

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

RULES REGULATING EXEMPT PASSENGER CARRIERS

4 CCR 723-33

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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, civil penalties, insurance, and registration requirements. These rules cover motor vehicle carriers exempt from regulation as public utilities (*i.e.*, charter or scenic buses, children's activity buses, luxury limousines, and off-road scenic charters).

The statutory authority for the promulgation of these rules is found at §§ 40-2-108, 40-2-110.5(8), 40-7-113(2), and 40-16-101(3)(a)(IV)(E), C.R.S.

RULES REGULATING EXEMPT PASSENGER CARRIERS

6300. Applicability of Rules Regulating Exempt Passenger Carriers. Rules 6300 through 6399 apply to all exempt passenger carriers.

6301. Definitions. In addition to the statutory definitions, the following definitions apply throughout this Part 6, except where a specific rule or statute provides otherwise:

- (a) "C.F.R." means the Code of Federal Regulations.
- (b) "Commission" means the Public Utilities Commission of the State of Colorado.
- (c) "Driver" means any person driving a motor vehicle on behalf of, or at the direction of, an exempt passenger carrier, including an independent contractor.
- (d) "Enforcement official" means authorized personnel of the Commission, the Colorado Department of Revenue, the Colorado State Patrol, and any other law enforcement agency.
- (e) "Enforcement staff" means the authorized personnel of the Commission's Transportation Section.
- (f) "Exempt passenger carrier" means a "motor vehicle carrier exempt from regulation as a public utility," as that term is defined in § 40-16-101(4), C.R.S., that transport passengers.
- (g) "Exempt passenger carrier registration" means the registration issued to an exempt passenger carrier pursuant to § 40-16-103, C.R.S.
- (h) "Exempt interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado for hire 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.
- (i) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (j) "Form D-1" means a NARUC Uniform Identification Cab Card for motor vehicle or driveaway operations conducted by an exempt interstate carrier.
- (k) "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.
- (l) "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.
- (m) "Form H" means a NARUC Form H Uniform Motor Carrier Cargo Certificate of Insurance, executed by a duly authorized agent of the insurer.
- (n) "Form J" means a NARUC Form J Uniform Motor Carrier Cargo Surety Bond, executed by a duly authorized agent of the surety.
- (o) "Form K" means a NARUC Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies.

- (p) "Form L" means a NARUC Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds.
- (q) "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.
- (r) "Fuel economy guide" means the fuel economy guide published by the federal Environmental Protection Agency and available on that Agency's website.
- (s) "GVWR" means gross vehicle weight rating, which is the value specified by the manufacturer as the loaded weight of a single motor vehicle.
- (t) "Interstate carrier" means a "regulated interstate carrier" or an "exempt interstate carrier," as those terms are defined in this rule.
- (u) "Luxury limousine" means "luxury limousine," as that term is defined in § 40-16-101(3), C.R.S.
- (v) "Luxury limousine carrier" means an exempt passenger carrier providing transportation by luxury limousine.
- (w) "Motor vehicle" means "motor vehicle," as that term is defined in § 40-16-101(3.5), C.R.S.
- (x) "Motor coach" means an over-the-road bus which has luggage storage and which usually has three axles.
- (y) "NARUC" means the National Association of Regulatory Utility Commissioners.
- (z) "Passenger," except as otherwise specifically defined or contextually required, means any person, other than a driver, occupying a motor vehicle.
- (aa) "Registrant," except as otherwise specifically defined or contextually required, means a transportation carrier.
- (bb) "Regulated interstate carrier" means any interstate or foreign commerce carrier by motor vehicle operating into, from, within, or through the State of Colorado under authority issued by the FMCSA, as described in §§ 40-10-120(2) and 40-11-115(2), C.R.S.
- (cc) "Rules Regulating Exempt Passenger Carriers" or "rules" means rules 6300 through 6399, inclusive.
- (dd) "Safety Rules" means the rules found in 4 CCR 723-15, inclusive.
- (ee) "Seating capacity"
 - (I) Except as otherwise specifically defined or contextually required, and in the absence of the manufacturer-rated number of seating positions in a motor vehicle, "seating capacity" means the greatest of the following:
 - (A) the total number of seat belts, including the driver's, in a motor vehicle; or

- (B) the number generated by adding:
 - (i) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number; and
 - (ii) the number of single-occupancy seats, including the driver's seat if it is not part of a split-bench seat.
- (II) In all cases, any auxiliary seating positions such as folding jump seats shall be counted in determining seating capacity.
- (III) For purposes of the definition of "seating capacity," "manufacturer" means the final person modifying the physical structure of a motor vehicle, such as when a motor vehicle's wheelbase is stretched in a luxury limousine.
- (ff) "Transportation carrier" or "carrier" means an exempt passenger carrier.

