the charter order immediately upon request by any enforcement official or airport authority.

**6311. Luxury Limousine Service – Presumptions.**

- (a) A person shall be presumed to have provided luxury limousine service in violation of rule 6310(a) 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 or near the point of departure;
  - (IV) loads the chartering party or its baggage into the luxury limousine; or
  - (V) transports the chartering party in the luxury limousine.
- (b) A luxury limousine carrier that charges or offers to charge for transportation services on a per person basis shall be presumed to be providing or offering to provide services as a common carrier.
- (c) A luxury limousine carrier may rebut the presumptions created in this rule by competent evidence.

**6312. Limited Regulation Carrier Violations, Civil Enforcement, and Civil Penalties.**

- (a) A person who violates § 40-10.1-302, C.R.S. or rule 6302, may be assessed a civil penalty of up to \$1,100.00 for each violation:
- (b) A person who violates rule 6310 may be assessed a civil penalty of up to \$500.00 for each violation.
- (c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of Part 3 of Article 10.1 of Title 40, C.R.S., or any provision of these limited regulation carrier rules may be assessed a civil penalty of up to \$275.00 for each violation.

**6313. – 6399. [Reserved].**

**UNIFIED CARRIER REGISTRATION AGREEMENT RULES**

**6400. Applicability of Unified Carrier Registration Agreement Rules.**

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

**6401. 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 must register in the proper category pursuant to the rules established under 49 U.S.C. § 14504a.
- (d) Information regarding the federally set fees is available from the Commission or its website.
- (e) If a person has registered under Chapter 139 of Title 49, U.S.C., to operate in interstate commerce, there shall be a rebuttable presumption that the person is required to register under the UCR Agreement.

**6402. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties.**

- (a) A person who violates § 40-10.5-102(1)(a), C.R.S., or rule 6401(a) with regard to operating without a registration, may be assessed a civil penalty of up to \$1,100.00 for each violation.
- (b) A person who violates rule 6401(c) by registering in a lower category than is proper, may be assessed a civil penalty of up to \$400.00 for each violation.
- (c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of § 40-10.5-102, C.R.S., or any provision of the Unified Carrier Registration agreement rules may be assessed a civil penalty of up to \$275.00 for each violation.

**6403. - 6499. [Reserved].**

**TOWING CARRIER RULES**

**6500. Applicability of Towing Carrier Rules.**

- (a) Rules 6500 through 6599 apply to all towing carriers, and to all Commission proceedings and operations concerning towing carriers, applicants, employees, and drivers.
- (b) For a tow and storage of a motor vehicle performed under a written agreement with a municipal, county, state, or federal agency, nothing in these towing carrier rules shall be construed to prohibit such agency, to the extent permitted by law, from adopting and enforcing additional or more stringent requirements relating to towing carrier operations with regard to rules 6506; 6507(a), (c), and (d); 6508; 6509; 6510; and 6512(a), (b), (d), (e), and (f).

- (c) With regard to rules 6511(b), (c), (d), (f), (g)(I)(A), (g)(II), (h), and (i), the written agreement may set higher or lower maximum rates than are provided in such rules. In the event the written agreement does not set such rates, the Commission's rules will prevail. For purposes of this paragraph, a written agreement does not include a tow authorization by a law enforcement official given to a towing carrier with which the law enforcement official's agency does not have a written agreement.

**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(1) and 42-4-2102(1), C.R.S.
- (b) "Authorized agent" means a person, including a towing carrier, 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) "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.
- (g) "Non-consensual tow" means the transportation of a motor vehicle by tow truck if such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.
- (h) "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.
- (i) "Private property" means any real property that is not public property.
- (j) "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 (see also rule 6508(a) as to requirements applicable to towing carriers acting as agent); 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.

- (k) "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.
- (l) "Tow truck" means a motor vehicle specially designed or equipped for transporting another motor vehicle by means of winches, cables, pulleys, or other equipment for towing, pulling, or lifting such other motor vehicle from one place to another.

**6502. Permit Requirement.**

Unless exempted by § 40-10.1-105(1)(j), C.R.S., no person shall operate or offer to 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 the applicant's certificate of assumed trade name 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) The name and address of the applicant's Colorado agent for service of process, if required by rule 6011.
  - (V) A statement describing the applicant's business structure (corporation, limited liability company, partnership, or sole proprietorship).
  - (VI) 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.
  - (VII) 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.
  - (VIII) If the applicant is a partnership, the name, title, and business address of each partner.
  - (IX) A statement that applicant is familiar with the towing carrier rules and all applicable safety rules and that applicant will comply with them.
  - (X) A statement that applicant understands that the filing of an application does not constitute authority to operate.
  - (XI) 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.
  - (XII) 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.
  - (XIII) An application fee of \$150.00.
- (c) In addition to the application, a person seeking a permit to operate as a towing carrier shall:
- (I) cause to be filed the required proof of financial responsibility; and
  - (II) pay the required annual fees or, if applicable, shall be in compliance with the UCR Agreement.
- (d) The Commission will not issue a permit to operate as a towing carrier until the Commission has received all information, documentation, and payments required by paragraphs (a), (b), and (c) of this rule.

**6504. [Reserved].**

**6505. [Reserved].**

**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 of other than an abandoned motor vehicle as provided for under paragraph (b) of this rule, within one hour of placing a motor vehicle in a storage facility, or such lesser time as may be required by law, a towing carrier shall disclose the location of the storage facility by notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed. However, if notification of the law enforcement agency is not possible, then by notifying either:
  - (I) the owner, the authorized operator, or the authorized agent of the owner of the towed motor vehicle; or
  - (II) the owner of the property from which the motor vehicle was towed.

Compliance with this paragraph will be considered accomplished if the location of the storage facility was provided to the property owner or the law enforcement agency in conjunction with obtaining authorization for the tow.
- (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.

**6508. Authorization for Towing of Motor Vehicles.**

- (a) Towing carrier acting as agent for the property owner.
- (I) A towing carrier may act as the agent for the property owner under a written agreement to that effect, provided the agreement is compliant with this paragraph (a). Such written agreement shall be maintained as provided in rule 6005 and shall contain at least the following information:
- (A) the name, address, telephone number, email address (if applicable), and PUC Towing Permit number of the towing carrier;
  - (B) the name, address, email address (if applicable), and telephone number of the property owner;
  - (C) the address of the property from which the tows will originate;
  - (D) the name of each individual person who is authorized to sign the tow authorization;
  - (E) the address and phone number of the storage facility where the vehicle owner may retrieve the vehicle;
  - (F) the time period for which the agreement is made;
  - (G) a statement that the rates for a non-consensual tow from private property, and the drop charge if the vehicle is retrieved before removal from the private property, are set by rule of the Public Utilities Commission;
  - (H) the name, title, and signature of the person making the agreement on behalf of the property owner and on behalf of the towing carrier; and
  - (I) the date the agreement is signed;
- (II) Nothing in this paragraph (a) 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.
- (III) No agency provided for in Rule 6508(a) shall affect any obligation, liability, or responsibility of the property owner to any third party. Any provision attempting to affect such obligation, liability, or responsibility shall be void.
- (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 before the motor vehicle is removed from the property. The property owner may sign using a verifiable employee identification number or code name in lieu of the person's proper name.
  - (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, 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 to the owner, lienholder, or agent of the owner or lienholder without charge.

**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) unless incorporated into the authorization in rule 6508(b)(II),
    - (A) the name, address, and telephone number of the person authorizing the tow; and

- (B) the signature of the property owner authorizing a tow;
  - (VIII) if the towed motor vehicle is unlocked, a list of its contents;
  - (IX) the unit number or license number of the towing vehicle;
  - (X) the signature of the towing vehicle operator;
  - (XI) an itemized invoice of all towing charges assessed; and
  - (XII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released.
  - (XIII) on at least the customer's copy, the following notice in a font size of at least 10: Report problems to the Public Utilities Commission at (303) 894-2070.
- (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 a non-consensual tow authorized by the property owner or a tow ordered by a law enforcement officer.

**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.; or
  - (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.
- (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 \$70.00.
  - (II) In such circumstances, the towing carrier shall, prior to removal, 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. The towing carrier shall concurrently advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle of acceptable forms of payment under rule 6512.
  - (III) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle offers payment of the drop charge in accordance with rule 6512, the towing carrier shall immediately accept payment and release the motor vehicle. Release of the motor vehicle shall be in accordance with rule 6512.
- (c) Rates for 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 recovery of any size vehicle.
  - (II) When accompanied by documentation showing starting and ending times of the recovery, which documentation may include law enforcement incident reports and verification, a towing carrier may charge for recovery at its hourly rates, a record of which is maintained in compliance with rule 6005.
  - (III) Hourly rates for recovery may include time to load and to secure recovery equipment and the cleanup of the scene and post-towing maintenance of recovery equipment directly attributable to the recovery. If the recovery vehicle is also the towing vehicle, then the rates and charges provided in paragraph (d) shall not be charged in addition to the hourly rate.
  - (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, 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 \$154.00. Except as provided in paragraphs (b), (c), (e), (f), (g), (h), (i), and (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) except for an abandoned motor vehicle, removal of personal property that is not attached to or a part of the equipment of the motor vehicle;
  - (VI) all commissions paid; and
  - (VII) all other services rendered in performing such non-consensual tow.
- (e) The maximum rates for a non-consensual tow from storage (i.e., directed by a law enforcement officer who is performing an accident reconstruction or stolen vehicle investigation) are as follows:
- (I) \$91.00 for one additional hookup;
  - (II) \$91.00 per hour waiting time; and
  - (III) mileage charges as provided in paragraph (f).
- (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 \$3.80 per laden mile. For purposes of this paragraph, laden mile means a mile when the towed motor vehicle is being transported.
  - (II) Fuel surcharge. 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 of \$2.60 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.
- (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, or for any portion of a calendar day after the first 48 hours:

- (i) \$30.00 for motor vehicles having a GVWR of less than 10,000 pounds;
  - (ii) \$37.00 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 \$1.50 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 subject to part 21 of title 42, C.R.S. shall not be accumulated beyond 120 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.
- (h) For a non-consensual tow, the maximum additional 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 \$66.00.
- (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 (f).
  - (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 (g).
- (j) Abandoned motor vehicles.
  - (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.
  - (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 not charge, collect, or retain storage fees.

- (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.
- (IV) Additional costs that may be charged when a stored motor vehicle is sold.
  - (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.
  - (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.
  - (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.
  - (D) Certified VIN verification procedure. 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) Rates as provided in paragraph (e); and
    - (ii) In addition, the towing carrier may charge for all other documented expenses of obtaining the VIN verification.

**6512. Release of Motor Vehicle.**

- (a) The towing carrier shall immediately accept payment of the drop charge if payment is offered in cash or by valid major credit card (the towing carrier shall accept at least one type of major credit card). Except as provided in paragraph (d) of this rule, the towing carrier shall immediately accept payment of towing, storage, and/or release charges offered in cash or another form of payment accepted by the towing carrier. In either case, the towing carrier shall 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) Unless the release of the motor vehicle does not comply with the release procedures agreed to between the towing carrier and the applicable law enforcement agency, 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 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:

- (I) With one hour's notice during all times other than normal business hours that occur within the first 24 hours of storage; or
  - (II) Upon demand during normal business hours.
- (c) 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 to the owner, lien holder, or their agents.
- (d) The towing carrier, at its discretion, need not comply with paragraph (a) or (c) if:
- (I) the towing carrier is reasonably certain that, at the time the motor vehicle is to be released from storage, the driver of the motor vehicle is not capable of safely driving the motor vehicle due to the influence of drugs or alcohol;
  - (II) 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;
  - (III) a hold order is in place on the motor vehicle by a court, district attorney, law enforcement agency, or law enforcement officer; or
  - (IV) the release of the motor vehicle does not comply with the release procedures agreed to between the towing carrier and the applicable law enforcement agency.
  - (V) 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.
- (e) 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.
- (f) The towing carrier may require either written or oral notification from the owner or lienholder of a motor vehicle that the person to whom it is to be released is authorized to take possession of the motor vehicle.

**6513. [Reserved].**

**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) § 40-10.1-401(1)(a), 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 (d), (e), (f), (h), (i), or subparagraphs (b)(1) or (g)(I)(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 6513, may result in the assessment of a civil penalty of up to \$275.00 for each violation.

**6515. - 6599. [Reserved].**

**MOVER RULES**

**6600. Applicability of Mover Rules.**

Rules 6600 through 6699 apply to all movers, and to all Commission proceedings and operations concerning movers, permit holders, employees, and drivers.

**6601. Definitions.**

In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these mover rules:

- (a) "Accessorial service" means "accessorial service" as that term is defined in § 40-10.1-501(1), C.R.S.
- (b) "Contract" means a written document, approved by the shipper in writing before the performance of any service, that authorizes services from the named mover and lists the services and all costs associated with the transportation of household goods and accessorial services to be performed.
- (c) "Estimate" means a written document that sets forth the total costs and the basis of such costs related to a shipper's move, including transportation or accessorial services. An estimate is not a contract.
- (d) "Shipper" means a person who uses the services of a mover to transport or ship household goods.
- (e) "Storage" means warehousing of the shipper's goods while under the care, custody, and control of the mover.

**6602. Permit Requirement and Limitation.**

No person shall operate, offer to operate, or advertise as a mover without a valid permit issued by the Commission or a temporary mover permit issued through the Colorado Ports of Entry.

**6603. Permit.**

- (a) Any person seeking a permit to operate as a mover shall provide the following information, as applicable:
- (I) The name of the applicant and the trade name under which operations will be conducted.
  - (II) A copy of the applicant's certificate of assumed trade name 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) The name and address of the applicant's Colorado agent for service of process, if required by rule 6011.
  - (V) A statement describing the applicant's business structure (corporation, limited liability company, partnership, or sole proprietorship).
  - (VI) If the applicant is a corporation:
    - (A) The name of the state in which the applicant is incorporated.
    - (B) The location of the applicant's principal office, if any, in Colorado.
    - (C) The name and title of each director and officer.
    - (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.
  - (VII) If the applicant is a limited liability company:
    - (A) The state in which the company is organized.
    - (B) The location of the applicant's principal office, if any, in Colorado.
    - (C) The name and title 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.
  - (VIII) If the applicant is a partnership:
    - (A) The name and business address of all general and limited partners.
    - (B) The location of the applicant's principal office, if any, in Colorado.

- (IX) If the applicant 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 applicant is familiar with the mover rules and all applicable Commission rules and that the applicant will comply with them.
  - (XI) A statement that the applicant understands that the filing of an application 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 applicant, as appropriate, verifying that the contents of the application and all attachments are true, accurate, and correct. The application shall contain the complete address of the affiant.
- (b) In addition to the information required by paragraph (a):
- (I) A person seeking a permit as a mover under this rule shall:
    - (A) cause to be filed the required proof of financial responsibility; and
    - (B) if applicable, shall be in compliance with the UCR Agreement.
  - (II) Movers shall pay an annual filing fee of \$325.00.
- (c) The Commission will not issue a permit to any person as a mover until the Commission has received all information, documentation, and payments required by paragraphs (a) and (b) of this rule.
- (d) The Commission may deny or refuse to renew the permit of a mover pursuant to § 40-10.1-502(2), C.R.S.
- (e) The Colorado Department of Revenue, Motor Carrier Services Division, through its Port of Entry weigh stations may issue a non-renewable temporary mover permit, valid for 15 consecutive days, to a person who:
- (I) completes the temporary mover application form provided by the Commission;
  - (II) provides evidence of financial responsibility as required by § 40-10.1-107, C.R.S.;
  - (III) 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 § 40-10.1-107, C.R.S.;
  - (IV) pays a fee of one hundred fifty dollars.

**6604. [Reserved].**

**6605. Movers — Annual Permit Fee.**

- (a) Every mover shall pay to the Commission an annual permit fee of not more than \$325, as set forth in § 40-10.1-111(1)(d), C.R.S.
- (b) Annual permits are valid for one year from the date the permit is issued.

**6606. [Reserved].**

**6607. Forms of Payment.**

A mover shall accept at least two of the following four forms of payment:

- (a) Cash;
- (b) Cashier's check, money order, 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 mover may provide an estimate of the total costs, and the basis for such costs, to be incurred by the shipper. Estimates need not be binding. Notwithstanding this paragraph, a mover shall comply with paragraph (b) of this rule.
- (b) Contracts. Prior to providing any transportation or accessorial services, a mover shall leave a contract with the prospective shipper, which shall be in compliance with the form available from the Commission or its website. Such document shall be signed and dated by the shipper and the mover, and shall clearly and conspicuously include at least the following information:
  - (I) The name, telephone number, and physical address where the mover's employees are available during normal business hours;
  - (II) The mover's mailing address on file with the Commission;
  - (III) The phrase "[name of mover] is registered with the Public Utilities Commission of the State of Colorado as a mover. Permit No. [mover's permit 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 goods are to be picked up and 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 mover, if available;

- (IX) The name, telephone number, and physical address of a location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper;
- (X) An itemized breakdown and description of (i) all costs and/or rates including, if applicable, an explanation of the hourly amounts charged and/or amounts charged based on the weight of the load, (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 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 (\$0.60) 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 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 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 mover and the shipper from entering into a more comprehensive contract. However, the 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 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 mover and the shipper sign such amendment. A 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. The mover shall leave with the shipper a copy of the amendment.
- (e) Effect. The terms of an executed contract shall be binding on both the mover and the shipper unless a court of competent jurisdiction determines otherwise.
- (f) Upon completion of the move, the mover shall provide the shipper with a copy of the completed contract, including any amendments, with a breakdown of all charges.

