

(Decision No. C93-519)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED)	
RULES REGARDING CIVIL)	DOCKET NO. 93R-689
PENALTIES FOR CARRIERS, 4 CCR)	
723-22)	NOTICE OF ADOPTION

- - - - -
Date of adoption: May 12, 1993
- - - - -

NOTICE OF ADOPTION OF RULES

The Colorado Public Utilities Commission adopted the rules appended to this Notice of Adoption at its Open Meeting of May 12, 1993.

ADOPTED IN OPEN MEETING May 12, 1993.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Bruce N. Smith

BRUCE N. SMITH
Executive Secretary

(Decision No. C93-519-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE PROPOSED)	DOCKET NO. 92R-689
RULES REGARDING CIVIL PENALTIES)	
FOR CARRIERS, 4 CCR 723-22.)	<u>ERRATA NOTICE</u>

Decision No. C93-519
(Adopted Date: May 12, 1993)

Page 1, amend the docket number in the caption to:
Docket No. 92R-689

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

BRUCE N. SMITH
Director

Dated at Denver, Colorado this
11th day of February, 1994.

THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES AND REGULATIONS CONCERNING
CIVIL PENALTIES FOR CARRIERS
4 CCR 723-22

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis and purpose of these rules is to prescribe specific penalties for the second and any subsequent occurrence within one year of a violation of any of the provisions of Articles 10, 11, 13, 14 and 16 of Title 40, C.R.S. as mandated by §§ 40-7-112 through 116, C.R.S.

To revise certain rule numbers of these rules so that they correspond with the same numbers of this Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle (4 Code of Colorado Regulations 723-8), which were revised March 3, 1991 and the Rules and Regulations Governing Contract Carriers by Motor Vehicle (4 Code of Colorado Regulations 723-23), which were revised January 30, 1991.

To repeal current Rules 9 and 10 of these rules and replace them with a new Rule 9. Effective December 31, 1990, the Commission combined two existing rules into new rules titled Rules and Regulations Governing Registration of Interstate Motor Vehicle Carriers (4 Code of Colorado Regulations 723-6). The previous rules were titled Rules and Regulations Governing Registration of Exempt Interstate Motor Carriers previously found at 4 Code of Colorado Regulations 723-6, and Rules and Regulations Governing Registration of Interstate Motor Carrier Certificates and Permits previously found at 4 Code of Colorado Regulations 723-7.

To change the penalty which is set forth in Rule 11.2 of these rules from \$25.00 per day to \$100.00 per day for violations of Subparagraphs 391.11(b)(6) and (7) of the Commission's Safety Rules for Common Carriers, Contract Carriers, Carriers of Household Goods by Motor Vehicle and Motor Carriers Exempt from Regulation as Public Utilities (4 Code of Colorado Regulations 723-15).

The statutory authority for these rules is found at §§40-7-112 through 116, C.R.S.

Rule 1 -- Application of Rules

These rules apply to any person identified in §§ 40-7-113(g) or 40-7-114, C.R.S.

Rule 2 -- Definition and Terms

- 2.1 **Commission** -- means the Colorado Public Utilities Commission.
- 2.2 **Intentional Violation** -- Any person shall be deemed to have committed an intentional violation, as set forth in paragraph (1)(g) of §§ 40-7-113 or 40-7-114, C.R. S., if, after having been issued a written notification of any violation, said person commits a violation of the same statute, rule, or regulation. The existence of an intentional violation within the meaning of this rule may also be shown by other facts, circumstances or conduct as may be provided by law.
- 2.3 **Multiple offenses** -- The violation of more than one statute, rule or regulation during the course of one 24-hour period shall constitute multiple offenses for which civil penalties may be assessed as set forth in these rules.
- 2.4 **Person** -- Means a person as defined in § 40-1-102(5), C.R.S.
- 2.5 **Separate offense** -- Each violation of a statute, rule or regulation within the scope of these rules shall constitute a separate offense for which a civil penalty may be assessed as set forth in these rules.

Rule 3 -- Violations of Title 40, C.R.S. **Civil Penalties - Fines**

- 3.1 A violation of § 40-7-113(1)(a), or (b), or (c), or (d), or (e), or (f), C.R.S., shall result in the assessment of a penalty of \$100.00 per day.

- 3.2 A violation of §§ 40-10-106, or 40-10-117, or 40-10-120(2), or 40-11-104, or 40-11-105(2) or (3), or 40-11-115(2) shall result in the assessment of a penalty of \$100.00 per day.
- 3.3 A violation of any other provisions of Title 40, C.R.S., except as provided for in paragraphs (1)(a), (b), (c), (d), (e), (f), subsections (3) and (4) of § 40-7-113, C.R.S., and Rule 3.1 and 3.2 of these rules, shall result in the assessment of a penalty of \$50.00 per day.

