

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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[indicates omission of unaffected rules]

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by motor vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all common carriers, contract carriers, limited regulation carriers, towing carriers, movers, UCR registrants, and drivers as defined herein. For hazardous materials carriers and nuclear materials carriers, only rule 6008 and the related definitions in rule 6001 shall apply. Rules 6700 – 6724 apply to all transportation network companies. Specific provisions regarding the applicability of this Part 6 can be found in rules 6100, 6200, 6250, 6300, 6400, 6500, ~~and~~ 6600, and 6700.

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[indicates omission of unaffected rules]

6612. – 6699. [Reserved].

TRANSPORTATION NETWORK COMPANY RULES

6700. Applicability of Transportation Network Company Rules.

Rules 6700 through 6724 apply to all transportation network companies (TNCs) as defined by § 40-10.1-602(3), C.R.S. and to all Commission proceedings and operations concerning TNCs including applicants, TNC employees, and TNC drivers.

6701. Definitions.

The following definitions apply throughout rules 6700 through 6724, except where a specific rule or statute provides otherwise.

(a) "Enforcement official" means:

(I) any person appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation network companies; or

(II) as defined by § 42-20-103(2), C.R.S.

- (b) “Logged in” means that a driver’s credentials have been accepted to connect to a transportation company digital network such that the driver is capable of being matched to a rider [OR a driver has gained access to a transportation company digital network].
- (c) “Logged out” means that a driver is disconnected or not connected to a transportation company’s digital network.
- (d) “Matched” means the point in time when a driver accepts a requested ride through a transportation network company’s digital network.
- (e) “Permit” means the permit required for the operation of a transportation network company pursuant to Part 6 of Article 10.1 of Title 40, C.R.S.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or other legal entity and any person acting as or in the capacity of officer, director, manager, employee, member, partner, lessee, trustee, or receiver thereof, whether appointed by a court or otherwise.
- (g) “Personal vehicle” means a vehicle that is used by a transportation network company driver in connection with providing services for a transportation network company that meets the vehicle criteria set forth in § 40-10.1-605(1)(h), C.R.S.
- (h) “Prearranged ride” means a period of time that begins when a driver accepts a requested ride through a digital network, continues while the driver transports the rider in a personal vehicle, and ends when the rider departs from the personal vehicle.
- (i) “Transportation network company” (TNC) means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect riders to drivers for the purpose of providing transportation. A transportation network company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing arrangements, as defined in § 39-22-509 (1) (a) (II), C.R.S. or any transportation service over fixed routes at regular intervals. A transportation network company is not deemed to own, control, operate, or manage the personal vehicles used by transportation network company drivers. A transportation network company does not include a political subdivision or other entity exempted from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended.
- (j) “Transportation network company driver” or “driver” means an individual who uses his or her personal vehicle to provide transportation network company services for riders matched to the driver through a transportation network company’s digital network. A driver need not be an employee of a transportation network company.
- (k) “Transportation network company rider” or “rider” means a passenger in a personal vehicle for whom a driver provides transportation network company services, including:
 - (I) an individual who uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle for the individual and anyone in the individual's party; or
 - (II) anyone for whom another individual uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle.

(III) "Rider" includes service animals as defined in § 24-34-803, C.R.S., accompanying any passenger.

(I) "Transportation network company services" or "services" means the provision of transportation by a driver to a rider with whom the driver is matched through a transportation network company. The term does not include services provided either directly by or under contract with a political subdivision or other entity exempt from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended.

6702. Permit Requirements.

(a) No person shall operate or offer to operate as a TNC in Colorado without a valid permit issued by the Commission.

(b) To obtain a TNC permit, a person must:

(I) complete and submit an application on a Commission-prescribed form;

(II) pay the annual application fee; and

(III) cause to be filed with the Commission proof of financial responsibility that complies with the requirements found in these rules and § 40-10.1-604, C.R.S.

(c) No person shall file an application under a name, trademark, or trade name that identifies a type of transportation service not authorized by the TNC statutes, §§ 40-10.1-601 through 608, C.R.S. (e.g., a TNC shall not have the word "taxi" in its name). Applications filed in violation of this rule, shall not be processed.

(d) A permit is valid for a period of one year from the later of the effective date or the date of issuance.

6703. Commission's Records, Name Changes, Address Changes, and Address Additions.

(a) A TNC is obligated to ensure the accuracy of any information it provides to the Commission pursuant to this rule. Any information provided pursuant to this rule, by a TNC for the Commission's files shall be deemed to be accurate until changed by the TNC.