**6609. Consumer Advisement and Binding Arbitration**

- (a) A mover shall provide the shipper with a consumer advisement at or before the commencement of the move or any accessorial services rendered. The consumer advisement shall be in substantially the following form and language:

**CONSUMER ADVISEMENT**

Intrastate movers in Colorado are regulated by the Colorado Public Utilities Commission (PUC). Each mover should have a PUC permit number. You are encouraged to contact the PUC to confirm that the mover you are using is indeed permitted in Colorado.

A mover that is not permitted may not withhold any of your property to enforce payment of money due under the contract ('carrier's lien').

A mover must include its PUC permit number, true name, and physical (street) address in all advertisements.

You should be aware that the total price of any household move can change, based on a number of factors that may include at least the following:

Additional services you request at the time of the move;

Additional items to be moved that were not included in the mover's original estimate;

Changes to the location or accessibility of building entrances, at either end of the move, that were not included in the mover's original estimate; and

Changes to the previously agreed date of pickup or delivery.

You should also be aware that, in case of a dispute between you and the mover, Colorado has an arbitration process available to resolve the dispute without going to court.

If you have any questions, you are encouraged to call the PUC at (303) 894-2070 for guidance on your rights and obligations.

I acknowledge that I have been given a copy of this consumer advisement to keep for my records.

Signed \_\_\_\_\_ (shipper). Date \_\_\_\_\_

- (b) In the event of a dispute between the shipper and the mover regarding the amount charged for services or concerning lost or damaged goods, the mover shall offer the shipper the opportunity to participate in binding arbitration per the requirements of § 40-10.1-507, C.R.S.

**6610. Delivery and Storage of Household Goods.**

- (a) Pursuant to § 40-10.1-506(1), C.R.S., a 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 mover shall relinquish such items as expeditiously as possible under the circumstances.

- (b) A 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 mover maintains possession of a shipper's household goods, such 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 mover stores the household goods at such an alternate location, the 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 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 mover opts not to place the shipper's household goods in storage pursuant to paragraph (c) of this rule, the mover shall take reasonable care to ensure the safekeeping of such household goods.
- (f) A mover shall not require a shipper to waive any rights or requirements under this rule.

**6611. 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) § 40-10.1-502(1), C.R.S., with regard to operating, offering service, or advertising without being registered; or rule 6602.
  - (II) § 40-10.1-505(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) § 40-10.1-506(1) or (2), C.R.S.; or paragraph (a) or (b) of rule 6610.

- (b) A person who violates any of the following provisions may be assessed a civil penalty of up to \$550.00 for each violation:
  - (l) paragraph (c), (d), (e), or (f) of rule 6610.
- (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 movers, or any provision of rules 6600 through 6610 may be assessed a civil penalty of up to \$275.00.

**6612. – 6699. [Reserved].**

## **APPENDIX A - MOTOR CARRIER SURETY BOND**

Bond No. \_\_\_\_\_

## MOTOR CARRIER SURETY BOND

KNOW ALL PEOPLE BY THESE PRESENTS, that we  
\_\_\_\_\_, as Principal (Carrier), doing business at

\_\_\_\_\_ and \_\_\_\_\_, as Surety, authorized to transact business in Colorado, are held and firmly bound unto the PUBLIC UTILITIES COMMISSION (Commission) in the STATE OF COLORADO, in the amount of FIFTY THOUSAND DOLLARS (\$50,000.00), to the payment of which we hereby bind ourselves, our heirs, administrators, executors, representatives, successors and assigns, firmly by these presents.

WHEREAS, § 40-10.1-401 (3) (a), C.R.S., requires a motor carrier of towed motor vehicles to be bonded for the purpose of paying any civil penalty assessments made by the Commission against the carrier that the carrier fails to pay when due. Such bond must be filed with and drawn in favor of the Public Utilities Commission of the State of Colorado.

NOW, THEREFORE, the condition of this obligation is such that if the above-named Principal shall satisfy all money judgments, default or otherwise, rendered against it by a court of competent jurisdiction or in binding arbitration arising from a civil penalty assessment due to a violation of article 10.1 of Title 40, C.R.S. or Commission rules promulgated in the furtherance thereof, this obligation is void, but if the Principal shall fail to satisfy any such judgment arising from a civil penalty assessment, this obligation remains in full force and effect.

This bond shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, but if these spaces are not completed, the date of execution shall be the effective date of the bond.

The Surety shall have the right to terminate its liability hereunder only by giving the Principal and the Colorado Public Utilities Commission thirty (30) days written notice of such termination, addressed to the Principal at the address last known to the Surety and to the Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. Such termination shall not release the Surety from any liability existing under this bond at the time of the effective date of termination.

In order to draw funds on this bond, the Colorado Public Utilities Commission shall first give the Surety written notice of the Principal's failure to satisfy a civil penalty assessment, as described above, and shall demand payment or satisfaction of said judgment. In the event that the Surety fails to perform its obligation under this bond, the Colorado Public Utilities Commission may commence appropriate legal action against the Surety to recover the amount of the judgment plus interest, costs and attorney fees.

In no event shall the aggregate liability of the Surety for all claims under this bond exceed the amount of this bond, regardless of the number of years this bond shall continue in force, the number of claims made against this bond, and the number of premiums which shall be payable or paid. Any revision of the bond amount shall not be cumulative.

Bond No. \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_, Principal

By: \_\_\_\_\_

\_\_\_\_\_, Surety

By: \_\_\_\_\_

Signed and acknowledged by Surety's Agent, \_\_\_\_\_, before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

Attachment C  
Decision No. C11-0838  
DOCKET NO. 11R-638TR  
Page 1 of 46



HOUSE BILL 11-1198

BY REPRESENTATIVE(S) Kerr J.;  
also SENATOR(S) Schwartz.

CONCERNING A REORGANIZATION OF THE STATUTES GOVERNING MOTOR CARRIERS, AND, IN CONNECTION THEREWITH, CONSOLIDATING THE FORMER ARTICLES 10, 11, 13, 14, AND 16 OF TITLE 40, COLORADO REVISED STATUTES, INTO A SINGLE ARTICLE AND MAKING SUBSTANTIVE AND NONSUBSTANTIVE AMENDMENTS TO PROVISIONS GRANTING REGULATORY AUTHORITY TO THE PUBLIC UTILITIES COMMISSION.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 10.1**  
**Motor Carriers**

PART 1  
GENERAL PROVISIONS

**40-10.1-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

CONTEXT OTHERWISE REQUIRES:

(1) "ADVERTISE" MEANS TO ADVISE, ANNOUNCE, GIVE NOTICE OF, PUBLISH, OR CALL ATTENTION TO BY USE OF ANY ORAL, WRITTEN, OR GRAPHIC STATEMENT MADE IN A NEWSPAPER OR OTHER PUBLICATION, ON RADIO, TELEVISION, OR ANY ELECTRONIC MEDIUM, OR CONTAINED IN ANY NOTICE, HANDBILL, SIGN, INCLUDING SIGNAGE ON A VEHICLE, FLYER, CATALOG, OR LETTER, OR PRINTED ON OR CONTAINED IN ANY TAG OR LABEL ATTACHED TO OR ACCOMPANYING ANY ARTICLE OF PERSONAL PROPERTY.

(2) "CERTIFICATE" MEANS THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED TO A COMMON CARRIER UNDER PART 2 OF THIS ARTICLE.

(3) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO.

(4) "COMMON CARRIER" MEANS A COMMON CARRIER AS DEFINED IN SECTION 40-1-102; EXCEPT THAT THE TERM DOES NOT INCLUDE A CONTRACT CARRIER AS DEFINED IN THIS SECTION OR A MOTOR CARRIER OF PASSENGERS UNDER PART 3 OF THIS ARTICLE.

(5) "COMPENSATION" MEANS ANY MONEY, PROPERTY, SERVICE, OR THING OF VALUE CHARGED OR RECEIVED OR TO BE CHARGED OR RECEIVED, WHETHER DIRECTLY OR INDIRECTLY.

(6) "CONTRACT CARRIER" MEANS EVERY PERSON, OTHER THAN A COMMON CARRIER OR A MOTOR CARRIER OF PASSENGERS UNDER PART 3 OF THIS ARTICLE, WHO, BY SPECIAL CONTRACT, DIRECTLY OR INDIRECTLY AFFORDS A MEANS OF PASSENGER TRANSPORTATION OVER ANY PUBLIC HIGHWAY OF THIS STATE.

(7) "FIXED POINTS" AND "ESTABLISHED ROUTE" MEAN POINTS OR A ROUTE BETWEEN OR OVER WHICH ANY COMMON CARRIER USUALLY OR ORDINARILY OPERATES OR HOLDS OUT TO OPERATE ANY MOTOR VEHICLE, EVEN THOUGH THERE MAY BE DEPARTURES FROM SUCH POINTS OR ROUTE, WHETHER SUCH DEPARTURES ARE PERIODIC OR IRREGULAR.

(8) "HOUSEHOLD GOODS" MEANS THE PERSONAL EFFECTS AND PROPERTY USED OR TO BE USED IN A DWELLING, WHEN A PART OF THE

EQUIPMENT OR SUPPLY OF SUCH DWELLING, AND SIMILAR PROPERTY IF THE TRANSPORTATION OF SUCH EFFECTS AND PROPERTY IS:

(a) ARRANGED AND PAID FOR BY THE HOUSEHOLDER; EXCEPT THAT "HOUSEHOLD GOODS" DOES NOT INCLUDE PROPERTY MOVING FROM A FACTORY OR STORE, OTHER THAN PROPERTY THAT THE HOUSEHOLDER HAS PURCHASED WITH INTENT TO USE IN HIS OR HER DWELLING AND THAT IS TRANSPORTED AT THE REQUEST OF, AND THE TRANSPORTATION CHARGES ARE PAID TO THE MOVER BY, THE HOUSEHOLDER; OR

(b) ARRANGED AND PAID FOR BY ANOTHER PARTY.

(9) "INTRASTATE COMMERCE" MEANS TRANSPORTATION FOR COMPENSATION BY MOTOR VEHICLES OVER THE PUBLIC HIGHWAYS BETWEEN POINTS IN THIS STATE.

(10) "MOTOR CARRIER" MEANS ANY PERSON OWNING, CONTROLLING, OPERATING, OR MANAGING ANY MOTOR VEHICLE THAT PROVIDES TRANSPORTATION IN INTRASTATE COMMERCE PURSUANT TO THIS ARTICLE.

(11) "MOTOR VEHICLE" MEANS ANY AUTOMOBILE, TRUCK, TRACTOR, MOTOR BUS, OR OTHER SELF-PROPELLED VEHICLE OR ANY TRAILER DRAWN THEREBY.

(12) "MOVER" MEANS A MOTOR CARRIER THAT PROVIDES THE TRANSPORTATION OR SHIPMENT OF HOUSEHOLD GOODS.

(13) "NONCONSENSUAL TOWING" OR "NONCONSENSUAL TOW" MEANS THE TRANSPORTATION OF A MOTOR VEHICLE BY TOW TRUCK IF SUCH TRANSPORTATION IS PERFORMED WITHOUT THE PRIOR CONSENT OR AUTHORIZATION OF THE OWNER OR OPERATOR OF THE MOTOR VEHICLE.

(14) "PERMIT" MEANS THE PERMIT ISSUED TO A CONTRACT CARRIER UNDER PART 2 OF THIS ARTICLE OR TO A MOTOR CARRIER UNDER PART 3, 4, OR 5 OF THIS ARTICLE.

(15) "PERSON" MEANS ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR OTHER LEGAL ENTITY AND ANY PERSON ACTING AS OR IN THE CAPACITY OF LESSEE, TRUSTEE, OR RECEIVER THEREOF, WHETHER APPOINTED BY A COURT

OR OTHERWISE.

(16) "PUBLIC HIGHWAY" MEANS EVERY STREET, ROAD, OR HIGHWAY IN THIS STATE OVER WHICH THE PUBLIC GENERALLY HAS A RIGHT TO TRAVEL.

(17) "SHIPPER" MEANS A PERSON WHO USES THE SERVICES OF A MOVER TO TRANSPORT OR SHIP HOUSEHOLD GOODS.

(18) "TAXICAB" MEANS A MOTOR VEHICLE WITH A SEATING CAPACITY OF EIGHT OR LESS, INCLUDING THE DRIVER, OPERATED IN TAXICAB SERVICE.

(19) "TAXICAB SERVICE" MEANS PASSENGER TRANSPORTATION IN A TAXICAB ON A CALL-AND-DEMAND BASIS, WITH THE FIRST PASSENGER THEREIN HAVING EXCLUSIVE USE OF THE TAXICAB UNLESS SUCH PASSENGER AGREES TO MULTIPLE LOADING.

(20) "TOWING CARRIER" MEANS A MOTOR CARRIER THAT:

(a) PROVIDES, AS ONE OF ITS PRIMARY FUNCTIONS, THE TOWING OF MOTOR VEHICLES BY USE OF A TOW TRUCK; AND

(b) MAY ALSO PROVIDE STORAGE OF TOWED VEHICLES.

(21) "TOW TRUCK" MEANS A MOTOR VEHICLE SPECIALLY DESIGNED OR EQUIPPED FOR TRANSPORTING ANOTHER MOTOR VEHICLE BY MEANS OF WINCHES, CABLES, PULLEYS, OR OTHER EQUIPMENT FOR TOWING, PULLING, OR LIFTING SUCH OTHER MOTOR VEHICLE FROM ONE PLACE TO ANOTHER.

**40-10.1-102. Powers of the commission.** (1) THE COMMISSION HAS THE POWER TO AND SHALL ADMINISTER AND ENFORCE THIS ARTICLE, INCLUDING THE RIGHT TO INSPECT THE MOTOR VEHICLES, FACILITIES, AND RECORDS AND DOCUMENTS, REGARDLESS OF THE FORMAT, OF THE MOTOR CARRIERS AND PERSONS INVOLVED.

(2) THE COLORADO STATE PATROL AND THE PORTS OF ENTRY SECTION OF THE DEPARTMENT OF REVENUE HAVE THE POWER TO MONITOR AND ENFORCE COMPLIANCE WITH THE CERTIFICATE AND PERMIT REQUIREMENTS OF THIS ARTICLE AND ARTICLE 10.5 OF THIS TITLE.

**40-10.1-103. Subject to control by commission.** (1) ALL COMMON CARRIERS AND CONTRACT CARRIERS ARE DECLARED TO BE PUBLIC UTILITIES WITHIN THE MEANING OF ARTICLES 1 TO 7 OF THIS TITLE AND ARE DECLARED TO BE AFFECTED WITH A PUBLIC INTEREST AND SUBJECT TO THIS ARTICLE AND ARTICLES 1 TO 7 OF THIS TITLE, INCLUDING THE REGULATION OF ALL RATES AND CHARGES PERTAINING TO PUBLIC UTILITIES, SO FAR AS APPLICABLE, AND OTHER LAWS OF THIS STATE NOT IN CONFLICT THEREWITH.

(2) EXCEPT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, MOTOR CARRIERS ARE NOT PUBLIC UTILITIES UNDER THIS TITLE, BUT ARE DECLARED TO BE AFFECTED WITH A PUBLIC INTEREST AND ARE SUBJECT TO REGULATION TO THE EXTENT PROVIDED IN THIS ARTICLE, IN SECTION 40-2-110.5, IN ARTICLE 6 OF THIS TITLE, AND IN ARTICLE 7 OF THIS TITLE EXCEPT SECTIONS 40-7-113.5, 40-7-116.5, AND 40-7-117. THE TERM "PUBLIC UTILITY", WHEN USED IN ARTICLES 6 AND 7 OF THIS TITLE, INCLUDES ALL MOTOR CARRIERS.

**40-10.1-104. Compliance.** A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE AS A MOTOR CARRIER IN THIS STATE EXCEPT IN ACCORDANCE WITH THIS ARTICLE.