6302. Applications. Transportation carriers may seek Commission action regarding any of the following matters through the filing of an appropriate application:

- (a) For a waiver or variance of any of these rules.
- (b) 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 6316(h).
- (c) For any other matter provided by statute or rule but not specifically described in this rule.

6303. Registration Requirement and Limitation.

- (a) No person shall offer services as an exempt passenger carrier without a valid registration issued by the Commission.
- (b) Registrations do not authorize transportation services covered by Articles 10, 11, 13, or 14 of Title 40, C.R.S., and do not authorize property carrier transportation covered by Article 16 of Title 40, C.R.S.
- (c) Every transportation carrier shall maintain a copy of its proof of registration under this rule in each motor vehicle it owns, controls, operates, or manages under its registration.
- (d) Upon demand, the transportation carrier shall present the copy of its proof of registration and, if applicable, its Form D-1 or Form RS-3 to any enforcement official.

6304. Registrations. Transportation carriers may seek Commission action regarding any of the following matters through the filing of an appropriate registration:

- (a) For registration as an exempt passenger carrier, as provided in rule 6305.

6305. Information required to be provided for registration.

- (a) Any person seeking to register as a transportation carrier shall provide the following information, in written form, to the Commission:
 - (I) The name of the registrant and the trade name, if applicable, under which operations will be conducted.
 - (II) The registrant's telephone number, and complete physical location and mailing addresses. A post office box is only acceptable if a physical location address is also provided.
 - (III) If a registrant is a corporation:
 - (A) The name of the state in which it is incorporated. If the state of incorporation is not Colorado, the registration shall also contain a certificate from the Colorado Secretary of State that qualifies the registrant to do business in Colorado.
 - (B) The location of its principal office, if any, 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 a registrant is a limited liability company:
 - (A) The name of the state in which it is organized. If the state of organization is not Colorado, the registration shall also contain a certificate from the Colorado Secretary of State that qualifies the registrant to do business in Colorado.
 - (B) The location of its principal office, if any, 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 a registrant is a partnership: the name, title, and business address of each partner.
 - (VI) A statement whether any of the motor vehicles to be used has a GVWR of 10,000 or more pounds.
 - (VII) A statement setting out the seating capacity of the vehicle with the largest seating capacity in the fleet of vehicles to be used by the transportation carrier under its registration.
 - (VIII) A statement that the registrant is familiar with the Rules Regulating Exempt Passenger Carriers and all applicable safety rules, that the registrant will comply with the rules, and that the registrant is aware that it may incur civil penalties or other sanctions for violations of the rules.

- (IX) A statement that registrant understands that the filing of a registration does not constitute authority to operate.
- (X) A statement which is made under penalty of perjury; which is signed by an officer, a partner, an owner, or an employee of the applicant, as appropriate, who is authorized to act on behalf of the applicant; and which states that the contents of the application are true, accurate, and correct. The application shall contain the complete address of the affiant.
- (b) In addition to the application, a person seeking a registration to operate as a transportation carrier shall cause to be filed both the required proof of financial responsibility and the required annual identification fees.
- (c) The Commission will not issue a registration to operate as a transportation carrier until the Commission has received a complete application, the required proof of financial responsibility, and the required annual identification fees.

6306. Reports, Name and Address Changes.

- (a) When a transportation carrier changes its name, changes or adds a trade name, or changes its address from that on file with the Commission, within 48 hours of receipt of all supporting documentation required by this paragraph, that transportation carrier shall file a signed report with the Commission detailing the name change or address change. This filing shall include the affected 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.
- (b) In the event of any name or address change, the transportation carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility filings.
- (c) No name change shall be effective until proper proof of financial responsibility in the carrier's new name has been filed with the Commission.
- (d) Notice sent by any person to the transportation carrier's address on file with the Commission shall constitute prima facie evidence that the notice was sent to the carrier at its correct address.

6307. Financial Responsibility.

- (a) Motor vehicle liability. Every transportation carrier shall obtain and keep in force at all times motor vehicle liability insurance coverage or a surety bond providing the same coverage. Motor vehicle liability means liability for bodily injury or property damage.
- (b) Financial responsibility, minimum levels. Every transportation carrier shall obtain and keep in force at all times financial responsibility as follows:
 - (I) Motor Vehicle Liability:
 - (A) Motor vehicle liability coverage shall be combined single limit liability.

(B) Schedule of limits:

Type of Carrier	Vehicle Seating Capacity	Minimum Level
Exempt Passenger 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

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

- (c) 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 (b) of this rule;
 - (III) covers all motor vehicles which may be operated by or for the transportation carrier, or which may be under the control of the transportation carrier, 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 transportation carrier on a "first dollar/dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the transportation carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a transportation carrier to pay benefits directly to a party damaged by said carrier.
- (d) The provisions of subparagraphs (IV) – (VI) of paragraph (c) of this rule shall not apply to transportation carriers who have filed proof of self-insurance pursuant to § 42-7-501, C.R.S.
- (e) The transportation carrier shall maintain at its principal place of business each original insurance policy, surety policy, or certificate of self-insurance for required coverage; shall maintain proof of its motor vehicle liability coverage in each motor vehicle that it operates; and shall make such information available for inspection by any enforcement official.
- (f) Forms. The transportation carrier shall cause to be filed with the Commission the appropriate form in lieu of the original policy as follows:
- (I) Motor vehicle liability.
 - (A) For all transportation carriers, a Form E or Form G.

- (B) For transportation carriers obtaining a certificate of self-insurance under the provisions of § 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.
- (g) The transportation carrier shall ensure that the policy and the forms specified in this rule contain the transportation carrier's exact name, its trade name (if any), and its address as shown in the records of the Commission.
- (h) The transportation carrier shall ensure that any change of name, trade name (if any), address, or policy number is filed, using an appropriate endorsement or amendment, with the Commission.
- (i) The proof of minimum levels of financial responsibility required by this rule is public information. Upon written request from a member of the public, the Commission will release this information.
- (j) 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 or Form L, 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 provided the letter contains the same information as required by the prescribed form.
- (k) In lieu of paragraph 6307(j), the Commission, upon receipt of a new certificate of insurance or surety bond, may administratively cancel any earlier certificate of insurance or surety bond on the effective date of the new certificate of insurance or surety bond.

6308. Annual Motor Vehicle Identification Fees.

- (a) Before the first day of January of each calendar year, every transportation carrier shall pay to the Commission an annual identification fee of five dollars for each motor vehicle that the carrier owns, controls, operates, or manages within the State of Colorado, as set forth in § 40-2-110.5, C.R.S.
- (b) A transportation carrier that obtains a registration during the calendar year shall pay the annual identification fees at the time of registering as a transportation carrier.
- (c) A transportation carrier that acquires one or more additional motor vehicles during the calendar year shall pay the annual identification fees prior to putting the additional vehicle(s) in-service.
- (d) Annual identification fees shall be valid only for the calendar year for which they are purchased.
- (e) Proof of payment of each annual identification fee shall be in the form of a vehicle identification stamp issued by the Commission, except that a Form RS-3 shall be issued to a regulated interstate carrier registered under the 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 a valid vehicle identification stamp is affixed to the inside lower right-hand corner of the motor vehicle's windshield.
- (II) In lieu of affixing the vehicle identification stamp to the windshield, transportation carriers which are also exempt interstate carriers shall carry a Form D-1 with the identification stamp on the back of the cab card in the square bearing the name of the State of Colorado.

- (III) In lieu of affixing the vehicle identification stamp to the windshield or to carrying a Form D-1, transportation carriers which are also regulated interstate carriers 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.
- (f) Transportation carriers using a motor vehicle in both interstate and intrastate operations need only pay the fees associated with interstate operations for that motor vehicle.

6309. [Reserved].

6310. Designation of Agent.

- (a) Each transportation carrier shall file in writing with the Commission, and shall maintain on file, the name and address of a person upon whom service may be made of any notice, order, process, or demand. The named person is the carrier's designated agent. A carrier shall not name the Secretary of State of the State of Colorado as its designated agent. The designated agent, if a natural person, shall be at least 18 years of age. The address of the designated agent must be in the State of Colorado.
- (b) If a carrier's designated agent changes, or if a carrier's designated agent's name or address changes, the transportation carrier shall notify the Commission by filing a new designation within 48 hours of receiving the information required to be filed.
- (c) At all times, the carrier shall maintain in its files the correct name and address of its designated agent.
- (d) Service upon a transportation carrier's named designated agent as filed with the Commission shall be deemed to be service upon the transportation carrier.

6311. [Reserved].

6312. [Reserved].

6313. Regulations Incorporated by Reference.

- (a) The Commission incorporates by reference the regulations published in:
 - (I) 40 C.F.R. Part 600.315-82, as revised on July 1, 2002.
 - (II) 49 C.F.R. Part 393.88, as revised on October 1, 2002.
- (b) No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (c) Persons interested in information concerning how the material incorporated by reference may be obtained or examined should contact:

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

Telephone: (303) 894-2850

- (d) 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.

6314. Exterior Signs or Graphics.

- (a) No person shall operate a luxury limousine that is identified by exterior signs or graphics.
- (b) Signs or graphics located inside the luxury limousine that are legible from outside the luxury limousine shall be deemed to be exterior signs and graphics.
- (c) For purposes of this rule and § 40-16-101(3)(a)(I), C.R.S., and except as specifically provided in paragraph (d) of this rule, "identified" means an identification of the name, address, Internet address, phone number, or any other contact information of the person offering luxury limousine service.
- (d) Nothing in this rule shall prohibit the following:
- (I) markings required by any rule or order of the Commission;
 - (II) markings, signs, or graphics required by law, including (but not limited to) those required by any rule of the Colorado Department of Public Safety, an airport authority, or the FMCSA;
 - (III) markings, signs, or graphics attached by any law enforcement agency; or
 - (IV) signs or graphics attached by the motor vehicle manufacturer or dealership for the purpose of identifying the manufacturer, the dealership, or the motor vehicle's make or model.

6315. Discretionary Vehicle.

- (a) Discretionary vehicle, as used in § 40-16-101(3)(a)(IV)(E), C.R.S., means a motor vehicle that meets any one of the following requirements:
- (I) A motor vehicle whose wheelbase has been lengthened beyond the manufacturer's original specifications.
 - (II) A motor vehicle that has four doors, that meets or exceeds the interior volume index for "large cars" in 40 C.F.R. § 600.315-82, and that is classified as a luxury sedan or sport utility vehicle in the fuel economy guide.
 - (III) A motor vehicle which is similar to a motor vehicle which falls within the parameters of subparagraph (II) but is so new that it is not yet listed in the fuel economy guide.
 - (IV) A motor vehicle, first, which is built on a cutaway chassis, which is a motor coach, or which is a motor vehicle that is classified as a van (but not a mini van) in the fuel

economy guide; and, second, whose interior seating has been enhanced from standard bench seats by the installation of captain's chairs, couch seats, or similar seating.

- (V) A motor vehicle which is a classic, antique, or specially built motor vehicle that, at the time of registration as a luxury limousine, has a retail value of more than fifty thousand dollars.
- (b) A registrant seeking to qualify a motor vehicle pursuant to subparagraph (a) (V) of this rule shall supply proof of the retail value of the vehicle in the form of: a reference to the most recent available edition of the National Automobile Dealers Association "blue book" or other similar and widely-recognized publication which establishes the retail value of the vehicle; or a sales receipt or affidavit establishing the actual price paid for the vehicle.

6316. Luxury Limousine Features, Qualification, and Applications for Qualification.

- (a) Features. Each luxury limousine carrier shall ensure that its motor vehicles, when in operation as luxury limousines or when waiting to pickup a chartering party, are equipped with the following:
 - (I) A television. The television shall be securely attached to the motor vehicle in a professional manner. An electronic media system such as DVD or VHS may be used in conjunction with a television. The screen shall have a diagonal measurement of at least three inches, must be usable by passengers seated to the rear of the driver, and must comply with 40 C.F.R. § 393.88.
 - (II) A telephone. The telephone shall at all times be accessible to the passengers and capable of making and receiving calls. An intercom system does not meet the requirements of this rule.
 - (III) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be securely positioned inside a console or cabinet located inside the passenger compartment, to include any console and cup holder built into the motor vehicle by the manufacturer, and securely attached to the motor vehicle in a professional manner. Alcoholic beverages need not be provided.
- (b) For purposes of paragraph (a) of this rule, attachment by a means of tape, Velcro straps, or similar means does not constitute a secure or a professional manner of attachment.
- (c) Qualification. No luxury limousine carrier shall operate any motor vehicle as a luxury limousine unless the motor vehicle has received approval from the Commission, in accordance with one of the following processes, to operate as a luxury limousine:
 - (I) A luxury limousine carrier may receive approval following an inspection of the motor vehicle by enforcement staff.
 - (II) In the alternative, a luxury limousine carrier may receive approval by:
 - (A) contacting enforcement staff responsible for inspecting motor vehicles for qualification;
 - (B) adequately describing the motor vehicle to enforcement staff; and

- (C) receiving written confirmation from enforcement staff that, based on the description given by the carrier, the subject motor vehicle meets relevant statutory and regulatory requirements for operation as a luxury limousine.
- (d) A luxury limousine carrier may obtain approval using the qualification method contained in subparagraph (c)(II) only if that luxury limousine carrier has contacted enforcement staff responsible for inspecting motor vehicles for qualification, has asked for an appointment for an inspection, and has been informed that the motor vehicle cannot be inspected within the next 24 hours.
- (e) A luxury limousine carrier whose motor vehicle is approved using the qualification method contained in subparagraph (c)(II) must make the motor vehicle available for inspection by enforcement staff within six months of the date of qualification pursuant to subparagraph (c)(II).
- (f) An approval received using the qualification method contained in subparagraph (c)(II) expires six months from the date of qualification pursuant to subparagraph (c)(II) and cannot be renewed or extended.
- (g) No luxury limousine carrier can use the qualification method contained in subparagraph (c)(II) to qualify a motor vehicle as a luxury limousine more than one time per motor vehicle.
- (h) If enforcement staff 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 staff determination, the luxury limousine carrier may file an application with the Commission seeking a Commission determination that the motor vehicle meets the requirements for operation as a luxury limousine. In any hearing on such an application, the luxury limousine carrier shall bear the burden of proving that the motor vehicle in question complies with relevant statutory and regulatory requirements.

6317. Luxury Limousine – Prearrangement Required. No person shall provide luxury limousine service except on a prearranged basis. No person shall provide luxury limousine service, or a service ancillary to luxury limousine service, if that person either arranges provision of the service with the chartering party at the point of departure or reserves the service in person (that is, not by mail, telephone, telefacsimile, or computer) with the chartering party, whether or not at the point of departure.

6318. Presumption of Providing Luxury Limousine Service.

- (a) For purposes of determining whether luxury limousine service has been “provided” within the meaning of § 40-16-102.5, C.R.S., a person shall be presumed to have provided luxury limousine service if, without prearrangement, such person:
 - (I) accepts payment for the transportation from the chartering party at the point of departure; or
 - (II) makes the luxury limousine available to the chartering party at the point of departure; or
 - (III) negotiates the immediate availability of, or the price for immediate use of, the luxury limousine at the point of departure; or
 - (IV) loads the chartering party or its baggage into the luxury limousine; or
 - (V) transports the chartering party in the luxury limousine.

(b) A carrier may rebut the presumption created in paragraph (a) by competent evidence.

6319. Record Keeping. Unless a period of record retention is specified in a rule, transportation carriers shall maintain the records required by these rules for a minimum of three years.

6320. Waivers and Variances.

(a) The Commission may permit a variance of a rule, or may waive a rule, if it concludes that, under the circumstances presented, strict compliance with the rule is impossible, impracticable, or unreasonable. The Commission may grant a variance or a waiver subject to such terms and conditions as it deems appropriate. The Commission will not grant a variance or a waiver if the requested variance or waiver, if granted, would be contrary to law.

(b) Variance or waiver - general.

(I) As used in this rule, "variance" means authorization to use a different method or means to comply with a rule.

(II) As used in this rule, "waiver" means authorization not to comply with a rule.

(c) A transportation carrier must comply with the rules until and unless the Commission grants that carrier a variance or a waiver of one or more rules.

(d) Procedure for seeking variance or waiver.

(I) A request for a variance or a waiver made in an existing docket shall be made by motion.

(II) A request for a variance or a waiver made outside a docketed proceeding shall be made by petition.

(III) A request for a variance or a waiver, whether made by motion or by petition, shall include at least the following information:

(A) Citation to the specific provision of the rule which is sought to be varied or waived;

(B) A clear and concise statement of the variance or waiver requested;

(C) A statement of the facts and circumstances relied upon to demonstrate why the Commission should grant the variance or waiver;

(D) A statement regarding the duration of the requested variance or waiver, including a statement of specific date or event which will terminate the variance or waiver, if granted;

(E) A statement whether the variance or waiver, if granted, would be full or partial; and

(F) An acknowledgment that the transportation carrier requesting the variance or waiver understands that the variance or waiver is not effective until approved by the Commission.

- (e) Record keeping requirements. A transportation carrier that has obtained a variance or a waiver of any rule in this Part shall:
 - (I) If the variance or waiver pertains to a motor vehicle: maintain a copy of the variance or waiver both in the affected motor vehicle and in the carrier's motor vehicle maintenance files.
 - (II) If the variance or waiver pertains to a driver: ensure that a copy of the waiver or variance is carried on the affected driver's person whenever the driver is operating a motor vehicle pursuant to the carrier's registration and is maintained in the affected driver's qualification file.
 - (III) If the variance or waiver pertains to any matter not listed in subparagraphs (e)(I) or (II) of this rule: maintain a copy of the variance or waiver at the carrier's primary place of business.

6321. Revocations for Lack of Financial Responsibility.

- (a) Whenever Commission records indicate that a transportation 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:
 - (I) Prior to coverage cancellation, shall mail notice to said carrier indicating that its required coverage will be cancelled and that the carrier's registration to operate will be revoked on the date of coverage cancellation; and
 - (II) After coverage cancellation, immediately shall revoke the carrier's registration and shall mail notice to the carrier indicating that its required coverage has been cancelled and that its registration to operate has been revoked.
- (b) In addition to revocation, the Commission may take other action as authorized by law.

6322. Revocation of Registration. On its own motion or as a result of a complaint or grievance by any person, and after reasonable notice and an opportunity for a hearing, the Commission may revoke a luxury limousine carrier's registration pursuant to § 40-16-103.6, C.R.S. In addition to revocation, the Commission may take other action as authorized by law.

6323. Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates any of the following provisions regarding motor vehicle liability insurance requirements may be assessed a civil penalty of up to \$11,000 for each violation: § 40-16-104(1)(a), (b), (c), or (d), C.R.S.; or paragraph (a) or (b) of rule 6307.
- (b) A person who violates any of the following provisions may be assessed a civil penalty of up to \$1,100 for each violation:
 - (I) Luxury limousine operational requirements: § 40-16-102.5, C.R.S.; or paragraph 6317.
 - (II) Registration requirements: § 40-16-103, C.R.S.; or subparagraph 6303(a).

- (c) A person who violates § 40-2-110.5, C.R.S., may be assessed a civil penalty of up to \$400 for each violation.
- (d) Except as provided for in paragraphs (a), (b), and (c) of this rule, a person who violates any provision of Title 40, C.R.S., or rules 6300 through 6322 pertaining to exempt passenger carriers may be assessed a civil penalty of up to \$550 for each violation.
- (e) Pursuant to § 40-7-114, C.R.S., any owner or other person who employs a driver who operates a motor vehicle in violation of the statute or these rules may be assessed a civil penalty for such violation.
- (f) Notwithstanding any provision in these rules to the contrary, the Commission may assess double or triple penalty assessments against any person, as provided by statute and this rule.
- (g) The Commission may assess any person a civil penalty containing doubled penalties if:
 - (I) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
 - (II) the conduct for which doubled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
 - (III) the conduct for which doubled penalties are sought occurred within one year after the conduct which resulted in the issuance of a civil penalty assessment notice; and
 - (IV) the conduct for which doubled penalties are sought occurred after the person's receipt of the prior civil penalty assessment notice.
- (h) The Commission may assess any person a civil penalty containing tripled penalties if:
 - (I) the person engaged in two or more instances of prior conduct which resulted in the issuance of two or more prior civil penalty assessment notices;
 - (II) the conduct for which tripled penalties are sought is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
 - (III) the conduct for which tripled penalties are sought occurred within one year after the most recent conduct which resulted in the issuance of the prior civil penalty assessment notices; and
 - (IV) the conduct for which tripled penalties are sought occurred after the person's receipt of two or more prior civil penalty assessment notices.
- (i) When more than two instances of prior conduct exist, the Commission shall only consider those instances occurring within one year prior to the conduct for which triple penalties are sought.
- (j) Nothing in this rule shall preclude the assessment of triple penalties when double and triple penalties are sought on the same civil penalty assessment notice.
- (k) In addition to the imposition of civil penalties, the Commission may take other action as authorized by law.