(b) TNCs are required to notify the Commission in writing of any change of name, trade name, trademark, mailing address, physical address, or telephone number on file with the Commission within two days of making said change. The notification shall identify the person making the change and the affected permit. A notice of name change including trade name changes and trade name additions shall include supporting documentation from the Colorado Secretary of State.

(I) In the event of a name change or an address change, the TNC shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility.

(II) No name change shall be effective until proper proof of financial responsibility in the TNC's new name has been filed with the Commission.

6704. Notice.

Any notice to a TNC sent to a physical, mailing, or email address of a TNC's designated agent on file with the Commission shall constitute prima facie evidence that the TNC received the notice.

6705. Designation of Agent.

- (a) Each TNC shall file in writing with the Commission, and shall maintain on file, its designation of the name, mailing address, physical address, email address, and phone number of a person upon whom service may be made of any lawful notice, order, process, or demand. The named person is the designated agent. A TNC shall not designate as its agent the Colorado Secretary of State. The person designated, if a natural person, shall be at least 18 years of age. The addresses of the person designated shall be in the state of Colorado.
- (b) TNCs shall notify the Commission of any changes in the designated agent's identity, name, mailing address, physical address, email address, or phone number by filing a new designation within two days following the effective date of such change.
- (c) Service upon a designated agent, as on file with the Commission, shall be deemed to be service upon the TNC.

6706. Financial Responsibility.

- (a) Every TNC shall obtain and keep in force at all times motor vehicle liability insurance coverage that conforms with the requirements of § 40-10.1-604(2), C.R.S. Every TNC shall cause to be filed a Commission-prescribed Form T: TNC Bodily Injury and Property Damage Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (b) If a TNC chooses to maintain primary automobile insurance coverage on behalf of a driver or drivers that conforms with the requirements of § 40-10.1-604(3), C.R.S., it shall cause to be filed a Commission-prescribed Form P: TNC Primary Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (c) For purposes of this rule, surplus line insurers authorized under article 5 of title 10, C.R.S., are within the meaning of an insurer authorized to do business in the state of Colorado.
- (d) If a TNC chooses not to maintain primary automobile insurance on behalf of a driver or drivers, it shall file a certification that each driver who is authorized by a TNC to log in to the TNC's digital network is in compliance with the provisions of § 40-10.1-604(3), C.R.S.
- (e) Administrative cancellation of certificates of insurance and/or surety bond.
 - (I) When a new certificate of insurance and/or surety bond is filed with the Commission, all certificates of insurance and/or surety bond for the same type and category of coverage with an older effective date shall be administratively cancelled upon the effective date of the new certificate of insurance and/or surety bond.
 - (II) When the Commission receives notice from a TNC to cancel its permit, all the certificates of insurance and/or surety bond for the TNC shall be administratively cancelled.

6707. Financial Responsibility - Revocation, Suspension, Alteration, or Amendment.

(a) Summary suspension and/or revocation for lack of financial responsibility of a TNC.

(I) Summary suspension.

(A) Whenever Commission records indicate that a TNC'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, pursuant to § 24-4-104(3) and (4), C.R.S., summarily suspend such permit.

(B) Failure on the part of an insurance company to respond to a Commission inquiry for verification of insurance coverage within 60 days shall be treated as a cancellation of insurance. The Commission will provide notice to a TNC that its insurance company has failed to respond to an inquiry for verification of insurance coverage at least 15 days prior to the expiration of the 60 day period.

(C) The summary suspension shall be effective on the date of coverage cancellation.

(II) The Commission will advise the TNC:

(A) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;

(B) that its permit is summarily suspended as of the coverage cancellation date;

(C) that it shall not conduct TNC services under its permit after the coverage cancellation date;

(D) that the Commission has initiated complaint proceedings to revoke its permit;

(E) that it may submit, at a hearing convened to determine whether its permit should be revoked, written data, views, and arguments showing why such permit should not be revoked; and

(F) the date, time, and place set for such hearing.

(III) Until proper proof of insurance or surety coverage, is filed with the Commission, a TNC receiving notice of summary suspension shall not conduct TNC services after the effective date of such summary suspension.

(IV) If the Commission receives proper proof of coverage prior to the hearing, the summary suspension and complaint will be dismissed without further order of the Commission. TNC services performed during lapses in coverage are subject to civil penalty assessments.

(V) If the Commission receives proper proof of coverage prior to revocation, the Commission will dismiss the summary suspension and complaint. TNC services performed during lapses in coverage are subject to civil penalty assessments.

