

Decision No. C02-1271

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02R-596TR

IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF ALL RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE, AS FOUND IN 4 CCR 723-6, 723-9, 723-15, 723-23, 723-31, AND 723-33, FOR ULTIMATE RECODIFICATION AS 723-6.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: November 14, 2002

Adopted Date: November 14, 2002

I. BY THE COMMISSION:

Statement

1. The Colorado Public Utilities Commission gives notice of proposed rulemaking regarding its rules regulating transportation by motor vehicle. The intent of the proposed rules is to repeal and reenact the rules found at 4 *Code of Colorado Regulations* (CCR) 723-6, 723-9, 723-15, 723-23, 723-31, and 723-33. The Commission anticipates reenacting the proposed rules as 4 CCR 723-6.

2. The proposed repeal and reenactment is part of a greater Commission effort to revise and recodify its current rules. The proposed repeal and reenactment is intended to update the existing rules related to transportation by motor vehicle; to make the rules related to transportation by motor

vehicle consistent, to the extent possible, with other Commission rules; to improve administration and enforcement of relevant provisions of Title 40 of the Colorado Revised Statutes; to eliminate unnecessary or burdensome regulation; and to improve the regulation of proceedings before the Commission. A copy of the proposed rules is attached to this notice of proposed rulemaking.

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

4. An Administrative Law Judge (ALJ) for the Commission will conduct a hearing on the proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules and present these orally at hearing, unless the ALJ deems oral presentations unnecessary. The Commission also encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before hearing, the Commission requests that such comments be

filed no later than January 3, 2003. Reply comments should be submitted by January 17, 2003. The Commission requests that interested persons submitting comments do so both in paper and electronic format. The Commission may post electronically submitted comments to its web site. The Commission will consider all submissions.

5. Because the proposed rules will result in the repeal of the Commission's existing rules regulating transportation by motor vehicle, interested persons may also submit comments regarding whether specific provisions in the presently existing rules should be retained in the reenacted rules.

6. Coordination of this rulemaking with other imminently planned rulemakings for Practice and Procedure, Telecommunications, Water, Gas, Steam, Railroads, and Electricity is a sizeable undertaking. Because of the need to coordinate all efforts, the Commission anticipates that it will make the initial decision in this matter pursuant to § 40-6-109(6), C.R.S. Furthermore, the Commission finds that hearings in this matter should consider: (a) coordination of efforts among the various other ongoing or planned rulemakings; and (b) whether future hearing dates should be set for that purpose.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the December 10, 2002 edition of *The Colorado Register*.

2. A hearing on the proposed rules and related matters shall be held before an Administrative Law Judge as follows:

DATES: January 23 & 24, 2003

TIME: 9:00 a.m.

PLACE: Commission Hearing Room
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the times set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary. At the hearings referenced above, the Administrative Law Judge may set further hearing dates to continue the discussion and comment.

3. Interested persons may file written comments in this matter before the hearing. The Commission requests that such prefiled comments be submitted in both paper and electronic format no later than January 3, 2003. Reply comments should be submitted by January 17, 2003. The Commission will consider all submissions, whether oral or written.

4. This order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
November 14, 2002.**

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



POLLY PAGE

JIM DYER

Commissioners

ATTEST: A TRUE COPY

Bruce N. Smith
Director

CHAIRMAN RAYMOND L. GIFFORD
ABSENT.

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES AND REGULATIONS GOVERNING REGISTRATION
OF INTERSTATE MOTOR VEHICLE CARRIERS

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

~~BASIS, PURPOSE, AND STATUTORY AUTHORITY~~

~~The purpose for these rules is to establish standards for registering interstate motor vehicle carriers. These standards include but are not limited to registration issuance, insurance requirements, civil penalties and registration revocations. Sections 40-2-110.5(2), 40-7-112 through 116, 40-10-120(4), and 40-11-115(2), C.R.S., provide the specific basis for these rules. The general statutory authority for the Commission's rulemaking authority is found at § 40-2-108, C.R.S.~~

~~RULE (4 CCR) 723-6 1. APPLICATION OF RULES.~~

~~These rules apply to all for hire motor vehicle carriers operating in interstate commerce throughout Colorado.~~

~~RULE (4 CCR) 723-6 2. DEFINITIONS.~~

~~When used in these rules the following shall have the meanings as stated:~~

~~723-6 2.1 "Commission" means the Colorado Public Utilities Commission.~~

[Omitted Material: All the current rules found in 4 CCR 723-6, are proposed to be repealed and reenacted. Therefore, all the remaining pages of the current rules are omitted.]

~~THE~~
~~PUBLIC UTILITIES COMMISSION~~
~~OF THE~~
~~STATE OF COLORADO~~

~~RULES, REGULATIONS, AND CIVIL PENALTIES~~
~~GOVERNING TOWING CARRIERS BY MOTOR VEHICLE~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-9~~

~~BASIS, PURPOSE, AND STATUTORY AUTHORITY~~

~~The basis and purpose of these towing carrier rules are to govern the operation and activities of towing carriers by motor vehicle for hire.~~

~~The Commission's specific statutory authority for the issuance of these rules is § 40-13-107, C.R.S. In addition, the general statutory authority for the Commission's rulemaking is found at § 40-2-108, C.R.S.~~

~~RULE (4 CCR) 723-9-1. APPLICATION OF RULES AND REGULATIONS.~~

~~723-9-1.1 Towing Rules and Regulations. These rules and regulations apply to towing carriers, as defined in § 40-13-101(3), C.R.S., operating upon the public ways of Colorado.~~

~~723-9-1.2 Safety Regulations. Towing carriers shall comply with all safety regulations, including the Motor Carrier Safety Regulations, 8 CCR 1507-1, adopted by the Department of Public Safety (Colorado State Patrol) pursuant to § 42-4-235(4), C.R.S., which are hereinafter referred to as the Safety Regulations.~~

~~723 9 1.2.1 USDOT Number. By February 1, 2003 all towing carriers shall obtain a United States Department of Transportation (USDOT) certification number.~~

~~723 9 1.3 Additional Requirements. Nothing in these rules shall be construed to prohibit a law enforcement agency from adopting and enforcing additional or more stringent requirements relating to safety, equipment, and accessories for any towing carrier providing towing services at the direction of the law enforcement agency.~~

~~723 9 1.4 Repossession Not Included. Nothing in these rules 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.~~

~~RULE (4 CCR) 723 9 2. DEFINITIONS.~~

~~When used in these rules the following shall have meanings as stated:~~

~~723 9 2.1 Abandoned motor vehicle means a motor vehicle as defined by §§ 42 4 1802 and 42 4 2102, C.R.S.~~

~~723 9 2.2 Commission means the Colorado Public Utilities Commission.~~

~~723 9 2.3 Delivery means placing a towed motor vehicle in the actual possession of the owner, authorized operator, or authorized agent of the owner.~~

[Omitted Material: All the current rules found in 4 CCR 723-9, are proposed to be repealed and reenacted. Therefore, all the remaining pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO~~

~~RULES REGULATING SAFETY FOR MOTOR VEHICLE CARRIERS
AND ESTABLISHING CIVIL PENALTIES~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723-15~~

~~BASIS, PURPOSE AND STATUTORY AUTHORITY~~

~~—— The basis and purpose of these rules is to provide minimum requirements for the regulation of motor vehicle safety, hours of service of drivers, and qualification of motor vehicle drivers for common carriers by motor vehicle, contract carriers by motor vehicle, and motor vehicle carriers exempt from regulation as public utilities, and to provide penalties for the violation thereof.~~

~~—— These amendments are intended to update the existing rules so that they may be consistent with the most recent published safety regulations of the Federal Highway Administration of the United States Department of Transportation and the Colorado Department of Public Safety, and the most recent amendments to the Colorado Revised Statutes.~~

~~—— The statutory authority for the adoption of these rules is §§ 40-2-108, 40-2-116, 40-10-105(2)(c), 40-10-111, 40-11-105(1), 40-16-105, and 24-4-103(12.5)(a), C.R.S.~~

~~RULE (4 CCR) 723-15-1. APPLICABILITY.~~

~~These rules shall apply to all intrastate motor vehicle carriers defined in § 40-10-101(4)(a), C.R.S., all intrastate contract carriers by motor vehicle defined in § 40-11-101(3), C.R.S., and all intrastate motor vehicle carriers exempt from regulation as public utilities defined in § 40-16-101(4), C.R.S., except property carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 26,001 pounds or more. Motor carriers operating commercial vehicles as defined in § 42-4-235(1)(a)(I), C.R.S.; towing carriers defined in § 40-13-101(3), C.R.S., and described as commercial vehicles in § 42-4-235(1)(a)(II), C.R.S.; and carriers of hazardous materials and nuclear materials under Article 20 of Title 42, C.R.S., are subject to the safety rules of the Colorado Department of Public Safety.~~

~~RULE (4 CCR) 723-15-2. INCORPORATION BY REFERENCE.~~

~~723-15-2.1 Except as otherwise provided in these rules, the Commission incorporates by reference the regulations published in Title 21, Code of Federal Regulations § 1308.11, revised as of April 1, 1999, and Title 49, Code of Federal Regulations, Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, and 399, and Appendix C to Subchapter B of Chapter III, revised as of October 1, 1998. No later amendments to or editions of the Code of Federal Regulations are incorporated into these rules.~~

[Omitted Material: All the current rules found in 4 CCR 723-15, are proposed to be repealed and reenacted. Therefore, all the remaining pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES, REGULATIONS, AND CIVIL PENALTIES GOVERNING
CONTRACT CARRIERS OF PASSENGERS BY MOTOR VEHICLE

4 CODE OF COLORADO REGULATIONS (CCR) 723-23~~

~~BASIS, PURPOSE, AND STATUTORY AUTHORITY~~

~~—— The basis for these rules is found in the statutory requirement that the Commission properly administer and enforce Title 40, C.R.S., by establishing rules to regulate contract carriers of passengers by motor vehicle as defined by § 40-11-101(3), C.R.S.~~

~~—— These rules establish standards for operating a contract carrier of passengers by motor vehicle including, but not limited to, permit issuance and extension, the transferring of contract carrier permits, permit revocation, operational requirements, insurance requirements, tariff requirements, and civil penalty violations.~~

~~The statutory authority for these rules is §§ 40-2-108, 40-7-112 through 40-7-116, and 40-11-105, C.R.S.~~

~~**RULE (4 CCR) 723-23 1. APPLICABILITY.**~~

~~723-23 1.1 — These rules apply to contract carriers by motor vehicle, as defined by § 40-11-101 (3), C.R.S., referred to~~

~~in these rules as contract carriers. Contract carriers shall comply with these Rules and Regulations and all applicable statutes and laws of the State of Colorado.~~

~~723 23 1.2 — Nothing in these rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any permit issued to any contract carrier.~~

~~723 23 1.3 — In addition to these rules, contract carriers shall abide by the Commission's Rules of Practice and Procedure found at 4 CCR 723 1 and the Commission's Rules Regulating Safety for Motor Vehicle Carriers found at 4 CCR 723 15.~~

~~723 23 1.4 — Form E and Form K, referred to in Rule 723 23 12, are appended to these rules as Appendix A and Appendix B, respectively.~~

~~RULE (4 CCR) 723 23 2. DEFINITIONS.~~

~~723 23 2.1 — Certificate means a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.~~

~~723 23 2.2 — Commission means the Public Utilities Commission of the State of Colorado.~~

~~723 23 2.3 — 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 by indiscriminately accepting and carrying 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.~~

[Omitted Material: All the current rules found in 4 CCR 723-23, are proposed to be repealed and reenacted. Therefore, all the remaining pages of the current rules are omitted.]

~~THE~~
~~PUBLIC UTILITIES COMMISSION~~
~~OF THE~~
~~STATE OF COLORADO~~

~~RULES, REGULATIONS, AND CIVIL PENALTIES~~
~~GOVERNING COMMON CARRIERS OF PASSENGERS~~
~~BY MOTOR VEHICLE FOR HIRE~~

~~4 CODE OF COLORADO REGULATIONS (CCR) 723 31~~

~~BASIS, PURPOSE, AND STATUTORY AUTHORITY~~

~~The basis and purpose of these rules is to regulate common carriers of passengers by motor vehicle for hire subject to article 10, title 40, C.R.S. Specifically, these rules give guidance to common carriers with respect to transfers, extensions and revocations of, and applications for certificates of public convenience and necessity. The rules also establish requirements with respect to vehicle identification, vehicle condition, leasing, insurance, and time schedules. Moreover, the rules set forth the operating characteristics of taxi service, including record keeping, service standards, and flat rates to and from Denver International Airport. Finally, the rules contain civil penalty provisions applicable to common carries of passengers by motor vehicles for hire.~~

~~— The statutory authority for these rules is found at §§ 40 2 108, 40 2 110.5, 40 5 105, 40 7 112 through 116, 40 10 105, 40 10 16, and 40 10 110, C.R.S.~~

~~RULE (4 CCR) 723-31-1. APPLICATION OF RULES AND REGULATIONS.~~

~~723 31 1.1 — These rules apply to motor vehicle carriers of persons, as defined in § 40-10-101(4)(a), C.R.S. All motor vehicle carriers shall comply with these rules and all applicable statutes and laws of the State of Colorado.~~

~~723 31 1.2 — Nothing in these rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any certificate issued to any carrier.~~

~~723 31 1.3 — Carriers shall abide by the Commission's Rules of Practice and Procedure found at 4 CCR 723-1 and the Commission's Motor Vehicle Carrier Safety Regulations found at 4 CCR 723-15.~~

~~723 31 1.4 — Form E and Form K, referred to in Rule 723-31-12, are appended to these rules as Appendix A and Appendix B, respectively.~~

~~RULE (4 CCR) 723-31-2. DEFINITIONS.~~

~~When used in these rules or in a certificate of public convenience and necessity, the following shall have meanings as stated:~~

~~723 31 2.1 — Carrier means either a common carrier or a contract carrier as defined herein.~~

~~723 31 2.2 — Certificate means a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.~~

~~723 31 2.3 — Common carrier means a motor vehicle carrier as defined herein.~~

[Omitted Material: All the current rules found in 4 CCR 723-31, are proposed to be repealed and reenacted. Therefore, all the remaining pages of the current rules are omitted.]