Rule 4 -- Violations of Rules of Practice and Procedure
Civil Penalties - Fines

- 4.1 A violation of Rule 25(f) of the Commission's Rules of Practice and Procedure shall result in the assessment of a penalty of \$50.00 per day.
- 4.2 Any violation of any other rule of the Commission's Rules of Practice and Procedure, except as provided for in Rule 4.1 of these rules, shall result in the assessment of a penalty of \$25.00 per day.

Rule 5 -- Violations of Rules Governing Common Carriers
by Motor Vehicle - Civil Penalties - Fines

- 5.1 A violation of any of the following rules of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle shall result in the assessment of a penalty of \$100.00 per day: 2.1, 2.2 or 2.7; 4.1 or 4.2; 6; 12.1, 12.3 or 12.4; 13.1, 13.2, 13.3 or 13.4; 14.1, 14.2 or 14.3; and 16.1.
- 5.2 A violation of any of the following rules of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle shall result in the assessment of a penalty of \$50.00 per day: 9.2; 16.2; 17; and 18.2.
- 5.3 Any violation of any other rule of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle, except as provided for in Rules 5.1 or 5.2 of these rules, shall result in the assessment of a penalty of \$25.00 per day.

**Rule 6 -- Violations of Rules Governing Contract Carriers
by Motor Vehicle - Civil Penalties - Fines**

- 6.1 A violation of any of the following rules of the Commission's Rules and Regulations Governing Contract Carriers by Motor Vehicle shall result in the assessment of a penalty of \$100.00 per day: 2.1, 2.2 or 2.9; 4.1, 4.2 or 4.3; 11.1, 11.2 or 11.3; 12; 14; 15.1; and 16.1, 16.2, 16.3 or 16.4.
- 6.2 A violation of Rule 9.2 of the Commission's Rules and Regulations Governing Contract Carriers by Motor Vehicle shall result in the assessment of a penalty of \$50.00 per day.
- 6.3 Any violation of any other rule of the Commission's Rules and Regulations Governing Contract Carriers by Motor Vehicle, except as provided for in Rules 6.1 or 6.2 of these rules, shall result in the assessment of a penalty of \$25.00 per day.

**Rule 7 -- Violations of Rules Governing Taxicabs
Civil Penalties - Fines**

- 7.1 A violation of Rule 6 or 8 of the Commission's Rules and Regulations Governing the Operations of Taxicabs shall result in the assessment of a penalty of \$100.00 per day.
- 7.2 A violation of Rule 5, 7, 11.1 or 11.2 of the Commission's Rules and Regulations Governing the Operations of Taxicabs shall result in the assessment of a penalty of \$50.00 per day.
- 7.3 Any violation of any other rule of the Commission's Rules and Regulations Governing the Operations of Taxicabs, except as provided for in Rules 7.1 or 7.2 of these rules, shall result in the assessment of a penalty of \$25.00 per day.

Rule 8 -- Violations of Rules Governing Towing Carriers
Civil Penalties - Fines

- 8.1 A violation of Rule 11.1, 14.2, 14.3.2, 14.3.3, 14.4 or 14.5 of the Commission's Rules and Regulations Governing Towing Carriers by Motor Vehicle shall result in the assessment of a penalty of \$100.00 per day.
- 8.2 A violation of Rule 8.1, 8.2, 8.5, 13.2, 13.3, 13.11, 14.1, 15.3, 16.6, or 17.3 of the Commission's Rules and Regulations Governing Towing Carriers by Motor Vehicle shall result in the assessment of a penalty of \$50.00 per day.
- 8.3 Any violation of any other rule of the Commission's Rules and Regulations Governing Towing Carriers by Motor Vehicle, except as provided for in Rules 8.1 or 8.2 of these rules, shall result in the assessment of a penalty of \$25.00 per day.

Rule 9 -- Violations of Rules and Regulations Governing
Registration of Interstate Motor Vehicle Carriers

- 9.1 A violation of Rule 3(a) or (b) of the Commission's Rules and Regulations Governing Registration of Interstate Motor Vehicle Carriers shall result in the assessment of a penalty of \$100.00 per day.
- 9.2 A violation of any other rule of the Commission's Rules and Regulations Governing Registration of Interstate Motor Vehicle Carriers, except as provided for in Rule 9.1 of these rules, shall result in the assessment of a penalty of \$25.00 per day.

Rule 10 -- Violations of Safety Rules
Civil Penalties - Fines

- 10.1 Penalty assessments per day for violating the Commission's Safety Rules for Common Carriers, Contract Carriers, Carriers of Household Goods by Motor Vehicle and Motor Carriers Exempt from Regulation as Public Utilities shall be as follows:

10.1.1	Rule 1.1	Paragraph 383.23(a)	\$100.00
10.1.2	Rule 1.1	Paragraph 383.37(a)	\$100.00
10.1.3	Rule 1.1	Paragraph 383.51(a)	\$100.00
10.1.4	Rule 1.2	Section 390.11	\$ 50.00
10.1.5	Rule 1.2	Section 390.13	\$ 50.00
10.1.6	Rule 1.2	Paragraphs 390.35(a), (b) or (c)	\$ 75.00
10.1.7	Rule 1.3	Subparagraphs 391.11(b) (6) or (7)	\$100.00
10.1.8	Rule 1.3	Subparagraphs 391.11(b) (1) or (2)	\$ 50.00
10.1.9	Rule 1.3	Paragraph 391.15(a)	\$ 75.00
10.1.10	Rule 1.3	Section 391.25	\$ 50.00
10.1.11	Rule 1.3	Section 391.31	\$ 50.00
10.1.12	Rule 1.3	Paragraph 391.41(a)	\$100.00
10.1.13	Rule 1.3	Paragraph 391.87(g)	\$100.00
10.1.14	Rule 1.3	Paragraphs 391.93(b) or (c)	\$100.00
10.1.15	Rule 1.3	Subparagraphs 391.93(d) (1), (2) or (3)	\$100.00
10.1.16	Rule 1.3	Paragraph 391.95(a) or (b)	\$100.00
10.1.17	Rule 1.3	Paragraph 391.103(a)	\$ 75.00
10.1.18	Rule 1.3	Subparagraphs 391.119(a) (1), (2) or (3)	\$100.00
10.1.19	Rule 1.3	Subparagraphs 391.121(b) (3) or (4)	\$ 75.00
10.1.20	Rule 1.4	Section 392.3	\$100.00
10.1.21	Rule 1.4	Subparagraphs 392.4(a) (1), (2), (3) or (4)	\$100.00
10.1.22	Rule 1.4	Paragraph 392.4(b)	\$100.00
10.1.23	Rule 1.4	Subparagraphs 392.5(a) (1), (2) or (3)	\$100.00
10.1.24	Rule 1.4	Subparagraphs 392.5(b) (1) or (2)	\$100.00
10.1.25	Rule 1.4	Section 392.6	\$ 50.00
10.1.26	Rule 1.4	Subparagraphs 392.9(c) (ii) or (iii)	\$ 50.00
10.1.27	Rule 1.4	Section 392.42	\$ 50.00
10.1.28	Rule 1.5	Section 393.1	\$ 50.00
10.1.29	Rule 1.5	Paragraph 393.42(a)	\$ 75.00
10.1.30	Rule 1.5	Paragraph 393.48(a)	\$ 75.00
10.1.31	Rule 1.5	Paragraph 393.51(a)	\$ 75.00
10.1.32	Rule 1.5	Paragraphs 393.75(b), (c) or (d)	\$ 50.00
10.1.33	Rule 1.6	Paragraph 394.7(a)	\$ 75.00
10.1.34	Rule 1.7	Subparagraphs 395.3(a) (1) or (2)	\$100.00
10.1.35	Rule 1.7	Subparagraphs 395.3(b) (1) or (2)	\$100.00

10.1.36	Rule 1.7	Paragraph 395.8(a)	\$ 75.00
10.1.37	Rule 1.7	Subparagraph 395.8(a)(1)	\$ 75.00
10.1.38	Rule 1.7	Subparagraph 395.8(f)(1)	\$ 50.00
10.1.39	Rule 1.7	Subparagraph 395.8(f)(7)	\$100.00
10.1.40	Rule 1.7	Paragraph 395.8(k)	\$ 50.00
10.1.41	Rule 1.7	Subparagraph 395.8(k)(3)	\$ 50.00
10.1.42	Rule 1.8	Subparagraph 396.9(c)(2)	\$100.00
10.1.43	Rule 1.8	Subparagraph 396.9(d)(2)	\$ 50.00
10.1.44	Rule 1.8	Subdivisions 396.9(d)(3)(i) or (iii)	\$ 50.00

10.2 Any violation of any other rule of the Commission's Safety Rules for Common Carriers, Contact Carriers, Carriers of Household Goods by Motor Vehicle and Motor Carriers Exempt from Regulation as Public Utilities, except as provided for in Rule 10.1 of these rules, shall result in the assessment of a penalty of \$25.00 per day.

**Rule 11 -- Repeat Violations of Statutes or Rules
Listed in Rules 3 through 10 - Civil Penalties - Fines**

- 11.1 Any person who receives a second civil penalty assessment for a repeat violation of the statutes or rules listed in Rule 3, 4, 5, 6, 7, 8, 9, or 10 of these rules within one year after the first violation, may be assessed two times the amount specified in the rule for such second violation.
- 11.2 Any person who receives a third civil penalty assessment for a repeat violation of the statutes or rules listed in Rule 3, 4, 5, 6, 7, 8, 9, or 10 of these rules within one year after the second violation, may be assessed three times the amount specified in the rule for such third violation.