(b) After a hearing upon at least ten days' notice to the TNC affected, and upon proof of violation, the Commission may issue an order to cease and desist, suspend, revoke, alter, or amend any permit for a violation of, or failure to comply with, any statute, order, or rule concerning a TNC.

6708. Driver Minimum Qualifications.

- (a) A TNC shall not permit a person to act as a driver unless the person is at least 21 years of age; has a valid driver's license; is medically qualified to drive as required by rule 6713; and is not disqualified to drive based on the results of the driving history research report required by rule 6711 or the criminal history record check required by rule 6712.
- (b) A TNC shall require a driver to maintain on their person or in their personal vehicle the following documents in physical or electronic form: a current medical certification card; valid driver's license; current vehicle inspection form; any waiver granted by the Commission; and proof of all required insurance, including TNC required insurance. These documents shall be immediately provided by the driver to an enforcement official upon request.

6709. Waivers or Variances.

A TNC that is granted a waiver or variance, or that engages a driver who has been granted a waiver or variance, shall maintain a copy of the waiver or variance during the term of the TNC's or the driver's service and for six months thereafter. This rule shall have no effect on the right and discretion of a TNC to decide not to contract with a driver applicant or to disconnect a driver from its TNC platform.

6710. Record Maintenance and Retention.

- (a) A TNC or third party on behalf of a TNC may maintain records in electronic format, provided that copies can be reproduced in their original format.
- (b) A TNC shall maintain the following data for each prearranged ride, as applicable, for a minimum of one year from the date of each such prearranged ride: the personal vehicle's license plate number; the identity of the driver; the identity of the matched individual using the TNC application to request a prearranged ride; the date and time of the rider's request for service; the originating address; the date and time of pickup; the destination address; and the date and time of drop-off.
- (c) A TNC, or third party on behalf of a TNC, shall maintain the following records for each driver and the driver's personal vehicles.
- (I) A driver's application submitted to the TNC which must, at a minimum, contain the following information: the applicant's name, address, date of birth, and driver license number; the date the application was submitted; and the applicant's signature attesting that all the information provided on the application is true and accurate. A driver's application must be maintained during the period of service and for six months thereafter.
- (II) The disclosures provided to the driver within the driver's terms of service, including the driver's acknowledgement of said terms. The terms of service disclosures and acknowledgement shall be maintained during the period of service and for six months thereafter.
- (III) The driving history research reports. The driving history research reports shall be maintained for a period of three years from the date the research was conducted.
- (IV) The results of the criminal history record check. The results of the criminal history record check shall be maintained for a period of five years from the date the record check was conducted.

- (V) The driver's state issued driver's license. The driver's license shall be maintained during the period of service and for six months thereafter.
- (VI) The driver's current medical certificate. The driver's most current medical certificate shall be maintained for a period of three years from the date of certification.
- (VII) If applicable, any current medical waiver or variances issued to the driver.
- (VIII) Hours of service records required by rule 6722, including all supporting documentation verifying such time records, shall be maintained for the most recent six months during the term of service; and such records shall be maintained for six months after the term of service.
- (IX) The initial and periodic vehicle inspections. Vehicle inspections shall be maintained for a period of 14 months from the date of inspection.
- (d) A TNC shall maintain the following data for each report of conduct in violation of § 40-10.1-605(6) for a minimum of one year following the due date of the annual report including the period of time of the conduct reported to the TNC:
 - (I) the written report; and
 - (II) documentation of actions taken, if any, to address the alleged violation.
- (e) A TNC shall maintain the following data for any personally identifiable information disclosed concerning a user of the transportation network company's digital network for a minimum of one year:
 - (I) the information disclosed;
 - (II) to whom the information was disclosed;
 - (III) the user's consent to disclose the disclosed information, if applicable;
 - (IV) the legal obligation necessitating disclosure, if applicable; and
 - (V) documentation of the facts and circumstances necessitating disclosure to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions, if applicable.
- (f) A TNC is responsible for compliance with record maintenance and retention requirements without regard to whether the TNC maintains and retains records or whether a third party maintains and retains them on the TNC's behalf.

6711. Driving History Research Report.

- (a) Before permitting an individual to act as a driver on its digital network, a TNC shall obtain and review a driving history research report for the individual. The driving history research report shall include at a minimum any moving violation in the United States for the three-year period preceding the individual's application. An individual with moving violations identified in § 40-10.1-605(4)(b)(I) and (II), C.R.S. shall not serve as a driver for the TNC.