~~THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO
RULES, REGULATIONS, AND CIVIL PENALTIES GOVERNING
MOTOR VEHICLE CARRIERS EXEMPT
FROM REGULATION AS PUBLIC UTILITIES
4 CODE OF COLORADO REGULATIONS (CCR) 723-33~~

~~BASIS, PURPOSE, AND STATUTORY AUTHORITY.~~

~~The basis and purpose of these rules is to regulate motor vehicle carriers exempt from regulation as public utilities as defined in § 40-16-101(4), C.R.S.; to specify the luxury features a luxury limousine must offer; to designate the type of written documentation, as set forth in § 40-16-104(2), C.R.S., that a motor vehicle carrier exempt from regulation as a public utility must file with this Commission; to designate the amounts and form of insurance a property carrier by motor vehicle must maintain, as set forth in § 40-16-104(1.5); and to provide penalties for the violation thereof. These rules are issued in accordance with § 40-2-110.5, C.R.S.~~

~~— The statutory authority for these rules is found at §§ 40-2-108, 40-7-112 through 116, 40-16-101(3)(a)(III), and 40-16-103.6, C.R.S.~~

~~RULE (4 CCR) 723-33-1. APPLICATION OF RULES.~~

~~These rules apply to motor vehicle carriers exempt from regulation as public utilities as defined in § 40-16-101(4), C.R.S.~~

~~RULE (4 CCR) 723-33-2. DEFINITIONS.~~

~~723-33-2.1 "Commission" means the Colorado Public Utilities Commission.~~

~~723-33-2.2 "Commodities" means property other than household goods.~~

~~723-33-2.3 "Discretionary vehicle." A vehicle may be qualified as a discretionary vehicle if the vehicle would have qualified as a luxury vehicle at the time the vehicle was new and if the vehicle is in exceptional physical condition at the time of registration. A vehicle is in exceptional physical condition if: (1) The body of the vehicle has a good, unfaded paint job, and is devoid of dents, rust, missing or broken chrome, and has no broken or cracked glass or lenses; (2) The interior of the vehicle is clean, free of offensive odors, and has no tears, cracks, or major stains upon the upholstery, headliner, and carpeting; and (3) is in sound mechanical condition with no safety defects. The applicant shall bear the burden of proving that the original Manufacturer's Suggested Retail Price of the vehicle was equal to or in excess of that required of a luxury vehicle.~~

~~723-33-2.4 "Exempt carrier" means "motor vehicle carrier exempt from regulation as a public utility" as that term is defined in § 40-16-101(4), C.R.S.~~

~~723-33-2.5 "Form E" means a NARUC Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.~~

[Omitted Material: All the current rules found in 4 CCR 723-33, are proposed to be repealed and reenacted. Therefore, all the remaining pages of the current rules are omitted.]

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

**PART 6
RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE**

4 CCR 723-6

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BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the State of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety, civil penalties, the issuance, extension, transfer, and revocation of operating authority, insurance and registration requirements, tariff and time schedule requirements, the identification, condition, and leasing of motor vehicles, record keeping, and service standards. These rules cover an array of

carriers, including motor vehicle carriers (common carriers), contract carriers by motor vehicle, interstate carriers, hazardous materials carriers, towing carriers, and motor vehicle carriers exempt from regulation as public utilities (charter or scenic buses, children's activity buses, luxury limousines, off-road scenic charters, and property carriers by motor vehicle).

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

GENERAL PROVISIONS

6000. Scope and Applicability. All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by motor vehicle, unless a specific statute or rule provides otherwise. Rules 6000 - 6099 apply to all common carriers, contract carriers, exempt intrastate carriers, towing carriers, and interstate carriers, as defined herein. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, and 6500.

6001. Definitions. The following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

- (a) "Certificate" means "certificate of public convenience and necessity" as that term is used in Article 10 of Title 40, C.R.S.
- (b) "C.F.R." means the Code of Federal Regulations.
- (c) "Common carrier" means "motor vehicle carrier" as that term is defined in § 40-10-101(4), C.R.S.
- (d) "Common and Contract Carrier Rules" means rules 6200 through 6299, inclusive.
- (e) "Contract carrier" means "contract carrier by motor vehicle" as that term is defined in § 40-11-101(3), C.R.S.
- (f) "Duplicating or overlapping operating rights" means transportation in the same type of service between the same points under two or more separate operating rights which are held by the same common or contract carrier.
- (g) "Driver" means any person driving a motor vehicle, including an independent contractor.

- (h) "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.
- (i) "Enforcement official" means an investigating official of the transportation section of the Commission, an officer of the Colorado State Patrol, or a certified Port of Entry officer, or any peace officer, level I, as defined in § 18-1-901(3)(1)(I), C.R.S.
- (j) "Exempt intrastate carrier" means "motor vehicle carrier exempt from regulation as a public utility" as that term is defined in § 40-16-101(4), C.R.S.
- (k) "Exempt intrastate carrier registration" means the registration issued to an exempt intrastate carrier pursuant to § 40-16-103, C.R.S.
- (l) "Exempt Intrastate Carrier Rules" means rules 6300 through 6399, inclusive.
- (m) "Exempt interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado pursuant to federal exemptions or partial exemptions from economic regulation, as described in § 40-10-120(3) and 40-11-115(3), C.R.S.
- (n) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (o) "Form BMC 35" means Notice of Cancellation of Motor Carrier Insurance.
- (p) "Form BMC 36" means Notice of Cancellation of Motor Carrier Surety Bond.
- (q) "Form BMC 91" or "Form BMC 91X" means a Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance, executed by an authorized representative of the insurer.
- (r) "Form BMC 91MX" means a Motor Carrier Automobile Bodily Injury and Property Damage Liability Surety Bond, executed by an authorized representative of the surety.
- (s) "Form BOC-3" means the form designating an agent for service of process required under 49 C.F.R. Part 366.
- (t) "Form D-1" means a NARUC Uniform Identification Cab Card for motor vehicle or driveaway operations conducted by an exempt interstate carrier.

- (u) "Form E" means a NARUC Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (v) "Form G" means a NARUC Form G Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, executed by a duly authorized agent of the surety.
- (w) "Form H" means a NARUC Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (x) "Form J" means a NARUC Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.
- (y) "Form K" means a NARUC Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.
- (z) "Form L" means a NARUC Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.
- (aa) "Form MCS 82" means a Motor Carrier Public Liability Surety Bond, executed by an authorized representative of the surety.
- (bb) "Form MCS 90" means an Endorsement for Motor Carrier Policies of Insurance for Public Liability, executed by an authorized representative of the insurer.
- (cc) "Form RS-3 registration receipt" means a receipt issued to a regulated interstate carrier indicating that the required financial responsibility has been filed with the Commission and fees have been paid.
- (dd) "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.
- (ee) "GVWR" means gross vehicle weight rating, the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- (ff) "Hazardous materials carrier" a transportation carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S.
- (gg) "Household goods" means
 - (I) Personal effects, personal property used or to be used in a dwelling that is a part of the equipment or supply of such dwelling, or similar property; except that this subparagraph shall not be construed to include property

moving from a factory or store except such property as a purchaser has purchased with intent to use in the purchaser's dwelling and which is transported at the request of, and the transportation charges paid to the exempt carrier by, the purchaser or the purchaser's agent;

- (II) Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; except that this subparagraph shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment, or a portion thereof, from one location to another; and
 - (III) Articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods; except that this subparagraph shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.
- (hh) "Independent contractor" means "independent contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
 - (ii) "Interstate carrier" means a "regulated interstate carrier" or an "exempt interstate carrier," as those terms are defined in this rule.
 - (jj) "Interstate Carrier Rules" means rules 6400 through 6499, inclusive.
 - (kk) "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 operating authority.
 - (ll) "Luxury limousine" means "luxury limousine" as that term is defined in § 40-16-101(3), C.R.S.
 - (mm) "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.

- (nn) "NARUC" means the National Association of Regulatory Utility Commissioners.
- (oo) "Nuclear materials carrier" means a transportation carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S.
- (pp) "Operating right" means the authority, in a certificate, permit, temporary authority, or emergency temporary authority, conferred by the Commission upon a common or contract carrier.
- (qq) "Passenger," except as otherwise specifically defined or contextually required, means any person, other than a driver, occupying a motor vehicle.
- (rr) "Permit" means an operating authority issued by the Commission under § 40-11-103, C.R.S.
- (ss) "Property carrier" means "property carrier by motor vehicle," as that term is defined in § 40-16-101(6.5), C.R.S.
- (tt) "Regulated interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado under authority issued by the Interstate Commerce Commission or the FMCSA, as described in §§ 40-10-120(2) and 40-11-115(2), C.R.S.
- (uu) "Safety Rules" means rules 6100 through 6199, inclusive.
- (vv) "Seating capacity"
 - (I) Except as otherwise specifically defined or contextually required, "seating capacity" means the greatest of the following:
 - (A) 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; and
 - (ii) the number of single-occupancy seats, including the driver's seat if it is not part of a split-bench seat;
 - (B) the manufacturer-rated number of seating positions in a motor vehicle, including the driver; or
 - (C) the total number of seat belts in a motor vehicle.

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

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

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

(yy) "Towing carrier" means "towing carrier" as that term is defined in § 40-13-101(3), C.R.S.

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

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

(bbb) "Transportation carrier" means common carrier, contract carrier, towing carrier, exempt intrastate carrier, or interstate carrier.

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

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

6002. Applications. Transportation carriers may seek Commission action regarding any of the following matters through the filing of an appropriate application:

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

(b) To abandon or voluntarily suspend operating rights, as provided in paragraph 6204(b).

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

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

(e) To qualify a motor vehicle as a luxury limousine after enforcement staff has determined that the motor vehicle does not

meet relevant statutory or regulatory requirements, as provided in paragraph 6304(c).

- (f) For a permit to operate as a towing carrier, as provided in rule 6503.
- (g) For any other matter provided by statute or rule but not specifically described in this rule.

6003. [Reserved].

6004. Registrations. Transportation carriers may seek Commission action regarding any of the following matters through the filing of an appropriate registration:

- (a) For registration as an exempt intrastate carrier, as provided in rule 6302.
- (b) For registration as a regulated interstate carrier, as provided in rule 6403.
- (c) For registration as an exempt interstate carrier, as provided in rule 6404.

6005. [Reserved].

6006. Reports. Each transportation carrier shall:

- (a) Submit its annual report, as prescribed by rule 6212.
- (b) Immediately report to the Commission, with an appropriate signed filing, any name change or address change. Such a filing shall indicate all the affected certificate, permit, or registration numbers. Name change filings, including trade name changes or trade name additions, shall include supporting documentation from the Colorado Secretary of State or the Colorado Department of Revenue. In the event of any name or address change, the transportation carrier shall comply with all other applicable Commission rules, such as rules regarding insurance filings, tariff adoption, time schedule adoption, and the like. Notice sent by any person to the transportation carrier's address on file with the Commission shall constitute prima facie evidence that such notice is sufficient.

6007. Financial Responsibility.

- (a) Financial responsibility required.
 - (I) Public liability. Every transportation carrier shall obtain and keep in force at all times public liability insurance coverage or a surety bond providing the same coverage. Public liability means liability for bodily injury or property damage.

- (II) Cargo liability. Every property carrier and towing carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing the same coverage. 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. Towing carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage.
- (b) The Commission incorporates by reference the regulations published in 49 C.F.R. Part 387, revised as of October 1, 2001, as it applies to financial responsibility for interstate carriers. These rules do not incorporate later amendments to or other editions of the C.F.R.
- (c) Financial responsibility, minimum levels. The minimum levels of financial responsibility are prescribed as follows:
- (I) Public liability coverage.
- (A) Public liability coverage shall be combined single limit liability.
- (B) Schedule of limits:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Common and Contract Carriers	8 or less	\$ 500,000
	9 through 15	\$1,000,000
	16 through 32	\$1,500,000
	33 or more	\$5,000,000
Exempt Intrastate Carriers:		
Charter or Scenic Bus	33 or more	\$5,000,000
Luxury Limousine	15 or less	\$1,000,000
	16 through 32	\$1,500,000
	33 or more	\$5,000,000
Off-Road Scenic Charter	Any size	\$1,000,000
Children's Activity Bus	Any size	\$1,000,000
Property Carrier	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000
Interstate Carriers	See 49 C.F.R. Part 387	In amounts required by 49 C.F.R. Part 387

- (C) Transportation carriers may obtain a certificate of self-insurance issued pursuant to §§ 10-4-716 and 42-7-501, C.R.S.

(II) Cargo liability.

- (A) For towing carriers the cargo liability 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 property carriers the cargo liability shall be \$10,000 per motor vehicle unit operated or an amount adequate to cover the value of the property being transported, whichever is less, unless the shipper and the property carrier otherwise agree by written contract to a lesser amount. For household goods, the property carrier and shipper may not agree to an amount less than sixty cents (\$.60) per pound, per article. For purposes of this rule, and by way of example, "article" means a desk but not each individual drawer of the desk.

- (i) Exemption. A property carrier transporting only loads of commodities other than household goods with (a) an aggregate value of \$500 or less or (b) not subject to appreciable loss or damage due to the physical characteristics of the commodities, are exempt from this rule (II)(B) if the property carrier submits to the Commission a signed statement reading as follows:

I swear that the commodities transported by
(name of company) are either
[] valued at \$500.00 or less, or
[] are not subject to appreciable loss or
damage due to the physical characteristics of
the commodities.

- (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.