**40-10.1-105. Transportation not subject to regulation.** (1) THE FOLLOWING TYPES OF TRANSPORTATION ARE NOT SUBJECT TO REGULATION UNDER THIS ARTICLE:

(a) A RIDESHARING ARRANGEMENT, AS DEFINED IN SECTION 39-22-509 (1) (a) (II), C.R.S.;

(b) THE TRANSPORTATION OF CHILDREN TO AND FROM SCHOOL, SCHOOL-RELATED ACTIVITIES, AND SCHOOL-SANCTIONED ACTIVITIES TO THE EXTENT THAT SUCH TRANSPORTATION IS PROVIDED BY A SCHOOL OR SCHOOL DISTRICT OR THE SCHOOL OR SCHOOL DISTRICT'S TRANSPORTATION CONTRACTORS;

(c) A PRIVATE INDIVIDUAL WHO TRANSPORTS A NEIGHBOR OR FRIEND ON A TRIP;

(d) TRANSPORTATION BY HEARSEs, AMBULANCES, OR OTHER EMERGENCY VEHICLES;

(e) TRANSPORTATION BY MOTOR VEHICLES DESIGNED AND USED FOR THE NONEMERGENCY TRANSPORTATION OF INDIVIDUALS WITH DISABILITIES AS DEFINED IN SECTION 42-7-510 (2) (b), C.R.S.;

(f) AN AMUSEMENT RIDE CONSISTING OF A TOWED VEHICLE THAT IS INCAPABLE OF OPERATING UNDER ITS OWN POWER, THE PRINCIPAL PURPOSE OF WHICH IS TO CARRY INDIVIDUALS OVER SHORT DISTANCES FOR THEIR ENJOYMENT AND BY WHICH THE PROVISION OF A TRANSPORTATION SERVICE IS ONLY INCIDENTAL;

(g) PEOPLE SERVICE TRANSPORTATION AND VOLUNTEER TRANSPORTATION PURSUANT TO ARTICLE 1.1 OF THIS TITLE;

(h) TRANSPORTATION BY VEHICLES OPERATED UPON FIXED RAILS;

(i) TRANSPORTATION OF PROPERTY, EXCEPT TRANSPORTATION PROVIDED BY A TOWING CARRIER OR A MOVER;

(j) TRANSPORTATION PERFORMED BY THE FEDERAL GOVERNMENT, A STATE, OR ANY AGENCY OR POLITICAL SUBDIVISION OF EITHER, WHETHER THROUGH AN INTERGOVERNMENTAL AGREEMENT, CONTRACTUAL ARRANGEMENT, OR OTHERWISE; AND

(k) TRANSPORTATION OF REPOSSESSED PROPERTY BY A SECURED CREDITOR OR ASSIGNEE, OR BY A REPOSSESSOR ON BEHALF OF A SECURED CREDITOR OR ASSIGNEE, WHEN REPOSSESSING PURSUANT TO SECTION 4-9-629, C.R.S.

**40-10.1-106. Commission to make rules and prescribe rates.**

(1) THE COMMISSION HAS THE AUTHORITY AND DUTY TO PRESCRIBE SUCH REASONABLE RULES COVERING THE OPERATIONS OF MOTOR CARRIERS AS MAY BE NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS ARTICLE, INCLUDING RULES ON THE FOLLOWING SUBJECTS:

(a) ENSURING PUBLIC SAFETY, FINANCIAL RESPONSIBILITY, CONSUMER PROTECTION, SERVICE QUALITY, AND THE PROVISION OF SERVICES TO THE PUBLIC;

(b) THE CIRCUMSTANCES UNDER WHICH A TOWING CARRIER MAY PERFORM A NONCONSENSUAL TOW OF A MOTOR VEHICLE, THE

RESPONSIBILITIES AND FACILITIES OF THE TOWING CARRIER FOR THE CARE OR STORAGE OF THE MOTOR VEHICLE AND ITS CONTENTS, AND THE MINIMUM AND MAXIMUM RATES AND CHARGES TO BE COLLECTED BY THE TOWING CARRIER FOR THE NONCONSENSUAL TOWING AND STORAGE OF THE MOTOR VEHICLE. IN SETTING THE RATES AND CHARGES PURSUANT TO THIS SECTION, THE COMMISSION MAY REQUIRE TOWING CARRIERS PERFORMING NONCONSENSUAL TOWS TO SUBMIT FINANCIAL STATEMENTS OR OTHER FINANCIAL INFORMATION TO DETERMINE THE COSTS ASSOCIATED WITH THE PERFORMANCE OF NONCONSENSUAL TOWING AND ANY MOTOR VEHICLE STORAGE INCIDENT THERETO.

(c) THE ADMINISTRATION OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS REQUIRED BY SECTION 40-10.1-110.

**40-10.1-107. Financial responsibility - filing.** (1) EACH MOTOR CARRIER SHALL MAINTAIN AND FILE WITH THE COMMISSION EVIDENCE OF FINANCIAL RESPONSIBILITY IN SUCH SUM, FOR SUCH PROTECTION, AND IN SUCH FORM AS THE COMMISSION MAY BY RULE REQUIRE AS THE COMMISSION DEEMS NECESSARY TO ADEQUATELY SAFEGUARD THE PUBLIC INTEREST.

(2) THE FINANCIAL RESPONSIBILITY REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST BE IN THE FORM OF A LIABILITY INSURANCE POLICY ISSUED BY AN INSURANCE CARRIER OR INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE, OR A SURETY BOND ISSUED BY A COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE, OR PROOF OF SELF-INSURANCE.

(3) AN INSURANCE POLICY, SURETY BOND, OR SELF-INSURANCE PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL BE KEPT CONTINUOUSLY EFFECTIVE DURING THE LIFE OF A CERTIFICATE OR PERMIT AND THE COMMISSION SHALL REQUIRE SUCH EVIDENCE OF CONTINUED VALIDITY AS THE COMMISSION DEEMS NECESSARY.

(4) NO TERMINATION OF AN INSURANCE POLICY OR SURETY BOND IS VALID UNLESS THE INSURER OR SURETY HAS NOTIFIED BOTH THE HOLDER OF THE POLICY OR BOND AND THE COMMISSION AT LEAST THIRTY DAYS BEFORE THE EFFECTIVE DATE OF THE TERMINATION.

**40-10.1-108. Commission to make safety rules.** (1) THE COMMISSION HAS THE AUTHORITY AND DUTY TO ESTABLISH, FOR MOTOR CARRIERS SUBJECT TO PARTS 2 AND 3 OF THIS ARTICLE, REASONABLE RULES

TO PROMOTE SAFETY OF OPERATION.

(2) FOR THE PURPOSE OF CARRYING OUT THIS SECTION PERTAINING TO SAFETY, THE COMMISSION MAY OBTAIN THE ASSISTANCE OF ANY AGENCY OF THE UNITED STATES OR OF THIS STATE HAVING SPECIAL KNOWLEDGE OF ANY MATTER NECESSARY TO PROMOTE THE SAFETY OF OPERATION AND EQUIPMENT OF MOTOR VEHICLES. IN ADOPTING SUCH RULES, THE COMMISSION SHALL USE AS GENERAL GUIDELINES THE STANDARDS CONTAINED IN THE CURRENT RULES AND REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION RELATING TO SAFETY REGULATIONS, QUALIFICATIONS OF DRIVERS, DRIVING OF MOTOR VEHICLES, PARTS AND ACCESSORIES, RECORDING AND REPORTING OF ACCIDENTS, HOURS OF SERVICE OF DRIVERS, AND INSPECTION AND MAINTENANCE OF MOTOR VEHICLES.

**40-10.1-109. Motor carrier compliance with safety rules.** (1) A MOTOR CARRIER SUBJECT TO PART 2 OR 3 OF THIS ARTICLE SHALL COMPLY WITH THE SAFETY RULES ADOPTED BY THE COMMISSION PURSUANT TO SECTION 40-10.1-108.

(2) A MOTOR CARRIER OPERATING A MOTOR VEHICLE THAT IS DEFINED AS A COMMERCIAL VEHICLE IN SECTION 42-4-235 (1) (a), C.R.S., SHALL COMPLY WITH THE SAFETY RULES ADOPTED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-203 (1) (b), C.R.S., IN ADDITION TO THE RULES ADOPTED BY THE COMMISSION UNDER SUBSECTION (1) OF THIS SECTION.

(3) NOTHING IN SUBSECTION (1) OR (2) OF THIS SECTION DIMINISHES THE AUTHORITY OF THE COMMISSION, THE DEPARTMENT OF PUBLIC SAFETY, A PEACE OFFICER, OR ANY OTHER AGENT OF GOVERNMENT TO ENFORCE THE LAWS OF THIS STATE.

**40-10.1-110. Criminal history record check.** (1) AN INDIVIDUAL WHO WISHES TO DRIVE EITHER A TAXICAB FOR A MOTOR CARRIER THAT IS THE HOLDER OF A CERTIFICATE TO PROVIDE TAXICAB SERVICE ISSUED UNDER PART 2 OF THIS ARTICLE OR A MOTOR VEHICLE FOR A MOTOR CARRIER THAT IS THE HOLDER OF A PERMIT TO OPERATE AS A CHARTER BUS, CHILDREN'S ACTIVITY BUS, LUXURY LIMOUSINE, OR OFF-ROAD SCENIC CHARTER UNDER PART 3 OF THIS ARTICLE SHALL SUBMIT A SET OF HIS OR HER FINGERPRINTS TO THE COMMISSION. THE COMMISSION SHALL FORWARD THE FINGERPRINTS

TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE COMMISSION IS THE AUTHORIZED AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF A NATIONAL CRIMINAL HISTORY RECORD CHECK. THE INDIVIDUAL WHOSE FINGERPRINTS ARE CHECKED SHALL PAY THE ACTUAL COSTS OF THE STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(2) AN INDIVIDUAL WHOSE FINGERPRINTS ARE CHECKED PURSUANT TO SUBSECTION (1) OF THIS SECTION MAY, PENDING THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK, DRIVE SUCH MOTOR VEHICLES FOR THE MOTOR CARRIER DESCRIBED IN SUBSECTION (1) OF THIS SECTION FOR UP TO NINETY DAYS AFTER THE COMMISSION FORWARDS THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION OR UNTIL THE COMMISSION RECEIVES THE RESULTS OF THE CHECK, WHICHEVER OCCURS FIRST. UPON THE COMMISSION'S RECEIPT OF THE RESULTS, THE INDIVIDUAL MAY RESUME DRIVING MOTOR VEHICLES FOR THE MOTOR CARRIER DESCRIBED IN SUBSECTION (1) OF THIS SECTION, SO LONG AS THE DRIVING DOES NOT VIOLATE APPLICABLE LAW AND DOES NOT OCCUR WHILE THE INDIVIDUAL HAS A CRIMINAL CONVICTION ON HIS OR HER RECORD THAT DISQUALIFIES AND PROHIBITS HIM OR HER FROM DRIVING A MOTOR VEHICLE PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(3) AN INDIVIDUAL WHOSE CRIMINAL HISTORY RECORD IS CHECKED PURSUANT TO THIS SECTION IS DISQUALIFIED AND PROHIBITED FROM DRIVING MOTOR VEHICLES FOR THE MOTOR CARRIER DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE CRIMINAL HISTORY RECORD CHECK REFLECTS THAT:

(a) THE INDIVIDUAL IS NOT OF GOOD MORAL CHARACTER, AS DETERMINED BY THE COMMISSION BASED ON THE RESULTS OF THE CHECK;

(b) (I) THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING MORAL TURPITUDE.

(II) AS USED IN THIS PARAGRAPH (b), "MORAL TURPITUDE" INCLUDES ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD, AS DEFINED IN SECTION

18-3-411, C.R.S., OR A COMPARABLE OFFENSE IN ANY OTHER STATE OR IN THE UNITED STATES.

(c) WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE DATE THE CRIMINAL HISTORY RECORD CHECK IS COMPLETED, THE INDIVIDUAL WAS:

(I) CONVICTED IN THIS STATE OF DRIVING UNDER THE INFLUENCE, AS DEFINED IN SECTION 42-4-1301 (1) (f), C.R.S.; DRIVING WITH EXCESSIVE ALCOHOLIC CONTENT, AS DESCRIBED IN SECTION 42-4-1301 (2) (a), C.R.S.; DRIVING WHILE ABILITY IMPAIRED, AS DEFINED IN SECTION 42-4-1301 (1) (g), C.R.S.; OR DRIVING WHILE AN HABITUAL USER OF A CONTROLLED SUBSTANCE, AS DESCRIBED IN SECTION 42-4-1301 (1) (c), C.R.S.; OR

(II) CONVICTED OF A COMPARABLE OFFENSE IN ANY OTHER STATE OR IN THE UNITED STATES.

(4) THE COMMISSION SHALL CONSIDER THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECK IN ITS DETERMINATION AS TO WHETHER THE INDIVIDUAL HAS MET THE STANDARDS SET FORTH IN SECTION 24-5-101 (2), C.R.S.

(5) AN INDIVIDUAL WHOSE FINGERPRINTS WERE CHECKED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL, AS A CONDITION OF CONTINUED QUALIFICATION TO DRIVE A MOTOR VEHICLE FOR A MOTOR CARRIER, RESUBMIT A SET OF HIS OR HER FINGERPRINTS TO THE COMMISSION IN ACCORDANCE WITH THE COMMISSION'S RULES.

(6) EACH MOTOR CARRIER DESCRIBED IN SUBSECTION (1) OF THIS SECTION SHALL ENSURE DRIVER COMPLIANCE WITH THIS SECTION AND WITH COMMISSION RULES PROMULGATED PURSUANT TO THIS SECTION. NOTHING IN THIS SUBSECTION (6) MAKES A DRIVER AN EMPLOYEE OF THE MOTOR CARRIER.

(7) THE COMMISSION SHALL, CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, PROMULGATE RULES CONCERNING THE EMPLOYMENT OF, CONTRACTING WITH, AND RETENTION OF AN INDIVIDUAL WHOSE CRIMINAL HISTORY RECORD IS CHECKED PURSUANT TO THIS SECTION, AND THE FREQUENCY AND CIRCUMSTANCES REQUIRING RESUBMISSION OF FINGERPRINTS.

**40-10.1-111. Filing, issuance, and annual fees.** (1) A MOTOR CARRIER SHALL PAY THE COMMISSION THE FOLLOWING FEES IN AMOUNTS PRESCRIBED IN THIS SECTION OR, IF NOT SO PRESCRIBED, AS SET ADMINISTRATIVELY BY THE COMMISSION WITH APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES:

(a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE FILING FEE FOR AN APPLICATION FOR A TEMPORARY AUTHORITY, CERTIFICATE, OR PERMIT UNDER PART 2 OF THIS ARTICLE OR FOR AN EXTENSION, AMENDMENT, TRANSFER, OR LEASE OF A TEMPORARY AUTHORITY, CERTIFICATE, OR PERMIT IS THIRTY-FIVE DOLLARS, AND THE FEE FOR ISSUANCE OF A TEMPORARY AUTHORITY, CERTIFICATE, OR PERMIT UNDER PART 2 OF THIS ARTICLE IS FIVE DOLLARS.

(b) THE COMMISSION SHALL ADMINISTRATIVELY SET THE FILING FEE FOR AN APPLICATION UNDER PART 2 OF THIS ARTICLE TO PROVIDE TAXICAB SERVICE WITHIN AND BETWEEN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, AND JEFFERSON.

(c) THE FILING FEE FOR A PERMIT TO OPERATE UNDER PART 4 OF THIS ARTICLE IS ONE HUNDRED FIFTY DOLLARS.

(d) THE COMMISSION SHALL ADMINISTRATIVELY SET THE ANNUAL FILING FEE FOR A PERMIT TO OPERATE UNDER PART 5 OF THIS ARTICLE; EXCEPT THAT THE FEE MAY NOT EXCEED THREE HUNDRED TWENTY-FIVE DOLLARS.

(e) THE FILING FEE FOR A TEMPORARY PERMIT TO OPERATE AS A MOVER PURSUANT TO SECTION 40-10.1-502 (5) (a) IS ONE HUNDRED FIFTY DOLLARS.

(f) THE COMMISSION SHALL ADMINISTRATIVELY SET THE ANNUAL FEE FOR EACH MOTOR VEHICLE A MOTOR CARRIER OWNS, CONTROLS, OPERATES, OR MANAGES.

(2) EXCEPT FOR A MOVER HOLDING A PERMIT ISSUED UNDER PART 5 OF THIS ARTICLE AND A MOTOR CARRIER THAT HAS PAID A FEE PURSUANT TO ARTICLE 10.5 OF THIS TITLE, A MOTOR CARRIER SHALL NOT OPERATE ANY MOTOR VEHICLE IN INTRASTATE COMMERCE UNLESS THE ANNUAL FEES REQUIRED BY PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION HAVE

BEEN PAID. SUCH FEES APPLY ON A CALENDAR YEAR BASIS AND ARE CREDITABLE ONLY TO THE SPECIFIC VEHICLES FOR WHICH THE FEES HAVE BEEN PAID.