(b) At least once every 12 months, a TNC shall obtain and review a driving history research report for each driver authorized to use the TNC's digital network. The driving history research report shall include at a minimum any moving violation in the United States for the preceding three-year period. An individual with moving violations identified in § 40-10.1-605(4)(b)(I) and (II), C.R.S. shall not continue to serve as a driver for the TNC.

6712. Criminal History Record Checks.

- (a) Before permitting an individual to act as a driver on its digital network, a TNC shall obtain and review a criminal history record check for the individual that complies with C.R.S. § 40-10.1-605(3)(a). If a privately administered national criminal history record check is used, custody of the record check shall be direct from the entity administering the check to the TNC.
- (b) If a privately administered national criminal history record check is conducted, the TNC shall obtain the applicant's social security number (or Alien Registration Number/USCIS Number or Form I-94 Admission Number), birth date, and driver's license number.
- (c) The identifying information obtained in paragraph (b) shall be run through national and county or statewide criminal background databases or other similar commercial databases and validated through a primary source search. These searches shall include, at minimum, the National Sex Offender Registry and, in jurisdictions where an applicant has lived, a federal district court records search, a county criminal records search, and a motor vehicle records search.
- (d) At least once every five years, a TNC shall obtain and review a criminal history record check for each driver authorized to use the TNC's digital network.
- (e) No TNC shall permit any individual convicted of or who pled guilty or nolo contendere to any of the offenses listed in § 40-10.1-605(3)(c), C.R.S. to log in to its digital network or serve as a driver for the TNC.

6713. Proof of Medical Fitness.

- (a) No TNC shall permit any driver to log in to its digital network that is not medically examined and certified pursuant to 49 C.F.R. § 391.41, as revised on October 1, 2010 or pursuant to this rule.
- (b) All medical examiners issuing driver medical certification cards must be licensed medical practitioner in accordance with their specific specialty practice act in the Colorado Revised as a doctor of medicine or osteopathy, a physician assistant, nurse practitioner, or clinical nurse specialist working under the direct supervision of a physician.
- (c) A person is physically qualified to drive if, upon physical examination, the medical examiner determines that the person does not exhibit any of the following conditions:
- (I) defect, loss of limb or impairment which interferes with the ability to perform normal tasks associated with operating a motor vehicle;
 - (II) established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control likely to interfere with his/her ability to control and drive a motor vehicle safely;
 - (III) current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied

by syncope, dyspnea, collapse, or congestive cardiac failure, and that is likely to interfere with his/her ability to control and drive a motor vehicle safely;

(IV) established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a motor vehicle safely;

(V) established medical history or clinical diagnosis of high blood pressure likely to interfere with his/her ability to control and drive a motor vehicle safely;

(VI) established medical history or clinical diagnosis of rheumatic, arthritic orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and drive a motor vehicle safely;

(VII) established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control and drive a motor vehicle safely;

(VIII) mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a motor vehicle safely;

(IX) visual disorder or impairment resulting in acuity of worse than 20/40 (Snellen) in each eye without corrective lenses or corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity worse than 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision lower than 70° in the horizontal Meridian in each eye, and colorblindness resulting in the lack of an ability to recognize the colors of traffic signals and devices showing standard red, green, and amber;

(X) use of a controlled substance, which use is prohibited in Colorado unless prescribed by a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a motor vehicle; or

(XI) current clinical diagnosis of alcoholism.

(d) All medical examiners issuing driver medical certification cards shall use the TNC Driver Certification form included in a packet available on the Commission website. Such driver medical certification card shall include certification that the medical provider conducted an examination in accordance with these rules, and with knowledge of the driving duties, finds the individual is qualified, subject to any express conditions. Such packet shall also include an examination report that identifies the driver, describes the driver's medical history, and documents the examination including the doctor's independent judgment based thereupon.

(e) All medical certification cards shall be valid for not more than two years from the date of issuance.

6714. Vehicle Inspections.

A TNC shall conduct or have a vehicle inspector conduct an initial safety inspection of a prospective driver's vehicle before it is approved for use as a personal vehicle and shall have periodic inspections of personal vehicles conducted thereafter, at intervals of at least one inspection per year. A driver and TNC shall ensure that the initial and periodic inspections are completed on the form prescribed by the Commission. A vehicle shall be placed out-of-service if it failed to meet the vehicle inspection criteria identified in this rule. The TNC may reinstate the personal vehicle for service after the out-of-service condition is removed or resolved.

Initial inspections, periodic inspections, and inspections by an enforcement official shall include an inspection of the items set forth in § 40-10.1-605(1)(g)(l), C.R.S., based upon the following criteria.