- (d) Coverage criteria. The transportation carrier shall ensure that insurance or surety bond coverage:

- (I) is provided only by insurance or surety companies authorized to provide such coverage in the State of Colorado;
 - (II) is not less than the minimum limits set forth under paragraph (c) of this rule;
 - (III) covers all motor vehicles which may be operated by or for the towing carrier, or which may be under the control of the towing carrier, with such coverage being accomplished by a "Waiver of Description" endorsement on each policy;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the towing carrier on a "first dollar"/"dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the transportation carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a transportation carrier to pay benefits directly to a party damaged by said carrier.
- (e) The provisions of subparagraphs (IV) - (VI) of paragraph (d) of this rule shall not apply to transportation carriers who have filed proof of self-insurance pursuant to §§ 10-4-716 or 42-7-501, C.R.S., or 49 C.F.R. Part 387.
- (f) Policy retention. The transportation carrier shall retain each original insurance or surety policy for required coverage, maintain a copy of its public liability coverage in each motor vehicle that it operates, and shall make such policy available for inspection by authorized personnel of the Commission.
- (g) Forms. The transportation carrier shall cause to be filed with the Commission the appropriate form in lieu of the original policy as follows:
- (I) Public liability.
 - (A) For all common carriers, contract carriers, exempt intrastate carriers, and towing carriers, a Form E or G.
 - (B) For common carriers, contract carriers, exempt intrastate carriers, and towing carriers obtaining a certificate of self-insurance under the provisions of §§ 10-4-716 or 42-7-501, C.R.S., a copy of said certificate. Upon renewal of the certificate, the carrier shall file a copy of the most current certificate.

- (C) For interstate carriers, such forms as are required by 49 C.F.R. Part 387.
- (II) Cargo liability. For all property carrier or towing carrier a Form H or J.
- (III) Garage keeper's liability. For all towing carriers a Form 14 containing:
 - (A) The following language:

This is to certify that the [name and address of insurance company] (hereinafter called the Company) has issued to [name and address of towing carrier] a policy or policies of insurance effective from [month, day, year] 12:01 AM standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the uniform garage keeper's liability insurance endorsement, has or have been amended to provide garage keeper's liability insurance covering the obligations imposed upon such towing carrier by the provisions of the motor carrier law of the Public Utilities Commission of the State of Colorado (hereinafter called the Commission).

This Policy is executed on our standard form of policy, a copy of which is on file with the Insurance Commissioner of the State of Colorado. Whenever requested by the Commission, the Company agrees to furnish to the Commission a duplicate original of said policy and all endorsements thereof.

Description of the motor vehicle or motor vehicles insured is hereby waived.

The certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or its authorized agent giving thirty days' notice in writing to the Commission, at its office in Denver, Colorado, said thirty days' notice to commence to run from the date notice is actually received at the office of the Commission.

- (B) The policy number, the policy effective date, and the address and signature of the insurance company's authorized agent or representative.

- (C) Form 14 is available from the Commission or its website.
- (IV) The transportation carrier shall ensure that the policy and the forms noted in this rule contain the transportation carrier's exact name, trade name (if any), and address as shown in the records of the Commission; and
- (V) Any subsequent changes of name, address, or policy number shall be reflected by the filing of an appropriate endorsement or amendment with the Commission.
- (VI) The proof of minimum levels of financial responsibility required by this rule shall be considered public information and be produced for review upon reasonable request by a member of the public.
- (h) Insurance cancellation. Each certificate of insurance required by and filed with the Commission shall be kept in full force and effect unless and until canceled by a 30-day written notice, on Form K, Form L, Form BMC 35, or Form BMC 36, as applicable, from the insurer to the Commission. Time shall run from the date the notice is received by the Commission. In lieu of the prescribed form, the insurer may cancel a certificate of insurance by letter to the Commission containing the same information as required by the prescribed form.
- (i) 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 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 18-point size or typed in all upper-case letters and posted in a manner that makes it readily visible to each passenger.

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

- (a) Common, contract, or towing carriers.

- (I) Whenever Commission records indicate that a common, contract, 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 summarily suspend such carrier's authority to operate its motor vehicles. The summary suspension shall be effective on the date of coverage cancellation.
 - (II) The Director of the Commission shall send a notice of canceled insurance or surety coverage to such a carrier. The notice shall advise the carrier that its authority to operate is summarily suspended as of the coverage cancellation date and that the Commission has initiated or may initiate revocation proceedings.
 - (III) A carrier receiving notice of summary suspension shall not conduct operations under any of its authorities, including operations under any permit, registration, or certificate, until proper proof of insurance or surety coverage is filed with the Commission.
 - (IV) If the Commission receives proper proof of coverage, the summary suspension will be deemed lifted without further order of the Commission.
 - (V) If the Commission has initiated revocation proceedings, but receives proper proof of coverage prior to revocation, the Commission shall lift the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to civil penalty assessments.
- (b) Exempt interstate carriers and exempt intrastate carriers. Whenever Commission records indicate that an exempt interstate carrier's or an exempt intrastate carrier's required insurance or surety coverage is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall:
- (I) Prior to coverage cancellation, mail notice to said carrier indicating that its required coverage will be cancelled and that the carrier's registration and/or permit to operate will be revoked on the date of coverage cancellation; and
 - (II) After coverage cancellation, immediately revoke the carrier's registration and/or permit, and mail notice to said carrier indicating that its required coverage has been cancelled and that the carrier's registration and/or permit to operate has been revoked.
- (c) Hazardous materials carriers and nuclear materials carriers. Whenever Commission records indicate that a hazardous materials carrier's and nuclear materials carrier's required insurance or

surety coverage is or will be canceled, and the Commission has no proof on file indicating replacement coverage, the Commission shall:

- (I) Prior to coverage cancellation, mail notice to said carrier indicating that its required coverage will be cancelled and that the carrier's hazardous materials permit or nuclear materials permit will be suspended or revoked as provided for in §§ 42-20-202(2)(a) or 42-20-506, C.R.S.; and
- (II) After coverage cancellation:
 - (A) immediately revoke the hazardous materials permit as provided for in § 42-20-202(2)(a), C.R.S., and mail notice to the carrier indicating that its required coverage has been cancelled and that the carrier's hazardous materials permit has been revoked; or
 - (B) either suspend or revoke the nuclear materials permit as provided for in § 42-20-506, C.R.S., and mail notice to the carrier indicating that its required coverage has been cancelled and that the carrier's nuclear materials permit has been either suspended or revoked

6009. Annual Motor Vehicle Identification Fees.

- (a) Every transportation carrier shall pay to the Commission an annual identification fee of five dollars before the first day of January of each calendar year, for each motor vehicle that such carrier owns, controls, operates, or manages within the State of Colorado as set forth in § 40-2-110.5, C.R.S.
- (b) Transportation carriers obtaining new authority or acquiring additional motor vehicles during the year may pay the annual identification fees at any time during the year for said motor vehicles.
- (c) Annual identification fees shall be valid only for the calendar year for which they are purchased.
- (d) Proof of payment of each annual identification fee shall be in the form of a vehicle identification stamp issued by the Commission; except that a Form RS-3 shall be issued to a regulated interstate carrier registered under the Single State Registration System.
 - (I) Except as provided in subparagraphs (II) or (III) of this paragraph, a carrier shall not operate a motor vehicle unless it has affixed a valid vehicle identification stamp to the inside lower right-hand corner of the motor vehicle's windshield.

- (II) Regulated interstate carriers also registered under the Single State Registration System shall carry a copy of the current year's Form RS-3 Registration Receipt in each motor vehicle in lieu of affixing the vehicle identification stamp to the windshield.
- (III) Exempt interstate carriers shall carry a Form D-1 with the identification stamp on the back of the cab card in the square bearing the name of the State of Colorado in lieu of affixing the vehicle identification stamp to the windshield.
- (e) Carriers using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle.

6010. Letter of Authority, Permit, and Registration.

- (a) Every transportation carrier shall maintain a copy of the following in each motor vehicle it owns, controls, operates, or manages under said certificate, permit, or registration:
 - (I) For every common and contract carrier a copy of its current letter of authority;
 - (II) For every exempt intrastate carrier a copy of its proof of registration under rule 6302;
 - (III) For every towing carrier a copy of its towing carrier permit issued under rule 6503;
 - (IV) For every exempt interstate carrier a copy of its Form D-1; and
 - (V) For every regulated interstate carrier a copy of its Form RS-3.
- (b) Upon demand, the transportation carrier shall present the copy of its letter of authority, exempt intrastate carrier registration, towing carrier permit, Form D-1, or Form RS-3 to any enforcement official.

6011. External Markings of Motor Vehicles.

- (a) Except as provided by paragraphs (b) or (c) of this rule, a common carrier, contract carrier, and towing carrier shall mark each of its motor vehicles in accordance with this rule.
 - (I) The markings shall:
 - (A) be placed on both sides of the motor vehicle;

- (B) contain only characters that contrast sharply with the background on which the characters are placed; and
 - (C) contain only characters that are readily legible at a distance of 50 feet from the motor vehicle. Legibility shall be determined during daylight hours and while the motor vehicle is stationary.
- (II) The markings shall contain the following information:
- (A) the name or trade name as set forth in the common carrier's certificate(s), the contract carrier's permit(s), and the towing carrier's towing carrier permit; and
 - (B) the letter and/or number designation of the common carrier's certificate(s), the contract carrier's permit(s), and the towing carriers towing carrier permit, preceded by the letters "CO PUC".
- (b) Motor vehicles operated by a common or contract carrier having a seating capacity of ten or less shall be deemed to have met all the requirements of paragraph (a) of this rule if the carrier affixes the marking required by subparagraph (a)(II) to both the front and rear of the motor vehicle. Such alternative marking shall meet the requirements of subparagraphs (a)(I)(B) and (C) of this rule.
- (c) A carrier shall remove all markings from a motor vehicle if the carrier is permanently withdrawing the motor vehicle from service, or leasing the motor vehicle to another person for purposes not related to operations under the carrier's certificate or permit.
- (d) Exempt intrastate carriers operating luxury limousines see rule 6303 regarding exterior signs and graphics.

6012. Designation of Agent.

- (a) Each transportation carrier shall file in writing with the Commission, and shall maintain on file, its designation of the name and address of a person upon whom service may be made of any lawful notice, order, process, or demand. The Secretary of State of the State of Colorado shall not be the person designated. The person designated, if a natural person, shall be at least 18 years of age. The address of the person designated shall be in the State of Colorado. An interstate carrier shall file its designation using Form BOC-3.
- (b) If the agent designated changes, or if the agent's name or address changes, the transportation carrier shall immediately notify the Commission by filing a new designation.

- (c) Service upon the designated agent filed with the Commission by a transportation carrier shall be deemed to be service upon said transportation carrier.

6013. 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) A lessee may lease motor vehicles for use in the lessee's fleet, subject to the requirements of this rule. Nothing in this rule shall be construed to make an independent contractor an employee of the lessee.
- (c) The lessee shall ensure that leases are in writing on a form supplied by the Commission. The form shall contain: the name and signature of the lessor; the name and signature of the lessee; the date of the agreement; 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 shall preclude 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 the leased motor vehicle during the time that the lease is effective and is maintained in the lessee's files during the time that the lease is effective and for six months after the motor vehicle leaves the lessee's control.
- (e) During the existence of the lease, the lessee shall have full discretion and complete control of the leased motor vehicle and will be fully responsible for its operation in accordance with applicable public utilities 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 required by rule 6007.

6014. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

- (a) Every person who violates any of the provisions of subparagraphs (a)(I) or (c)(I) of rule 6007 may be assessed a civil penalty of up to \$400 for each violation.
- (b) Except as provided for in paragraph (a) of this rule, every person who violates any provision of rules 6000 through 6013 may be assessed a civil penalty of up to \$200 for each violation.
- (c) Any owner or other person, whose driver operates a motor vehicle in violation of these rules may be assessed a civil penalty for such violation pursuant to § 40-7-114, C.R.S.

- (d) Notwithstanding any provision in these rules to the contrary, the Commission may assess double or triple penalty assessments against any person, as provided by statute and this rule.
- (e) The Commission may assess any person a civil penalty containing doubled penalties if:
 - (I) said person engaged in prior conduct resulting 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 said person's prior conduct; and
 - (IV) the conduct for which doubled penalties are sought occurred after said person's receipt of the prior civil penalty assessment notice.
- (f) Except as provided in paragraph (g) of this rule, the Commission may assess any person a civil penalty containing tripled penalties if:
 - (I) said person engaged in two or more instances of prior conduct resulting 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 two prior instances of the conduct by said person; and
 - (IV) the conduct for which tripled penalties are sought occurred after said person's receipt of the prior civil penalty assessment notices.
- (g) 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. 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.

6015. Waivers and Variances. A motor vehicle carrier that has obtained a waiver or variance of any rule in this Part 6 shall:

- (a) If the waiver or variance pertains to a motor vehicle: maintain a copy of the waiver or variance in the affected motor vehicle and in the carrier's motor vehicle maintenance files.
- (b) If the waiver or variance pertains to a driver: ensure that a copy of the waiver or variance is carried on the affected driver's person and is maintained in the affected driver's qualification file.
- (c) If the waiver or variance pertains to any matter not listed in paragraphs (a) or (b) of this rule: maintain a copy of the waiver or variance at the carrier's primary place of business.

6016. - 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

- (a) Except as set forth in paragraphs (b) of this rule, Rules 6100 through 6199 apply to all common carriers, all contract carriers, and all exempt intrastate carriers including property carriers operating motor vehicles with a GVWR of less than 26,001 pounds.
- (b) 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.
- (c) Certain transportation carriers may be subject to the rules of the Colorado Department of Public Safety. Said rules may be applicable either in addition to or in lieu of the Commission's Safety Rules. In order to determine the applicability of the rules of the Colorado Department of Public Safety, please consult 8 CCR 1507-1.

6101. Definitions. In addition to the generally applicable definitions in rule 6001, and those incorporated from federal law in rule 6102, the following definitions apply only in the context of rules 6100 through 6104:

- (a) "Bus" means a motor vehicle designed, constructed, and used for the transportation of passengers.
- (b) "Commission" means the Public Utilities Commission of the State of Colorado. Any reference to the Department of Transportation of the United States, the Federal Highway Administration, a DOT Agency, 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.