(3) ADMINISTRATIVELY SET FEES MUST BE BASED ON THE APPROPRIATION MADE FOR THE PURPOSES SPECIFIED IN SECTION 40-2-110 (2) (a) (I), SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES, SUCH THAT THE REVENUE GENERATED FROM ALL MOTOR CARRIER FEES APPROXIMATES THE DIRECT AND INDIRECT COSTS OF THE COMMISSION IN THE SUPERVISION AND REGULATION OF MOTOR CARRIERS.

(4) THE COMMISSION SHALL TRANSMIT ALL FEES COLLECTED UNDER THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE PUBLIC UTILITIES COMMISSION MOTOR CARRIER FUND CREATED IN SECTION 40-2-110.5.

**40-10.1-112. Commission may take action against a certificate or permit.** (1) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE COMMISSION, AT ANY TIME, BY ORDER DULY ENTERED, AFTER HEARING UPON NOTICE TO THE MOTOR CARRIER AND UPON PROOF OF VIOLATION, MAY ISSUE AN ORDER TO CEASE AND DESIST OR MAY SUSPEND, REVOKE, ALTER, OR AMEND ANY CERTIFICATE OR PERMIT ISSUED TO THE MOTOR CARRIER UNDER THIS ARTICLE FOR THE FOLLOWING REASONS:

(a) A VIOLATION OF THIS ARTICLE OR OF ANY TERM OR CONDITION OF THE MOTOR CARRIER'S CERTIFICATE OR PERMIT;

(b) EXCEEDING THE AUTHORITY GRANTED BY A CERTIFICATE OR PERMIT;

(c) A VIOLATION OR REFUSAL TO OBSERVE ANY OF THE PROPER ORDERS OR RULES OF THE COMMISSION;

(d) FOR A TOWING CARRIER, A VIOLATION OF ANY OF THE PROVISIONS SET FORTH IN PART 18 OR 21 OF ARTICLE 4 OF TITLE 42, C.R.S., OR A CONVICTION, GUILTY PLEA, OR PLEA OF NOLO CONTENDERE TO A FELONY;

(e) FOR A MOVER, FAILURE OR REFUSAL TO ABIDE BY THE TERMS OF AN ARBITRATOR'S AWARD UNDER SECTION 40-10.1-507, OR FAILURE TO

SATISFY THE REQUIREMENTS FOR A NEW OR RENEWED PERMIT UNDER SECTION 40-10.1-502.

(2) ANY PERSON MAY FILE A COMPLAINT AGAINST A MOTOR CARRIER FOR A VIOLATION OF THIS ARTICLE OR A RULE ADOPTED UNDER THIS ARTICLE. THE COMPLAINANT MAY REQUEST ANY RELIEF THAT THE COMMISSION, IN ITS AUTHORITY, MAY GRANT, INCLUDING AN ORDER TO CEASE AND DESIST, SUSPENSION OR REVOCATION OF THE MOTOR CARRIER'S CERTIFICATE OR PERMIT, OR ASSESSMENT OF CIVIL PENALTIES. UPON PROOF OF VIOLATION, THE COMMISSION MAY ISSUE AN ORDER TO CEASE AND DESIST, SUSPEND OR REVOKE THE MOTOR CARRIER'S CERTIFICATE OR PERMIT, ASSESS CIVIL PENALTIES AS PROVIDED IN ARTICLE 7 OF THIS TITLE, OR TAKE ANY OTHER ACTION WITHIN THE COMMISSION'S AUTHORITY. IN ASSESSING CIVIL PENALTIES UNDER THIS SUBSECTION (2), THE COMMISSION IS NOT CONSTRAINED BY THE PROCEDURAL REQUIREMENTS OF SECTION 40-7-116.

(3) NOTWITHSTANDING THE NOTICE AND HEARING PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL SUMMARILY SUSPEND THE CERTIFICATE OR PERMIT OF ANY MOTOR CARRIER FOR FAILURE TO MAINTAIN EFFECTIVE INSURANCE OR SURETY BOND COVERAGE AND FILE EVIDENCE OF THE SAME IN ACCORDANCE WITH SECTION 40-10.1-107 AND RULES ADOPTED PURSUANT THERETO. THE COMMISSION SHALL REINSTATE SUCH SUMMARILY SUSPENDED CERTIFICATE OR PERMIT WITHIN A TIME PERIOD SPECIFIED IN, AND IN ACCORDANCE WITH, THE RULES OF THE COMMISSION.

(4) A MOTOR CARRIER WHOSE CERTIFICATE OR PERMIT HAS BEEN REVOKED FOR CAUSE MORE THAN TWICE IS NOT ELIGIBLE FOR ANOTHER SUCH CERTIFICATE OR PERMIT FOR AT LEAST TWO YEARS AFTER THE DATE OF THE THIRD SUCH REVOCATION. IN THE CASE OF AN ENTITY, THE TWO-YEAR PERIOD OF INELIGIBILITY ALSO APPLIES TO ALL PRINCIPALS, OFFICERS, AND DIRECTORS OF THE ENTITY, WHETHER OR NOT ANY SUCH PRINCIPAL, OFFICER, OR DIRECTOR APPLIES INDIVIDUALLY OR AS A PRINCIPAL, OFFICER, OR DIRECTOR OF THE SAME OR A DIFFERENT ENTITY. AS USED IN THIS SUBSECTION (4), "REVOKED FOR CAUSE" DOES NOT INCLUDE A REVOCATION FOR FAILURE TO CARRY THE REQUIRED INSURANCE UNLESS IT IS SHOWN THAT THE PERSON KNOWINGLY OPERATED WITHOUT INSURANCE.

(5) ANY COMMISSION ACTION UNDER SUBSECTION (1) OR (2) OF THIS SECTION MUST CONFORM TO THE PROVISIONS AND PROCEDURES SPECIFIED IN

ARTICLE 6 OF THIS TITLE. THE MOTOR CARRIER HAS ALL THE RIGHTS TO THE OPPORTUNITY FOR A HEARING, REVIEW, AND APPEAL AS TO SUCH ORDER OR RULING OF THE COMMISSION AS ARE NOW PROVIDED BY ARTICLES 1 TO 7 OF THIS TITLE. NO APPEAL FROM OR REVIEW OF ANY ORDER OR RULING OF THE COMMISSION SUPERSEDES OR SUSPENDS SUCH ORDER OR RULINGS UNLESS SPECIFICALLY ORDERED BY THE PROPER COURT.

**40-10.1-113. Penalty for violations.** ANY PERSON WHO PROVIDES TRANSPORTATION IN INTRASTATE COMMERCE WITHOUT FIRST OBTAINING A CERTIFICATE OR PERMIT, VIOLATES ANY OF THE TERMS THEREOF, FAILS OR REFUSES TO MAKE ANY RETURN OR REPORT REQUIRED BY THE COMMISSION, DENIES TO THE COMMISSION ACCESS TO THE BOOKS AND RECORDS OF SUCH PERSON, OR MAKES ANY FALSE RETURN OR REPORT COMMITS A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 40-10.1-114.

**40-10.1-114. Penalty for violation of article.** (1) EVERY MOTOR CARRIER AND EVERY OFFICER, AGENT, OR EMPLOYEE OF A MOTOR CARRIER AND EVERY OTHER PERSON WHO VIOLATES OR FAILS TO COMPLY WITH OR WHO PROCURES, AIDS, OR ABETS IN THE VIOLATION OF THIS ARTICLE, WHO FAILS TO OBEY, OBSERVE, OR COMPLY WITH ANY ORDER, DECISION, OR RULE OF THE COMMISSION ADOPTED UNDER THIS ARTICLE, OR WHO PROCURES, AIDS, OR ABETS ANY PERSON IN SUCH FAILURE TO OBEY OR OBSERVE SUCH ORDER, DECISION, OR RULE COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

(2) AN INDIVIDUAL WHO IS EMPLOYED BY OR WHO CONTRACTS WITH A MOTOR CARRIER AND WHO OPERATES A MOTOR VEHICLE FOR THE MOTOR CARRIER'S BUSINESS IN VIOLATION OF SECTION 40-10.1-110 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

(3) EACH DAY OF A CONTINUING VIOLATION OF THIS ARTICLE CONSTITUTES A SEPARATE OFFENSE.

**40-10.1-115. Jurisdiction of courts.** THE DISTRICT COURT OR, WITHIN ITS JURISDICTION, THE COUNTY COURT OF ANY COUNTY IN OR THROUGH WHICH A MOTOR CARRIER OPERATES HAS JURISDICTION IN ALL MATTERS ARISING UNDER THIS ARTICLE ON ACCOUNT OF THE OPERATIONS OF SUCH MOTOR CARRIER EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE

AND EXCEPTING THOSE MATTERS EXPRESSLY DELEGATED TO THE COMMISSION; AND IT IS THE DUTY OF THE DISTRICT ATTORNEY FOR THE COUNTY HAVING JURISDICTION TO PROSECUTE ALL VIOLATIONS OF THIS ARTICLE.

**40-10.1-116. Commission to notify local authorities - procedure.**

(1) WHENEVER THE COMMISSION IS OF THE OPINION THAT A MOTOR CARRIER IS FAILING OR OMITTING TO DO ANYTHING REQUIRED OF IT BY LAW OR BY ANY ORDER, DECISION, RULE, DIRECTION, OR REQUIREMENT OF THE COMMISSION OR IS ACTING OR IS ABOUT TO ACT OR PERMITTING AN ACT OR ABOUT TO PERMIT AN ACT IN VIOLATION OF THE LAW OR OF ANY ORDER, DECISION, RULE, DIRECTION, OR REQUIREMENT OF THE COMMISSION, THE COMMISSION SHALL REQUEST THE ATTORNEY GENERAL OF THE STATE OR THE DISTRICT ATTORNEY OF ANY DISTRICT TO COMMENCE AN ACTION OR PROCEEDING IN THE DISTRICT COURT IN AND FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE CAUSE OR SOME PART THEREOF AROSE OR IN WHICH THE MOTOR CARRIER COMPLAINED OF MAINTAINS A PRINCIPAL PLACE OF BUSINESS OR RESIDES. SUCH ACTION OR PROCEEDING MUST BE CONDUCTED IN ACCORDANCE WITH SECTION 40-7-104; EXCEPT THAT REFERENCES IN SECTION 40-7-104 TO THE ATTORNEY GENERAL INCLUDE ANY DISTRICT ATTORNEY BRINGING THE ACTION OR PROCEEDING.

(2) APPELLATE REVIEW MAY BE OBTAINED IN THE SUPREME COURT CONCERNING A FINAL JUDGMENT IN AN ACTION OR PROCEEDING UNDER THIS SECTION IN THE SAME MANNER AND WITH THE SAME EFFECT, SUBJECT TO THIS ARTICLE, AS APPELLATE REVIEW OF JUDGMENTS OF THE DISTRICT COURT IN OTHER ACTIONS FOR MANDAMUS OR INJUNCTION.

(3) A PERSON INJURED BY THE NONCOMPLIANCE OF A MOTOR CARRIER WITH THIS ARTICLE OR ANY OTHER PROVISION OF LAW OR AN ORDER, DECISION, RULE, DIRECTION, OR REQUIREMENT OF THE COMMISSION MAY APPLY TO A COURT OF COMPETENT JURISDICTION FOR THE ENFORCEMENT THEREOF, AND THE COURT HAS JURISDICTION TO ENFORCE OBEDIENCE THERETO BY INJUNCTION OR OTHER PROPER PROCESS, MANDATORY OR OTHERWISE, AND TO RESTRAIN THE MOTOR CARRIER AND ITS OFFICERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES FROM FURTHER DISOBEDIENCE THEREOF, OR TO ENJOIN UPON THEM OBEDIENCE TO THE SAME, AND ANY PERSON SO INJURED HAS CAUSE OF ACTION IN DAMAGES AND IS PRIVILEGED TO PURSUE THE USUAL AND PROPER REMEDIES AS IN ANY OTHER CASE.

PART 2  
MOTOR CARRIERS OF PASSENGERS -  
COMMON CARRIERS AND CONTRACT CARRIERS

**40-10.1-201. Certificate required.** (1) A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE AS A COMMON CARRIER IN INTRASTATE COMMERCE WITHOUT FIRST HAVING OBTAINED FROM THE COMMISSION A CERTIFICATE DECLARING THAT THE PRESENT OR FUTURE PUBLIC CONVENIENCE AND NECESSITY REQUIRES OR WILL REQUIRE SUCH OPERATION.

(2) THE FACT THAT A PERSON CARRIES ON OPERATIONS, IN WHOLE OR IN PART, BETWEEN SUBSTANTIALLY FIXED POINTS OR OVER ESTABLISHED ROUTES, OR UNDER CONTRACTS WITH MORE THAN ONE PERSON, OR BY MAKING REPEATED OR PERIODIC TRIPS IS PRIMA FACIE EVIDENCE THAT THE PERSON IS A COMMON CARRIER AND SUBJECT TO THIS PART 2 AND PART 1 OF THIS ARTICLE.

**40-10.1-202. Permit required - legislative declaration.** (1)(a) A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE AS A CONTRACT CARRIER IN INTRASTATE COMMERCE WITHOUT FIRST OBTAINING A PERMIT FOR SUCH OPERATION FROM THE COMMISSION. AS USED IN THIS PART 2, "PERMIT" DOES NOT INCLUDE A PERMIT UNDER PARTS 3, 4, OR 5 OF THIS ARTICLE.

(b) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE BUSINESS OF CONTRACT CARRIERS IS AFFECTED WITH A PUBLIC INTEREST AND THAT THE SAFETY AND WELFARE OF THE PUBLIC TRAVELING UPON THE HIGHWAYS, THE PRESERVATION AND MAINTENANCE OF THE HIGHWAYS, AND THE PROPER REGULATION OF COMMON CARRIERS USING THE HIGHWAYS REQUIRE THE REGULATION OF CONTRACT CARRIERS TO THE EXTENT PROVIDED IN THIS ARTICLE, FOR WHICH PURPOSES THE COMMISSION IS VESTED WITH THE AUTHORITY TO ISSUE A PERMIT TO A CONTRACT CARRIER AND MAY ATTACH TO SUCH PERMIT AND TO THE EXERCISE OF THE RIGHTS AND PRIVILEGES GRANTED BY THE PERMIT SUCH TERMS AND CONDITIONS AS ARE REASONABLE.

(2) NO PERMIT, NOR ANY EXTENSION OR ENLARGEMENT OF AN EXISTING PERMIT, SHALL BE GRANTED BY THE COMMISSION IF, IN THE COMMISSION'S JUDGMENT, THE PROPOSED OPERATION OF ANY SUCH CONTRACT CARRIER WILL IMPAIR THE EFFICIENT PUBLIC SERVICE OF ANY

AUTHORIZED COMMON CARRIER THEN ADEQUATELY SERVING THE SAME TERRITORY OVER THE SAME GENERAL HIGHWAY ROUTE. THE COMMISSION SHALL GIVE WRITTEN NOTICE OF ANY APPLICATION FOR A PERMIT TO ALL PERSONS INTERESTED IN OR AFFECTED BY THE ISSUANCE OF THE PERMIT OR ANY EXTENSION OR ENLARGEMENT THEREOF, PURSUANT TO SECTION 40-6-108 (2).

(3) NOTHING CONTAINED IN THIS ARTICLE COMPELS A CONTRACT CARRIER TO BE OR BECOME A COMMON CARRIER OR SUBJECTS A CONTRACT CARRIER TO THE LAWS OR LIABILITY APPLICABLE TO A COMMON CARRIER.

**40-10.1-203. Rules for issuance of certificate - standing to protest - judicial review.** (1) THE COMMISSION HAS THE POWER TO ISSUE A CERTIFICATE TO A COMMON CARRIER OR TO ISSUE IT FOR THE PARTIAL EXERCISE ONLY OF THE PRIVILEGE SOUGHT, AND MAY ATTACH TO THE EXERCISE OF THE RIGHTS GRANTED BY THE CERTIFICATE SUCH TERMS AND CONDITIONS AS, IN THE COMMISSION'S JUDGMENT, THE PUBLIC CONVENIENCE AND NECESSITY MAY REQUIRE.

(2) (a) THE GRANTING OF A CERTIFICATE TO OPERATE A TAXICAB SERVICE WITHIN AND BETWEEN COUNTIES WITH A POPULATION OF LESS THAN SEVENTY THOUSAND, BASED ON THE MOST RECENT AVAILABLE FEDERAL CENSUS FIGURES, IS GOVERNED BY THE DOCTRINE OF REGULATED MONOPOLY.