- (a) Foot brakes: each vehicle shall be equipped with brakes acting on all wheels and capable of operating as designed by the manufacturer; the brake lining/pad thickness on the steering axle shall not be less than 3/16 of an inch and shall not be less than 1/16 of an inch on the non-steering axle; the thickness of the drums or rotors shall not be less than the limits established by the brake drum or rotor manufacturer and no evidence of metal to metal contact or rusting on contact surfaces; and shall not have missing or broken calipers, pad retaining components, brake pad, shoes, or linings.
- (b) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the manufacturer.
- (c) Steering mechanism: each vehicle shall not have steering wheel lash that exceeds four inches. Universal joints and ball and socket joints shall not be worn, faulty or repaired by welding and all components of the power steering system must be present with no parts missing and belts shall not be frayed, worn or slipping. Telescoping or tilt steering wheels shall lock in a fixed position.
- (d) Windshield: shall be free of discoloration or intersecting cracks which interfere with the driver's field of view.
- (e) Rear window and other glass: vehicle windows to the side and rear of the driver shall be fully operational if originally manufactured to be so and shall be free from intersecting cracks.
- (f) Windshield wipers: vehicles shall be equipped with a wiping system and washer system that are in proper working condition and capable of being controlled by the driver from within the vehicle.
- (g) Head lights: each vehicle must have head lights that do not have broken or missing lenses covers and that have both upper and lower beams; and are in proper working condition.
- (h) Tail lights: each vehicle must have tail lights that do not have broken or missing lenses covers and are in proper working condition.
- (i) Turn indicator lights: vehicle must have turn indicator lights that do not have broken or missing lenses covers and are in proper working condition. The vehicle must be equipped with a hazard warning signal operating unit that is in proper working condition.
- (j) Stop lights (lamps): all vehicles must have stop lamps that do not have broken or missing lens covers and are in proper working condition.
- (k) Front seat adjustment mechanism: the vehicle must be equipped with a front seat adjustment mechanism that is capable of locking in at least one fixed position.
- (l) Doors: all vehicles must be equipped with a minimum of four doors; all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original manufacturer.
- (m) Horn: all vehicles must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (n) Speedometer: all vehicles must be equipped with an operating speedometer that is paired with an OEM approved tire size.

- (o) Bumpers: all vehicles must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (p) Mufflers and exhaust system: all vehicles must be equipped with a securely fastened and properly located muffler and exhaust system capable of expelling and directing harmful combustion fumes as designed by the original manufacturer. No part of the exhaust system shall leak or be repaired with wrap or patches.
- (q) Tires and wheels: no tire shall have any tread or sidewall separation or has a cut to the extent that the ply or belt material is exposed; any tire on the front or rear wheels of a vehicle shall have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove. The measurement shall not be made where the tie bars, humps or fillets are located; and vehicle wheels shall not have cracks or missing spokes, shall be securely attached to the vehicle and not have loose or missing lug nuts.
- (r) Rear view mirrors: all vehicles must be equipped with rear view mirrors as designed by the original manufacturer.
- (s) Safety belts: all vehicles must be designed by the original manufacturer to carry no more than eight passengers, be equipped with no more than eight safety belts as designed by the original manufacturer, and must be equipped with safety belts for both the driver and all riding passengers that are in proper working condition and capable of being operated at all times.

6715. Vehicle Inspectors.

- (a) Individuals performing the initial vehicle inspection or a periodic inspection by or for a TNC shall be a certified mechanic or a person that is capable of performing an inspection by reason of experience, training, or both.
- (b) TNCs must retain a record of the federal or state sponsored training program certifying an individual performing inspections or retain evidence of the individual's qualifications under this rule if the inspection was completed by an individual substituting training and experience for a certificate from a federal or state sponsored training program. TNCs must retain this evidence for the period during which that individual is performing vehicle inspections for the TNC and for one year thereafter.
- (c) For purposes of this rule, a TNC's receipt of certification by a company authorized to do business in Colorado that inspections are performed only by persons capable of performing the 19-point inspection listed in rule 6714 by reason of experience, training, or both, satisfies the TNC's obligations in paragraphs (a) and (b) of this rule.

6716. Authority to Interview Personnel and Inspect Records and Personal Vehicles.

For purposes of investigating compliance with, or a violation of, these rules or applicable law, an enforcement official has the authority to interview persons, drivers and riders, to inspect records, and to inspect personal vehicles used in providing TNC services.