- (c) "Commercial motor vehicle" means a motor vehicle operated by a motor vehicle 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.
- (d) "Motor vehicle carrier" means any common carrier, contract carrier, or exempt intrastate carrier.
- (e) "Motorcycle" means "motorcycle" as that term is defined in § 42-1-102(55), C.R.S.
- (f) "Motor-driven cycle" means "motor-driven cycle" as that term is defined in § 42-1-102(56), C.R.S.

6102. Regulations Incorporated by Reference.

- (a) Except as provided in rule 6103 or paragraph (c) of this rule, the Commission incorporates by reference the regulations published in:
 - (I) 49 C.F.R. Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, and 399, as revised on October 1, 2001.
 - (II) 49 C.F.R. Appendix G to Subchapter B of Chapter III, as revised on October 1, 2001.
- (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(c), 390.3(f)(2), 390.21, 390.37, 391.47, 391.49, 391.67, 391.68, 391.69, 395.1(h), 395.1(i), 395.8(e), and 396.9;
 - (II) The definition of "commercial motor vehicle" in § 390.5; and
 - (III) The definition of "bus" in § 393.5;
- (d) Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact:

Transportation Section Chief
Colorado Public Utilities Commission
Office Level 2

1580 Logan Street
Denver, Colorado 80203

Telephone: (303) 894-2850

- (e) The material incorporated by reference may be examined at the offices of the Commission, Office Level 2, 1580 Logan Street, Denver, Colorado 80203, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except when such days are state holidays. The material incorporated by reference may also be examined at any state publications library.

6103. Modification of Regulations Incorporated by Reference.

- (a) With regard to qualification and examination of drivers:
 - (I) 49 C.F.R. Part 391 shall not apply to property carriers and their drivers of motor vehicles that are used exclusively to transport property, have a GVWR or GCWR of less than 10,001 pounds, and 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 property carriers and their drivers of motor vehicles that are used exclusively to transport property, have a GVWR or GCWR of less than 26,001 pounds, and 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.
- (b) 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, truck, and truck tractor as those terms are defined in 390.5 and 393.5.
 - (II) The provisions of 49 C.F.R. § 393.92 shall only apply to a bus as that term is defined in 393.5.
 - (III) 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, which is manufactured with a side discharge exhaust.

- (IV) The provisions of 49 C.F.R. § 393.89, relating to driveshaft protection, and 393.95(a), relating to fire extinguishers, shall not apply to any bus with a seating capacity of 15 or less.
- (V) The following provisions of 49 C.F.R. Part 393 shall not apply to motorcycles or to motor-driven cycles:
 - (A) Sections 393.11 and 393.24(b) requiring at least two headlamps. Motorcycles and motor-driven cycles shall have at least one headlamp.
 - (B) Section 393.41 requiring parking brakes. Motorcycles and motor-driven cycles shall carry sufficient chocking blocks to prevent movement when parked.
 - (C) Section 393.51 requiring service brake system warning devices and gauges.
 - (D) That part of § 393.65(d) prohibiting gravity feed to supply fuel to the carburetor or injector.
- (c) With regard to hours of service of drivers:
 - (I) 49 C.F.R. Part 395 shall not apply to property carriers and their drivers of motor vehicles that are used exclusively to transport property, have a GVWR or GCWR of less than 10,001 pounds, and do not require a commercial driver's license to operate.
 - (II) A driver is exempt from the requirements of 49 C.F.R. §§ 395.3(a)(2) and 395.8 if all of the following conditions are met:
 - (A) The driver operates a motor vehicle having a GVWR or GCWR of less than 10,001 pounds and has a seating capacity of 15 or less;
 - (B) The driver operates within a 100 air-mile radius of the normal work reporting location;
 - (C) The driver, except a driver salesperson, returns to the work reporting location and is released from duty within 16 consecutive hours;
 - (D) At least eight consecutive hours off duty separate each 16-hour period referenced in subparagraph (II)(C) of this paragraph;
 - (E) The driver does not exceed 10 hours maximum driving time following eight consecutive hours off duty; and

- (F) The motor carrier that employs the driver maintains and retains accurate and true 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; and
 - (iv) 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.
- (III) With regard to subparagraph (II) of this paragraph, drivers may go off duty for any period of time during the 16-hour period, but the 16-hour period shall only be restarted after eight consecutive hours off duty.
- (IV) 49 C.F.R. § 395.3(b) shall not apply to drivers who, in any eight consecutive days, operate only motor vehicles having a GVWR or GCWR of less than 10,001 pounds and has a seating capacity of 15 or less. If, pursuant to this subparagraph (IV), 49 C.F.R. § 395.3(b) does not apply, then a motor vehicle carrier shall neither permit nor require a driver to drive, nor shall any such driver drive, regardless of the number of motor carriers using the driver's services, for any period after:
 - (A) Having been on duty 70 hours in any seven consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or
 - (B) Having been on duty 80 hours in any eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.
- (d) 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 vehicle carrier with a copy of the completed DVCR.
 - (II) The driver receiving a DVCR shall deliver the DVCR to the motor vehicle carrier operating the motor vehicle upon the driver's next arrival at any of the motor vehicle 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 vehicle carrier operating the motor vehicle.

(III) Motor vehicle carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the motor vehicle 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 vehicle carrier's principal place of business or where the motor vehicle is housed.

(IV) Enforcement officials shall declare "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 "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 notice to the driver and the motor vehicle 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 "out-of-service" until all repairs required by the out-of-service notice have been satisfactorily completed. No motor carrier shall require or permit any person declared "out-of-service" to 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 "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.

- (e) 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 property carrier by motor vehicle;
 - (II) are designed to transport 15 passengers or more; 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.*
- (f) Motor vehicle carriers filing reports required by 49 C.F.R. Parts 40, 382, 383, 390, 391, 392, 393, 395, 396, or 399 shall file such reports with the Commission at its business address: Office Level 2, 1580 Logan Street, Denver, CO 80203.
- (g) Motor vehicle carriers and drivers shall, upon request by an enforcement official, make available for inspection all records required to be made by these Safety Rules and all motor vehicles subject to these Safety Rules.

6104. Motor Vehicle Weight. An enforcement official may require a transportation carrier to have a motor vehicle weighed, if such motor vehicle's structural components, suspension components, wheels, tires, or loading may, in the enforcement official's judgment, create potentially unsafe operations.

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

- (a) Every person who violates any of the following provisions may be assessed a civil penalty of up to \$400 for each violation:
 - (I) Drug and alcohol use and testing provisions: 49 C.F.R. §§ 382.115; 382.201; 382.205; 382.207; 382.209; 382.211; 382.213(a) or (b); or 382.215.
 - (II) Physical qualifications: 49 C.F.R. § 391.11(a) in conjunction with § 391.11(b)(4).
 - (III) Valid motor vehicle operator's license: 49 C.F.R. § 391.11(a) in conjunction with § 391.11(b)(5).
 - (IV) Age of driver: 49 C.F.R. § 391.11(a) in conjunction with subparagraph 6103(a)(III); or 49 C.F.R. § 391.11(a) in conjunction with § 391.11(b)(1).
 - (V) Driver disqualification: 49 C.F.R. § 391.15.

- (VI) Ill or fatigued driver: 49 C.F.R. § 392.3.
 - (VII) Drug/alcohol prohibitions: 49 C.F.R. § 392.4(a) or (b); or 392.5(a) or (b).
 - (VIII) Safe loading: 49 C.F.R. § 392.9(a).
 - (IX) Baggage and freight stowage and securement: 392.62(c).
 - (X) Maximum driving time: 49 C.F.R. §§ 395.3(a)(1) or (2); 395.3(b)(1) or (2); or subparagraph 6103(c)(IV).
 - (XI) Out-of-service conditions: subparagraph 6103(d)(V).
- (b) Except as provided for in paragraph (a) of this rule, every person who violates any provision of rule 6103 or any provision of the Code of Federal Regulations incorporated by reference herein, may be assessed a civil penalty of up to \$200 for each violation.
 - (c) Any owner or other person, whose driver operates a motor vehicle in violation of these Safety Rules, may be assessed a civil penalty for such violation pursuant to § 40-7-114, C.R.S.

6106. - 6199. [Reserved].

COMMON AND CONTRACT CARRIER RULES

RULES GENERALLY APPLICABLE TO COMMON AND CONTRACT CARRIERS

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

6201. Definitions. In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Common and Contract Carrier Rules:

- (a) "Capable," as used in § 40-6-120(1), C.R.S., means ready, willing, and able to provide services under the terms of the carrier's authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations.
- (b) "Carrier" means a common carrier or a contract carrier.

- (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 in a motor vehicle of less than 32 passengers capacity.
- (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 carrier does not designate a specific time for service to the flag stop; if the 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 of Title 40, C.R.S.
- (i) "Outstanding operating authority" means an existing operating 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) "Taxicab service" means passenger transportation by taxicab.
- (m) "Type of service" means charter, limousine, sightseeing, taxicab, or scheduled service, as defined in this rule.

6202. Prohibitions.

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

- (I) combine or tack the authority granted in one operating right with the authority granted in another operating right to render a transportation service not authorized by either individual operating right;
 - (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its operating right;
 - (III) serve any point not included in its operating right;
 - (IV) abandon or suspend operations under its operating right; or
 - (V) file a tariff or time schedule whose applicability or scope violates this rule.
- (b) Except as specifically provided by Commission Order, rule 6205, or Article 11.5 of Title 40, C.R.S., no 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 carrier's operating rights. Every such transaction, unless excepted, shall be void. This prohibition applies, without limitation, to a carrier permitting a person to operate under said carrier's permit or certificate pursuant to a motor vehicle lease.
- (c) Except as approved by the Commission, no transfer of any operating right 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 certificate or permit, shall file an application with the Commission. The application shall contain the following information:
- (I) The name, including trade name if applicable, physical address, mailing address, and telephone number of the applicant.
 - (II) The name, mailing address, and telephone number of the applicant's representative to whom the Commission may direct inquiries regarding the application.
 - (III) A statement describing the applicant's business structure (corporation, partnership, sole proprietorship, etc.).
 - (IV) If the applicant is a corporation: the name of the state in which it is incorporated; the location of its principal

office, if any, in Colorado; the names of its directors and officers; the name and address of its Colorado agent for service of process; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application. If the applicant does not possess authority qualifying it to do business in Colorado, the applicant shall:

- (A) state in the application that "the applicant understands that, if the application is approved, the Commission will not issue any letter of authority unless and until the applicant files with the Commission its authority qualifying it to do business in Colorado"; and
 - (B) submit proof of such authority as required by Commission order or as soon as possible after the application is granted, if that is the case.
- (V) If the applicant is a limited liability company: a statement of that fact; the name of the state in which it is organized; the complete mailing address and physical address of its principal office; the name of its managers; and a copy of its articles of organization.
- (VI) If the applicant is a partnership: the names, titles, and addresses of all general and limited partners; and a copy of the partnership agreement establishing the partnership and all subsequent amendments.
- (VII) A complete description of the authority sought, which shall indicate:
- (A) whether the applicant proposes to operate as a common or contract carrier;
 - (B) the proposed type of service (*i.e.*, charter, limousine, sightseeing, taxicab, or scheduled), if the applicant proposes to operate as a common carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the authority sought; and
 - (E) a description of the make, model, and year of the motor vehicles proposed to be operated, or if unknown, then a summary of the number and types of motor vehicles proposed to be operated.

- (VIII) A map or diagram showing the proposed geographic area of service, or the proposed points or routes of service.
- (IX) If the applicant seeks common carrier authority, the applicant shall attach signed letters of support indicating a public need for the proposed service. A letter from the applicant shall be considered a letter of public support. A letter of support:
- (A) shall contain the author's name, address, and phone number;
 - (B) should explain the public need;
 - (C) should specifically support the applicant's particular request for authority;
 - (D) should describe whether and how existing service is inadequate; and
 - (E) shall contain a statement, signed by the author, stating that the letter contains only information that is true and correct to the best of the author's knowledge and belief.
- (X) If the applicant seeks contract carrier authority, the applicant shall attach a letter signed by each proposed customer. Such a letter:
- (A) shall contain the proposed customer's name, address, and phone number;
 - (B) should indicate the proposed customer's special or distinctive transportation needs and whether those needs can be met by existing service;
 - (C) should specifically support the applicant's particular request for authority;
 - (D) should describe whether and how existing service is inadequate; and
 - (E) shall contain a statement, signed by the proposed customer, stating that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief.
- (XI) A statement of the facts upon which the applicant relies to establish that the application should be granted. If the application seeks common carrier authority, the statement should establish how granting the application is in the public interest. If the application seeks contract carrier authority, the statement should establish the superior,

special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customer's needs.

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

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

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

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

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

(XVII) A statement disclosing whether the applicant or any affiliate of the applicant is currently in violation of any provision of Title 40, C.R.S., or any Commission rule or order. The disclosure, if applicable, shall include a description of the violations.

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

(XIX) 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 certificate or permit, shall file an application with the Commission. The application shall contain the following information:

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

(A) Any support letters shall contain the following additional information: an explanation of the immediate and urgent need for the proposed service; whether there is any other transportation service

available; if such service is available, a detailed description of the author's efforts to use it and whether it is capable of meeting the author's needs; and the extent to which available transportation services have refused to provide service.

- (B) The statements in subparagraphs (a)(IV)(A), (a)(XV), and (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 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 certificate or 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 common carriers serving in the same geographic area.
- (V) Nothing in this paragraph shall be construed to direct the sequence of evidence presented by the parties.