(b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), THE GRANTING OF A CERTIFICATE TO OPERATE A TAXICAB SERVICE WITHIN AND BETWEEN COUNTIES WITH A POPULATION OF SEVENTY THOUSAND OR GREATER, BASED ON THE MOST RECENT AVAILABLE FEDERAL CENSUS FIGURES, IS NOT AN EXCLUSIVE GRANT OR MONOPOLY, AND THE DOCTRINE OF REGULATED COMPETITION APPLIES.

(II) IN AN APPLICATION FOR A CERTIFICATE TO PROVIDE TAXICAB SERVICE WITHIN AND BETWEEN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, AND JEFFERSON:

(A) THE APPLICANT HAS THE INITIAL BURDEN OF PROVING THAT IT IS OPERATIONALLY AND FINANCIALLY FIT TO PROVIDE THE PROPOSED SERVICE. THE APPLICANT NEED NOT PROVE THE INADEQUACY OF EXISTING TAXICAB SERVICE, IF ANY, WITHIN THE APPLICANT'S PROPOSED GEOGRAPHIC

AREA OF OPERATION.

(B) IF THE APPLICANT SUSTAINS THE INITIAL BURDEN OF PROOF AS SET FORTH IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), THERE SHALL BE A REBUTTABLE PRESUMPTION OF PUBLIC NEED FOR THE SERVICE, AND ANY PARTY OPPOSING THE APPLICATION SHALL PREVAIL UPON PROVING THAT THE PUBLIC CONVENIENCE AND NECESSITY DOES NOT REQUIRE GRANTING THE APPLICATION OR THAT THE ISSUANCE OF THE CERTIFICATE WOULD BE DETRIMENTAL TO THE PUBLIC INTEREST.

(c) (I) THE HOLDER OF A CERTIFICATE THAT CONTAINS AUTHORITY TO OPERATE A TAXICAB SERVICE BETWEEN POINTS IN THE CITY AND COUNTY OF DENVER ALSO HOLDS TAXICAB SERVICE AUTHORITY FROM POINTS IN THE CITY AND COUNTY OF DENVER TO ALL POINTS IN THIS STATE.

(II) THE HOLDER OF A CERTIFICATE THAT CONTAINS AUTHORITY TO OPERATE A TAXICAB SERVICE TO POINTS IN THE CITY AND COUNTY OF DENVER ALSO HOLDS TAXICAB SERVICE AUTHORITY FROM POINTS IN THE CITY AND COUNTY OF DENVER TO ALL POINTS WITHIN THE COMMON CARRIER'S BASE AREA, DEFINED AS THAT GEOGRAPHIC AREA IN WHICH SUCH COMMON CARRIER MAY PROVIDE POINT-TO-POINT TAXICAB SERVICE.

(III) THE COMMISSION SHALL AMEND, BY ORDER AND WITHOUT NOTICE OR HEARING, ANY EXISTING TAXICAB SERVICE CERTIFICATE AS DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (c) TO ALLOW SERVICE FROM POINTS IN THE CITY AND COUNTY OF DENVER TO EITHER ALL POINTS IN THIS STATE OR ALL POINTS WITHIN THE COMMON CARRIER'S BASE AREA TO CONFORM WITH THE DIRECTIVES CONTAINED IN SAID SUBPARAGRAPH (I) OR (II).

(3) WHEN AN APPEAL OF A COMMISSION DECISION UNDER THIS SECTION HAS BEEN MADE BY FILING EXCEPTIONS PURSUANT TO SECTION 40-6-109 AND THE COMMISSION HAS RENDERED A FINAL DECISION ON SUCH EXCEPTIONS AS PROVIDED IN ARTICLE 6 OF THIS TITLE, ANY PARTY THERETO MAY, WITHIN THIRTY DAYS AFTER THE FINAL DECISION, APPLY DIRECTLY TO A DISTRICT COURT IN THIS STATE FOR JUDICIAL REVIEW PURSUANT TO SECTION 40-6-115. FOR PURPOSES OF JUDICIAL REVIEW, A DECISION OF THE COMMISSION ON EXCEPTIONS IS FINAL ON THE DATE THE DECISION IS SERVED ON THE PARTIES TO THE PROCEEDING.

**40-10.1-204. Temporary authority.** (1) TO ENABLE THE PROVISION OF COMMON CARRIER OR CONTRACT CARRIER SERVICE FOR WHICH THERE APPEARS TO BE AN IMMEDIATE AND URGENT NEED TO ANY POINT OR WITHIN A TERRITORY HAVING NO SUCH SERVICE CAPABLE OF MEETING THE NEED, THE COMMISSION MAY, IN ITS DISCRETION AND WITHOUT HEARINGS OR OTHER PROCEEDINGS, GRANT TEMPORARY AUTHORITY FOR SUCH SERVICE BY A COMMON CARRIER OR A CONTRACT CARRIER, AS THE CASE MAY BE. SUCH TEMPORARY AUTHORITY, UNLESS SUSPENDED OR REVOKED FOR GOOD CAUSE, IS VALID FOR SUCH TIME AS THE COMMISSION SPECIFIES, BUT FOR NOT MORE THAN AN AGGREGATE OF ONE HUNDRED EIGHTY DAYS, UNLESS FOR GOOD CAUSE SHOWN THE COMMISSION EXTENDS THE TEMPORARY AUTHORITY FOR A PERIOD WHICH MAY EXTEND UNTIL A FINAL ADMINISTRATIVE DECISION IS RENDERED. A GRANT OF TEMPORARY AUTHORITY OR AN EXTENSION THEREOF CREATES NO PRESUMPTION THAT CORRESPONDING PERMANENT AUTHORITY WILL BE GRANTED THEREAFTER.

(2) PENDING THE DETERMINATION OF AN APPLICATION FILED WITH THE COMMISSION FOR APPROVAL OF AN ACQUISITION OF STOCK OF A COMMON CARRIER OR CONTRACT CARRIER, A CONSOLIDATION OR MERGER OF TWO OR MORE SUCH CARRIERS, OR A PURCHASE, LEASE, OR CONTRACT TO OPERATE THE PROPERTIES OF ONE OR MORE SUCH CARRIERS, THE COMMISSION MAY, IN ITS DISCRETION AND WITHOUT HEARINGS OR OTHER PROCEEDINGS, GRANT TEMPORARY APPROVAL FOR A PERIOD NOT EXCEEDING ONE HUNDRED EIGHTY DAYS FOR THE OPERATION OF THE CARRIER OR ITS PROPERTIES SOUGHT TO BE ACQUIRED BY THE PERSON PROPOSING IN SUCH PENDING APPLICATION TO ACQUIRE THE PROPERTIES OR STOCK, IF IT APPEARS THAT FAILURE TO GRANT SUCH TEMPORARY APPROVAL MAY RESULT IN DESTRUCTION OF OR INJURY TO THE CARRIER OR ITS PROPERTIES SOUGHT TO BE ACQUIRED, OR MAY INTERFERE SUBSTANTIALLY WITH THEIR FUTURE USEFULNESS IN THE PERFORMANCE OF ADEQUATE AND CONTINUOUS SERVICE TO THE PUBLIC. FOR GOOD CAUSE SHOWN, THE COMMISSION MAY EXTEND SUCH TEMPORARY APPROVAL FOR A PERIOD WHICH MAY EXTEND UNTIL A FINAL ADMINISTRATIVE DECISION IS RENDERED. TEMPORARY APPROVAL OR AN EXTENSION THEREOF DOES NOT CREATE A PRESUMPTION THAT THE APPLICATION WILL BE GRANTED.

(3) COMMON CARRIER OR CONTRACT CARRIER SERVICE RENDERED UNDER TEMPORARY AUTHORITY OR APPROVAL IS SUBJECT TO ALL APPLICABLE PROVISIONS OF THIS TITLE AND TO THE RULES AND REQUIREMENTS OF THE COMMISSION. THE MAXIMUM TIME PERIOD OF ANY

TEMPORARY AUTHORITY OR APPROVAL IS NOT SUBJECT TO EXTENSION OR RENEWAL.

(4) THE COMMISSION SHALL NOT ISSUE A TEMPORARY AUTHORITY OR APPROVAL UNLESS, UNDER SUCH GENERAL RULES AS THE COMMISSION MAY PRESCRIBE GOVERNING THE APPLICATION AND NOTICE THEREOF TO INTERESTED OR AFFECTED COMMON CARRIERS, ALL INTERESTED OR AFFECTED CARRIERS HAVE BEEN GIVEN AT LEAST FIVE DAYS' NOTICE OF THE FILING OF THE APPLICATION AND AN OPPORTUNITY TO PROTEST THE GRANTING THEREOF. IF THE COMMISSION DETERMINES THAT AN EMERGENCY EXISTS, IT MAY ISSUE TEMPORARY AUTHORITY OR APPROVAL AT ONCE BY MAKING SPECIFIC REFERENCE IN ITS ORDER TO THE CIRCUMSTANCES CONSTITUTING THE EMERGENCY, IN WHICH CASE NO NOTICE NEED BE GIVEN, BUT ANY SUCH EMERGENCY AUTHORITY OR APPROVAL EXPIRES NO LATER THAN THIRTY DAYS AFTER IT WAS ISSUED.

**40-10.1-205. Transfer of certificate or permit.** (1) A CERTIFICATE OR PERMIT, OR RIGHTS OBTAINED UNDER A CERTIFICATE OR PERMIT, THAT ARE HELD, OWNED, OR OBTAINED BY ANY COMMON CARRIER OR CONTRACT CARRIER MAY BE SOLD, ASSIGNED, LEASED, ENCUMBERED, OR TRANSFERRED AS OTHER PROPERTY, SUBJECT TO PRIOR AUTHORIZATION BY THE COMMISSION.

(2) ABSENT OTHER FACTS, THE FACT THAT A COMMON CARRIER OR CONTRACT CARRIER CONDUCTS OPERATIONS WITH INDEPENDENT CONTRACTORS DOES NOT IN AND OF ITSELF CONSTITUTE A LEASE OR TRANSFER OF THE CERTIFICATE.

(3) AN EXISTING CERTIFICATE OR PERMIT SHALL NOT BE TRANSFERRED UNLESS THE FITNESS OF THE TRANSFEREE IS ESTABLISHED TO THE SATISFACTION OF THE COMMISSION.

**40-10.1-206. Rates - limitations.** (1) IT IS UNLAWFUL FOR ANY COMMON CARRIER TO CARRY OR ADVERTISE THAT IT WILL CARRY ANY INDIVIDUALS AT RATES DIFFERENT FROM THOSE IT HAS ON FILE WITH THE COMMISSION FOR SUCH CARRIAGE.

(2) A CONTRACT CARRIER SHALL NOT DESTROY OR IMPAIR, THROUGH DISCRIMINATION OR UNFAIR COMPETITION, THE SERVICE OR BUSINESS OF ANY COMMON CARRIER OR THE INTEGRITY OF THE STATE'S REGULATION OF ANY

SUCH SERVICE OR BUSINESS; AND TO THAT END, THE COMMISSION IS AUTHORIZED AND DIRECTED TO PRESCRIBE MINIMUM RATES, FARES, AND CHARGES TO BE COLLECTED BY CONTRACT CARRIERS WHEN COMPETING WITH DULY AUTHORIZED COMMON CARRIERS, WHICH RATES, FARES, AND CHARGES MUST NOT BE LESS THAN THE RATES PRESCRIBED FOR COMMON CARRIERS FOR SUBSTANTIALLY THE SAME OR SIMILAR SERVICE.

(3) IN ACCORDANCE WITH THIS ARTICLE AND SUCH RULES AS THE COMMISSION MAY PRESCRIBE, EVERY CONTRACT CARRIER SUBJECT TO THIS ARTICLE SHALL FILE WITH THE COMMISSION, WITHIN SUCH TIME AND IN SUCH FORM AS THE COMMISSION MAY DESIGNATE, AND SHALL KEEP ON FILE WITH THE COMMISSION, AT ALL TIMES, SCHEDULES SHOWING RATES, CHARGES, AND COLLECTIONS, COLLECTED OR ENFORCED OR TO BE COLLECTED OR ENFORCED, THAT IN ANY MANNER AFFECT OR RELATE TO THE OPERATIONS OF ANY SUCH CONTRACT CARRIER; AND THE COMMISSION HAS FULL POWER TO CHANGE, AMEND, OR ALTER ANY SUCH TARIFF OR, AFTER HEARING, FIX THE RATES OF ANY CONTRACT CARRIER SUBJECT TO THIS ARTICLE THAT COMPETES WITH A COMMON CARRIER.

### PART 3 MOTOR CARRIERS OF PASSENGERS - LIMITED REGULATION

**40-10.1-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHARTER BASIS" MEANS ON THE BASIS OF A CONTRACT FOR TRANSPORTATION WHEREBY A PERSON AGREES TO PROVIDE EXCLUSIVE USE OF A MOTOR VEHICLE TO A SINGLE CHARTERING PARTY FOR A SPECIFIC PERIOD OF TIME DURING WHICH THE CHARTERING PARTY HAS THE EXCLUSIVE RIGHT TO DIRECT THE OPERATION OF THE VEHICLE, INCLUDING SELECTION OF THE ORIGIN, DESTINATION, ROUTE, AND INTERMEDIATE STOPS.

(2) "CHARTER BUS" MEANS A MOTOR VEHICLE WITH A MINIMUM SEATING CAPACITY OF THIRTY-THREE, INCLUDING THE DRIVER, THAT IS HIRED TO TRANSPORT A PERSON OR GROUP OF PERSONS TRAVELING FROM ONE LOCATION TO ANOTHER FOR A COMMON PURPOSE. A CHARTER BUS DOES NOT PROVIDE REGULAR ROUTE SERVICE FROM ONE LOCATION TO ANOTHER.

(3) "CHARTERING PARTY" MEANS A PERSON OR GROUP OF PERSONS

WHO SHARE A PERSONAL OR PROFESSIONAL RELATIONSHIP WHEREBY ALL SUCH PERSONS ARE MEMBERS OF THE SAME AFFILIATED GROUP, INCLUDING A FAMILY, BUSINESS, RELIGIOUS GROUP, SOCIAL ORGANIZATION, OR PROFESSIONAL ORGANIZATION. "CHARTERING PARTY" DOES NOT INCLUDE GROUPS OF UNRELATED PERSONS BROUGHT TOGETHER BY A CARRIER, TRANSPORTATION BROKER, OR OTHER THIRD PARTY.

(4) "CHILDREN'S ACTIVITY BUS" MEANS A MOTOR VEHICLE THAT TRANSPORTS GROUPS OF EIGHT OR MORE CHILDREN, EIGHTEEN YEARS OF AGE OR YOUNGER, AND ANY ADULTS OVER EIGHTEEN YEARS OF AGE ACCOMPANYING OR PARTICIPATING WITH THE GROUP, TO OR FROM ACTIVITIES THAT ARE SPONSORED BY NONPROFIT ORGANIZATIONS ENTITLED TO A TAX EXEMPTION UNDER THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, OR THE TRANSPORTATION OF CHILDREN TO AND FROM SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES TO THE EXTENT THAT SUCH TRANSPORTATION IS NOT PROVIDED BY THE SCHOOL OR SCHOOL DISTRICT OR THE SCHOOL OR SCHOOL DISTRICT'S TRANSPORTATION CONTRACTORS.

(5) "COMMERCIAL LOCATION" MEANS A PLACE WHERE GOODS OR SERVICES ARE BOUGHT, SOLD, OR EXCHANGED.

(6) "FIRE CREW TRANSPORT" MEANS A MOTOR VEHICLE THAT TRANSPORTS PEOPLE ENGAGED IN FIGHTING WILDFIRES.

(7) "LUXURY LIMOUSINE" MEANS A CHAUFFEUR-DRIVEN, LUXURY MOTOR VEHICLE AS DEFINED BY THE COMMISSION BY RULE.

(8) "LUXURY LIMOUSINE SERVICE" MEANS A SPECIALIZED, LUXURIOUS TRANSPORTATION SERVICE PROVIDED ON A PREARRANGED, CHARTER BASIS. "LUXURY LIMOUSINE SERVICE" DOES NOT INCLUDE TAXICAB SERVICE OR ANY SERVICE PROVIDED BETWEEN FIXED POINTS OVER REGULAR ROUTES AT REGULAR INTERVALS.

(9) "OFF-ROAD SCENIC CHARTER" MEANS A MOTOR VEHICLE THAT TRANSPORTS PASSENGERS, ON A CHARTER BASIS, TO SCENIC POINTS WITHIN COLORADO, ORIGINATING AND TERMINATING AT THE SAME LOCATION AND USING A ROUTE THAT IS WHOLLY OR PARTLY OFF OF PAVED ROADS. "OFF-ROAD SCENIC CHARTER" DOES NOT INCLUDE THE TRANSPORT OF PASSENGERS TO COMMERCIAL LOCATIONS.