- (a) Upon request of an enforcement official during the Commission's normal business hours, a TNC shall provide to the enforcement official, any requested records relating to insurance under rule 6707, medical certification under rule 6713, hours of service under rule 6722, vehicle inspections under rules 6714, 6715, and 6717, and waivers or variances under rule 6709. A TNC shall also include in its driver policies a requirement that a TNC driver immediately provides all of these documents, except those under rule 6722, to an enforcement official upon request. If a driver fails to make such personal vehicles available for inspection, upon notice to the TNC, the TNC

shall disconnect the driver from its TNC platform until the driver makes the vehicles available for inspection.

- (b) Within 72 hours of notice by an enforcement official, a TNC shall provide to the enforcement official, electronic copies of the requested records that TNCs are required to be retained by these rules. Paper copies shall be provided if requested by an enforcement official.
- (c) Upon reasonable notice and request by an enforcement official, and in addition to other inspection requirements, a driver shall make his/her personal vehicles used in providing TNC services available for inspection and the driver shall assist, if requested, in the inspection of such personal vehicle. If a driver fails to make such personal vehicles available for inspection, upon notice to the TNC the TNC shall disconnect the driver from its TNC platform until the driver makes the vehicles available for inspection.
- (d) In addition to requirements of any other rule herein, and upon reasonable notice and request by an enforcement official, TNC personnel and drivers shall be available for interview during the Commission's normal business hours.
- (e) When a request under this rule implicates multiple response times the shortest time period shall apply.

6717. Inspection of Drivers and Vehicles.

A driver and the driver's vehicle are subject to inspection by and producing documentation to an enforcement officer if the driver is logged into a TNC's digital network, is at that time offering or providing service, or by any other arrangement made between the Commission and TNC for inspection of vehicles.

6718. Inspection Process.

- (a) When a driver or vehicle is inspected by an enforcement official the enforcement official shall tender a copy of a Driver/Vehicle Compliance Report (DVCR) to the driver. The enforcement official will provide notice to the TNC that a driver and/or vehicle inspection was conducted and that violations were found, if any.
- (b) The TNC shall be responsible to contact and obtain a copy of the DVCR from the driver.
- (c) Within 15 days following the date of the inspection, the TNC shall:
 - (I) ensure all violations or defects noted thereon are corrected before any other TNC services are provided;
 - (II) complete the TNC official's signature, title, and date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (III) return the completed DVCR to the Commission in the manner stated on the DVCR; and
 - (IV) retain a copy of the DVCR in its records.
- (d) If an enforcement official determines that a vehicle that would likely cause an accident or breakdown due to its mechanical condition, or an unsafe condition exists that would likely harm occupants, the vehicle shall be placed out-of-service. A TNC shall disconnect the driver of the vehicle from the TNC digital network upon notice from the enforcement official that the vehicle has been placed out-of-service.

- (e) A driver who, by reason of the driver's lack of qualification under rule 6708, sickness or fatigue, violation of hours of service provisions under rule 6722, or being under the influence of drugs or alcohol, would likely cause an accident as determined by an enforcement official shall be placed out-of-service. A TNC shall disconnect the driver of the vehicle from the TNC digital network upon notice from the enforcement official that the driver has been placed out-of-service.
- (f) Declaring a personal vehicle and/or a driver out-of-service on a DVCR and communicating that condition to the TNC shall constitute an out-of-service order.
- (g) The TNC may reinstate the personal vehicle and/or the driver for service after the out of service condition is removed or resolved.

6719. Vehicle Markings.

A TNC shall require that a driver displays the TNC's vehicle marking in or on the personal vehicle while logged in to a TNC's digital network. The TNC shall file a description and location of vehicle markings that drivers are required to display. Vehicle marking shall be readily visible during daylight hours from the front or passenger side of the vehicle at a distance of 50 feet, but in no case be less than three inches tall.