6204. Abandonment, Revocation, Suspension, Alteration, or Amendment of Operating Rights.

- (a) The Commission may, after at least ten days' notice to the carrier affected, hold a hearing to revoke, suspend, alter, or amend said carrier's operating rights for any of the following reasons:
 - (I) Failure to comply with any statutory requirement concerning carriers;
 - (II) Failure to comply with the terms and conditions of, or exceeding the authority granted in, the carrier's certificate or permit; or
 - (III) Failure to comply with any lawful order, rule, or regulation of the Commission.
- (b) A carrier wishing to abandon or voluntarily suspend its operating rights, or any portion thereof, shall file an application to do so. The application shall contain information fully explaining why the abandonment or suspension is sought and how the abandonment or suspension will affect the public. The application must also contain a statement, signed by the applicant, that the application contains only information that is true and correct to the best of the applicant's knowledge and belief. The Commission, in its discretion, may either grant such an application without a hearing after ten day's notice or set it for hearing.
- (c) Except as specified in paragraph (d) of this rule, a 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 carrier operating seasonally.
- (d) A 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 operating rights 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 operating right 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 operating right from a transferor.

(IV) "Transferor" means any entity transferring control of any operating right 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 an operating right's owners as shown in the official records of the Commission may transfer the operating right.

(c) An application to encumber any operating right, transfer any operating right, acquire control of any carrier, or permit a merger or consolidation of a 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), (XVII), and (XVIII).

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

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

- (IV) If the transaction covers only portions of an operating right: 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 operating rights.
- (X) A current copy of each letter of authority encompassing the operating rights at issue in the application.
- (XI) If the transaction involves the lease of an operating right: a copy of the proposed lease and a statement of the lease's effective date and termination date.
- (XII) If a transferor or encumbrancer seeks foreclosure of an encumbrance or execution in satisfaction of any judgment or claim: the transferee's written consent to transfer, or in lieu thereof, a judicial order authorizing unilateral action by the transferor or encumbrancer.
- (XIII) Except in the case of an application involving only the creation of an encumbrance, a statement setting forth the qualifications of the transferee to conduct the proposed operations.
- (XIV) A statement that the applicants understand the Commission will, in its discretion, cancel any duplicating or overlapping operating rights created by the transaction.
- (XV) A statement setting forth whether the transferor has been and is conducting active, bona fide operations under the operating rights at issue in the transaction.

- (XVI) A statement of the facts upon which the applicants rely to show that the application should be granted. In this regard, the applicants should consult paragraph (e) of this rule.
- (XVII) A statement, signed by the applicant, that the application contains only information that is true and correct to the best of the applicant's knowledge and belief.
- (d) An application filed under § 40-6-120(2) or (4), C.R.S., seeking temporary or emergency temporary approval to operate the carrier or 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 operating right have the burden of proving the elements prescribed by § 40-6-120(2) or (4), C.R.S., as applicable. Applicants seeking approval to permanently transfer any operating right have the burden of proving:
- (I) that the transferor has not abandoned the operating right and has not allowed the operating right to become dormant;
 - (II) that the transferor has been and is engaged in bona fide operations under its operating right, 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 operating rights; 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 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 Operating Rights. The Commission shall not grant, extend, or otherwise modify a certificate or permit, if the carrier would thereby obtain duplicating or overlapping operating rights. 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 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) No carrier may operate its motor vehicles without having approved tariffs on file with the Commission. No carrier shall disseminate to any person information contrary to the information contained in its approved tariff. No carrier shall operate in conflict with its approved tariff.
- (c) A common carrier shall ensure that a copy of its approved tariff is available for public inspection, at all reasonable times, in each of the common carrier's offices or terminals transacting business with the public.
- (d) Every taxicab carrier shall publish, in its tariffs, reduced fares that are applicable to passengers riding under a multiple loading arrangement.
- (e) A contract carrier shall ensure that:
 - (I) Its tariff complies with the requirements of rule 6209.
 - (II) It is paid in accordance with its approved tariff.
 - (A) The tariff shall provide for payment to the contract carrier only:
 - (i) by the Commission-approved entity with whom the contract carrier has directly contracted; or
 - (ii) by such entity's legal agent for distribution of payment.
 - (B) The tariff shall not provide for payment from an individual passenger, unless:
 - (i) such passenger is the Commission-approved entity specifically named in the contract carrier's permit; or
 - (ii) the Commission specifically so approves.
 - (III) It mails notice of its tariff filings to the affected entity with whom the contract carrier has contracted for transportation services.
 - (A) Such notice shall be mailed concurrently with the tariff filing.
 - (B) Such notice shall contain: a copy of the initial tariff, or the proposed changes thereto, as applicable; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the filing; a statement that a written objection to the filing may be filed with the Commission; the date for filing such an objection; a

statement that the filing of an objection by itself will not allow a person to participate in the hearing, unless such person has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.

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

(f) At a minimum, tariffs shall contain the following:

- (I) The front cover of the tariff shall take the form of a title page and shall contain the following information:
 - (A) In the upper right corner, a tariff number, running consecutively for each subsequent tariff filing.
 - (B) Immediately below the tariff number, the number or numbers of the canceled tariff or tariffs.
 - (C) In the central portion of the page, the name and, if applicable, trade name of the carrier.
 - (D) Under the name and trade name of the carrier, the carrier's certificate or permit numbers to which the tariff applies.
 - (E) In the lower right corner, the date when the tariff provisions become effective. A tariff containing provisions effective on a date different from the general effective date of the tariff shall, beneath the tariff's general effective date, contain the phrase "except as otherwise provided herein." A tariff containing provisions effective on less than statutory notice shall contain the phrase "issued on [number] days' notice by authority of Decision No. ."
 - (F) Beneath the effective date, but only if applicable, a statement that the tariff "expires on [date] , unless sooner canceled, changed, or extended."
 - (G) At the bottom center of the page, the name, title, address, signature, and phone number of the person issuing the tariff.
- (II) The pages following the cover page shall contain the following information:

- (A) A statement of the scope of the tariff, describing the territory or points to which the tariff provisions apply.
 - (B) An explanation of the symbols, reference marks, and abbreviations used.
 - (C) The provisions governing the tariff, including without limitation all terms, conditions, rules, rates, fares, and charges. If a certain provision is to expire on a given date, the date shall be set forth with any appropriate explanation.
- (g) A carrier shall file with the Commission an original and one copy of each tariff or amendment.
- (h) Carriers amending a tariff shall only do so by supplement, page reissuance, or tariff reissuance. Carriers shall note amendments by using the following uniform symbols:
- (I) to denote rate or charge reductions, "(R)";
 - (II) to denote rate or charge increases, "*" or "(I)";
 - (III) to denote wording changes resulting in neither increases nor reductions in rates or charges, "(C)";
 - (IV) to denote additions, "+" or "(A)"; and
 - (V) to denote deletions, "(D)".
- (i) A carrier proposing a tariff amendment shall file, concurrently with the proposed amendment, a statement justifying the amendment. The justification shall include an explanation of all circumstances and data relied upon in requesting approval of the proposed amendment.
- (j) In addition to the notice required by § 40-3-104, C.R.S., and the notice requirements of the rules of practice and procedure, a common carrier proposing an amended tariff 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 carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment, for a duration equal to the objection or intervention period, whichever is longer, a printed notice of the proposed tariff amendment.
 - (II) The common carrier shall include in such notice: the proposed changes; the effective date; a statement that the

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

- (III) If a proposed tariff amendment results in an increase in rates, fares, or charges, a common carrier shall also publish notice in one or more newspapers. The form of notice shall be available from the Commission. The 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. The common carrier shall file with the Commission, at least 15 days prior to the proposed tariff amendment's effective date, an affidavit of publication prepared by the newspaper.
- (k) 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. Except as provided by Commission Order, such an application shall not be subject to the notice provisions of paragraph (j) of this rule. If the Commission approves the application, it shall do so by written order.
- (l) Any person affected by a tariff amendment proposed under this rule may submit a written objection to the proposed amendment. Unless otherwise ordered by the Commission, an objection shall not be considered unless it is filed with the Commission at least 10 days before the effective date of the proposed tariff.
- (m) 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 carrier and any person who has filed an objection. The order shall specify when the matter is set for hearing, that an objection without an intervention is insufficient to participate as a party in the hearing, and the due date for interventions.

- (n) If the Commission suspends a proposed tariff amendment, the carrier shall file with the Commission a suspension supplement. The suspension supplement shall be on a form deemed proper by the Commission or its staff.
- (o) If a tariff or amendment is rejected by the Commission, the tariff number contained in it shall not be used again. The tariff or amendment shall not be referred to afterwards as canceled, amended, or otherwise. A tariff or amendment that is issued to take the place of the rejected tariff or amendment shall contain the following statement:

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

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

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

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

6208. Time Schedules.

- (a) No scheduled common carrier may operate its motor vehicles without having approved time schedules on file with the Commission. No such 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 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 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 carrier's offices or terminals transacting business with the public. The carrier shall carry copies of its time schedules in its scheduled motor vehicles, and shall furnish them to passengers upon request.
- (f) At a minimum, time schedules shall contain the following:
 - (I) The front cover of the time schedule shall take the form of a title page and shall contain the following information:
 - (A) In the upper right corner, a time schedule number, running consecutively for each subsequent time schedule filing.
 - (B) Immediately below the time schedule number, the number or numbers of the canceled time schedule(s).
 - (C) In the central portion of the page, the name and, if applicable, trade name of the carrier.
 - (D) Under the name and trade name of the carrier, the carrier's certificate numbers to which the time schedule applies.
 - (E) In the lower right corner, the date when the time schedule becomes effective. A time schedule containing provisions effective on a date different from the general effective date shall, beneath the general effective date, contain the phrase "except as otherwise provided herein." A time schedule effective on less than statutory notice shall contain the phrase "issued on [number] days' notice by authority of Decision No. ."
 - (F) Beneath the effective date, but only if applicable, a statement that the time schedule "expires on [date] , unless sooner canceled, changed, or extended."
 - (G) At the bottom center of the page, the name, title, address, and phone number of the person issuing the time schedule.
 - (II) The pages following the cover page shall contain the following information:
 - (A) A statement of the scope of the time schedule, describing the route or points to which the time schedule applies.

- (B) An explanation of the symbols, reference marks, and abbreviations used.
 - (C) One or more lists of all scheduled stops and all flag stops, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate.
 - (D) A statement whether service is daily or otherwise, and if otherwise a statement describing the other service.
 - (E) The address of each scheduled stop, if such address exists, otherwise a description sufficient to notify the Commission and the public regarding the location of the scheduled stop.
 - (F) Any other appropriate information regarding the service the carrier desires to perform.
- (g) A scheduled common carrier shall file with the Commission an original and one copy of each time schedule.
- (h) Scheduled common carriers amending a time schedule shall only do so by supplement, page reissuance, or time schedule reissuance. Such carriers shall note amendments by using the following uniform symbols:
- (I) to denote wording changes, "(C)";
 - (II) to denote additions, "+" or "(A)"; and
 - (III) to denote deletions, "(D)".
- (i) A carrier proposing a time schedule amendment shall file, concurrently with the proposed amendment, a statement justifying the amendment. The justification shall include an explanation of all circumstances and data relied upon in requesting approval of the proposed amendment.
- (j) In addition to the notice required by § 40-3-104, C.R.S., and the notice requirements of the rules of practice and procedure, a carrier proposing an amended time schedule shall give notice as follows:
- (I) The 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 carrier and in the passenger compartment of each motor vehicle used in the transportation of passengers affected by the proposed amendment, for a duration equal to the objection or intervention period, whichever is longer, a printed notice of the proposed time schedule amendment.

- (II) The carrier shall include in such notice: the proposed amendments; the effective date; a statement that the Commission may suspend the effective date and hold a hearing regarding the proposed amendment; a statement that a written objection may be filed with the Commission; the date for filing such an objection; a statement that the filing of an objection by itself will not allow a party to participate in the hearing, unless the party has also filed a written intervention and received leave of the Commission to intervene; and the Commission's address where objections or interventions may be filed.
 - (III) The common carrier shall file with the Commission, at least 15 days prior to the proposed time schedule amendment's effective date, an affidavit indicating that the common carrier has complied with subparagraphs (I) and (II) of this paragraph.
- (k) An application to amend a time schedule on less than 30 days' notice shall only be granted for good cause. The application shall contain information fully explaining why the time schedule change is sought, why it is sought on less than 30 days notice, and how the change will affect the public if approved. Except as provided by Commission Order, such an application shall not be subject to the notice provisions of paragraph (j) of this rule. If the Commission approves the application, it shall do so by written order.
- (l) Any person affected by a time schedule amendment proposed under this rule may submit a written objection to the proposed amendment. Unless otherwise ordered by the Commission, an objection shall not be considered unless it is filed with the Commission at least 10 days before the effective date of the proposed time schedule.
- (m) If the Commission suspends and sets any time schedule for hearing:
- (I) Any entity desiring to participate as a party shall intervene in the proceeding.
 - (II) The Commission shall send the order suspending the time schedule to the carrier and any person who has filed an objection. The order shall specify when the matter is set for hearing, that an objection without an intervention is insufficient to participate as a party in the hearing, and the due date for interventions.
- (n) If the Commission suspends a proposed time schedule amendment, the Commission or its staff shall issue a Suspension Supplement to be maintained in the Commission's time schedule files. The Suspension Supplement shall be on a form deemed proper by the Commission or its staff.

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

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

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

Filed in compliance with Public Utilities
Commission Decision No. ____.

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

6209. Contract Carrier Contracts.

- (a) Except as otherwise permitted by law, a contract carrier shall not enter into a contract for transportation with any person not named in the contract carrier's permit.
- (b) Except as otherwise permitted by law, a contract carrier shall not engage in any act of transportation for hire except in compliance with the contract between the contract carrier and the person named in the contract carrier's permit.
- (c) Contracts may be oral or written.
- (d) At a minimum, all contracts, whether oral or written, shall specify the following:
- (I) the names of the parties to the contract;
 - (II) the provisions regarding the scope and terms of transportation and accessorial services to be provided; and
 - (III) the date and term of the contract.
- (e) A contract carrier shall ensure that its contracts do not conflict with provisions in the contract carrier's permit or tariff.