**40-10.1-302. Permit requirements.** (1) (a) A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE A CHARTER BUS, CHILDREN'S ACTIVITY BUS, FIRE CREW TRANSPORT, LUXURY LIMOUSINE, OR OFF-ROAD SCENIC CHARTER IN INTRASTATE COMMERCE WITHOUT FIRST HAVING OBTAINED A PERMIT THEREFOR FROM THE COMMISSION IN ACCORDANCE WITH THIS PART 3.

(b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 3 TO THE COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION AS THE COMMISSION MAY REQUIRE.

(2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 40-10.1-112 (4), THE COMMISSION SHALL ISSUE A PERMIT TO A MOTOR CARRIER OF PASSENGERS UNDER THIS PART 3 UPON COMPLETION OF THE APPLICATION AND COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS ARTICLE.

**40-10.1-303. Livery license plates - rules.** (1) THE COMMISSION SHALL EITHER:

(a) CREATE A DOCUMENT THAT A PERSON AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS ARTICLE MAY USE TO VERIFY TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON PROVIDES SUCH SERVICE; OR

(b) CREATE A SYSTEM TO ELECTRONICALLY VERIFY TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT THAT THE PERSON IS AUTHORIZED TO PROVIDE LUXURY LIMOUSINE SERVICE UNDER THIS ARTICLE.

(2) UPON REQUEST, THE COMMISSION SHALL PROVIDE THE DOCUMENT TO THE PERSON WITH SUCH AUTHORITY OR THE ELECTRONIC VERIFICATION TO THE DEPARTMENT OF REVENUE OR ITS AUTHORIZED AGENT.

(3) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION AND TO ENFORCE SECTION 42-3-235, C.R.S.

#### PART 4 MOTOR CARRIERS OF TOWED MOTOR VEHICLES

**40-10.1-401. Permit requirements.** (1) (a) A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE AS A TOWING CARRIER IN INTRASTATE

COMMERCE WITHOUT FIRST HAVING OBTAINED A PERMIT THEREFOR FROM THE COMMISSION IN ACCORDANCE WITH THIS ARTICLE.

(b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 4 TO THE COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION AS THE COMMISSION MAY REQUIRE.

(2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS PART 4 OF A PERSON WHO HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS, BEEN CONVICTED OF, OR PLED GUILTY OR NOLO CONTENDERE TO, A FELONY.

(3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL ISSUE A PERMIT TO A TOWING CARRIER UPON COMPLETION OF THE APPLICATION, THE FILING OF PROOF OF WORKERS' COMPENSATION INSURANCE COVERAGE IN ACCORDANCE WITH THE "WORKERS' COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, C.R.S., THE FILING OF PROOF OF A SURETY BOND IN THE AMOUNT OF AT LEAST FIFTY THOUSAND DOLLARS, AND COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS ARTICLE, AND MAY ATTACH TO SUCH PERMIT AND TO THE EXERCISE OF THE RIGHTS GRANTED BY THE PERMIT SUCH RESTRICTIONS, TERMS, AND CONDITIONS, INCLUDING ALTERING THE RATES AND CHARGES OF SUCH APPLICANT, AS ARE REASONABLY DEEMED NECESSARY FOR THE PROTECTION OF THE PROPERTY OF THE PUBLIC. THE SURETY BOND MUST BE MADE PAYABLE TO THE COMMISSION AND IS FOR THE PURPOSE OF PAYING ANY CIVIL PENALTY ASSESSMENTS AGAINST THE CARRIER THAT THE CARRIER FAILS TO PAY WHEN DUE.

(b) A TOWING CARRIER THAT HELD A CURRENT AND VALID PERMIT ON THE EFFECTIVE DATE OF THIS SUBSECTION (3) MUST FILE PROOF OF WORKERS' COMPENSATION INSURANCE COVERAGE AND OF THE SURETY BOND AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) ON OR BEFORE DECEMBER 31, 2011.

## PART 5 MOTOR CARRIERS OF HOUSEHOLD GOODS

**40-10.1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSORIAL SERVICE" MEANS ANY SERVICE PERFORMED BY A MOVER THAT RESULTS IN A CHARGE TO THE SHIPPER AND IS INCIDENTAL TO THE TRANSPORTATION SERVICE, INCLUDING VALUATION COVERAGE; PREPARATION OF WRITTEN INVENTORY; EQUIPMENT, INCLUDING DOLLIES, HAND TRUCKS, PADS, BLANKETS, AND STRAPS; STORAGE, PACKING, UNPACKING, OR CRATING OF ARTICLES; HOISTING OR LOWERING; WAITING TIME; LONG CARRY, WHICH IS DEFINED AS CARRYING ARTICLES EXCESSIVE DISTANCES BETWEEN THE MOVER'S VEHICLE AND THE RESIDENCE; OVERTIME LOADING AND UNLOADING; REWEIGHING; DISASSEMBLY OR REASSEMBLY; ELEVATOR OR STAIR CARRYING; BOXING OR SERVICING OF APPLIANCES; AND FURNISHING OF PACKING OR CRATING MATERIALS. "ACCESSORIAL SERVICE" ALSO INCLUDES SERVICES NOT PERFORMED BY THE MOVER BUT BY A THIRD PARTY AT THE REQUEST OF THE SHIPPER OR MOVER IF THE CHARGES FOR SUCH SERVICES ARE TO BE PAID TO THE MOVER BY THE SHIPPER AT OR PRIOR TO THE TIME OF DELIVERY.

(2) "CONTRACT" MEANS A WRITTEN DOCUMENT, APPROVED BY THE SHIPPER IN WRITING BEFORE THE PERFORMANCE OF ANY SERVICE, THAT AUTHORIZES SERVICES FROM THE NAMED MOVER AND LISTS THE SERVICES AND ALL COSTS ASSOCIATED WITH THE TRANSPORTATION OF HOUSEHOLD GOODS AND ACCESSORIAL SERVICES TO BE PERFORMED.

(3) "ESTIMATE" MEANS A WRITTEN DOCUMENT THAT SETS FORTH THE TOTAL COST AND THE BASIS OF SUCH COSTS RELATED TO A SHIPPER'S MOVE, INCLUDING TRANSPORTATION OR ACCESSORIAL SERVICES.

(4) "STORAGE" MEANS WAREHOUSING OF THE SHIPPER'S GOODS WHILE UNDER THE CARE, CUSTODY, AND CONTROL OF THE MOVER.

**40-10.1-502. Permit requirements - issuance by ports of entry.**

(1) (a) A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE AS A MOVER IN INTRASTATE COMMERCE PURSUANT TO THIS ARTICLE, OR ADVERTISE SERVICES AS A MOVER, WITHOUT FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSION IN ACCORDANCE WITH THIS PART 5.

(b) A MOVER SHALL ANNUALLY APPLY FOR A PERMIT UNDER THIS PART 5 TO THE COMMISSION IN SUCH FORM AND WITH SUCH INFORMATION AS THE COMMISSION MAY REQUIRE.

(2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS PART

5 OR REFUSE TO RENEW THE PERMIT OF ANY MOVER BASED UPON A DETERMINATION THAT THE MOVER, OR ANY OF ITS DIRECTORS, OFFICERS, OWNERS, OR GENERAL PARTNERS HAS NOT SATISFIED A CIVIL PENALTY ARISING OUT OF ANY ADMINISTRATIVE OR ENFORCEMENT ACTION BROUGHT BY THE COMMISSION.

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL ISSUE A PERMIT TO A MOVER UPON COMPLETION OF THE APPLICATION AND COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS ARTICLE.

(4) A PERMIT IS NOT VALID FOR A MOVER TRANSACTING BUSINESS AT ANY LOCATION OTHER THAN THOSE DESIGNATED IN ITS APPLICATION UNLESS THE MOVER FIRST NOTIFIES THE COMMISSION IN WRITING OF ANY CHANGE OF LOCATION. A PERMIT ISSUED UNDER THIS SECTION IS NOT ASSIGNABLE, AND THE MOVER IS NOT PERMITTED TO CONDUCT BUSINESS UNDER MORE THAN ONE NAME EXCEPT AS SHOWN ON ITS PERMIT. A MOVER DESIRING TO CHANGE ITS NAME OR LOCATION AT A TIME OTHER THAN UPON RENEWAL OF A PERMIT SHALL NOTIFY THE COMMISSION OF SUCH CHANGE.

(5)(a) THE MOTOR CARRIER SERVICES DIVISION IN THE DEPARTMENT OF REVENUE MAY ISSUE, THROUGH A PORT OF ENTRY WEIGH STATION CREATED PURSUANT TO ARTICLE 8 OF TITLE 42, C.R.S., A TEMPORARY HOUSEHOLD GOODS MOVER PERMIT. THE TEMPORARY PERMIT IS VALID FOR FIFTEEN CONSECUTIVE DAYS AND IS NOT RENEWABLE. A MOVER OR ITS SUCCESSOR WHO HAS BEEN ISSUED A TEMPORARY PERMIT IS NOT ELIGIBLE FOR A SUBSEQUENT TEMPORARY PERMIT.

(b) A TEMPORARY PERMIT SHALL NOT BE APPROVED UNTIL THE APPLICANT:

(I) PROVIDES EVIDENCE OF FINANCIAL RESPONSIBILITY AS REQUIRED BY SECTION 40-10.1-107;

(II) SIGNS A VERIFICATION, UNDER PENALTY OF PERJURY AS SPECIFIED IN SECTION 24-4-104 (13) (a), C.R.S., THAT THE APPLICANT MEETS THE FINANCIAL RESPONSIBILITY REQUIRED BY SECTION 40-10.1-107; AND

(III) PAYS THE FEES REQUIRED BY SECTION 40-10.1-111 (1) (e) AND

(1) (f). THE MOTOR CARRIER SERVICES DIVISION IN THE DEPARTMENT OF REVENUE SHALL TRANSMIT THE FEES TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE PUBLIC UTILITIES COMMISSION MOTOR CARRIER FUND PURSUANT TO SECTION 40-10.1-111 (4).

(c) IF A MOVER APPLIED FOR AND RECEIVED A TEMPORARY PERMIT PURSUANT TO THIS SUBSECTION (5), THE MOVER IS NOT SUBJECT, DURING THE PERIOD COVERED BY THE TEMPORARY PERMIT, TO A PENALTY FOR FAILURE TO HAVE A PERMANENT PERMIT.

**40-10.1-503. Enforcement of carrier's lien.** A MOVER WITHOUT A CURRENT AND VALID PERMIT ISSUED UNDER THIS PART 5 IS NOT ENTITLED TO ACQUIRE OR ENFORCE A CARRIER'S LIEN UNDER SECTION 4-7-307 OR 4-7-308, C.R.S.

**40-10.1-504. Advertising.** (1) NO MOVER, NOR ANY OFFICER, AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE MOVER, SHALL ADVERTISE A TRANSPORTATION SERVICE IN A NAME OTHER THAN THAT IN WHICH THE MOVER'S PERMIT IS HELD.

(2) EACH ADVERTISEMENT OF A MOVER SHALL INCLUDE THE PHRASE "CO PUC PERMIT NO. \_\_\_\_" AND THE PHYSICAL ADDRESS OF THE MOVER.

**40-10.1-505. Contracts for service.** (1) AT OR BEFORE THE TIME OF COMMENCING WORK, A MOVER THAT PROVIDES ANY MOVING OR ACCESSORIAL SERVICES SHALL LEAVE WITH THE SHIPPER A CONTRACT AS SPECIFIED BY THE COMMISSION CONTAINING THE INFORMATION LISTED IN THIS SUBSECTION (1). THE CONTRACT MUST BE SIGNED AND DATED BY THE SHIPPER AND THE MOVER AND MUST INCLUDE:

(a) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS WHERE THE MOVER'S EMPLOYEES ARE AVAILABLE DURING NORMAL BUSINESS HOURS;

(b) THE DATE THE DOCUMENT IS PREPARED AND THE PROPOSED DATE OF THE MOVE;

(c) THE NAME AND ADDRESS OF THE SHIPPER, THE ADDRESSES WHERE THE GOODS ARE TO BE PICKED UP AND DELIVERED, AND A TELEPHONE NUMBER WHERE THE SHIPPER MAY BE REACHED;

(d) THE NAME, TELEPHONE NUMBER, AND PHYSICAL ADDRESS OF A LOCATION WHERE THE GOODS WILL BE HELD PENDING FURTHER TRANSPORTATION, INCLUDING SITUATIONS WHERE THE MOVER RETAINS POSSESSION OF GOODS PENDING RESOLUTION OF A FEE DISPUTE WITH THE SHIPPER;

(e) AN ITEMIZED BREAKDOWN AND DESCRIPTION OF COSTS OR RATES AND SERVICES FOR TRANSPORTATION AND ACCESSORIAL SERVICES TO BE PROVIDED DURING A MOVE OR STORAGE OF HOUSEHOLD GOODS;

(f) ACCEPTABLE FORMS OF PAYMENT. A MOVER SHALL ACCEPT A MINIMUM OF TWO OF THE FOLLOWING FOUR FORMS OF PAYMENT:

(I) CASH;

(II) CASHIER'S CHECK, MONEY ORDER, OR TRAVELER'S CHECK;

(III) A VALID PERSONAL CHECK, SHOWING UPON ITS FACE THE NAME AND ADDRESS OF THE SHIPPER OR AUTHORIZED REPRESENTATIVE; OR

(IV) A VALID CREDIT CARD.

(g) ANY OTHER ITEMS AS DESIGNATED BY THE RULES OF THE COMMISSION.

(2) A MOVER SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE TO THE SHIPPER IN THE CONTRACT THE FORMS OF PAYMENTS THE MOVER WILL ACCEPT FROM THOSE CATEGORIES DESCRIBED IN PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION.

(3) EACH CONTRACT MUST INCLUDE THE PHRASE "(NAME OF MOVER) IS PERMITTED WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO AS A MOVER. PERMIT NO. \_\_\_\_."

(4) AT OR BEFORE THE TIME OF COMMENCING WORK, THE MOVER SHALL LEAVE WITH THE SHIPPER A CONSUMER ADVISEMENT. THE MOVER SHALL RETAIN A COPY OF THE CONSUMER ADVISEMENT, SIGNED AND DATED BY THE SHIPPER, FOR AT LEAST THREE YEARS AND SHALL MAKE THE COPY AVAILABLE TO THE COMMISSION UPON REQUEST. THE CONSUMER ADVISEMENT SHALL BE IN SUBSTANTIALLY THE FOLLOWING FORM:

## CONSUMER ADVISEMENT

INTRASTATE MOVERS IN COLORADO ARE REGULATED BY THE COLORADO PUBLIC UTILITIES COMMISSION (PUC). EACH MOVER SHOULD HAVE A PUC PERMIT NUMBER. YOU ARE ENCOURAGED TO CONTACT THE PUC TO CONFIRM THAT THE MOVER YOU ARE USING IS INDEED PERMITTED IN COLORADO.

A MOVER THAT IS NOT PERMITTED MAY *NOT* WITHHOLD ANY OF YOUR PROPERTY TO ENFORCE PAYMENT OF MONEY DUE UNDER THE CONTRACT ("CARRIER'S LIEN").

A MOVER MUST INCLUDE ITS PUC PERMIT NUMBER, TRUE NAME, AND PHYSICAL (STREET) ADDRESS IN ALL ADVERTISEMENTS.

YOU SHOULD BE AWARE THAT THE TOTAL PRICE OF ANY HOUSEHOLD MOVE CAN CHANGE, BASED ON A NUMBER OF FACTORS THAT MAY INCLUDE AT LEAST THE FOLLOWING:

- ! ADDITIONAL SERVICES YOU REQUEST AT THE TIME OF THE MOVE;
- ! ADDITIONAL ITEMS TO BE MOVED THAT WERE NOT INCLUDED IN THE MOVER'S ORIGINAL ESTIMATE;
- ! CHANGES TO THE LOCATION OR ACCESSIBILITY OF BUILDING ENTRANCES, AT EITHER END OF THE MOVE, THAT WERE NOT INCLUDED IN THE MOVER'S ORIGINAL ESTIMATE; AND
- ! CHANGES TO THE PREVIOUSLY AGREED DATE OF PICKUP OR DELIVERY.

YOU SHOULD ALSO BE AWARE THAT, IN CASE OF A DISPUTE BETWEEN YOU AND THE MOVER, COLORADO HAS AN ARBITRATION PROCESS AVAILABLE TO RESOLVE THE DISPUTE WITHOUT GOING TO COURT.

IF YOU HAVE ANY QUESTIONS, YOU ARE ENCOURAGED TO CALL THE PUC FOR GUIDANCE ON YOUR RIGHTS AND OBLIGATIONS.

I ACKNOWLEDGE THAT I HAVE BEEN GIVEN A COPY OF THIS CONSUMER ADVISEMENT TO KEEP FOR MY RECORDS.

SIGNED \_\_\_\_\_ (SHIPPER).