6720. Annual Report of Drivers' Refusals to Transport and Driver Discipline.

- (a) TNCs shall require drivers to submit a written report for any incident in which a driver refuses to transport a passenger pursuant to § 40.10.1-605(9), C.R.S. The report shall include the reason for the refusal.
- (b) TNCs shall reasonably address any reports of alleged violations of § 40-10.1-605(6)(a), C.R.S., including reports from drivers, passengers, or the Commission.
- (c) Prior to February 1 of each calendar year, each TNC shall report to the Commission the number of incidents in which a driver has reported to the TNC, pursuant to § 40-10.1-605(9), C.R.S., each refusal to transport a passenger after the driver and rider were matched, for the previous calendar year. Each report must include, but is not limited to the following information: the TNC's name; the TNC's permit number; the period being reported; the identity of each involved driver; the date the prearranged ride was requested; the address from which the prearranged ride was requested; the destination to which the prearranged ride was intended; and the reason the prearranged ride was refused. The report shall contain a record of any discipline administered to the driver for any alleged violation of § 40-10.1-605(6)(a), C.R.S. The report also shall contain the signature, the printed name and title of the person completing the form; the signature, the printed name and title of an officer authorized to file the report; and an oath that the information is accurate.
- (d) Prior to February 1 of each calendar year, each TNC shall report to the Commission a record of any actions taken by the TNC to address alleged violations of the TNC statute (§40-10.1-601, et seq., C.R.S.) and of the Commission's TNC Rules (Rules 6700-6724 of the Rules Regulating Transportation by Motor Vehicle, 4 CCR 723-6) as notified by enforcement officials discipline administered to a driver for a violation of statute or rules. Each report must include, but is not limited to the following information: the TNC's name; the TNC's permit number; the period being reported; the identity of each involved driver, the violation, the discipline administered, including a notation whether the driver was subsequently monitored and involved in any other violations.

6721. Offering of TNC Service.

- (a) No TNC, or any officer, agent, employee, or representative of said company, shall offer a TNC service in a name other than a name as it appears on the TNC's permit, including matching the characters, numbers and letters as used on the permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation). If a TNC operates under registered trade names, registered d/b/a designations, or registered trademarks that are words and/or names, the TNC's permit shall also reflect that the TNC is using the registered trade names, registered d/b/a designations, or registered trademarks that are words and/or names in providing TNC service.
- (b) If a TNC operates under registered trade names, registered d/b/a designations, or registered trademarks that are words and/or names, nothing in this paragraph shall be construed to require advertising under all names appearing on said TNC's permit.

6722. Hours of Service.

- (a) A driver shall not offer or provide transportation network company services for more than 12 consecutive hours.
- (b) If a driver is logged in to a TNC's digital network, the driver will be presumed to be offering or providing TNC services. The presumption that a driver is offering or providing service by being logged in to a TNC's digital network may be rebutted with the presentation of credible evidence at the time of an audit, record review, or evidentiary hearing.
- (c) A TNC shall adopt a policy designed to ensure that, after 16 cumulative hours logged into the TNC's digital network in a calendar day, the driver shall log out of the TNC's digital network for eight consecutive hours. For purposes of this provision, a driver will not be deemed to have logged into the TNC's digital network if the login period does not exceed five minutes. The TNC shall enforce this policy through appropriate monitoring of available data and administration of disciplinary actions.
- (d) A TNC shall adopt a policy designed to ensure that no driver is logged in to the TNC's digital network for more than 70 hours in a consecutive seven-day period. The TNC shall enforce this policy through appropriate monitoring of available data and administration of disciplinary actions. The TNC shall file the policy and any changes or updates with the Commission.
- (e) Appropriate monitoring of available data includes, at a minimum, a review of said data for each of its drivers no less than one time per week and the implementation of disciplinary actions in accordance with the TNC's policy.
- (f) Any driver found by the TNC to have violated either or both of the policy requirements set forth in (c) and (d) above shall be disconnected from the TNC network for a period of no less than 24 consecutive hours.
- (g) A TNC that engages a driver shall maintain and retain true and accurate time records, including all supporting documents verifying such time records, for a period of six months showing:
 - (I) each time(s) the driver logs in to the TNC's digital network each day;
 - (II) each time(s) the driver logs out of the TNC's digital network each day;
 - (III) the total number of hours the driver is logged in to the TNC's digital network each day;
and

(IV) any disciplinary actions taken against drivers for violations of the policies adopted pursuant to this section.

(h) The failure to appropriately monitor and enforce these policy requirements shall subject a TNC to civil penalty assessments.

6723. Prohibitions.

(a) No TNC shall require or permit any driver declared and ordered out-of-service to operate, nor shall any driver operate, any personal vehicle until the driver's out-of-service condition has been corrected.

(b) No TNC shall require or permit any driver to operate, nor shall any driver operate, any personal vehicle declared and ordered out-of-service until all repairs required by the out-of-service order have been satisfactorily completed.

(c) A TNC shall have and enforce a policy that a driver shall not operate any personal vehicle when the driver's ability to operate the personal vehicle is impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of the personal vehicle. A TNC that is notified by an enforcement official or confirms on its own or through another means that a driver has violated this rule shall disconnect the driver from its digital network until the condition is no longer present.

(d) A TNC shall have and enforce a policy that a driver shall not operate any personal vehicle if the driver is under the influence or uses any drug or substance that renders the driver incapable of safely operating a personal vehicle. This does not apply to possession or use of a substance administered by or under the instruction of a qualified medical professional, provided that the medical professional certifies the substance will not affect the safe operation of a personal vehicle. A TNC that is notified by an enforcement official or confirms on its own or through another means that a driver has violated this rule shall immediately disconnect the driver from its digital network pending the results of an investigation.

(e) A TNC shall have and enforce a policy that a driver shall not operate any personal vehicle if the driver has consumed alcohol within four hours of logging in to the TNC network or is under the influence of alcohol while logged in to the TNC network. A TNC that is notified by an enforcement official or confirms on its own or through another means that a driver has violated this rule shall immediately disconnect the driver from its digital network pending the results of an investigation.

(f) A TNC shall have and enforce a policy that a driver shall not engage in texting while operating a personal vehicle and the driver is logged in to the TNC network.

(g) A TNC shall have and enforce a policy that a driver shall not solicit or accept the on-demand summoning of a ride otherwise known as a "street hail."

(h) A TNC shall have and enforce a policy requiring drivers to display a vehicle marking in or on the personal vehicle while logged in to a TNC's digital network in accordance with the description on file with the Commission.

(i) No TNC shall make or cause to be made fraudulent or intentionally false statements or records to the Commission or Commission staff.

(j) No person shall falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record, subject to inspection by the Commission.

- (k) No TNC shall require or permit any driver to log in to its digital network before the vehicle that will be used as a personal vehicle is confirmed to have satisfied the requirements of rule 6714.
- (l) No TNC shall disclose to a third party any personally identifiable information concerning a user of the transportation network company's digital network unless:
 - (I) the transportation network company obtains the user's consent to disclose personally identifiable information;
 - (II) disclosure is necessary to comply with a legal obligation (including compliance with Commission rules); or
 - (III) disclosure is necessary to protect or defend the terms and conditions for use of the service or to investigate violations of the terms and conditions.

6724. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

Civil penalty assessments are in addition to any other penalties provided by law.

TNCs are subject to §§ 40-7-112, C.R.S. and 40-7-113 through 40-7-116, for violations of Part 6 of Title 40, C.R.S., or these rules, and may be assessed civil penalties for any such violation.

- (a) \$11,000 per violation.
 - (I) Failure to obtain and keep in force liability insurance that conforms with the requirements of § 40-10.1-604.
- (b) \$10,000 per violation.
 - (I) Violation of paragraph 6723(a).
 - (II) Violation of paragraph 6723(b).
- (c) \$2,500 per violation.
 - (I) Violation of paragraph 6723(i) or (j).
 - (II) Violation of rule 6708.
 - (III) Violation of paragraph 6722(a), (c), (d), (e), or (f).
- (d) \$1,100 per violation.
 - (I) Violation of rule 6713.
 - (II) Violation of the periodic inspection requirements of rule 6714.
 - (III) Violation of rule 6702.
 - (IV) Violation of rule 6721.
 - (V) Violation of paragraph 6723(c), (d), (e), (g) or (l).

- (e) \$500 per violation up to \$10,000.
 - (I) Violation of rule 6710.
 - (II) Failure to return the completed DVCR as required by subparagraph 6718(c)(III).
 - (III) Violation of paragraph 6722(g).
- (f) \$275 per violation.
 - (I) Violation of rule 6712.
- (g) \$250 per violation.
 - (I) Violation of any rule not specified above.
- (h) Notwithstanding any provision in these rules to the contrary, the Commission may assess a civil penalty of two times the amount or three times the amount, as provided in § 40-7-113, C.R.S.
 - (I) The amounts in paragraphs (a) through (g) shall be two times the specified amount if:
 - (A) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
 - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
 - (C) the conduct occurred within one year after the date of violation in the prior civil penalty assessment notice; and
 - (D) the conduct occurred after the person's receipt of the prior civil penalty assessment notice.
 - (II) The amounts in paragraphs (a) through (g) shall be three times the specified amount if:
 - (A) 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;
 - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
 - (C) the conduct occurred within one year after the two most recent prior instances of conduct cited in the prior civil penalty assessment notices; and
 - (D) the conduct occurred after the person's receipt of two or more prior civil penalty assessment notices.
- (i) The civil penalty assessment notice shall contain the maximum penalty amounts prescribed for the violation; the amount of the penalty surcharge pursuant to § 24-34-108(2); and a separate provision for a reduced penalty of 50 percent of the maximum penalty amount if paid within ten days after the civil penalty assessment notice is tendered.

6725. – 6799. [Reserved].