- (f) A contract carrier shall include in its tariff the provisions required under paragraph (d) of this rule.
 - (I) In lieu of including said provisions in its tariff, a contract carrier may incorporate its written contract into its tariff by attaching a copy of the contract to the tariff.
 - (II) A contract carrier amending a contract shall immediately file an amended tariff as prescribed by rule 6207.
- (g) The Commission is empowered, at any time, to investigate any contract and to require copies of written contracts from any contract carrier. The Commission is empowered to approve, or to disapprove for cause, any operations under any contract.

6210. Driver Courtesy. Every carrier shall ensure that its drivers provide its passengers with courteous service promoting the passengers' comfort and convenience. Drivers shall not behave discourteously. Discourteous service by a driver includes, but is not limited to, instances involving profanity, obscenity, assault, or the making of derogatory sexual or racial remarks. Passenger conduct, especially if it is unlawful, disorderly, or endangers others, is a factor to consider in determining whether a driver behaves discourteously.

6211. Use of Motor Vehicles Qualified as Luxury Limousines.

- (a) No 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. 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.
- (b) Carriers should use the form of notice available from the Commission. In lieu of such form, however, the carrier shall give notice under this rule by identifying:
 - (I) the carrier and the carrier's certificate or permit numbers;
 - (II) the luxury limousine registration number;
 - (III) the make, model, license number, and vehicle identification number of the dual-use vehicle;

- (IV) the date(s) and time(s) of day the dual-use vehicle will be so operated; and
 - (V) the customer's name for each specified date and time.
- (c) The 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.
 - (d) The carrier may file an amended notice if necessary, but only if such amendment is received by the Commission before the carrier implements the changes listed in the amendment.
 - (e) 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 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 carrier services.

6212. Annual Reports. Each carrier shall file with the Commission an annual report on a Commission-supplied form on or before April 30 of each year. The carrier shall complete all sections of the annual report applicable to said 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 carrier's owner, authorized partner, or authorized officer, as applicable, shall sign the certification of the annual report or terminating annual report.

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

- (a) Every person who violates any of the following provisions may be assessed a civil penalty of up to \$400 for each violation:
 - (I) Operating without certificate or permit: § 40-10-104, C.R.S.; or § 40-11-103(1), C.R.S.
 - (II) Illegal sale, lease, merger, consolidation, assignment, license, other transfer, or encumbrance: § 40-10-106, C.R.S.; § 40-11-104, C.R.S.; paragraph 6202(c); or paragraph 6205(f).
 - (III) Altering, suspending, or abandoning service: subparagraph (I), (II), (III), or (IV) of paragraph 6202(a).
 - (IV) Tariff or time schedule violations: § 40-10-117, C.R.S.; paragraph 6207(b); or paragraph 6208(a).
 - (V) Dual-use vehicle violation: paragraph 6211(a).

- (b) Except as provided for in paragraph (a) of this rule, every person who violates any provision of Articles 10 or 11 of Title 40, C.R.S., or any provision of these Common and Contract Carrier Rules may be assessed a civil penalty of up to \$200 for each violation.
- (c) Any owner or other person, whose driver operates a motor vehicle in violation of these Common and Contract Carrier Rules, may be assessed a civil penalty for such violation pursuant to § 40-7-114, C.R.S.

6214. - 6249. [Reserved].

RULES SPECIFICALLY APPLICABLE TO TAXICAB CARRIERS

6250. Applicability of Taxicab Carrier Rules. Rules 6250 through 6259 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 operating right 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, regardless of the number of passengers being transported, and regardless of whether the passengers are traveling together, a fixed charge for the use of a taxicab traveling between DIA and one of the zones described in these taxicab carrier rules.
- (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) "Notice" means a sign of not less than five inches by eight inches containing either all upper-case characters, or characters of not less than 18 point size.
- (f) "Taxicab carrier" means a carrier with certificate authorizing service by taxicab.

6252. Notices.

- (a) Each taxicab carrier shall post a notice of its approved fares in each motor vehicle it operates. The notice shall be placed on the inside of the left rear door window.

- (I) Taxicab carriers using meters only shall post a notice stating:

NOTICE:

FARES ARE CALCULATED BY USE OF A
METER THAT SHALL BE ACTIVATED. APPROVED
FARES AND CHARGES ARE ON FILE WITH THE
COLORADO PUBLIC UTILITIES COMMISSION.

THE APPLICABLE FARES ARE _____
FOR THE FIRST _____ MILE PLUS _____
FOR EACH ADDITIONAL _____ MILE.

ADDITIONAL CHARGES MAY APPLY FOR
ADDITIONAL PASSENGERS, BAGGAGE, PACKAGES,
WAITING TIME, PETS, TOLL, OR GATE CHARGES.

TO REPORT ANY PROBLEMS, CALL THE
PUBLIC UTILITIES COMMISSION AT _____.

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

THE METER WILL AUTOMATICALLY CHANGE
TO A TIME CHARGE OF _____ PER MINUTE
WHEN THE TAXICAB'S SPEED IS LESS THAN
_____ MILES PER HOUR.

The taxicab carrier shall complete all blanks in the above notice, using a phone number provided by the Commission's Chief of Transportation.

- (II) Taxicab carriers using odometers only shall post a notice stating:

NOTICE:

FARES ARE CALCULATED BY USE OF THE
ODOMETER, WHICH YOU HAVE THE RIGHT TO
INSPECT BEFORE AND AFTER THE TRIP.
APPROVED FARES AND CHARGES ARE ON FILE WITH
THE COLORADO PUBLIC UTILITIES COMMISSION.

THE APPLICABLE FARES ARE _____
FOR THE FIRST _____ MILE, PLUS _____
FOR EACH ADDITIONAL _____ MILE.

ADDITIONAL CHARGES MAY APPLY FOR
ADDITIONAL PASSENGERS, BAGGAGE, PACKAGES,
WAITING TIME, PETS, TOLL OR GATE CHARGES.

TO REPORT ANY PROBLEMS, CALL THE
PUBLIC UTILITIES COMMISSION AT _____.

The taxicab carrier shall complete all blanks in the above notice, using a phone number provided by the Commission's Chief of Transportation.

(III) Taxicab carriers using both meters and odometers shall post a notice containing the information specified by subparagraphs (I) and (II) of this paragraph.

- (b) Every taxicab carrier shall post a notice in each taxicab, on the inside of the taxicab's left rear door window, reading:

THE DRIVER OF THIS TAXICAB SHALL HAVE THE PERMISSION
OF THE FIRST PASSENGER TO LOAD OTHER PASSENGERS. IF
YOU AGREE TO MULTIPLE LOADING YOU ARE ENTITLED TO A
REDUCED FARE.

- (c) The taxicab carrier shall ensure that the taxicab number and the name of the taxicab's driver shall be prominently displayed and easily readable at all times by all passengers in the interior of each motor vehicle. The driver's herdic license may be used to meet this rule's requirement to display the driver's name.

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

- (a) No taxicab carrier or taxicab driver shall engage in multiple loading unless the first passenger occupying the taxicab agrees to multiple loading.
- (b) A taxicab carrier shall ensure that passenger transportation shall be by the shortest possible route between the origin and destination; provided, however, that a passenger may agree to an alternate route or designate the route he or she wishes to travel, if the taxicab carrier has first advised the passenger regarding the extent of deviation from the shortest possible route.
- (c) No taxicab carrier or driver may refuse to transport any passenger unless: the passenger is acting in an unlawful, disorderly, or endangering manner; there is a previous commitment of the taxicab equipment; or the passenger is unable to care for himself or herself, if not in the charge of a responsible companion or attendant. Except where there is a previous commitment of the taxicab equipment, a taxicab driver shall immediately report to the dispatcher any refusal to transport a passenger.
- (d) When a customer calls a taxicab carrier for service, the taxicab carrier shall request a phone number from the passenger and give an estimated time of pickup. If a customer's pickup location is within a 10-mile radius of the taxicab carrier's terminal from which a call is or would be dispatched, the taxicab carrier shall arrive at the pickup location within 30 minutes from the time the customer first requested service. If a customer's pickup

location is outside a 10-mile radius of the taxicab carrier's terminal from which a call is or would be dispatched, the taxicab carrier shall have 3 additional minutes under this rule for each additional mile outside the 10-mile radius. A delay under this rule of more than 10 minutes shall be excused if:

- (I) the customer has left a telephone number with the taxicab carrier;
- (II) the taxicab carrier notifies the customer regarding the delay; and
- (III) such delay is caused by inclement weather, traffic congestion, or other circumstances beyond the control of the carrier.

6254. Additional Service Requirements for Taxicab Carriers Operating Within and Between Counties with a Population of Sixty Thousand or Greater. Taxicab carriers operating within and between counties with a population of sixty thousand or greater based on the federal census conducted in 1990 shall be subject to the additional requirements of this rule.

- (a) Communications and Dispatch. Taxicab carriers subject to this rule shall obtain and advertise a central telephone number by which the public may call and request service. Taxicab carriers shall employ a communications system capable of contacting each of its taxicabs in service. The communications system shall have the ability to "broadcast" to all motor vehicles in the fleet at the same time. For good cause shown, taxicab carriers shall have 12 months from the time the Commission issues the carrier's 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 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. Except as provided in paragraph (e) of this rule, taxicab carriers subject to this rule shall not use taxicabs older than ten model years as of July 1st of each year. For purposes of this rule, the counting of model years shall include the present calendar year.
- (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, at the time of its safety inspection, shall be in outstanding physical condition in the opinion of the Commission's safety inspector. The Commission's enforcement officials shall use the following general guidelines in determining if a taxicab is in outstanding physical condition:
 - (I) The body of the taxicab has a good, unfaded paint job; is devoid of dents, rust, missing or broken chrome, and broken or cracked lenses or glass; and
 - (II) Except for problems caused by current weather conditions, the interior of the taxicab is clean, free of offensive odors, and has no tears, cracks, or major stains upon the upholstery, headliner, and carpeting.
- (f) Size of Fleet. Taxicab carriers subject to this rule that are also authorized to serve a base area with a population of at least 250,000 shall, at all times, employ a fleet of motor vehicles large enough to ensure the taxicab carrier's ability, at any given time, to deploy at least 15 taxicabs providing service to the public.

6255. Record Keeping.

- (a) A taxicab carrier shall maintain in its files, for a minimum of one year from the date a customer requested service, the following data for each trip:
 - (I) the taxicab number;
 - (II) the driver's name;
 - (III) the date and time of the customer's request for service;
 - (IV) the address, date, and time of the customer's pickup; and
 - (V) the address of the customer's destination.
- (b) If multiple loading is applicable for a given trip, then the data shall reflect the requirements of this rule for each party involved in the multiple loading trip.

6256. Flat Rates to and from Denver International Airport. Taxicab carriers authorized to provide service to or from any portion of the zones listed in this rule shall be subject to all the provisions of this rule.

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

- (b) To the extent a taxicab carrier is subject to this rule, such taxicab carrier shall not charge meter rates, but shall instead charge the flat rates permitted under this rule. Taxicab drivers shall inform passengers of the total charge prior to commencing the trip. Except as specifically authorized by this rule, taxicab carriers charging flat rates shall not additionally charge for waiting time, traffic delay, or airport fees. 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.
 - (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) A taxicab carrier shall not permit a taxicab subject to these rules to serve DIA unless such taxicab prominently displays to passengers a zone map showing the zones and the applicable flat rate in each zone.

- (e) 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.
- (f) The flat rates shall be calculated for each zone using the following methodology: The highest meter rate in effect among the taxicab carriers subject to this rule shall be multiplied by the distance between DIA and a centrally located point in each zone. The respective flat rates from DIA to Zones A, B, and C shall be the same among all taxicab carriers. The flat rates shall not include any applicable airport gate fee. The distances between DIA and the zones shall be measured by the Commission along the following routes:
- (I) Zone A: Beginning at the taxicab loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west 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 taxicab loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west 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 taxicab loading zone on the west side of level 5 at DIA, then exiting DIA by proceeding west on Pena Boulevard to its intersection with Interstate 70, then west on Interstate 70 to its intersection with Interstate 270, then north on Interstate 270 to its intersection with Interstate 76, then west on Interstate 76 to its intersection with Interstate 25, then north on Interstate 25 to its intersection with U.S. Highway 36, then north on U.S. 36 to its intersection with Arapahoe Road in Boulder for a total distance of 44 miles.

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

(I) Zone A:

(A) The flat rate from DIA to Zone A shall be \$43.00, plus any applicable airport gate fee, plus any applicable per drop charge of \$5.00.

(B) The flat rate from Zone A to DIA shall be \$43.00.

(II) Zone B:

(A) The flat rate from DIA to Zone B shall be \$45.00, plus any applicable airport gate fee, plus any applicable per drop charge of \$5.00.

(B) The flat rate from Zone B to DIA shall be \$45.00.

(III) Zone C:

(A) The flat rate from DIA to Zone C shall be \$70.00, plus any applicable airport gate fee, plus any applicable per drop charge of \$5.00.

(B) The flat rate from Zone C to DIA shall be \$70.00.

(h) Two or more taxicab carriers subject to this rule may file a joint application proposing new flat rates. New flat rates approved by the Commission shall apply to any other taxicab carrier affected by this rule. Any such taxicab carrier shall file an amended tariff reflecting the new flat rates within 10 days of the mailed date of the Commission decision approving the new flat rates.

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

(a) Every person who violates any of the following provisions may be assessed a civil penalty of up to \$400 for each violation:

(I) Flat Rates: paragraph (a), (b), or (c) of rule 6256.

- (b) Except as provided for in paragraph (a) of this rule, every person who violates any provision of these Taxicab Carrier Rules may be assessed a civil penalty of up to \$200 for each violation.
- (c) Any owner or other person, whose driver operates a motor vehicle in violation of these Taxicab Carrier Rules, may be assessed a civil penalty for such violation pursuant to § 40-7-114, C.R.S.

6258. - 6299. [Reserved].