**40-10.1-506. Delivery and storage of household goods.** (1) A MOVER SHALL RELINQUISH HOUSEHOLD GOODS TO A SHIPPER AND SHALL PLACE THE GOODS INSIDE A SHIPPER'S DWELLING UNLESS THE SHIPPER HAS NOT TENDERED PAYMENT IN THE AMOUNT SPECIFIED IN A CONTRACT SIGNED AND DATED BY THE SHIPPER. A 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.

(2) A MOVER SHALL NOT REFUSE TO RELINQUISH HOUSEHOLD GOODS TO A SHIPPER OR FAIL TO PLACE THE GOODS INSIDE A SHIPPER'S DWELLING BASED ON THE MOVER'S REFUSAL TO ACCEPT AN ACCEPTABLE FORM OF PAYMENT.

(3) A MOVER THAT LAWFULLY REFUSES TO RELINQUISH A SHIPPER'S HOUSEHOLD GOODS MAY PLACE THE GOODS IN STORAGE UNTIL PAYMENT IS TENDERED; HOWEVER, THE MOVER SHALL NOTIFY THE SHIPPER OF THE LOCATION WHERE THE GOODS ARE STORED AND THE AMOUNT DUE WITHIN FIVE DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR THAT INFORMATION FROM THE SHIPPER, WHICH REQUEST SHALL INCLUDE THE ADDRESS WHERE THE SHIPPER MAY RECEIVE THE NOTICE. A MOVER SHALL NOT REQUIRE A PROSPECTIVE SHIPPER TO WAIVE ANY RIGHTS OR REQUIREMENTS UNDER THIS SECTION.

**40-10.1-507. Binding arbitration.** IN THE EVENT OF A DISPUTE BETWEEN A MOVER AND A SHIPPER CONCERNING THE AMOUNT CHARGED FOR SERVICES OR CONCERNING LOST OR DAMAGED GOODS, THE MOVER SHALL OFFER THE SHIPPER THE OPPORTUNITY TO PARTICIPATE IN BINDING ARBITRATION UNDER THE UNIFORM RULES FOR BETTER BUSINESS BUREAU BINDING ARBITRATION OR A SUBSTANTIALLY SIMILAR BINDING ARBITRATION PROCESS PROMULGATED BY THE COUNCIL OF BETTER BUSINESS BUREAUS,

INCORPORATED, OR ITS SUCCESSOR ORGANIZATION. IF THE SHIPPER ACCEPTS THE OFFER TO ARBITRATE, THE MOVER SHALL PARTICIPATE IN GOOD FAITH IN THE ARBITRATION PROCESS AND SHALL AGREE TO BE BOUND BY THE ARBITRATOR'S AWARD.

**SECTION 2. Repeal.** Articles 10, 11, 13, 14, and 16 of title 40, Colorado Revised Statutes, are repealed.

**SECTION 3. Repeal.** 40-2-116, 40-6-120, and 40-7-114, Colorado Revised Statutes, are repealed.

**SECTION 4.** 4-7-307 (d), Colorado Revised Statutes, is amended to read:

**4-7-307. Lien of carrier.** (d) A mover, as defined in section ~~40-14-103~~ 40-10.1-101, C.R.S., that does not have a current and valid ~~registration~~ PERMIT ISSUED under ~~article 14~~ PART 5 OF ARTICLE 10.1 of title 40, C.R.S., does not have a lien under this section. A mover that acquires a lien under this section and whose ~~registration~~ PERMIT lapses or is revoked during the pendency of the lien loses its lien.

**SECTION 5.** The introductory portion to 8-70-140.5 (1), Colorado Revised Statutes, is amended to read:

**8-70-140.5. Employment does not include - drivers of taxis or limousines.** (1) "Employment" does not include services performed by an individual who is working as a driver under a lease or contract with a taxi or limousine motor common carrier ~~which~~ THAT holds a certificate pursuant to ~~article 10~~ 10.1 of title 40, C.R.S. Any such lease or contract may contain the following provisions:

**SECTION 6.** 10-4-624 (3), Colorado Revised Statutes, is amended to read:

**10-4-624. Self-insurers.** (3) For purposes of subsection (2) of this section, the commissioner shall accept, as proof that a motor ~~vehicle~~ carrier ~~or contract carrier by motor vehicle~~, as defined in ~~articles 10 and 11~~ ARTICLE 10.1 of title 40, C.R.S., is able and will continue to be able to pay all judgments that might be obtained against the carrier, a surety bond in a form acceptable to the commissioner in an amount determined by the

commissioner sufficient to ensure that the carrier has the ability to pay all judgments that may be obtained against any such carrier.

**SECTION 7.** 12-47-901 (1) (h) (II), Colorado Revised Statutes, is amended to read:

**12-47-901. Unlawful acts - exceptions.** (1) Except as provided in section 18-13-122, C.R.S., it is unlawful for any person:

(h) (II) Notwithstanding subparagraph (I) of this paragraph (h), it ~~shall~~ IS NOT BE UNLAWFUL for a person who is at least twenty-one years of age to consume malt, vinous, or spirituous liquors while ~~such~~ THE person is a passenger aboard a luxury limousine ~~as defined in section 40-16-101 (3), C.R.S.,~~ or a charter ~~or scenic~~ bus, as THOSE TERMS ARE defined in section ~~40-16-101(1.3)~~ 40-10.1-301, C.R.S. Nothing in this subparagraph (II) ~~shall be construed to authorize~~ AUTHORIZES an owner or operator of a luxury limousine or charter ~~or scenic~~ bus to sell or distribute malt, vinous, or spirituous liquors without obtaining a public transportation system license pursuant to section 12-47-419.

**SECTION 8.** 24-33.5-203 (1) (b), Colorado Revised Statutes, is amended to read:

**24-33.5-203. Duties of executive director and patrol.** (1) (b) Except as otherwise provided in ~~sections 40-16-105 (1) and 40-14-105 (1)~~ SECTION 40-10.1-108 (1), C.R.S., the executive director has the duty to establish, for ~~movers and motor vehicle carriers not subject to economic regulation by the Colorado public utilities commission~~ MOTOR CARRIERS AS DEFINED IN SECTION 42-4-235, C.R.S., reasonable requirements to promote safety of operation and, to that end, to prescribe qualifications and maximum hours of service of employees and minimum standards of equipment and for the operation ~~thereof~~ OF COMMERCIAL VEHICLES AS DEFINED IN SECTION 42-4-235, C.R.S. For the purpose of carrying out the provisions of this section pertaining to safety, the executive director may enlist the assistance of any agency of the United States or of this state having special knowledge of any ~~such~~ matter as may be necessary to promote the safety of operation and equipment of motor vehicles as provided in this section. In adopting such rules, the executive director shall use as general guidelines the standards contained in the current rules of the United States department of transportation relating to explosives and other

dangerous articles, safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, recording and reporting of accidents, hours of service of drivers, and inspection and maintenance of motor vehicles. The state patrol shall enforce or aid in enforcing all of such rules.

**SECTION 9.** 24-33.5-212 (1) (a) (I), Colorado Revised Statutes, is amended to read:

**24-33.5-212. Powers and duties of officers.** (1) All officers of the Colorado state patrol have all the powers of any peace officer to:

(a) (I) Make arrest upon view and with or without warrant for any violation of ~~the provisions of~~ any law of this state regulating the operation of vehicles and use of the highways or concerning motor vehicle registration; motor fuel tax laws; public utility laws, rules, and regulations, insofar as they pertain to motor ~~vehicle~~ carriers AS DEFINED IN SECTION 42-4-235, C.R.S.; the inspection laws of this state; and any criminal law of this state if, during an officer's exercise of powers or performance of duties under this section, probable cause is established that a violation of said criminal law has occurred;

**SECTION 10.** 31-15-402 (3), Colorado Revised Statutes, is amended to read:

**31-15-402. Liability for violation of nuisance ordinance.** (3) If the abatement of a nuisance pursuant to this section requires the removal of a motor vehicle from the property, the property owner may abate the nuisance only by hiring a towing carrier, as defined in section ~~40-13-101(3)~~ 40-10.1-101, C.R.S., to take the vehicle to a lot for storage under appropriate protection.

**SECTION 11.** 40-1-102 (3) (a) (I) and (3) (b), Colorado Revised Statutes, are amended to read:

**40-1-102. Definitions.** As used in articles 1 to 7 of this title, unless the context otherwise requires:

(3) (a) "Common carrier" means:

(I) Every person directly or indirectly affording a means of

transportation, or any service or facility in connection therewith, within this state by motor vehicle aircraft, or other vehicle whatever by indiscriminately accepting and carrying PASSENGERS for compensation; passengers between fixed points or over established routes or otherwise and includes lessees, trustees, or receivers thereof, whether appointed by a court or otherwise; and

(b) "Common carrier" does not include a ~~ridesharing arrangement, as defined in section 39-22-509 (1) (a) (II), C.R.S., or a motor vehicle carrier exempt from regulation as a public utility, as defined in section 40-16-101 (4)~~ MOTOR CARRIER THAT PROVIDES TRANSPORTATION NOT SUBJECT TO REGULATION PURSUANT TO SECTION 40-10.1-105 OR THAT IS SUBJECT TO PART 3, 4, OR 5 OF ARTICLE 10.1 OF THIS TITLE.

**SECTION 12.** 40-1-103 (3), Colorado Revised Statutes, is amended to read:

**40-1-103. Public utility defined.** (3) For the purposes of articles 1 to 7 of this title, ~~operators of amusement rides, as defined in section 40-10-101 (3), and A motor vehicle carriers exempt from regulation as public utilities, as defined in section 40-16-101 (4), are~~ CARRIER THAT PROVIDES TRANSPORTATION NOT SUBJECT TO REGULATION PURSUANT TO SECTION 40-10.1-105 OR THAT IS SUBJECT TO PART 3, 4, OR 5 OF ARTICLE 10.1 OF THIS TITLE IS not considered to be A public utilities UTILITY.

**SECTION 13.** The introductory portion to 40-1.1-104 (1) and 40-1.1-104 (1) (b), (1) (c), and (1) (d), Colorado Revised Statutes, are amended to read:

**40-1.1-104. Inapplicable laws and regulations.** (1) People service transportation and volunteer transportation shall not be considered transportation for compensation, commercial transportation, or any form of carrier. Thus, the following laws and regulations shall DO not apply to motor vehicles while being used for the purpose of people service transportation or volunteer transportation:

(b) Article ~~10~~ 10.1 of this title, concerning motor ~~vehicle~~ carriers;  
AND

(c) ~~Article 11 of this title, concerning contract carriers by motor~~

vehicle;

(d) ~~Article 13 of this title, concerning towing carriers;~~

**SECTION 14.** 40-2-109, Colorado Revised Statutes, is amended to read:

**40-2-109. Report to executive director of the department of revenue.** On March 1 of each year, the public utilities commission shall furnish the executive director of the department of revenue with a list of those public utilities subject to its jurisdiction, supervision, and regulation on January 1 of each year, excepting those motor ~~vehicle~~ carriers subject to the passenger-mile tax imposed by ~~the provisions of~~ sections 42-3-304 to 42-3-306, C.R.S., but only so long as the cost of regulation of such motor ~~vehicle~~ carriers is defrayed from the proceeds of such passenger-mile tax.

**SECTION 15.** 40-2-110.5 (1), (4), (5), and (8), Colorado Revised Statutes, are amended to read:

**40-2-110.5. Annual fees - motor carriers - public utilities commission motor carrier fund - created.** (1) ~~Every motor vehicle carrier that has been issued a certificate pursuant to section 40-10-104, every contract carrier by motor vehicle that has been issued a permit pursuant to section 40-11-103, every towing carrier that has been issued a permit pursuant to section 40-13-103, every mover that has registered pursuant to section 40-14-103, and every motor vehicle carrier exempt from regulation as a public utility shall pay an annual identification fee, set administratively by the commission, for each motor vehicle such carrier owns, controls, operates, or manages. Fees shall be set based upon the appropriation made for the purposes specified in section 40-2-110 (2) (a) (I), subject to the approval of the executive director of the department of regulatory agencies, such that the revenue generated from all motor vehicle carrier fees approximates the direct and indirect costs of the commission in the supervision and regulation of motor carriers. Such fees shall be valid from January 1 to December 31 of each year and shall be valid only for those specific vehicles for which the fee has been paid.~~

(4) ~~No such carriers shall use any motor vehicle for the transportation of persons or property for compensation on any public highway in this state unless the annual fees required by subsection (1) of~~

~~this section have been paid. In lieu of the penalty provisions specified in section 40-7-105, every motor vehicle carrier who violates the provisions of this section is subject to the penalties set forth in section 40-10-113 and every contract carrier by motor vehicle who violates the provisions of this section is subject to the penalties set forth in section 40-11-111.~~

~~(5) All fees collected under this section shall be transmitted to the state treasurer, who shall credit the same to the public utilities commission motor carrier fund.~~

(8) Notwithstanding the amount specified for any fee in this section 40-10.1-111, the commission by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the commission by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

**SECTION 16.** 40-7-101, Colorado Revised Statutes, is amended to read:

**40-7-101. Enforcement of laws.** It is the duty of the commission to see that ~~the provisions of the constitution and statutes of this state affecting public utilities, AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5 OF THIS TITLE, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed and that violations thereof are promptly prosecuted and penalties due the state therefor ARE recovered and collected, and to this end it may sue in the name of the people of the state of Colorado. Upon the request of the commission, it is the duty of the attorney general or the district attorney acting for the proper county or city and county to~~ SHALL aid in any investigation, hearing, or trial had under ~~the provisions of articles 1 to 7 of this title and to~~ institute and prosecute actions or proceedings for the enforcement of ~~the provisions of the constitution and statutes of this state affecting public utilities AND PERSONS SUBJECT TO ARTICLE 10.1 OR 10.5 OF THIS TITLE and for the punishment of all violations thereof.~~

**SECTION 17.** 40-7-112, Colorado Revised Statutes, is amended to

read:

**40-7-112. Applicability of civil penalties.** (1) A person who operates OR OFFERS TO OPERATE as a motor ~~vehicle~~ carrier as defined in section ~~40-10-101 (4) (a); a contract carrier by motor vehicle as defined in section 40-11-101 (3); a towing carrier as defined in section 40-13-101 (3); a mover as defined in section 40-14-102 (9); a motor vehicle carrier exempt from regulation as a public utility as defined in section 40-16-101~~ 40-10.1-101; or a motor carrier, motor private carrier, broker, freight forwarder, leasing company, or other person required to register under section 40-10.5-102 ~~shall be~~ IS subject to civil penalties as provided in this section and sections 40-7-113 to 40-7-116, which shall be paid and credited to the general fund, in addition to any other sanctions that may be imposed pursuant to law.

(2) SUBSECTIONS (3) TO (5) OF THIS SECTION AND the civil penalties provided in ~~sections 40-7-113 and 40-7-114 shall~~ SECTION 40-7-113 DO not apply to persons transporting nuclear materials who commit violations of section 42-20-406 (3), 42-20-407, or 42-20-505, C.R.S., or to persons transporting hazardous materials who commit violations of section 42-20-204, C.R.S.

(3) AN OWNER OR OTHER PERSON ALLOWING A DRIVER TO OPERATE A MOTOR VEHICLE UPON A HIGHWAY IN VIOLATION OF A STATUTE OR RULE FOR WHICH A CIVIL PENALTY MAY BE IMPOSED UNDER SECTION 40-7-113 (1) IS SUBJECT TO THE CIVIL PENALTIES PROVIDED IN SECTION 40-7-113 IF HE OR SHE KNOWS OR HAS REASON TO KNOW THAT THE DRIVER IS ENGAGED IN A VIOLATION.

(4) AN OWNER OR OTHER PERSON WHO DIRECTS A DRIVER TO OPERATE A MOTOR VEHICLE UPON A HIGHWAY IN VIOLATION OF A STATUTE OR RULE FOR WHICH A CIVIL PENALTY MAY BE IMPOSED UNDER SECTION 40-7-113 (1) IS SUBJECT TO THE CIVIL PENALTIES PROVIDED IN SECTION 40-7-113.

(5) ANY CIVIL PENALTY ASSESSED AGAINST AN OWNER OR OTHER PERSON PURSUANT TO SUBSECTION (3) OR (4) OF THIS SECTION IS IN ADDITION TO, AND NOT IN LIEU OF, ANY CIVIL PENALTY AGAINST THE ACTUAL DRIVER OF THE VEHICLE, AND ANY SUCH PENALTY MAY BE ASSESSED UPON THE INITIAL VIOLATION BY THE PERSON.