EXEMPT INTRASTATE CARRIER RULES

6300. Applicability of Exempt Intrastate Carrier Rules. Rules 6300 through 6399 apply to all exempt intrastate carriers.

6301. Definitions. In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Exempt Intrastate Carrier Rules:

- (a) "Exempt intrastate carrier" means "motor vehicle carrier exempt from regulation as a public utility," as that term is defined by § 40-16-101(4), C.R.S.
- (b) "Discretionary vehicle," as used in § 40-16-101(3)(a)(IV)(E), C.R.S., means any motor vehicle that would otherwise qualify as an executive sedan under § 40-16-101(3)(a)(IV)(B), C.R.S., or an executive van in § 40-16-101(3)(a)(IV)(C), C.R.S., but for the motor vehicle's lack of seating capacity.

6302. Registration.

- (a) Any person seeking to register as an exempt intrastate carrier shall provide the following information:
 - (I) The name, including trade name if applicable, physical address, mailing address, and telephone number of the registrant.
 - (II) A copy of the registrant's certificate of assumed trade name, if applicable.
 - (III) A statement describing the transferee's business structure (corporation, partnership, or sole proprietorship).
 - (IV) If a registrant is a corporation: the name of the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors and officers; the name and address of its Colorado agent for service of process; and a certified copy of its certificate of good standing authorizing it to do business in Colorado,

certified within 14 days prior to the filing of the registration.

- (V) If a registrant is a partnership: the names, titles, and addresses of all general and limited partners.
- (VI) A list of motor vehicles the registrant intends to use in providing service. Such list shall describe the make, model, year, vehicle identification number, and seating capacity of every motor vehicle listed.
- (VII) Copies of any authority, issued by either a state or a federal agency, under which the registrant contends that it may provide for-hire transportation of passengers in the State of Colorado.
- (VIII) Proof of financial responsibility, as required by rule 6007.
- (IX) A designation of agent, as required by rule 6012.

6303. Exterior Signs or Graphics. No luxury limousine carrier shall permit any of its luxury limousines to have any exterior signs or graphics, except for the following:

- (a) markings, signs, or graphics otherwise required by law, including those required by rule 6011;
- (b) signs or graphics attached by any law enforcement agency;
- (c) 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; or
- (d) signs or graphics attached for the purpose of indicating special events such as weddings, graduations, or parades except that such signs or graphics shall not advertise the luxury limousine carrier.

6304. Luxury Limousine Features, Qualification, and Applications for Qualification.

- (a) Features. Each luxury limousine carrier shall ensure that its motor vehicles, when in operation as luxury limousines, are equipped with the following:
 - (I) A television. The television shall be attached to the motor vehicle in a secure professional manner. An electronic media system such as DVD or VHS may be used in lieu of a television receiver. The screen shall be visible to passengers seated to the rear of the driver and shall be in compliance with Safety Rule § 393.88.

- (II) A telephone. The telephone shall at all times be accessible to the passengers and capable of making and receiving calls. An intercom system does not meet the requirements of this rule.
 - (III) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be positioned inside a console or cabinet located inside the passenger compartment, to include any console and cup holder built into the motor vehicle by the manufacturer, and attached to the motor vehicle in a secure professional manner. The beverages are not required to be alcoholic in nature.
- (b) Qualification. No luxury limousine carrier shall operate any motor vehicle as a luxury limousine unless the luxury limousine carrier has first:
- (I) contacted an enforcement official of the Commission;
 - (II) adequately described the motor vehicle to the enforcement official; and
 - (III) received verbal or written confirmation from the enforcement official that the subject motor vehicle meets relevant statutory and regulatory requirements for operation as a luxury limousine.
- (c) Applications for qualification. If the Commission's enforcement official determines that a motor vehicle does not meet relevant statutory and regulatory requirements for operation as a luxury limousine, and the luxury limousine carrier disagrees with the enforcement official's determination, such luxury limousine carrier may file an application to the Commission for a hearing on the matter. In any such hearing, the luxury limousine carrier shall bear the burden of proving that the motor vehicle in question complies with relevant statutory and regulatory requirements.

6305. Revocation. The Commission, on its own motion or as a result of a complaint or grievance by any person, after reasonable notice and a hearing, may revoke a luxury limousine carrier's registration pursuant to § 40-16-103.6, C.R.S.

6306. Exempt Intrastate Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) Every person who violates any of the following provisions may be assessed a civil penalty of up to \$400 for each violation:
 - (I) Luxury Limousine Operational Requirements: § 40-16-102.5, C.R.S.

(II) Registration Requirements: § 40-16-103, C.R.S.

(III) Insurance Requirements: § 40-16-104, C.R.S.

- (b) Except as provided for in paragraph (a) of this rule, every person who violates any provision of Article 16 of Title 40, C.R.S., or any provision of these Exempt Intrastate Carrier Rules may be assessed a civil penalty of up to \$200 for each violation.
- (c) Any owner or other person, whose driver operates a motor vehicle in violation of Article 16 of Title 40, C.R.S., or these Exempt Intrastate Carrier Rules, may be assessed a civil penalty for such violation pursuant to § 40-7-114, C.R.S.

6307. - 6399. [Reserved].

INTERSTATE CARRIER RULES

6400. Applicability of Interstate Carrier Rules. Rules 6400 through 6499 apply to all interstate carriers.

6401. Regulations Incorporated by Reference.

- (a) The Commission incorporates by reference the regulations published at 49 C.F.R. Part 366, as revised as of October 1, 2001. These rules do not incorporate later amendments to or editions of the C.F.R.
- (b) Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact:

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

Telephone: (303)894-2850

- (c) The material incorporated by reference may be examined at the offices of the Commission, Office Level 2, 1580 Logan Street, Denver, Colorado 80203, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except when such days are state holidays. The material incorporated by reference may also be examined at any state publications library.

6402. Definitions. In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Interstate Carrier Rules:

- (a) "Jurisdiction" means a state of the United States, the District of Columbia, a province or territory of Canada, or the Republic of Mexico.
- (b) "Federal authority" means authority issued by the FMCSA.
- (c) "Registration state" means the State where the regulated interstate carrier maintains its principal place of business. If the regulated interstate carrier's principal place of business is located in a jurisdiction that is not a participating SSRS registration state, the registration state shall be the participating state in which such carrier will operate the largest number of motor vehicles during the registration year; if more than one state applies using this criterion, the registration state shall be one of those states chosen by such carrier. Once the registration state jurisdiction is determined, this designation shall be effective until the regulated interstate carrier changes its principal place of business.
- (d) "SSRS" means the Single State Registration System, the insurance registration system for regulated interstate carriers implemented by 49 U.S.C. § 14504.

6403. Registration: Regulated Interstate Carriers.

- (a) All regulated interstate carriers that designate or that are required to designate the State of Colorado as their SSRS registration state shall register with the Commission for all states of travel. No regulated interstate carrier may operate without registering for the applicable registration year. Each calendar year is a different registration year. A regulated interstate carrier shall register annually between the first day of August and the 30th day of November of the year preceding the registration year. The regulated interstate carrier shall submit its registration materials on fully completed forms supplied by the Commission, attaching all required documents thereto. The regulated interstate carrier shall submit its registration materials with its payment of the required fees.
- (b) A regulated interstate carrier using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle. Such a carrier shall maintain, in such a motor vehicle, proof of both interstate and intrastate authority and/or registration.
- (c) Prior to operating a motor vehicle in interstate commerce, the regulated interstate carrier shall place and keep a copy of the current year's registration receipt in each such motor vehicle.
- (d) A regulated interstate carrier may add additional motor vehicles or states of travel by filing supplemental registration materials and paying the appropriate fees. If a regulated interstate carrier is applying to add additional states of travel, the

supplemental registration materials shall include a federal authority authorizing travel to those states. Prior to operating a motor vehicle in interstate commerce, the regulated interstate carrier shall place and keep copies of the current year's supplemental registration receipts in the each such motor vehicle.

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

6404. Registration: Exempt Interstate Carriers.

- (a) Except for an interstate carrier that has lawfully registered through the Single State Registration System for operations in Colorado, no exempt interstate carrier shall operate into, from, within, or through the State of Colorado until it has registered its operations with the Commission for the applicable registration year. An exempt interstate carrier shall register annually on or before the first day of January of each calendar year. In so registering, the exempt motor vehicle carrier shall request the Commission's issuance of vehicle identification stamps for any motor vehicle that it intends to operate within Colorado for that year. The exempt interstate carrier shall submit its registration materials on fully completed forms supplied by the Commission, attaching all required documents thereto. The exempt interstate carrier shall submit its registration materials with its payment of the required fees.
- (b) An exempt interstate carrier using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle. Such a carrier shall maintain, in such motor vehicle, proof of both interstate and intrastate authority and/or registration.
- (c) Each exempt interstate carrier shall apply to NARUC for the issuance of a sufficient supply of Forms D-1 (cab cards) for use in connection with the identification of any motor vehicle that it intends to operate in Colorado. On or before the first day of January of each year, and prior to operating a motor vehicle in Colorado during the year, the exempt interstate carrier shall place the vehicle identification stamp issued by the Commission on the back of the cab card in the square bearing the name of the State of Colorado in a manner that the stamp cannot be removed without defacing it. The exempt interstate carrier shall complete and execute the form of the certificate on the front of the cab card in order to identify itself and the motor vehicle. The exempt interstate carrier shall maintain the cab card in the motor vehicle for which it was prepared. The cab card shall only

be used for the motor vehicle for which it was originally prepared.

- (d) The cab card shall be valid only for the calendar year for which it was issued and shall become void at 12:01 AM on the first day of January of the succeeding year.
- (e) An exempt interstate carrier shall file supplemental registration materials to report a change in operations.
- (f) Any alteration or unauthorized use of a cab card by any person associated with the exempt interstate carrier, including a driver, shall render the registration of the exempt interstate carrier void. Such action shall be considered an intentional violation of the registration requirements set forth in §§ 40-10-120(2) and/or 40-11-115(2), C.R.S.
- (g) If a cab card is mutilated or becomes illegible, the exempt interstate carrier may prepare a new cab card and attach the mutilated or illegible cab card. If a cab card is lost or destroyed, the exempt interstate carrier may prepare a new cab card and shall purchase a new vehicle identification stamp.

6405. Interstate Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) Every person who violates any of the following provisions may be assessed a civil penalty of up to \$400 for each violation:
 - (I) Operating without registering: § 40-10-120(2), C.R.S.; § 40-10-120(3), C.R.S.; § 40-11-115(2), C.R.S.; or § 40-11-115(3), C.R.S.
 - (II) Rule 6403(a) or 6404(a).
- (b) Any person who operates a motor vehicle pursuant to §§ 40-10-120 or 40-11-115, C.R.S., and who fails to carry proof of interstate registration in said motor vehicle, may be assessed a civil penalty of up to \$25 for each violation.
- (c) Except as provided in paragraphs (a) and (b) of this rule, every person who violates any provision of §§ 40-10-120 or 40-11-115, C.R.S., or any provision of the Interstate Carrier Rules may be assessed a civil penalty of up to \$200 for each violation.

6406. - 6499. [Reserved].

TOWING CARRIER RULES

6500. Applicability of Towing Carrier Rules.

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

- (b) Nothing in these towing carrier rules shall be construed to prohibit a law enforcement agency from adopting and enforcing additional or more stringent requirements relating to safety, equipment, and accessories for any towing carrier providing towing services at the direction of the law enforcement agency.

6501. Definitions. In addition to the generally applicable definitions in rule 6001, the following definitions apply only in the context of these Towing Carrier Rules:

- (a) "Abandoned motor vehicle" means an "abandoned motor vehicle" as defined by §§ 42-4-1802 and 42-4-2102, C.R.S.
- (b) "Authorized 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.
- (c) "Holidays" means those days designated as legal holidays by the Colorado General Assembly.
- (d) "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.
- (e) "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.
- (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 a tow authorized or directed by a person other than the owner, authorized operator, or authorized agent of the owner. A non-consensual tow includes, but is not limited to:
 - (I) a private property tow;
 - (II) any tow performed contrary to the specific direction of the owner, authorized operator, or authorized agent of the owner;
 - (III) any tow performed without disclosure of the rates and charges to be assessed as set forth in rule 6510; or

- (IV) a tow directed or authorized by a law enforcement officer, either verbally 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.
- (h) "Private property tow" means the towing of a motor vehicle from private property at the request of the property owner, as those terms are defined in paragraph 6508(a).
- (i) "Public ways" include, but are not limited to, every street, road, or highway in the state of Colorado over which the public generally has a right to travel.
- (j) "Towing carrier" means "towing carrier" as defined by § 40-13-101(3), C.R.S.
- (k) "Towing vehicle" means "towing vehicle" as defined by § 40-13-101(4), C.R.S.

6502. Permit Requirement, Name or Address Changes.

- (a) Permit required.
 - (I) No person, unless exempted by § 40-13-103(2), C.R.S., shall operate as a towing carrier without a valid permit issued by the Commission.
 - (II) Towing permits do not authorize transportation services covered by Articles 10, 11, or 16 of Title 40, C.R.S.
- (b) Name or address changes. A towing carrier shall notify the Commission in writing of changes to its name or address that do not involve a change in ownership or control. Such a towing carrier shall file all necessary amendments to its insurance filings.

6503. Permit Application.

- (a) Any person seeking a permit to operate as a towing carrier shall submit an application for a permit to the Commission.
- (b) The application shall contain the following information:
 - (I) The name of the applicant, and the trade name under which the operation shall be conducted.
 - (II) The applicant's telephone number, and complete physical and mailing addresses. A post office box is only acceptable if a physical address is also provided.
 - (III) If the applicant is a corporation:

- (A) The name of the state in which it is incorporated. If the state of incorporation is not Colorado, the application shall also contain a certificate from the Colorado Secretary of State that qualifies the applicant to do business in Colorado.
 - (B) The location of its principal office in the State of Colorado.
 - (C) The names of its directors and officers.
 - (D) A copy of its articles of incorporation or charter.
 - (E) A copy of its certificate of assumed trade name, if any.
- (IV) If the applicant is a limited liability company:
- (A) The state in which the company is organized. If the state of organization is not Colorado, the application shall also contain a certificate from the Colorado Secretary of State that qualifies the applicant to do business in Colorado.
 - (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 copy of its certificate of assumed trade name, if any.
- (V) If the applicant is a partnership, the name, title, and business address of each partner.
- (VI) A list with a complete description of the equipment to be operated, including information regarding motor vehicle year, make, model, vehicle identification number, and GVWR.
- (VII) A statement that applicant is familiar with the Towing Carrier Rules and all applicable safety rules, and will comply with them.
- (VIII) A statement that applicant understands that the mere filing of an application does not constitute authority to operate.
- (IX) A statement whether or not the towing carrier will provide storage for towed motor vehicles. If storage is provided, the application shall contain the storage facility's address, and phone number if any.

- (X) A signature by an authorized owner, officer, or agent of the applicant. The application shall contain the complete address of the signatory.

6504. Responsibilities and Duties of Towing Carriers. In the event of damage to a towed motor vehicle, which damage occurs during the tow or storage, the towing carrier shall identify the name of its insurance company and its policy number within 48 hours after receiving a written request for that information from the owner, authorized operator, or authorized agent of the owner of the towed motor vehicle.

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

- (a) After a hearing upon at least ten days' notice to the towing carrier affected, a towing permit may be revoked, suspended, altered, or amended by the Commission, for any of the following reasons:
 - (I) Violation of or failure to comply with any statutory enactment, or supporting Colorado Regulation, concerning towing carriers or the towing, storage, or disposal of towed motor vehicles. This paragraph includes, but is not limited to, violations of statutory provisions concerning the Department of Revenue and violations of regulations promulgated thereto.
 - (II) Violation of or failure to comply with the terms and conditions of the permit.
 - (III) Exceeding the authority granted in the permit.
 - (IV) Violation of or failure to observe and comply with any lawful order, rule, or regulation of the Commission.
- (b) Revoked permits not reissued. Any towing carrier whose towing permit(s) is revoked for a third time pursuant to § 40-13-109, C.R.S., shall not obtain another towing permit for one year from the date of the third permit revocation. Such revocation does not include revocation for failure to carry the required insurance unless it is shown that the towing carrier knowingly operated without insurance.

6506. Equipment and Accessories. All towing vehicles, in addition to complying with all applicable safety regulations, 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; and

(D) the following accessories:

(i) one shovel;

(ii) one broom; and

(iii) one steering wheel tying device free from cracks, fraying or deterioration.

(b) Towing equipment options. 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 combinations:

(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) Dollies, wheel-lifts, and rollbacks. A towing carrier shall not tow any 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 the motor vehicle must first be moved by means of the mechanical devices described 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. The towing carrier, on placing a motor vehicle other than an abandoned motor vehicle in a

storage facility, shall disclose the location of said storage facility as follows:

- (I) By notifying the owner, the authorized operator, or the authorized agent of the owner of the towed motor vehicle;
 - (II) By notifying the owner of the private property from which the motor vehicle was towed; or
 - (III) By notifying the responsible law enforcement agency having jurisdiction over the place from which the motor vehicle was towed.
- (b) Disclosure for abandoned motor vehicles. The towing carrier, on placing an abandoned motor vehicle in a storage facility, shall disclose the location of said 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 a motor vehicle.
- (d) Release of motor vehicles from storage.
- (I) A towing carrier that accepts motor vehicles 24 hours a day for storage shall be available to release motor vehicles 24 hours a day with one hour's notice. If the towing carrier does not accept motor vehicles 24 hours a day for storage, the towing carrier shall be available to release motor vehicles with one hour's notice between 8:00 AM and midnight on Monday through Saturday, and between 8:00 AM and 5:00 PM on Sundays.
 - (II) Notwithstanding anything in this paragraph to the contrary, a towing carrier need not release a motor vehicle to any person whose ability to operate said motor vehicle the towing carrier reasonably believes may be impaired because of the influence of alcohol or drugs. If a dispute arises because of the towing carrier's refusal to release a motor vehicle under this subparagraph, the towing carrier shall contact a law enforcement official of appropriate jurisdiction to resolve the dispute.

6508. Authorization for Towing of Motor Vehicles.

- (a) For purposes of this rule:
- (I) "Private property" includes publicly owned property except public ways.
 - (II) "Property owner" includes:

- (A) a private property owner or lessee;
 - (B) an agent of the private property owner, authorized to act as agent in writing; or
 - (C) a federal, state, or local government entity, or such entity's employees responsible for publicly owned property.
- (III) "Publicly owned property" includes, but is not limited to, medians, parking lots, or areas where parking is reserved, regulated by permits or meters, or otherwise restricted or prohibited.
- (b) Towing carrier not an agent. A towing carrier, its employees, partners, officers, directors, stockholders, or independent contractors working for or with the towing carrier shall not act as an agent for the property owner. Nothing in this paragraph shall preclude a towing carrier, which towing carrier has been paid for the private property tow by the private property owner at rates in accordance with rule 6511(a), from collecting the towing charges from the motor vehicle owner and reimbursing said charges to the private property owner.
- (c) 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 from private property upon the authorization of the property owner.
 - (II) Property owner authorization. The authorization from the property owner shall be in writing and shall identify the motor vehicle by make and license plate number (or in lieu thereof, the vehicle identification number) and include the date, time, and place of removal.
 - (A) The authorization shall be filled out in full, signed by the property owner, and given to the towing carrier at the time the motor vehicle is to be removed from the private property.
 - (B) No towing carrier shall accept or use blank authorizations pre-signed by the property owner.

- (C) The 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.
- (d) Noncompliance. If a tow is performed in violation of this rule, or in violation of § 42-4-2103, C.R.S., the towing carrier shall not charge, collect, or retain any fees or charges for the unauthorized services it performs. Any motor vehicle that is held in storage and was towed without proper authorization shall be released immediately to the registered owner, lien holder, or agent of the owner or lienholder.

6509. Tow Record/Invoice.

- (a) Towing carriers shall use and complete all applicable portions of a tow record/invoice form for all non-consensual tows. The 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 any different telephone number for such facility;
 - (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, and the one-way mileage between such addresses;
 - (VII) the name, address, and telephone number of the person authorizing the tow;
 - (VIII) the signature of the person authorizing a private property tow;
 - (IX) a list of the contents of the motor vehicle towed;
 - (X) the unit number or license number of the towing vehicle;

- (XI) the signature of towing vehicle operator;
 - (XII) the itemized invoice of all towing charges assessed; and
 - (XIII) the signature of the owner, authorized operator, or other authorized person to whom the motor vehicle is released.
- (b) The tow record/invoice shall be a multiple copy form. The copies shall be distributed as follows:
- (I) The towing carrier shall retain the copy bearing all required original signatures for authorization and release.
 - (II) The towing carrier shall deliver a copy to the owner, authorized operator, or authorized agent of the owner, at the time of payment of towing charges and release of the towed motor vehicle.

6510. Disclosure of Rates and Charges. The towing carrier shall, prior to performing any tow, disclose to the owner, authorized operator, or authorized agent of the owner of the motor vehicle all rates and charges to be assessed. This disclosure may either be written or oral and shall include, but not be limited to, any extra charges because the towing carrier would, at the time, be unable to deliver the motor vehicle to a repair or body shop during normal working hours. Mileage and days for storage charges may be estimated. This rule does not apply to private property tows or tows ordered by law enforcement officials.

6511. Rates and Charges.

- (a) Rates and charges for private property tows. Except as otherwise provided by this rule, the maximum rate that may be charged for a private property tow of a motor vehicle with a GVWR of less than 10,000 pounds shall be no more than \$137.00, which shall include but not be limited to, charges for all towing services rendered, hookup fees, and use of dollies or go-jacks; gate fees, storage for first 24 hours, and release of the motor vehicle from storage; and all commissions paid and other services rendered in performing such private property tow.
- (b) Charge if retrieved before removal.
- (I) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is parked without authorization on private property attempts to retrieve said motor vehicle before its removal from the private property, the maximum release fee (whether motor vehicle is hooked up or not) shall not exceed \$53.00.
 - (II) In such circumstances, the towing carrier shall advise the owner, authorized operator, or authorized agent of the

owner of a motor vehicle that he or she may offer payment of the towing carrier's release fee.

(III) If payment of the release fee is offered before removal, the towing carrier shall immediately:

- (A) accept payment;
- (B) release the motor vehicle; and
- (C) deliver a copy of the property owner's written authorization to the owner, authorized operator, or authorized agent of the owner of the motor vehicle.

(c) Certified VIN verification and surety bond procedure.

(I) 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:

- (A) \$68.00 for one additional hookup;
- (B) \$68.00 per hour waiting time while waiting for inspection; and
- (C) \$2.65 per mile mileage charges.

(II) The towing carrier may additionally charge for all other documented expenses of obtaining the VIN verification and the surety bond.

(d) Notifications. The charges for notification(s) to the owner and the lienholder(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.

(e) Mileage. One-way mileage charges may be assessed for all private property tows at a rate not to exceed \$2.65 per mile.

(f) Additional charges in mountain areas.

- (I) When a motor vehicle is towed between points in the mountain area, the towing carrier may add an additional amount not exceeding 12 percent of the towing charges.
- (II) When a motor vehicle is towed into or out of the mountain area, the towing carrier may add an additional amount not exceeding 12 percent of the towing charges, provided that the mileage charge is prorated for mileage traveled within the mountain area.

(g) Storage for non-consensual tows.

(I) Generally.

(A) Storage charges shall not exceed the following rates based on a 24-hour period with charges for any portion of the 24-hour period prorated on an hourly basis or any portion of an hour:

(i) \$21.00 for motor vehicles having a GVWR of less than 10,000 pounds;

(ii) \$28.00 for motor vehicles having a GVWR of 10,000 pounds or more; and

(iii) in lieu of subparagraphs (A)(i) and (ii) storage may be charged according to the motor vehicle's length, including the tongue of a trailer, at \$1.05 per foot or portion thereof.

(B) For storage in the mountain area the tow carrier may add up to 12 percent for motor vehicles of any GVWR.

(C) Storage charges shall be charged for only those hours that the towing carrier is available to release the motor vehicle as required by rule 6507(d).

(D) Storage charges shall not be charged for those days in which garage keeper's liability insurance coverage is not kept in force.

(II) Private property tows. Storage charges shall not commence until after the first 24-hour period of storage is exceeded, as indicated by paragraph 6511(a).

(III) Other non-consensual tows. Storage charges for other non-consensual tows may commence immediately on placing the motor vehicle in storage.

(IV) Maximum accumulated charges for abandoned motor vehicles.

(A) Unless a hold order has been placed on the motor vehicle by a court, district attorney, or law enforcement agency, or extenuating circumstances have prevented a towing carrier from complying with the notice requirements of § 42-4-2103, C.R.S., storage charges after the tow and storage of an abandoned motor vehicle shall not be accumulated beyond 60 days after the mailing date of the report required by § 42-4-2103(4), C.R.S.; except that, if such motor vehicle meets the definition of a collector's item as defined in § 42-12-101(2), C.R.S., storage charges

shall not be accumulated beyond 120 days after such date.

- (B) Sale of such a motor vehicle to cover the outstanding towing and storage charges will be in accordance with those 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.
- (V) Consequences of failure to notify. Any 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., or § 42-5-109, C.R.S., shall release the motor vehicle immediately to the registered owner, lien holder, or their agents without retaining the storage fees.
- (h) Exemption for off-road retrieval rates. When accompanied by appropriate documentation showing starting and ending times of the retrieval, which may include law enforcement incident reports and verification, a towing carrier may additionally charge for off road retrieval at those hourly rates on file at the offices of the Public Utilities Commission. Hourly rates shall be calculated from the time the towing carrier arrives at the scene and the law enforcement officer approves the retrieval to the time the towing carrier has completed the retrieval which may include time to load and secure retrieval equipment and cleanup of the scene. Retrieval time shall not include loading and securing the retrieved motor vehicle to, or onto, the towing vehicle. Cost of additional equipment used may be passed on to the motor vehicle owner at actual costs incurred plus an administrative fee of five percent of said costs; provided, however, that such actual costs shall be reasonable.
- (i) Incidental costs of selling a motor vehicle. When a motor vehicle is sold, the documented costs of maintaining the motor vehicle while in storage until it is disposed of may be chargeable in accordance with § 38-20-109, C.R.S. The documented costs of maintaining those motor vehicles not falling under § 38-20-109, C.R.S., while in storage may be chargeable to a maximum of \$90.00. Cost of maintaining a motor vehicle means a documented cost incurred by the towing carrier that keeps a motor vehicle in safe or operable condition.
- (j) Exemption for municipality and county contracts. Notwithstanding any other provision of these rules, paragraphs (a) - (i) of this rule shall not apply to any tow or storage of a towed vehicle performed under a contract with a municipality, county, state, or federal agency.

6512. Inspection of Records and Facilities.

- (a) Books and records, equipment and storage facilities. A towing carrier shall make available for inspection its books and records concerning its towing and storage operations and its equipment and storage facilities between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays, upon request by authorized personnel of the Commission, the Colorado Department of Revenue, and any law enforcement agency.
- (b) Retention of records. Copies of towing record/invoices, storage bills, authorizations for tows, and other written records required by these rules shall be retained by the towing carrier for a minimum of five years.

6513. Towing Violations and Civil Penalty Assessments.

- (a) A violation of § 40-13-103(1), C.R.S., may result in the assessment of a penalty of up to \$400.00.
- (b) Except as provided in paragraph (a) of this rule, a violation of any provisions of Title 40, C.R.S., pertaining to towing carriers may result in the assessment of a penalty of up to two hundred dollars \$200.00.
- (c) A violation of any of the following provisions may result in the assessment of a penalty of up to \$400.00:
 - (I) Paragraph (c) or (d) of rule 6508.
 - (II) Paragraph (a), (b), (c), (e), or (f) of rule 6511.
 - (III) Subparagraph (I)(A) or (B) of paragraph 6511(g).
- (d) Except as provided in paragraph (c) of this rule, any violation of any rules pertaining to towing carriers may result in the assessment of a penalty of up to \$200.00.