**SECTION 18.** 40-7-113, Colorado Revised Statutes, is amended to read:

**40-7-113. Civil penalties - fines.** (1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of this section, any person who violates ~~any provision of article 10, 10.5, 11, 13, 14, or 16~~ 10.1 OR 10.5 of this title or any rule promulgated by the commission pursuant to such articles, which ~~provision~~ ARTICLE or rule is applicable to ~~such~~ THE person, may be subject to fines as specified in the following paragraphs:

(a) Any person who fails to carry the insurance required by law may be assessed a civil penalty of not more than eleven thousand dollars.

(b) Any person who ~~operates a motor vehicle for hire as a common carrier without first having obtained a certificate of public convenience and necessity from the commission as required by~~ VIOLATES section ~~40-10-104~~ 40-10.1-201 (1), 40-10.1-202 (1) (a), 40-10.1-302 (1) (a), 40-10.1-401 (1) (a), OR 40-10.1-502 (1) (a) may be assessed a civil penalty of not more than one thousand one hundred dollars.

(c) ~~Any person who operates a motor vehicle for hire as a contract carrier without first having obtained a permit from the commission as required by section 40-11-103~~ may be assessed a civil penalty of not more than one thousand one hundred dollars.

(d) ~~Any person who operates a motor vehicle for hire as a towing carrier without first having obtained a permit from the commission as required by section 40-13-103~~ may be assessed a civil penalty of not more than one thousand one hundred dollars.

(e) ~~Any~~ A person subject to section ~~40-2-110.5~~ 40-10.1-111 who operates a motor vehicle without having paid the annual identification fee for any motor vehicle ~~so~~ operated as required by section ~~40-2-110.5~~ 40-10.1-111 may be assessed a civil penalty of not more than four hundred dollars.

(f) ~~Any person who operates a charter or scenic bus as defined in section 40-16-101, a children's activity bus as defined in section 40-16-101, a luxury limousine as defined in section 40-16-101, or an off-road scenic~~

~~charter as defined in section 40-16-101 without having first registered with the commission as required by section 40-16-103 may be assessed a civil penalty of not more than one thousand one hundred dollars.~~

~~(f.5) Any person who operates as a mover as defined in section 40-14-102 (9) without having first registered with the commission as required by section 40-14-103 may be assessed a civil penalty of not more than one thousand one hundred dollars.~~

~~(g) Any A person who operates a motor vehicle as defined in section 40-10-101 (3) or 40-11-101 (4) who intentionally violates any provision of articles 10, 11, 13, 14, and 16 ARTICLE 10.1 OR 10.5 of this title not enumerated in paragraphs PARAGRAPH (a), to (f.5) (b), OR (e) of this subsection (1), any rule promulgated by the commission pursuant to this title, or any safety rule adopted by the department of public safety relating to towing MOTOR carriers AS DEFINED IN SECTION 40-10.1-101 may be assessed a civil penalty of not more than one thousand one hundred dollars; EXCEPT THAT any person who violates any A safety rule promulgated by the commission shall be IS subject to the civil penalties authorized pursuant to 49 CFR 386, subpart G, AND ASSOCIATED APPENDICES TO PART 386, as such subpart existed on October 1, 2001 2010.~~

~~(h) Any person who intentionally violates any provision of article 10.5 of this title not enumerated in paragraphs (a) to (g) of this subsection (1) or any rule promulgated by the commission pursuant to this title shall be assessed a civil penalty of not more than one thousand one hundred dollars.~~

~~(2) The COMMISSION SHALL SET THE amount of the civil penalties to be assessed pursuant to subsection (1) of this section shall be set in rules. and regulations promulgated by the commission.~~

~~(3) If any A person receives a second civil penalty assessment for a violation of the provisions of subsection (1) of this section within one year after the first violation, the civil penalty assessed for such THE second violation may be two times the amount specified by rule and regulation for such THE violation.~~

~~(4) If any A person receives more than two civil penalty assessments for violation of the provisions of subsection (1) of this section within one year, the civil penalty assessed for each such subsequent violation may be~~

three times the amount specified by rule ~~and regulation~~ for ~~such~~ THE violation.

(5) (a) ~~Any~~ A person who fails to pay in full all civil penalties for a second or subsequent violation assessed by commission order pursuant to this section, subject to ~~all applicable provisions of~~ article 4 of title 24, C.R.S., within thirty days ~~of~~ AFTER the due date established by ~~such~~ THE order may be subject to have his or her vehicle registration cancelled by the department of revenue as specified in section 42-3-120 (4), C.R.S. Registration of any vehicles owned by ~~such~~ THE person for which the penalty was assessed may be denied until all penalties are paid or collected. Upon written notice from the commission, the department of revenue shall cancel ~~such~~ THE registration as specified in section 42-3-120 (4), C.R.S.

(b) THIS SUBSECTION (5) APPLIES TO ALL VEHICLES, REGARDLESS OF WHEN PURCHASED, ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b).

**SECTION 19.** 40-7-115, Colorado Revised Statutes, is amended to read:

**40-7-115. Each day a separate offense.** Each day in which a person violates any statute, rule, or order of the commission for which a civil penalty may be imposed under section 40-7-113 OR 40-7-113.5 ~~or~~ 40-7-114 may constitute a separate offense.

**SECTION 20.** 40-7-116 (1), Colorado Revised Statutes, is amended to read:

**40-7-116. Enforcement of civil penalties against carriers.**

(1) (a) Investigative personnel of the commission and personnel of the ports of entry and the Colorado state patrol ~~shall~~ have the authority to issue civil penalty assessments for the violations enumerated in sections 40-7-112 AND 40-7-113. ~~and 40-7-114.~~ When a person is cited for ~~such~~ THE violation, the person operating the motor vehicle involved shall be given notice of ~~such~~ THE violation in the form of a civil penalty assessment notice.

(b) ~~Such~~ THE notice shall be tendered by the enforcement official, either in person or by certified mail, or by personal service by ~~any~~ A person authorized to serve process under rule 4(d) of the Colorado rules of civil

procedure, and shall contain:

- (I) The name and address of the person cited for the violation;
- (II) A citation to the specific statute or rule alleged to have been violated;
- (III) A brief description of the alleged violation, the date and approximate location of the alleged violation, AND the maximum penalty amounts prescribed for the violation;
- (IV) The date of the notice;
- (V) A place for ~~such~~ THE person to execute a signed acknowledgment of receipt of the civil penalty assessment notice;
- (VI) A place for ~~such~~ THE person to execute a signed acknowledgment of liability for the violation; and
- (VII) Such other information as may be required by law to constitute notice of a complaint to appear for hearing if the prescribed penalty is not paid within ten days.

(c) ~~Every~~ A cited person shall execute the signed acknowledgment of receipt of the civil penalty assessment notice. The acknowledgment of liability shall be executed at the time the person cited pays the prescribed penalty. The person cited shall pay the civil penalty specified for the violation involved at the office of the commission, either in person or by depositing ~~such~~ THE payment postpaid in the United States mail within ten days ~~of~~ AFTER the issuance of the citation.

(d) (I) If the person cited does not pay the prescribed penalty within ten days after the issuance of the notice, the civil penalty assessment notice ~~shall constitute~~ CONSTITUTES a complaint to appear before the commission. The person cited shall contact the commission on or before the time and date specified in the notice to set the complaint for a hearing on the merits in accordance with section 40-6-109. If the person cited fails to contact the commission on or before the time and date specified, the commission shall set the complaint for hearing.

(II) At ~~such~~ THE hearing, the commission ~~shall have~~ HAS the burden of demonstrating a violation by a preponderance of the evidence.

**SECTION 21.** 40-11.5-101, Colorado Revised Statutes, is amended to read:

**40-11.5-101. Independent contractors - motor carriers.** Notwithstanding ~~any provision in article 10 or article 11~~ 10.1 of this title, ~~motor vehicle~~ COMMON carriers and contract ~~motor~~ carriers may use independent contractors.

**SECTION 22.** 42-3-120 (3) (a) and (4), Colorado Revised Statutes, are amended to read:

**42-3-120. Department may cancel or deny registration.**  
(3) (a) Upon receiving written notice from the Colorado state patrol that a motor carrier has failed to timely pay civil penalties imposed in accordance with section 42-4-235 (2), the department shall cancel the registration of any vehicle that is owned by the carrier and shall deny the registration of any vehicle that is owned by the carrier until the department receives notice FROM THE COLORADO STATE PATROL that the penalty has been paid in full.

(4) (a) Upon receiving written notice from the public utilities commission that a person has failed to timely pay civil penalties imposed in accordance with section 40-7-113, the department shall cancel the registration of any vehicle that is owned by the person for which the penalty was assessed and shall deny the registration of any such vehicle until the department receives written notice FROM THE PUBLIC UTILITIES COMMISSION that the penalty has been paid in full.

(b) ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THIS SUBSECTION (4) APPLIES TO ALL VEHICLES REGARDLESS OF WHEN THE VEHICLES WERE PURCHASED.

**SECTION 23.** 42-3-235 (2) (a), (2) (b), and (5), Colorado Revised Statutes, are amended to read:

**42-3-235. Livery license plates - luxury limousines - repeal.**  
(2) (a) Except as provided in paragraph (b) of this subsection (2), a person providing luxury limousine service under article ~~16~~ 10.1 of title 40, C.R.S.,

shall register the motor vehicle used for such purposes pursuant to this article and display livery license plates on the vehicle. Upon ~~such~~ registration, the department shall issue livery license plates for the vehicles in accordance with this section. The department shall not issue a livery license plate unless the person either submits a verification document issued pursuant to section ~~40-16-111~~ 40-10.1-303, C.R.S., or the public utilities commission electronically verifies the authorization to provide luxury limousine service under section ~~40-16-111~~ 40-10.1-303, C.R.S.

(b) A person providing luxury limousine service under article ~~16~~ 10.1 of title 40, C.R.S., may provide such services without registering the motor vehicle or using livery license plates if the motor vehicle is rented, but the person shall not provide such services using a rented motor vehicle for more than thirty days.

(5) If the person who owns the motor vehicle with livery plates is not the same person under whose authority the motor vehicle operates pursuant to article ~~16~~ 10.1 of title 40, C.R.S., the person with such authority may request that the department of revenue require the plate to be replaced. Upon ~~such~~ a request being made, the department shall require the owner to return the livery license plate and be issued a new license plate.

**SECTION 24.** 42-3-304 (12), Colorado Revised Statutes, is amended to read:

**42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - repeal.** (12) An owner or operator that desires to make an occasional trip into this state with a truck, truck tractor, trailer, or semitrailer that is registered in another state shall obtain a permit from the public utilities commission as provided in ~~sections 40-10-104 and 40-11-103~~ ARTICLE 10.1 OF TITLE 40, C.R.S. This subsection (12) ~~shall~~ DOES not apply to the vehicles of a public utility that are temporarily in this state to assist in the construction, installation, or restoration of utility facilities used in serving the public.

**SECTION 25.** 42-3-306 (11) (b), Colorado Revised Statutes, is amended to read:

**42-3-306. Registration fees - passenger and passenger-mile taxes - fee schedule.** (11) (b) The owner or operator of a passenger bus that is

registered in another state and that is used to make an occasional trip into this state need not obtain a permit from the public utilities commission as provided in ~~sections 40-10-104 and 40-11-103~~ ARTICLE 10.1 OF TITLE 40, C.R.S., but may instead apply to the department for the issuance of a trip permit and shall pay to the department for the issuance of such trip permit a fee of twenty-five dollars or the amount of passenger-mile tax becoming due and payable under paragraph (a) of this subsection (11) by reason of such trip, whichever amount is greater. The fee or passenger-mile tax shall be credited to the highway users tax fund created in section 43-4-201, C.R.S., as required by section 43-4-203 (1) (c), C.R.S., and allocated and expended as specified in section 43-4-205 (5.5) (d), C.R.S.

**SECTION 26.** 42-4-235 (4), Colorado Revised Statutes, is amended to read:

**42-4-235. Minimum standards for commercial vehicles - rules - repeal.** (4) (a) The department shall adopt rules for the operation of all commercial vehicles. In adopting such rules, the department shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair and maintenance of motor vehicles, financial responsibility, insurance, and employee safety and health standards; EXCEPT THAT RULES REGARDING FINANCIAL RESPONSIBILITY AND INSURANCE DO NOT APPLY TO A COMMERCIAL VEHICLE AS DEFINED IN SUBSECTION (1) OF THIS SECTION THAT IS ALSO SUBJECT TO REGULATION BY THE PUBLIC UTILITIES COMMISSION UNDER ARTICLE 10.1 OF TITLE 40, C.R.S. On and after September 1, 2003, all commercial vehicle safety inspections conducted to determine compliance with rules promulgated by the department pursuant to this paragraph (a) shall be performed by an enforcement official, as defined in section 42-20-103 (2), who has been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

(b) The Colorado public utilities commission may enforce safety rules of the department governing commercial vehicles described in ~~subparagraph (H)~~ SUBPARAGRAPHS (I) AND (II) of paragraph (a) of subsection (1) of this section pursuant to its authority to regulate ~~towing~~ MOTOR carriers AS DEFINED IN SECTION 40-10.1-101, C.R.S., including

without limitation the issuance of civil penalties for violations of such THE rules as provided in section 40-7-113, C.R.S.

**SECTION 27.** The introductory portion to 42-4-236 (3) and 42-4-236 (3) (f), Colorado Revised Statutes, are amended to read:

**42-4-236. Child restraint systems required - definitions - exemptions - repeal.** (3) Except as provided in section 42-2-105.5 (4), ~~the requirements of subsection (2) of this section shall~~ DOES not apply to a child who:

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a ~~motor vehicle~~ COMMON carrier as defined in section ~~40-10-101(4)(a); C.R.S.~~, OR a contract carrier ~~by motor vehicle~~ as THOSE TERMS ARE defined in section ~~40-11-101(3)~~ 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in section ~~40-16-101(3.3)~~ 40-10.1-301, C.R.S.

**SECTION 28.** 42-7-510 (1), Colorado Revised Statutes, is amended to read:

**42-7-510. Insurance or bond required.** (1) ~~Every~~ AN owner of a truck that is subject to the registration fee imposed pursuant to section 42-3-306 (5) (b) or (7) and that is not subject to article ~~10, 11, 13, 14, or 16~~ 10.1 of title 40, C.R.S., before operating or permitting the operation of ~~such~~ THE vehicle upon ~~any~~ A public highway in this state, shall have in each ~~such~~ vehicle a motor vehicle liability policy or a certificate evidencing ~~such~~ THE policy issued by an insurance carrier or insurer authorized to do business in Colorado, or a copy of a valid certificate of self-insurance issued pursuant to section 10-4-624, C.R.S., or a surety bond issued by a company authorized to do a surety business in Colorado in the sum of fifty thousand dollars for damages to property of others; the sum of one hundred thousand dollars for damages for or on account of bodily injury or death of one person as a result of any one accident; and, subject to such limit as to one person, the sum of three hundred thousand dollars for or on account of bodily injury to or death of all persons as a result of any one accident.

**SECTION 29. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August

10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

---

Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

Attachment D  
Decision No. C11-0838  
DOCKET NO. 11R-638TR  
Page 1 of 3



SENATE BILL 11-180

BY SENATOR(S) Tochtrop, Aguilar, Boyd, Brophy, Cadman, Foster, Guzman, Jahn, King S., Kopp, Lundberg, White, Williams S.; also REPRESENTATIVE(S) Looper, Brown, Casso, Fields, Kagan, Kerr J., Labuda, Priola, Schafer S., Scott, Sonnenberg, Tyler.

CONCERNING AUTHORITY FOR TAXICABS TO PICK UP PASSENGERS OUTSIDE THEIR ASSIGNED GEOGRAPHIC AREAS.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 40-10-105 (2) (d) (I), Colorado Revised Statutes, is amended to read:

**40-10-105. Rules for issuance of certificates - standing to protest - judicial review.** (2) (d) (I) (A) The holder of a certificate of public convenience and necessity that contains authority to operate as a taxicab between points in the city and county of Denver shall also be deemed to hold taxicab authority from points in the city and county of Denver to all points in the state of Colorado.

(B) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY THAT CONTAINS AUTHORITY TO OPERATE AS A TAXICAB BETWEEN

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

POINTS WITHIN THE STATE OF COLORADO SHALL ALSO BE DEEMED TO HOLD TAXICAB AUTHORITY TO PICK UP PASSENGERS FROM ANY POINT IN THE STATE OF COLORADO AND TRANSPORT THE PASSENGERS BACK TO THE CERTIFICATE HOLDER'S AUTHORIZED AREA WHEN THE CERTIFICATE HOLDER HAS DROPPED OFF PASSENGERS IN CLOSE PROXIMITY TO THAT POINT. THE PROVISIONS OF THIS SUB-SUBPARAGRAPH (B) DO NOT APPLY WHEN A TAXICAB DROPS OFF A PASSENGER AT ANY AIRPORT IN THIS STATE.

**SECTION 2. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

---

Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

---

Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi L. Markwell  
SECRETARY OF  
THE SENATE

---

Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO