

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17R-0796TR

IN THE MATTER OF THE PROPOSED RULES REGULATING INTRASTATE CARRIERS,
LIMITED REGULATION CARRIERS AND THE GENERAL PROVISIONS AND SAFETY
RULES, 4 CODE OF COLORADO REGULATIONS 723-6.

**RECOMMENDED DECISION OF
HEARING COMMISSIONER
FRANCES A. KONCILJA
ADOPTING PROPOSED RULES**

Mailed Date: October 31, 2018

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I. INTRODUCTION

1. This has been a difficult, but productive rulemaking. The goals of Transportation Staff (Staff) announced in the notice were and are laudable—enhance public safety, protect consumers, provide clarity and conciseness, and make the rules more effective and efficient. However, there was little agreement from industry stakeholders and commenters (Commenters) participating in this Proceeding whether the Proposed Rules¹ accomplished those goals. In fact, numerous Commenters asserted that the Proposed Rules did the opposite—increased regulation,

¹ This Recommended Decision refers to Staff’s proposed rules, which were attached to the Notice, as “Proposed Rules” or “Proposals”; existing rules as “Current Rules”; and the attached recommended rules as “Recommended Rules”.

ignored safety, improperly asserted jurisdiction over areas not authorized by Colorado statutes, and interfered with the market. There was serious and broad participation by industry and Staff resulting in numerous written and oral comments placed into the record. Staff, at my request, also submitted a huge amount of factual information into the record. Although there was not final consensus on most of the important rules, Staff and the Commenters assisted me in better understanding the issues.

2. These Recommended Rules balance the evidence presented by the Commenters and Staff, and also take into account Governor Hickenlooper's request in his June 5, 2014 signing letter that the Public Utilities Commission (Commission or PUC) "re-examine its common carrier regulations and consider whether the regulatory burdens Colorado currently places on taxis and limousines are appropriate and necessary."²

3. The Recommended Rules resolve, *inter alia*, hours of service issues, use of electronic log books, age of vehicle requirements, types of vehicles that qualify as "luxury", affiliate broker issues that affect the limited regulation luxury limousine industry, and the quality and frequency of vehicle inspections, especially for vehicles used to transport the most vulnerable in our society—the disabled and children.³ The Recommended Rules reduce some of the regulatory burden, allow for all records to be kept digitally, recognize the Internet as a powerful marketing tool to develop business relationships out of state, provide clarity by

² June 5, 2014, letter signing into law Senate Bill 14-125, titled "Colorado's Transportation Network Company Act." This rulemaking is the first attempt by the Commission at complying with the Governor's request, which he repeated in 2015 in a letter explaining why he was not signing House Bill 15-1316 and again urging comprehensive review of the regulatory imbalances and government-enforced inefficiencies of existing taxicab regulations. See June 5, 2015, law without signature letter regarding House Bill 15-1316, titled "Concerning a Simplification of the Process by which the Public Utilities Commission may Issue a Certificate to Provide Taxicab Service in Certain Metropolitan Counties."

³ There are no specific safety inspection requirements (such as restraints for wheelchairs, ramp testing, etc.) in the Current Rules for these types of vehicles. Without inspection criteria, there can be little to no efficient and effective enforcement of safety standards for vehicles serving these vulnerable populations.

reorganizing and consolidating certain areas such as record-keeping and penalties in keeping with the original goals of the rulemaking, and implement recent legislative changes.⁴ These Recommended Rules reject many of the Proposed Rules as an improper delegation of authority to Staff, bad public policy, or a misunderstanding of previous Commission decisions. Finally, this Recommended Decision makes recommendations as to possible legislative changes.⁵

II. STATEMENT

4. By Decision No. C17-0976, the Colorado Public Utilities Commission issued its Notice of Proposed Rulemaking (NOPR or Notice) on November 30, 2017, appointed Commissioner Frances Koncilja as the Hearing Commissioner, and set public comment hearings for February 20 and 21, 2018. Those hearings occurred on February 20 and 21, 2018.

5. The NOPR was published in the December 10, 2017 edition of “*The Colorado Register*” and on the Commission’s website.

6. The purpose of this proceeding is to amend certain Commission Rules Regulating Transportation by Motor Vehicle found at 4 *Code of Colorado Regulations* (CCR) 723-6.

7. The statutory authority for these Recommended Rules is found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-7-112 and 113, 40-10.1-101 through 608, 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), 42-20-201 *et seq.*, 42-20-501 *et seq.*, and 24-4-104(4), C.R.S.

⁴ The Notice referred to these matters as “clarifications” but the Current Rules fail to implement numerous legislative changes from the last several years. The Recommended Rules implement those changes. By way of example, the Commission has not adopted rules that allow a Common Carrier to convert to a Transportation Network Company (TNC), even though the TNC statute was enacted in 2014.

⁵ With the current state of competition and the immediate change in rates that TNCs implement through their mobile apps, thus establishing a market price, one should question why the legacy concept of tariffs should even apply to common carriers and limousines, but that requires a legislative change to several parts of the current statutes.

8. By Interim Decision No. R18-0134-I, dated February 23, 2018, Commissioner Koncilja set an additional public comment hearing for March 13, 2018.

9. On February 23, 2018, the Colorado Limousine Association filed a Motion to Extend Filing Deadline and Reschedule the Hearing, requesting additional time to develop approaches to the hours of service proposed rule.

10. By Interim Decision No. R18-0158-I, dated March 2, 2018, finding good cause, Commissioner Koncilja granted the request, concluding the delay would not allow completion of the rulemaking before the end of the 2018 legislative session and suggested that the Common Carriers consider requesting an amendment⁶ to § 40-101.103, C.R.S., to exempt Common Carriers from filing advice letters and tariffs before changes in rates could go into effect.⁷ The Interim Decision also set a public comment hearing for March 29, 2018, and a date of March 26, 2018, for the filing of additional comments, additional proposed language, or formats for the rules. The hearing occurred on March 29, 2018.

11. By Interim Decision No. R18-0277-I, dated April 23, 2018, Commissioner Koncilja set an additional public comment hearing for May 31, 2018. The hearing occurred on May 31, 2018.

12. On May 25, 2018, Commissioner Koncilja issued Interim Decision No. R18-0375-I. The Interim Decision recognized that the General Assembly passed House Bill 18-1320, which created a new “Large Market Taxicab Service” and deregulated, in some respects, the taxi business, but concluded that Large Market Taxicab Service carriers are still

⁶ Decision No. R18-0158-I, dated March 2, 2018, contains recommended language to amend the current statutes.

⁷ The General Assembly enacted Part 7 to Article 10.1, Title 40, titled “Large Taxi Market Services.” However, that bill does not apply to Common Carriers outside of the two “Large Market” metro areas and it still requires the filing of tariffs.

subject to safety regulation. The Interim Decision outlined the reasons for proceeding with this rule-making and attached proposed rules that attempted to remove regulatory burdens but still provide for safety regulations. These 13 Commission proposals were summarized in the Interim Decision. The Commission proposals included, *inter alia*, that the insurance requirement for vehicles carrying eight passengers or less be increased from \$500,000 to \$1,000,000, which had been requested by some Commenters. The Interim Decision requested comments on the new proposals and requested that Staff provide factual information as to 13 areas of inquiry. The Interim Decision maintained the public comment hearing of May 31, 2018, which occurred as scheduled.

13. By Interim Decision No. R18-0411-I, dated June 4, 2018, Commissioner Koncilja set an additional public comment hearing for June 26, 2018 and set a deadline of June 25, 2018 for filing additional comments. The hearing occurred on June 26, 2018.

14. Thus, public comment hearings were conducted in Denver at the office of the Commission on February 20 and 21, 2018; March 29, 2018; May 31, 2018; and June 26, 2018. Transcripts of those hearings have been prepared and placed into the record. There are approximately 650 pages of transcript.

15. This Recommended Decision is organized as follows: I) Introduction; II) Statement; III) review of the current statutory framework, including the federal overlap, the types of regulatory authority created by the Colorado statutes, and an overview of the authority that Denver exercises at Denver International Airport; IV) findings and discussion of the current market challenges, enforcement challenges, and the public policy goals; V) summary of the position of the Commenters; VI) rule-by-rule analysis; and VII) summary and suggested solutions.

III. TYPES OF REGULATORY AUTHORITY AND CURRENT STATUTORY FRAMEWORK.

A. PUC Authority

16. Fully Regulated Intrastate Carriers are Motor Carriers that are “public utilities” under title 40 of the Colorado Revised Statutes. They are subject to market entry, economic, operational, and safety regulation by the Commission. That includes the obligation to indiscriminately accept and carry passengers for pay as well as to seek approval from the Commission for the rates they charge and the conditions and time schedules they use. They are referred to as “Common Carriers” and include Taxi, Shuttle (formerly known as Limousine Service⁸), Charter (which is different than Charter Bus which is a Limited Regulation Carrier), and Scheduled and Sightseeing (which is different than Off-Road Scenic Charter, which is a Limited Regulation Carrier). A Common Carrier, thus, may operate scheduled service or call-and-demand charter, shuttle, sightseeing, or taxi service. A Common Carrier may have been granted only one type of service or may have been granted several types of service.

17. Common Carriers request that the Commission issue them a Certificate of Public Convenience and Necessity (CPCN). Common Carriers must file advice letters and tariffs with the Commission and must follow the general utility requirements that their rates and terms must be “reasonable”. Common Carriers are prohibited from reducing their rates without Commission approval. They are also prohibited from offering “discounts” for example to senior citizens, or

⁸ Limousine Service is different than Luxury Limousine Service which is provided by a Limited Regulation Carrier. Limousine Service is a legacy term that appears on some certificates. It is the transportation by a Common Carrier on a call-and-demand basis, charged at a per-person rate, and the use of the motor vehicle is not exclusive to any individual or group. In current applications it is called Shuttle Service. Staff is changing the terminology from Limousine Service to Shuttle Service when a carrier files for an amendment. The Commission likely has the authority to order the name change but without an easily accessible database of these legacy certificates, it is likely not worth the effort that it would take.

military service members.⁹ As the Commenters explained, these prohibitions mean they cannot compete against the Transportation Network Companies (TNCs), who can change their prices on a moment's notice and can offer discounts or premiums to certain customers.

18. Contract Carriers are also fully regulated by the Commission, meaning they must obtain a permit from the Commission and they must submit their contracts to the Commission for approval, but Contract Carriers are not Common Carriers.

19. Once a Common Carrier or a Contract Carrier applies to the Commission for its authority, it keeps that authority, unless it is revoked or suspended. Common Carrier and Contract Carriers pay a one-time fee for the issuance of their authority.

20. Once a Common Carrier or a Contract Carrier obtains its certificate or permit, it has a property right in that authority and can prevent, or attempt to prevent, new entrants from competing against them. Colorado has implemented the doctrines of regulated monopoly and regulated competition for the Commission to use in deciding whether to allow a new entrant and the incumbent can intervene and protest the application of a new entrant. In the last Legislative session (2018), the General Assembly repealed certain sections of the Colorado statutes that affected taxicab carriers in the large Denver metropolitan market and the smaller markets in El Paso, Weld, and Douglas Counties to create a new "Large Market Taxicab Service." This statute states these carriers are no longer Common Carriers and the Commission has more limited authority over them, but does have authority to impose safety requirements and to approve their tariffs, but the Commission can also allow them to use flexible tariffs.¹⁰

⁹ These limitations and requirements are included at §§ 40-3-101, 40-3-104, 40-3-105, 40-3-106, 40-3-109, and 40-3-111, C.R.S.

¹⁰ The Commission recently issued temporary rules to begin to implement these statutory changes.

21. Limited Regulation Carriers are created under Part 3 of Article 10.1 of Title 40 and include providers of Charter Bus, Children’s Activity Bus, Fire Crew Transport, Luxury Limousine, Medicaid Client Transport, or Off-Road Scenic Charter.¹¹ They are subject to safety requirements, including age of vehicles, inspection of vehicles, and types of vehicles, but they are not subject to market-entry restrictions. They are not required to “indiscriminately” provide service. They obtain an annual permit (which is different than a Contract Carrier permit). The Commission does not charge for these because the General Assembly has not included authority to assess an annual fee for these permits.¹² They are issued at the counter and thus are referred to as “over-the-counter permits.” The Current Rules contain no requirements as to what information the Commission must or should obtain from persons seeking these permits.

22. TNCs were created by statute in 2014, which created a Part 6 in Article 10.5 of Title 40. A TNC is an entity that uses a digital network to connect riders to drivers for the purpose of providing transportation. The statute creating TNCs specifically states that a TNC does not provide taxi service, transportation service arranged through a transportation broker, a ridesharing arrangement under § 39-22-509(1)(a)(II), C.R.S., or any transportation service over fixed routes at regular intervals.

23. By statute, a TNC is not deemed to own, control, operate, or manage the personal vehicles used by TNC drivers. The regulation of TNCs allowed by statute is limited to requiring

¹¹ Part 4 applies to towing companies and Part 5 applies to household goods movers, which are subject to some limited regulation by the PUC, but are not technically “Limited Regulation Carriers” because they are not in Part 3. Hazardous material carriers are also required to obtain a permit from the PUC, but they are governed by § 42-20-103(3), C.R.S., which then incorporates the permitting requirements of § 40-20-201, C.R.S. Nuclear material carriers are similarly required to obtain a permit from the PUC, but are governed by §§ 42-20-402 and 501, C.R.S.

¹² Section 40-10.1-111, C.R.S., sets the amount of fees: \$35 for filing for an amendment, transfer, or lease of an authority; \$5 for filing a request for a temporary authority or permit; a maximum of \$325 for an annual towing permit; and \$150 for a temporary permit to operate as a mover. The Commission can set the annual fee for the vehicle stamp and also will set the fee for the annual large market taxicab permit.

TNCs to: file an annual application to obtain the TNC permit, pay an annual fee of \$111,250 (which can be adjusted by rule to cover the Commission’s direct and indirect costs associated with implementing Part 6 of Title 40), maintain insurance as required under § 40-10.1-604, C.R.S., keep contact information and registered agent information on file with the Commission, and refrain from use of the word “taxi”, shuttle, etc. A TNC cannot allow a person to drive who has not met certain minimum qualifications—age, proof of medical fitness, driving history, and criminal history. A TNC is obligated to conduct an initial safety inspection of the vehicle used by a driver. The 19 point safety criteria are specifically listed in the statute and then repeated in the Commission rule. Thus, the Commission can neither add to or subtract from the statutory inspection list. A PUC Enforcement Official can inspect vehicles and certain driver and vehicle records as set forth in statute and Rule 6700 *et seq.* Rule 6722 governs the hours of service requirements—that after a driver has 16 hours of cumulative hours logged into the TNC digital network, the driver shall log out for 8 consecutive hours. By statute, a TNC “is not subject to the commission’s rate, entry, operational, or common carrier requirements, other than those requirements expressly set forth in” Part 6 of Article 10.1 of Title 40. § 40-10.1-603, C.R.S. Although a driver and vehicle must meet certain requirements, the Commission is prohibited by statute from assessing a penalty against a TNC driver. § 40-10.1-606(5)(b), C.R.S. The Commission may require a TNC to file evidence of financial responsibility and proof of insurance, but is prohibited from requiring a TNC to file a copy of the insurance policy with the Commission. § 40-10.1-608(2), C.R.S.

24. The Commission is obligated to transmit all fees collected pursuant to Part 6 to the state treasurer, who credits the fees to the state TNC fund. The fees are continuously appropriated to the Commission for the purposes set forth in Part 6 and any moneys not expended at the end of the fiscal year remain in the fund and do not revert to the general fund or any other fund. § 40-10.1-607, C.R.S.¹³

25. Medicaid Client Transport was added to Part 3 of Article 10.1 of Title 40 in 2016. The Commission has never issued rules applicable to this type of carrier, but has apparently handled them under the over-the-counter permitting process. As of May 17, 2018, there are currently 104 of these permits issued.¹⁴ These Recommended Rules include rules for this service as well as the types of contracts served by carriers with these types of permits. *See* Recommended Rules 6001(xx), (yy), and (zz), which refer the reader to the definitions in Recommended Rules 6301(f), (g), and (h), and the rules that apply to Limited Regulation Carriers at Recommended Rules 6300 to 6307.

26. An overview of the statutes and process that apply to these types of permits follows: the applicant files a request with the PUC that indicates the number of vehicles, submits a vehicle inspection report, provides proof of insurance, purchases a \$45 stamp for each vehicle, and provides proof that it has submitted the enrollment application to the Colorado Department of Health Care Policing and Financing (HCPF). While the PUC process is straightforward,

¹³ Pursuant to the statute, these amounts are supposed to be segregated and maintained from year-to-year. However, at the hearing on February 20, 2018, Staff stated that there are certain allocations that occur long after the end of the fiscal year. Staff indicated that there was discussion as to whether or not to refund some of these funds because a third TNC applied and paid for a permit, but later withdrew from the market. Feb. 20, 2018, Trans. at p. 85-86.

¹⁴ *See* Exhibit A, p. 4, which refers to active permits, but does not provide information as to the number of pending permit requests.

HCPF's process has proven difficult for carriers to navigate and the PUC cannot issue the permit until HCPF issues a Medicaid provider number.¹⁵

B. United States Department of Transportation and Federal Motor Carrier Safety Act.

27. There is some overlap in Federal and State authority. A very simplified overview is that the PUC issues permit numbers which are required to be placed on the outside of the vehicles. The United States Department of Transportation requires DOT numbers on vehicles that are used in interstate commerce. There is also an MC number that identifies carriers who transport certain types of commodities in interstate commerce.

28. In order to determine who has jurisdiction to regulate, the first issue is what is interstate commerce versus what is intrastate commerce? Federal regulation 49 *Code of Federal Regulations* (CFR) 372.117 deals with motor transportation of passengers incidental to transportation by aircraft. Under some circumstances, a motor carrier that picks a passenger up at the airport is involved in interstate commerce and thus subject to federal regulations. This is complicated by certain exemptions and the creation of "commercial zones" as determined by the United States Secretary of Transportation. There is only one commercial zone in Colorado. Further, while there may be exemptions for motor carriers engaging in highway transportation that is incidental to aircraft transportation, meaning they may not need an MC number, the carrier is still subject to the federal insurance requirements.

¹⁵ The Commission should consider convening a Commissioner Information Meeting so that HCPF and other stakeholders can explain what can be done to expedite the processes as Staff has indicated they receive numerous questions about the process at HCPF as well as with the private entity Vieo that is managing the contracts. It is not clear if this multi-agency approach is expediting the process or hindering it. There are also questions as to the fee charged—is it pursuant to an HCPF schedule or does the carrier charge the tariff rate on file with the Commission. Some Common Carriers are also seeking permits for Medicare client transport.

29. As explained by the Commenters (and discussed in more detail below), the Federal Motor Carrier Safety Administration (FMCSA) requirements are \$1.5 million, not \$500,000. In addition, there are no age limits for vehicles subject to FMCSA requirements.

30. If the obligations under PUC rules are too onerous as compared to the FMCSA regulations (for example, with respect to age of vehicles) a carrier may take the position that it is not subject to the PUC regulations because their transportation is immediately incidental to aircraft transportation. In such case, PUC Enforcement Officials will be tasked with disproving the “interstate” issue, which will be a time intensive endeavor.

C. Denver’s Authority at Denver International Airport

31. It is helpful to keep in mind that Denver exercises some authority over taxis, shuttles, luxury limousines, and TNC drivers at DIA. As an enterprise, DIA can require certain levels of service, control access to the passenger arrival and departure levels and parking lots, and also assess fees. As outlined in a recent audit performed by the City of Denver Auditor: Audit Report, Denver, International Airport, February 2018, Denver requires commercial operators to acquire permits before operating and also requires vehicles used by commercial operators to have an Automatic Vehicle Identification Tag (AVI) so that DIA can track their business operations—some of which then obligate payments to DIA. The Denver Audit at page 28, Table 3, summarized the annual access fee revenue for taxis, limos, and TNCs for the last three years. In 2015:

Taxis: \$2,174,689

Limos: \$1,777,500

TNCs: \$1,237,316

32. In 2017, there was a dramatic shift:

Taxis: \$1,291,369

Limos: \$838,586

TNCs: \$4,523.469

33. The Denver Audit also analyzed the available tracking systems offered by AAAE, Plot, and Gatekeeper and was critical of the controls used by the third-party vendor to track payments.

34. Denver issues non-exclusive revocable permits to operate taxicabs at the airport and assesses fees and imposes conditions. Recently, Denver's permit has included certain shift requirements and dress code as a condition to obtaining a permit to operate as a taxi at DIA property. Denver uses the PUC permit as the first condition in granting the DIA permit. Staff stated that, at least for a while, Denver was allocating the number of vehicles that a taxicab company could have at the airport (Denver has been forced to use an allocation system because of the number of cabs wanting to service DIA) based on the number of vehicles listed in the PUC issued CPCN. Because some companies did not have that number of vehicles in actual use, there were complaints that certain companies were getting an unfair allocation. (February 20 Transcript pp. 23-24) Staff believes that Denver is now relying on the number of stamps purchased; however, as explained below, that might be inflated because the PUC does not require a vehicle stamp be tied to an actual vehicle.¹⁶

35. Denver also imposes quality of service requirements because it has an interest in the convention, business, and recreation travel to Denver. As explained below, the PUC should focus on safe cars and safe drivers, as opposed to other issues, which can be regulated by Denver.

¹⁶ As explained below in the discussion of Rule 6102, which establishes the Vehicle Registry, the use of the AVI number issued by Denver can be useful information for tracking age and safety of vehicles.

IV. FINDINGS RELATED TO CURRENT MARKET CHALLENGES AND INSPECTION/ENFORCEMENT CHALLENGES AND DISCUSSION OF PUBLIC POLICY GOALS

A. Current Market Challenges

36. Using any metric—gross revenues, lease revenues, or numbers of trips, the taxi industry is in a precarious financial predicament and has been for the last several years. *See* Exhibit A, page A001 and A002 attached to this Recommended Decision.¹⁷ Exhibit A shows that in the Denver metropolitan area and El Paso County, gross taxi service revenues (before expenses) and total paid taxi trips peaked in 2014 at almost \$40 million and 2.4 million trips, and then declined by over 40 percent through 2016.¹⁸ Lease fees paid by taxi drivers to the companies have similarly declined.

37. The number of vehicle stamps purchased has also decreased substantially. In 2016, the charge per-stamp was raised from \$5 to \$35; therefore one should look at the purchase of stamps in 2016 and 2017. In 2017, the stamp fee was increased to \$45 per stamp. The number of stamps purchased have also reduced approximately 40 percent.

38. At the same time, the number of luxury limousine permits has increased dramatically. Some of the limousine carriers faulted the Commission for making it too easy to obtain luxury limousine permits. They believe they have been damaged by the large number of permits the PUC has issued to Limited Regulation Carriers. There is no charge for these permits and the numbers have increased substantially from 232 in FY 2013 to 436 in FY 2014. As of

¹⁷ The information in Exhibit A was submitted by Staff into the record in response to the questions Commissioner Koncilja issued on May 25, 2018.

¹⁸ At the time Staff prepared these tables, the 2017 figures were not yet available, but the downward trend appears to continue.

May 17, 2018, there are 677 active luxury limousine permits¹⁹ and the luxury limousine carriers purchased 2,559 vehicle stamps in 2017.

39. The TNCs have and will continue to create seismic disruption in the industry. As a result, the fully regulated carriers, such as taxis, and the limited regulated carriers, such as limousine companies, have had and will continue to have a difficult time competing against the TNCs because agility, flexibility, and change are the hallmarks of the TNCs, while the regulated carriers are prohibited from reacting quickly to market forces as the result of the regulatory framework and processes. Further, one can expect that the TNCs will next move into the more rural areas and into Medicaid transport.

B. Inspection/Enforcement Challenges

40. There are at most 7.92 FTE devoted to inspection and enforcement. Exhibit A014. With over 1,123 carriers (Exhibit A004) and 5,985 vehicles (Exhibit A005) (assuming there is a one-to-one correlation between stamps and vehicles), enforcement and inspection present a real challenge. These numbers do not include the towing carriers and the household goods carriers. Nor do they include the number of possible illegal operations that merely refuse to obtain permits or vehicle stamps, which require investigation by the enforcement section.

41. With such limited resources, one would expect that processes would have been developed to make much of the information necessary for enforcement and investigation

¹⁹ The Limousine carriers believe this is an unintended consequence of the PUC's dispute with the TNCs in 2014. The Limousine carriers believe that when the Commission delayed issuing permits to Uber, drivers obtained the luxury limousine permits. This is, of course, difficult to prove; however, the number of luxury limousine permits has increased substantially beginning in calendar year 2014.

available digitally so that work could be prioritized and then conducted in the most efficient way. Comments establish that is not the case.

42. The periodic safety inspections are not filed in hard copy or electronically, but must be kept by the carrier (Feb. 20, 2018, Trans. at p. 90). There is no vehicle identification registry (hard copy or digital) even though the statute authorizing the sale of vehicle stamps is titled “Vehicle Identification Fee.” Thus, there is no efficient method of determining which vehicles should be inspected first or even how many vehicles are being used. Commenters, some of whom have filed complaints against non-compliant competitors, agreed there was no substitute for physical inspection. If one wanted to determine how many “stretch limousines” were used by carriers the PUC regulates, there is no way to do that, because stamps are sold and little information is obtained.²⁰

43. PUC inspection and enforcement staff provided comments as to the amount of work so few are doing and the challenges that they face.

44. Staff indicated they are working on a new electronic filing system to provide this type of information but that it is very slow and will likely not be done for several years (February 20 – pp. 92-93). At the same time, the PUC has committed resources to regulating age of vehicles and processing hundreds of waiver requests every year.

45. There is also the possibility of an electronic portal, similar to the fingerprint portal. (Feb. 20, 2018, Trans. at p. 91) With a portal, PUC enforcement staff could spot check records. (Feb. 20, 2018, Trans. at p. 91) Staff could complete the safety and compliance reviews

²⁰ After the tragic accident in Schoharie, New York that killed 20 people on October 7, 2018, one might have thought that the PUC would determine the number of those types of vehicles, the ages and the date of the last inspection, and perhaps request the Motor Carriers provide an updated inspection or that PUC Enforcement would physically inspect them. Of course, the PUC could not do that because there is no such information kept.

more quickly if the information was first submitted electronically. They could do 25 to 30 vehicles in two hours, as opposed to being on site for three days. (Feb. 20, 2018, Trans. at p. 95)

46. If the primary goal of the Commission's regulation of motor carriers is safety, the Current Rules and assignment of resources has not recognized that as the primary goal. So, the question becomes, what are the regulatory goals of the PUC?

C. Regulatory Goals

47. Twenty-five years ago, the Independence Institute published an article by Dwight Filley that urged the PUC to stop favoring incumbent taxis and reduce regulation. "Taken for a Ride: How the Taxi Cartel and the State Are Disserving Denver's Economy.—Issue Paper #6-93, April 14, 1993). Mr. Filley argued that free entry into the taxicab market would yield substantial public benefits. Mr. Filley ended with the simple statement, "PUC regulation of taxis should be limited to requiring safe drivers, safe vehicles, and proper insurance."²¹

48. In addition, the Marcatus Center of George Mason University has written extensively on ridesharing and taxis. "Ridesharing vs. Taxis: Rethinking Regulations to Allow for Innovation" Michael Farren, Christopher Koopman, Matthew D. Mitchell, dated May 25, 2017. And "Rethinking Taxi Regulations: the Case for Fundamental Reform" same authors, dated July 2016. These authors conclude that taxicab regulation is actually a textbook example of regulatory failure.

49. Schaller Consulting "Unfinished Business: a Blueprint for Uber, Lyft and Taxi Regulation" dated September 20, 2016, argues that in a dispatch market, competition can operate effectively, but in flag markets there might need to be more extensive regulation to protect

²¹ Mr. Filley cited a column written by the indomitable and now deceased, Peter Blake who was passionate for decades in advocating for the deregulation of the taxicab industry. (See, e.g., *The Rocky Mountain News*, January 27, 1993.)

consumers—especially in providing wheelchair-accessible services.²² The distinction that this article draws is that “dispatch service” occurs via a telephone or mobile app and that “flag service” occurs when a customer walks up to a cab stand or hails a cab.

50. To the extent possible, these Recommended Rules adopt the 25-year old recommendation of Mr. Filley to focus on safe vehicles and safe drivers and remove as many regulations as possible that do not accomplish those two goals.

V. POSITION OF COMMENTERS

A. Taxi Industry

51. Representatives of the taxi industry presented oral comments on February 20, 2018, as well as at later hearing dates. This summary is based on comments from all dates. Scott Holiskey, General Manager for zTrip out of Colorado Springs; Matt Haefner, General Manager for Denver Yellow Cab (Denver Yellow or Yellow); Robert McBride and Sean McBride with Metro Taxi (Metro) and several representatives from the Union Pacific Railroad company, who provided no comments but were monitoring the hearing because they work with contract carriers.

52. Robert McBride made comments for Metro and Mr. Holiskey of zTrip agreed with them. The taxi industry is frightened by the dramatic downturn in their revenues, and the huge fines that the PUC imposes. They assert that only Colorado uses fines in this punitive manner that can put them out of business. Metro is still paying off their fines and appreciates that the PUC has given them time to pay.

53. They are living week-to-week.

²² The Governor named wheelchair accessibility in his June 5, 2015 letter as to why he was not signing House Bill 154-1316.

54. They did not hire an attorney for this rulemaking because they do not have the funds to do it. They put in wheelchair vehicles without being asked to do it. They have tried to be good corporate citizens. They are trying to use a green fleet but those cars are more expensive. They have 4x4s in the market so that they can continue service when the weather is bad. They are required to go into all of the neighborhoods. (pp. 10, 12, 13) They feel like they have been abused, penalized, and mistreated by the Commission. Instead of working in a partnership with their regulator, they believe they have an enemy. He believes the Administrative Law Judge (ALJ) refused to listen to them in the last hearing and ignored the law. The excessive fines issued by the PUC are a pattern (p.14). They get no credit with the PUC for all of the things that they do for the community and that other carriers do not do. (p.14) Metro works with the Denver police to stop child-trafficking at DIA. Their competition does not do this, but Metro gets no consideration from the PUC (p.17). Uber and Lyft are now trying to compete against them with wheelchair vehicles and Medicaid paid trips but avoid paying workers compensation insurance which is required. Why does the PUC not enforce the law? (p. 19)

55. With regard to hours of service, they have no ability to police what their drivers do when they are not working at Metro and it is unfair to fine Metro if a driver exceeds the hours of service because they work someplace else. (p. 35)

56. Metro and Yellow are serious about safety and have a shared garage on 6.5 acres that they run. They inspect and photograph the cars, but the PUC gives them no credit for what they do. (pp. 41-42.)

57. Mr. Haefner of Denver Yellow agreed with the comments and pointed out that they have invested a huge amount of money into technology in the car and their app. They need

to flex their rates. They now share a dispatch center and garage and mechanics with Metro to save money.

58. All the taxi companies preferred the 12 on and 12 off rule for hours of service. They all want flexible rates so that they can market to seniors, military, and other groups.

59. Metro wants to put a Maxi-Taxi on the street to carry 12 passengers downtown for a flat rate of perhaps \$5, but they cannot do that as a taxi cab. (p. 78)

60. The relationship that they want with the PUC is what exists in other states between regulators and the industry. They are told there is a problem and they work together to fix it on a cost efficient basis. The multiplier that the PUC uses to increase the fines is outrageous. (p. 111)

61. Metro submitted written comments and Sean McBride also submitted oral comments. Metro prefers Option 1 as it relates to Hours of Service—12 hours on and 12 hours off. Metro also believes that Option 2 could be considered for different types of carriers. Metro agrees with the proposed age limit for taxis and believes that flexible tariffs are important to allow taxis to compete with the TNCs. Metro requests that the requirement at 6253(c) for a 30-minute pick up time be removed from the Proposed Rules because "In an open market, it is unreasonable to require an operator to maintain the proper number of vehicles needed to service a customer within 30 minutes." Metro stated this requirement is overly burdensome.

62. Metro also urged the Commission to look at the system to track driver violations and driver records. Metro believes that this approach is more efficient in ensuring the safety of passengers than the use of the fining authority of the commission. Metro stated that a company is limited in how it can "police" drivers who may work for several different companies—taxis, limos, and TNCs.

63. Freedom Cabs, Inc. (Freedom) and Union Taxi Cooperative (Union) submitted written and oral comments at the May hearing on the minimum amount of insurance and those are included in the discussion of Rule 6008—Financial Responsibility/Insurance Minimums.

B. Luxury Limousine Carriers

1. Carey Limousine, Jody Cowen.

64. Rules 6001(ff) and 6016 raise many questions and make its application unclear.

Is a travel agent a broker?

Is a Destination Management Company a broker?

Is a hotel a broker?

Is an out of state limousine company a broker?

Is a funeral home a broker?

65. Rule 6007—Financial Responsibility. The limit for taxis and luxury limousines should be different. One size fits all is not appropriate. For over 25 years, the requirement was \$1M for 8 passenger or less. A luxury limousine, with one or two vehicles has a minimum investment and can close their doors and open a new company. A taxi company has a lot at stake and therefore this model works okay for them. A passenger should have a minimum of \$1MM as recourse or the PUC should adopt the FMCSA amount of \$1.5. *See* attachment A to their filing, which lists the previous limits from the rulemaking in Proceeding No. 11R-792TR.

66. Common Carrier limits of \$500 for 8 passengers or less; \$1MM for 9 through 15; \$1.5 for 16 through 32; and \$5mm for 33 or more.

67. Limited Regulation Carriers: \$1MM for 15 or fewer passengers; \$1.5 for 16 to 32 passengers; \$5M for 33 or more passengers.

68. Rule 6009—Annual Motor Vehicle Fee—60 days' notice is reasonable and allow companies to budget.

69. Rule 6103—Hours of Service. FMCSA does not regulate hours of service for vehicles that hold eight or less passengers. The PUC should adopt the FMCSA regulation.— Attachment C shows FMCSA’s approach.

70. Rule 6308—Executive Van—the PUC has allowed Luxury Limousines to operate vans with bench seats since the 1990s. Companies have purchased vans, entered into contracts, and built their businesses with the use of bench seats. The Proposed Rule is not reasonable. The PUC’s solution is for these companies to obtain Common Carrier Authority. Those are not guaranteed and there is a cost and a process and delay. If the PUC adopts this rule, all current luxury limousine carriers should be issued a Common Carrier Authority. *See* Carey Attachment Exhibit, which provides a copy of the application for a Common Carrier Authority to demonstrate the complexity.

71. Rule 6309—Charter Orders. The PUC does not understand how this part of the industry works. There are trip tickets which contain the information the driver needs to fulfill the service. The charter order is the confirmation between the client and the company. Because the service is pre-booked, the client (not necessarily the passenger) received a copy of the charter order, called confirmation in the industry at the time of booking.

72. Carey Limousine also attaches two advertisements from Hemmings Moor News showing the current price for a 1967 Rolls-Royce Silver Shadow is \$22,900 and a 1955 Rolls-Royce Silver Dawn is offered at \$30,000 to establish that the Proposed Rule requiring a \$100,000 value for a collector car is unreasonable.

2. Colorado Limousine Association (CLA)

73. The CLA is a trade group representing Luxury Limousine carriers statewide. They submitted written comments and also presented comments at the public comment hearings. CLA

was the only Commenter represented by counsel, until the May 2018 hearing when Freedom and Union also hired counsel.

74. They requested that the amount of vehicle liability insurance be increased to a minimum of \$1.5 million—arguing that this would parallel the minimum requirement under 49 CFR Part 387.33(T) and argued the amount in current Rule 3007 (Recommended Rule 3008) is too low. They objected to deleting the 60 day notice provision for an increase to the annual Motor Vehicle Fee (Current Rule 6009), arguing that their members needed advance notice in order to budget.

75. They objected to the definition of Transportation Broker, proposed a different definition and asked that a definition of Affiliate be included. They challenged Rule 6016(a)—the sentence that states “A person shall be presumed to have offered transportation service if the person has not disclosed the fact the services are being arranged by a transportation broker. They challenged Proposed Rule 6309—the operational requirement for Luxury Limousines and the mandatory inclusion of certain information on the charter order—the pricing and the name of the company or driver providing the service. Their position is that the Luxury Limousine market has grown nationally as the result of the internet. Local companies and drivers have relationships, through the internet, with other limousine companies as well as business and event planners. Those relationships are based on trust that the local company will not “poach” the customer. If the PUC requires the local company/driver to give their name and contact information to the passenger, who may not be the party to the contract, the local Colorado company/driver will not get these types of referrals. They also argued that the definition of “Charter Order” is much broader than the industry uses and it is much broader than DIA requires in order to pick up a prearranged ride. They suggest that the charter order provide a contact person’s name and

number which could be a passenger or the arranger. They have no objection to the contracting party (as opposed to the passenger) receiving a copy of the charter with the broad definition. They also argued that pricing information is confidential between the contracting parties and there is no need for a passenger to be aware of the actual charge.

76. CLA objected to the age limit of 15 years being applied to either vehicles that seated less than 16 or more than 16. They urged that, similar to DOT, there be no age limits and instead more frequent inspections. They argued that vehicles that seated more than 16 passengers are very expensive, are designed to last many years, well in excess of 300,000 miles, and that a 15-year age limit would deprive the owners of the ability to earn enough to pay for these vehicles.

77. CLA also objected to the restrictions on luxury limousines that prohibit the use of vans with bench seats. CLA asserted that some customers prefer a van that is not the raised top Mercedes. Some customers prefer anonymity. Some customers, such as bands, prefer the loading capacity of a van with bench seats.

78. CLA argued that the Proposed Rules were not based on safety concerns, but were based on pre conceived notions about the market that some staff appear to have—calling them a “niche” market. CLA argued that the Proposed Rules were arbitrary and over stepped the authority of the Commission with respect to limited regulation carriers.

3. Sunset Limousine

79. Sunset Limousine (Sunset) similarly objected to the definitions of “affiliate” and “broker” and objected to the number of Limited Regulation Permits that the PUC has issued and the failure to enforce public safety and consumer protection policies for these permit holders. Sunset argued that the internet and the lax standards at the PUC allowed “smaller no name

business” to fly under the radar, and obtain a new permit under a new name if the company has problems. Sunset argued for more stringent definitions of Luxury Limousines –asserting that many vehicles that have these permits are not really luxury vehicles. Sunset also asserted that the PUC was not protecting consumers, but was using its rules to prevent Luxury Limousine carriers from placing signage on their vehicles, instead forcing them to cover these markings.

80. Sunset urged the Commission to charge an annual application fee for a luxury limousine permit. Sunset argued that the Commission should focus its enforcement efforts on the companies who do not make the proper investment in their vehicles and businesses as opposed to going after the companies that are trying to comply.

4. Manuel Urban—Urban Limo LLC

81. Mr. Urban submitted written comments that deleting or modifying the classic care definition would put him out of business. “My whole business is based on a classic 1994 Cadillac Limousine. I have rebuilt the steering and suspension with the latest x factor technology parts...My wife and I have placed most of our money in this car and this business. We are just barely getting started. If this section is removed I would be put out of business.”

5. Colorado Jitney - Bradley Doran,

82. Mr. Doran challenged certain rules, Rules 6001(1) and 6502 (with regard to Towing) asserting they were in violation of the “plain language doctrine” and that the Commission had disassociated Rule 6502 from the statute. Mr. Doran’s comments were similar to positions he has previously taken before the Commission and Colorado courts about legislative history.

6. Transdev on Demand

83. Transdev on Demand, based in Maryland, submitted written comments that preferred the Hours of Service Option 1 (12 hours on and 12 hours off), requested the option to have an LED sign in the front and rear windshields as opposed to a Roof Light; and requested the ability to offer lower airport fares that would not be higher than the meter rate or flat rate.

7. NLA President—Gary Buffo; New England Livery Association; Virginia Limousine Association; Greater Atlanta Limousine Association; Tennessee Association of Chauffeured Transportation; Limousine Association of New Jersey.

84. Mr. Buffo, on behalf of the NLA, as well as the other trade associations identified above submitted similar letters that objected to the proposed rules as follows:

6001—the definition of transportation Broker;

6016—Offering transportation Service;

6107—Age and Condition of Passenger Carrier, particularly subsection (f) which required the name of the motor carrier and driver to be prominently displayed; and

6309—the operational requirements as to charter orders.

The letters all stated “We cannot emphasize strongly enough the significant negative impact these proposed rules would have on our businesses and those of Colorado” and that these proposals are not safety-based. Each of these commenters also supported the position and authorities filed by CLA.

8. Prestige Worldwide Transportation (PWT)

85. PWT, submitted written comments, signed by Mr. Jason Ramsey, as President. PWT has a Denver address and holds a registered luxury limousine permit. PWT challenges the proposed rules as being beyond the authority of the PUC. PWT challenges specifically:

6001(r) —“Duplicating or overlapping authority” as negating the effect of UCR registration and or DOT authority.

6001(fff) —Transportation Broker—overbroad and interferes with business as it is now conducted. PWT proposes an alternative definition;” person, concierge, valet, doorman and/or hotel employees only who receive compensation, arranges,

or offers to arrange, for-hire, of transportation of passengers by a motor carrier under authority not operated by the transportation broker. “

6007—Financial Responsibility—requests an increase to \$1.5 million

6009—Annual Motor Vehicle Fee—maintain 60-day notice provision.

6016—Offering of Transportation Service (a)—delete the entire paragraph and in particular the proposed new language.

6103—Hours of Service. PWT objects to any modification because it is unnecessary, but if PUC proceeds, prefer Option 2.

6106(a) —inclusion of each occurrence of a violation and each day is a separate violation, subject to a separate civil penalty. PWT asserts a due process violation if this rule is adopted and that it is not related to safety issues.

*6107—prefers current rules and argues that age restrictions should be applied universally or distinguished as to the type of service.

6107(f)-objects to the posted name, permit number and driver name in the interior of a vehicle, arguing that is appropriate for a taxi, but not a Luxury Limousine. Relates the issue to “affiliate” definition.

6107(j)—objects to proposed restriction that any vehicles with less than 16 passengers cannot be operated regardless of age or condition. PWT asserts this proposal is arbitrary and capricious and does not promote safety. Proposes that vehicles that hold up to 6 passengers be inspected twice a year once they reach 8 years and or 300,000 miles up to 12 years, when they are removed from service.

6107(k)—objects to age limit of 15 years for vehicles that seat 16 or more passengers. Argues the Proposal is arbitrary and capricious and does not promote safety. Argues that motor coaches seating 21 or more are extremely expensive to purchase and are designed to have a long life well in excess of 300,000 miles and compares the age of RTD buses. PWT proposes no age limits on stretch limos, vans, coaches, motor coaches, and increased inspection for vehicles with 7 to 32 passenger capacity with yearly inspections for up to 8 years and or 300,000 miles and then twice a year with no age rule.

6308(a)—the proposed requirement that would eliminate the use of vans with bench seats unless they install captain’s chair or couch seats. PWT asserts this Proposed Rule has no basis in safety or consumer protection and is arbitrary. Proposes that if the PUC adopts this rule, the current fleet be grandfathered in.

6309—PWT also objects to the charter order requirements at (a) and (b).

9. Presidential Worldwide Transportation

86. PWT holds a Luxury Limousine permit and is based in Denver. Its president Shane Sickel presented written comments that are almost identical to PWT and will, therefore not be repeated here.

10. ABC Shuttle

87. Rule 6008—Requested that the \$1.5 million amount for Vehicles that carry 9 to 15 passengers be reduced to \$1 million because the insurance costs for his local shuttle business have been increasing and also claims it is harder to get insurance at the \$1.5 million amount.

88. Rule 6107(j) —objects to the Proposal because shuttle companies like his reach 250,000 miles very quickly and shuttle vans are expensive to replace.

89. Rule 6306—Livery License Plates—ABC provides (as do other shuttle companies) both taxi and Luxury Limousine service in the same vehicle. They must have the ability to cover or remove signs, so the requirement to have a livery license plate presents operational problems.

11. A Custom Coach Transportation

90. A Custom Coach Transportation had the following recommendations:

6001(fff)—object to definition of affiliate and transportation broker

6007—prefer the insurance requirement for 8 passengers or less be changed to match the DOT minimum of \$1.5 million

6009—Annual Vehicle Fee—object to removing the notice period

6016(a)—Offer of Transportation Service—please remove as it could cripple his industry

6103—Hours of Service—keep the current approach

6106—Violation every day—please remove as this is a burden

6107—exemption for LL permit holders because they do not want to look like taxis

6107—Age Limits remove all age limits for Limousines, Mini Coaches, and Full Size Coaches. Colorado is one of the few states with age limits

6308(a)—Provision of service by vans is a luxury service for certain segments of the market. Requiring the installation of captain's chairs, couch seating, or beverage centers to qualify as a luxury limousine is unreasonable and damaging to the industry

6208(IV)—Value reduce to \$25,000

6309(a) and(b) and (i)—remove these new additions. There is industry specific software that is in use. Passengers receive confirmations of the bookings with term and conditions. Requiring this also be on the charter order is redundant and unnecessary.

12. Hermes Worldwide

91. Hermes is a Denver based company and Mr. Jorge Sanchez submitted written comments. His comments were similar to the above, but in some instances provided more detail.

6001(fff) —This definition “is in conflict with how the industry operates. It is very common to have both out-of-market (e.g. national and international transportation companies) and local companies ‘broker’ services between each other to help with overflow, broken down vehicles, and large programs. The relationships between the companies are vetted and chosen based on a number of criteria. Part of the arrangement is the eventual carrier ‘represents’ the ‘brokered company’ in some fashion....The carrier still operates under their own authority but is representing the booking company.” The language is confusing as to its effect on these types of relationships.

6007—Financial responsibility. The level should be increased to \$1.5, which is the FMSCA level. It used to be \$1M, but was reduced. An LL carrier transports typically high net worth individuals and thus the \$500K is not adequate. The cost to increase from \$1mm to \$1.5 is negligible for a company with a decent loss run history and it is not financially burdensome.

6009(b) and (g)—annual motor vehicle fees. These fees recently jumped 900 percent and companies need to have notice of future increases. To obtain a free replacement of a stamp we should have to produce only a portion of the damaged stamp. It is not always possible to produce the full stamp when a windshield is replaced.

6016—Please strike “A person shall be presumed to have offered transportation service if the person has not disclosed the fact the services are being arranged by a transportation broker”. Brokering services are common in the industry.

6013—we recommend that the PUC adopt the same rules that FMCSA uses.

6108—remove “each day” as some of the violations are one-time events and should not constitute additional penalties. In addition, the carrier should be given the opportunity after notification to correct the violation.

6107—Age and Condition. (f) is counter to industry standards and affects the luxury look and feel. The permit number is already displayed on the exterior. Please remove

(i)—modify to no older than eight years except for vintage vehicles

(kk) —Luxury Limousine permit holders are starting to enter into the motor coach arena and the 15 year age limit is unreasonable.

5304—prohibition on external markings—any vehicle with more than 15 passengers should have exterior marking including company information.

6308-III Executive Van—allow manufacturer installed bench seating. This rule will be a burden on the industry.

6309(a)—if this requirement includes the emailed charter order that has been provided to the booker, not the passenger, it is acceptable. The passenger may or may not know all the terms of the booking order and electronic dispatch software may not include this info in a mobile based app.

6309(b)—this rule is overreaching and unnecessary for public safety. Mobile apps may not capture all of this data and the broker relationship may prohibit sharing all of this information with the passenger.

13. Encore Limousine – Jerry Galbraith

92. Submitted written comments asking that public safety should be the first priority of the PUC and alleging that UBER and LYFT drivers are not subject to the PUC’s regulations or DOT’s regulations.

93. In addition to the above written comments, some of which were repeated at the hearing, the following participated: Carlos Alvarez of Boulder Transport; George Sink, Vail Powder Cars; Steve Urioste, Godfather Limo; Duane Thompson with a Touch of Class Limousine; Jeremiah Kidane of Ambassadors Limo; Sizk Childs, with z3ro-g Limo; Carol Crossland, Along Came Carol; Mohammed Benhoussa, ABC Shuttle; Ron Chamberlain, Red Boots Limo; Andrew Wasmundt, Two Brothers Transportation; John Hafer, Custom

Coach Transportation; Beau Douayad, Crown Limousine; Youssef Marrakchi, Centennial Transportation; and Colleen Napa, A Ride in Luxury.

VI. RULE-BY-RULE ANALYSIS

94. The statutory framework for the regulation of Motor Carriers that are subject to the jurisdiction of the PUC is somewhat confusing. The statutory framework began with a codification of the common law of public utilities—a grant of regulated monopoly status, with rates and time schedules controlled by the PUC for Common Carriers. As the industry changed, the General Assembly created different categories of reduced regulation for certain industry segments. By way of example, Part 3, covers certain Limited Regulation Carriers; Part 4 covers Towing Carriers; Part 5 covers Household Goods Carriers, Part 6 covers TNCs (which are specifically not motor carriers) and, most recently, Part 7 was created for Large Market Taxicab Services (which are not common carriers, but are obligated to provide indiscriminate service and the Commission approves their tariffs). Towing Carriers and Household Goods Carriers are subject to “limited regulation” by the Commission, but they are not Limited Regulation Carriers.

95. The terminology has become even more confusing because as the segments and the industry has grown, the historical use of certain terms is almost identical to terms used for different categories of limited regulation. By way of example, Limousine Service has been historically service provided by a Common Carrier. On the other hand, Part 3 covers “Luxury Limousine Carriers.” Likewise, a Charter Service refers to transportation by a Common Carrier; however, a Charter Bus is a Limited Regulation Carrier.

96. As the General Assembly created these parts under 10.5 of Title 40, the PUC created rules that attempted to match each “part.” As the rules developed, each “part” was given a different section of 4 CCR 723-6 with its own definitions and penalty sections, in addition to

general sections and safety sections that were applicable in different ways to the “parts.” The net result has been that it is very difficult to determine what rules and penalties are applicable to each industry segment. This is difficult to determine for industry, for the public, and for PUC enforcement officials.

97. The Recommended Rules attempt to bring a new organizational format to the rules which will, hopefully, result in more clarity of both obligations and consequences. Some rules have been revised. Some rules have been merely reformatted to adopt the naming conventions. Some rules have been moved into different sections. Other rules have been substantially rewritten. As a result, a “red-line” or a “double red-line” will not be helpful in tracking and understanding the changes. Instead the analysis must be done rule by rule.

98. The first step in this attempt at more clarity has been to move most of the definitions into Rule 6001 titled “Definitions.” The second step is to modify some previous definitions to more clearly reflect the various categories used in the legislation. Thus, it appeared useful and helpful to capitalize a defined term in the definition sections and then to use the capitalized term in later rules as a signal to the reader that, if they were confused, they could flip back to the definition section. In order to create a more complete set of definitions at Rule 6001 and to avoid repetition, if the term is actually defined in a later part of the rules, the definition at Rule 6001 merely provides the capitalized term and then refers the reader to the specific rule or rules where the term is defined and used. By way of example, the definition in Recommended Rule 6001(u) states: “Driver Qualification File” refers to the information required pursuant to Rule 6018.

99. In addition, the main categories of rules are renamed. Regulated Intrastate Carriers are now called “Fully Regulated Intrastate Carriers” to distinguish it from “Limited Regulation Carriers” and to make the headings consistent with the defined terms.

A. Basis, Purpose and Statutory Authority

100. This section is essentially the same as the current version. However, the terms are reorganized to begin with the types of carriers and the capitalized naming conventions are used that are implemented throughout these Recommended Rules. In addition the following statutory references are added: §§ 40-7-112 and 113, 42-20-501 *et seq.*, and 24-4-1-4(4), C.R.S.

B. General Provisions

1. Rule 6000. Scope and Applicability.

101. This rule is essentially the same as Current Rule 6000. However, capitalized naming conventions are used. With respect to the rules regarding Hazardous Material and Nuclear carriers, the reference is changed from Rule 6008 to 6010.

2. Rule 6001 Definitions.

102. The purpose of the changes, revisions, and additions to the definition section is to place almost all of the definitions in Rule 6001, so the reader can locate a term as well as similar terms and not have to search through all the subparts. The definitions are currently in five different sections. A reader needs to be an expert in transportation law in order to locate the applicable term. Some fully regulated terms are almost identical to limited regulation terms, and thus the current format is confusing. Moving almost all of the defined terms to Rule 6001, makes it easier to understand and locate the term that is important to the industry segment, many of whom are not represented by attorneys. In order to avoid duplication, some of the below defined terms, refer the reader to the specific rule that applies and regulates that part of industry.

103. Many of the added terms have been used in the body of some of the rules, but have not previously been included as defined terms. The transportation sector of public utility law uses acronyms that are not always obvious—such as CPAN, DVIR, DVCR. These additions and reorganizations attempt to make the rules easier to understand and use.

104. The explanation below for each defined term in the Recommended Rules, explains if the term is currently in the rules; if it is being moved; if its formatting (meaning consistent use of capitalized terms) is changing; if it is being added; and/or if it is being revised. In the case of a recommended revision, the explanation is provided.

Rule 6001(a)—“Advertise” identical to current 6001(a)

Rule 6001(b)—“Advice Letter”—added

Rule 6001(c)—“Airport Official”—added

Rule 6001(d)—“Annual Report”—added

Rule 6001(e)—“Authority or Authorities” –based on 6001(b) but revised

Rule 6001(f)—“AVI”—added

Rule 6001(g)—“Call –and-Demand”—moved from Rule 6201(c) and format modified

Rule 6001(h)—“CBI”—Moved from 6105(a) and format modified

Rule 6001(i)—Certificate of Public Convenience and Necessity—revised 6001(c)

Rule 6001(j)—“C.F.R.”—moved from 6001(d)

Rule 6001(k)—“Charter Bus” “Charter Basis” and Charter Order”—added

Rule 6001(l)—“Charter Service”—added

Rule 6001(m)—“Children’s Activity Bus”—added

Rule 6001(n)—“Commercial Motor Vehicle”—Moved from 6101(a), format modified

Rule 6001(o)—“Commission” Moved from 6101 and modified

Rule 6001(p)—“Common Carrier”—Moved from 6201(f) and revised

Rule 6001(q)—“Compensation”—Moved from Rule 6001(e), same

Rule 6001(r) —“Contract Carrier”—Moved from Rule 6201(g) and format modified

Rule 6001(s)—“CPAN”—added

Rule 6001(t)—“Daily Vehicle Compliance Report”—added

Rule 6001(u)—“Daily Vehicle Inspection Report”—added

Rule 6001(v)—“DIA”—moved from 6251(d)

Rule 6001(w)—“Driver Qualification File”—added

Rule 6001(x)—“Driver” Moved from 6001(g) and 6105 and revised

Rule 6001(y)—“Driving Time”—added

Rule 6001(z)—“Duplicating or Overlapping Authority” Moved from 6001(f) and revised

Rule 6001(aa)—“Employer”—added reference to 6101(c)

Rule 6001(bb)—“Encumbrance”—Moved from 6001(h), same

Rule 6001(cc)—“Enforcement Official”—moved from 6001(i), same

Rule 6001(dd)—“FBI”—added

Rule 6001(ee)—“Flag Stop”—Moved from 6201

Rule 6001(ff)—“FMCSA”—Moved from 6001(j), same

Rule 6001(gg)—“Fully Regulated Intrastate Carrier”—Moved from 6001(bb) and revised

Rule 6001(hh)—“Golf Cart”—Moved from 6101(c), same

Rule 6001(ii)—“GCWR”—Moved from 6101(k) and formatted

Rule 6001(jj)—“GVWE”—Moved from 6001(l), same

Rule 6001(kk)—“Hazardous Materials Carrier” —Moved from 6001(l) and revised.

Rule 6001(ll)—“Household Goods Mover”—added

Rule 6001(mm)—“Independent Contractor”—moved from 6001(o), same

Rule 6001(nn)—“Intrastate Carrier”—Moved from 6001(p)—substituted Colorado for state.

Rule 6001(oo)—“Large Market Taxicab Service”—added

- Rule 6001(pp)—“Letter of Authority”—Moved from Rule 6001(q) and format modified
- Rule 6001(qq)—“Limited Regulation Carrier”—moved from 6001(r)-revised
- Rule 6001(rr)—“Live Meter” —moved from 6251(e), same
- Rule 6001(ss)—“Low-power Scooter”—Moved from 6101(e)
- Rule 6001(tt)—“Low-speed Electric Vehicle”—moved from 6101(f)—revised
- Rule 6001(uu)—“Limousine Service”—Moved from 6201—format modified
- Rule 6001(vv)—“Luxury Limousine Carrier”—added
- Rule 6001(ww)—“Manufacturer”—Moved from 6101(s)—format modified
- Rule 6001(xx)—“Medicaid Client Transport”—added
- Rule 6001(yy)—“Medicaid Non-emergent Medical Transportation Contract”—added
- Rule 6001(zz)—“Medicaid Non-medical Transportation Contract”—added
- Rule 6001(aaa)—“Meter” —added
- Rule 6001(bbb)—“Motor Carrier”—Moved from 6001(u) and revised
- Rule 6001(ccc)—“Motorcycle”—Moved from 6101(e), same
- Rule 6001(ddd)—“Motor Vehicle”—Moved from 6001(v), same
- Rule 6001(eee)—“Multiple Loading”—moved from 6251(f), same
- Rule 6001(fff)—“Nuclear Material Carrier”—Moved from 6001(w)—revised
- Rule 6001(ggg)—“Off-Road Scenic Charter”—added
- Rule 6001(hhh)—“On Duty”—added
- Rule 6001(iii)—“Out of Service”—added
- Rule 6001(jjj)—“Passenger” Moved from 6001(x), same but formatted
- Rule 6001(kkk)—“Passenger Carrier”—added reference from Rule 6114
- Rule 6001(lll)—“Permit”— Moved from 6101(y) and revised
- Rule 6001(mmm)—“Person”—Moved from 6101(z) and revised
- Rule 6001(nnn)—“Principal”—Moved from 6101(aa), same
- Rule 6001(ooo)—“Roof Light”—Moved from 6101(cc), same
- Rule 6001(ppp)—“Salvage Vehicle”—added

Rule 6001(qqq)—“Scheduled Service”—Moved from 6201, format modified
Rule 6101(rrr)—“Seating Capacity”—Moved from 6101(dd), same
Rule 6101(sss)—“Shuttle Service”—Moved from 6201(m)—modified
Rule 6101(ttt)—“Sightseeing Service”—moved from 6201(n)
Rule 6101(uuu)—“Special Bus Service”—Moved from 6201(g)
Rule 6101(vvv)—“Tariff”—added
Rule 6101(www)—“Taxicab”—Moved from 6201(q)
Rule 6101(xxx)—“Taxicab Carrier” Moved from 6251(g), format modified
Rule 6101(yyy)—“Taxicab Service”—Moved from 6201(r)
Rule 6101(zzz)—“Towing Carrier”—added
Rule 6101(aaaa)—“Transfer—added reference to 6201(h)
Rule 6101(bbbb)—“Transportation Broker—Moved from 6001(ee), revised
Rule 6101(cccc)—“Transportation Network Company”—added
Rule 6101(dddd)—“Type of Service” moved from 6101(ff)—revised
Rule 6101(eeee)—“Unified Carrier”—added
Rule 6101(ffff)—“Vehicle Inspection” added, refers to the annual or periodic safety inspection of vehicles pursuant to Rule 6104
Rule 6101(gggg)—“Vehicle Maintenance File”—added
Rule 6101(hhhh)—“Vehicle Stamp”—added.
The definitions contained in Recommended Rule 6001 provide clarity and ease of use and it is in the public interest to adopt them.

3. Rule 6002. Applications.

105. Staff’s Proposed Rule 6002 is almost identical to Current Rule 6002 titled “Authority and Permit Applications.” It does, however, add subparagraph (e) to comply with the 2014 legislation creating TNCs under Part 6. The statute authorizing TNCs required the Commission to adopt rules to allow a motor carrier that currently had an authority to operate a

taxicab or shuttle service to convert to a TNC. The Commission had not adopted such a rule.²³ These Recommended Rules adopt Staff's Proposed Rule. In addition, Recommended Rule 6002 includes changes to format that use the capitalized naming conventions and identifies the Part of Article 10.1 of Title 42 that is applicable to each type of permit. Rather than merely stating "limited regulation", "towing" or "moving", the Recommended Rule includes: "Part 3 Limited Regulation Carrier", "Part 4 Towing Carrier", "Part 5 Household Goods Mover" and also includes the placeholder for "Part 7 Large Market Taxicab Service."

106. Recommended Rule 6002 clarifies the types of permits or authorities that a person can obtain. Its adoption is in the public interest.

4. Rule 6003 Petitions.

107. Staff's Proposed Rule 6003 is almost identical to the Current Rule, which merely refers to Rule 1003 of the Commission's Rules of Practice and Procedure. In addition, Staff's Proposed Rule also includes automatic reductions of time for interventions for certain petitions under Current Rule 6107 (for age and condition of Motor Vehicles) and Current Rule 6308 (type of vehicle that qualifies as a "luxury limousine" to ten days).

108. Recommended Rule 6003 identifies the types of actions that can be requested under this rule—waivers or variances; declaratory relief under Rule 1304(i); and rulemakings under Rule 1306. In addition, Recommended Rule 6003(a)(I) describes the standard for a variance or waiver—establishing hardship, seeking equity or a more effective implementation of overall policy on an individual basis, as set forth in Rule 1003.

²³ Staff's Proposed Rule 6259 merely repeated the statute. Staff's Proposed Rule is rejected below and instead Recommended Rule 6256 includes specific payment criteria for the \$111,210 permit fee.

109. This is a better approach than requiring a petitioning party to review the Commission's general rules and practices located in an entirely different rule series. While the transportation industry includes some large and sophisticated participants, many of the companies are smaller companies or single owners. Thus Recommended Rule 6003 should make it easier for those without an attorney to understand the process and actions they can request from the Commission.

110. In addition, Recommended Rule 6003 reduces the intervention period to ten days for Rule 6117 (age and condition of vehicles) and for requests under Rule 6305 to determine that a particular vehicle is a "luxury limousine." Several Commenters were critical of the time that it took them to get approval to obtain a waiver, for example, to place a Tesla into service. A Tesla is not on the current list.²⁴ Businesses should be able to have the Commission decide on this particular type of issue much more quickly. The Current Rule is an unnecessary regulatory burden on business. While Staff's Proposed Rule provides some relief, it does not go far enough.

111. Recommended Rule 6003 reduces unnecessary regulation, makes the standards for granting a waiver or variance more easily understood and more accessible. Adoption of Recommended Rule 6003 is in the public interest.

5. Rule 6004—UCR Registration.

112. Recommended Rule 6004 changes the title from "Registration" to "UCR Registration" and adopts Staff's proposal to refer to Rules 6400 through 6499, as opposed to only Rule 6401. Both the Current Rule and Staff's Proposed Rule use the title of "Registration." The title, which is also used in the index, does not make clear what subject Rule 6004 refers to.

²⁴ Recommended Rule 6305, discussed below, now includes a Tesla on the list and also provides for the use of any motor vehicle, even if it is not on the list, if was purchased in the previous 180 days at a cost of \$50,000 or more.

Recommended Rule 6004 includes the term “UCR” in the title. UCR is a defined term at 6001(eeee) which refers to the registration pursuant to 49 USC 14504(a). The Recommended Rule includes Staff’s recommendation to refer to Rules 6400 through 6499, which is the subpart devoted to UCR.

113. Adoption of Recommended Rule 6004 is in the public interest as it specifically identifies what “registration” refers to and also refers to the operative subpart of the rules.

6005. Naming Requirements, Contact Information and Changes

6006. Designation of Agent, Service, and Notice.

6007. Commission’s Records, Authority to Inspect Records, Motor Vehicles, and Facilities, and to Interview Personnel

114. Currently, the obligation to maintain records, to provide records and information to the Commission, and the limitations on the filing and use of certain types of names are located in five different rules. Some of the obligations require almost the same thing, but use different terms. Current Rules 6005, 6006, 6010, 6011, and 6013 are reorganized and consolidated into the three above Recommended Rules 6005, 6006, and 6007 so that all obligations to provide and maintain information are in one set of consecutive rules that are organized and titled to assist the reader in locating and understanding the obligations.

115. Current Rule 6005 titled “Authority to Interview Personnel and Inspect Records, Motor Vehicles and Facilities” —Staff’s Proposed Rules suggested the addition of certain obligations that the records be accurate at Proposed Rules 6005(c) and (d).

116. Current Rule 6006 is titled “Reports, Name Changes, Address Changes, Address Addition and Designated Agent Changes. Staff proposed adding “Commission Records” to the title and obligation and to move Designated Agent from Rule 6005 to Rule 6011.

117. Current Rule 6010 titled “Letter of Authority and Permit” which actually includes certain obligations that should be in the application rule and or the permit rule. Current Rule 6010 also requires that the Authority or Permit must be kept at the principal place of business and presented immediately if demanded by an Enforcement Official. Staff proposed certain stylistic changes to Current Rule 6010 and the deletion of the time frame to comply to trade name restrictions because the year period had expired long ago.

118. Current Rule 6011 titled “Designation of Agent. Staff proposed changing the title to “Designation of Agent, Service and Notice” and include the obligation to notify the Commission of a change in the registered agent within two days and move the statement that notice sent to the designated agent is *prima facie* evidence that the motor carrier received the notice, to proposed Rule 6011(d).

119. Many of Staff’s recommendations are well-founded; however, the changes still leave in place a very confused and scattered set of rules regarding record keeping and notice issues. Some of the proposals are adopted as explained below, but not necessarily in the rule suggested by Staff.

120. Recommended Rule 6005 is now titled “Naming Requirements, Contact Information and Changes.” Recommended Rule 6005 now includes the obligations that a motor carrier has in changing its contact information or name –primarily that the motor carrier must file proof of financial responsibility under Rule 6008 before the name change is effective. Recommended Rule 6005(c) now includes the obligation that is at current Rule 6006(c) as to a Towing Carrier’s obligation to file a new address for the storage facility with the Commission. Rule 6006(c) is now in Rule 6005(c) so that all obligations that arise as the result of name or address changes are in one rule.

121. Recommended Rule 6006 is now titled “Designation of Agent, Service and Notice” and follows immediately after Rule 6005 which addresses “Contact Information.” This reorganization from current Rule 6011 to Recommended Rule 6006 and placement makes the rules easier to follow and understand and makes clear the distinction between “Contact” and “Designation of Agent”. Recommended Rule 6006(b) adopts the obligation to change the registered agent within two days that is in Staff’s proposed Rule 6011(b). Presumptions as to service that are currently in Rule 6011(c) and Staff’s Proposed Rule 6011(d) are now in Rules 6006(c) and (d).

122. Rule 6007 now titled “Commission’s Records, Authority to Inspect Records, Motor Vehicles, and Facilities and to Interview Personnel” moves some of the obligations that are in current Rule 6005 to Recommended Rule 6007 and includes the obligations to maintain records and to produce records, as well as to allow Enforcement Officials to inspect facilities and interview personnel. Recommended Rule 6007 now includes at 6007(f), (g) and (h), the obligations to keep and submit only accurate information.

123. Recommended Rule 6007(b) rejects the provisions of current Rule 6005(a)(I) that a Motor Carrier must keep records in their original paper format for the first of the three years. Commenters were very critical of this provision and requested the option of keeping all records in electronic format. That is a reasonable request and is included in Recommended Rule 6007(b) in order to reduce the regulatory burden.

124. Consolidating all record keeping and notification obligations from five non-consecutive rules into three consecutive rules provides for clarity and ease of locating and understanding these types of obligations. Recommended Rules 6005, 6006, and 6007 are in the

public interest and also relieves industry from the obligation of keeping paper copies of records if they prefer to keep records digitally.

6. Rule 6008—“Financial Responsibility”

125. This is similar to, but not identical to the current Rule 6007 which is titled “Financial Responsibility.” Staff proposed several technical revisions and format changes which are adopted in the Recommended Rule.

126. Recommended Rule 6008(a) adopts the suggestion to include the term “commercial” which was included at proposed Rule 6007(a) and the term “commercial” is added consistently throughout Recommended Rule 6008 so that the type of coverage is clear. It is a commercial policy not a homeowner policy. Likewise, the deletion and change of language requested in Staff’s Proposed Rules 6007(II)(A) and (B) are adopted and included in Recommended Rule 6008(a)(II)(A) and (B). Staff’s Proposed Rules 6007(j)(III) and (IV) that allows for administrative cancellation of expired, cancelled, or revoked certificates of insurance of surety bonds are adopted in Recommended Rules 6008(j)(III) and (IV).

127. The NOPR invited comment as to whether or not the minimum amount of insurance should be increased or decreased. The NOPR did not refer to or reference in any way the previous decisions of the Commission as to the appropriate minimum amount and the NOPR did not explain the reasons the Commission had previously set different minimum amounts for luxury limousine carriers that were higher than those the Commission had imposed on the taxicabs.

128. The Luxury Limousine carriers requested that the Commission increase the insurance rates from the current \$500,000 to either \$1 million or \$1.5 million. If the Commission did not raise the minimum amount of insurance for both Taxi Carriers and Luxury

Limousine Carriers, they argued that the Commission should adopt the previous regulatory framework, used in 2011, of requiring lower limits for Taxicabs and higher limits for Luxury Limousine carriers. It is not clear from previous rulemakings the basis for changing the amount of the minimum for Luxury Limousine carriers.

129. The evidence presented by the Metro, Freedom, and Union in response to the proposed rules to increase the minimum insurance is persuasive.

130. Union presented oral and written testimony. At the hearing on May 31, 2018, Mr. Stephen Friedberg the President of Research Underwriters, Inc., one of the nation's leading taxi insurance coverage brokers, explained why he was opposed to the proposed minimum increase, stating that based on his decades of personal experience in the industry, the increase would be "unnecessarily and wastefully high and invite unwarranted litigation against the taxicab companies." Mr. Freidberg stated that his company did not represent luxury limousine carriers, that was a specialized market for which other companies handled the underwriting. Hearing Commissioner Koncilja requested additional factual information and counsel for Union submitted several pieces of information into the record. The first exhibit is the redacted loss ratio of the carriers that offered insurance for Colorado taxicab companies from 2013 to the current date. That document indicated the loss ratio for five carriers ranged from 19 percent to 61 percent.

131. The second table detailed the loss experience by year for the fleets represented by Research Underwriters from 2013 to 2017. That table indicates that the cumulative number of occurrences is 846 with a unit count of 1999; the total incurred cumulative loss of \$3,003,347.78 with an estimated written premium of \$817,590 for a total cumulative combined loss ratio of 37 percent.

132. Union also presented a table with details of all claims in excess of \$100,000 by year of claim. There were five claims and only one was in excess of \$500,000 and that was in the amount of \$512,309.25.

133. This evidence establishes that \$500,000 is a reasonable amount for a minimum of insurance and that a higher requirement would impose an unnecessary regulatory burden.

134. Union also presented evidence that Los Angeles was considering reducing the amount of insurance from \$ 1MM to \$300,000 and that San Diego's requirement had been reduced from \$1MM to \$350,000 in April 2018.

135. The Staff report prepared for the City of San Diego indicated Orange County, Oakland, and San Francisco imposed a minimum of \$1MM; that Dallas and Long Beach imposed a minimum of \$500,000; Los Angeles, Santa Monica, Phoenix, Chicago, and Las Vegas required \$350,000.

136. The Staff report to San Diego Transit Authority concluded that the \$350,000 minimum would cover 99.61 percent of all claims.

137. Based on the above information, an argument could be made that the minimum be reduced to \$350,000; however, there was no evidence presented as to the amount of the premium difference and no Commenter filed a written request for a reduction.

138. Although invited to present similar information, the Limousine Carriers did not present this type of evidence. Some of the witnesses presented some oral information at the hearings as to the amount of their own insurance premiums. Although carriers that have a DOT permit and are covered by the interstate regulations are required to maintain the amount of \$1.5 MM in coverage, there was no evidence presented as to the amount that would cost the luxury limousine carriers who do not have a DOT permit.

139. Therefore, in light of the above evidence and the lack of any evidence of the increased cost if the minimum was raised for Luxury Limousine carriers, it is in the best interest of the public and public policy to maintain the current minimum levels of insurance that are in the table at Current Rule 6007 and have been included in Recommended Rule 6008.

140. Staff's proposed changes to include the reference to "commercial" in paragraph (a)(I) is adopted, because that distinguishes the type of coverage, which is commercial, not automobile coverage that can be provided through homeowner's insurance. The NOPR provided no explanation or basis for this proposed change. No Commenter objected to the proposed change. Recommended Rule 6008 also adopts Staff's proposed language changes moving language from (II) and I(A) into a revised II and II(A) and deleting language in II(B). Again, the NOPR provided no reason for these proposed changes, but no commenter objected.

141. Staff's proposed addition at (j)(III) to include a section that expired certificates of insurance may be administratively cancelled and to which no Commenter objected are incorporated into the Recommended Rule 6008.

142. The amounts of insurance coverage at the Table in 6007(a)(I) remain the same for the reasons discussed in the earlier section of this Recommended Decision. It is in the public interest to adopt Recommended Rule 6008.

Rule 6009—"Summary Suspension and Revocation for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage."

Rule 6010—"Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage"

Rule 6011—"Summary Suspension and Revocation for Violation of Commission Rule or Order or for Endangering Public Health, Safety and Welfare."

Rule 6012—“Revocation of Limited Regulation Permits, Towing Permits, Household Goods Mover Permits for Failure to Pay Civil Penalty.”

Rule 6013—“Period of Ineligibility”

143. All revocations and suspensions, regardless of type and the statutory basis for the revocation or suspension and the period of ineligibility are currently in Rule 6008. Staff’s Proposed Rule 6008 adds several subparagraphs to the current Rule 6008 and states that the reason is to clarify. The legally significant reason to make some of these additions and changes is because the statutes have changed. However, the NOPR makes no reference to the statutory changes.

144. Separate and apart from the statutory changes which, of course, must be adopted by the rules, Staff’s Proposed Rules include in one rule, Rule 6008 all four statutory types of suspensions. This is confusing to motor carriers and complicated to enforce. In addition, there has never been a rule regarding summary suspension under the APA if there is an emergency based on public safety, health, and welfare. Staff’s Proposed Rule 6008(b) requested a new subparagraph to allow for summary suspensions based on endangerment or willful and deliberate violations—again stating that this new subparagraph was to “clarify”. Proposed subparagraph (b) is a new remedy for Staff to use to protect the public. No Commenter objected to the concept or to the language.

145. Staff also proposed a new subparagraph(c) for automatic and immediate revocations for a hazardous materials carrier that operated without insurance and automatic suspension of limited regulation permits, towing permits and household good mover permits for nonpayment of fines. While not specifically stated in the NOPR, some of these remedies had been authorized the by General Assembly in the last several years, but had not been adopted in the Current Rules.

146. The Recommended Rules include four separate rules for each type of action based on the legislative authority and modify Staff's proposals to ensure motor carriers are provided adequate due process protection for these draconian actions and that the rules are compliant with the APA. Automatic and immediate revocation is a serious use of regulatory authority and it must be done in compliance with the statute and due process rights.

147. **Rule 6009**—"Summary Suspension and Revocation for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage" deals with summary suspensions for failure to maintain insurance and is authorized by § 40-10.1-112(3), C.R.S., and applies to all motor carriers that fail to maintain the insurance coverage required as well as the workers' compensation insurance required of towing carriers.

148. Recommended Rule 6009 incorporates most of the language from Current Rule 6008(a) as well as Staff's proposed language. The proposed language corrects the statutory reference from §§ 24-4-104(3) and (4), C.R.S., to only § 24-4-104(4), C.R.S., which is the proper citation. The Proposed Rule also adds the reference to § 40-10.1-112(3), C.R.S., which is also included in Recommended Rule 6009 because that is the proper citation. Current Rules 6008(a)(I) and (II) refer to "complaint" as opposed to "proceeding" and also uses the term "advise" as opposed to "notify." The Proposed Rules remedy these issues and Recommended Rule 6009 adopts these language changes. Proposed Rule 6008(a) also recommends deletion of the references to "hazardous materials carrier" and the inclusion of a new section (c) to cover motor carriers who have a Hazardous Materials Permit. Proposed Rule 6008(c) is based on a different statute, § 42-20-202(2)(a), C.R.S. The proposed language changes to make the rule compliant with current law is incorporated into Recommended Rule 6009. Further, Recommended Rule 6010 now covers Hazardous Materials Carriers as explained below.

149. **Rule 6010**—“Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage” is a separate rule because it is based on a statute that is part of Article 42 as opposed to Article 40. Section 42-20-202(2)(a), C.R.S., provides for the automatic and immediate *revocation* of these types of permits, as opposed to *suspension* of the permits of hazardous material carriers. That clarification and statutory authority is provided in Recommended Rule 6010.

150. **Rule 6011**—“Summary Suspension and Revocation for Violation of Commission Rule or Order or for Endangering Public Health, Safety and Welfare” authorizes a summary suspension if the public safety, health and welfare are at risk and follows the procedures set forth in the APA. Staff’s Proposed Rules requested this authority, but the proposed language was not compliant with the procedures set forth in the APA. Recommended Rule 6011 allows Staff, if they have “objective and reasonable grounds” to believe a Motor Carrier has willfully and deliberately violated Commission rules or statutes or if the public health, safety, or welfare “imperatively requires emergency action” to obtain a letter from the Director of the Commission incorporating the finds and summarily suspending the Certificate or Permit.

151. “Willful and deliberate” are defined in Recommended Rule 6011. Provision is made for service and a hearing within ten days.

152. **Rule 6112**—“Revocation of Limited Regulation Permits, Towing Permits, Household Goods Mover Permits for Failure to Pay Civil Penalty.” The Current Rules do not provide a remedy for revocation of a permit for nonpayment of civil penalties, although the General Assembly has provided that remedy in § 42-20-202(2)(a), C.R.S. This is the same statutory authority on which recommended Rule 6010 is based. However, because this remedy is available for nonpayment of a civil penalty, it is a better practice to develop a separate rule and

title to provide notice to motor carriers that if they fail to pay a civil penalty, their permit is revoked immediately. Orders of the Commission and civil penalty assessment notices (CPANs) should provide this notice in the document.

153. Recommended Rules 6012(a), (b), and (c) adopt the language proposed by Staff at Proposed Rule 6008(d). The proposed language, which is adopted in the Recommended Rule, also follows the statutory directive that upon revocation of the permit for nonpayment of a civil penalty, that “any owner, principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, principal, officer, member, partner, or director are disqualified from applying for a Permit” for 36 or 60 months depending on the type of permit, from the date the penalty payment was due.

154. **Rule 6013**—“Period of Ineligibility” is similar to current Rule 6008(d) to which Staff made no proposed changes. A separate rule indicates the distinction in the statutory authority for disqualification. These disqualification periods are provided by statute.

155. Each of the Recommended Rules contain separate paragraphs -- 6009(j); 6010(d); 6011(d); 6012(d); and 6013(e) to indicate that any action under these rules are in addition to other remedies and not in lieu of any other penalty and if there is any conflict, the longer period of disqualification shall apply.

156. Recommended Rules 6010, 6011, 6012, and 6013 are in the public interest and should be adopted.

157. **Rule 6014. Prohibited Credit Card Fees.** This is a new rule proposed by Staff as Proposed Rule 6012. Staff indicated that some companies had attempted to add an extra fee if a customer used a credit card. Recommended Rule 6014 adopts this proposal to remedy this consumer issue and to provide protection to consumers, which is in the public interest.

7. Rule 6015 “Exterior Vehicle Markings, Signs, Graphics and Roof Lights”.

158. Current Rules 6015 and Rule 6304 include the requirements and restrictions involving exterior markings. Under the Current Rules, markings must be on both sides of vehicles, in colors and size so that they are clearly legible. In addition, trade names must be displayed on the sides as well as the PUC permit number. Luxury limousines, on the other hand, are prohibited from displaying a trade name. Recommended Rule 6015 is similar to the current rule, but language is simplified and reorganized. In addition, Staff’s proposed deletion of Current Rule 6015(a)(III) is adopted so that the “in lieu of” language is deleted and a motor carrier has the option of placing the PUC number on the front and back or on each side. (In Recommended Rule 6303— discussed below, the prohibition against using a trade name is deleted and the option to have a trade name on luxury limousine is left to the carrier.)

159. The option to use roof lights in the Recommended Rule is limited to taxicabs or Large Market Taxicab Service. This option and restriction is in Current Rule 6016(h) titled “Offering of Transportation Service.” In addition, in lieu of a roof light, a taxi service or a Large Market Taxicab Service carrier can use a digital light in the front and back windshield to provide information. Subparagraph 6016(h) is moved to this Recommended Rule 6015(c) because the roof light is in the nature of an exterior marking as opposed to an offer of service. Also, moving it to Rule 6015 and including “roof light” in the title of the rule makes it easier to locate because it will be in the index.

160. The requirement to remove all markings required by the rule is kept in Recommended Rule 6015(d) as opposed to 6015(c).

161. Recommended Rule 6105 is in the public interest and will reduce the regulatory burden and should be adopted.

8. Rule 6016. Offering of Transportation Service

162. Recommended Rule 6106 is similar to Current Rule 6016. However, subparagraph (c) becomes the first paragraph of 6106(a) because it makes more sense to begin with the general rule and prohibition. Staff proposed a second sentence to the current subparagraph (a): “A person shall be presumed to have offered transportation service if the person has not disclosed the fact the services are being arranged by a transportation broker.” The luxury limousine carriers objected to the addition of this language, but the concerns that they asserted are dealt with in the 6300 series of rules below. This proposal is adopted in Recommended Rule 6016(b).

163. Recommended Rule 6016 is in the public interest and should be adopted.

9. Civil Penalties

Rule 6017—Definitions

Rule 6018—Maximum Civil Penalties, without Statutory Enhancement.

Rule 6019—Doubling and Tripling of Penalties

10. Rule 6017. Definitions

164. Recommended Rule 6017 consolidates all of the various definitions from the different penalty sections into one rule. Recommended Rule 6017(a) begins by defining “Civil Penalty” referring to the violations of the statutes in Articles 7 and 10.1 of Title 40 and the violations of 49 CFR 382 (Controlled Substance and Alcohol Use and Testing), 392 (Driving Commercial Vehicles), 395 (Hours of Service), and 386 subpart G, (Penalties) which are incorporated by reference as they existed on January 1, 2017, which is the most current version.

165. Rules 6017 (b), (c), and (d) then define Civil Penalty Assessment, the Civil Penalty Assessment Notice (CPAN) and who can issue the CPAN—a PUC Enforcement Official, the Colorado State Patrol or, a Port of Entry Authority.

166. Adoption of Rule 6017 is in the public interest because it provides clarity and uniformity to the basis for issuing penalties as well as who can issue the penalty.

167. Currently civil penalties are included in seven different rules—6017, 6102, 6103, 6106, 6216, 6258, and 6311. Current Rule 6106 contains a four page table which lists certain subsections of the CFRs by citation number, violation description, and penalty amounts. The penalties and the amounts that are authorized pursuant to Colorado law are listed in various written subparagraphs of the rules—not in a table. Under current rules and Staff’s Proposed Rules, there are separate penalty sections for the rules of general application, the rules for each subpart and also for safety rules. As a result there are duplications, ambiguities, and conflicts. It is difficult for motor carriers and drivers to determine the basis for and the amount of penalties. It is also difficult for Enforcement Officials to prepare accurate CPANs. It appears that this hodge-podge of penalties arose with an effort to describe certain penalties as “safety” issues and then separate rules and penalties were developed for each type of permit or authority.

11. Statutory Authority

168. This analysis begins with a review of statutory authority

169. Fine of not more than \$11,000 at § 40-7-113(1)(a), C.R.S., for failure to carry the insurance required by law.

170. Fine of not more than \$1,100 at § 40-7-113(1)(b), C.R.S., for violations of:

§ 40-10.1-201(1), C.R.S.—operating without a Common Carrier certificate (CPCN)

§ 40-10.1-202(1)(a), C.R.S.—Contract Carrier operating without a permit

§ 40-10.1-302(1)(a), C.R.S.—Limited Regulation Carrier operating without a permit

§ 40-10.1-401(1)(a), C.R.S.—Towing Carrier operating without a permit

§ 40-10.1-502(1)(a), C.R.S.—Household Goods Mover operating without a permit

§ 40-10.1-702(1)(a), C.R.S.—Large Market Taxi Service operating without a permit

§ 40-7-113(e), C.R.S.,—sets a \$400 fine for failure to pay the annual vehicle identification fee

§ 40-7-113(1)(g), C.R.S.,—establishes a catch-all for a fine of not more than \$1,100

171. Further, any person who violates a safety rule promulgated by the Commission is subject to the civil penalties authorized pursuant to 49 CFR 386, subpart G and associated appendices to part 386, as the subpart existed on January 1, 2017. The fines in 49 CFR 386, range from \$500 to \$10,000.

172. There is no obligation to prove that the violation was “intentional.” Section 40-7-113(1)(g), C.R.S., states “[a]person who violates” any enumerated provision may be assessed a civil penalty (the word intentional was deleted in 2018).

173. The Commission can impose a fine of not more than \$2,000, at § 40-7-105, C.R.S., for: any public utility (Common Carrier or Contract Carrier) that fails to comply with the Constitution, Articles 1 to 7 of Title 40 or any order, decision, decree, rule, direction, demand, or requirement of the Commission (other than an order to pay a fine).

174. In addition, § 40-10.1-114(3), C.R.S., states that “[e]ach day of a continuing violation of this article constitutes a separate offense.”

175. Sections 40-7-113(3) and (4), C.R.S., allow for the doubling and tripling of fines under certain circumstances. The electric, gas, water, and telecommunications industries

obtained a maximum limitation on the fines at § 40-7-113.5(5), C.R.S.,—which limits the maximum fine to \$150,000 in a 6-month period; or in any 12-month period, 1 percent of the utility’s gross annual revenues.

176. Thus, under Colorado law, the Commission has a huge amount of discretion as to the amount of fines it can assess. Almost every Commenter believed the Commission’s use of this fining authority is punitive and puts industry at the risk of bankruptcy. Unfortunately, this is the current state of the law. Recommended Rules 6018 and 6019 attempt to provide notice and due process for the use of the fining authority and also to specify the amount of the fine under Colorado law which should be used for most violations.

177. The Proposed Rule proposed a deletion to the current rule as follows “With the exception of paragraph (f) of this rule, the provisions relating to the doubling and tripling of civil penalties, found in §§ 40-7-1113(3) and (4), C.R.S., and in paragraphs (g) and (h) of Rule 6017 shall not apply to the assessment of civil penalties for safety rule violations.”

178. There is no explanation in the NOPR as to the basis for this deletion; however, the Current Rule does not follow § 40-7-113, C.R.S. It appears to be a mistaken reading of the statute. The statute is clear. If there were an ambiguity requiring statutory construction, it would make no sense to prohibit increasing the penalty for violation of safety rules. I was unable to locate any decision that explained the basis for this language in the current rules. There was no reference to this deletion in the NOPR. One had to read the red-line to see that the language is being deleted. Recommended Rule 6018 does not include the above language because it is an incorrect application of the statute. If any penalty should be enhanced, it is a violation of a safety rule.

12. Violations and Penalties in the Current Rules:²⁵**a. Current Rule 6017—Violations, Civil Enforcement, and Enhancement of Civil Penalties.**

179. A fine of \$11,000 for failure to have insurance (6017(a)); \$400 for failure to pay annual fee (6017(b)); \$550 for offering transportation without authority or permit and use of the name for a type of service not authorized in the authority or permit (6017(c)); and \$275 as a catchall for other rules.

180. Rule 6017(f) provides for increasing the penalty by two or three times depending on the circumstances.

181. Rule 6017(g) requires specificity in the CPAN and then allows for the reduction by 50% if paid within ten days.

13. Current Rule 6106—Safety Violations, Civil Enforcements, and Civil Penalties.

182. The penalties in this Current Rule range from \$500 to \$10,000 and rely on various subparts of 49 CFR Parts 40, 382, 383, 390, 391, 393, 393, 395, 396, 399, and Appendix G as revised on October 1, 2010. In addition, Current Rule 6106 established penalties of \$275 for a violation of the fingerprint rule (6105) and the amount of \$10,000 for certain record keeping violations. Rule 6106(i) also provides for doubling and tripling of these penalties.

14. Current Rule 6216—Regulated Intrastate Carrier Violations, Civil Enforcement, and Civil Penalties.

183. This rule sets \$1100 penalties based on §§ 40-10.1-201(1), 202(1), 205 and 206, C.R.S., as well as Rules 6202 and 6205(e).

6216(b) sets certain penalties at \$550.

²⁵ The UCR Rules, the Towing Rules and the Household Goods Mover Rules have their own set of violations, civil enforcement and penalties at 6403, 6514 and 6611, respectively.

6216(c) sets certain penalties for overcharging at \$275, \$550 and \$1100, based on the overcharge.

6216(e) sets other penalties at \$275.

15. Current Rule 6311—Limited Regulation Carrier Violations, Civil Enforcement, and Civil Penalties

184. Rule 6311(a) sets \$1,100 penalties for violations of § 40-10.1-302, C.R.S., and also for certain charter order violations.

185. 6311(b) sets penalties of \$550 for other charter order violations.

186. 6311(c) is a “catch all” and sets penalties of \$275 for violations of Part 3 of Article 10.1 or § 42-3-235, C.R.S.—the livery license plate statute.

187. When one reads and compares these various sections, there appear to be inconsistencies, overlap, and ambiguities as to what should be the actual amount of the fine. It is in the best interest of both those who might be subject to a fine and to the enforcement officials or investigative officials who issue the CPANs to simplify these various sections into one rule and one table.

16. Rule 6017. Violations, Civil Enforcement, and Enhancement of Civil Penalties.

188. This Recommended Rule has been rewritten. It combines the penalty sections at Current Rules 6106, 6017, 6102, 6103, 6106, 6216, 6258, and 6311. It also deletes, most of the incorporation by reference of various sections and subparts of the CFRs and instead refers to the Colorado Statute and or the Rule that provides the basis for a violation and penalty. Rather than refer to each subparagraph of a CFR, the table categorizes violations by the type of offense and the table includes the dollar amount of the fine. In certain categories, this has resulted in the maximum amount of the fine being reduced. This approach makes it easier for motor carriers, drivers and the public to determine the maximum amount of the fine. This approach also makes

enforcement easier and more efficient, because the Enforcement Official does not have to review the violation and the amount of the fine in three or four different sections of the rules and then determine the amount of the fine by referring to the CFR.

17. Rule 6018 Maximum Civil Penalties, Without Statutory Enhancement—Recommended

189. Therefore, I recommend adoption of Recommended Rule 6018, which first sets out the statutory penalties, as adopted by the rule and starts with the highest amount of \$11,000 for failure to have insurance, then identifies those statutory areas in which the General Assembly has provided for a fine up to \$1,100, than \$500 and \$225 as well as well as stamps.

190. Many of the record keeping and other more minor fines are reduced to \$500 or \$225.

191. The incorporation by reference of certain violations and penalties from the applicable CFRs for using controlled substances or alcohol while driving a commercial vehicle and those penalties are still incorporated by reference, when applicable and not covered by Colorado penalties.

192. This approach does not relieve the Enforcement Official from providing the necessary detail of the CPAN to meet due process requirements.

193. Recommended Rule 6018 should be adopted because it adds clarity to the penalties. It does include the statutory caution that each occurrence is a separate violation, but the legal issue of what is an occurrence of a violation is left to a case-by-case analysis in a CPAN proceeding.

18. Rule 6019. Doubling and Tripling of Penalties

194. This Recommended Rule provides the process and some limitations for the imposition of doubling and tripling of penalties which is a remedy provided by Colorado law. The Recommended Rule requires that the previous offense must be “similar” to the current offense; that there must be a final adjudication of the previous similar offense.

195. Recommended Rule 6019 should be adopted because it sets forth some due process protections for the use of this statute and is in the public interest.

19. Rule 6020. Annual Report by Staff to Commission.

196. This is a new rule that requires Staff to provide the information that it currently collects in a format that is useable by the Commission, the Director, motor carriers and other stakeholders to determine the current financial and operational issues facing the motor carriers and the Enforcement Officials so that priorities can be set, possible legislative changes discussed, and efficiencies of enforcement considered. It requires the information be provided at least annually starting July 1, 2019. This Recommend Rule provides the Commissioners the opportunity to see the forest as opposed to the individual trees that we normally see in individual proceedings and thus consider the effectiveness of statutes and rules and whether or not changes are needed. It also provides this information to Commenters, the industry, and the press because it will be available on the Commission website.

197. Rules 6021 through 6099 are Reserved.

198. Current Rules 6018 through 6099 are reserved. However, with the reorganization and consolidation of certain rules, this reference is changed.

C. Safety Rules

199. Safety rules are combined into this section. Rules that impact safety and enforcement of safety are currently scattered throughout the rules. Placing all of them in this one section is important for use. In addition, one can focus questions on rules that are not included so that questions can be raised as to whether or not they are necessary and what purpose they serve.

1. Rule 6100. Applicability of Safety Rules.

200. This Recommended Rule is similar to but not identical to the Current Rule. One difference is that it uses the categories and naming conventions established at the beginning of the Rules. Rather than the use of “regulated” and “limited regulation carriers,” the recommended rule refers to Common Carriers, Contract Carriers, Limited Regulation Carriers, and Large Market Taxicab Services Carriers.

201. There is a new subsection (b) which refers to Motor Carriers that operate Commercial Motor Vehicles defined under 49 CFR 390.5 or the modifications of the Colorado State Patrol. These types of vehicles and carriers are subject to the rule in Title 49 of the CFR and the rules of the Colorado State Patrol.

202. There is a new subsection (c) that incorporates Rule 6008, the rule on financial responsibility as a safety rule that provides benefits and protection to the travelling public.

2. Rule 6101. Definitions.

203. This Recommended Rule refers to the general definitions in Rule 6001 and includes the specific definition for Commercial Motor Vehicle and Motor Vehicle that is used in 49 CFR 390.5.

204. Current Rule 6102 titled “Regulations Incorporated by Reference” is deleted, because the necessary sections are now identified in 6017 and 6018. The current sections of incorporation by reference are very complicated and cumbersome. It first incorporates by reference certain portions of the CFRs and then does not incorporate certain subparts of those same rules, including the definition of a commercial motor vehicle.

205. Current Rule 6103 (which is also deleted) then modifies the incorporation by reference with respect to age of drivers. Current Rule 6103 further modifies the incorporation by reference to apply to only vehicles with a seating capacity of 16 or more and the log books that commercial drivers in interstate transportation must keep.

206. It is very difficult (perhaps impossible) to understand which CFR is actually incorporated by reference and what type of vehicle or driver the incorporation by reference applies to. A rule this complicated is almost impossible to enforce. The approach in the Recommended Rules is much easier to understand and will likely be much more efficient to enforce. A review of some of the CFRs established that they were incorrect.

3. Rule 6102. Annual Motor Vehicle Identification Fees and Vehicle Registry.

207. This Recommended Rule is based on Current Rule 6009, which sets an annual motor vehicle fee. The statute that authorizes the Commission to collect a stamp fee refers to an “identification fee” at § 40-7-113(e), C.R.S. There is also statutory authority for the annual identification fee at § 40-10.1-111(h), C.R.S. The current process at the PUC issues stamps without tying them to a specific vehicle. This makes safety enforcement and inspections very

difficult. The enforcement staff is currently 7.17 FTEs.²⁶ There are currently 1123 active carriers of different types and 5985 vehicle stamps purchased. These numbers do not include the towing permits and vehicles or the household goods movers.

208. Enforcement officials must currently prioritize which motor carriers to visit and then must review insurance documents, safety inspection reports, daily vehicle inspection reports, and tariff and billing records, and then track down vehicles and do that on-site at the carrier. If a motor carrier has purchased 20 stamps, the motor carrier can state that it only has ten vehicles in operation and perhaps hide the other 10. Enforcement Officials then have no efficient way of verifying and inspecting the actual number of vehicles being used because there is no VIN tied to a stamp. (Transcript March 29 – pp. 15-16, 29, 32, 34)

209. Failure to match a vehicle stamp to a specific vehicle increases the burden to review age waivers and to use digital means to collect hours of service on a vehicle basis.

210. Use of a Motor Vehicle Registry to collect this information so that Enforcement Officials can prepare for and prioritize their onsite inspections will add efficiency to the process. Enforcement Officials estimated that they could conduct 25 to 30 inspections in two hours as opposed to spending three days on the site with access to information electronically.²⁷

211. Enforcement Officials also believe that a portal similar to what they implemented with respect to fingerprints has a relatively minimal cost.

212. A stamp should be tied to a vehicle. The vehicle registry in Recommended Rule 6102 includes not only the VIN number, but age and type of vehicle, model year, license

²⁶ See Exhibit A014, information submitted by Staff in response to Interim Decision No. R18-0375-I requesting at p. 5 the number of safety enforcement staff employed by the Commission for each of the last five years.

²⁷ February 20 Transcript, pp. 96-97.

plate number, mileage, date of purchase and, if applicable, the AVI required by DIA. This type of information allows Staff to track vehicles and prioritize inspections to make enforcement of age rules much more efficient. This Recommended Rule provides for either the manual filing of vehicle information or the filing of this information through an online vehicle registry portal, once it is available. Mr. Pooley of CLA objected to the registry. His alternative suggestion was that Staff could obtain this information by obtaining insurance information from the insurance company. That approach is burdensome to an already over worked Enforcement Staff. The burden on industry is minimal.

213. Staff proposed deleting the 60-day notice period in Current Rule 6009(b) because in the last few years the Commission failed to post notice of the fee increase 60 days prior and thus the Commission was unable to collect the fee for several weeks. Every Commenter objected to this deletion. Sixty days prior notice is not burdensome to the Commission. For motor carriers that have several hundred vehicles in their fleet, an increase in the fee from \$5 to \$40 can be a substantial burden. Staff's Proposal to delete this rule is rejected.

214. Recommended Rule 6102 includes a 60-day prior notice requirement at 6102(c). The Recommended Rule requires the linking of the stamp to the vehicle through the use of a manual or electronic vehicle registry. The Recommended Rule maintains the exemptions for UCR registrants and household goods movers.

215. Recommended Rule 6102 should be adopted because it is in the public interest and because it will make safety inspections and enforcement more efficient.

4. Rule 6103. Vehicle Inspectors—Who is Authorized to Inspect a Motor Vehicle.

216. The Current Rule merely states that an inspection must be completed. It uses the federal standard, which merely states that someone with appropriate education or training can inspect vehicles. Staff has indicated that they receive phone calls asking who is authorized to inspect a motor vehicle. Recommended Rule requires that the initial vehicle inspection and the periodic inspection be conducted by an Automotive Service Excellence (ASE) certified mechanic. The ASE website provides a list of companies located in Colorado that employ ASE certified mechanics. This modification should make the inspection process more efficient as well as more reliable.

217. Recommended Rule 6103 is in the public interest and should be adopted.

5. Rule 6104. Safety Inspections of Motor Vehicles

218. The Current Rules contain no list of the items that must be inspected. Instead, they are listed on a form. The current form used at the Commission is incomplete. The TNC statute, on the other hand, lists the safety points to be inspected and those are then carried over into a TNC Rule. It is ironic that the TNCs are inspected at a more rigorous level than the Common, Contract, and Limited Regulation Carriers that are subject to the jurisdiction of the PUC. This Recommended Rule cures that defect and establishes a similar, but not identical, list of safety inspection criteria for vehicles subject to PUC safety inspection.

219. In addition, there are currently no specific safety inspection criteria in the form used by the PUC for vehicles used to transport the most vulnerable in our population—wheelchair accessible and Children Activity Buses. Recommended Rule 6104 at sections (b) XXIV through XXVIII provide specific safety criteria for inspections of motor vehicles that

transport the most vulnerable in our society to ensure that those motor carriers transporting these vulnerable people can safely do that. Ropes are not appropriate to tie down wheel chairs.

220. Recommended Rule 6104 promotes safe vehicles, is in the public interest, and should be adopted.

Rule 6105. Daily Vehicle Inspection Report (DVIR).

Rule 6106. Inspection Process by Enforcement Official.

Rule 6107. Driver Minimum Qualifications.

Rule 6108. Driver Qualification File.

Rule 6109. Proof of Medical Fitness.

221. The obligations to maintain certain types of safety related information are scattered throughout both the Current Rules and Staff's Proposed Rules. *See, e.g.*, Current Rule 6014 (titled "Waivers") requiring motor carrier to maintain a waiver in a "driver's qualification files"; Current Rule 6013 (titled "Modification of Regulations Incorporated by Reference") requiring a driver to deliver to a motor carrier a Driver/Vehicle Compliance Report. These safety obligations are hard to locate and are confusing. The Recommended Rules collect these obligations and place them in separate rules so that motor carriers, drivers, and Enforcement Officials can easily locate and understand these obligations which are related to efficient safety enforcement.

222. Recommended Rule 6105 titled "Daily Vehicle Inspection Report (DVIR)," establishes the criteria that every driver and motor carrier must use for the daily inspection, how to document the results, and how to document whether the deficiency has been repaired.

223. Recommended Rule 6106 titled "Inspection Process by Enforcement Official" establishes the criteria that the Enforcement Official uses to determine if a vehicle or driver will be placed "Out of Service"

224. Rule 6107 titled “Driver Minimum Qualifications” collects those qualifications in one rule and also established in one rule what documentation must be kept with the driver or with the vehicle

225. Rule 6108 titled “Driver Qualification File” accomplishes a similar objective.

226. Recommended Rule 6109 titled “Proof of Medical Fitness” is similar to the current obligations but is now in a separate rule.

227. Recommended Rules 6105, 6106, 6107, 6108, and 6109 promote safety, are in the public interest, and should be adopted.

6. Rule 6110. Hours of Service.

228. Driver fatigue is a huge safety concern, especially in challenging economic times when drivers and carriers are tempted to push the limits. The hours of service battles at the Commission have been very expensive, consuming time and resources. The original CPANs issued in 2014 were in the seven figures. (*See* Exhibit A-008 – 2014 penalties issued were \$5,909,847) They ultimately settled for much less. In addition, the ultimate decisions generated confusion. In Proceeding No. 15D-0060CP, which was a declaratory judgment action filed by a consortium of taxis, the interpretation of the CFRs was that off duty time cannot be included in the calculation of a driver’s hours of service in any rolling eight consecutive day period.

229. In Proceeding No. 14G-0433CP, a settlement agreement was reached and the penalty of \$354,750 was stayed. However, within a very short time a violation was alleged and there was then a lengthy hearing and the full penalty was assessed.

230. Thus, this agreement on how to calculate the on duty hours is a real accomplishment.

231. After much discussion there was almost unanimous agreement from the taxi industry that Option 1 in Proposed Rule 6103 with 12 hours on, and 12 hours off, was preferred.

232. The luxury limousine carriers made a persuasive case that 12 hours on, and 12 hours off, would prevent drivers and the company from making a living. As they explained it, they might have an early morning appointment to drive from 6 a.m. to 10 a.m., and then another trip from 5 p.m. to midnight. They preferred Option 2 which is more complicated; however, many of the limousine companies have paid for and use digital log books.

233. Recommended Rule 6010(c) adopts a “good faith effort” requirement for the carrier to require the driver to report the total number of on duty hours the driver has with other motor carriers. The definition of “on duty” at Recommended Rule 6001 (hhh) rejects the proposal that is used in the CFRs that on duty includes time worked for someone not a motor carrier. It is very difficult if not impossible for a motor carrier to determine this and it is not fair to hold the carrier liable for what the driver does if the carrier has made a good faith effort to determine the facts.

234. If there were statutory authority and the funds to create a driver registry and if all drivers, including TNC drivers, were required to register and provide hours of service information, that could be a viable solution to preventing driver fatigue. However, that is unlikely to occur.

235. Recommended Rule 6110 adopts the two options and requires that the luxury limousine carriers make an election at the time of purchasing the vehicle stamps as to whether or not they will calculate under the 15 hour rule, the 10 hour rule, or the 70 hour rule.

7. Rule 6111. Verification of Hours of Service for Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso and Jefferson.

236. Current Rule 6255, establishes the obligation, as of January 1, 2014, for taxis in the greater Denver Metropolitan Area as well as Douglas and El Paso Counties to install GPS digital based dispatch and hours of service systems. This is a very important safety rule and safety enforcement rule. Staff's Proposed Rule 6255 makes some technical changes to the type of system, which are incorporated into Recommended Rule 6111. In addition, Staff's Proposed Rule gives a newly-created taxicab carrier six months to comply with this obligation. The NOPR at page 7 merely states "Proposed Rule 6255(a) specifies requirements of the required dispatch system and its relationship to the hours of service rules." The NOPR contains no legal or factual basis as to why a new taxicab carrier should be given six months to comply with this safety rule or the penalty that will be imposed if the requirement is not met. Commencing a proceeding to revoke a CPCN is expensive and time consuming. (March 29 Hearing p. 32) A fine for failure to comply with this requirement in the amount of \$1,100 will likely not be sufficient to require compliance because these are expensive systems.²⁸.

237. Staff has essentially been waiving the requirements under Current Rule 6255 and now wishes to include a six-month waiver with no easy enforcement method specified. In addition, this provision allows new entrants an unfair competitive advantage against incumbent providers who have invested in this safety application. Even more important is that the travelling public is put at risk with this approach. This approach is rejected. Instead, compliance with this obligation should be dealt with on the front end as part of the application, which is included in

²⁸ CPCNs for All Cities Taxi (\$55,890); Alpine Taxi Co-operative (\$55,899); Denver Taxi (\$55,900); Green Taxi Co-operative (\$55,833); Medicab (55,928); and Trans Voyage Taxi (\$55,928) appear to have been issued without requiring compliance with Current Rule 6255.

Recommended Rule 6204. If the grant of the CPCN is conditioned on compliance with important safety rules, then new applicants will be more likely to comply. If the approach is to “catch” them later when enforcement staff has limited resources, there will likely be no enforcement of this important safety rule.

238. It is laudable that Staff is concerned about barriers to entry, but safety rules are critical. Auditing physical hours of service records is time consuming and resource intensive.

239. Recommended Rule 6111 includes the technical revisions to Current Rule 6255 as proposed and should be adopted because it is in the best interest of the public.

Rule 6112. Vehicle Maintenance File

Rule 6113. Accident Registry.

240. These Recommended Rules are based on requirements to keep information that is currently spread throughout the rules. These two Recommended Rules make the obligations clear, provide a title so that drivers and carriers can easily locate the obligations. These are safety rules to assist in monitoring that drivers and vehicles are safe, are in the public interest, and should be adopted.

8. Rule 6114. Fingerprint-Based Criminal History Record Checks.

241. This rule replaces the current fingerprint rule at 6105. The Recommended Rule adopts the stylistic changes proposed by Staff as well as a new requirement that the passenger carrier provide notice to the driver before fingerprints are submitted at 6114(c); (d) adopts Staff’s proposed change that the driver must resubmit fingerprints once every five years; and (e) adopts Staff’s proposed change that the driver submits the fingerprints to the Colorado Bureau of Investigation or as required by state law. Current Rule 6105(e) requires submission to the FBI using a particular form.

242. The NOPR failed to identify some of these proposed changes in the explanation. However, no Commenter objected to these proposed changes and they are in the public interest.

243. The Recommended Rule should be adopted because it is in the best interest of the public.

9. Rule 6115. Motor Vehicle Weight.

244. This is a technical rule that allows an Enforcement Official to order inspection or weight of a commercial vehicle. It is identical to a current rule. It should be adopted because it is in the best interest of the public.

10. Rule 6116. Prohibitions.

245. Recommended Rule 6116 collects the various safety obligations and requirements that are currently scattered throughout the rules and hidden in CFRs and places them in this Recommended Rule in plain English.

246. Recommended Rule 6116 is in the best interest of the public and should be adopted.

11. Rule 6117. Age and Condition of Passenger Carrying Motor Vehicles.

247. Currently, the age rules are scattered in three different sections. There was a huge amount of discussion by the Commenters as to whether or not there should be an age limit and if so, what should it be. The luxury limousine carriers reminded the Hearing Commissioner that there was no age limit under the applicable federal regulations. In addition, the age limits proposed by Staff drew outrage and many Commenters said the rule would deprive them of the ability to earn a return on very expensive vehicles. Staff proposed a 12-year age limit for

vehicles that seated less than 16, plus a mileage limitation that regardless of age, the vehicle must be taken out of service once it reached 250,000 miles.

248. The luxury limousine carriers were also frustrated that the rule has changed and reduced over time. They believed that they were told when the original reduction in age took place that it was a safety issue and that as long as the vehicle was safe it would be granted a waiver—and that has not been the case.

249. I requested that Staff place into the record any evidence that they could locate that shows age of vehicles was directly related to safety. They were unable to do that. The Federal Motor Vehicle Safety Standards studies indicate that it is the presence of safety equipment, beginning with seat belts and air bags that has made vehicles more safe and there is no direct correlation between safety and age of vehicles.

250. Recommended Rule 6117 establishes an age limit of 12 years for taxis and 15 years for luxury limousines. After eight years, or 150,000 miles, the periodic inspections must occur semi-annually; after the vehicle reaches 2225,000 miles, the inspection must occur every three months.

251. In addition, Recommended Rule 6117 creates a new prohibition, namely that no motor carrier shall operate a salvage vehicle, as that term is defined in statute.

252. The responsibility for presenting age waivers has now been removed from transportation staff and assigned to advisory staff. Age waivers take several hours to analyze and process plus time to present to the Commission for the period 2014 through 2017 the PUC has investigated and decided on vehicle waivers for 1373 in 507 different proceedings, granting 1215 waivers (Exhibit A-0006). Another benefit of the vehicle registry is that the amount of time spent on waivers should be substantially reduced because age and mileage for a vehicle will be in

one area of enforcement. Recommended Rule 6117 is in the public interest and should be adopted.

253. Rules 6118-6199. Reserved.

12. Fully Regulated Intrastate Carrier Rules

254. This series of rules had previously been titled “Regulated Intrastate Carrier Rules” and the series of rules at 6300 are titled “Limited Regulation Carrier Rules.” It is more accurate to label this series of rules at 6200 “Fully Regulated Intrastate Carrier Rules,” which is a defined term at Recommended Rule 6001(ii).

13. Rule 6200. Applicability.

255. This Recommended Rule is almost identical to the Current Rule and should be adopted.

14. Rule 6201. Definitions.

256. This Recommended Rule is almost identical to the Current Rule and should be adopted.

15. Rule 6202. Prohibited Operations.

257. This Recommended Rule is similar to the Current Rule, but has been rewritten to clarify the obligations. It is in the public interest and should be adopted.

Rule 6203. Applications to Operate as a Common or Contract Carrier.

Rule 6204. Application for Temporary Authority or Emergency Temporary Authority for a Common Carrier or Contract Carrier.

Rule 6205. Application to Voluntarily Abandon or Suspend Authority.

Rule 6206. Application to Encumber, Transfer, Merge, Consolidate, and Acquire Control.

258. Staff's Proposed Rules 6203, 6204, and 6205 are discussed first together. Staff's Proposal with respect to these rules is to delete all criteria to be included in the rules and instead to rely only on a form posted on the PUC website. This is not an acceptable approach for several reasons. First, it is an unlawful delegation of authority under Colorado law. *See Elizondo v. State of Colorado, Department of Revenue, 570 P.2d 518 (Colo. 1977)* (articulating the long-standing rule in Colorado that when a statute authorizes an agency to adopt rules, the agency must adopt rules and cannot delegate that responsibility to the discretion of agency staff). Second, it is bad public policy. The purpose of having duly-enacted and published rules is to provide notice to applicants. To allow Staff the discretion to change the standards and criteria does not provide adequate notice to businesses and can result in arbitrary and unreasonable standards being imposed. Some of these problematic results have already occurred as discussed earlier.

259. It is laudable that Staff wants to use forms; however, forms are no substitute for rules. Forms can implement rules. Plain and simple English forms can assist applicants but they must be based on duly enacted rules. The current hours are a one size fits all that can be confusing, especially to small companies who may not understand the difference between contact person and registered agent.

260. Staff has recommended, and the Commission has approved, the issuance of six CPCNs in the last 12 months for taxicab carriers that were not in compliance with important safety rules from the first day that they operated. There was no discussion at the Commissioners' Weekly Meetings about these deficiencies. Staff interpreted, or rather misinterpreted, two decisions of the ALJ that failure to have a 24-hour dispatch system, or failure to have a digital log system, to keep track of hours of service was an enforcement issue to be dealt with later.

One of the most important safety functions of the Commission is to develop rules to assure that drivers can safely operate the motor vehicles for passengers. Those decisions do not stand for this prohibition.

261. Decision No R16-0213 in Proceeding No. 15A-0648CP was an application by Green Taxi Co-operative (Green Taxi) for a CPCN. The Recommended Decision of the ALJ mailed on March 11, 2016. Staff has interpreted this decision as support for the decision of Staff not to require compliance with current Rule 6255 (digital Log Book for Driver's hours of service) before Green Taxi commenced operation. Ordering paragraph 5 of that Decision stated that Green Taxi "shall operate in accordance with all applicable Colorado law and Commission rules." The Decision does not state the taxicab carrier can wait to comply with rules that might be costly. In fact, in paragraphs 68 and 69 the ALJ found that the IT Curves system maintained a record of log-ins and that the system automatically logged drivers out when hours of service thresholds are exceeded. This Decision does not stand for the proposition that it is improper to require as a condition to issuance of a CPCN a safety system that might be expensive to install.

262. Recommended Decision No R16-0778 in proceeding No. 15A-0816CP issued august 22, 2016, in the Matter of the Application of Green Taxi Corporation ... for a CPCN also does not stand for the proposition that a CPCN cannot be conditioned on the installation of expensive safety equipment. The ALJ found at paragraph 101 of that decision that each taxicab "will have a PathFinder™ data mobile terminal." At paragraph 103, the ALJ found that the "PathFinder™ system keeps track of a driver's log-in and log-out times, the number of hours the driver has driven, the trips a driver has done, the number of hours the driver has available to drive before the driver must be out-of-service..." At paragraph 108, the ALJ found that "Green

Taxi has signed a long-term Service Agreement with DDS and anticipates no issue with respect to reliable operation of the PathFinder™ system.”

263. In Ordering paragraph 6, the ALJ required as a condition precedent that “Green Taxi shall meet with the Staff of the Commission’s Transportation Section, both the Rates and Authorities Unit and the Investigations and Compliance Unit to discuss all regulatory requirements applicable to taxicab service and shall file with the Commission a notice of compliance with this condition.”

264. It is against the public policy of the State of Colorado and not in the best interests of the citizens of the State of Colorado to adopt Staff’s Proposed Rules deleting requirements to be included on an application. Instead the Recommended Rule 6203 should be adopted because it includes the current criteria for an Application to Operate as a Common or Contract Carrier and specifically requires the applicant to comply with Rules 6111 (requiring, *inter alia*, a GPS based digital system that records the hours of service in certain geographic areas) and, if geographically applicable, compliance with Rule 6254 that requires a 24-hour dispatch system.

265. Recommended Rule 6203(a)(XI) requires the applicant to state whether or not it is in compliance with 6254 and 6111 and if not, why not and when they can be in compliance. This information can then be presented to the Commission for a decision.

266. The applications for permanent authority and temporary authority are broken into Recommended Rules 6203 and 6204.

267. Similarly, Recommended Rule 6205 rejects Staff’s Proposed Rule concerning “Applications to Voluntarily Abandon or Suspend Authority” because it also deletes criteria for the application. Recommended Rule 6205 includes the current criteria that is included at Current Rule 6204 for the abandonment or suspension of authorities.

268. Staff's Proposed Rule 6206 similarly deletes the criteria that an applicant should include for an application to encumber, transfer, merge, consolidate, or acquire.²⁹ These Recommended Rules reject that approach as being contrary to the public policy of the state and instead include the criteria in a simplified format at Rule 6206.

269. Recommended Rules 6203, 6204, 6205, and 6206 are in the public interest and should be adopted.

Rule 6208. Tariffs.³⁰

Rule 6209. Time Schedules.

270. The Tariff and Time Schedule Rules are discussed together. The regulatory scheme of Tariffs, Advice Letters and Schedules which must be filed and approved by the Commission is increasingly inconsistent with current market conditions. Staff's Proposed Rules included options for flexible tariffs and the NOPR at page 8 requests comments on those proposed Rules 6207 and 6208 along with a legal analysis. No Commenter submitted legal analysis, but several were in favor of any type of flexibility in rates that would allow them to compete against the TNCs. Unfortunately, the Commission is unable to obtain a legal opinion that a flexible tariff filing comports with §§ 40-3-103(1) and 40-3-104, C.R.S. The Large Market Taxicab Services carriers have obtained legislative changes that allow flexible tariffs. The remaining geographic areas are not covered by the new statute, Therefore, I must recommend

²⁹ The General Assembly could remove of some of these requirements. One can reasonably question why Commission approval is necessary for sales transfers or encumbrances. The Commission's intent could be satisfied with submission of insurance and safety reports.

³⁰ A review of the PUC filings indicates the number of mistakes, changes, and refilings that the current system requires. By way of example, DJ Turman Enterprises LLC, doing business as Old Town Tours/Shuttle filed their original Tariff incorrectly (ten days' notice). They were required to file an amended tariff which had to be noticed for 30 days High Life Promotions also made mistakes on their original ten-day noticed Tariff, and were required to file an amended tariff and then the notice period became 30 days. Colorado Craft Tours had similar problems. These incidents create administrative burdens on Staff and burden business operations.

rejection of the proposal for flexible tariffs. Recommended Rules 6208 and 6209 are substantially shorter and simpler than Current Rules 6207 and 6208. It is in the public interest to adopt these Recommended Rules.³¹

16. Rule 6210. Contract Carriers.

271. This Recommended Rule is almost identical to Proposed Rule 6209, which contained minor grammatical and stylistic changes to the Current Rule. No Commenter objected to the proposed changes. It is in the public interest to adopt Recommended Rule 6210.³²

17. Rule 6211. Refusal of Service.

272. This rule is almost identical to Proposed Rule 6210 which deleted the almost unenforceable requirement of “courtesy”. The Recommended Rule changes the title from Refusal of Service and Driver Courtesy to Refusal of Service. There were no comments about the Proposed Rule. It is in the public interest to adopt Recommended Rule 6211.

18. Rule 6212. Annual Reports.

273. Proposed Rule 6212 is similar to Current Rule 6212, but the Proposed Rule deleted paragraph b. This Recommended Rule 6212 adopts the Proposed Rule. There were no comments relating to Proposed Rule 6212. It is in the public interest to adopt Recommended Rule 6212.

³¹ At the end of this Recommended Decision, I propose, once again, modifications to current legislation that removes the obligation to file and obtain approvals of tariffs and time schedules. These legal concepts under public utility law should not apply to these fast changing markets.

³² This is another legacy concept that should be changed by the Colorado Legislature. The Commenters objected to the length of time that it takes to obtain a decision from the Commission approving these contracts, claiming that if they were seasonal contracts, the carrier lost any ability to make money on the contract.

19. Rule 6213. Forms of Payment

274. Recommended Rule 6213 is identical to both Current Rule 6215. There were no comments submitted. It is in the public interest to adopt Recommended Rule 6213.

275. Rules 6214-6249. Reserved.

D. Taxicab Carrier Rules.

1. Rule 6250. Applicability of Taxicab Carrier Rules.

276. Recommended Rule 6250 is identical to Current Rule 6250, other than for the naming conventions. No comments were submitted. It is in the public interest to adopt this rule.

2. Rule 6252. Notices.

277. This Recommended Rule is almost identical to the Current and Proposed Rule, other than for some grammatical and stylistic changes. In addition, a paragraph (c) is added that allows the use of a digital screen for the notices in lieu of the posted notices. It is in the public interest to adopt Recommended Rule 6252.

3. Rule 6253. Service: Multiple Loading; Routing; Quality.

278. This Recommended Rule deletes current requirements to obtain phone numbers or e-mail addresses and the maximum pick up times. These are not safety issues. No comments were submitted. It is in the public interest to adopt this rule.

4. Rule 6254. Record Keeping.

279. This Recommended Rule is almost identical Current and Proposed Rule 6256, other than stylistic changes. No comments were submitted. It is in the best interests of the public to adopt this rule.

5. Rule 6255. Maximum Rates for Transportation to and from Denver International Airport and within the Denver Downtown Area.

280. Proposed Rule 6257(d)(VI) added a new Zone D, changes to Zone C, and a proposed flat rate within Zone A at 6257(c). No Commenter objected to the new Zone D or the changes to Zone C. Visit Denver requested that Zone A, the downtown area, include the new development at RHINO. In the Recommended Rules, Zone A now includes that area. In addition, this Recommended Rule includes a flat charge within Zone A of \$8 and a \$3 drop off fee for multiple loading. This Recommended Rule has been rewritten to provide clarity and to remove duplications. It is in the public interest to adopt this rule.

6. Rule 6256. Taxicab License Plates.

281. Recommended Rule 6256 is identical to Proposed Rule 6260 which is a new rule. There was not mention of Proposed Rule 6260 in the NOPR. However, there were no comments submitted objecting to this rule. It is in the public interest to adopt this rule which clarifies the use of taxicab and license plates and luxury limousine license plates.

7. Rule 6257. Conversion to a Transportation Network Company.

282. The 2014 TNC legislation allowed the Commission to develop rules to the conversion of a Taxicab or Shuttle Service to a TNC. Staff's Proposed Rule 6259 merely quoted the statute and referred to the filing of an application for a Permit and to Suspend. This Recommended Rule allows the Taxicab or Shuttle Service to make *pro rata* payments over 12 months of the \$111,250 fee for the first year. In addition, this Recommended Rule allows the Taxicab or Shuttle Service to elect not to proceed with the conversion in which event no further payments are due. Because Taxicab Carriers and Shuttle Services have already invested a large amount of money in their Authority, it seems unreasonable and burdensome to require them to pay this large amount of money at the front end. Further, Commenters stated this amount was

currently prohibition of a barrier to conversion (February 2, 20 Transcript p. 85). The amount of the payment, which is an annual payment, is, for a small company a barrier to convert. This is a reasonable accommodation to make and is in the public interest.

283. Rule 6258-6299. Reserved.

E. Limited Regulation Carrier Rules

1. Rule 6300. Applicability of Limited Regulation Carrier Rules.

284. Recommended Rule 6300 is similar to Current Rule 6300 other than for formatting changes to make it consistent with the capitalized protocol that is being used.

2. Rule 6301. Definitions.

285. The definitions in Recommended Rule 6301 are similar to what is in Current Rule 6301. However, certain defined terms have been added—all of the limited regulation carrier types that have not been in the Current Rule: Children’s Activity Bus; Medicaid Client Transport; Medicaid Non-emergent Medical Transportation Contract; Medicaid Non-medical Transportation Contract; and Off Road Scenic Charter.

286. After much discussion, the definition of Luxury Limousine Service has been modified so that it now reads: “Luxury Limousine Service” is a luxurious specialized transportation service provided by a Luxury Limousine Carrier with great comfort, quality, and ease of use that is not usually available from Common Carriers.

287. “Couch Seat” from the Proposed Rule is rejected because those restrictions are rejected.

288. “Trip Ticket” has also been added.

3. Rule 6302. Application and Permit

289. There is currently no rule with respect to an application for a permit by a limited regulation carrier. Staff proposed Rule 6302 a new rule. One of the proposals was to exempt renewal applications from the obligation to submit the periodic inspection report. Staff has been doing this and wished to codify its approach in the rule. Apparently, the reason was that sometimes the applicant had recently obtained a periodic inspection report and it would be onerous to require a new one and that Enforcement Officials could deal with it when they conducted a site-visit. The NOPR did not explain this approach.

290. While Staff's concern is laudable it is not in the best interests of the public. Recommended Rule 6302 adopts some of the language proposed by Staff but requires that the applicant submit a periodic vehicle inspection report that is no older than 120 days as a condition of obtaining a permit. It kicks the can down the road to be enforced by the limited resources of the Enforcement Team and is not a reasonable use of resources.

291. Adoption of Recommended Rule 6302 is in the public interest.

4. Rule 6303. Luxury Limousine exterior Vehicle Markings, Signs, or Graphics.

292. Some of the limousine carriers did not want any markings on their vehicles, other than the PUC number on the front and back. Others wanted to use trade names. Prohibiting trade names or company names on a limousine has no basis in safety and therefore the market should make the decision as to what is appropriate. Some limousine companies can continue to use what they regard as "discrete" and "classy" approaches, meaning only the PUC number. Other limousine companies can decide to use a company or trade name, so long as they do not use the name of a type of service they are not authorized to provide—such as taxi.

293. As a matter of safety and consumer protection, an argument can be made that the PUC number should be on the sides of the vehicle, not the front and back. There is the recent case in New York of a potential passenger being shot and killed because he attempted to get into a vehicle that he thought was an Uber Black, but it was a private car. However, in light of the challenging competitive market, it is ill-advised to impose an additional burden to change the signage on the limousine carriers at this time.

294. Recommended Rule 6303 is in the public interest and should be adopted.

5. Rule 6304. Livery License Plates.

295. This Recommended Rule is almost identical to Proposed Rule 6306. No one submitted comments. Recommended Rule 6304 is in the public interest and should be adopted.

6. Rule 6305. Luxury Limousine.

296. This rule entailed a lot of discussion and the Commenters were very frustrated with the Commission. By way of example, it has taken several of the carriers months to obtain a waiver to put a Tesla into service. Some of the carriers wanted a list. Some did not want a list. Staff reminded the group that there are over 704 luxury limousine carriers and although the 30 participants in the room might be responsible, the other 670 may not be as responsible. (February 2, 21 Hearing Transcript pp. 83-84.)

297. Staff's Proposed Rules required the installation of captain's chairs or couch seats to a van as Staff does not believe that vans with bench seats are luxurious. Commenters objected. Some of the limousine carriers stated that they have customers, such as backup acts for bands, who want the original bench seats and do not want to arrive in a high top van. This is an issue for the market and not regulation. However, a list is in the best interest of the public to ensure

that customers have the opportunity to get a luxury ride. The customer can determine the amount of “luxury” they can afford.

298. Proposed Rule 6305 includes the list as recommended by Staff, allows the use of the high end four-wheel pick-up trucks as requested (we do live in the West), a collectors vehicle eligible for a collectors license plate with a certified appraisal showing a value of at least \$15,000, as well as any vehicle for which the motor carrier has paid \$50,000 in the last six months. This latter provision would have allowed the use of the Tesla upon purchase.

299. Age Limits for Luxury Limousines is 15 years, requiring vehicles older than eight years or more than 150,000 miles to be inspected semi-annually. After 225,000 miles, the inspections must occur every three months.

300. Adoption of this Recommended Rule is in the public interest.

7. Rule 6306. Luxury Limousines—Operational Requirements, Prearrangement Required.

301. Proposed Rule 6309 was very similar to the Current Rule. However the proposed rule required that the charter order contain pricing information and be provided to the passenger. Staff indicated there had been instances of a passenger (who had not booked the trip) being unable to retrieve lost articles. The Luxury Limousine Carriers filed written comments and presented oral comments as to how their business works. They explained the business has changed and that some of them get referrals from out-of-town limousine companies, who do not want passengers to know the name of the company providing the service for fear of having that driver contacting the customer in the future or the customer contacting the driver.

302. One Commenter stated that she had terminated drivers for obtaining the name of the passenger. This problem only arises when the passenger is not a party to the contract. Under

all of these circumstances and in light of the explanation of how the business works, it is unreasonable to require the driver to keep in the vehicle a copy of the charter order and to provide it to the passenger.

303. The Commenters explained that sometimes the driver does not have the charter order, but only the trip ticket which does not include the price.

304. A resolution of this is to require that the charter order contain all of the information, including the price, but that the document is provided only to the parties to the contract. The driver must carry either the trip ticket (which does not include pricing information) or the charter order, and provide it to an Enforcement Official if asked. The passenger, who is not the party to the contract, will likely have a digital confirmation of the details of the pickup and drop off. Staff should keep track of any complaints and propose changes to the rules in the future if necessary. In this digital, web-based world we live in, we must be flexible and regulations should not be burdensome.

305. Recommended Rule 6306 is in the public interest and appears to balance the interests of the passenger, who is not a party to the contract, with the interests of the parties to the contract. Thus this rule should also remove concerns about the concept of Transportation Broker, which is still in the definitions in Rule 6001, but may not be applicable to current business relationships.

8. Rule 6307. Luxury Limousine Service Presumptions.

306. This Recommended Rule is identical to current Rule 6310 to which there were no changes and no comments. Its adoption is in the best interests of the public.

307. Current Rule 6311—Civil Penalties is deleted because these violations and penalties are now part of Rule 6018.

308. Rule 6308-6399. Reserved.

VII. SUMMARY AND SUGGESTED SOLUTIONS

309. The taxicab industry is and has been for over three years in financial free fall. The luxury limousine industry has similar problems, although not as severe.

310. The Governor in his 2014 signing letter requested that this Commission re-examine its common carrier regulations and consider whether the regulatory burdens Colorado currently places on taxis and limousines are appropriate and necessary.

311. The Governor repeated this request in June in his “non-signing” letter and expanded the request to include action by the General Assembly.

312. The Commission has taken few, if any actions to alleviate the regulatory burdens or to respond to the Governor’s requests.

313. Instead in 2014, leadership at the Commission imposed millions of dollars of fines against Denver cab companies for violation of the hours of service rules. Hours of service are important regulations to ensure that we have safe drivers. These cases were settled for fractions of the original penalties.

314. Two ALJs came to different decisions about the meaning of the hours of service regulations—one based on a plain reading and the other based on a course of conduct analysis.

315. Until this NOPR, the Commission took no steps to resolve these inconsistencies by adopting either a formal policy or opening a rulemaking.

316. The taxicab industry in Denver has spent hundreds of thousands of dollars on software to help it address the hours of service issue as required by current Rule 6255. The ability to both track hours of service and to lock a driver out who has exceeded the hours makes

enforcement simpler and efficient and protects the travelling public much more effectively than after the fact of auditing paper files and then imposing penalties.

317. The Commission has recently issued six CPCNS to new carriers who did not have the software required under Rule 6255, based on a misreading by the Rates and Authorities section of two decisions of the ALJs; but without advising the Commissioners of their conclusion. While a laudable goal to reduce market entry barriers, policy of this type should be articulated by the Commissioners after robust discussion and analysis.

318. The Enforcement section of the Transportation department needs a digital portal so that 1123 carriers can submit inspection reports for 5985 vehicles digitally. Rather than engage in triage, this portal must wait for another two or three years while the whole E-filing system is redone.

319. During the period 2014 through 2017, the Commissioners and Staff were busy with reviewing 507 requests for age waivers for 1373 vehicles, even though the Federal Motor Carrier System imposes no age limits on vehicles (1215 of the vehicles were granted age waivers).

320. The Transportation Section is facing a funding crises. I believe that its budget is approximately \$2.1 million (Commissioners are not given access to the budget, year-to-date actuals to budget, and have no input in the development of the budget³³), and is paid for with approximately \$1.6 million (my guesstimate) from the Uniform Motor Carrier Act Fund. If that money is not provided from the federal government, there will be no transportation section at the PUC. While assessing a fee on trips might be possible, choosing and implementing a method to

³³ The new process at the Commission is to put the Chief Administrative Law Judge in charge of the budget.

collect any fee will be lengthy and expensive. In my opinion, after reading the comments and holding the hearings, I doubt that industry would, at this time, agree to give the PUC more authority.

321. We currently exercise authority over 1123 carriers and probably 5985 vehicles. While several of these companies are larger, many of them are small one or two vehicle companies. Many of these smaller companies are operated by immigrant citizens who are attempting to work hard and achieve the American dream. They are all Colorado businesses who deserve our attention.

322. For various reasons, the Transportation Section has not been a high priority for Commissioners in Colorado. I think it is time that we make it a higher priority.

323. The above summary of the history and facts indicates to this Commissioner that the three of us need to solve these problems and so I make the following suggestions for consideration and discussion :

1. Recommend legislation this year to exempt common carriers and contract carriers from the obligation to file and obtain approval of rates, fees, and charges.

Let the market set the rates and allow these companies to offer discounts or premiums to customers—perhaps veterans, perhaps senior citizens—that is up to the companies.³⁴

2. Recommend legislation this year to remove our authority to review the transfer, sale, or encumbrance of assets as currently set forth in § 40-10.1-205, C.R.S.

Instead limit our authority to the ability to insist that the new owner file proof of insurance and updated vehicle inspections.

3. Within 90 days, convene a Commissioners' Information meeting so that the industry can address the full Commission with their concerns.

³⁴ This could be a very simple fix—Add to § 40-101.1-103, C.R.S., that Common Carriers and Contract Carriers are exempt from the requirements of §§ 40-3-104, 40-3-105, 40-3-106, 40-3-109, and 40-3-111, C.R.S.

4. Conduct at least one Commissioner Weekly Meeting at the mechanics garage and dispatch center operated jointly by Metro and Yellow cab. If that is not physically or technologically possible, conduct a Commissioners' Information Meeting at the garage.
5. Order that by June 15 of every year, an informational proceeding is noticed that includes every piece of legislation that affects the PUC or the industries we regulate and establish deadlines for the commencement of rule-makings and provide notice to the sponsors of the bills of the proceedings and any deadlines. Leadership at the Commission has become cavalier about implementing legislative changes, as well as directives from the Governor's office.³⁵
6. Use the Staff report in Recommended Rule 6018 as the basis to conduct regular meetings with industry to discuss whether or not rule changes or enforcement priorities are appropriate.
7. I make these suggestions with no ill will to the people in the Transportation Section and with no intent to demean them or apportion blame. We have problems and need to take steps to fix them.

324. This Recommended Decision finds and concludes that the attached Recommended Rules are reasonable and should be adopted.

325. In accordance with § 40-6-109, C.R.S., it is recommended that the Commission enter the following order:

VIII. ORDER

A. The Commission Orders That:

1. Commission Rules pursuant to 4 *Code of Colorado Regulations* 723-6-6000, *et seq.* contained in Attachment B to this Decision are adopted consistent with the discussion above. The adopted rules are available through the Commission's E-Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0796TR.

³⁵ It is not only the Governor's directive in the Transportation area that have been ignored by this Commission, the Commission failed to implement the 2014 Telecom Reform Act for almost two years and only after I wrote three dissents: see concurring and dissenting opinions in Decision Nos. C16-0184 (Onvoy); C16-0190 (CentruyTel); and C16-0191 (El Paso Telecom). The General Assembly is placing deadlines for the Commission to complete rulemaking in its legislation. *See*, for example, House Bill 18-1270

2. Any issues not addressed in the discussion above are rejected or denied.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.
 - a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

FRANCES A. KONCILJA

Hearing Commissioner

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6 RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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 cover an array of Carriers, including Common Carriers (such as Taxi, Shuttle and Sightseeing service), Contract Carriers, Limited Regulation Carriers (such as Charter Buses, Children's Activity Buses, Luxury Limousines, Medicaid Client Transport, Off-Road Scenic Charters, and Fire Crew Transport), Transportation Network Companies, Hazardous Materials Carriers, Nuclear Materials Carriers, Towing Carriers, and Movers. These rules address a wide variety of subject areas including, but not limited to: the issuance, extension, transfer, and revocation of Certificates and Permits to operate; public safety including vehicle inspections, hours of service, and insurance requirements; Tariff and time Schedule requirements; record keeping; service standards; Civil Penalties; and the identification, condition, and leasing of Motor Vehicles. In addition, these rules cover Persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504(a), including Motor Carriers, motor private carries, freight forwarders, brokers, leasing companies, and other Persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-7-112 and 113, 40-10.1-101 through 608;42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), 42-20-201, et seq., 42-20-501, et seq., and 24-4-104(4), C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. For Hazardous Materials Carriers and Nuclear Materials Carriers, rule 6010 and the related definitions in rule 6001 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, 6600, and 6700.

6001. Definitions.

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

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by the use of any oral, written, or graphic statement made in a newspaper or other publication, on radio,

television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property. § 40-10.1-101(1), C.R.S.

- (b) “Advice Letter” has the same meaning as set forth in paragraph 1004(d) of the Commission’s Rules of Practice and Procedure.
- (c) “Airport Official” means any Person, designated by the airport’s management or administration, who is connected with the operation, maintenance, security or servicing of the airport and identified by an airport identification badge.
- (d) “Annual Report” refers to the information required from Fully Regulated Intrastate Carriers as set forth in rule 6212.
- (e) “Authority” or “Authorities,” except as otherwise defined or contextually required, means a Certificate of Public Convenience and Necessity granted to a Common Carrier or the Permit granted to a Contract Carrier, or an emergency temporary Authority or a temporary Authority issued by the Commission. The Authority specifies the Type of Service, the authorized geographic area of service, and any restrictions limiting the authorized service.
- (f) “AVI” means Automatic Vehicle Identification Tag.
- (g) “Call-and-Demand”, “On Call-and-Demand”, or “Call-and-Demand Service” means the transportation of Passengers by a Common Carrier, but not on a Schedule.
- (h) “CBI” means the Colorado Bureau of Investigation.
- (i) “Certificate of Public Convenience and Necessity”, “Certificate” or “CPCN” means the Authority issued to a Common Carrier declaring that the present or future public convenience and necessity requires or will require stated operation.
- (j) “C.F.R.” means the Code of Federal Regulations.
- (k) “Charter Bus,” “Charter Basis,” and “Charter Order” refer to service by a Limited Regulation Carrier and are defined at rule 6301.
- (l) “Charter Service” is different from the service referred to in (k) above. Charter Service is transportation by a Common Carrier on a Call-and-Demand basis. The Passengers are individuals or groups of individuals who share a personal or professional relationship whereby all such individuals are members of the same affiliated group, including a family, business, religious group, social organization or professional organization. This does not include groups of unrelated individuals brought together by a carrier, Transportation Broker, or other third party.
- (m) “Children’s Activity Bus” means a type of Limited Regulation Carrier as defined in rule 6301.
- (n) “Commercial Motor Vehicle” is defined at paragraph 6101(b).
- (o) “Commission” has the same meaning as set for in paragraph 1004(h) of the Commission’s Rules of Practice and Procedure.
- (p) “Common Carrier” is a public utility as defined in § 40-1-102, C.R.S. and includes the obligation to indiscriminately accept and carry Passengers for Compensation. Common Carrier includes every

Person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state, by Motor Vehicle; except that the term does not include a Contract Carrier as defined by § 40-10.1-101(6), C.R.S.; a Motor Carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; a Limited Regulation Carrier defined by § 40-10.1-301, C.R.S.; a Large Market Taxicab Service defined by § 40-10.1-101(9.5) C.R.S.; a Transportation Network Company defined under § 40-10.1-602, C.R.S.

- (q) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly. § 40-10.1-101(5), C.R.S.
- (r) "Contract Carrier" means every Person, who, by special contract, directly or indirectly affords a means of Passenger transportation over any public highway of this state; except that the term does not include a Common Carrier defined in § 40-1-102, C.R.S., a Limited Regulation Carrier defined in § 40-10.1-301, C.R.S., a Transportation Network Company defined in § 40-10.1-602, C.R.S., or a Large Market Taxicab Service defined in § 40-10.1-101(9.5), C.R.S.
- (s) "CPAN" means a Civil Penalty Assessment Notice as further defined in rule 6017.
- (t) "Daily Vehicle Inspection Report" or "DVIR" refers to the inspection conducted by the Driver as set forth in rule 6105.
- (u) "DIA" means the Denver International Airport.
- (v) "Driver" means a Person who drives or applies to drive a Motor Vehicle for a Motor Carrier, regardless of whether such Person drives as an employee or Independent Contractor.
- (w) "Driver Qualification File" refers to the information required pursuant to rule 6108.
- (x) "Driver/Vehicle Compliance Report" or "DVCR" refers to the report prepared by an Enforcement Official as set forth in rule 6106.
- (y) "Driving Time" means all time spent at the driving controls of a Motor Vehicle operating in a for-hire capacity.
- (z) "Duplicating or Overlapping Authority" means transportation of the same Common Carrier Type of Service between the same points under two or more separate Authorities which are held by the same Fully Regulated Intrastate Carrier.
- (aa) "Employer" is defined at paragraph 6101(c).
- (bb) "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.
- (cc) "Enforcement Official" means either:
 - (I) any employee or Independent Contractor appointed or hired by the Director of the Commission, or the Director's designee, to perform any function associated with the regulation of transportation by Motor Vehicle; or
 - (II) "Enforcement Official," as that term is defined by § 42-20-103(2), C.R.S.
- (dd) "FBI" means the Federal Bureau of Investigation.

- (ee) "Flag Stop" means a point of service designated by a Common Carrier on its filed Schedule, which point is located between two scheduled points on the scheduled route.
- (ff) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (gg) "Fully Regulated Intrastate Carrier" means a Motor Carrier that is subject to market entry, economic, operational, and safety regulation by the Commission as a public utility pursuant to Article 10.1 of Title 40, C.R.S. Fully Regulated Intrastate Carriers include Common Carriers, such as Taxicab Carriers, Shuttle Service, formerly known as Limousine Service, Sightseeing Service, or Charter Service) and Contract Carriers.
- (hh) "Golf Cart" means a Golf Cart as defined in § 42-1-102(39.5), C.R.S.
- (ii) "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.
- (jj) "GVWR" means Gross Vehicle Weight Rating, the value specified by the Manufacturer as the loaded weight of a single Motor Vehicle.
- (kk) "Hazardous Materials Carrier" means a Motor Carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S. and is subject to the permitting requirements of the Commission, as set forth in § 40-20-201, C.R.S., et seq.
- (ll) "Household Goods Mover" or "Mover" refers to a Motor Carrier whose business is the moving of household goods from one location to another, as set forth in 40-10.1-501, C.R.S., et seq.
- (mm) "Independent Contractor" means "Independent Contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (nn) "Intrastate Commerce" means transportation, other than in interstate commerce, for Compensation, by a Motor Vehicle over the public highways between points in Colorado. § 40-10.1-101(9), C.R.S.
- (oo) "Large Market Taxicab Service" means indiscriminate Passenger transportation for Compensation in a Taxicab on a Call-and-Demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld as defined in § 40-10.1-101(9.5), C.R.S., and is not a Common Carrier.
- (pp) "Letter of Authority" means a document issued by the Commission to a Common or Contract Carrier which describes the permanent Authority granted by the Commission. A Letter of Authority is deemed to provide proof of Commission-granted Common or Contract Carrier Authority.
- (qq) "Limited Regulation Carrier" means a Person who provides service by Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine, Medicaid Client Transport, or Off-Road Scenic Charter as those terms are defined in § 40-10.1-301, C.R.S. and rule 6301.

- (rr) "Live Meter" means any Taxicab Meter that, without intervention from the Driver, automatically calculates changes in rates for Taxicab Service due to waiting time, traffic delay, or changes in the Taxicab's speed.
- (ss) "Low-power Scooter" means low-power scooter as defined in § 42-1-102(48.5), C.R.S.
- (tt) "Low-speed Electric Vehicle" means low-speed electric vehicle as defined in § 42-1-102(48.6), C.R.S.
- (uu) "Limousine Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate, and the use of the Motor Vehicle is not exclusive to any individual or group. Limousine Service is also referred to as Shuttle Service which is defined below. The term Limousine Service is distinguished from the term "Luxury Limousine Service" as used in Article 10.1 of Title 40, C.R.S. and is only used in historical authorities.
- (vv) "Luxury Limousine Carrier" is a type of Limited Regulation Carrier defined at rule 6305.
- (ww) "Manufacturer" means the final Person modifying the physical structure of a Motor Vehicle, such as the original Manufacturer or a Person subsequently modifying a Motor Vehicle's wheelbase in a Luxury Limousine Carrier.
- (xx) "Medicaid Client Transport" is a type of Limited Regulation Carrier defined at rule 6301.
- (yy) "Medicaid Non-emergent Medical Transportation Contract" is defined at rule 6301.
- (zz) "Medicaid Non-medical Transportation Contract" is defined at rule 6301.
- (aaa) "Meter" means a device that calculates charges for Passenger transportation and/or measurement of distance travelled by a Passenger.
- (bbb) "Motor Carrier" has the same meaning as set forth in paragraph 1004(s) of the Commission's Rules of Practice and Procedure and § 40-10.1-101(10), C.R.S.
- (ccc) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.
- (ddd) "Motor Vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby. § 40-10.1-101(11), C.R.S.
- (eee) "Multiple Loading" means the sharing of a Taxicab ride, or portion thereof, by unrelated traveling parties.
- (fff) "Nuclear Materials Carrier" means a Motor Carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S and subject to the permitting requirements through the PUC as set forth in § 42-20-501, et seq.
- (ggg) "Off-Road Scenic Charter" means a Limited Regulation Carrier that is further defined at rule 6301.
- (hhh) "On Duty" means:
 - (l) all time that a Driver is at a facility of the Motor Carrier as well as time waiting to be dispatched while on public property or at a commercial holding lot;

- (II) all time that a Driver is inspecting, servicing, or repairing a Motor Vehicle;
 - (III) all Driving Time;
 - (IV) all time a Driver spends sitting at the controls of a Motor Vehicle, performing any other work in the capacity, employ, or service of the Motor Carrier; and
- (iii) “Out-of-Service” is a state in which a Driver or vehicle is placed by an Enforcement Official due to a violation of Commission safety rules. When a Driver is placed Out-of-Service, the Driver shall not operate any vehicle in a for hire capacity until such time the Out-of-Service violation is cured. When a vehicle is placed Out-of-Service, the vehicle shall not be operated in a for-hire capacity until such time the Out-of-Service violation is cured.
- (jjj) “Passenger”, except as otherwise specifically defined or contextually required, means any Person, other than a Driver, occupying a Motor Vehicle including any assistance animals as defined in § 24-34-803, C.R.S.
- (kkk) “Passenger Carrier” is defined in rule 6114.
- (III) “Permit” means the Permit issued to: a Contract Carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S.; a Limited Regulation Carrier pursuant to part 3 of Article 10.1 of Title 40, C.R.S.; a Towing Carrier pursuant to part 4 of Article 10.1 of Title 40, C.R.S.; a Household Goods carrier pursuant to part 5 of Article 10.1 of Title 40, C.R.S.; a Transportation Network Company pursuant to part 6 of Article 10.1 of Title 40, C.R.S.; a Large Market Taxi Service pursuant to part 7 of Article 10.1 of Title 40, C.R.S.; a Hazardous Materials Carrier pursuant to Article 20 of Title 42, C.R.S.; or a Nuclear Materials Carrier pursuant to Article 20 of Title 42, C.R.S.
- (mmm) “Person” has the same meaning as set forth in paragraph 1004(w) of the Commission’s Rules of Practice and Procedure and at § 40-10.1-101(15), C.R.S.
- (nnn) “Principal” means a Person who:
- (I) participates directly or indirectly in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
 - (II) is authorized to act on behalf of an entity;
 - (III) participates in the election, appointment, or hiring of Persons that are authorized to act on behalf of an entity; and
 - (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission’s jurisdiction, irrespective of his/her formal title or financial interest in the entity.
- Examples of Principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.
- (ooo) “Roof Light” means a light attached to the roof or extending above the roofline of a Taxicab for the purpose of displaying information.

- (ppp) "Salvage Vehicle" means a vehicle branded as a Salvage Vehicle by any state, or the insurer of the vehicle as further set forth in § 42-6-102(17), C.R.S.
- (qqq) "Scheduled Service", "On Schedule", or "Schedule" means the transportation of Passengers by a Common Carrier between fixed points and over designated routes at established times as specified in the Common Carrier's Tariff filed with and approved by the Commission.
- (rrr) "Seating Capacity" means, the greatest of the following:
- (I) the total number of seats as designed by the original Manufacturer;
 - (II) the total number of seat belts, including the Driver's, in a Motor Vehicle;
 - (III) the number generated by adding:
 - (A) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;
 - (B) the number of single-occupancy seats, including the Driver's seat if it is not part of a split-bench seat; and
 - (C) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number; and
 - (IV) the total number of seating positions within the vehicle.
 - (V) Auxiliary seating positions, such as folding jump seats, shall be counted in determining Seating Capacity.
- (sss) "Shuttle Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate and use of the Motor Vehicle is not exclusive to any individual or group. Historical Certificates of Public Convenience and Necessity refer to this service as Limousine Service which is different than Luxury Limousine Service that is provided by a Limited Regulation Carrier.
- (ttt) "Sightseeing Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places or natural, historic, or scenic interest.
- (uuu) "Special Bus Service," "Special Bus Transportation", or "Special Bus" is defined in rule 6201.
- (vvv) "Tariff" means a schedule showing all rates and charges to be assessed by a Fully Regulated Intrastate Motor Carrier, for all transportation and accessorial services. The Tariff also discloses all rules and conditions relating its rates and services, and time Schedules as applicable.
- (www) "Taxicab" means a Motor Vehicle with a Seating Capacity of eight or less, including the Driver, operated in Taxicab Service. § 40-10.1-101(18), C.R.S.
- (xxx) "Taxicab Carrier" means a Common Carrier with a Certificate to provide transportation in a Taxicab on a Call-and-Demand basis, with the first Passenger therein having exclusive use of the Vehicle unless said Passenger agrees to Multiple Loading.

- (yyy) "Taxicab Service" means an indiscriminate Passenger transportation service provided by either a Large Market Taxicab Service carrier or a Taxicab Carrier, on a Call-and-Demand basis, with the first Passenger having exclusive use of the Taxicab unless such Passenger agrees to Multiple Loading. § 40-10.1-101(9.5) and (19), C.R.S.
- (zzz) "Towing Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.5 of Title 40, C.R.S. and rule 6500, et seq.
- (aaaa) "Transfer" is defined at paragraph 6201(h).
- (bbbb) "Transportation Broker" means a Person, who, for Compensation, arranges, or offers to arrange, for-hire, transportation of Passengers by a Motor Carrier under authority not operated by the Transportation Broker.
- (cccc) "Transportation Network Company" or "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 Taxicab 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. § 40-10.1-602(3), C.R.S.
- (dddd) "Type of Service" means any one of the following services provided by a Common Carrier under its Certificate of Public Convenience and Necessity: Charter, Shuttle, Sightseeing, Taxicab, or Scheduled.
- (eeee) "Unified Carrier Registration Agreement" or "UCR" or "UCR Agreement" refers to all Persons, Motor Carrier, freight forwarders, brokers, leasing companies or other Persons who are required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. 14504(a).
- (ffff) "Vehicle Inspection" refers to the annual or periodic safety inspection of vehicles pursuant to rule 6104.
- (gggg) "Vehicle Maintenance File" refers to the information required by rule 6112.
- (hhhh) "Vehicle Stamp" or "Motor Vehicle Identification Stamp" refers to the stamp issued pursuant to rule 6102 and § 40-10.1-111, C.R.S.

6002. Applications.

Any Person may seek Commission action regarding any of the following matters through the filing of an appropriate application and in compliance with Commission rules on completeness as set forth in paragraphs 1303(b) and (c) of the Commission's Rules of Practice and Procedure, to do or obtain the following:

- (a) the grant or extension of Authority, temporary Authority or emergency temporary Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rules 6203 and 6204;

- (b) voluntarily abandon or suspend an Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rule 6205;
- (c) Transfer any Authority to operate as a Fully Regulated Intrastate Carrier, to acquire control of any Fully Regulated Intrastate Carrier, or to merge or consolidate a Fully Regulated Intrastate Carrier with any other entity, as provided in rule 6206;
- (d) amend a Tariff or time Schedule on less than statutory notice, as provided in rules 6208 and 6209;
- (e) convert a Common Carrier Authority for Taxicab or Shuttle Service, in whole or in part, to a Transportation Network Company as provided in § 40-10.1-605(n), C.R.S. and rule 6257;
- (f) permit to operate as a Part 3 Limited Regulation Carrier;
- (g) permit to operate as a Part 7 Large Market Taxicab Service carrier;
- (h) permit to operate as a Part 4 Towing Carrier; or
- (i) permit to operate as a Part 5 Household Goods Mover.

6003. Petitions.

- (a) Any Person may seek Commission action regarding any of the following through the filing of an appropriate petition:
 - (I) for a waiver or variance of a Commission rule, as provided for in rule 1003 of the Commission's Rules of Practice and Procedure by establishing hardship, seeking equity, or a more effective implementation of overall policy on an individual basis;
 - (II) for issuance of a declaratory order, as provided in paragraph 1304(i); or
 - (III) to commence a rulemaking as provided in rule 1306.
- (b) A Person seeking a waiver of rule 6109 (Medical Fitness), rule 6117 (Age and Condition of Motor Vehicle) or rule 6305 (Luxury Limousine Vehicle) shall file a completed petition using the form approved by the Commission and available on its website. Each petition must include the supporting information requested by the Commission-prescribed form. If the petition does not include all the requested information, the Commission may find the petition incomplete, dismiss the petition without prejudice, and close the proceeding.
- (c) The notice and intervention period for petitions that seek a waiver of rule 6117 shall expire ten days from the date the notice was mailed; the notice and intervention period for petitions that seek a waiver of rule 6305 shall expire ten days from the date the notice was mailed.

6004. UCR Registration.

A Person may seek Commission action through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rules 6400 through 6499.

6005. Naming Requirements, Contact Information, and Changes.

- (a) No Person shall operate under a name or trade name that identifies a transportation service not currently authorized by its Certificate or Permit (e.g., a Limited Regulation Carrier or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name).
- (b) A Motor Carrier is required to provide contact information to the Commission and to notify the Commission in writing of any change of name, 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 all of the affected Motor Carrier's Certificates, Permits, registrations and/or Vehicle Stamps. A notice of name change including trade name changes and trade name additions shall include copies of documents filed with or issued by the Colorado Secretary of State.
 - (I) In the event of a name change or an address change, the Motor Carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility and Tariffs.
 - (II) No name change shall be effective until proper proof of financial responsibility, as set forth in rule 6008, in the Motor Carrier's new name has been filed with the Commission.
- (c) If a Towing Carrier wishes to begin providing storage for towed Motor Vehicles at a new or additional storage facility, the Towing Carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.

6006. Designation of Agent, Service, and Notice.

- (a) In addition to providing contact information as set forth in rule 6005 above, each Motor Carrier shall file in writing with the Commission, its designation of the name, mailing address, and physical address of a Person upon whom service may be made of any lawful notice, order, process, or demand. The named Person is the Motor Carrier's designated agent for service as provided in these rules and under Colorado statutes. A Motor Carrier shall not designate the Secretary of State of Colorado as its designated agent. The Person designated, if a natural Person, shall be at least 18 years of age. The address and domicile of the Person designated shall be in the state of Colorado.
- (b) Each Motor Carrier 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 Motor Carrier's named designated agent, as on file with the Commission, shall be deemed to be service upon the Motor Carrier.
- (d) Notice sent to the Motor Carrier's designated agent on file with the Commission shall constitute prima facie evidence that the Motor Carrier received the notice.

6007. Commission's Records, Authority to Inspect Records, Motor Vehicles, and Facilities and to Interview Personnel.

- (a) A Motor Carrier is obligated to ensure the accuracy of any information it provides to the Commission pursuant to these rules. Any information provided pursuant to these rules by a

Motor Carrier for the Commission's files shall be deemed to be accurate until changed by the Motor Carrier.

- (b) Motor Carriers shall maintain all records required by these rules, or as ordered by the Commission, for three years and have the option to maintain the records in electronic format or in their original format.
- (c) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.
- (d) The Motor Carrier must maintain evidence of its Authority or Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (e) An Enforcement Official has the authority to interview personnel of a Motor Carrier and to inspect records, Motor Vehicles used in providing transportation service, and the facilities of a Motor Carrier as follows:
 - (I) immediately for any records required to be maintained in a Motor Vehicle or with the Driver, including towing authorizations, Mover estimates for service, Mover contracts for service, or any records related to insurance or safety;
 - (II) within two days for any records related to a complaint or investigation; or
 - (III) within ten days for all other records.
- (f) When a request under paragraph (e) of this rule meets multiple time periods, the shortest time period shall apply.
- (g) Upon request of an Enforcement Official during business hours, a Motor Carrier shall immediately make its facilities available for inspection.
- (h) Upon request by an Enforcement Official, a Motor Carrier, including its Drivers, shall immediately make its Motor Vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.
- (i) Upon request by an Enforcement Official, Motor Carrier personnel and Drivers shall be available for interview during business hours.
- (j) No Motor Carrier shall make or cause to be made fraudulent or intentionally false statements or records to the Commission or Commission staff.
- (k) No Person shall knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record, subject to inspection by the Commission.
- (l) No Motor Carrier, its agents, or its representatives, shall produce or retain false records or records the Motor Carrier, its agents, or its representatives knew or should have known to be false or inaccurate. The Motor Carrier shall be responsible for the accuracy of the records it retains and produces.

6008. Financial Responsibility.

- (a) Financial responsibility requirements.

- (I) Motor Vehicle liability coverage. Every Motor Carrier shall obtain and keep in force at all times commercial Motor Vehicle liability insurance coverage or a surety bond providing coverage that conforms to the requirements of this rule. Motor Vehicle liability means liability for bodily injury and property damage. Coverage shall be combined single limit liability. The minimum level for public entities, as defined in § 24-10-103(5), C.R.S., shall be the maximum amount pursuant to § 24-10-114(1), C.R.S. The minimum levels for all other Motor Carriers shall be:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Motor Carriers of Passengers	8 or less	\$ 500,000
	9 through 15	\$1,500,000
	16 through 32	\$3,000,000
	33 or more	\$5,000,000
Public Entities	Any	The maximum amount per § 24-10-114(1), C.R.S.
Movers	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000

- (II) To demonstrate proof of commercial Motor Vehicle liability coverage, all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Household Goods Movers, and Large Market Taxicab Service carriers shall cause one of the following to be filed with the Commission: a Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, a Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, or a certificate of self-insurance issued pursuant to §§ 10-4-624 and 42-7-501, C.R.S. or Part 387 of 49 C.F.R.
- (A) The applicable Form E or Form G shall be executed by a duly authorized agent of the insurer or surety.
- (B) Upon renewal of the certificate of self-insurance, the Common Carrier, Contract Carrier, Limited Regulation Carrier, Household Goods Mover, Towing Carrier or Large Market Taxicab Service carrier shall file with the Commission a copy of the most current version of such certificate of self-insurance.
- (III) Cargo liability coverage. Every Mover and Towing Carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that conforms to the requirements of this rule. Cargo liability coverage for a Towing Carrier

shall include coverage of physical damage to the Motor Vehicle in tow (on hook) and loss of its contents.

- (A) For Towing Carriers the cargo liability coverage shall provide coverage to the extent of the Towing Carrier's legal liability for loss or damage to the property of any Persons other than the insured, which is carried in, upon, or attached to the towing vehicle and/or its trailers or dollies operated by, or for, or under the control of the Towing Carrier.
 - (B) For Movers, the minimum level of cargo liability coverage shall be \$10,000.00 for loss of or damage to household goods carried on any one Motor Vehicle, or sixty cents (\$0.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
 - (C) All Movers or Towing Carriers shall cause a Form H, Uniform Motor Carrier Cargo Certificate of Insurance, or a Form J, Uniform Motor Carrier Cargo Surety Bond, to be filed with the Commission. For a Towing Carrier, a Colorado Form 12-INS, Towing Carrier Cargo Liability Insurance Certificate may be used in lieu of the Form H. The applicable form shall be executed by a duly authorized agent of the surety.
- (IV) Garage keeper's liability coverage. Towing Carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage.
- (A) 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, other than the insured, which is stored by the Towing Carrier directly or through an agent.
 - (B) All Towing Carriers shall cause a Colorado Form 14-INS, Garage Keepers Legal Liability Certificate of Insurance, to be filed with the Commission.
- (V) Workers' Compensation insurance coverage. Every Towing Carrier shall obtain and keep in force at all times workers' compensation insurance coverage in accordance with § 40-10.1-401(3), C.R.S., the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S., and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
- (A) If workers' compensation insurance coverage is required, the Towing Carrier shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
 - (B) If a Person has proof of workers' Compensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the Person is required to maintain such insurance.
 - (C) If workers' compensation insurance coverage is not required, the Towing Carrier shall cause:
 - (i) for corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers'

Compensation Form WC43 including a part B for each Person listed on part A; or

- (ii) for other Towing Carriers, a statement that workers' compensation insurance coverage is not required.
- (VI) General liability coverage. In addition to the Motor Vehicle liability coverage and, the cargo liability coverage, set forth above, every Mover shall obtain and keep in force at all times general liability insurance coverage, or surety bond, providing coverage of not less than \$500,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage. All Movers shall cause a Colorado Form GL, General Liability Certificate of Insurance to be filed with the Commission.
- (b) The Motor Carrier shall ensure that insurance or surety bond coverage:
- (I) is provided only by insurance or surety companies authorized to provide such coverage in the state of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and § 42-7-501, C.R.S.;
 - (II) is not less than the minimum limits set forth under paragraph (a) of this rule;
 - (III) covers all Motor Vehicles which may be operated by or for the Motor Carrier, or which may be under the control of the Motor Carrier, regardless of whether such Motor Vehicles are specifically described in the policy or amendments or endorsements thereto;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the Motor Carrier on a "first dollar"/"dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the Motor Carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a Motor Carrier to pay insurance or surety benefits directly to a party damaged by said Motor Carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the Motor Carrier's insurance or surety policy.
- (c) The provisions of subparagraphs (IV) through (VI) of paragraph (b) do not apply to Motor Carriers with regard to proof of self-insurance pursuant to 49 C.F.R. Part 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (b) do not apply to workers' compensation requirements for Towing Carriers pursuant to § 40-10.1-401(3), C.R.S.
- (d) The Motor Carrier shall retain each original insurance or surety policy for required coverage and keep a copy of its proof of Motor Vehicle liability coverage in each Motor Vehicle that it operates.
- (e) The Motor Carrier's failure to have proof of liability coverage or compliance with workers' compensation insurance requirements, on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the Carrier is in violation of the requirements of this rule.

- (f) The Motor Carrier shall ensure that the policy and the forms noted in this rule contain the Motor Carrier's exact name, trade name (if any), and address as shown in the records of the Commission.
- (g) Any change affecting the policy, including but not limited to a cancellation and or change rating or premium, and the information contained in forms noted in this rule (e.g., name, address, or policy number) shall be filed with the Commission on an appropriate endorsement or amendment within seven days of receipt.
- (h) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
- (i) Except as provided in paragraph (j) of this rule, each certificate of insurance and/or surety bond required by and filed with the Commission shall be kept in full force and effect unless and until canceled or not renewed upon 30-days advance written notice, on a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies, a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds, Form BMC 35, or Form BMC 36, as applicable, from the insurer or surety to the Commission. The 30-day cancellation or non-renewal notice period shall commence on the date the notice is received by the Commission. In lieu of the prescribed form, the insurer or surety may cancel or not renew a certificate of insurance and/or surety bond by letter to the Commission containing the same information as required by such form.
- (j) 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 canceled. For purposes of this paragraph, type of coverage means those listed in paragraph (a) of this rule, and category of coverage means primary coverage or excess coverage.
 - (II) When the Commission grants an application filed by a regulated Motor Carrier, or receives notice from any other type of Motor Carrier to cancel all of its Authorities and Permits, all certificates of insurance and/or surety bond for the Motor Carrier shall be administratively canceled.
 - (III) When a Permit expires or is canceled or revoked, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.
 - (IV) When a Contract Carrier Permit or Certificate is suspended, revoked or abandoned, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.

6009. Summary Suspension and Revocation for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Motor Carrier's or a Nuclear Materials Carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Authority or Permit.

- (b) Whenever Commission records indicate that a Towing Carrier's workers' compensation insurance coverage is or will be canceled and the Commission has no proof on file indicating replacement coverage, or documentation filed demonstrating that coverage is not required, in accordance with rule 6008 the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Permit.
- (c) 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.
- (d) The summary suspension shall be effective on the date of coverage cancellation.
- (e) The Commission shall notify the Motor Carrier or Nuclear Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (II) that its Authority or Permit is summarily suspended as of the coverage cancellation date;
 - (III) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date;
 - (IV) that the Commission has initiated a proceeding to revoke its Authorities or Permits;
 - (V) that it may submit, at a hearing convened to determine whether its Authorities or Permits should be revoked, written data, views, and arguments showing why such Authorities or Permits should not be revoked; and
 - (VI) the date, time, and place set for such hearing.
- (f) Until proper proof of insurance or surety coverage, or documentation demonstrating that coverage is not required as to workers' compensation insurance coverage, is filed with the Commission, a Motor Carrier or Nuclear Material Carrier receiving notice of summary suspension shall not, under any of its Authorities or Permits, conduct operations after the effective date of such summary suspension.
- (g) If the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required prior to the hearing, the summary suspension will be dismissed without further order of the Commission, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (h) After the hearing and prior to a final decision by the Commission, if the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required, the Commission shall dismiss the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (i) After the hearing and upon proof of violation of the financial responsibility requirements by a final Commission decision, the Authority or Permit will be revoked.
- (j) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6010. Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/ Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Hazardous Materials Carrier's insurance or surety coverage is canceled and the Commission has no proof on file indicating replacement coverage, the Permit is automatically revoked pursuant to § 42-20-202(2)(a), C.R.S.
- (b) The Commission shall notify the Hazardous Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation and the effective date of the cancellation; and
 - (II) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date.
- (c) Operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6011. Summary Suspension and Revocation for Violation of Commission Rule or Order or for Endangering Public Health, Safety and Welfare.

- (a) The Commission may summarily suspend a Motor Carrier's Certificate or Permit in accordance with § 24-4-104(4), C.R.S., and pursuant to the following process.
 - (I) When Commission staff has objective and reasonable grounds to believe that a Motor Carrier has willfully and deliberately violated Commission rules or applicable statutes, based on a reasonable ascertainment of the underlying facts on which this action is based, or that the public health, safety, or welfare imperatively requires emergency action, the Director of the Commission may issue a letter incorporating such findings that summarily suspends the Motor Carrier's Certificate or Permit.
 - (II) "Willful and deliberate," for purposes of this rule, means a deliberate, voluntary, or intentional action or inaction that is in violation of the applicable rules, statutes, or any other lawful order. Willful and deliberate acts include: the same or similar action for which a Person has already been warned; reckless or dangerous action; action done without regard to the consequences or the rights or safety of others; fraudulent action; conduct without the proper authority or engaging another Person who performs without the proper authority.
 - (III) The letter of summary suspension by the Director of the Commission and the notice of hearing shall be served on the Motor Carrier along with supporting information.
 - (IV) Unless otherwise requested by the Motor Carrier, an Administrative Law Judge (ALJ) shall promptly hold a hearing no later than ten days after the Director of the Commission's letter of summary suspension was served on the Motor Carrier. The ALJ will expedite the issuance of a decision after hearing.
- (b) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6012. Revocation of Limited Regulation Permits, Towing Permits, Household Goods Mover Permits for Failure to Pay Civil Penalty.

- (a) When a Motor Carrier operating under a Limited Regulation Carrier Permit issued pursuant to Part 3 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (b) When a Motor Carrier operating under a Towing Carrier Permit issued pursuant to Part 4 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director may be disqualified from applying for a Permit for up to 60 months from the date the penalty payment was due.
- (c) When a Motor Carrier operating under a Household Goods Mover Permit issued pursuant to Part 5 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6013. Period of Ineligibility.

- (a) In addition to the periods of ineligibility under rule 6012, a Motor Carrier whose Certificate or Permit is revoked shall be ineligible to be issued another Certificate or Permit for at least one year from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (b) A Motor Carrier whose Certificate or Permit is revoked more than twice shall be ineligible to be issued another Certificate or Permit for at least two years from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (c) In the case of an entity other than an individual, such period of ineligibility shall also apply to all Principals, members, owners, managers, officers, and directors of the entity, without regard to capacity in the same or different entity during the period of ineligibility.
- (d) Paragraphs (a) and (b) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility requirements of rule 6008, unless the Motor Carrier knowingly operated without the required financial responsibility.
- (e) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law. To the extent that there is a conflict between this rule and the periods set forth in rule 6012, the longer period of disqualification shall apply.

6014. Prohibited Credit Card Fees.

Motor Carriers and Drivers are prohibited from imposing a surcharge on any Passenger or customer who uses a credit or charge card in lieu of payment by cash as set forth in § 5-2-212, C.R.S. The Civil Penalty is the greater of \$225 or two times the amount of the improper charge.

6015. Exterior Vehicle Markings, Signs, Graphics and Roof Lights.

- (a) All Motor Vehicles, with the exception of Luxury Limousines which are covered by rule 6303, must have external markings as detailed below. The markings must:
 - (I) appear on both sides of vehicles or on the front and back of the vehicle;
 - (II) be in letters that contrast sharply in color with the background on which the letters are placed;
 - (III) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
 - (IV) be maintained in a manner that retains the legibility required above;
 - (V) display the name or a trade name as set forth in its Certificate(s), Contract Carrier Permit(s), or Towing Carrier Permit(s);
 - (VI) display the letter and/or number designation of the carrier's Certificate(s) and or Permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
 - (VII) either be painted on the Motor Vehicle or consist of a removable device.
- (b) Subparagraphs (a)(V) and (a)(VI) shall not apply to a Commercial Motor Vehicle that is subject to 49 U.S.C. Section 14506 regarding restrictions on identification of vehicles.
- (c) Roof Lights. Except as otherwise required by law, only a Taxicab operated by a Common Carrier under an Authority to provide Taxicab Service or a Large Market Taxicab Service may have a Roof Light. In lieu of a Roof Light, a digital light providing identifying information may be installed on the condition that it is placed in the front and rear windshield and does not obstruct the Driver's view.
- (d) A Motor Carrier shall remove all markings, including Roof Lights, required or authorized by this rule from a Motor Vehicle that the Motor Carrier is permanently withdrawing from service.

6016. Restrictions on Offering or Advertising Transportation Service.

- (a) No Person shall offer to provide a transportation service without an Authority or Permit to provide such service.
- (b) Advertising to arrange transportation service as a Transportation Broker is not an offer to provide transportation service; rather, it is an offer to broker transportation service. A Person shall be presumed to have offered transportation service if the Person has not disclosed the fact that the services are being arranged by a Transportation Broker.

- (c) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (d) No Motor Carrier, or any officer, agent, employee, or representative of said carrier, shall offer a transportation service in a name, to the character, other than a name appearing on said carrier's Authority or Permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation).
 - (I) If a Motor Carrier operates its Authority or Permit under a trade name, nothing in this paragraph shall be construed to require advertising under all names appearing on said carrier's Authority or Permit.
 - (II) If a Motor Carrier holds an Authority or Permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.
- (e) Each advertisement of a Mover shall include the phrase "CO PUC Mover Permit No. [HHG Permit number]" and the physical address of the Mover.
- (f) Each advertisement of a Towing Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC. [T- Permit number]" of the Towing Carrier.
- (g) Each advertisement of a Luxury Limousine Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC [LL- Permit number]".

CIVIL PENALTIES

6017. Definitions

The following definitions apply to rules 6018 and 6019, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Civil Penalty" means any monetary penalty assessed against a Person as the result of violations of statutes in Articles 7 and 10.1 of Title 40, C.R.S. and violations of the safety regulations published in 49 C.F.R. 382 (Controlled Substances and Alcohol Use and Testing); 392 (Driving Commercial Vehicles); 395 (Hours of Service) and 49 C.F.R. 386 subpart G (Penalties) and associated appendices to Part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.(b) "Civil Penalty Assessment" means the act by the Commission of imposing a Civil Penalty against a Person subject to these rules after that Person has admitted liability or has been adjudicated by the Commission to be liable for violations of

Articles 7, 10.1 of Title 40, C.R.S. and or 49 CFR 386, Commission rules, and Commission orders.

- (c) “CPAN” means the written document by which a Person subject to these rules is given notice of an alleged violation. Pursuant to § 40-7-116, C.R.S., a CPAN may be issued by an Enforcement Official of the Commission, the Colorado State Patrol or a Port of Entry Officer.
- (d) For purposes of this rule, an Enforcement Official includes the Colorado State Patrol and a Port of Entry Officer, authorized by § 40-7-116, C.R.S.

6018. Maximum Civil Penalties, without Statutory Enhancement.

- (a) The Director of the Commission, his or her designee, or an Enforcement Official have the authority to issue CPANS for violations of Article 10.1 of Title 40, C.R.S., Article 7 of Title 40, C.R.S. as well as 49 CFR 386, part G and the relevant appendices as they existed on January 1, 2017.
- (b) The CPAN shall separately state for each violation the maximum penalty amount provided. In addition, the CPAN shall include the amount of the surcharge, if any, imposed pursuant to § 24-34-108(2), C.R.S. the amount of the penalty enhancement pursuant to § 40-7-113(2) and (3), C.R.S. as set forth in rule 6019, if any, and shall also provide for a reduced penalty of 50 percent of the penalty amount sought if the penalty is paid within ten days after the CPAN is tendered.
- (c) The Person cited for an alleged violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c), C.R.S. or may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.
- (d) Pursuant to § 40-10.1-114, C.R.S. each occurrence of a violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.
- (e) An admission to or Commission adjudication for liability for a violation of the following may result in the assessment of a Civil Penalty up to the amount specified in the statute, 49 CFR 386, Part G or in these rules as follows:

Citation	Description	Maximum Penalty Per Violation
§ 40-7-113, C.R.S. Rule 6008	Financial responsibility/Motor Vehicle liability coverage	\$11,000
§§ 40-10.1-201(1) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Common Carrier in Intrastate Commerce without first having obtained a CPCN from the Commission or operating in violation of the Certificate	\$1,100
§§ 40-10.1-202(1)(a) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Contract Carrier in Intrastate Commerce without first having obtained a Permit for such operations from the	\$1,100

	Commission or operating in violation of the Permit	
§§ 40-10.1-302 and 40-7-113(1), C.R.S. Rule 6302	Operating or offering to operate a Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine Carrier, Medicaid Client Transport, or Off-Road Scenic Charter in Intrastate Commerce without first having obtained a Permit from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-205 and 40-7-113(1), C.R.S. Rule 6206	Transferring a Certificate or Permit or the rights obtained under said Certificate or Permit prior to obtaining authorization from the Commission	\$1,100
Rule 6007	Violation of record keeping rule or refusal to make records, facilities, personnel, or Drivers available for interview	\$1,100
Rules 6105, 6106, and 6116	Failure to abide by Out-of-Service orders	\$1,100
Rules 6106, 6107, 6109 6114, and 6116	Requiring or permitting a Person, who does not meet the Driver minimum qualification, to act as a Driver	\$1,100
Rule 6110	Violation of hours of service requirements.	\$1,100
Rule 6111	Failure to maintain digital log system and dispatch system	\$1,100
Rules 6208 and 6209	Failure to have Tariffs or time Schedules on file and or failure to operate pursuant to the Tariffs or time Schedules	\$1,100
Rule 6306	Providing Luxury Limousine Service or service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis	\$1,100
Rule 6015	Improper use of exterior vehicle markings, signs, graphics or Roof Light	\$500
Rule 6016	Violating the restrictions on offering or Advertising transportation services	\$500
Rule 6212	Failure to file an Annual Report on or before April 30 of each year	\$500

Rule 6253	Failure to maintain and retain true and accurate trip records, for a period of one year	\$500
Rule 6105(a)(II)(C)	Failure to return the completed DVCR to the Commission at the address shown on the DVCR	\$500
Rule 6105	Requiring or permitting a motor vehicle to be used or operated without the completion of a Daily Vehicle Inspection Report and/ r failure to maintain the Vehicle Maintenance File	\$500
Rule 6112	Requiring or permitting a Motor Vehicle to be used or operated without maintaining a Vehicle Maintenance File	\$500
Rule 6113	Failure to maintain accident registry and to submit information to Commission	\$500
Rule 6306	Failure to comply with Charter Order requirements.	\$500
Rule 6210	Failure to comply with contract requirements of the Permit	\$500
§ 40-10.1-111 (2), C.R.S.	Failure to pay filing, issuance and annual fees	\$400
§ 40-7-113(1)(e), C.R.S. Rule 6102	Failure to comply with annual Motor Vehicle Identification Stamp fee, Vehicle Stamp and Registry	\$400
Rule 6005	Failure to maintain accurate contact information with Commission	\$225
Rule 6006	Failure to maintain current registered agent with Commission	\$225

Rule 6103	Failure to use ASE mechanic to conduct safety inspection	\$225
Rule 6108	Failure to maintain Driver Qualification File	\$225
Rule 6113	Failure to maintain accident registry	\$225
Rule 6115(c), (d), (e), (i) and (j)	Fingerprint-based Criminal History Record Checks	\$225
Rule 6014	Improper Credit Card Charges	Greater of \$225 or two times the amount of the charge.
Rule 6254	Overcharging in flat rate zones	\$225
Rule 6211	Refusal of service	\$225
Rule 6255 and 6304	Failure to display Taxicab license plate and or Livery License Plate	\$225
Rule 6303	Failure display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the age or type of vehicle requirements	\$225

	Any other violation of these rules	\$225
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6019. Doubling and Tripling of Civil Penalties.

(a) The Commission may assess doubled penalties for similar violations within 24 months pursuant to § 40-7-113(3), C.R.S. as follows:

- (I) the Person has admitted liability by paying a previous Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7, 10.1 of Title 40, C.R.S., and/or 49 CFR 386, subpart G and associated appendices to Part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
- (II) the conduct for which the doubled Civil Penalties are sought violates the same statute, rule or order; and
- (III) the conduct for which the doubled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.

(b) The Commission may assess tripled penalties for similar violations occurring three times within 24 months pursuant to § 40-7-113(4), C.R.S. as follows:

- (I) the Person has admitted liability by paying the Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7, 10.1 of Title 40, C.R.S., and/or 49 CFR 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
- (II) the conduct for which the tripled civil penalties are sought violates the same statute, rule or order as conduct for which the Person has admitted liability by paying the Civil Penalty or conduct which the Person has been adjudicated by the Commission in an administratively final written decision to be liable; and
- (III) the conduct for which the tripled civil penalties are sought occurred within 24 months after previous payment or adjudication.

(c) Doubled and tripled penalties may be sought in the same CPAN.

(d) Nothing in these rules shall affect the Commission’s ability to pursue other remedies in lieu of or in addition to issuing Civil Penalties.

6020. Report by Commission Staff.

At least once every twelve months, or more frequently if requested by the Commission, the Commission staff shall provide a report to the Commissioners and to the Director of the Commission of the financial results (for Fully Regulated Intrastate Carriers), the operational performance of Motor Carriers regulated

by these rules as well as the enforcement and compliance actions taken by the Enforcement Officials. The first report is due July 1, 2019. The financial and operational report shall include the following:

- (a) number of existing and new Certificates and Permits (by type) issued in the current year as well as the previous four years by Type of Service and geographical area;
- (b) total amount of revenue as reported on the Annual Report for the current year and the previous four years for each Common Carrier as well as revenue in the main geographic areas of the state;
- (c) number of trips to Denver International Airport and revenue generated for the current year and each of the last four years for each of the Common Carriers or Contract Carriers;
- (d) total number of Motor Vehicle Identification Stamps issued for the current year and for each of the previous four years as well as the amount of annual revenue generated from the stamps;
- (e) the total number of UCRs issued each year as well as the previous four years;
- (f) number of Authorities suspended, revoked, or abandoned in the current year and each of the previous four years and a summary of the reasons for such status;
- (g) number of Permits (but not Contract Carrier permits) expired, canceled, or revoked in the current year and each of the previous four years;
- (h) number of vehicle inspections conducted by Enforcement Officials in the current year and each of the previous four years by type (vehicles 10,000 pounds or less and 15 Passenger or less and Commercial Vehicles 10,001 pounds or more and 16 Passengers or more) and a summary of the types of deficiencies noted;
- (i) safety and compliance reviews for the current year and each of the past four years; investigations opened and closed;
- (j) number of CPANs issued (by type) and the amount collected for the current year and each of the previous four years;
- (k) refunds to customers for current year and each of the past four years;
- (l) violation warnings issued for current year and each of the past four years;
- (m) number of petitions for age waivers for each year and the previous four years, action taken by the Commission, and age of vehicles and mileage for petitions granted and denied;
- (n) recommendations as to what if any changes should be made to the current rules of the Commission; and
- (o) recommendations as to the priority for the type of enforcement actions for the next year.
- (p) The report shall be provided to each of the Commissioners, the Director and posted on the website of the Commission.

6021. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

One of the most important obligations of the Commission is to require that any Motor Carrier abide by reasonable safety requirements so that the traveling public is safe.

- (a) Rules 6100 through 6199 apply to:
 - (I) Common Carriers, Contract Carriers, Limited Regulation Carriers, Large Market Taxicab Service carriers; and
 - (II) Drivers (whether as employees or Independent Contractors), employees, and Commercial Motor Vehicles of the Motor Carriers listed in subparagraph (a)(I).
- (b) Motor Carriers that operate Commercial Motor Vehicles as defined by 49 C.F.R. 390.5, or the modifications of the Colorado State Patrol, are subject to the rules found in title 49 of the Code of Federal Regulations and the rules adopted by the Colorado State Patrol; 49 C.F.R. 382 (Controlled Substances); 392 (Driving); 395 (Hours of Service) and/or 49 C.F.R. 386 subpart G (Penalties) and associated appendices to Part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.
- (c) Rule 6008, Financial Responsibility is a safety rule to provide benefits to the traveling public and is incorporated into these safety rules.

6101. Definitions.

In addition to the definitions in rule 6001, and those incorporated from federal law in this section, the following definitions apply to all Motor Carriers subject to these safety rules:

- (a) "Commission" means the Public Utilities Commission of the state of Colorado. Any reference to the United States Department of Transportation, the FMCSA, or any other federal agency in any provision of the Code of Federal Regulations adopted by reference in these safety rules shall be construed to refer to the Commission.
- (b) "Commercial Motor Vehicle" means a self-propelled or towed vehicle used in commerce on the public highways and is operated by a Fully Regulated Intrastate Carrier or a Limited Regulation Carrier that: has a Manufacturer's Gross Vehicle Weight Rating or Gross Combination Weight Rating of at least 10,001 pounds or is designed or used to transport more than 15 Passengers including one Driver. 49 C.F.R. § 390.5.

- (c) "Employer" means a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, in addition to the definition found in 49 C.F.R. § 390.5.

6102. Annual Motor Vehicle Identification Fees and Vehicle Registry.

- (a) Every vehicle operated by a Motor Carrier pursuant to its Authority or Permit must obtain and display a Motor Vehicle Identification Stamp.
- (b) To obtain the Motor Vehicle Identification Stamp, the Motor Carrier shall:
- (I) pay to the Commission an annual fee before the first day of January of each calendar year, for each Motor Vehicle that such Motor Carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.; and
 - (II) provide to the Commission, on a Commission prescribed form or through a Commission provided electronic Motor Vehicle registry, the identification of the vehicle to which the Vehicle Stamp will be placed and shall include the Manufacturer, type, make, model year, the vehicle identification number or VIN, license plate number, mileage, date of purchase and if applicable the automatic vehicle identification tag. The Motor Carrier shall also list and describe all structural modifications made to the Motor Vehicle, including the date and reason.
- (c) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.
- (d) If the Motor Carrier does not own the vehicle or know all the information in paragraph (b) above at the time of purchase of the Vehicle Stamp, the Motor Carrier shall have 60 days from the purchase of the Vehicle Stamp to provide the information to the Commission. If the Motor Carrier does not provide the information in paragraph (b) above within 60 days, the Vehicle Stamp shall be canceled and the Motor Carrier is not entitled to a refund of the amount paid.
- (e) If the Motor Carrier is required to place an automatic vehicle identification tag on the vehicle by DIA or any other airport or tolling authority, the Motor Carrier shall, within 30 days of obtaining the transponder, provide the identifying number of the transponder to the Commission for each vehicle used by the Motor Carrier.
- (f) A Motor Carrier that obtains an Authority or Permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the Authority or Permit.
- (g) A Motor Carrier that acquires one or more additional Motor Vehicles during the calendar year shall pay the annual fee and provide the information required by this rule, prior to placing the additional vehicle(s) into service.
- (h) A Vehicle Stamp is valid only for the calendar year for which it is purchased.
- (i) A Motor Carrier shall not operate a Motor Vehicle unless it has affixed a valid Vehicle Stamp to the inside lower right-hand corner (Passenger side) of the Motor Vehicle's windshield. In the alternative, the Vehicle Stamp may be affixed to the right Passenger side window of the Motor Vehicle so long as the Vehicle Stamp does not interfere with the Driver's use of the right-hand outside mirror.

- (j) A Motor Carrier may request a replacement Vehicle Stamp if the stamp is damaged. The Commission will provide a replacement stamp, without charge, so long as the Motor Carrier requesting the replacement stamp remits a sufficient portion of the damaged stamp, including the unique number of the stamp to be replaced.
- (k) Exemption for a UCR registrant.
 - (I) Except as provided in subparagraph (II) of this paragraph, a Motor Carrier is exempt from paragraphs (a) through (j) of this rule if it is a current UCR registrant.
 - (II) A Motor Carrier that is also a current UCR registrant is not exempt from paragraphs (a) through (j) of this rule, for any Motor Vehicle that:
 - (A) is used only in Intrastate Commerce;
 - (B) was not included in the calculation of fees paid under the UCR Agreement; and
 - (C) provides nonconsensual tows, or Passenger transportation that is not subject to the preemption provisions of 49 U.S.C. Section 14501(a).
- (l) Exemption for a Household Goods Mover. A Mover holding a Permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (k) of this rule.

6103. Vehicle Inspectors—Who Is Authorized to Inspect a Motor Vehicle.

Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier shall be an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection and employed by a company authorized to do business in Colorado.

6104. Safety Inspections of Motor Vehicles.

- (a) Every Motor Carrier shall cause an authorized vehicle inspector to conduct an initial safety inspection of any Motor Vehicle that will be used by the Motor Carrier in providing transportation services under these rules and shall cause periodic inspections of vehicles conducted thereafter, at intervals of a least one inspection per year or as otherwise required by Commission rule or order. The Driver and the Motor Carrier shall ensure that the initial and periodic inspections are completed on a form prescribed by the Commission. A Motor Vehicle shall be placed Out-of-Service if it fails to meet the minimum vehicle inspection criteria identified in this rule. The Motor Carrier may reinstate the vehicle for service after the Out-of-Service condition is removed or resolved.
- (b) Initial inspections and periodic inspections shall include an inspection of the following items.
 - (I) 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 pads, shoes, or linings.

- (II) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the Manufacturer.
- (III) Frame or chassis shall not be cracked, loose, sagging, or broken.
- (IV) 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.
- (V) Suspension shall not be cracked, broken, loose or have missing parts.
- (VI) Windshield shall be free of discoloration or cracks.
- (VII) 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 cracks.
- (VIII) Windshield wipers: each vehicle 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.
- (IX) Head lamps: each vehicle must have head lamps that do not have broken or missing lens covers and that have both upper and lower beams; and are in proper working condition.
- (X) Tail lamps: each vehicle must have tail lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XI) Turn indicator lights: each vehicle must have turn indicator lights that do not have broken or missing lens covers and the lamps must be in proper working condition. The vehicle must be equipped with a hazard warning signal unit that is in proper working condition.
- (XII) Stop lamps: each vehicle must have stop lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XIII) Doors: all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original Manufacturer.
- (XIV) Horn: each vehicle must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (XV) Bumpers: each vehicle must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (XVI) Mufflers and exhaust system: each vehicle 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.

- (XVII) Emission compliance: if the vehicle is registered in a jurisdiction that requires an emission inspection and emission sticker, the vehicle must have the proper emission documentation.
- (XVIII) Speedometer: each vehicle must be equipped with an operating speedometer that is paired with an original equipment Manufacturer approved tire size.
- (XIX) 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.
- (XX) Rear view mirrors and back-up cameras: each vehicle must be equipped with rear view mirrors as designed by the original Manufacturer. If the original Manufacturer has installed a back-up camera, that camera must be operational as designed by the original Manufacturer.
- (XXI) Safety belts: each vehicle designed by the original Manufacturer to carry no more than eight Passengers, must 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.
- (XXII) Passenger restraints: any Passenger restraints, including air bags, must be in proper working condition.
- (XXIII) Heating and air conditioning must be in proper working condition.
- (XXIV) A vehicle equipped with restraints, ramps, lifts, or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities has all such devices in good working order including:
 - (A) wheelchair lifts: a lift must be able to lift a minimum of 600 pounds;
 - (B) a lift must also be able to accommodate individuals who use walkers, crutches, canes, braces or who have difficulty using steps. The equipment must also permit onboarding and offboarding of individuals with wheelchairs and other mobility aids. The platform must be equipped with handrails on two sides, which move with the lift to provide support to standees throughout the lift operations, must have lift controls which are interlocked with the vehicle brakes, transmission, door or other devices;
 - (C) a ramp which is less than 30 inches in length must be able to support 300 pounds;
 - (D) a ramp which is 30 inches or longer must be able to support 600 pounds; and
 - (E) the maximum allowable slope of a ramp is:

- (i) a ratio of 1:4, if the floor height is three inches or less above a six-inch curb;
- (ii) a ratio of 1:6, if the floor height is between three and six inches above a six-inch curb;
- (iii) a ratio of 1:8, if the floor height is between six and nine inches above a six-inch curb; and
- (iv) a ratio of 1:12 if the floor height is greater than nine inches above a six-inch curb.

(XXV) Wheelchair accessible vehicles must have the following:

- (A) slip resistant surfaces in all areas where individuals walk, including all aisles, steps and floors;
- (B) a band of contrasting color(s) on each step edge, threshold and the boarding edge of ramps or lift platforms. The contrasting colors must run the full width of the step or edge; and
- (C) the entrance doors equal to or greater than the following minimum heights:
 - (i) 56 inches for vehicles 22 feet or less in length; or
 - (ii) 68 inches for vehicles greater than 22 feet in length.

(XXVI) Within the vehicle, signs must designate securement locations and seating locations for persons with disabilities. Stepwells and doorways must have treads that are lit at all times while the vehicle is lit.

(XXVII) Wheelchair tie down and occupant restraint systems:

- (A) shall be designed, installed, and operated to accommodate Passengers in a forward facing position;
- (B) shall be affixed to a vehicle in such a manner that no exit or aisle is blocked in the vehicle;
- (C) shall be free of sharp or jagged areas and shall be of non-corrosive material or treated to resist corrosion;
- (D) shall consist of a minimum of four anchor points. Two points shall be located in the front and two in the rear. All anchor points shall be secured to the floor;
- (E) each wheelchair tie down shall provide a means of slack adjustment and shall not allow more than two inches of movement in any direction during normal driving conditions. They shall be free of any fraying, rust, cuts or inoperable slack adjusters; and

- (F) all vehicles equipped with attachment point devices shall also be equipped with a durable webbing cutter having a full width hand grip and protected blade. The cutter must be stored in the Driver's compartment within the Driver's reach.

6105. Daily Vehicle Inspection Report (DVIR).

- (a) Every Driver and every Motor Carrier that operates more than one vehicle, shall require its Drivers to prepare a Daily Vehicle Inspection Report or DVIR, in writing at the completion of each day's work on each vehicle operated and the report shall cover at least the following parts and accessories:
 - (I) service brakes including trailer brake connections;
 - (II) parking (hand) brake;
 - (III) steering mechanism;
 - (IV) lighting devices and reflectors;
 - (V) tires;
 - (VI) horn;
 - (VII) windshield wipers;
 - (VIII) rear vision mirrors;
 - (IX) coupling devices;
 - (X) wheels and rims; and
 - (XI) emergency equipment.
- (b) The Driver, on the DVIR, shall:
 - (I) identify the vehicle and list any defect or deficiency discovered by or reported to the Driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;
 - (II) if no defect or deficiency is discovered by or reported to the Driver, the report shall so indicate;
 - (III) in all instances, the Driver shall sign the report;
 - (IV) on two-Driver operations, only one Driver needs to sign the DVIR, provided both Drivers agree as to the defects or deficiencies identified; and
 - (V) if a Driver operates more than one vehicle during the day, the Driver shall prepare the DVIR for each vehicle operated.

- (c) Prior to requiring or permitting a Driver to operate a vehicle in a for-hire capacity, every Motor Carrier shall repair any defect or deficiency listed on the DVIR that would be likely to affect the safety of operation of the vehicle.
- (d) The Driver shall review and certify the repairs have been made.
- (e) For every DVIR which identifies any defect or deficiency, every Motor Carrier or its agent shall certify, upon completion of the repair and on the original DVIR, that the defect or deficiency has been repaired or alternatively that repair is unnecessary before the vehicle is operated again.
- (f) Every Motor Carrier shall maintain all original DVIRs, any certification of repairs, and the certification of the Driver's review for three months from the date the DVIR was prepared.
- (g) For all reports required under this rule, Motor Carriers shall use the form provided on the Commission website.

6106. Inspection Process by Enforcement Official.

- (a) Inspection of Drivers and/or Motor Vehicles.
 - (I) 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 Driver receiving a DVCR shall deliver it to the Motor Carrier with the Certificate or Permit under which Motor Vehicle was operating at the time of the inspection. Delivery of the DVCR shall occur upon the Driver's next arrival at any of the Motor Carrier's terminals or facilities. If the Driver is not scheduled to arrive at a terminal or facility within 24 hours, the Driver shall immediately mail the report to the Motor Carrier.
 - (II) Motor Carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the Motor Carrier shall:
 - (A) complete the required repairs;
 - (B) certify all violations have been corrected by appropriately signing and dating the DVCR, completing the following fields:
 - (i) carrier official's signature,
 - (ii) title; and
 - (iii) date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (C) return the completed DVCR to the Commission at the address shown on the DVCR; and
 - (D) retain a copy of the DVCR in its records.
- (b) If the Enforcement Official determines that a vehicle will likely cause an accident or break down due to its mechanical condition, or that an unsafe condition exists that would likely harm the occupants, the vehicle shall be placed Out-of-Service.

- (c) A Motor Vehicle that would likely cause an accident or a breakdown due to its mechanical condition as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance shall be placed Out-of-Service.
- (d) A 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 as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance shall be placed Out-of-Service.
- (e) A DVCR declaring a Motor Vehicle and/or a Motor Vehicle Driver Out-of-Service shall constitute an Out-of-Service order giving notice to the Driver and the Motor Carrier regarding the Out-of-Service condition.
- (f) No Motor Carrier shall require or permit any Person to operate, nor shall any Person operate, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (g) No Motor Carrier shall require or permit any Person declared and ordered Out-of-Service to operate, nor shall any Person operate, any Motor Vehicle until the Person's Out-of-Service condition has been corrected.
- (h) A Motor Vehicle equipped with ramps, lifts or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities shall be placed Out-of-Service if such devices are not in good working order.
- (i) A Motor Vehicle identified as a Golf Cart, Low-power Scooter, Low-speed Electric Vehicle, or Motorcycle will be subject to all inspection rules applicable to that type of vehicle.
- (j) Motor Carriers and Drivers shall, upon request by an Enforcement Official, make available for inspection all records required to be made by these safety rules and all Motor Vehicles subject to these safety rules.
- (k) The Motor Carrier may reinstate the vehicle for service after the Out-of-Service conditions have been removed or resolved and written certification is provided to the Commission.
- (l) A Motor Vehicle that does not qualify under these Part 6 rules may be placed Out-of-Service.

6107. Driver Minimum Qualifications.

- (a) A Motor Carrier shall not permit a Person to act as a Driver unless the Person:
 - (I) is at least 21 years of age;
 - (II) has a valid Driver's license;
 - (III) is medically qualified to drive as required by rule 6109; and
 - (IV) is not disqualified to drive based on the results of the DVCR report required by rule 6106 or the Criminal History Record Check required by rule 6114.
- (b) A Motor Carrier shall require a Driver to maintain on their Person or in their personal vehicle the following documents in physical or electronic form:

- (I) a current medical certification card;
 - (II) a valid Driver's license;
 - (III) a current vehicle inspection form; and
 - (IV) any waiver granted by the Commission.
- (c) Before permitting an individual to act as a Driver, and at least once every 12 months thereafter, a Motor Carrier shall obtain and review a driving history from the Department of Motor Vehicles for the individual. The Driver Motor Vehicle report shall include, at a minimum, any moving violations in the United States for the three-year period preceding the individual's application.

6108. Driver Qualification File.

A Motor Carrier shall maintain records for each Driver as follows.

- (a) A completed Driver's application. A Driver's application must be maintained during the period of service and for three years thereafter. The required Driver's application form is available on the Commission's website.
- (b) The driving history for a Driver, obtained from the Department of Motor Vehicles. Driving history reports shall be maintained for a period of three years from the date the research was conducted.
- (c) The Drivers fingerprint qualification letter, if applicable.
- (d) The Driver's state issued Driver's license. The Driver's license copy shall be maintained during the period of service and for three years thereafter.
- (e) 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.
- (f) If applicable, any current medical waiver or variances issued to the Driver.
- (g) Hours of service records, including all required supporting documentation, 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.

6109. Proof of Medical Fitness.

- (a) No Motor Carrier shall permit any Driver to drive who is not medically examined and certified pursuant to this rule or 49 C.F.R. § 391.41, as revised on January 1, 2017.
- (b) All medical examiners issuing Driver medical certification cards must be licensed medical practitioners in accordance with their specific specialty practice act in the Colorado Revised Statutes 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 color blindness 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) a current clinical diagnosis of alcoholism.
- (d) All medical examiners issuing driver medical certifications shall use the driver certification form included in a packet available on the Commission's website. Such driver medical certifications shall include a certification that the medical provider conducted an examination in accordance with these rules, with knowledge of the driving duties, finding 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.

6110. Hours of Service.

- (a) A Motor Carrier shall neither permit nor require nor shall any Driver be On Duty in violation of the following: a Driver shall not be On Duty (as defined in paragraph 6001(hhh) or be permitted to be On Duty more than 12 consecutive hours in any 24-hour period. A Driver may go off duty for any period of time during the 12-hour period, but the 12-hour period shall only be restarted after 12 consecutive hours off duty.
- (b) In lieu of the 12 hour rule above, a Luxury Limousine Carrier may, at their option, elect to account for hours of service, using the 15 hour rule or the ten hour rule as follows:
 - (I) 15 Hour Rule: At the end of the 15th hour after coming on duty, a Driver shall not drive for-hire and shall be released from duty, for a minimum of eight consecutive hours. Drivers may go off duty for any period of time during the 15-hour period, but the 15-hour period shall only be restarted after eight consecutive hours off duty. A Driver may only be released from duty by a Motor Carrier for a period of eight consecutive hours and not intermittently during the 15 hour period.
 - (II) Ten Hour Rule: After coming on duty and within the 15 hours provided by the 15 hour rule in subparagraph (I) above, a Driver shall not exceed ten hours Driving Time. At the end of the tenth hour, a Driver shall not drive for-hire until he or she has been released from duty by for a minimum of eight consecutive hours.
 - (III) 70 Hour Rule: In no instance shall a Driver's On Duty hours exceed 70 hours in any eight consecutive day period. Upon accumulating 70 hours On Duty in any rolling eight consecutive days, a Driver shall not drive and shall be released from duty for a minimum of eight hours. For the purposes of this rule, the total number of hours On Duty for each day within the eight day period shall be determined by adding the daily On Duty totals derived from the 15 hour rule in subparagraph (I) of this rule.
 - (IV) This election shall be made at the time the Luxury Limousine Carrier purchases the Vehicle Stamps and shall remain in effect for the following year.
- (c) A Motor Carrier or Passenger Carrier that employs or retains a Driver shall maintain and retain accurate and true time records, including all supporting documents verifying such time records, for a period of six months showing:
 - (I) the time(s) the Driver reports for duty each day;
 - (II) the time(s) the Driver is released from duty each day;
 - (III) the total number of hours the Driver is On Duty each day; and
 - (IV) a good faith effort to require the Driver to report the total number of on duty hours the Driver has with other Person during the reporting period.
- (d) The requirements of 49 C.F.R. §§ 395.5(a)(2) and (b) and 395.8, apply to all Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 16 or more (including the driver), or GVWR or GCWR of more than 10,000 pounds.
- (e) The requirements of 49 C.F.R. §§ 395.5(a)(2), 395.5(b) and the log book requirements set forth under 395.8 shall not apply to Motor Carriers of Passengers operating a Motor Vehicle having a

Seating Capacity of 15 or less (including the driver) and GVWR or GCWR or less than 10,001 pounds.

6111. Verification of Hours of Service for Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

- (a) Taxicab Carriers and Large Market Taxicab Service operating within or between the counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be subject to the additional requirements of this rule:
- (I) shall obtain and Advertise a central telephone number by which the public may call and request service;
 - (II) 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;
 - (III) shall employ a GPS-based, digital dispatch system that tracks and records Driver hours or service, and records and reports trip information including origination point and customer wait times;
 - (IV) shall employ a GPS-based, digital dispatch system that records and reports Driver location and On Duty time. Said system must log a Driver On Duty when the Driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand;
 - (V) shall employ a GPS-based digital dispatch system that locks out any Driver who has exceeded On Duty hours of service maximums;
 - (VI) shall lockout, for a minimum of eight hours, a Driver who has exceeded On Duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system; and
 - (VII) shall log a Driver as being On Duty when the vehicle assigned to said Driver, enters an area no less than two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

6112. Vehicle Maintenance File.

A Motor Carrier shall maintain, in the Vehicle Maintenance File, the following records for each vehicle:

- (a) a means of identifying the vehicle noting the year, make, model, and vehicle identification number of the vehicle;
- (b) an overall maintenance plan that identifies the nature and due dates of the various inspection and maintenance operations to be performed;
- (c) a record of work done, including all receipts;
- (d) all required periodic vehicle inspections;
- (e) if applicable, any current vehicle waiver or variances; and

- (f) the Daily Vehicle Inspection Reports for the immediately preceding 30 days.

6113. Accident Registry.

- (a) For the purposes of this rule an accident is defined as an occurrence involving a Motor Vehicle which results in any of the following:
 - (I) bodily injury to any Person; or
 - (II) \$5,000 of damage to any property or vehicle.
- (b) A Motor Carrier shall maintain a registry of accidents, for a period of three years after the accident occurs. The register must contain the date of the accident, city and state where accident occurred, the Driver's name, number of injuries/fatalities, and any police report number associated with the accident.
- (c) All accident reports required by state or local governmental entities or insurers must be maintained with the accident register.
- (d) No later than five days after an accident meeting the criteria stated above, a Motor Carrier must report the accident, including the above information, to the Commission.

6114. Fingerprint-Based Criminal History Record Checks.

- (a) For purposes of this rule only:
 - (I) "Criminal History Record Check" means a state and national fingerprint-based Criminal History Record Check..
 - (II) "Driver" means a Person who drives or wants to drive for a Passenger Carrier, regardless of whether such Person drives or wants to drive as an employee or independent contractor.
 - (III) "Passenger Carrier" means a Taxicab Carrier, a Large Market Taxicab Service carrier, and a Limited Regulation Carrier, except for Fire Crew Transport
- (b) This rule applies to Passenger Carriers and Drivers.
- (c) Within ten days of contracting or being employed to drive for a Passenger Carrier, a Driver who is not qualified by the Commission at the time of hire shall submit a set of the Driver's fingerprints, documentation of any name change from the agency where the change was approved, and payment of the actual cost to conduct a Criminal History Record Check. The Passenger Carrier shall provide to the Driver a copy of the Commission's Notice to Driver Applicants which informs the Driver that his or her fingerprints will be submitted to the CBI and FBI. This notice shall be provided to the Driver prior to the submission of fingerprints.
- (d) A Driver shall, within five years after being qualified by the Commission and at least once every five years thereafter, re-submit to the Commission: a set of the Driver's fingerprints; documentation of any name change from the agency where the change was approved; and payment of the actual cost to conduct a Criminal History Record Check.

- (e) The Driver shall submit his or her fingerprints to the Colorado Bureau of Investigation or as required by state law. The Commission will only accept official forms completed by a law enforcement or state agency in accordance with the instructions available from the Commission or its website.
- (f) Qualification determination based upon moral character or statutory disqualification.
 - (I) Upon the Commission's receipt of a completed Criminal History Record Check, Commission staff shall make a qualification determination regarding the Driver's qualification status. In making this determination, Commission staff is authorized to request from the Driver, and the Driver shall provide, additional information that will assist Commission staff in making the determination regarding the Driver's qualification status. If a Driver does not provide such additional information requested by Commission staff, or explain why it is unavailable within 15 days of the request, Commission staff may disqualify the Driver.
 - (II) A Driver is not of good moral character and shall be disqualified and prohibited from driving, if the Driver has:
 - (A) a conviction in the state of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;
 - (B) a conviction in the state of Colorado, within the ten years preceding the date the Criminal History Record Check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
 - (C) a conviction in the state of Colorado, within the eight years preceding the date the Criminal History Record Check is completed, of any class 3 felony under Title 18, C.R.S.;
 - (D) a conviction in the state of Colorado, within the four years preceding the date the Criminal History Record Check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or
 - (E) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (D) within the same time periods as listed in subparagraphs (A) through (D).
 - (III) Without a determination as to moral character at the time of determination, a Driver is disqualified by statute and prohibited from driving if the Driver has been:
 - (A) convicted in the state of Colorado at any time of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;
 - (B) within the two years preceding the date the Criminal History Record Check is completed, convicted in this state of driving under the influence (DUI), as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content (DUI per se), as described in § 42-4-1301(2)(a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301(1)(g), C.R.S.; or

- (C) within the two years preceding the date the Criminal History Record Check is completed, convicted of an offense comparable to those included in subparagraph (III)(B) in any other state or in the United States.
- (IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (g) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting Criminal History Record Checks. The Commission may require a name-based Criminal History Record Check of a Driver who has twice submitted to a fingerprint-based Criminal History Record Check and whose fingerprints are unreadable or unclassifiable.
- (h) At any time, Commission staff shall disqualify a previously qualified Driver whose subsequent conviction meets the criteria of this rule.
- (i) A Passenger Carrier shall not permit a Driver to drive for the Passenger Carrier if:
 - (I) the Driver has not complied with this rule and § 40-10.1-110, C.R.S., as applicable;
 - (II) the Driver is disqualified and prohibited from driving under paragraph (f) of this rule; or
 - (III) the Driver's qualification status has expired.
- (j) A Passenger Carrier shall, as a condition of continued contract or employment, require a Driver to submit his or her fingerprints to the Commission for a Criminal History Record Check:
 - (I) at least once every five years; and/or
 - (II) within ten days of becoming aware that the Driver has been convicted of the offenses listed in paragraph (f) of this rule.
- (k) Commission staff shall notify the Driver of its qualification determination. The Commission will also maintain a password-protected portion of its website where Drivers, Passenger Carriers, and other Persons authorized, in writing, by the Director of the Commission may access the current qualification status of Drivers.
 - (I) If the Driver is disqualified and prohibited from driving, the Driver may, within 60 days of Commission staff's notification, file a petition with the Commission for qualification determination.
 - (II) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (A) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(II), the Driver shall bear the burden of proving that he is of good moral character based upon all surrounding facts and circumstances or that disqualification is not supported by fact or law.

- (B) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(III), the Driver shall bear the burden of proving that disqualification is not supported by fact or law.
 - (C) If a Driver is disqualified pursuant to paragraph (h), the Commission staff shall bear the burden of proving all applicable elements.
 - (D) The Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S. for disqualifications based on a determination of moral character.
- (l) Commission staff's qualification determination may be relied upon by all Persons, unless and until the Commission rules on a Driver's qualification.
 - (m) If the Commission qualifies a Driver upon petition, paragraph (f) shall be waived as to qualification determinations for future fingerprint resubmissions regarding the events upon which Commission staff's disqualification was based.

6115. Motor Vehicle Weight.

An Enforcement Official may require a Motor Carrier to have a Motor Vehicle inspected or 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 or if the GVWR can't be determined or if there is a belief that the GVWR is incorrect.

6116. Prohibitions.

- (a) A Motor Carrier shall not require or permit any Driver declared and ordered Out-of-Service to drive, nor shall any Driver drive, any vehicle until the Driver's Out-of-Service condition has been corrected.
- (b) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive, any vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (c) A Motor Carrier shall not allow a Driver to drive when the Driver's ability to operate a vehicle is impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle nor shall any Driver operate a vehicle while impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle.
- (d) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver is under the influence of or uses any drug or substance that renders the Driver incapable of safely operating a vehicle.
- (e) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver has consumed alcohol within four hours of driving or is under the influence of alcohol while driving.
- (f) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive while engaged in texting while operating a Motor Vehicle.

6117. Age and Condition of Passenger Carrying Motor Vehicles.

Motor Vehicles used by a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, shall meet the following standards.

- (a) No Motor Carrier shall operate a Salvage Vehicle as defined at paragraph 6001(ppp) and § 42-6-102(17), C.R.S.
- (b) No Taxicab shall be more than 12 years old regardless of condition or mileage.
- (c) With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Limited Regulation Carrier Permit shall be more than 15 years old regardless of condition or mileage.
- (d) A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.
- (e) The age of a vehicle shall be determined by subtracting the model year of the vehicle from the present calendar year. By way of example, a 2010 model year vehicle is seven years old for the calendar year 2017.
- (f) In addition to the periodic safety inspections required under rule 6104, vehicles shall be in good physical condition, meeting the following minimum standards:
 - (I) the body of the vehicle has a good not faded paint job; is devoid of dents, rust, cracked bumpers, broken trim, broken mirrors, or cracked windows including the windshield;
 - (II) the interior of the vehicle has no missing or loose parts; has no exposed wiring; is clean; and has no cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim;
 - (III) exterior markings are compliant with applicable vehicle marking rules 6015 or 6303; and
 - (IV) the Motor Carrier’s name, Permit number and the name of the Driver are identified in the interior of the vehicle and are clearly visible to the Passenger.
- (g) A petition for waiver of this rule shall be made under rule 6003 and is not complete unless it contains the following:
 - (I) photos of the interior and exterior (front and back and each side) of the vehicle;
 - (II) number of miles on Motor Vehicle;
 - (III) dates and results of the last three periodic inspections;
 - (IV) the Vehicle Maintenance File required in rule 6112; and
 - (V) value of the Motor Vehicle using information from Blue Book or Edmonds or similar valuation authority;

- (VI) any petition that claims financial hardship prohibits replacement of the vehicle, must include the revenue generated in the previous 12 months, the amount of loan on the vehicle, if any, explanation of the market served and the reason why the carrier cannot replace the vehicle. The petition must also list all safety equipment that is currently on the Motor Vehicle, by way of example – the number and type of seat belts, air bags, cameras, sonar detection systems, antilock braking systems, stability control, four-wheel drive, age and type of tires; and
- (VII) any other information the petitioner deems relevant.
- (VIII) No vehicle is eligible for a waiver of this rule unless the petitioner has owned the vehicle for three full years and establishes proof of ownership for the three years with a title or registration from the Colorado Department of Revenue.

6118. – 6199. [Reserved].

FULLY REGULATED INTRASTATE CARRIER RULES

6200. Applicability.

Rules 6200 through 6249 apply to all Common Carriers, all Contract Carriers, and to all Commission proceedings and operations concerning Common Carriers and Contract Carriers as well as applicants, employees, and Drivers of such carriers.

6201. Definitions.

In addition to the definitions in rules 6001 and 6101, the following definitions apply to all Motor Carriers and Drivers subject to these Fully Regulated Intrastate Carrier rules:

- (a) “Access Fee” means the fee assessed by an airport for the use of its facilities for one trip levied upon Motor Carriers transporting Passengers to, from or at an airport.
- (b) “Auto Livery” or “Auto Livery Service” means the transportation of Passengers by Common Carrier, including the transportation of Passengers in Scheduled and/or Call-and-Demand service. This term is only used in historical Authorities.
- (c) “Base Area” means a geographic area in which a Taxicab is authorized to provide point-to-point service. This term is defined only because of its use in Authorities issued by the Commission.
- (d) “Capable,” as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the Common Carrier’s Authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations under such Authority.
- (e) “Close Proximity”, as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and 20 minutes from the drop-off location and time.
- (f) “Special Bus Service,” “Special Bus Transportation,” or “Special Bus”, only used in historical authorities, means the transportation of Passengers by Common Carrier:
 - (l) not including ordinary and continuous Scheduled Service;

- (II) rendered generally on weekends, holidays, or other special occasions;
 - (III) with a fixed termination date; and
 - (IV) to a number of Passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, or for a trip or tour planned by the carrier.
- (g) "Tack" means the joinder of two or more separate Authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.
 - (h) "Transfer" means, without limitation, any sale, lease, assignment, license, change in ownership, foreclosure of an Encumbrance, execution in satisfaction of any judgment or claim, merger, consolidation, or similar transaction in which control of any Authority or portion thereof changes from one entity to another, whether voluntarily, by court order, or otherwise.
 - (i) "Transferee" means any entity newly acquiring control of any Authority or obtaining security interest in the Authority.
 - (j) "Transferor" means any entity transferring control of any Authority to a Transferee.

6202. Prohibited Operations.

- (a) No Person shall operate or offer to operate as a Common Carrier or a Contract Carrier, without obtaining the appropriate Certificate or Permit and paying the application fee and or the annual Motor Vehicle Identification fees as set forth in rule 6102.
- (b) Without specific approval by the Commission, no Fully Regulated Intrastate Carrier shall:
 - (I) combine or Tack two or more separate Authorities or two or more separate parts of an authority in order to render a transportation service not authorized by any individual authority or part thereof;
 - (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its Authority;
 - (III) serve any point not included in its Authority or authorized by statute;
 - (IV) abandon or suspend operations under its authority; or
 - (V) file a Tariff or time Schedule whose applicability or scope violates this rule.

6203. Applications to Operate as a Common or Contract Carrier.

- (a) Any Person seeking permanent Authority to operate as a Common or Contract Carrier, or permanent Authority to extend a Common Carrier Certificate or Contract Carrier Permit, shall file an application. The application shall contain the following information:
 - (I) the name, including trade name if applicable, physical address, mailing address, telephone number, and email address of the applicant;

- (II) the name, mailing address, telephone number, and email address of the applicant's representative to whom the Commission may direct inquiries regarding the application;
- (III) the name and address of the applicant's Colorado designated agent for service of process, if required by rule 6006;
- (IV) a statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.);
- (V) if the applicant is a corporation: the name of the state in which it is incorporated; the mailing address and physical address of its principal office; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.;
- (VI) if the applicant is a limited liability company: the name of the state in which it is organized; the mailing address and physical address of its principal office; the name of its managers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application;
- (VII) if the applicant is a partnership: the names, titles, and addresses of all general and limited partners;
- (VIII) the applicant's certificate of assumed trade name or trade name registration, if applicable;
- (IX) a complete description of Authority sought, which shall indicate:
 - (A) whether the applicant proposes to operate as a Common or Contract Carrier;
 - (B) the proposed Type of Service (e.g., Charter, Shuttle, Sightseeing, Taxicab, or Scheduled (but not limousine, auto livery or special bus), if the applicant proposes to operate as a Common Carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the Authority sought; and
 - (E) a description of the make, model, and year of the Motor Vehicles proposed to be operated, or if unknown, then a summary of the number and types of Motor Vehicles proposed to be operated.
- (X) A map or diagram showing the proposed geographic service area, or the proposed points or routes of service, and in the form requested by the Commission or Commission staff;
- (XI) a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations, including but not limited to its ability to meet the requirements of rule 6111 (requiring, inter alia, a GPS based digital system that records the hours of service), and rule 6254 requiring 24 hour provision of service, if the applicant proposes to serve a geographical area covered by those rules. If the applicant is not currently able to meet the requirements of rule 6111 and/or 6254, the applicant must provide the reason and must state the period of time needed to come into compliance which shall not be longer than 120 days;

- (XII) a statement describing the extent to which the applicant, or any Person affiliated with the applicant, holds or is applying for authority duplicating or overlapping in any respect the Authority at issue in the application;
- (XIII) a statement identifying current Authorities issued by either a state or federal agency, authorizing the applicant or any affiliate to provide for-hire transportation of Passengers in the state of Colorado;
- (XIV) a statement that the applicant understands the Commission will, in its discretion, cancel any duplicating or overlapping Authorities created by granting the application;
- (XV) a statement indicating the town or city where the applicant prefers any hearing to be held; and
- (XVI) 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.
- (XVII) If the applicant applies for Common Carrier Authority, the applicant shall demonstrate a public need for the proposed service and that the authority is in the public interest and should be granted. Any letter of support filed to demonstrate a public need shall :
 - (A) contain the author's name, address, and telephone number;
 - (B) describe the public need;
 - (C) describe whether and how the existing service is inadequate;
 - (D) contain a statement that the letter contains only information that is true and correct to the best of the author's knowledge and belief; and
 - (E) be signed by the author.
- (XVIII) If the applicant seeks Contract Carrier Authority shall provide a statement of the facts upon which the applicant relies to establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customers' needs. The applicant shall also attach a letter from each proposed customer. Such letters shall:
 - (A) contain the proposed customer's name, address, and telephone number;
 - (B) indicate the proposed customer's special or distinctive transportation needs;
 - (C) specifically support the applicant's particular request for authority;
 - (D) describe whether there is existing service and how the existing service is inadequate;
 - (E) contain a statement that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief; and
 - (F) be signed by the proposed customer.

- (XIX) A statement that the applicant understands the age limit rules and vehicle inspection rules and that the vehicles which it plans to use to provide the service are compliant with those rules.
- (b) No Person shall file an application under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier, or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name). If an application is filed in violation of this rule, the Commission shall not issue a Certificate or Permit under such name.
- (c) In lieu of filing an application as set forth above, the applicant may use a plain English and simplified online application form that has been approved by the Commission.

6204. Application for Temporary Authority or Emergency Temporary Authority for a Common Carrier or Contract Carrier.

- (a) A Person may seek temporary Authority to operate as a Common or Contract Carrier, for a period not to exceed 180 days, and shall file an application providing the information specified in rule 6203 modified as follows:
 - (I) the statement of facts shall also establish an immediate and urgent need for the proposed service and that there is no such service Capable of meeting the need;
 - (II) any letters of support shall contain 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;
 - (III) a statement indicating whether the Commission has previously granted to the applicant Authority to render all or any part of the proposed service and the decision number granting the Authority; and
 - (IV) a statement of the period of time which the applicant requests the temporary Authority to cover, not to exceed 180 days.
- (b) A Person may seek emergency temporary Authority to operate as a Common or Contract Carrier for a period not to exceed 30 days and shall file an application with the Commission providing the information in paragraph (a) of this rule. The application shall also include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Any letters of support shall describe the basis and nature of the emergency.
- (c) The granting of temporary or emergency temporary Authority creates no presumption that permanent Authority will be granted.
- (d) The Commission shall not grant temporary Authority to provide the same service, including both temporary Authority and emergency temporary Authority for a total period greater than 180 days.

6205. Applications to Voluntarily Abandon or Suspend Authority.

- (a) A Fully Regulated Intrastate Carrier shall file an application to voluntarily abandon or suspend its Authority, or any portion thereof. After ten days' notice, the Commission may either decide such

an application without a hearing or set it for hearing. Carrier obligations are not affected by the filing of an application; rather they will be determined by Commission decision. The application shall:

- (I) fully describe why the abandonment or suspension is sought;
 - (II) describe how the abandonment or suspension will affect the public;
 - (III) contain a statement that the application contains only information that is true and correct to the best of the applicant's knowledge and belief; and
 - (IV) be signed by the applicant.
- (b) A Fully Regulated Intrastate Carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:
- (I) 12 consecutive months;
 - (II) 12 months in any 24-month period; or
 - (III) two consecutive seasons, for a regulated intrastate carrier operating seasonally.
- (c) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.

6206. Application to Encumber, Transfer, Merge, Consolidate, or Acquire Control.

- (a) No Fully Regulated Intrastate Carrier shall by any means, directly or indirectly, encumber, Transfer any right or interest in any portion of said Fully Regulated Intrastate Carrier's Authorities, or the entity that is the owner of the Authorities, except as specifically provided by Commission order, this rule 6206, or § 40-10.1-205, C.R.S.
- (b) The Transferor and the Transferee shall file a joint application with the Commission not less than 60 days prior to the effective date of the proposed Transfer or Encumbrance. If the Transferee does not hold a Commission issued CPCN, the Transferee shall provide the Commission with the information required pursuant to rule 6203, and must receive an appropriate Commission grant of authority to assume the Transferor's CPCN.
- (c) The application shall include:
 - (I) the information required by paragraph 6203(a);
 - (II) a description of the transaction including the amount of consideration paid or to be paid and the terms of payment;
 - (III) name under which the Transferee is, or will be, providing service in Colorado if the Transfer is approved and information establishing the operational and financial fitness of the Transferee to conduct the operations of the Authority;
 - (IV) the specific assets, including any Authority (including copies of the Authorities) that the applicants propose to Transfer;

- (V) all agreements concerning the transaction including but not limited to: purchase and sale agreement, lease agreements, operating agreement, Encumbrances, security interests, stock agreements, repurchase agreements, promissory notes and/or operating agreements;
- (VI) an acknowledgment that by signing the application, the joint applicants represent the truth and accuracy of all statements in the application and supporting documents and understand and agree that:
 - (A) the filing of the application does not, by itself, constitute authority to execute the transfer;
 - (B) the applicants shall not undertake the proposed Transfer unless and until a Commission decision granting the application is issued;
 - (C) the granting of the application does not constitute the execution of the Transfer, but only represents the Commission's approval of the request for authority to Transfer or encumber;
 - (D) if a Transfer is granted, such Transfer is conditional upon:
 - (i) the existence of applicable, effective Tariffs for relevant services;
 - (ii) compliance with the statutes and all applicable Commission rules, including the Transferor's filing an Annual Report, complying with the rule on financial responsibility, updating the vehicle registry, and obtaining the periodic inspections of all vehicles and
 - (iii) compliance with all conditions established by Commission order; and
 - (E) if the application to Transfer is granted, the joint applicants shall notify the Commission if the Transfer is not consummated within 60 days of the proposed effective date stated in the application or if the proposed Transfer terms are changed prior to the consummation date. This notice shall include the proceeding and decision number(s) which granted the authority to execute the Transfer.
- (d) The joint applicants may submit the required information by filing either an application or completing the Commission approved form on the website of the Commission.
- (e) The joint applicants may seek confidential or highly confidential treatment of information as provided in rule 1101 of the Commission's Rules of Practice and Procedure.

6207. Duplicating or Overlapping Authorities.

The Commission may cancel Duplicating or Overlapping Authorities that arise as a result of any grant, extension, or other modification to a Certificate or Contract Carrier Permit.

6208. Tariffs.

- (a) A Fully Regulated Intrastate Carrier shall not operate its Motor Vehicles without having approved Tariffs on file with the Commission.

- (b) A Fully Regulated Intrastate Carrier shall not operate in conflict with its approved Tariff or disseminate information contrary to that which is contained in its approved Tariff.
- (c) A Fully Regulated Intrastate Carrier shall keep on file with the Commission, at all times, approved Tariffs clearly showing rates and charges to be assessed for all transportation and accessorial services provided. The Tariff must also disclose all rules and conditions, and time Schedules, as applicable, relating to rates or service, shall be available for public inspection, at all reasonable times, in its office and posted on the website, if the carrier maintains a website.
- (d) Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period.
- (e) A Common Carrier that is authorized to provide Taxicab Service shall publish, in its Tariffs, reduced fares applicable to each Passenger being transported under a multiple loading arrangement.
- (f) A Contract Carrier shall ensure that its Tariff, at a minimum:
 - (I) includes the names of the parties to the contract, the provisions regarding the scope and terms of transportation and accessorial services to be provided, and the date(s) and terms of the contract, including rates. A copy of the executed written contract may be filed in lieu of the requirement to provide dates, terms and rates of the contract;
 - (II) provides for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the authority granted by the Commission; and
 - (III) prohibits payment from individual Passengers.
- (g) Notice. Within seven days of receipt of an Advice Letter and Tariff filing, the Commission will provide notice of the filing to affected parties by posting the filing in its E-Filings System.
- (h) Protests. Any Person affected by a Tariff change proposed under this rule may submit a written protest to the proposed change. Any protest must be filed sufficiently in advance of the effective date to permit Commission consideration before the Tariff becomes effective, generally at least ten days before the effective date of the proposed Tariff.
- (i) Any Person seeking to protest any portion of a rate, fare, classification or service not altered by the Carrier in its proposed changes to an existing Tariff, shall bear the burden of proof as it pertains to why such rate, fare, classification or service is not just and reasonable.
- (j) A Fully Regulated Intrastate Carrier shall file additional supporting documentation upon the request of Commission staff. The documentation shall include an explanation of the circumstances and data relied upon to justify the proposed Tariff.

6209. Time Schedules.

- (a) A Common Carrier that has been granted Authority to provide Scheduled Service shall file time Schedules as part of the its Tariff. The time Schedule shall be filed on the form or in a format prescribed by the Commission. At minimum, time Schedules shall contain the following:

- (I) an explanation of any symbols, reference marks, and abbreviations used;
 - (II) a list of all scheduled stops and all Flag Stops, including the address or description of the location, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate;
 - (III) a statement whether service is daily or otherwise; and
 - (IV) any other appropriate information regarding the service the Common Carrier desires to perform.
- (b) A Common Carrier may not operate its Motor Vehicles in Scheduled Service without having approved time Schedules on file with the Commission.
 - (c) A Common Carrier shall not operate in conflict with its approved time Schedules.
 - (d) A Common Carrier operating a Scheduled Service shall report in writing to the Commission and post to its website any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.
 - (e) A Common Carrier shall drive by each Flag Stop in such Close Proximity and speed as to be able to reasonably assess whether Passengers are waiting for service. Failure to stop for a waiting Passenger constitutes prima facie evidence of a violation of subparagraph 6202(b)(II).
 - (f) A Common Carrier operating a Scheduled Service shall ensure that a copy of its approved time Schedule is available for public inspection at all reasonable times in each of the Common Carrier's offices or terminals. If the Common Carrier maintains a presence on the Internet, its time Schedule must also be posted on its website(s) relevant to the Common Carrier's services.

6210. Contract Carrier Contracts.

- (a) A Contract Carrier shall not enter into a contract for transportation that is in conflict with the Contract Carrier's Permit or with any Person not named in the Contract Carrier's Permit.
- (b) A Contract Carrier shall not engage in any act of transportation for Compensation except in compliance with the contract between the Contract Carrier and the Person named in the Contract Carrier's Permit.
- (c) Contracts shall be written, not oral.
- (d) At a minimum, all contracts 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(s) and terms of the contract, including rates.
- (e) Contracts shall provide for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the authority granted by the Commission. In no

circumstances shall a Contract Carrier receive payment for providing contract services from individual Passengers.

6211. Refusal of Service.

No Fully Regulated Intrastate 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 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 equipment, a Driver shall immediately report to the carrier any refusal to transport a Passenger.

6212. Annual Reports.

- (a) Each Fully Regulated Intrastate Carrier shall file with the Commission an Annual Report on a Commission-prescribed form on or before April 30 of each year. The Fully Regulated Intrastate Carrier shall complete all sections of the Annual Report applicable to said Fully Regulated Intrastate Carrier for the 12-month period ending on December 31 of the previous calendar year.
- (b) A Principal of the Fully Regulated Intrastate Carrier shall sign the certification of the Annual Report or terminating Annual Report. In all Annual Report filings, the Fully Regulated Intrastate Carrier shall comply with subparagraph 1204(a)(III) and rule 1100, et seq., of the Commission's Rules of Practice and Procedure.

6213. Forms of Payment.

A Common Carrier may accept any form of payment, but must accept MasterCard and Visa credit cards.

6214. – 6249. [Reserved].

TAXICAB CARRIER RULES

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6258 apply to all Common Carriers providing Taxicab Service. Nothing in these Taxicab Carrier rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any authority issued to any Common Carrier prior to the adoption of these rules.

6251. Notices.

- (a) Each Taxicab Carrier shall post the following notices, as applicable, on the inside of the left window immediately behind the Driver's window or on the back of the front seat of each Taxicab it operates. The font size of such notice shall be at least 14-point characters and the font size of the cab number shall be at least 24-point characters. The Taxicab Carrier shall complete all blanks in the notices.
- (b) The following notice shall be placed in all Taxicabs:

NOTICE

Cab No. _____

The Driver of this Taxicab shall not load other passengers without the permission of the first passenger.

The basis for calculating the rates charged, the amount of additional charges if any and the basis for them.

If the Taxicab Carrier serves DIA, the amount of the Flat Rate charges and a map showing the zones.

The amount of additional charges that may apply for additional passengers, passenger drop offs, baggage and packages, waiting time, pets, and toll charges or Access Fees.

Report any problems to the Public Utilities Commission at (303) 894-2070.

- (c) In lieu of the above posting, the Taxicab Carrier may provide this information on a digital screen, on the condition that the screen is clearly visible to the Passenger.

6252. Service: Multiple Loading and Routing.

- (a) Multiple loading.
 - (I) No Taxicab Carrier, Large Market Taxicab Service carrier, or Taxicab Driver shall engage in Multiple Loading from a common point of origin or from separate locations unless the first Passenger agrees to the Multiple Load.
 - (II) Each Passenger shall pay a reduced fare and the Taxicab Driver shall advise each passenger that the charge from his/her origin to destination will be reduced. The amount by which the fare is to be reduced shall be a percentage of the original fare. The percentage decrease shall be named in the Taxicab Carrier's Tariff or the Large Market Taxicab Service carrier's schedule of rates.
- (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.

6253. Record Keeping.

- (a) In addition to other requirements to maintain accurate records, a Taxicab Carrier shall maintain in its files, either electronically or in hard copy, 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.

6254. Additional Service Requirements for Taxicab Carriers Operating Within or Between Counties with a Population Density of 40 or More People per Square Mile.

Taxicab Carriers operating within or between counties with a population density of 40 or more people per square mile based on the most recent federal census are required to provide service 24 hours per day.

6255. Maximum Rates for Transportation to and from Denver International Airport and within the Denver Downtown Area.

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 and rule 6208.

- (a) The zones established in this rule include the following:
- (I) Zone A (Downtown Denver): Beginning at the intersection of 11th Avenue and Clarkson Street; the west on 11th Avenue to its intersection with Speer Boulevard; then north on Speer Boulevard to its intersection with 13th Avenue; then west on 13th Avenue to its intersection with Interstate 25; then north on Interstate 25 to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Delgany Street; then north on Delgany Street to its intersection with Denargo Street; then north on Denargo Street to its intersection with Arkins Court; then northeast on Arkins Court to its intersection with 38th Avenue; then southeast on 38th Avenue to its intersection with Marion Street; then south on Marion Street to its intersection with Lawrence Street; then southwest on Lawrence Street to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Clarkson Street; then south 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): Beginning at the intersection of Jay Road and U.S. Highway 36, then northwest on U.S. Highway 36 to Lee Hill Drive, then west on Lee Hill Drive for one mile, then south on an imaginary line for seven miles, then east on an imaginary line to Cherryvale Road, then north on Cherryvale Road as extended to Jay Road, then west on Jay Road to the point of the beginning.
 - (IV) Zone D (Tower Road): Beginning at the intersection of 56th Avenue and Genoa Street, then north on Genoa Street as extended to 72nd Avenue, then west for one mile along 72nd Avenue, then south along an imaginary line to 56th Avenue, then east along 56th Avenue to the point of the beginning.
- (b) Taxicab Drivers shall inform Passengers of the total charge prior to commencing the trip.
- (c) The maximum rate for Taxicab Service between the following defined zones and DIA shall be no more than:
- (I) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.

- (II) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.
 - (III) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.
 - (IV) Zone D: The zone rate for transportation between DIA and any point in Zone D shall be \$24.00.
 - (V) In addition to the above maximum rates, the Taxicab Carrier may charge Access Fees as established by DIA for the use of its facilities for one trip levied upon the Taxicab.
 - (VI) A drop fee of no more than \$5.00 may be charged for each additional drop within the above zones required by members of one traveling party.
- (d) Flat Rates within Zone A. The Maximum Rate within Zone A shall be no more than \$8, plus an additional \$3 drop off fee for each additional stop.
- (e) Additional requirements with Multiple Loading. The Taxicab Driver shall inform the parties of the total charge prior to departing from the point of origin of the second traveling party and advise the parties they must determine how much of the total charge each party is obligated to pay. The total charge may be approximated for Taxicab Service provided under subparagraphs (I), (II), or (III) of this paragraph.
- (I) If the first party is dropped at a point within a defined zone and additional parties are dropped at different points in the same zone, the total charge (not a per party charge) shall be the appropriate zone rate, plus any applicable airport Access Fee, plus a \$5.00 charge for each additional drop within the zone.
 - (II) If the first party is dropped at a point within a defined zone and the second party is dropped at a point outside of any defined zone the charge for the first party shall be the appropriate zone rate plus the agreed portion of applicable airport Access Fees. The charge for the second party shall be the Meter fare from the first drop point to the second drop point, plus the agreed portion of applicable airport Access Fees.
 - (III) If the first party is dropped at a point outside of the defined zones, the rates established in this rule shall not apply.

6256. Taxicab License Plates.

- (a) Motor Vehicles used in the provision of Taxicab Service require a Taxicab license plate.
- (b) A Person providing Taxicab Service under Article 10.1 of Title 40, C.R.S. shall register all Motor vehicles used for such purposes with the Colorado Department of Revenue and display the Taxicab license plates on the vehicles used in providing the services.
- (c) A Person providing Taxicab Service under an active Certificate may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a Taxicab license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.

- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a Taxicab license plate unless the vehicle to which the license plates are attached is required to bear Taxicab license plates.
- (f) Any vehicle operated in violation of this rule may be placed Out-of-Service.

6257. Conversion to a Transportation Network Company.

A Motor Carrier authorized through the granting of a Certificate of Public Convenience and Necessity, to provide Taxicab or Shuttle Service may convert that Authority to a Transportation Network Company (TNC) by filing an application to voluntarily abandon or suspend all or part of its Authority pursuant to rule 6205 and simultaneously filing an application for a Permit to operate as a TNC pursuant to rule 6702. During the period of suspension, the suspended portion of the Authority authorizing Taxicab or Shuttle Service is exempt from Taxicab and Shuttle Service standards concerning the regulation of rates and charges pursuant to the requirements of rule 6207. Further, the Motor Carrier may pro-rate the application fee of \$111,250 over 12 months, paying 1/12th per month. If the Motor Carrier at any time elects not to proceed with the conversion, the Motor Carrier shall not owe the remaining amount of the prorated fee. If the Motor Carrier elects not to proceed with the conversion, the Motor Carrier is not entitled to the return of any amounts paid or any forgiveness for amounts already paid. This pro-rating of the fee is only applicable in the first year of the transition.

6258. - 6299. [Reserved].

LIMITED REGULATION CARRIER RULES

6300. Applicability of Limited Regulation Carrier Rules.

Rules 6300 through 6399 apply to all Limited Regulation Carriers and to all Commission proceedings and operations concerning Limited Regulation Carriers, Permit holders, employees, and Drivers. (The general rules and the safety rules also apply to Limited Regulation Carriers.)

6301. Definitions.

In addition to the definitions in rules 6001, 6017 and 6101, the following definitions apply to all carriers subject to these Limited Regulation Carrier rules:

- (a) “Charter Bus” means a Limited Regulation Carrier that provides transportation in a Motor Vehicle with a Seating Capacity of 33 or more, including the Driver, and provides service for a Person or group of affiliated Persons traveling for a common purpose, for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the Motor Vehicle, including selection of the origin, destination, route and intermediate stops. A Charter Bus does not provide service on a regular route or Schedule.
- (b) “Charter Basis” means on the basis of a contract for transportation whereby a Person agrees to provide exclusive use of a Motor Vehicle to a single chartering party for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the vehicle, including selection of the origin, destination, route, and intermediate stops.
- (c) “Charter Order” means a paper or electronic document that memorializes the contract for Luxury Limousine or Off-Road Scenic Charter or Charter Bus service for a specific period of time

reasonably calculated to fulfill the purpose of the contract. The Charter Order shall state the charge, the charge method, the name and telephone number of the parties to the contract, the pickup time and pick up address, and the type of Motor Vehicle that will be used. The Charter Order shall be maintained for at least one year following the provision of service and shall be provided to the parties to the contract and shall be available to the Commission upon request.

- (d) “Children’s Activity Bus” means a Limited Regulation Carrier that transports groups of eight or more children, 18 years of age or younger and their chaperones for trips that are sponsored by non-profit organization, and/ or transport children to and from school, school related activities, or school sanctioned activities that such transportation is not provided by the school or school district contractors to the school or school district. (§ 40-10.1-301(4), C.R.S.)
- (e) “Luxury Limousine Service” is a luxurious, specialized transportation service provided by a Luxury Limousine Carrier with great comfort, quality and ease of use that is not usually available from Common Carriers. The services provided are on a Prearranged Charter Basis memorialized in a contract prior to the provision of service.
- (f) “Medicaid Client Transport” is a Limited Regulation Carrier and means a service that uses a Motor Vehicle to transport Passengers who are recipients of Medicaid pursuant to Articles 4 to 6 of Title 25.5, C.R.S. and are being transported under a Medicaid Non-emergent Medical Transportation Contract or a Medicaid Non-Medical Transportation Contract. (§ 40-10.1-301(9), C.R.S.)
- (g) “Medicaid Non-emergent Medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing non-emergent medical transportation to approved recipients of Medicaid. (§ 40-10.1-301(10), C.R.S.)
- (h) “Medicaid Non-medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonmedical transportation to approved recipients of Medicaid. (§ 40-10.1-301(11), C.R.S.)
- (i) “Off-Road Scenic Charter” means a Limited Regulation Carrier that transports Passengers, on a Charter Basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads as that term is defined in § 40-10.1-301(12), C.R.S.
- (j) “Prearranged” means that the Charter Order is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the Luxury Limousine at the point of departure.
- (k) “Trip Ticket” means a document, electronic or paper, that contains the information that the Driver needs to fulfill the Prearranged service, such as customer or Passenger contact information, pickup and drop off time and location.

6302. Application and Permit.

- (a) No Person shall operate or offer to operate as a Limited Regulation Carrier, without obtaining the appropriate Permit by filing the appropriate application using a Commission approved form, available on its website. Each application requires supporting information which must be submitted with the application at the time of filing.

- (b) No Person shall request a Permit under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier shall not have taxi in its name.) If a Permit filed in violation of this rule, the Commission shall not issue a Permit under such name.
- (c) The Motor Carrier must maintain the original or copy of its Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (d) In addition to completing and filing the Commission approved application form, a Motor Carrier shall:
 - (I) file the required proof of financial responsibility; and
 - (II) pay the required annual Vehicle Inspection fees, as set forth in rule 6102 or, if applicable, shall be in compliance with the UCR Agreement.
- (e) Applications for new Permits or renewals require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 180 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable.
- (f) A Permit is valid for one year from the effective date.

6303. Luxury Limousine Exterior Vehicle Markings, Signs, or Graphics.

Instead of the vehicle marking requirements set forth in rule 6015, a Luxury Limousine Carrier is required to have only exterior markings on Motor Vehicles operated under its Permit, as detailed below:

- (a) The Carrier's Permit number preceded by "LL" or "PUC LL" or "CO PUC LL" shall be displayed on both sides of the vehicle or on the front and back of the vehicle.
- (b) The markings shall be of a size and color readily visible from 50 feet, but in any case not less than one and a half inches tall and not more than three inches tall.
- (c) The Luxury Limousine Carrier has the option of including other markings, including company or trade name and phone number, on the vehicle, but is neither required to do so nor is it prohibited from including other markings

6304. Livery License Plates.

- (a) Vehicles used in the provision of Luxury Limousine Service require a livery license plate.
- (b) A Person providing Luxury Limousine Service under Article 10.1 of Title 40, C.R.S., shall register all vehicles used for such purposes with the Colorado Department of Revenue and display the livery license plates on the vehicles used in providing the services.
- (c) A Person providing Luxury Limousine Service under an active Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a livery license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.

- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a livery license plate unless the vehicle to which the license plates are attached is required to bear livery license plates.
- (f) Any vehicle operated in violation of this rule may be placed Out-of-Service.

6305. Luxury Limousine.

- (a) A “Luxury Limousine” means one of the following vehicles:
 - (I) stretched limousine, which is a Motor Vehicle whose wheelbase has been lengthened beyond the original Manufacturer's specifications;
 - (II) executive car, which is a Motor Vehicle that has four doors and is:
 - (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla, or Volvo; or
 - (B) Chrysler 300, Hyundai Equus, Toyota Avalon Livery Edition, Chevrolet Suburban, Chevrolet Tahoe, Ford Expedition, GMC Yukon, Hummer;
 - (III) executive van is a Motor Vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the original Manufacturer);
 - (IV) luxury 4 wheel drive, crew-cab pickups manufactured by Chevrolet (Silverado 1500 and 3500), Ford (F-150 and 450 Limited), GMC (Denali) , Nissan (Titan Platinum), Ram (1500 and 3500 Limited, and Toyota (Platinum);
 - (V) collector's vehicle, which is defined in Title 42, C.R.S., as either a luxurious classic or antique vehicle, eligible for a collector's license plate. It is not a stretched limousine. Vehicles qualifying under this paragraph (V) must have a current appraised retail value of at least \$15,000. A certified appraisal is required to prove the value of the vehicle. Vehicles within this category are exempt from the age of vehicle requirements set forth in rule 6117; and
 - (VI) any Motor Vehicle for which the Motor Carrier has paid \$50,000 or more, as evidenced by a copy of the dealer bill of sale submitted to the Colorado Department of Revenue on form DR2407, dated no more than 180 days prior to placing the vehicle into service.
- (b) A Person who believes that the vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation experience in the relevant market to be served. The response period shall be five days, after which time the Commission will consider the petition at its next weekly meeting.
- (c) Age limits for Luxury Limousines shall be 15 years, with the age of the vehicle calculated as set forth in rule 6117. For vehicles older than eight model years and/or have more than 150,000

miles, the periodic safety inspection shall be completed semi-annually. After the Motor Vehicle reaches 225,000 miles, regardless of age, the inspections must occur every three months.

6306. Luxury Limousines – Operational Requirements, Prearrangement Required.

- (a) No Person shall provide Luxury Limousine Service or a service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis.
- (b) The fact that the drop off time is amended in a Charter Order during the course of performance (i.e., the amended drop off time is agreed to before the original drop off time is reached) does not, in and of itself, mean that such transportation is not on a Prearranged Charter Basis. All requirements of a Charter Order apply equally to the amended Charter Order.
- (c) Although a Charter Order must be for a specific period of time reasonably calculated to fulfill the purpose of the charter, these rules do not prohibit terms addressing time in excess of such calculated specific period of time.
- (d) Without affecting any other requirement of these rules, a Luxury Limousine Carrier shall, at all times when providing Luxury Limousine Service, carry in each vehicle a Charter Order or Trip Ticket. However, the total charge for the specific period of time may be omitted or stricken from the copy of the Charter Order or Trip Ticket carried in each vehicle.
- (e) A Luxury Limousine Carrier shall not station a Luxury Limousine within one hundred feet of a recognized Taxicab stand, a designated Passenger pickup point at an airport, a hotel, or a motel without the completed Charter Order in the vehicle. A Luxury Limousine Carrier shall not station a Luxury Limousine at the point of departure more than forty-five minutes prior to the pickup time noted on the Charter Order.
- (f) A Luxury Limousine Carrier shall provide the Charter Order or Trip Ticket immediately upon request by any Enforcement Official or Airport Official.
- (g) Prior to the provision of service, a Luxury Limousine Carrier shall provide the other party to the contract underlying the charter a paper or electronic copy of the Charter Order.

6307. Luxury Limousine Service – Presumptions.

- (a) A Person shall be presumed to have provided Luxury Limousine Service in violation of paragraph 6306(a) if, without prearrangement, such Person:
 - (I) accepts payment for the transportation of the chartering party at the point of departure;
 - (II) makes the Luxury Limousine available to the chartering party at the point of departure;
 - (III) negotiates the immediate availability of, or the price for immediate use of, the Luxury Limousine at or near the point of departure;
 - (IV) loads the chartering party or its baggage into the Luxury Limousine; or
 - (V) transports the chartering party in the Luxury Limousine.

- (b) A Luxury Limousine Carrier that charges or offers to charge for transportation services on a per Person basis shall be presumed to be providing or offering to provide services as a Common Carrier.
- (c) A Luxury Limousine Carrier may rebut the presumptions created in this rule by competent evidence.

6308. – 6399. [Reserved].

* * * *

[indicates omission of unaffected rules]

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17R-0796TR

IN THE MATTER OF THE PROPOSED RULES REGULATING INTRASTATE CARRIERS,
LIMITED REGULATION CARRIERS AND THE GENERAL PROVISIONS AND SAFETY
RULES, 4 CODE OF COLORADO REGULATIONS 723-6.

**COMMISSION DECISION RULING ON EXCEPTIONS
AND ORDER ADOPTING RULES AS MODIFIED**

Mailed Date: December 24, 2018
Adopted Date: December 12, 2018

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I. BY THE COMMISSION**A. Statement**

1. This matter comes before the Commission for consideration of Recommended Decision No. R18-0968 issued on October 31, 2018, by Hearing Commissioner Frances A. Koncilja (Recommended Decision). The Recommended Decision adopts amendments to the Commission's Rules Regulating Transportation by Motor Vehicle found at 4 *Code of Colorado Regulations* (CCR) 723-6 (Recommended Rules). By Interim Decision No. C18-1009-I, issued November 13, 2018, we stayed the Recommended Decision to allow for full review of the proposed rules. On November 20, 2018, six separate parties filed exceptions to the Recommended Decision.

2. By this Decision, we grant in part, and deny in part, the exceptions filed in this Proceeding, and adopt the Recommended Rules with certain modifications identified in the discussion section below in the redline in Attachment A and in the final format in Attachment B to this Decision. We believe the amendments made in the Recommended Rules to our current Rules Regulating Transportation by Motor Vehicle, with the modifications adopted in this Decision, enhance public safety, protect consumers, provide clarity and conciseness, and make the rules more effective and efficient. In addition, our amendments reflect recent legislative changes. Finally, we believe the rules as adopted strike a balance between providing regulated industries the opportunity to fairly compete in the marketplace, while protecting consumers and enhancing safety.

B. Background

3. By Decision No. C17-0976, issued November 30, 2017, we issued a Notice of Proposed Rulemaking (NOPR) and assigned Commissioner Frances A. Koncilja as Hearing

Commissioner in accordance with § 40-6-109(2), C.R.S. The NOPR was published in the December 10, 2017, edition of *The Colorado Register* and on the Commission's website.

4. The purpose of this Proceeding is to amend the Rules Regulating Transportation by Motor Vehicle, found at 4 CCR 723-6. The statutory authority for these rules is found at §§ 40-2-108; 40-2-110.5(8); 40-3-101(1); 40-3-102; 40-3-103; 40-3-110; 40-4-101; 40-5-105; 40-7-113(2); 40-7-112 and 113; 40-10.1-101 through 705; 42-4-235; 42-4-1809(2)(a); 42-4-2108(2)(a); 42-20-201 *et seq.*; 42-20-501 *et seq.*; and 24-4-104(4), C.R.S.

5. Public Comment hearings were conducted by the Hearing Commissioner on February 20 and 21, 2018; March 29, 2018; May 31, 2018; and June 26, 2018. Transcripts of these hearings, totaling approximately 650 pages, were placed into the record of this Proceeding. In addition, interested parties filed numerous written comments into the record, and Commission Transportation Staff (Staff) filed supplemental factual information into the record at the request of the Hearing Commissioner.

6. On October 31, 2018, Hearing Commissioner Koncilja issued her Recommended Decision. By Interim Decision No. C18-1009-I, issued November 13, 2018, pursuant to § 40-6-109(2), C.R.S., the Commission stayed on its own motion, the Recommended Decision because of the press of business and in order to allow for a full review of the recommendations made by Hearing Commissioner Koncilja. On November 20, 2018, the following interested parties filed exceptions to the Recommended Decision: Colorado Limousine Association; Prestige Worldwide Transportation Inc.; Towne & Country Limousine Inc.; A Custom Coach Transportation; Carey Limousine; and ABC Shuttle. These are all members or representatives of the luxury limousine industry, with the exception of ABC Shuttle, which also has a certificate of

public convenience and necessity to provide shuttle service. These exceptions are addressed below in the rule-by-rule discussion.

7. We deliberated at our December 12, 2018, Commissioners' Weekly Meeting and granted in part, and denied in part, the exceptions, and adopted the Recommended Rules with certain modifications, identified in the discussion below and shown in redline in Attachment A and in final format in Attachment B to this Decision.

C. Discussion

8. Below, we address each rule for which exceptions were filed or that we modified on our own motion. The rules are organized into five categories: General Provisions, Safety Rules, Fully Regulated Intrastate Carrier Rules, Motor Carriers Providing Taxicab Service Rules, and Limited Regulation Carrier Rules. This discussion does not address modifications to correct minor omissions or mistakes, which amount to scrivener's error. All of our modifications to the Recommended Rules, substantive and scrivener's error, are shown in redline in Attachment A and in final format in Attachment B to this Decision.

1. General Provisions

Rule 6001(iii). "Out-of-Service"

9. This rule defines driver or vehicle "Out-of-Service" status. We clarify the rule to indicate that a driver or vehicle may be placed out-of-service for violation of the Commission's safety rules *or* the Commercial Vehicle Safety Alliance out-of-service criteria, which are referenced in Rules 6106 (c) and (d) addressing inspection of drivers and vehicles.

Rule 6008(j). Administrative Cancellation

10. This rule provides for administrative cancellation by the Commission of certificates of insurance and surety bonds. We modify subsection (j)(II) of the Recommended

Rule to refer to “Fully Regulated Intrastate Carrier” instead of to “regulated Motor Carrier.” This correction conforms the language in the rule to use the new defined term “Fully Regulated Intrastate Carrier,” as introduced in the Recommended Rules.

Rule 6015(a). Exterior Vehicle Markings

11. This rule establishes requirements for external vehicle markings. We modify subsection (a)(V) of the Recommended Rule to more clearly identify the carriers subject to this subsection, which excludes luxury limousine carriers. We also modify subsection (a)(VII) of the Recommended Rule to allow the external vehicle markings to be “permanently affixed” to the vehicle, rather than painted on, to afford more flexibility to carriers.

Rule 6018. Civil Penalties

12. This rule, in subsection (e), provides a table specifying the maximum penalty that may be assessed for violation of certain Commission rules. We modify the table in subsection (e) of the Recommended Rule to make the following corrections to rule cross-references: Rule 6106(a)(II)(C) is the relevant rule for failure to return a completed Driver/Vehicle Compliance Report, with a \$500 fine; Rule 6114 at subsections (c), (d), (e), (i), and (j) is the relevant rule for fingerprint-based criminal history record checks, with a \$225 fine; and Rules 6256 and 6304 are the relevant rules for failure to display taxicab or livery license plates, with a \$225 fine.

13. Exceptions to this proposed rule were filed by John Hafer of A Custom Coach; Chris Haisky of Towne & Country Limousine Inc.; and Doug Pooley, counsel for Colorado Limousine Association.

14. Mr. Hafer requests we re-evaluate the penalties to avoid imposing a financial burden on small companies. He believes the Commission's intent is not to shut down existing companies by assessing fines.

15. Mr. Haisky similarly suggests the penalties are too high and would cause a financial burden. He explains that, with small profit margins, small companies may be forced to close their business, which should not be the Commission's intent in assessing fines. He requests the penalties be reduced to a reasonable level. Specifically, he argues that fines for reporting errors are too high for such a minor issue, and that, in some areas, the fines have nothing to do with safety concerns.

16. Mr. Pooley, on behalf of Colorado Limousine Association, maintains there has been a recent trend by Staff to assess and increase fines rather than obtain corrective action.

17. Although we recognize the concerns raised in the exceptions, we deny the exceptions and adopt the Recommended Rule with the limited corrections to cross-references identified above. The penalty amounts in table (e) of this rule are all consistent with applicable statutory requirements. *See, e.g.*, § 40-7-113(1)(b), C.R.S. (establishing maximum civil penalty of \$1,100 for operating as a common carrier without certificate); Rule 6018(e) (setting maximum civil penalty at \$1,100 for the same violation). In addition, the penalty amounts are all equal to or less than the fines in the current rule.

Rule 6020. Report by Staff

18. This rule requires Staff to prepare an annual report to the Commissioners and the Director, reporting on financial and operational data identified in the rule. The first report is due July 1, 2019. We expressed concerns that requiring this report by rule could present procedural irregularities in the event Staff is late in submitting a report or that Staff requires a waiver of a

particular requirement; however, this can be addressed through conversations with Staff, given that we work in close physical proximity, and ultimately decided that we preferred to keep this requirement in the rule given the value of this report. We adopt the Recommended Rule.

2. Safety Rules

Rule 6100. Applicability of Safety Rules

19. This rule identifies the carriers subject to the safety rules in Rules 6100 through 6199. We modify subsection (a)(II) of the Recommended Rule to clarify that these rules apply to all vehicles of common carriers, contract carriers, limited regulation carriers, and Large Market Taxicab Service carriers (LMTs). We also modify subsection (b) of the Recommended Rule to expand the list of Federal Motor Carrier Safety Administration (FMCSA) regulations incorporated by reference into our rules.

Rule 6102. Annual Motor Vehicle Identification Fees and Vehicle Registry

20. This rule implements a new requirement for carriers to provide the manufacturer, type, make, model year, vehicle identification number (VIN), license plate, mileage, date of purchase and, if applicable, the Denver International Airport Automated Vehicle Identification (AVI) tag number, for each vehicle operated. The rule contemplates eventually compiling this information in a digital registry, where Staff can easily access this information, especially from the field when conducting inspections. The intent is to tie specific vehicle stamps to specific vehicles, thereby better equipping Staff to verify and inspect the actual number of vehicles being operated by a carrier. This is consistent with § 40-10.1-111(2), C.R.S., which provides that a motor carrier shall not operate a vehicle without paying the annual fee for each vehicle, and specifies such fees “are creditable only to the specific vehicles for which the fees have been paid.”

21. Exceptions were filed by Jody Cowen of Carey Limousine; Jason Ramsey of Prestige Worldwide Transportation Inc.; and Doug Pooley, counsel for Colorado Limousine Association.

22. Ms. Cowen cautions that requiring carriers to submit vehicle identification information is time consuming and creates a large burden for a non-safety issue. She contends the Commission lacks the staff resources to collect and monitor this information. She believes carriers should be able to purchase extra stamps, for example, in case a windshield needs to be replaced or a new vehicle is added during the year.

23. Mr. Ramsey also cautions that requiring carriers to submit vehicle identification information is time consuming, costly, and requires staff resources the Commission lacks. He also concludes this requirement creates a large burden for a non-safety issue.

24. Mr. Pooley, on behalf of Colorado Limousine Association, similarly objects to requiring specific vehicle information for stamps, echoing that carriers desire the option to purchase extra stamps to use over the year to replace broken windshields or add rental vehicles. He claims this is particularly important for operators in distant locations. In addition, he suggests that rather than collect this information from carriers, the Commission could obtain it from insurance companies along with the required proof of insurance.

25. We find the benefits of requiring this information outweigh the burden on the industry, namely, that it will make safety inspections and enforcement exponentially more efficient. Although, as Mr. Pooley suggests, vehicle information could conceivably be obtained through insurance forms, we decline to pursue that approach, as it would require excessive Staff

resources to collect and review these forms.¹ We uphold the Hearing Commissioner's finding that this approach is burdensome to an already overworked Staff while the corresponding burden on industry is minimal.² We therefore deny the exceptions and adopt the Recommended Rule without modification.

Rule 6103. Vehicle Inspectors

26. This rule establishes qualification requirements for vehicle mechanic inspectors. The Recommended Rule requires mechanics to be Automotive Service Excellence (ASE) certified and employed by a company authorized to do business in Colorado. This is stricter than the current rule, which applies the federal standard that allows a mechanic to be ASE-certified *or* certified based on training and on experience. *See*, FMCSA regulations at 49 *Code of Federal Regulations* (C.F.R.) § 396.19 (establishing qualifications).

27. Exceptions were filed by Abdi Buni of ABC Shuttle; Jody Cowen of Carey Limousine; Jason Ramsey of Prestige Worldwide Transportation Inc.; Chris Haisky of Towne & Country Limousine Inc.; and Doug Pooley, counsel for Colorado Limousine Association, in each case, opposing the requirement that inspections be performed exclusively by an ASE-certified mechanic.

28. Mr. Buni asks the Commission to retain the current rule, as this would leave more shops available to provide inspections. He also cautions the price of ASE-certified mechanics can be higher than non-certified mechanics.

¹ If, as the parties contend, the Commission lacks resources to gather and compile this information, this recommendation does nothing to alleviate that concern.

² *See also, e.g.*, Hr'g Tr. 104:14-106:17, May 31, 2018 (discussing obtaining vehicle identification information by reviewing insurance forms)

29. Ms. Cowen notes that many carriers operate under both Commission and federal authority, and suggests that if inspection requirements are not the same, carriers could be required to incur the expense of taking vehicles to more than one inspector.

30. Mr. Ramsey states that, for carriers operating in the mountain areas, locating an ASE-certified mechanic is difficult, particularly one that is certified in all appropriate disciplines.

31. Mr. Haisky states that shops are willing to conduct Commission inspections, but do not necessarily employ ASE-certified mechanics—and those that do cost more. He adds that requiring carriers to locate an ASE-certified mechanic might create a backlog of inspections, causing carriers to be out of service while waiting for their inspection. He also states that dealers with ASE-certified mechanics are reluctant to provide inspection services because repair work is more profitable.

32. Mr. Pooley, on behalf of Colorado Limousine Association, states that most dealers with ASE-certified mechanics are reluctant to provide inspection services due to perceived liabilities.

33. With due consideration to the concerns raised on exceptions, we find the safety benefit of ensuring that inspections are conducted by competent mechanics, evidenced by their ASE certification, outweighs the burden on industry. We uphold the Hearing Commissioner's finding that this modification should make the inspection process more efficient and more reliable. We clarify the Recommended Rule to specify that, for commercial motor vehicles subject to federal jurisdiction, the federal FMCSA standard applies instead of our rule. *See* 49 C.F.R. § 390.5 (defining "commercial motor vehicle"). Other than this modification, we deny the exceptions and adopt the Recommended Rule.

Rule 6104. Safety Inspections of Motor Vehicles

34. This rule establishes inspection criteria for vehicles subject to Commission safety inspection. Subsection (a) of the Recommended Rule requires an initial inspection of any vehicle to be used by a carrier and periodic inspections thereafter, at least once per year or as required by rule or order. Subsection (b) of the Recommended Rule lists the inspection criteria.

35. Exceptions were filed by Jason Ramsey of Prestige Worldwide Transportation Inc.; and Doug Pooley, counsel for Colorado Limousine Association.

36. Mr. Ramsey suggests that newly-titled vehicles purchased from a dealer (thus not in a private sale) should be exempt from initial inspection. He reasons that, most used cars sold today at a dealership already come pre-inspected by the dealership's mechanics.

37. Mr. Pooley, on behalf of Colorado Limousine Association, suggests exempting from initial inspection any vehicles purchased "new" (less than 2,000 miles) directly from a dealer or manufacturer. He states these vehicles already must be sold in compliance with the inspection requirements in Rule 6104, so requiring an initial inspection for these new vehicles creates an unnecessary financial burden on carriers.

38. We deny the exceptions and adopt the Recommended Rule without modification. Unfortunately, there simply is no way currently for Staff to determine whether a vehicle was new from the showroom when purchased, therefore out of concern for safety we must apply this requirement to all vehicles.

Rule 6105. Daily Vehicle Inspection Report

39. This rule requires preparation of a Daily Vehicle Inspection Report (DVIR) at the completion of each day, for each vehicle operated. As set forth in subsection (a) of the Recommended Rule, this requirement does **not** apply to one-vehicle, one-driver operations.

40. Exceptions were filed by Jody Cowen of Carey Limousine; Jason Ramsey of Prestige Worldwide Transportation Inc.; John Hafer of A Custom Coach; and Chris Haisky of Towne & Country Limousine Inc., in each case, requesting the DVIR be required of all carriers, regardless of fleet size, on grounds this is a safety rule that should apply universally.

41. We deny these exceptions. In one-vehicle, one-driver operations, the driver is intimately familiar with the condition of the vehicle as that driver is the only person using the vehicle day-to-day. The purpose of this rule is to ensure the safety of vehicles when different drivers are assigned to the same vehicle, in which case a particular driver may not necessarily know about issues arising the previous day or week.

42. Mr. Haisky also proposes the DVIR should be required of transportation network companies (TNCs) operating under Part 6 of Article 10.1, Title 40, C.R.S. We decline to adopt this change. Similar to one-vehicle, one-driver operations, TNC drivers typically use their personal vehicle to drive for the TNC and therefore are intimately familiar with the condition of the vehicle.

Rule 6106. Inspection Process by Enforcement Official

43. This rule establishes requirements for inspection of drivers and vehicles by Staff. We modify subsection (a)(I) of the Recommended Rule to allow a driver to mail “or electronically submit” to the carrier any Driver/Vehicle Compliance Report prepared by enforcement staff and given to the driver.

44. We modify subsection (c) of the Recommended Rule to clarify a vehicle shall be placed out-of-service if it would likely cause an accident or breakdown due to its condition pursuant to Commercial Vehicle Safety Alliance out-of-service criteria “or Commission safety rules.” We similarly modify subsection (d) of the Recommended Rule to clarify a driver shall be

placed out-of-service if he or she would likely cause an accident pursuant to Commercial Vehicle Safety Alliance criteria “or Commission safety rules.”

45. We also modify subsection (k) of the Recommended Rule to require that written certification of removal or resolution of a condition for which a driver or vehicle was placed out of service be provided to the Commission within 15 days.

Rule 6107. Driver Minimum Qualifications

46. This rule, at subsection (b), specifies the driver qualification documents that a carrier must require its drivers to maintain on their person or in their vehicle. We modify the Recommended Rule to clarify that these documents are to be kept on the driver’s person or in the vehicle they operate for the carrier.

Rule 6108. Driver Qualification File

47. This rule requires a carrier to maintain certain records for each of its drivers. We modify the title of the Recommended Rule to read “Driver Qualification File *and Records*” to better describe its content. We also modify subsection (c) of the Recommended Rule to require a carrier to keep on file a driver’s fingerprint qualification “status” instead of “letter.” This change is made because the Commission will no longer receive paper fingerprint cards from driver applicants and therefore may no longer have an address on file to send a paper letter. (This transition to digital fingerprinting is also addressed in our discussion below of Rule 6114.)

Rule 6109. Proof of Medical Fitness

48. This rule requires medical certification of drivers. We modify subsection (a) of the Recommended Rule to clarify that drivers of 16-passenger vehicles must be certified pursuant to the FMCSA regulations at 49 C.F.R. § 391.41, and drivers of 15-passenger vehicles may be certified under the provisions of this rule or 49 C.F.R. § 391.41. We also modify subsection (d) of

the Recommended Rule by replacing the reference to “driver certification form” with “medical examination report,” which is the title of the form on the Commission website.

Rule 6110. Hours of Service

49. This rule establishes requirements for driver hours of service, specifically, a 12 hours on, 12 hours off rule (12/12 rule). The Recommended Rule provided an exception for luxury limousine carriers, allowing them to elect instead an alternative accounting method. We modify subsection (b) of the Recommended Rule to expand this exception to all motor carriers, not just luxury limousine carriers (but excluding taxicab carriers and LMTs), and to clarify in subsection (b) that the option is the 12/12 rule *or* the 10 hours, 15 hours, and 70 hours rule (10/15/70 rule).

50. Exceptions were filed by Abdi Buni of ABC Shuttle; Chris Haisky of Towne & Country Limousine Inc.; and John Hafer of A Custom Coach.

51. Mr. Buni requests the exception to elect the alternative accounting method be expanded to include shuttle service. He states the 12/12 rule may work for taxicab carriers, but would make his business difficult to run and prevent drivers from making a living. He states the 10/15/70 rule better fits his business model and allows his company to compete in the market.

52. We grant this exception and modify subsection (b) of the Recommended Rule to provide that, in lieu of the 12/12 rule, all motor carriers other than motor carriers providing taxicab service may elect to account for driver hours of service using the 10/15/70 rule. Most comments received in this Proceeding objecting to the 12/12 rule were from the luxury limousine industry. Nonetheless, we find good cause to expand this option to shuttle service, as Mr. Buni requests in his exceptions, and to other non-taxicab service providers, to give companies the flexibility to elect the hours accounting method that best fits their business model.

53. The remaining exceptions concern subsection (c)(IV) of the Recommended Rule. This rule requires a carrier to maintain time records showing a driver's total number of on-duty hours with other persons during the reporting period. Mr. Haisky states that, with privacy issues, carriers would be at the mercy of their drivers' honesty. Similarly, Mr. Hafer cautions this puts carriers in a difficult position by leaving them at the mercy of their drivers' honesty.

54. We deny these exceptions. Subsection (c)(IV) requires only a "good faith" effort by carriers to monitor driver hours performed for other persons—carriers are not held strictly accountable if a driver fails to accurately report its hours with another company. This "good faith" standard is less stringent than the current rule, which includes no such qualification. In addition, the definition of "on-duty" in Rule 6001(hhh) of the Recommended Rules mirrors the federal FMCSA rule except it does **not** include other work. *See* FMCSA regulation at 49 C.F.R. § 395.2 (more broadly defining on-duty time). We find this rule appropriately balances the significant safety concern of driver hours with the practical limitations carriers have in obtaining accurate information from their drivers.

Rule 6111. Verification of Hours of Service

55. This rule establishes additional requirements for verification of hours of service for certain carriers. We make a minor modification to subsection (a) of the Recommended Rule, replacing "Taxicab Carriers and Large Market Taxicab Service" with the more general "Motor Carriers providing Taxicab Service," in order to more clearly refer to both taxicab carriers providing service under Part 2 of Article 10.1, Title 40, C.R.S., and LMTs providing service under new Part 7 of Article 10.1, Title 40, C.R.S.

Rule 6113. Accident Registry

56. This rule requires carriers to maintain a registry of accidents and report certain accidents to the Commission. Exceptions were filed by Jason Ramsey of Prestige Worldwide Transportation Inc.; John Hafer of A Custom Coach; Chris Haisky of Towne & Country Limousine Inc.; and Doug Pooley, counsel for Colorado Limousine Association.

57. Mr. Ramsey cautions this rule is overly burdensome on the industry and that accident reports may not be available for up to 30 days. He suggests insurance companies provide the information directly to the Commission and limit it to accidents where damage exceeds \$5,000, or bodily injury results.

58. Mr. Hafer questions how the Commission will track these reports and accidents. He notes the local police department is notified at the time of an accident and also that carriers keep track of this information in their annual profit and loss report to the Internal Revenue Service.

59. Mr. Haisky, like Mr. Ramsey, cautions this rule is overly burdensome in requiring carriers to track these accidents. He suggests the Commission adopt rules similar to the FMCSA rules on accident registry.

60. Mr. Pooley, on behalf of Colorado Limousine Association, suggests extending the deadline for carriers to report accidents. He explains that official accident reports from the police, Department of Transportation, or other investigating agency, may not be immediately available. He also suggests deleting this requirement entirely and instead simply requiring carriers to maintain records of accidents and provide them for Staff inspection upon request.

61. We find the benefit of maintaining this accident registry outweighs the claimed burden to the industry and therefore we deny the exceptions, in part. We agree with the Hearing

Commissioner's finding that this is a safety rule to assist in monitoring the safety of vehicles. We find good cause to extend the accident reporting deadline to 30 days and grant, in part, Mr. Pooley's exceptions. Accordingly, we modify subsection (d) of the Recommended Rule to lengthen the time to report an accident to the Commission from 5 days, to 30 days; otherwise, we adopt the Recommended Rule with no further modification.

Rule 6114. Fingerprint-Based Criminal History Record Check

62. This rule replaces current Rule 6105 and establishes a process for fingerprint-based criminal history record checks conducted by the Commission pursuant to § 40-10.1-110, C.R.S. The Colorado Bureau of Investigation (CBI) has moved to digital-based fingerprinting, so it is no longer possible for the Commission to comply with the directive in the statute for drivers to "submit a set of" their fingerprints to the Commission and for the Commission to "forward the fingerprints" to the CBI. *See*, § 40-10.1-110(1), C.R.S. We find that in this instance, compliance with the explicit language of the statute is impossible given the CBI's implementation of a digital fingerprinting system. Nevertheless, we find that under the circumstances substantial compliance is still possible, and the Commission can still meet the objective of the statute even if we no longer accept paper cards.³

63. The Recommended Rule already incorporated some language adjustments to reflect the CBI move from paper fingerprint cards to digital fingerprinting. We adopt further modifications to subsections (d) and (e) of the Recommended Rule to adjust the rule language to allow for the new CBI digital process. We also modify subsection (k) of the Recommended Rule to remove the requirement that Staff notify the driver of the qualification determination, since

³ *See Woodsmall v. Reg'l Transp. Dist.*, 800 P.2d 63, 67 (Colo. 1990) (court will impose degree of compliance consistent with objective sought by the legislation).

without paper fingerprint cards, the Commission may no longer have an address on file. As a result, drivers will need to review their qualification status on the Commission's fingerprint tracking system database, which is available to authorized users on the Commission's website.

Rule 6117. Age and Condition of Passenger Carrying Motor Vehicles

64. This rule establishes vehicle age, mileage, and condition requirements, and establishes age and mileage thresholds for periodic inspections. We address below the sections of this rule to which parties filed exceptions or that we modify here.

Rule 6117(c) - 15 Year Age Limit

65. Subsection (c) of the Recommended Rule establishes a 15-year age limit, regardless of condition or mileage, for vehicles operated under a limited regulation permit (except for a vehicle meeting the definition of luxury limousine collector's vehicle). Exceptions were filed by Abdi Buni of ABC Shuttle. Mr. Buni requests the rule be modified to apply a 15-year/350,000 age and mileage limit to vehicles used in shuttle service.

66. We modify subsection (c) to expand the scope of the rule. Specifically, we modify subsection (c) so that, except for a luxury limousine collector's vehicle, no vehicle operated under a Commission-issued certificate or permit shall be more than 15 years old regardless of condition or mileage. We intend this rule to apply to all common carriers (other than taxicab carriers), contract carriers, limited regulation carriers, and LMTs. We believe the same concerns with vehicle age for limited regulation carriers also apply to these other types of carriers. Accordingly, we grant Mr. Buni's exceptions, in part.

Rule 6117(d) - Periodic Safety Inspections

67. Subsection (d) of the Recommended Rule requires periodic safety inspections semi-annually for vehicles over eight years old or with more than 150,000 miles, and periodic

safety inspections every three months for vehicles with more than 225,000 miles. Exceptions were filed by Chris Haisky of Towne & Country Limousine Inc.; and John Hafer of A Custom Coach.

68. Mr. Haisky cautions these inspection requirements will create a financial burden on carriers, particularly mini-buses and motor coaches, which are built to last 20 years and operate over a million miles in service. He suggests requiring semi-annual inspections once a vehicle reaches 300,000 miles. Similarly, Mr. Hafer suggests increasing the mileage threshold for periodic inspections to 300,000 miles and limiting the required inspections to semi-annually. He states that requiring inspections every three months and after just 150,000 miles, will create a financial burden on companies.

69. We deny these exceptions. We believe the age and mileage thresholds for periodic inspections in the Recommended Rule appropriately balance the safety concerns of vehicle age and mileage with the financial burden of increased inspections. We note there is industry support in the record for increased safety inspections.⁴

Rule 6117(g)(III) - Petitions for Rule Waiver

70. Subsection (g)(III) of the Recommended Rule requires that a petition for a waiver of the age and condition rules contain dates and results of the last three periodic inspections. We modify this rule to require inclusion of the results of “all periodic inspections for the last two years” rather than the last three periodic inspections (since a vehicle could be on semi-annual or three-month inspection cycle).

⁴ See, e.g., *Supplemental Response of Colorado Limousine Association* at p. 3, June 14, 2018 (proposing rules set no age limit, but require semi-annual safety inspections for vehicles older than 10 years old, or in the alternative, proposing the rules set a 15-year age limit, with increased inspection requirements).

71. Subsection (g)(IV) of the Recommended Rule requires that such a petition include all documents in the vehicle maintenance file required in Rule 6112. We modify the rule to limit this requirement to only documents in the vehicle maintenance file “for the last two years.”

3. Fully Regulated Intrastate Carrier Rules

Rule 6204. Application for Temporary or Emergency Temporary Authority

72. This rule sets forth requirements for filing an application for temporary authority or emergency temporary authority for a common carrier or a contract carrier.

73. We modify the Recommended Rule by adding a new subsection (a)(V) to specify that an application for contract carrier authority requires a support letter from each proposed customer describing the customer’s need for the proposed service.

74. We are also adding a new subsection (e) that specifies that in lieu of filing an application as set forth in the rule, the applicant may use the application form approved by the Commission and posted on its website. This is an option included in other rules addressing applications, and we include it here as well.

Rule 6205. Application to Voluntarily Abandon or Suspend Authority

75. This rule sets forth requirements for filing an application to voluntarily abandon or suspend the authority of a common carrier or contract carrier. We modify the Recommended Rule by adding a new subsection (d) that specifies that in lieu of filing an application as set forth in the rule, the applicant may use the application form approved by the Commission and posted on its website. This is an option included in other rules addressing applications, and we include it here as well.

Rule 6206. Application to Transfer

76. This rule sets forth requirements for filing an application for authority to transfer rights or interests in a common carrier or contract carrier authority. We modify subsection (c)(I) of the Recommended Rule to limit the information required to be provided by applicants to just the information appropriate for consideration of a transfer application.

Rule 6212. Annual Reports

77. This rule requires common carriers and contract carriers to file an annual report with the Commission by April 30th of each year. We modify subsection (b) of the Recommended Rule to complete a change first proposed in the NOPR, and adopted in the Recommended Rule, to eliminate the requirement to file a terminating annual report after a permanent transfer of authority. We delete the holdover reference in subsection (b) to “terminating annual report” since this report is no longer required.

4. Motor Carriers Providing Taxicab Service Rules**Rule 6250. Applicability of Taxicab Carrier Rules**

78. This rule identifies which carriers are subject to Rules 6250 to 6258. We modify the Recommended Rule to expand the applicability of these rules to both taxicab carriers (common carriers operating under Part 2 authority) and LMTs (operating with a new Part 7 permit). To effect this change, we replace references to “Taxicab Carrier” to instead read “Motor Carriers providing Taxicab Service.” We also make this conforming change throughout Rules 6250 to 6258.

Rule 6257. Conversion to a Transportation Network Company

79. This rule sets forth the process for a taxicab or shuttle carrier to convert its authority to a TNC. The Recommended Rule allows a carrier to make *pro rata* payments over

12 months of the \$111,250 fee for the first year. In addition, this rule allows the carrier to elect not to proceed with the conversion, in which event no further payments are due. We adopt the Recommended Rule but expressly clarify that if a carrier misses a monthly payment, the permit will be immediately revoked.

5. Limited Regulation Carrier Rules

Rule 6302. Application and Permit

80. This rule sets forth application requirements for limited regulation carrier permits. Subsection (e) of the Recommended Rule requires submission of a vehicle inspection, no older than 180 days, when applying for a new or renewal permit. Exceptions were filed by Jody Cowen of Carey Limousine; and Doug Pooley, counsel for Colorado Limousine Association.

81. Ms. Cowen requests we extend the time limit for the inspection. She explains her company conducts its annual inspections typically in August, but renews its authority in July, by which time the annual inspection results are 11 months old. She suggests it is typical for companies to conduct inspections on a cycle that does not coincide with the Commission's renewal date.

82. Mr. Pooley, on behalf of Colorado Limousine Association, similarly objects to requiring an inspection no older than 180 days with the permit application. He argues that this is redundant because other rules already require periodic safety inspections and could create an unnecessary burden of obtaining another inspection where cycles do not coincide.

83. We deny the exceptions and adopt the Recommended Rule with the modification described below.

84. By statute, to obtain a new limited regulation permit, an applicant must have each vehicle operated under the permit inspected within the immediately preceding 20 days and attach a report showing that each vehicle passed inspection. *See* § 40-10.1-302(4), C.R.S. In light of this statutory requirement, we revise subsection (e) of the Recommended Rule to require submission of a vehicle inspection no more than 20 days old with an application for a *new* permit, and add a new subsection (f) that requires submission of a vehicle inspection no more than 180 days old with an application to *renew* a permit. With these changes, we designate subsection (f) of the Recommended Rule to now be subsection (g).

85. We deny the exceptions requesting that we eliminate this requirement or extend the time allowance for a report. We find the 180 days allowed is already a reasonable accommodation and that this rule appropriately balances the need to improve and make more efficient our enforcement efforts (and to comply with statutory requirements) with the resulting requirement of industry of having to adjust their periodic inspection schedules or obtain another inspection.

Rule 6305. Luxury Limousine

86. This rule defines the statutory term “luxury limousine” by rule, in accordance with § 40-10.1-301(7), C.R.S. Exceptions were filed to various provisions of this rule by John Hafer of A Custom Coach; Chris Haisky of Towne & Country Limousine Inc.; Jody Cowen of Carey Limousine; Jason Ramsey of Prestige Worldwide Transportation Inc.; and Doug Pooley, counsel for Colorado Limousine Association. We address below provisions to which exceptions were filed or that we modify here.

Rule 6305(a) - Vehicle List

87. This rule defines “luxury limousine” by listing specific qualifying vehicle types and manufacturers. Mr. Hafer and Mr. Haisky oppose defining “luxury limousine” through use of a vehicle list. They posit that, without a vehicle list, the Commission will have fewer waivers to process.

88. The record in this Proceeding is robust with regard to the use of a vehicle list. We conclude this rule is a reasonable solution.⁵ We find that using a vehicle list is an appropriate way to provide in our rules a definition of “luxury limousine” and therefore deny these exceptions. Although we recognize this means carriers will continue to require seeking a rule waiver as new vehicles come on the market, we believe this rule is carefully drafted to provide maximum flexibility to adjust to a changing market. We note the rule refers generally to vehicle type (not model) and to manufacturer, and subsection (a)(VI) of the Recommended Rule provides a safe harbor that automatically qualifies any vehicle a carrier purchases for \$50,000 or more.

Rule 6305(a)(II)(A) - Executive Cars

89. This rule lists specific vehicle types and manufacturers that qualify as an “executive car” type of “luxury limousine.” We modify the list of “executive cars” in subsection (a)(II)(A) of the Recommended Rule to include a sedan, crossover, or sport utility vehicle manufactured by Land Rover. We find Land Rover is equivalent to the other manufacturers in the list. We adopt the Recommended Rule with this modification.

⁵ See, e.g. Hr’g Tr. 55:5-75:20, May 31, 2018 (Hearing Commissioner stating she needs a rule defining “luxury limousine” that is “enforceable” and ensuing comments on merits of using vehicle value, vehicle list, or total experience approaches); *Comments of Jason Ramsey*, Prestige Worldwide Transportation Inc. at p. 1, May 31, 2018 (proposing defining “luxury limousine” by attributes); *Supplemental Response of Colorado Limousine Association* at p. 2, June 14, 2018 (proposing defining “luxury limousine” by attributes); Hr’g Tr. 17:20-19:19, June 26, 2018 (discussing difficulty with specifying models in a vehicle list given the ever-changing market).

Rule 6305(a)(IV) - Pickups

90. This rule lists specific pickup truck type and manufacturers that qualify as a “luxury limousine.” Mr. Hafer and Mr. Haisky contend this list of pickups does not reasonably define “luxury limousine” and reiterate this is why they oppose a vehicle list.

91. Mr. Ramsey objects expressly to the inclusion of pickup trucks. He suggests that allowing pickup trucks to be used as luxury limousines is not an appealing way to represent the state. Mr. Pooley, on behalf of Colorado Limousine Association, also objects to including pickups on grounds they are not appropriate for this market and would open the door to a plethora of vehicles that should not be used as luxury limousines. He suggests that, for the rare occasion a carrier needs to utilize a pickup, the rule waiver process remains available. He recognizes the goal of reducing the frequency of rule waivers, but suggests excluding pickups would not produce many petitions.

92. We deny these exceptions and uphold the Hearing Commissioner’s determination that high end four-wheel pickup trucks are appropriate to include in the definition of “luxury limousine.”⁶ We modify the list of qualifying pickups in subsection (a)(IV) of the Recommended Rule to refer only to the manufacturer (and not a particular model) and to require the model be “Limited,” “Platinum,” or equivalent class. We make this change to enhance the flexibility of this provision to apply as new models and series are introduced.

Rule 6305(a)(VI) - Safe Harbor

93. This rule provides a safe harbor for vehicles purchased for \$50,000 or more within 180 days prior to placing the vehicle in service. Mr. Hafer and Mr. Haisky recommend

⁶ Recommended Decision at ¶ 298. *See, e.g.*, Hr’g Tr. 19:18-20:15, June 26, 2018 (discussing high price point of certain pickups and use of such pickups by TNCs).

removing this rule due to inconsistency. They state if it is retained, the dollar amount should be set at \$40,000 MSRP and should replace the vehicle list. We deny these exceptions and adopt the Recommended Rule without modification. We find this safe harbor provision works in concert with the vehicle list to automatically qualify cars that, based on their price alone, should qualify as a “luxury limousine.” We find no grounds to modify the Hearing Commissioner’s determination that the appropriate level for this safe harbor is \$50,000.

Rule 6305(b) - Petition for Rule Waiver

94. This rule sets forth requirements for a petition for a waiver of the vehicle type requirements in subsection (a) of this rule, or the age limits in subsection (c). We modify subsection (b) of the Recommended Rule to clarify the response period for such petition is ten days rather than five. We make this change for consistency with Rule 6004(c), which states the notice and intervention period for petitions to waive Rule 6305 expires ten days after notice is mailed. We also modify subsection (b) of the Recommended Rule to state the Commission will consider these petitions “as soon as practical” after response time has run, and delete the language “at its next weekly meeting.” Circumstances, such as a deficiency in the petition, could require consideration of the petition at a Commissioners’ Weekly Meeting at a later date.

Rule 6305(c) - Age Limits and Safety Inspections

95. This rule establishes an age limit of 15 years for luxury limousines. In addition, it establishes semi-annual periodic safety inspections for vehicles older than eight model years or with more than 150,000 miles, and inspections every three months for vehicles over 225,000 miles.

96. Ms. Cowen explains it is extremely easy to put 50,000 miles on a vehicle in one year, so this rule could require a three-year old vehicle with 150,000 miles to obtain inspections

semi-annually, which would be very time consuming. She recommends changing the rule to require semi-annual inspections at eight years or more than 250,000 miles.

97. Mr. Ramsey suggests removing the 150,000 mileage limit. He questions how Staff will know a vehicle's mileage without conducting an inspection. He suggests changing the rule to require semi-annual inspections at eight years.

98. We deny these exceptions and adopt the Recommended Rule without modification. We believe this rule properly balances the Commission's concern for the safety of vehicles with the burden on industry of obtaining periodic inspections. In addition, we note there is industry support in the record for increased safety inspections.⁷

D. Conclusion

99. As detailed in the discussion above, we grant in part, and deny in part the exceptions filed by interested parties to the Recommended Decision. We adopt the Recommended Rules with certain modifications, as detailed above and shown in redline in Attachment A and in final format in Attachment B to this Decision.

100. We find that the robust record in this Proceeding supports the Recommended Rules, with the modifications we make in this Decision. We find the Hearing Commissioner reasonably balanced the need to ensure we are fulfilling our regulatory role with the goal of reducing the regulatory burden where appropriate, fully taking into consideration the input of the many rulemaking participants. The amendments in the Recommended Rules, with our few modifications, meet these objectives, and update and reorganize the rules for clarity and conciseness, address recent legislative changes, and make the rules more effective and efficient.

⁷ See, e.g., *Supplemental Response of Colorado Limousine Association* at p. 3, June 14, 2018 (proposing rules set no age limit, but require semi-annual safety inspections for vehicles older than 10 years old, or in the alternative, proposing rules set 15-year age limit, with increased inspection requirements).

II. ORDER**A. The Commission Orders That:**

1. The Commission Rules pursuant to 4 *Code of Colorado Regulations* 723-6-6000, *et seq.* contained in Attachment A and Attachment B to this Decision are adopted consistent with the discussion above. The adopted rules are available through the Commission's E-Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0796TR.

2. The exceptions filed by Colorado Limousine Association on November 20, 2018, to Recommended Decision No. R18-0968, issued October 31, 2018, are granted in part, and denied in part, consistent with the discussion above.

3. The exceptions filed by Prestige Worldwide Transportation Inc. on November 20, 2018, to Recommended Decision No. R18-0968, issued October 31, 2018, are granted in part, and denied in part, consistent with the discussion above.

4. The exceptions filed by Towne & Country Limousine Inc. on November 20, 2018, to Recommended Decision No. R18-0968, issued October 31, 2018, are granted in part, and denied in part, consistent with the discussion above.

5. The exceptions filed by A Custom Coach Transportation on November 20, 2018, to Recommended Decision No. R18-0968, issued October 31, 2018, are granted in part, and denied in part, consistent with the discussion above.

6. The exceptions filed by Carey Limousine, on November 20, 2018, to Recommended Decision No. R18-0968, issued October 31, 2018, are granted in part, and denied in part, consistent with the discussion above.

7. The exceptions filed by ABC Shuttle, on November 20, 2018, to Recommended Decision No. R18-0968, issued October 31, 2018, are granted in part, and denied in part, consistent with the discussion above.

8. The Commission adopts the amendments to the Rules Regulating Transportation by Motor Vehicle found at 4 *Code of Colorado Regulations* 723-6, recommended by the Hearing Commissioner in the Recommended Decision, in their entirety, except for the modifications identified in this Decision and shown in redline in Attachment A and in final format in Attachment B to this Decision.

9. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

10. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 12, 2018.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

WENDY M. MOSER

Commissioners

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6 RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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 cover an array of carriers, including Common Carriers (such as Taxicab, Shuttle and Sightseeing service), Contract Carriers, Limited Regulation Carriers (such as Charter Buses, Children's Activity Buses, Luxury Limousines, Medicaid Client Transport, Off-Road Scenic Charters, and Fire Crew Transport), Transportation Network Companies, Hazardous Materials Carriers, Nuclear Materials Carriers, Towing Carriers, and Movers. These rules address a wide variety of subject areas including, but not limited to: the issuance, extension, transfer, and revocation of Certificates and Permits to operate; public safety including vehicle inspections, hours of service, and insurance requirements; Tariff and time Schedule requirements; record keeping; service standards; Civil Penalties; and the identification, condition, and leasing of Motor Vehicles. In addition, these rules cover Persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504(a), including Motor Carriers, motor private carriers, freight forwarders, brokers, leasing companies, and other Persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-7-112 and 113, 40-10.1-101 through 608705; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), 42-20-201, et seq., 42-20-501, et seq., and 24-4-104(4), -C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. For Hazardous Materials Carriers and Nuclear Materials Carriers, rule 6010 and the related definitions in rule 6001 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, 6600, and 6700.

6001. Definitions.

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

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by the use of any oral, written, or graphic statement made in a newspaper or other publication, on radio,

television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property. § 40-10.1-101(1), C.R.S.

- (b) "Advice Letter" has the same meaning as set forth in paragraph 1004(d) of the Commission's Rules of Practice and Procedure.
- (c) "Airport Official" means any Person, designated by the airport's management or administration, who is connected with the operation, maintenance, security or servicing of the airport and identified by an airport identification badge.
- (d) "Annual Report" refers to the information required from Fully Regulated Intrastate Carriers as set forth in rule 6212.
- (e) "Authority" or "Authorities," except as otherwise defined or contextually required, means a Certificate of Public Convenience and Necessity granted to a Common Carrier or the Permit granted to a Contract Carrier, or an emergency temporary Authority or a temporary Authority issued by the Commission. The Authority specifies the Type of Service, the authorized geographic area of service, and any restrictions limiting the authorized service.
- (f) "AVI" means Automatic Vehicle Identification Tag.
- (g) "Call-and-Demand", "On Call-and-Demand", or "Call-and-Demand Service" means the transportation of Passengers by a Common Carrier, but not on a Schedule.
- (h) "CBI" means the Colorado Bureau of Investigation.
- (i) "Certificate of Public Convenience and Necessity", "Certificate" or "CPCN" means the Authority issued to a Common Carrier declaring that the present or future public convenience and necessity requires or will require [the](#) stated operation.
- (j) "C.F.R." means the Code of Federal Regulations.
- (k) "Charter Bus," "Charter Basis," and "Charter Order" refer to service by a Limited Regulation Carrier and are defined at rule 6301.
- (l) "Charter Service" is different from the service referred to in (k) above. Charter Service is transportation by a Common Carrier on a Call-and-Demand basis. The Passengers are individuals or groups of individuals who share a personal or professional relationship whereby all such individuals are members of the same affiliated group, including a family, business, religious group, social organization, or professional organization. This does not include groups of unrelated individuals brought together by a carrier, Transportation Broker, or other third party.
- (m) "Children's Activity Bus" means a type of Limited Regulation Carrier as defined in rule 6301.
- (n) "Commercial Motor Vehicle" is defined at paragraph 6101(b).
- (o) "Commission" has the same meaning as set for in paragraph 1004(h) of the Commission's Rules of Practice and Procedure.
- (p) "Common Carrier" is a public utility as defined in § 40-1-102, C.R.S., and includes the obligation to indiscriminately accept and carry Passengers for Compensation. Common Carrier includes

every Person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state, by Motor Vehicle; except that the term does not include a Contract Carrier as defined by § 40-10.1-101(6), C.R.S.; a Motor Carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; a Limited Regulation Carrier defined by § 40-10.1-301, C.R.S.; a Large Market Taxicab Service defined by § 40-10.1-101(9.5) C.R.S.; and a Transportation Network Company defined under § 40-10.1-602, C.R.S.

- (q) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly. § 40-10.1-101(5), C.R.S.
- (r) "Contract Carrier" means every Person, who, by special contract, directly or indirectly affords a means of Passenger transportation over any public highway of this state; except that the term does not include a Common Carrier defined in § 40-1-102, C.R.S.; a Limited Regulation Carrier defined in § 40-10.1-301, C.R.S.; a Transportation Network Company defined in § 40-10.1-602, C.R.S.; or a Large Market Taxicab Service defined in § 40-10.1-101(9.5), C.R.S.
- (s) "CPAN" means a Civil Penalty Assessment Notice as ~~further~~ defined in rule 6017.
- (t) "Daily Vehicle Inspection Report" or "DVIR" refers to the inspection conducted by the Driver as set forth in rule 6105.
- (u) "DIA" means the Denver International Airport.
- (v) "Driver" means a Person who drives or applies to drive a Motor Vehicle for a Motor Carrier, regardless of whether such Person drives as an employee or Independent Contractor.
- (w) "Driver Qualification File" refers to the information required pursuant to rule 6108.
- (x) ~~"Driver/Vehicle Compliance Report" or "DVCR"~~ refers to the report prepared by an Enforcement Official as set forth in rule 6106.
- (y) "Driving Time" means all time spent at the driving controls of a Motor Vehicle operating in a for-hire capacity.
- (z) "Duplicating or Overlapping Authority" means transportation of the same Common Carrier Type of Service between the same points under two or more separate Authorities which are held by the same Fully Regulated Intrastate Carrier.
- (aa) "Employer" is defined at paragraph 6101(c).
- (bb) "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.
- (cc) "Enforcement Official" means either:
 - (I) any employee or Independent Contractor appointed or hired by the Director of the Commission, or the Director's designee, to perform any function associated with the regulation of transportation by Motor Vehicle; or
 - (II) "Enforcement Official," as that term is defined by § 42-20-103(2), C.R.S.
- (dd) "FBI" means the Federal Bureau of Investigation.

- (ee) "Flag Stop" means a point of service designated by a Common Carrier on its filed Schedule, which point is located between two scheduled points on the scheduled route.
- (ff) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (gg) "Fully Regulated Intrastate Carrier" means a Motor Carrier that is subject to market entry, economic, operational, and safety regulation by the Commission as a public utility pursuant to Article 10.1 of Title 40, C.R.S. Fully Regulated Intrastate Carriers include Common Carriers, such as Taxicab Carriers, Shuttle Service, formerly known as Limousine Service, Sightseeing Service, or Charter Service, and Contract Carriers.
- (hh) "Golf Cart" means a Golf Cart as defined in § 42-1-102(39.5), C.R.S.
- (ii) "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.
- (jj) "GVWR" means Gross Vehicle Weight Rating, the value specified by the Manufacturer as the loaded weight of a single Motor Vehicle.
- (kk) "Hazardous Materials Carrier" means a Motor Carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S. and is subject to the permitting requirements of the Commission, as set forth in § 40-20-201, C.R.S., et seq.
- (ll) "Household Goods Mover" or "Mover" refers to a Motor Carrier whose business is the moving of household goods from one location to another, as set forth in § 40-10.1-501, C.R.S., et seq.
- (mm) "Independent Contractor" means "Independent Contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (nn) "Intrastate Commerce" means transportation, other than in interstate commerce, for Compensation, by a Motor Vehicle over the public highways between points in Colorado. § 40-10.1-101(9), C.R.S.
- (oo) "Large Market Taxicab Service" means indiscriminate Passenger transportation for Compensation in a Taxicab on a Call-and-Demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld as defined in § 40-10.1-101(9.5), C.R.S., and is not a Common Carrier.
- (pp) "Letter of Authority" means a document issued by the Commission to a Common or Contract Carrier which describes the permanent Authority granted by the Commission. A Letter of Authority is deemed to provide proof of Commission-granted Common or Contract Carrier Authority.
- (qq) "Limited Regulation Carrier" means a Person who provides service by Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine, Medicaid Client Transport, or Off-Road Scenic Charter as those terms are defined in § 40-10.1-301, C.R.S. and rule 6301.

- (rr) "Live Meter" means any Taxicab Meter that, without intervention from the Driver, automatically calculates changes in rates for Taxicab Service due to waiting time, traffic delay, or changes in the Taxicab's speed.
- (ss) "Low-power Scooter" means low-power scooter as defined in § 42-1-102(48.5), C.R.S.
- (tt) "Low-speed Electric Vehicle" means low-speed electric vehicle as defined in § 42-1-102(48.6), C.R.S.
- (uu) "Limousine Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate, and the use of the Motor Vehicle is not exclusive to any individual or group. Limousine Service is also referred to as Shuttle Service which is defined below. The term Limousine Service is distinguished from the term "Luxury Limousine Service" as used in Article 10.1 of Title 40, C.R.S. and is only used in historical authorities.
- (vv) "Luxury Limousine Carrier" is a type of Limited Regulation Carrier [that provides luxury limousine service as defined at rule 6305](#)~~1~~, [using vehicles defined at rule 6305](#).
- (ww) "Manufacturer" means the final Person modifying the physical structure of a Motor Vehicle, such as the original Manufacturer or a Person subsequently modifying a Motor Vehicle's wheelbase in a Luxury Limousine ~~Carrier~~.
- (xx) "Medicaid Client Transport" is a type of Limited Regulation Carrier defined at rule 6301.
- (yy) "Medicaid Non-emergent Medical Transportation Contract" is defined at rule 6301.
- (zz) "Medicaid Non-medical Transportation Contract" is defined at rule 6301.
- (aaa) "Meter" means a device that calculates charges for Passenger transportation and/or measurement of distance travelled by a Passenger.
- (bbb) "Motor Carrier" has the same meaning as set forth in paragraph 1004(s) of the Commission's Rules of Practice and Procedure and § 40-10.1-101(10), C.R.S.
- (ccc) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.
- (ddd) "Motor Vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby. § 40-10.1-101(11), C.R.S.
- (eee) "Multiple Loading" means the sharing of a Taxicab ride, or portion thereof, by unrelated traveling parties.
- (fff) "Nuclear Materials Carrier" means a Motor Carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S and subject to ~~the~~ permitting requirements through the [PUC Commission](#) as set forth in § 42-20-501, [C.R.S.](#), et seq.
- (ggg) "Off-Road Scenic Charter" means a Limited Regulation Carrier ~~that is as~~ further defined ~~at in~~ rule 6301.
- (hhh) "On Duty" means:

- (I) all time that a Driver is at a facility of the Motor Carrier as well as time waiting to be dispatched while on public property or at a commercial holding lot;
 - (II) all time that a Driver is inspecting, servicing, or repairing a Motor Vehicle;
 - (III) all Driving Time; and
 - (IV) all time a Driver spends sitting at the controls of a Motor Vehicle, performing any other work in the capacity, employ, or service of the Motor Carrier; ~~and~~
- (iii) “Out-of-Service” is a state in which a Driver or Motor ~~Vehicle~~ is placed by an Enforcement Official due to a violation of Commission safety rules or Commercial Vehicle Safety Alliance Out-of-Service criteria. When a Driver is placed Out-of-Service, the Driver shall not operate any Motor ~~Vehicle~~ in a for hire capacity until such time the Out-of-Service violation is cured. When a Motor ~~Vehicle~~ is placed Out-of-Service, the vehicle shall not be operated in a for-hire capacity until such time the Out-of-Service violation is cured.
- (jjj) “Passenger”, except as otherwise specifically defined or contextually required, means any Person, other than a Driver, occupying a Motor Vehicle including any assistance animals as defined in § 24-34-803, C.R.S.
- (kkk) “Passenger Carrier” is defined in rule 6114.
- (lll) “Permit” means the Permit issued to: a Contract Carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S.; a Limited Regulation Carrier pursuant to part 3 of Article 10.1 of Title 40, C.R.S.; a Towing Carrier pursuant to part 4 of Article 10.1 of Title 40, C.R.S.; a Household Goods ~~carrier~~ Mover pursuant to part 5 of Article 10.1 of Title 40, C.R.S.; a Transportation Network Company pursuant to part 6 of Article 10.1 of Title 40, C.R.S.; a Large Market Taxicab Service carrier pursuant to part 7 of Article 10.1 of Title 40, C.R.S.; a Hazardous Materials Carrier pursuant to Article 20 of Title 42, C.R.S.; or a Nuclear Materials Carrier pursuant to Article 20 of Title 42, C.R.S.
- (mmm) “Person” has the same meaning as set forth in paragraph 1004(w) of the Commission’s Rules of Practice and Procedure and at § 40-10.1-101(15), C.R.S.
- (nnn) “Principal” means a Person who:
- (I) participates directly or indirectly in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
 - (II) is authorized to act on behalf of an entity;
 - (III) participates in the election, appointment, or hiring of Persons that are authorized to act on behalf of an entity; and
 - (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission’s jurisdiction, irrespective of his/her formal title or financial interest in the entity.

Examples of Principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.

- (ooo) "Roof Light" means a light attached to the roof or extending above the roofline of a Taxicab for the purpose of displaying information.
- (ppp) "Salvage Vehicle" means a vehicle branded as a Salvage Vehicle by any state, or the insurer of the vehicle as further set forth in § 42-6-102(17), C.R.S.
- (qqq) "Scheduled Service", "On Schedule", or "Schedule" means the transportation of Passengers by a Common Carrier between fixed points and over designated routes at established times as specified in the Common Carrier's Tariff filed with and approved by the Commission.
- (rrr) "Seating Capacity" means the greatest of the following:
- (I) the total number of seats as designed by the original Manufacturer;
 - (II) the total number of seat belts, including the Driver's, in a Motor Vehicle;
 - (III) the number generated by adding:
 - (A) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;
 - (B) the number of single-occupancy seats, including the Driver's seat if it is not part of a split-bench seat; and
 - (C) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number; and
 - (IV) the total number of seating positions within the vehicle.
 - (V) Auxiliary seating positions, such as folding jump seats, shall be counted in determining Seating Capacity.
- (sss) "Shuttle Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate and use of the Motor Vehicle is not exclusive to any individual or group. Historical Certificates of Public Convenience and Necessity refer to this service as Limousine Service, which is different than Luxury Limousine Service that is provided by a Limited Regulation Carrier.
- (ttt) "Sightseeing Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places of natural, historic, or scenic interest.
- (uuu) "Special Bus Service," "Special Bus Transportation", or "Special Bus" is defined in rule 6201.
- (vvv) "Tariff" means a schedule showing all rates and charges to be assessed by a Fully Regulated Intrastate Motor Carrier, for all transportation and accessorial services. The Tariff also discloses all rules and conditions relating its rates and services, and time Schedules as applicable.
- (www) "Taxicab" means a Motor Vehicle with a Seating Capacity of eight or less, including the Driver, operated in Taxicab Service. § 40-10.1-101(18), C.R.S.

- (xxx) "Taxicab Carrier" means a Common Carrier with a Certificate to provide transportation in a Taxicab on a Call-and-Demand basis, with the first Passenger therein having exclusive use of the Vehicle unless said Passenger agrees to Multiple Loading.
- (yyy) "Taxicab Service" means an indiscriminate Passenger transportation service provided by either a Large Market Taxicab Service carrier or a Taxicab Carrier, on a Call-and-Demand basis, with the first Passenger having exclusive use of the Taxicab unless such Passenger agrees to Multiple Loading. § 40-10.1-101(9.5) and (19), C.R.S.
- (zzz) "Towing Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.5 of Title 40, C.R.S. and rule 6500, et seq.
- (aaaa) "Transfer" is defined at paragraph 6201(h).
- (bbbb) "Transportation Broker" means a Person, who, for Compensation, arranges, or offers to arrange, for-hire, transportation of Passengers by a Motor Carrier under authority not operated by the Transportation Broker.
- (cccc) "Transportation Network Company" or "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 Taxicab 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. § 40-10.1-602(3), C.R.S.
- (dddd) "Type of Service" means any one of the following services provided by a Common Carrier under its Certificate of Public Convenience and Necessity: Charter, Shuttle, Sightseeing, Taxicab, or Scheduled.
- (eeee) "Unified Carrier Registration Agreement" or "UCR" or "UCR Agreement" refers to all Persons, Motor Carriers, freight forwarders, brokers, leasing companies or other Persons who are required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. 14504(a).
- (ffff) "Vehicle Inspection" refers to the annual or periodic safety inspection of vehicles pursuant to rule 6104.
- (gggg) "Vehicle Maintenance File" refers to the information required by rule 6112.
- (hhhh) "Vehicle Stamp" or "Motor Vehicle Identification Stamp" refers to the stamp issued pursuant to rule 6102 and § 40-10.1-111, C.R.S.

6002. Applications.

Any Person may seek Commission action regarding any of the following matters through the filing of an appropriate application and in compliance with Commission rules on completeness as set forth in paragraphs 1303(b) and (c) of the Commission's Rules of Practice and Procedure, to do or obtain the following:

- (a) the grant or extension of Authority, temporary Authority, or emergency temporary Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rules 6203 and 6204;
- (b) voluntarily abandon or suspend an Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rule 6205;
- (c) Transfer any Authority to operate as a Fully Regulated Intrastate Carrier, to acquire control of any Fully Regulated Intrastate Carrier, or to merge or consolidate a Fully Regulated Intrastate Carrier with any other entity, as provided in rule 6206;
- (d) amend a Tariff or time Schedule on less than statutory notice, as provided in rules 6208 and 6209;
- (e) convert a Common Carrier Authority for Taxicab or Shuttle Service, in whole or in part, to a Transportation Network Company as provided in § 40-10.1-605(n), C.R.S. and rule 6257;
- (f) permit to operate as a Part 3 Limited Regulation Carrier;
- (g) permit to operate as a Part 7 Large Market Taxicab Service carrier;
- (h) permit to operate as a Part 4 Towing Carrier; or
- (i) permit to operate as a Part 5 Household Goods Mover.

6003. Petitions.

- (a) Any Person may seek Commission action regarding any of the following through the filing of an appropriate petition:
 - (I) for a waiver or variance of a Commission rule, as provided for in rule 1003 of the Commission's Rules of Practice and Procedure by establishing hardship, seeking equity, or a more effective implementation of overall policy on an individual basis;
 - (II) for issuance of a declaratory order, as provided in paragraph 1304(i); or
 - (III) to commence a rulemaking as provided in rule 1306.
- (b) A Person seeking a waiver of rule 6109 (Medical Fitness), rule 6117 (Age and Condition of Motor Vehicle) or rule 6305 (Luxury Limousine Vehicle) shall file a completed petition using the form approved by the Commission and available on its website. Each petition must include the supporting information requested by the Commission-prescribed form. If the petition does not include all the requested information, the Commission may find the petition incomplete, dismiss the petition without prejudice, and close the proceeding.
- (c) The notice and intervention period for petitions that seek a waiver of rule 6117 shall expire ten days from the date the notice was mailed; the notice and intervention period for petitions that seek a waiver of rule 6305 shall expire ten days from the date the notice was mailed.

6004. UCR Registration.

A Person may seek Commission action through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rules 6400 through 6499.

6005. Naming Requirements, Contact Information, and Changes.

- (a) No Person shall operate under a name or trade name that identifies a transportation service not currently authorized by its Certificate or Permit (e.g., a Limited Regulation Carrier or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name).
- (b) A Motor Carrier is required to provide contact information to the Commission and to notify the Commission in writing of any change of name, 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 all of the affected Motor Carrier's Certificates, Permits, registrations and/or Vehicle Stamps. A notice of name change including trade name changes and trade name additions shall include copies of documents filed with or issued by the Colorado Secretary of State.
 - (I) In the event of a name change or an address change, the Motor Carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility and Tariffs.
 - (II) No name change shall be effective until proper proof of financial responsibility, as set forth in rule 6008, in the Motor Carrier's new name has been filed with the Commission.
- (c) If a Towing Carrier wishes to begin providing storage for towed Motor Vehicles at a new or additional storage facility, the Towing Carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.

6006. Designation of Agent, Service, and Notice.

- (a) In addition to providing contact information as set forth in rule 6005 above, each Motor Carrier shall file in writing with the Commission, its designation of the name, mailing address, and physical address of a Person upon whom service may be made of any lawful notice, order, process, or demand. The named Person is the Motor Carrier's designated agent for service as provided in these rules and under Colorado statutes. A Motor Carrier shall not designate the Secretary of State of Colorado as its designated agent. The Person designated, if a natural Person, shall be at least 18 years of age. The address and domicile of the Person designated shall be in the state of Colorado.
- (b) Each Motor Carrier 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 Motor Carrier's ~~named~~ designated agent, ~~as~~ on file with the Commission, shall be deemed to be service upon the Motor Carrier.
- (d) Notice sent to the Motor Carrier's designated agent on file with the Commission shall constitute prima facie evidence that the Motor Carrier received the notice.

6007. Commission's Records, Authority to Inspect Records, Motor Vehicles, and Facilities and to Interview Personnel.

- (a) A Motor Carrier is obligated to ensure the accuracy of any information it provides to the Commission pursuant to these rules. Any information provided pursuant to these rules by a

Motor Carrier for the Commission's files shall be deemed to be accurate until changed by the Motor Carrier.

- (b) Motor Carriers shall maintain all records required by these rules, or as ordered by the Commission, for three years and have the option to maintain the records in electronic format or in their original format.
- (c) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.
- (d) The Motor Carrier must maintain evidence of its Authority or Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (e) An Enforcement Official has the authority to interview personnel of a Motor Carrier and to inspect records, Motor Vehicles used in providing transportation service, and the facilities of a Motor Carrier as follows:
 - (I) immediately for any records required to be maintained in a Motor Vehicle or with the Driver, including towing authorizations, Mover estimates for service, Mover contracts for service, or any records related to insurance or safety;
 - (II) within two days for any records related to a complaint or investigation; or
 - (III) within ten days for all other records.
- (f) When a request under paragraph (e) of this rule meets multiple time periods, the shortest time period shall apply.
- (g) Upon request of an Enforcement Official during business hours, a Motor Carrier shall immediately make its facilities available for inspection.
- (h) Upon request by an Enforcement Official, a Motor Carrier, including its Drivers, shall immediately make its Motor Vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.
- (i) Upon request by an Enforcement Official, Motor Carrier personnel and Drivers shall be available for interview during business hours.
- (j) No Motor Carrier shall make or cause to be made fraudulent or intentionally false statements or records to the Commission or Commission staff.
- (k) No Person shall knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record, subject to inspection by the Commission.
- (l) No Motor Carrier, its agents, or its representatives, shall produce or retain false records or records the Motor Carrier, its agents, or its representatives knew or should have known to be false or inaccurate. The Motor Carrier shall be responsible for the accuracy of the records it retains and produces.

6008. Financial Responsibility.

- (a) Financial responsibility requirements.

- (I) Motor Vehicle liability coverage. Every Motor Carrier shall obtain and keep in force at all times commercial Motor Vehicle liability insurance coverage or a surety bond providing coverage that conforms to the requirements of this rule. Motor Vehicle liability means liability for bodily injury and property damage. Coverage shall be combined single limit liability. The minimum level for public entities, as defined in § 24-10-103(5), C.R.S., shall be the maximum amount pursuant to § 24-10-114(1), C.R.S. The minimum levels for all other Motor Carriers shall be:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Motor Carriers of Passengers	8 or less	\$ 500,000
	9 through 15	\$1,500,000
	16 through 32	\$3,000,000
	33 or more	\$5,000,000
Public Entities	Any	The maximum amount per § 24-10-114(1), C.R.S.
Movers	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000

- (II) To demonstrate proof of commercial Motor Vehicle liability coverage, all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Household Goods Movers, and Large Market Taxicab Service carriers shall cause one of the following to be filed with the Commission: a Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, a Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, or a certificate of self-insurance issued pursuant to §§ 10-4-624 and 42-7-501, C.R.S., or Part 387 of 49 C.F.R.
- (A) The applicable Form E or Form G shall be executed by a duly authorized agent of the insurer or surety.
- (B) Upon renewal of the certificate of self-insurance, the Common Carrier, Contract Carrier, Limited Regulation Carrier, Household Goods Mover, Towing Carrier or Large Market Taxicab Service carrier shall file with the Commission a copy of the most current version of such certificate of self-insurance.
- (III) Cargo liability coverage. Every Mover and Towing Carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that

conforms to the requirements of this rule. Cargo liability coverage for a Towing Carrier shall include coverage of physical damage to the Motor Vehicle in tow (on hook) and loss of its contents.

- (A) For Towing Carriers, the cargo liability coverage shall provide coverage to the extent of the Towing Carrier's legal liability for loss or damage to the property of any Persons other than the insured, which is carried in, upon, or attached to the towing vehicle and/or its trailers or dollies operated by, or for, or under the control of the Towing Carrier.
 - (B) For Movers, the minimum level of cargo liability coverage shall be \$10,000.00 for loss of or damage to household goods carried on any one Motor Vehicle, or sixty cents (\$0.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
 - (C) All Movers ~~or~~ and Towing Carriers shall cause a Form H, Uniform Motor Carrier Cargo Certificate of Insurance, or a Form J, Uniform Motor Carrier Cargo Surety Bond, to be filed with the Commission. For a Towing Carrier, a Colorado Form 12-INS, Towing Carrier Cargo Liability Insurance Certificate may be used in lieu of the Form H. The applicable form shall be executed by a duly authorized agent of the surety.
- (IV) Garage keeper's liability coverage. Towing Carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage.
- (A) 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, other than the insured, which is stored by the Towing Carrier directly or through an agent.
 - (B) All Towing Carriers shall cause a Colorado Form 14-INS, Garage Keepers Legal Liability Certificate of Insurance, to be filed with the Commission.
- (V) Workers' ~~C~~ompensation insurance coverage. Every Towing Carrier shall obtain and keep in force at all times workers' compensation insurance coverage in accordance with § 40-10.1-401(3), C.R.S., the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S., and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
- (A) If workers' compensation insurance coverage is required, the Towing Carrier shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
 - (B) If a Person has proof of workers' ~~C~~ompensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the Person is required to maintain such insurance.
 - (C) If workers' compensation insurance coverage is not required, the Towing Carrier shall cause:

- (i) for corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers' Compensation Form WC43 including a part B for each Person listed on part A; or
 - (ii) for other Towing Carriers, a statement that workers' compensation insurance coverage is not required.
- (VI) General liability coverage. In addition to the Motor Vehicle liability coverage and, the cargo liability coverage, set forth above, every Mover shall obtain and keep in force at all times general liability insurance coverage, or surety bond, providing coverage of not less than \$500,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage. All Movers shall cause a Colorado Form GL, General Liability Certificate of Insurance to be filed with the Commission.
- (b) The Motor Carrier shall ensure that insurance or surety bond coverage:
 - (I) is provided only by insurance or surety companies authorized to provide such coverage in the state of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and § 42-7-501, C.R.S.;
 - (II) is not less than the minimum limits set forth under paragraph (a) of this rule;
 - (III) covers all Motor Vehicles which may be operated by or for the Motor Carrier, or which may be under the control of the Motor Carrier, regardless of whether such Motor Vehicles are specifically described in the policy or amendments or endorsements thereto;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the Motor Carrier on a "first dollar"/"dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the Motor Carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a Motor Carrier to pay insurance or surety benefits directly to a party damaged by said Motor Carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the Motor Carrier's insurance or surety policy.
- (c) The provisions of subparagraphs (IV) through (VI) of paragraph (b) do not apply to Motor Carriers with regard to proof of self-insurance pursuant to 49 C.F.R. [Part 387](#), if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (b) do not apply to workers' compensation requirements for Towing Carriers pursuant to § 40-10.1-401(3), C.R.S.
- (d) The Motor Carrier shall retain each original insurance or surety policy for required coverage and keep a copy of its proof of Motor Vehicle liability coverage in each Motor Vehicle that it operates.
- (e) The Motor Carrier's failure to have proof of liability coverage or compliance with workers' compensation insurance requirements, on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the [Motor](#) Carrier is in violation of the requirements of this rule.

- (f) The Motor Carrier shall ensure that the policy and ~~the~~ forms noted in this rule contain the Motor Carrier's exact name, trade name (if any), and address as shown in the records of the Commission.
- (g) Any change affecting the policy, including but not limited to a cancellation ~~and~~ or change rating or premium, and the information contained in forms noted in this rule (e.g., name, address, or policy number) shall be filed with the Commission on an appropriate endorsement or amendment within seven days of receipt.
- (h) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
- (i) Except as provided in paragraph (j) of this rule, each certificate of insurance and/or surety bond required by and filed with the Commission shall be kept in full force and effect unless and until canceled or not renewed upon 30-days advance written notice, on a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies, a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds, Form BMC 35, or Form BMC 36, as applicable, from the insurer or surety to the Commission. The 30-day cancellation or non-renewal notice period shall commence on the date the notice is received by the Commission. In lieu of the prescribed form, the insurer or surety may cancel or not renew a certificate of insurance and/or surety bond by letter to the Commission containing the same information as required by such form.
- (j) 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 canceled. For purposes of this paragraph, type of coverage means those listed in paragraph (a) of this rule, and category of coverage means primary coverage or excess coverage.
 - (II) When the Commission grants an application filed by a Fully Regulated Intrastate Motor Carrier, or receives notice from any other type of Motor Carrier to cancel all of its Authorities and Permits, all certificates of insurance and/or surety bond for the Motor Carrier shall be administratively canceled.
 - (III) When a Permit expires or is canceled or revoked, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.
 - (IV) When a Contract Carrier Permit or Certificate is suspended, revoked or abandoned, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.

6009. Summary Suspension and Revocation for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Motor Carrier's or a Nuclear Materials Carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Authority or Permit.

- (b) Whenever Commission records indicate that a Towing Carrier's workers' compensation insurance coverage is or will be canceled and the Commission has no proof on file indicating replacement coverage, or documentation filed demonstrating that coverage is not required, in accordance with rule 6008 the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Permit.
- (c) 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.
- (d) The summary suspension shall be effective on the date of coverage cancellation.
- (e) The Commission shall notify the Motor Carrier or Nuclear Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (II) that its Authority or Permit is summarily suspended as of the coverage cancellation date;
 - (III) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date;
 - (IV) that the Commission has initiated a proceeding to revoke its Authorities or Permits;
 - (V) that it may submit, at a hearing convened to determine whether its Authorities or Permits should be revoked, written data, views, and arguments showing why such Authorities or Permits should not be revoked; and
 - (VI) the date, time, and place set for such hearing.
- (f) Until proper proof of insurance or surety coverage, or documentation demonstrating that coverage is not required as to workers' compensation insurance coverage, is filed with the Commission, a Motor Carrier or Nuclear Material Carrier receiving notice of summary suspension shall not, under any of its Authorities or Permits, conduct operations after the effective date of such summary suspension.
- (g) If the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required prior to the hearing, the summary suspension will be dismissed without further order of the Commission, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (h) After the hearing and prior to a final decision by the Commission, if the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required, the Commission shall dismiss the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (i) After the hearing and upon proof of violation of the financial responsibility requirements by a final Commission decision, the Authority or Permit will be revoked.
- (j) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6010. Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/ Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Hazardous Materials Carrier's insurance or surety coverage is canceled and the Commission has no proof on file indicating replacement coverage, the Permit is automatically revoked pursuant to § 42-20-202(2)(a), C.R.S.
- (b) The Commission shall notify the Hazardous Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation and the effective date of the cancellation; and
 - (II) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date.
- (c) Operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6011. Summary Suspension and Revocation for Violation of Commission Rule or Order or for Endangering Public Health, Safety and Welfare.

- (a) The Commission may summarily suspend a Motor Carrier's Certificate or Permit in accordance with § 24-4-104(4), C.R.S., and pursuant to the following process.
 - (I) When Commission staff has objective and reasonable grounds to believe that a Motor Carrier has willfully and deliberately violated Commission rules or applicable statutes, based on a reasonable ascertainment of the underlying facts on which this action is based, or that the public health, safety, or welfare imperatively requires emergency action, the Director of the Commission may issue a letter incorporating such findings that summarily suspends the Motor Carrier's Certificate or Permit.
 - (II) "Willful and deliberate," for purposes of this rule, means a deliberate, voluntary, or intentional action or inaction that is in violation of the applicable rules, statutes, or any other lawful order. Willful and deliberate acts include: the same or similar action for which a Person has already been warned; reckless or dangerous action; action done without regard to the consequences or the rights or safety of others; fraudulent action; conduct without the proper authority or engaging another Person who performs without the proper authority.
 - (III) The letter of summary suspension by the Director of the Commission and the notice of hearing shall be served on the Motor Carrier along with supporting information.
 - (IV) Unless otherwise requested by the Motor Carrier, an Administrative Law Judge (ALJ) shall promptly hold a hearing no later than ten days after the Director of the Commission's letter of summary suspension was served on the Motor Carrier. The ALJ will expedite the issuance of a decision after hearing.
- (b) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6012. Revocation of Limited Regulation Permits, Towing Permits, Household Goods Mover Permits for Failure to Pay Civil Penalty.

- (a) When a Motor Carrier operating under a Limited Regulation Carrier Permit issued pursuant to Part 3 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (b) When a Motor Carrier operating under a Towing Carrier Permit issued pursuant to Part 4 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director may be disqualified from applying for a Permit for ~~up to~~ 60 months from the date the penalty payment was due.
- (c) When a Motor Carrier operating under a Household Goods Mover Permit issued pursuant to Part 5 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6013. Period of Ineligibility.

- (a) In addition to the periods of ineligibility under rule 6012, a Motor Carrier whose Certificate or Permit is revoked shall be ineligible to be issued another Certificate or Permit for at least one year from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (b) A Motor Carrier whose Certificate or Permit is revoked more than twice shall be ineligible to be issued another Certificate or Permit for at least two years from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (c) In the case of an entity other than an individual, such period of ineligibility shall also apply to all Principals, members, owners, managers, officers, and directors of the entity, without regard to capacity in the same or different entity during the period of ineligibility.
- (d) Paragraphs (a) and (b) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility requirements of rule 6008, unless the Motor Carrier knowingly operated without the required financial responsibility.
- (e) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law. To the extent that there is a conflict between this rule and the periods set forth in rule 6012, the longer period of disqualification shall apply.

6014. Prohibited Credit Card Fees.

Motor Carriers and Drivers are prohibited from imposing a surcharge on any Passenger or customer who uses a credit or charge card in lieu of payment by cash as set forth in § 5-2-212, C.R.S. The Civil Penalty is the greater of \$225 or two times the amount of the improper charge.

6015. Exterior Vehicle Markings, Signs, Graphics and Roof Lights.

- (a) All Motor Vehicles, with the exception of Luxury Limousines which are covered by rule 6303, must have external markings as detailed below. The markings must:
- (I) appear on both sides of vehicles or on the front and back of the vehicle;
 - (II) be in letters that contrast sharply in color with the background on which the letters are placed;
 - (III) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
 - (IV) be maintained in a manner that retains the legibility required above;
 - (V) display the name or a trade name as set forth in ~~its~~ [the Motor Carrier's Certificate\(s\), Contract Carrier Permit\(s\), Limited Regulation Permit\(s\) \(Charter Bus, Children's Activity Bus, Fire Crew Transport, Medicaid Client Transport, and Off-Road Scenic Charter\); Large Market Taxi Permit\(s\); Household Goods Permit\(s\);](#) or Towing Carrier Permit(s);
 - (VI) display the letter and/or number designation of the [Motor eCarrier's Certificate\(s\)](#) and or Permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
 - (VII) either be ~~permanently affixed~~[painted](#) on the Motor Vehicle or consist of a removable device.
- (b) Subparagraphs (a)(V) and (a)(VI) shall not apply to a Commercial Motor Vehicle that is subject to 49 U.S.C. ~~Section §~~ 14506 regarding restrictions on identification of vehicles.
- (c) Roof Lights. Except as otherwise required by law, only a Taxicab operated by a Common Carrier under an Authority to provide Taxicab Service or a Large Market Taxicab Service may have a Roof Light. In lieu of a Roof Light, a digital light providing identifying information may be installed on the condition that it is placed in the front and rear windshield and does not obstruct the Driver's view.
- (d) A Motor Carrier shall remove all markings, including Roof Lights, required or authorized by this rule from a Motor Vehicle that the Motor Carrier is permanently withdrawing from service.

6016. Restrictions on Offering or Advertising Transportation Service.

- (a) No Person shall offer to provide a transportation service without an Authority or Permit to provide such service.
- (b) Advertising to arrange transportation service as a Transportation Broker is not an offer to provide transportation service; rather, it is an offer to broker transportation service. A Person shall be

presumed to have offered transportation service if the Person has not disclosed the fact that the services are being arranged by a Transportation Broker.

- (c) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (d) No Motor Carrier, or any officer, agent, employee, or representative of said carrier, shall offer a transportation service in a name, to the character, other than a name appearing on said carrier's Authority or Permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation).
 - (I) If a Motor Carrier operates its Authority or Permit under a trade name, nothing in this paragraph shall be construed to require advertising under all names appearing on said carrier's Authority or Permit.
 - (II) If a Motor Carrier holds an Authority or Permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.
- (e) Each advertisement of a Mover shall include the phrase "CO PUC Mover Permit No. [HHG Permit number]" and the physical address of the Mover.
- (f) Each advertisement of a Towing Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC. [T- Permit number]" of the Towing Carrier.
- (g) Each advertisement of a Luxury Limousine Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC [LL- Permit number]".

CIVIL PENALTIES

6017. Definitions

The following definitions apply to rules 6018 and 6019, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Civil Penalty" means any monetary penalty assessed against a Person as the result of violations of statutes in Articles 7 and 10.1 of Title 40, C.R.S., and violations of the safety regulations published in 49 C.F.R. 382 (Controlled Substances and Alcohol Use and Testing); 392 (Driving Commercial Vehicles); 395 (Hours of Service) and 49 C.F.R. 386 subpart G (Penalties) and associated appendices to Part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations:

www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration:
www.fmcsa.dot.gov/regulations.

- (b) “Civil Penalty Assessment” means the act by the Commission of imposing a Civil Penalty against a Person subject to these rules after that Person has admitted liability or has been adjudicated by the Commission to be liable for violations of Articles 7, or 10.1 of Title 40, C.R.S., ~~and~~ or 49 C.F.R. 386, Commission rules, and Commission orders.
- (c) “CPAN” means the written document by which a Person subject to these rules is given notice of an alleged violation. Pursuant to § 40-7-116, C.R.S., a CPAN may be issued by an Enforcement Official of the Commission, the Colorado State Patrol, or a Port of Entry Officer.
- (d) For purposes of this rule, an Enforcement Official includes the Colorado State Patrol and a Port of Entry Officer, authorized by § 40-7-116, C.R.S.

6018. Maximum Civil Penalties, without Statutory Enhancement.

- (a) The Director of the Commission, his or her designee, or an Enforcement Official have the authority to issue CPANs for violations of Article 10.1 of Title 40, C.R.S., Article 7 of Title 40, C.R.S. as well as 49 C.F.R. 386, subpart G and the relevant appendices as they existed on January 1, 2017.
- (b) The CPAN shall separately state for each violation the maximum penalty amount provided. In addition, the CPAN shall include the amount of the surcharge, if any, imposed pursuant to § 24-34-108(2), C.R.S., the amount of the penalty enhancement pursuant to § 40-7-113(2) and (3), C.R.S., as set forth in rule 6019, if any, and shall also provide for a reduced penalty of 50 percent of the penalty amount sought if the penalty is paid within ten days after the CPAN is tendered.
- (c) The Person cited for an alleged violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c), C.R.S. or may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.
- (d) Pursuant to § 40-10.1-114, C.R.S. each occurrence of a violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.
- (e) An admission to or Commission adjudication ~~for of a~~ liability for a violation of the following may result in the assessment of a Civil Penalty up to the amount specified in the statute, 49 C.F.R. 386, subpart G or in these rules as follows:

Citation	Description	Maximum Penalty Per Violation
§ 40-7-113, C.R.S. Rule 6008	Financial responsibility/Motor Vehicle liability coverage	\$11,000

§§ 40-10.1-201(1) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Common Carrier in Intrastate Commerce without first having obtained a CPCN from the Commission or operating in violation of the Certificate	\$1,100
§§ 40-10.1-202(1)(a) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Contract Carrier in Intrastate Commerce without first having obtained a Permit for such operations from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-302 and 40-7-113(1), C.R.S. Rule 6302	Operating or offering to operate a Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine Carrier, Medicaid Client Transport, or Off-Road Scenic Charter in Intrastate Commerce without first having obtained a Permit from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-205 and 40-7-113(1), C.R.S. Rule 6206	Transferring a Certificate or Permit or the rights obtained under said Certificate or Permit prior to obtaining authorization from the Commission	\$1,100
Rule 6007	Violation of record keeping rule or refusal to make records, facilities, personnel, or Drivers available for interview	\$1,100
Rules 6105, 6106, and 6116	Failure to abide by Out-of-Service orders	\$1,100
Rules 6106, 6107, 6109 6114, and 6116	Requiring or permitting a Person, who does not meet the Driver minimum qualification, to act as a Driver	\$1,100
Rule 6110	Violation of hours of service requirements.	\$1,100
Rule 6111	Failure to maintain digital log system and dispatch system	\$1,100
Rules 6208 and 6209	Failure to have Tariffs or time Schedules on file and or failure to operate pursuant to the Tariffs or time Schedules	\$1,100

Rule 6306	Providing Luxury Limousine Service or service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis	\$1,100
Rule 6015	Improper use of exterior vehicle markings, signs, graphics or Roof Light	\$500
Rule 6016	Violating the restrictions on offering or Advertising transportation services	\$500
Rule 6212	Failure to file an Annual Report on or before April 30 of each year	\$500
Rule 6253	Failure to maintain and retain true and accurate trip records, for a period of one year	\$500
Rule 61056(a)(II)(C)	Failure to return the completed DVCR to the Commission at the address shown on the DVCR	\$500
Rule 6105	Requiring or permitting a motor vehicle to be used or operated without the completion of a Daily Vehicle Inspection Report and/or failure to maintain the Vehicle Maintenance File	\$500
Rule 6112	Requiring or permitting a Motor Vehicle to be used or operated without maintaining a Vehicle Maintenance File	\$500
Rule 6113	Failure to maintain accident registry and to submit information to Commission	\$500
Rule 6306	Failure to comply with Charter Order requirements.	\$500
Rule 6210	Failure to comply with contract requirements of the Permit	\$500

§ 40-10.1-111 (2), C.R.S.	Failure to pay filing, issuance and annual fees	\$400
§ 40-7-113(1)(e), C.R.S. Rule 6102	Failure to comply with annual Motor Vehicle Identification Stamp fee, Vehicle Stamp and Registry	\$400
Rule 6005	Failure to maintain accurate contact information with Commission	\$225
Rule 6006	Failure to maintain current registered agent with Commission	\$225
Rule 6103	Failure to use ASE mechanic to conduct safety inspection	\$225
Rule 6108	Failure to maintain Driver Qualification File	\$225
Rule 6113	Failure to maintain accident registry	\$225
Rule 61154(c), (d), (e), (i) and (j)	Fingerprint-based Criminal History Record Checks	\$225
Rule 6014	Improper Credit Card Charges	Greater of \$225 or two times the amount of the charge.
Rule 6254	Overcharging in flat rate zones	\$225

Rule 6211	Refusal of service	\$225
Rule 625 56 and 6304	Failure to display Taxicab license plate and or L ivery L icense P late	\$225
Rule 6303	Failure display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the age or type of vehicle requirements	\$225
	Any other violation of these rules	\$225

6019. Doubling and Tripling of Civil Penalties.

(a) The Commission may assess doubled penalties for similar violations within 24 months pursuant to § 40-7-113(3), C.R.S., as follows:

- (I) the Person has admitted liability by paying a previous Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7, ~~or~~ 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to ~~P~~part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
- (II) the conduct for which the doubled Civil Penalties are sought violates the same statute, rule or order; and
- (III) the conduct for which the doubled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.

(b) The Commission may assess tripled penalties for similar violations occurring three times within 24 months pursuant to § 40-7-113(4), C.R.S., as follows:

- (I) the Person has admitted liability by paying the Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7, ~~or~~ 10.1 of Title 40, C.R.S., and/or

49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;

- (II) the conduct for which the tripled ~~e~~Civil ~~p~~Penalties are sought violates the same statute, rule or order as conduct for which the Person has admitted liability by paying the Civil Penalty or conduct for which the Person has been adjudicated by the Commission in an administratively final written decision to be liable; and
 - (III) the conduct for which the tripled ~~e~~Civil ~~p~~Penalties are sought occurred within 24 months after previous payment or adjudication.
- (c) Doubled and tripled penalties may be sought in the same CPAN.
- (d) Nothing in these rules shall affect the Commission's ability to pursue other remedies in lieu of or in addition to issuing Civil Penalties.

6020. Report by Commission Staff.

At least once every twelve months, or more frequently if requested by the Commission, the Commission staff shall provide a report to the Commissioners and to the Director of the Commission of the financial results (for Fully Regulated Intrastate Carriers), the operational performance of Motor Carriers regulated by these rules as well as the enforcement and compliance actions taken by ~~the~~ Enforcement Officials. The first report is due July 1, 2019. The financial and operational report shall include the following:

- (a) number of existing and new Certificates and Permits (by type) issued in the current year as well as the previous four years by Type of Service and geographical area;
- (b) total amount of revenue as reported on the Annual Report for the current year and the previous four years for each Common Carrier as well as revenue in the main geographic areas of the state;
- (c) number of trips to Denver International Airport and revenue generated for the current year and each of the last four years for each of the Common Carriers or Contract Carriers or Large Market Taxicab Service providers;
- (d) total number of Motor Vehicle Identification Stamps issued for the current year and for each of the previous four years as well as the amount of annual revenue generated from the stamps;
- (e) the total number of UCRs Plan registrations ~~issued~~ each year as well as the previous four years;
- (f) number of Authorities suspended, revoked, or abandoned in the current year and each of the previous four years and a summary of the reasons for such status;
- (g) number of Permits (but not Contract Carrier permits) expired, canceled, or revoked in the current year and each of the previous four years;
- (h) number of vehicle inspections conducted by Enforcement Officials in the current year and each of the previous four years by type (vehicles 10,000 pounds or less and 15 Passenger or less and Commercial Vehicles 10,001 pounds or more and 16 Passengers or more) and a summary of the types of deficiencies noted;

- (i) safety and compliance reviews for the current year and each of the past four years; investigations opened and closed;
- (j) number of CPANs issued (by type) and the amount collected for the current year and each of the previous four years;
- (k) refunds to customers for current year and each of the past four years;
- (l) violation warnings issued for current year and each of the past four years;
- (m) number of petitions for age waivers for each year and the previous four years, action taken by the Commission, and age of vehicles and mileage for petitions granted and denied;
- (n) recommendations as to what if any changes should be made to the current rules of the Commission; and
- (o) recommendations as to the priority for the type of enforcement actions for the next year.
- (p) The report shall be provided to each of the Commissioners, and the Director and shall be posted on the website of the Commission.

6021. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

One of the most important obligations of the Commission is to require that any Motor Carrier abide by reasonable safety requirements so that the traveling public is safe.

- (a) Rules 6100 through 6199 apply to:
 - (I) Common Carriers, Contract Carriers, Limited Regulation Carriers, Large Market Taxicab Service carriers; and
 - (II) Drivers (whether as employees or Independent Contractors), employees, and ~~Commercial~~ Motor Vehicles of the Motor Carriers listed in subparagraph (a)(I).
- (b) Motor Carriers that operate Commercial Motor Vehicles as defined by 49 C.F.R. 390.5, or the modifications of the Colorado State Patrol, are subject to the rules found in title 49 of the Code of Federal Regulations and the rules adopted by the Colorado State Patrol; 49 C.F.R. 382 (Controlled Substances); 391.41 (Physical Qualifications for Drivers); 392 (Driving); 395 (Hours of Service); 396 (Vehicle Inspection Repair and Maintenance); and/or 49 C.F.R. 386 subpart G (Penalties) and associated appendices to ~~P~~part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal

Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration:
www.fmcsa.dot.gov/regulations.

- (c) Rule 6008, (Financial Responsibility) is a safety rule to provide benefits to the traveling public and is incorporated into these safety rules.

6101. Definitions.

In addition to the definitions in rule 6001, and those incorporated from federal law in this section, the following definitions apply to all Motor Carriers subject to these safety rules:

- (a) "Commission" means the Public Utilities Commission of the state of Colorado. Any reference to the United States Department of Transportation, the FMCSA, or any other federal agency in any provision of the Code of Federal Regulations adopted by reference in these safety rules shall be construed to refer to the Commission.
- (b) "Commercial Motor Vehicle" means a self-propelled or towed vehicle used in commerce on the public highways and is operated by a Fully Regulated Intrastate Carrier or a Limited Regulation Carrier that: has a Manufacturer's Gross Vehicle Weight Rating or Gross Combination Weight Rating of at least 10,001 pounds or is designed or used to transport more than 15 Passengers including one Driver. 49 C.F.R. §390.5.
- (c) "Employer" means a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, in addition to the definition found in 49 C.F.R. §390.5.

6102. Annual Motor Vehicle Identification Fees and Vehicle Registry.

- (a) Every ~~Motor~~ Vehicle operated by a Motor Carrier pursuant to its Authority or Permit must obtain and display a Motor Vehicle Identification Stamp.
- (b) To obtain the Motor Vehicle Identification Stamp, the Motor Carrier shall:
 - (I) pay to the Commission an annual fee before the first day of January of each calendar year, for each Motor Vehicle that such Motor Carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.; and
 - (II) provide to the Commission, on a Commission prescribed form or through a Commission provided electronic Motor Vehicle registry, the identification of the vehicle to which the Vehicle Stamp will be placed and shall include the Manufacturer, type, make, model year, the vehicle identification number or VIN, license plate number, mileage, date of purchase and if applicable the automatic vehicle identification tag. The Motor Carrier shall also list and describe all structural modifications made to the Motor Vehicle, including the date and reason.
- (c) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.
- (d) If the Motor Carrier does not own the vehicle or know all the information in paragraph (b) above at the time of purchase of the Vehicle Stamp, the Motor Carrier shall have 60 days from the purchase of the Vehicle Stamp to provide the information to the Commission. If the Motor Carrier does not provide the information in paragraph (b) above within 60 days, the Vehicle Stamp shall be canceled and the Motor Carrier is not entitled to a refund of the amount paid.

- (e) If the Motor Carrier is required to place an automatic vehicle identification tag on the vehicle by DIA or any other airport or tolling authority, the Motor Carrier shall, within 30 days of obtaining the transponder, provide the identifying number of the transponder to the Commission for each vehicle used by the Motor Carrier.
- (f) A Motor Carrier that obtains an Authority or Permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the Authority or Permit.
- (g) A Motor Carrier that acquires one or more additional Motor Vehicles during the calendar year shall pay the annual fee and provide the information required by this rule, prior to placing the additional vehicle(s) into service.
- (h) A Vehicle Stamp is valid only for the calendar year for which it is purchased.
- (i) A Motor Carrier shall not operate a Motor Vehicle unless it has affixed a valid Vehicle Stamp to the inside lower right-hand corner (Passenger side) of the Motor Vehicle's windshield. In the alternative, the Vehicle Stamp may be affixed to the right Passenger side window of the Motor Vehicle so long as the Vehicle Stamp does not interfere with the Driver's use of the right-hand outside mirror.
- (j) A Motor Carrier may request a replacement Vehicle Stamp if the stamp is damaged. The Commission will provide a replacement stamp, without charge, so long as the Motor Carrier requesting the replacement stamp remits a sufficient portion of the damaged stamp, including the unique number of the stamp to be replaced.
- (k) Exemption for a UCR registrant.
 - (I) Except as provided in subparagraph (II) of this paragraph, a Motor Carrier is exempt from paragraphs (a) through (j) of this rule if it is a current UCR registrant.
 - (II) A Motor Carrier that is also a current UCR registrant is not exempt from paragraphs (a) through (j) of this rule, for any Motor Vehicle that:
 - (A) is used only in Intrastate Commerce;
 - (B) was not included in the calculation of fees paid under the UCR Agreement; and
 - (C) provides nonconsensual tows, or Passenger transportation that is not subject to the preemption provisions of 49 U.S.C. ~~Section §~~ 14501(a).
- (l) Exemption for a Household Goods Mover. A Mover holding a Permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (k) of this rule.

6103. Vehicle Inspectors—Who Is Authorized to Inspect a Motor Vehicle.

Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles not defined as Commercial Motor Vehicles at 49 C.F.R. 390.5, shall be an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection and employed by a company authorized to do business in Colorado. Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles defined as Commercial Motor Vehicles at 49 C.F.R. 390.5 shall be qualified to perform the inspection pursuant to the requirements of 49 C.F.R. 396.19.

6104. Safety Inspections of Motor Vehicles.

- (a) Every Motor Carrier shall cause an authorized vehicle inspector to conduct an initial safety inspection of any Motor Vehicle that will be used by the Motor Carrier in providing transportation services under these rules and shall cause periodic inspections of vehicles conducted thereafter, at intervals of a least one inspection per year or as otherwise required by Commission rule or order. The Driver and the Motor Carrier shall ensure that the initial and periodic inspections are completed on a form prescribed by the Commission. A Motor Vehicle shall be placed Out-of-Service if it fails to meet the minimum vehicle inspection criteria identified in this rule. The Motor Carrier may reinstate the vehicle for service after the Out-of-Service condition is removed or resolved.
- (b) Initial inspections and periodic inspections shall include an inspection of the following items.
- (I) 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 pads, shoes, or linings.
 - (II) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the Manufacturer.
 - (III) Frame or chassis shall not be cracked, loose, sagging, or broken.
 - (IV) 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.
 - (V) Suspension shall not be cracked, broken, loose, or have missing parts.
 - (VI) Windshield shall be free of discoloration or cracks.
 - (VII) 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 cracks.
 - (VIII) Windshield wipers: each vehicle 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.
 - (IX) Head lamps: each vehicle must have head lamps that do not have broken or missing lens covers and that have both upper and lower beams; and are in proper working condition.
 - (X) Tail lamps: each vehicle must have tail lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.

- (XI) Turn indicator lights: each vehicle must have turn indicator lights that do not have broken or missing lens covers and the lamps must be in proper working condition. The vehicle must be equipped with a hazard warning signal unit that is in proper working condition.
- (XII) Stop lamps: each vehicle must have stop lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XIII) Doors: all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original Manufacturer.
- (XIV) Horn: each vehicle must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (XV) Bumpers: each vehicle must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (XVI) Mufflers and exhaust system: each vehicle 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.
- (XVII) Emission compliance: if the vehicle is registered in a jurisdiction that requires an emission inspection and emission sticker, the vehicle must have the proper emission documentation.
- (XVIII) Speedometer: each vehicle must be equipped with an operating speedometer that is paired with an original equipment Manufacturer approved tire size.
- (XIX) 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.
- (XX) Rear view mirrors and back-up cameras: each vehicle must be equipped with rear view mirrors as designed by the original Manufacturer. If the original Manufacturer has installed a back-up camera, that camera must be operational as designed by the original Manufacturer.
- (XXI) Safety belts: each vehicle designed by the original Manufacturer to carry no more than eight Passengers, must 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.
- (XXII) Passenger restraints: any Passenger restraints, including air bags, must be in proper working condition.
- (XXIII) Heating and air conditioning must be in proper working condition.

- (XXIV) A vehicle equipped with restraints, ramps, lifts, or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities has all such devices in good working order including:
- (A) wheelchair lifts: a lift must be able to lift a minimum of 600 pounds;
 - (B) a lift must also be able to accommodate individuals who use walkers, crutches, canes, braces or who have difficulty using steps. The equipment must also permit onboarding and offboarding of individuals with wheelchairs and other mobility aids. The platform must be equipped with handrails on two sides, which move with the lift to provide support to standees throughout the lift operations, must have lift controls which are interlocked with the vehicle brakes, transmission, door or other devices;
 - (C) a ramp which is less than 30 inches in length must be able to support 300 pounds;
 - (D) a ramp which is 30 inches or longer must be able to support 600 pounds; and
 - (E) the maximum allowable slope of a ramp is:
 - (i) a ratio of 1:4, if the floor height is three inches or less above a six-inch curb;
 - (ii) a ratio of 1:6, if the floor height is between three and six inches above a six-inch curb;
 - (iii) a ratio of 1:8, if the floor height is between six and nine inches above a six-inch curb; and
 - (iv) a ratio of 1:12 if the floor height is greater than nine inches above a six-inch curb.
- (XXV) Wheelchair accessible vehicles must have the following:
- (A) slip resistant surfaces in all areas where individuals walk, including all aisles, steps and floors;
 - (B) a band of contrasting color(s) on each step edge, threshold and the boarding edge of ramps or lift platforms. The contrasting colors must run the full width of the step or edge; and
 - (C) the entrance doors equal to or greater than the following minimum heights:
 - (i) 56 inches for vehicles 22 feet or less in length; or
 - (ii) 68 inches for vehicles greater than 22 feet in length.
- (XXVI) Within the vehicle, signs must designate securement locations and seating locations for persons with disabilities. Stepwells and doorways must have treads that are lit at all times while the vehicle is lit.

(XXVII) Wheelchair tie down and occupant restraint systems:

- (A) shall be designed, installed, and operated to accommodate Passengers in a forward facing position;
- (B) shall be affixed to a vehicle in such a manner that no exit or aisle is blocked in the vehicle;
- (C) shall be free of sharp or jagged areas and shall be of non-corrosive material or treated to resist corrosion;
- (D) shall consist of a minimum of four anchor points. Two points shall be located in the front and two in the rear. All anchor points shall be secured to the floor;
- (E) each wheelchair tie down shall provide a means of slack adjustment and shall not allow more than two inches of movement in any direction during normal driving conditions. They shall be free of any fraying, rust, cuts or inoperable slack adjusters; and
- (F) all vehicles equipped with attachment point devices shall also be equipped with a durable webbing cutter having a full width hand grip and protected blade. The cutter must be stored in the Driver's compartment within the Driver's reach.

6105. Daily Vehicle Inspection Report (DVIR).

- (a) Every Driver and every Motor Carrier that operates more than one [Motor Vehicle](#), shall require its Drivers to prepare a Daily Vehicle Inspection Report ~~or~~ (DVIR), in writing at the completion of each day's work on each [Motor Vehicle](#) operated and the report shall cover at least the following parts and accessories:
 - (I) service brakes including trailer brake connections;
 - (II) parking (hand) brake;
 - (III) steering mechanism;
 - (IV) lighting devices and reflectors;
 - (V) tires;
 - (VI) horn;
 - (VII) windshield wipers;
 - (VIII) rear vision mirrors;
 - (IX) coupling devices;
 - (X) wheels and rims; and
 - (XI) emergency equipment.

- (b) The Driver, on the DVIR, shall:
 - (I) identify the vehicle and list any defect or deficiency discovered by or reported to the Driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;
 - (II) if no defect or deficiency is discovered by or reported to the Driver, the report shall so indicate;
 - (III) in all instances, the Driver shall sign the report;
 - (IV) on two-Driver operations, only one Driver needs to sign the DVIR, provided both Drivers agree as to the defects or deficiencies identified; and
 - (V) if a Driver operates more than one vehicle during the day, the Driver shall prepare the DVIR for each vehicle operated.
- (c) Prior to requiring or permitting a Driver to operate a vehicle in a for-hire capacity, every Motor Carrier shall repair any defect or deficiency listed on the DVIR that would be likely to affect the safety of operation of the vehicle.
- (d) The Driver shall review and certify the repairs have been made.
- (e) For every DVIR which identifies any defect or deficiency, every Motor Carrier or its agent shall certify, upon completion of the repair and on the original DVIR, that the defect or deficiency has been repaired or alternatively that repair is unnecessary before the vehicle is operated again.
- (f) Every Motor Carrier shall maintain all original DVIRs, any certification of repairs, and the certification of the Driver's review for three months from the date the DVIR was prepared.
- (g) For all reports required under this rule, Motor Carriers shall use the form provided on the Commission website.

6106. Inspection Process by Enforcement Official.

- (a) Inspection of Drivers and/or Motor Vehicles.
 - (I) When a Driver or ~~Motor~~ 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 Driver receiving a DVCR shall deliver it to the Motor Carrier with the Certificate or Permit under which ~~the~~ Motor Vehicle was operating at the time of the inspection. Delivery of the DVCR shall occur upon the Driver's next arrival at any of the Motor Carrier's terminals or facilities. If the Driver is not scheduled to arrive at a terminal or facility within 24 hours, the Driver shall immediately mail [or electronically submit](#) the report to the Motor Carrier.
 - (II) Motor Carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the Motor Carrier shall:
 - (A) complete the required repairs;

- (B) certify all violations have been corrected by appropriately signing and dating the DVCR, completing the following fields:
 - (i) carrier official's signature,
 - (ii) title; and
 - (iii) date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (C) return the completed DVCR to the Commission at the address shown on the DVCR; and
 - (D) retain a copy of the DVCR in its records.
- (b) If the Enforcement Official determines that a Motor vVehicle will likely cause an accident or break down due to its mechanical condition, or that an unsafe condition exists that would likely harm the occupants, the Motor vVehicle shall be placed Out-of-Service.
 - (c) A Motor Vehicle that would likely cause an accident or a breakdown due to its mechanical condition as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
 - (d) A 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 as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
 - (e) A DVCR declaring a Motor Vehicle and/or a Motor Vehicle Driver Out-of-Service shall constitute an Out-of-Service order giving notice to the Driver and the Motor Carrier regarding the Out-of-Service condition.
 - (f) No Motor Carrier shall require or permit any Person to operate, nor shall any Person operate, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
 - (g) No Motor Carrier shall require or permit any Person declared and-or ordered Out-of-Service to operate, nor shall any Person declared or ordered Out-of-Service operate, any Motor Vehicle until the Person's Out-of-Service condition has been corrected.
 - (h) A Motor Vehicle equipped with ramps, lifts or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities shall be placed Out-of-Service if such devices are not in good working order.
 - (i) A Motor Vehicle identified as a Golf Cart, Low-power Scooter, Low-speed Electric Vehicle, or Motorcycle will be subject to all inspection rules applicable to that type of vehicle.
 - (j) Motor Carriers and Drivers shall, upon request by an Enforcement Official, make available for inspection all records required to be made by these safety rules and all Motor Vehicles subject to these safety rules.

(k) The Motor Carrier may reinstate the ~~Motor Vehicle~~ or Driver for service after the Out-of-Service conditions have been removed or resolved. ~~The~~ ~~and~~ written certification is required to be provided to the Commission within 15 days.

(l) A Motor Vehicle that does not qualify under these Part 6 rules may be placed Out-of-Service.

6107. Driver Minimum Qualifications.

(a) A Motor Carrier shall not permit a Person to act as a Driver unless the Person:

(I) is at least 21 years of age;

(II) has a valid Driver's license;

(III) is medically qualified to drive as required by rule 6109; and

(IV) is not disqualified to drive based on the results of the DVCR report required by rule 6106 or the Criminal History Record Check required by rule 6114.

(b) A Motor Carrier shall require a Driver to maintain on their ~~Person~~ or in their ~~personal~~ Motor Vehicle the following documents in physical or electronic form:

(I) a current medical certification card;

(II) a valid ~~D~~ driver's license;

(III) a current vehicle inspection form; and

(IV) any waiver granted by the Commission.

(c) Before permitting an individual to act as a Driver, and at least once every 12 months thereafter, a Motor Carrier shall obtain and review a driving history from the Department of Motor Vehicles for the individual. The Driver Motor Vehicle report shall include, at a minimum, any moving violations in the United States for the three-year period preceding the individual's application.

6108. Driver Qualification File and Records.

A Motor Carrier shall maintain records for each Driver as follows.

(a) A completed Driver's application. A Driver's application must be maintained during the period of service and for three years thereafter. The required Driver's application form is available on the Commission's website.

(b) The driving history for a Driver, obtained from the Department of Motor Vehicles. Driving history reports shall be maintained for a period of three years from the date the research was conducted.

(c) The Drivers fingerprint qualification letterstatus, if applicable.

(d) The Driver's state issued ~~D~~ driver's license. The ~~D~~ driver's license copy shall be maintained during the period of service and for three years thereafter.

- (e) 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.
- (f) If applicable, any current medical waiver or variances issued to the Driver.
- (g) Hours of service records, including all required supporting documentation, 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.

6109. Proof of Medical Fitness.

- (a) No Motor Carrier shall permit any Driver to drive who is not medically examined and certified. Drivers of vehicles with a seating capacity of 16 Passengers or more, including the Driver, must be certified pursuant to the requirements of 49 C.F.R. 391.41, as revised on January 1, 2017. Drivers of vehicles with a seating capacity of 15 Passengers or less, including the Driver, may be certified under the provisions of this rule or pursuant to this rule or 49 C.F.R. §391.41, as revised on January 1, 2017.
- (b) All medical examiners issuing Driver medical certification cards must be licensed medical practitioners in accordance with their specific specialty practice act in the Colorado Revised Statutes 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 color blindness 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) a current clinical diagnosis of alcoholism.
- (d) All medical examiners issuing driver medical certifications shall use the [driver-medical examination report certification form](#) included in a packet available on the Commission's website. Such driver medical certifications shall include a certification that the medical provider conducted an examination in accordance with these rules, with knowledge of the driving duties, finding 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.

6110. Hours of Service.

- (a) A Motor Carrier shall neither permit nor require nor shall any Driver be On Duty in violation of the following: a Driver shall not be On Duty (as defined in paragraph 6001(hhh)) or be permitted to be On Duty more than 12 consecutive hours in any 24-hour period. A Driver may go off duty for any period of time during the 12-hour period, but the 12-hour period shall only be restarted after 12 consecutive hours off duty.
- (b) In lieu of the 12 hour rule above, a [Motor Carrier, other than a Motor Carrier providing Taxicab ServiceLuxury Limousine Carrier](#) may, at their option, elect to account for hours of service, ~~using the 15 hour rule or the ten hour rule~~ as follows:
 - (I) 15 Hour Rule: At the end of the 15th hour after coming on duty, a Driver shall not drive for-hire and shall be released from duty, for a minimum of eight consecutive hours. Drivers may go off duty for any period of time during the 15-hour period, but the 15-hour period shall only be restarted after eight consecutive hours off duty. A Driver may only be released from duty by a Motor Carrier for a period of eight consecutive hours and not intermittently during the 15 hour period.
 - (II) Ten Hour Rule: After coming on duty and within the 15 hours provided by the 15 hour rule in subparagraph (I) above, a Driver shall not exceed ten hours Driving Time. At the end of the tenth hour, a Driver shall not drive for-hire until he or she has been released from duty by for a minimum of eight consecutive hours.

- (III) 70 Hour Rule: In no instance shall a Driver's On Duty hours exceed 70 hours in any eight consecutive day period. Upon accumulating 70 hours On Duty in any rolling eight consecutive days, a Driver shall not drive and shall be released from duty for a minimum of eight hours. For the purposes of this rule, the total number of hours On Duty for each day within the eight day period shall be determined by adding the daily On Duty totals derived from the 15 hour rule in subparagraph (I) of this rule.
 - (IV) This election shall be made at the time the ~~Luxury-Limousine~~Motor Carrier purchases the Vehicle Stamps and shall remain in effect for the ~~following year~~ listed on the stamp.
- (c) A Motor Carrier or Passenger Carrier that employs or retains a Driver shall maintain and retain accurate and true time records, including all supporting documents verifying such time records, for a period of six months showing:
- (I) the time(s) the Driver reports for duty each day;
 - (II) the time(s) the Driver is released from duty each day;
 - (III) the total number of hours the Driver is On Duty each day; and
 - (IV) a good faith effort to require the Driver to report the total number of ~~e~~On ~~d~~Duty hours the Driver ~~has performed~~ with other Persons during the reporting period.
- (d) The requirements of 49 C.F.R. ~~§§~~ 395.5(a)(2) and (b) and 395.8, apply to all Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 16 or more (including the driver), or GVWR or GCWR of more than 10,000 pounds.
- (e) The requirements of 49 C.F.R. ~~§§~~ 395.5(a)(2), 395.5(b) and the log book requirements set forth under 395.8 shall not apply to Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 15 or less (including the driver) and GVWR or GCWR or less than 10,001 pounds.

6111. Verification of Hours of Service for Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

- (a) ~~Motor Carriers providing~~ Taxicab ~~Carriers Service and Large Market Taxicab Service~~ operating within or between the counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be subject to the additional requirements of this rule:
- (I) shall obtain and Advertise a central telephone number by which the public may call and request service;
 - (II) 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;
 - (III) shall employ a GPS-based, digital dispatch system that tracks and records Driver hours or service, and records and reports trip information including origination point and customer wait times;
 - (IV) shall employ a GPS-based, digital dispatch system that records and reports Driver location and On Duty time. Said system must log a Driver On Duty when the Driver's

assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand;

- (V) shall employ a GPS-based digital dispatch system that locks out any Driver who has exceeded On Duty hours of service maximums;
- (VI) shall lockout, for a minimum of eight hours, a Driver who has exceeded On Duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system; and
- (VII) shall log a Driver as being On Duty when the vehicle assigned to said Driver, enters an area no less than two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

6112. Vehicle Maintenance File.

A Motor Carrier shall maintain, in the Vehicle Maintenance File, the following records for each vehicle:

- (a) a means of identifying the vehicle noting the year, make, model, and vehicle identification number of the vehicle;
- (b) an overall maintenance plan that identifies the nature and due dates of the various inspection and maintenance operations to be performed;
- (c) a record of work done, including all receipts;
- (d) all required periodic vehicle inspections;
- (e) if applicable, any current vehicle waiver or variances; and
- (f) the Daily Vehicle Inspection Reports for the immediately preceding 30 days.

6113. Accident Registry.

- (a) For the purposes of this rule an accident is defined as an occurrence involving a Motor Vehicle which results in any of the following:
 - (I) bodily injury to any Person; or
 - (II) \$5,000 of damage to any property or vehicle.
- (b) A Motor Carrier shall maintain a registry of accidents, for a period of three years after the accident occurs. The register must contain the date of the accident, city and state where accident occurred, the Driver's name, number of injuries and fatalities, and any police report number associated with the accident.
- (c) All accident reports required by state or local governmental entities or insurers must be maintained with the accident register.
- (d) No later than ~~five~~ 30 days after an accident meeting the criteria stated above, a Motor Carrier must report the accident, including the above information, to the Commission.

6114. Fingerprint-Based Criminal History Record Checks.

- (a) For purposes of this rule only:
- (I) “Criminal History Record Check” means a state and national fingerprint-based Criminal History Record Check..
 - (II) “Driver” means a Person who drives or wants to drive for a Passenger Carrier, regardless of whether such Person drives or wants to drive as an employee or ~~in~~ independent ~~Contractor~~ Contractor.
 - (III) “Passenger Carrier” means a Taxicab Carrier, a Large Market Taxicab Service carrier, and a Limited Regulation Carrier, except for Fire Crew Transport
- (b) This rule applies to Passenger Carriers and Drivers.
- (c) Within ten days of contracting or being employed to drive for a Passenger Carrier, a Driver who is not qualified by the Commission at the time of hire shall submit a set of the Driver’s fingerprints, documentation of any name change of the Driver from the agency where the change was approved, and payment of the actual cost to conduct a Criminal History Record Check. The Passenger Carrier shall provide to the Driver a copy of the Commission’s Notice to Driver Applicants which informs the Driver that his or her fingerprints will be submitted to the CBI and FBI. This notice shall be provided to the Driver prior to the submission of fingerprints.
- (d) A Driver shall, within five years after being qualified by the Commission and at least once every five years thereafter, re-submit ~~to the Commission~~: a set of the Driver’s fingerprints; documentation of any name change of the Driver from the agency where the change was approved; and payment of the actual cost to conduct a Criminal History Record Check.
- (e) The Driver shall submit his or her fingerprints to the CBI according to its procedures. Colorado Bureau of Investigation or as required by state law. The Commission will only accept official forms completed by a law enforcement or state agency in accordance with the instructions available from the Commission or its website.
- (f) Qualification determination based upon moral character or statutory disqualification.
- (I) Upon the Commission’s receipt of a completed Criminal History Record Check, Commission staff shall make a qualification determination regarding the Driver’s qualification status. In making this determination, Commission staff is authorized to request from the Driver, and the Driver shall provide, additional information that will assist Commission staff in making the determination regarding the Driver’s qualification status. If a Driver does not provide such additional information requested by Commission staff, or explain why it is unavailable within 15 days of the request, Commission staff may disqualify the Driver.
 - (II) A Driver is not of good moral character and shall be disqualified and prohibited from driving, if the Driver has:
 - (A) a conviction in the state of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;

- (B) a conviction in the state of Colorado, within the ten years preceding the date the Criminal History Record Check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
 - (C) a conviction in the state of Colorado, within the eight years preceding the date the Criminal History Record Check is completed, of any class 3 felony under Title 18, C.R.S.;
 - (D) a conviction in the state of Colorado, within the four years preceding the date the Criminal History Record Check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or
 - (E) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (D) within the same time periods as listed in subparagraphs (A) through (D).
- (III) Without a determination as to moral character at the time of determination, a Driver is disqualified by statute and prohibited from driving if the Driver has been:
- (A) convicted in the state of Colorado at any time of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;
 - (B) within the two years preceding the date the Criminal History Record Check is completed, convicted in this state of driving under the influence (DUI), as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content (DUI per se), as described in § 42-4-1301(2)(a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301(1)(g), C.R.S.; or
 - (C) within the two years preceding the date the Criminal History Record Check is completed, convicted of an offense comparable to those included in subparagraph (III)(B) in any other state or in the United States.
- (IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (g) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting Criminal History Record Checks. The Commission may require a name-based Criminal History Record Check of a Driver who has twice submitted to a fingerprint-based Criminal History Record Check and whose fingerprints are unreadable or unclassifiable.
- (h) At any time, Commission staff shall disqualify a previously qualified Driver whose subsequent conviction meets the criteria of this rule.
- (i) A Passenger Carrier shall not permit a Driver to drive for the Passenger Carrier if:
- (I) the Driver has not complied with this rule and § 40-10.1-110, C.R.S., as applicable;
 - (II) the Driver is disqualified and prohibited from driving under paragraph (f) of this rule; or

- (III) the Driver's qualification status has expired.
- (j) A Passenger Carrier shall, as a condition of continued contract or employment, require a Driver to submit his or her fingerprints to the Commission for a Criminal History Record Check:
 - (I) at least once every five years; and/or
 - (II) within ten days of becoming aware that the Driver has been convicted of the offenses listed in paragraph (f) of this rule.
- (k) ~~Commission staff shall notify the Driver of its qualification determination.~~ The Commission will also maintain a password-protected portion of its website where Drivers, Passenger Carriers, and other Persons authorized, in writing, by the Director of the Commission may access the current qualification status of Drivers.
 - (I) If the Driver is disqualified and prohibited from driving, the Driver may, within 60 days of Commission staff's notification, file a petition with the Commission for qualification determination.
 - (II) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (A) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(II), the Driver shall bear the burden of proving that he is of good moral character based upon all surrounding facts and circumstances or that disqualification is not supported by fact or law.
 - (B) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(III), the Driver shall bear the burden of proving that disqualification is not supported by fact or law.
 - (C) If a Driver is disqualified pursuant to paragraph (h), the Commission staff shall bear the burden of proving all applicable elements.
 - (D) The Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S. for disqualifications based on a determination of moral character.
- (l) Commission staff's qualification determination may be relied upon by all Persons, unless and until the Commission rules on a Driver's qualification.
- (m) If the Commission qualifies a Driver upon petition, paragraph (f) shall be waived as to qualification determinations for future fingerprint resubmissions regarding the events upon which Commission staff's disqualification was based.

6115. Motor Vehicle Weight.

An Enforcement Official may require a Motor Carrier to have a Motor Vehicle inspected or 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 or if the GVWR can't be determined or if there is a belief that the GVWR is incorrect.

6116. Prohibitions.

- (a) A Motor Carrier shall not require or permit any Driver declared and ordered Out-of-Service to drive, nor shall any Driver drive, any ~~Motor~~ Vehicle until the Driver's Out-of-Service condition has been corrected.
- (b) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive, any ~~Motor~~ Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (c) A Motor Carrier shall not allow a Driver to drive when the Driver's ability to operate a ~~Motor~~ Vehicle is impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle nor shall any Driver operate a ~~Motor~~ Vehicle while impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle.
- (d) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver is under the influence of or uses any drug or substance that renders the Driver incapable of safely operating a vehicle.
- (e) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver has consumed alcohol within four hours of driving or is under the influence of alcohol while driving.
- (f) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive while engaged in texting while operating a Motor Vehicle.

6117. Age and Condition of Passenger Carrying Motor Vehicles.

Motor Vehicles used by a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, shall meet the following standards.

- (a) No Motor Carrier shall operate a Salvage Vehicle as defined at paragraph 6001(ppp) and § 42-6-102(17), C.R.S.
- (b) No Taxicab shall be more than 12 years old regardless of condition or mileage.
- (c) With the exception of a Luxury Limousine which meets the definition of "Collector's Vehicle" in subparagraph 6305(a)(IV), no Motor Vehicle operated under a ~~Certificate or Limited Regulation Carrier~~ Permit shall be more than 15 years old regardless of condition or mileage.
- (d) A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.
- (e) The age of a vehicle shall be determined by subtracting the model year of the vehicle from the present calendar year. By way of example, a 2010 model year vehicle is seven years old for the calendar year 2017.

- (f) In addition to the periodic safety inspections required under rule 6104, Motor vehicles shall be in good physical condition, meeting the following minimum standards:
- (I) the body of the vehicle has a good not faded paint job; is devoid of dents, rust, cracked bumpers, broken trim, broken mirrors, or cracked windows including the windshield;
 - (II) the interior of the vehicle has no missing or loose parts; has no exposed wiring; is clean; and has no cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim;
 - (III) exterior markings are compliant with applicable vehicle marking rules 6015 or 6303; and
 - (IV) the Motor Carrier's name, Certificate or Permit number, and the name of the Driver are identified in the interior of the vehicle and are clearly visible to the Passenger.
- (g) A petition for waiver of this rule shall be made under rule 6003 and is not complete unless it contains the following:
- (I) photos of the interior and exterior (front and back and each side) of the vehicle;
 - (II) number of miles on the Motor Vehicle;
 - (III) dates and results of all periodic inspections for the last two years~~the last three periodic inspections~~;
 - (IV) documents in the Vehicle Maintenance File required in rule 6112 for the last two years; and
 - (V) value of the Motor Vehicle using information from the Kelley Blue Book Price Guide, or the Edmunds Used Car Price Guide, or similar valuation authority;
 - (VI) any petition that claims financial hardship prohibits replacement of the vehicle, must include the revenue generated in the previous 12 months, the amount of loan on the Motor vehicle, if any, an explanation of the market served and the reason why the Motor eCarrier cannot replace the vehicle. The petition must also list all safety equipment that is currently on the Motor Vehicle, by way of example – the number and type of seat belts, air bags, cameras, sonar detection systems, antilock braking systems, stability control, four-wheel drive, and age and type of tires; and
 - (VII) any other information the petitioner deems relevant.
 - (VIII) No vehicle is eligible for a waiver of the age requirements of this rule unless the petitioner has owned the vehicle for three full years and establishes proof of ownership for the three years with a title or registration from the Colorado Department of Revenue.

6118. – 6199. [Reserved].

FULLY REGULATED INTRASTATE CARRIER RULES

6200. Applicability.

Rules 6200 through 6249 apply to all Common Carriers, all Contract Carriers, and to all Commission proceedings and operations concerning Common Carriers and Contract Carriers as well as applicants, employees, and Drivers of such carriers.

6201. Definitions.

In addition to the definitions in rules 6001 and 6101, the following definitions apply to all Motor Carriers and Drivers subject to these Fully Regulated Intrastate Carrier rules:

- (a) "Access Fee" means the fee assessed by an airport for the use of its facilities for one trip levied upon Motor Carriers transporting Passengers to, from, or at an airport.
- (b) "Auto Livery" or "Auto Livery Service" means the transportation of Passengers by Common Carrier, including the transportation of Passengers in Scheduled and/or Call-and-Demand service. This term is only used in historical Authorities.
- (c) "Base Area" means a geographic area in which a Taxicab is authorized to provide point-to-point service. This term is defined only because of its use in Authorities issued by the Commission.
- (d) "Capable," as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the Common Carrier's Authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations under such Authority.
- (e) "Close Proximity", as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and 20 minutes from the drop-off location and time.
- (f) "Special Bus Service," "Special Bus Transportation," or "Special Bus", only used in historical authorities, means the transportation of Passengers by Common Carrier:
 - (I) not including ordinary and continuous Scheduled Service;
 - (II) rendered generally on weekends, holidays, or other special occasions;
 - (III) with a fixed termination date; and
 - (IV) to a number of Passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, or for a trip or tour planned by the carrier.
- (g) "Tack" means the joinder of two or more separate Authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.
- (h) "Transfer" means, without limitation, any sale, lease, assignment, license, change in ownership, foreclosure of an Encumbrance, execution in satisfaction of any judgment or claim, merger,

consolidation, or similar transaction in which control of any Authority or portion thereof changes from one entity to another, whether voluntarily, by court order, or otherwise.

- (i) "Transferee" means any entity newly acquiring control of any Authority or obtaining a security interest in the Authority.
- (j) "Transferor" means any entity transferring control of any Authority to a Transferee.

6202. Prohibited Operations.

- (a) No Person shall operate or offer to operate as a Common Carrier or a Contract Carrier, without obtaining the appropriate Certificate or Permit and paying the application fee and or the annual Motor Vehicle hidentification fees as set forth in rule 6102.
- (b) Without specific approval by the Commission, no Fully Regulated Intrastate Carrier shall:
 - (I) combine or Tack two or more separate Authorities or two or more separate parts of an aAuthority in order to render a transportation service not authorized by any individual aAuthority or part thereof;
 - (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its Authority;
 - (III) serve any point not included in its Authority or authorized by statute;
 - (IV) abandon or suspend operations under its aAuthority; or
 - (V) file a Tariff or time Schedule whose applicability or scope violates this rule.

6203. Applications to Operate as a Common or Contract Carrier.

- (a) Any Person seeking permanent Authority to operate as a Common or Contract Carrier, or permanent Authority to extend a Common Carrier Certificate or Contract Carrier Permit, shall file an application. The application shall contain the following information:
 - (I) the name, including trade name if applicable, physical address, mailing address, telephone number, and email address of the applicant;
 - (II) the name, mailing address, telephone number, and email address of the applicant's representative to whom the Commission may direct inquiries regarding the application;
 - (III) the name and address of the applicant's Colorado designated agent for service of process, if-as required by rule 6006;
 - (IV) a statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.);
 - (V) if the applicant is a corporation: the name of the state in which it is incorporated; the mailing address and physical address of its principal office; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.;

- (VI) if the applicant is a limited liability company: the name of the state in which it is organized; the mailing address and physical address of its principal office; the name of its managers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application;
- (VII) if the applicant is a partnership: the names, titles, and addresses of all general and limited partners;
- (VIII) the applicant's certificate of assumed trade name or trade name registration, if applicable;
- (IX) 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 (e.g., Charter, Shuttle, Sightseeing, Taxicab, or Scheduled, ~~but~~ not limousine, auto livery or special bus), if the applicant proposes to operate as a Common Carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the Authority sought; and
 - (E) a description of the make, model, and year of the Motor Vehicles proposed to be operated, or if unknown, then a summary of the number and types of Motor Vehicles proposed to be operated.
- (X) A map or diagram showing the proposed geographic service area, or the proposed points or routes of service, ~~and~~ in the form requested by the Commission or Commission staff;
- (XI) a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations, including but not limited to its ability to meet the requirements of rule 6111 (requiring, inter alia, a GPS based digital system that records the hours of service), and rule 6254 requiring 24 hour provision of service, if the applicant proposes to serve a geographical area covered by those rules. If the applicant is not currently able to meet the requirements of rule 6111 and/or 6254, the applicant must provide the reason and must state the period of time needed to come into compliance which shall not be longer than 120 days;
- (XII) a statement describing the extent to which the applicant, or any Person affiliated with the applicant, holds or is applying for ~~authority~~ duplicating or eOverlapping Authority in any respect the Authority at issue in the application;
- (XIII) a statement identifying current Authorities issued by either a state or federal agency, authorizing the applicant or any affiliate to provide for-hire transportation of Passengers in the state of Colorado;
- (XIV) a statement that the applicant understands the Commission will, in its discretion, cancel any ~~d~~uplicating or eOverlapping Authorities created by granting the application;

- (XV) a statement indicating the town or city where the applicant prefers any hearing to be held; and
 - (XVI) 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.
 - (XVII) If the applicant applies for Common Carrier Authority, the applicant shall demonstrate a public need for the proposed service and that the authority is in the public interest and should be granted. Any letter of support filed to demonstrate a public need shall:
 - (A) contain the author's name, address, and telephone number;
 - (B) describe the public need;
 - (C) describe whether and how the existing service is inadequate;
 - (D) contain a statement that the letter contains only information that is true and correct to the best of the author's knowledge and belief; and
 - (E) be signed by the author.
 - (XVIII) If the applicant seeks Contract Carrier Authority, [the applicant](#) shall provide a statement of the facts upon which the applicant relies to establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customers' needs. The applicant shall also attach a letter from each proposed customer. Such letters shall:
 - (A) contain the proposed customer's name, address, and telephone number;
 - (B) indicate the proposed customer's special or distinctive transportation needs;
 - (C) specifically support the applicant's particular request for authority;
 - (D) describe whether there is existing service and how the existing service is inadequate;
 - (E) contain a statement that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief; and
 - (F) be signed by the proposed customer.
 - (XIX) A statement that the applicant understands [that there is an obligation to comply with all applicable Commission rules, the age limit rules and vehicle inspection rules](#) and that the vehicles which it plans to use to provide the service are compliant with those rules.
- (b) No Person shall file an application under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier, or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name). If an application is filed in violation of this rule, the Commission shall not issue a Certificate or Permit under such name.

- (c) In lieu of filing an application as set forth above, the applicant may use the application form approved by the Commission and posted to its website~~the applicant may use a plain English and simplified online application form that has been approved by the Commission.~~

6204. Application for Temporary Authority or Emergency Temporary Authority for a Common Carrier or Contract Carrier.

- (a) A Person may seek temporary Authority to operate as a Common or Contract Carrier, for a period not to exceed 180 days, and shall file an application providing the information specified in rule 6203 modified as follows:
- (I) the statement of facts shall also establish an immediate and urgent need for the proposed service and that there is no such service Capable of meeting the need;
 - (II) any letters of support shall contain 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;
 - (III) a statement indicating whether the Commission has previously granted to the applicant Authority to render all or any part of the proposed service and the decision number granting the Authority; ~~and~~
 - (IV) a statement of the period of time which the applicant requests the temporary Authority to cover, not to exceed 180 days; ~~and~~
 - (V) if the application is a request to operate as a Contract Carrier, a support letter from each proposed customer including:
 - (A) the proposed customer's name, address, and telephone number;
 - (B) the proposed customer's special or distinctive transportation needs;
 - (C) support for the applicant's particular request for authority;
 - (D) description of whether there is an existing service and, if so, how the service is inadequate; and
 - (E) the signature of the proposed customer attesting to the validity of the information in the support letter.
- (b) A Person may seek emergency temporary Authority to operate as a Common or Contract Carrier for a period not to exceed 30 days and shall file an application with the Commission providing the information in paragraph (a) of this rule. The application shall also include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Any letters of support shall describe the basis and nature of the emergency.
- (c) The granting of temporary or emergency temporary Authority creates no presumption that permanent Authority will be granted.

(d) The Commission shall not grant temporary Authority to provide the same service, including both temporary Authority and emergency temporary Authority for a total period greater than 180 days.

(e) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6205. Applications to Voluntarily Abandon or Suspend Authority.

(a) A Fully Regulated Intrastate Carrier shall file an application to voluntarily abandon or suspend its Authority, or any portion thereof. After ten days' notice, the Commission may either decide such an application without a hearing or set it for hearing. Carrier obligations are not affected by the filing of an application; rather they will be determined by Commission decision. The application shall:

- (I) fully describe why the abandonment or suspension is sought;
- (II) describe how the abandonment or suspension will affect the public;
- (III) contain a statement that the application contains only information that is true and correct to the best of the applicant's knowledge and belief; and
- (IV) be signed by the applicant.

(b) A Fully Regulated Intrastate Carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:

- (I) 12 consecutive months;
- (II) 12 months in any 24-month period; or
- (III) two consecutive seasons, for a Fully Regulated Intrastate Carrier operating seasonally.

(c) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.

(d) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6206. Application to Encumber, Transfer, Merge, Consolidate, or Acquire Control.

(a) No Fully Regulated Intrastate Carrier shall by any means, directly or indirectly, encumber, Transfer any right or interest in any portion of said Fully Regulated Intrastate Carrier's Authorities, or the entity that is the owner of the Authorities, except as specifically provided by Commission order, this rule 6206, or § 40-10.1-205, C.R.S.

(b) The Transferor and the Transferee shall file a joint application with the Commission not less than 60 days prior to the effective date of the proposed Transfer or Encumbrance. If the Transferee does not hold a Commission issued CPCN, the Transferee shall provide the Commission with the information required pursuant to rule 6203, and must receive an appropriate Commission grant of authority to assume the Transferor's CPCN.

(c) The application shall include:

- (I) the information required by [subparagraph 6203\(a\)\(I\) through \(VIII\) and \(XI\) through \(XIX\), as applicable](#);
- (II) a description of the transaction including the amount of consideration paid or to be paid and the terms of payment;
- (III) name under which the Transferee is, or will be, providing service in Colorado if the Transfer is approved and information establishing the operational and financial fitness of the Transferee to conduct the operations of the Authority;
- (IV) the specific assets, including any Authority (including copies of the Authorities) that the applicants propose to Transfer;
- (V) all agreements concerning the transaction including but not limited to: purchase and sale agreement, lease agreements, operating agreement, Encumbrances, security interests, stock agreements, repurchase agreements, promissory notes and/or operating agreements;
- (VI) an acknowledgment that by signing the application, the joint applicants represent the truth and accuracy of all statements in the application and supporting documents and understand and agree that:
 - (A) the filing of the application does not, by itself, constitute authority to execute the transfer;
 - (B) the applicants shall not undertake the proposed Transfer unless and until a Commission decision granting the application is issued;
 - (C) the granting of the application does not constitute -the execution of the Transfer, but only represents the Commission's approval of the request for authority to Transfer or encumber;
 - (D) if a Transfer is granted, such Transfer is conditional upon:
 - (i) the existence of applicable, effective Tariffs for relevant services;
 - (ii) compliance with the statutes and all applicable Commission rules, including the Transferor's filing an Annual Report, complying with the rule on financial responsibility, updating the vehicle registry, and obtaining the periodic inspections of all vehicles and
 - (iii) compliance with all conditions established by Commission order; and
 - (E) if the application to Transfer is granted, the joint applicants shall notify the Commission if the Transfer is not consummated within 60 days of the proposed effective date stated in the application or if the proposed Transfer terms are changed prior to the consummation date. This notice shall include the proceeding and decision number(s) which granted the authority to execute the Transfer.

- (d) The joint applicants may submit the required information by filing either an application or completing the Commission approved form on the website of the Commission.
- (e) The joint applicants may seek confidential or highly confidential treatment of information as provided in rule 1101 of the Commission's Rules of Practice and Procedure.

6207. Duplicating or Overlapping Authorities.

The Commission may cancel Duplicating or Overlapping Authorities that arise as a result of any grant, extension, or other modification to a Certificate or Contract Carrier Permit.

6208. Tariffs.

- (a) A Fully Regulated Intrastate Carrier shall not operate its Motor Vehicles without having approved Tariffs on file with the Commission.
- (b) A Fully Regulated Intrastate Carrier shall not operate in conflict with its approved Tariff or disseminate information contrary to that which is contained in its approved Tariff.
- (c) A Fully Regulated Intrastate Carrier shall keep on file with the Commission, at all times, approved Tariffs clearly showing rates and charges to be assessed for all transportation and accessorial services provided. The Tariff must also disclose all rules and conditions, and time Schedules, as applicable, relating to rates or service, shall be available for public inspection, at all reasonable times, in its office- and posted on the website, if the carrier maintains a website.
- (d) Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period, [or as otherwise ordered by the Commission](#).
- (e) A Common Carrier that is authorized to provide Taxicab Service shall publish, in its Tariffs, reduced fares applicable to each Passenger being transported under a ~~an~~Multiple Loading arrangement.
- (f) A Contract Carrier shall ensure that its Tariff, at a minimum:
 - (I) includes the names of the parties to the contract, the provisions regarding the scope and terms of transportation and accessorial services to be provided, and the date(s) and terms of the contract, including rates. A copy of the executed written contract may be filed in lieu of the requirement to provide dates, terms and rates of the contract;
 - (II) provides for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the ~~a~~Authority granted by the Commission; and
 - (III) prohibits payment from individual Passengers.
- (g) Notice. Within seven days of receipt of an Advice Letter and Tariff filing, the Commission will provide notice of the filing to affected parties by posting the filing in its E-Filings System.
- (h) Protests. Any Person affected by a Tariff change proposed under this rule may submit a written protest to the proposed change. Any protest must be filed sufficiently in advance of the effective

date to permit Commission consideration before the Tariff becomes effective, generally at least ten days before the effective date of the proposed Tariff.

- (i) Any Person seeking to protest any portion of a rate, fare, classification or service not altered by the [Motor](#) Carrier in its proposed changes to an existing Tariff, shall bear the burden of proof as it pertains to why such rate, fare, classification or service is not just and reasonable.
- (j) A Fully Regulated Intrastate Carrier shall file additional supporting documentation upon the request of Commission staff. The documentation shall include an explanation of the circumstances and data relied upon to justify the proposed Tariff.

6209. Time Schedules.

- (a) A Common Carrier that has been granted Authority to provide Scheduled Service shall file time Schedules as part of the its Tariff. The time Schedule shall be filed on the form or in a format prescribed by the Commission. At minimum, time Schedules shall contain the following:
 - (I) an explanation of any symbols, reference marks, and abbreviations used;
 - (II) a list of all scheduled stops and all Flag Stops, including the address or description of the location, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate;
 - (III) a statement whether service is daily or otherwise; and
 - (IV) any other appropriate information regarding the service the Common Carrier desires to perform.
- (b) A Common Carrier may not operate its Motor Vehicles in Scheduled Service without having approved time Schedules on file with the Commission.
- (c) A Common Carrier shall not operate in conflict with its approved time Schedules.
- (d) A Common Carrier operating a Scheduled Service shall report in writing to the Commission and post to its website any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.
- (e) A Common Carrier shall drive by each Flag Stop in such ~~Close Pro~~ximity 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(b)(II).
- (f) A Common Carrier operating a Scheduled Service shall ensure that a copy of its approved time Schedule is available for public inspection at all reasonable times in each of the Common Carrier's offices or terminals. If the Common Carrier maintains a presence on the Internet, its time Schedule must also be posted on its website(s) relevant to the Common Carrier's services.

6210. Contract Carrier Contracts.

- (a) A Contract Carrier shall not enter into a contract for transportation that is in conflict with the Contract Carrier's Permit or with any Person not named in the Contract Carrier's Permit.

- (b) A Contract Carrier shall not engage in any act of transportation for Compensation except in compliance with the contract between the Contract Carrier and the Person named in the Contract Carrier's Permit.
- (c) Contracts shall be written, not oral.
- (d) At a minimum, all contracts 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(s) and terms of the contract, including rates.
- (e) Contracts shall provide for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the authority granted by the Commission. In no circumstances shall a Contract Carrier receive payment for providing contract services from individual Passengers.

6211. Refusal of Service.

No Fully Regulated Intrastate 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 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 equipment, a Driver shall immediately report to the carrier any refusal to transport a Passenger.

6212. Annual Reports.

- (a) Each Fully Regulated Intrastate Carrier shall file with the Commission an Annual Report on a Commission-prescribed form on or before April 30 of each year. The Fully Regulated Intrastate Carrier shall complete all sections of the Annual Report applicable to said Fully Regulated Intrastate Carrier for the 12-month period ending on December 31 of the previous calendar year.
- (b) A Principal of the Fully Regulated Intrastate Carrier shall sign the certification of the Annual Report ~~or terminating Annual Report~~. In all Annual Report filings, the Fully Regulated Intrastate Carrier shall comply with subparagraph 1204(a)(III) and rule 1100, et seq., of the Commission's Rules of Practice and Procedure.

6213. Forms of Payment.

A Common Carrier may accept any form of payment, but must accept MasterCard and Visa credit cards.

6214. – 6249. [Reserved].

MOTOR CARRIERS PROVIDING TAXICAB CARRIER SERVICE RULES

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6258 apply to all ~~Motor Common~~ Carriers providing Taxicab Service. Nothing in these ~~Taxicab Carrier~~ rules shall alter, amend, modify, suspend, or otherwise affect specific provisions,

limitations, or requirements in any authority issued to any Common Carrier prior to the adoption of these rules.

6251. Notices.

- (a) Each Motor Carrier providing Taxicab Carrier-service shall post the following notices, as applicable, on the inside of the left window immediately behind the Driver's window or on the back of the front seat of each Taxicab it operates. The font size of such notice shall be at least 14-point characters and the font size of the cab number shall be at least 24-point characters. The Taxicab Carrier shall complete all blanks in the notices.
- (b) The following notice shall be placed in all Taxicabs:

NOTICE

Cab No. _____

The Driver of this Taxicab shall not load other passengers without the permission of the first passenger.

The basis for calculating the rates charged, the amount of additional charges if any and the basis for them.

If the Taxicab Carrier serves DIA, the amount of the Flat Rate charges and a map showing the zones.

The amount of additional charges that may apply for additional passengers, passenger drop offs, baggage and packages, waiting time, pets, and toll charges or Access Fees.

Report any problems to the Public Utilities Commission at (303) 894-2070.

- (c) In lieu of the above posting, the Taxicab Carrier may provide this information on a digital screen, on the condition that the screen is clearly visible to the Passenger.

6252. Service: Multiple Loading and Routing.

- (a) Multiple loading.
 - (I) No Taxicab Carrier, Large Market Taxicab Service carrier, or Taxicab Driver shall engage in Multiple Loading from a common point of origin or from separate locations unless the first Passenger agrees to the Multiple Load.
 - (II) Each Passenger shall pay a reduced fare and the Taxicab Driver shall advise each passenger that the charge from his/her origin to destination will be reduced. The amount by which the fare is to be reduced shall be a percentage of the original fare. The percentage decrease shall be named in the Taxicab Carrier's Tariff or the Large Market Taxicab Service carrier's schedule of rates.
- (b) A-Motor Carriers providing Taxicab Carrier-Service 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 Motor Carrier providing Taxicab Carrier-Service has first advised the Passenger regarding the extent of deviation from the shortest possible route.

6253. Record Keeping.

- (a) In addition to other requirements to maintain accurate records, a [Motor Carrier providing Taxicab Carrier-Service](#) shall maintain in its files, either electronically or in hard copy, 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.

6254. Additional Service Requirements for [Motor Carriers Providing Taxicab Carriers-Service](#) Operating Within or Between Counties with a Population Density of 40 or More People per Square Mile.

[Motor Carriers providing Taxicab Carriers-Service](#) operating within or between counties with a population density of 40 or more people per square mile based on the most recent federal census are required to provide service 24 hours per day.

6255. Maximum Rates for Transportation to and from Denver International Airport and within the Denver Downtown Area.

[Motor Carriers providing Taxicab Carriers-Service](#) 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 and rule 6208.

- (a) The zones established in this rule include the following:
- (I) Zone A (Downtown Denver): Beginning at the intersection of 11th Avenue and Clarkson Street; the west on 11th Avenue to its intersection with Speer Boulevard; then north on Speer Boulevard to its intersection with 13th Avenue; then west on 13th Avenue to its intersection with Interstate 25; then north on Interstate 25 to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Delgany Street; then north on Delgany Street to its intersection with Denargo Street; then north on Denargo Street to its intersection with Arkins Court; then northeast on Arkins Court to its intersection with 38th Avenue; then southeast on 38th Avenue to its intersection with Marion Street; then south on Marion Street to its intersection with Lawrence Street; then southwest on Lawrence Street to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Clarkson Street; then south 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): Beginning at the intersection of Jay Road and U.S. Highway 36, then northwest on U.S. Highway 36 to Lee Hill Drive, then west on Lee Hill Drive for one mile, then south on an imaginary line for seven miles, then east on an imaginary line to Cherryvale Road, then north on Cherryvale Road as extended to Jay Road, then west on Jay Road to the point of the beginning.
 - (IV) Zone D (Tower Road): Beginning at the intersection of 56th Avenue and Genoa Street, then north on Genoa Street as extended to 72nd Avenue, then west for one mile along 72nd Avenue, then south along an imaginary line to 56th Avenue, then east along 56th Avenue to the point of the beginning.
- (b) Taxicab Drivers shall inform Passengers of the total charge prior to commencing the trip.
- (c) The maximum rate for Taxicab Service between the following defined zones and DIA shall be no more than:
- (I) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.
 - (II) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.
 - (III) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.
 - (IV) Zone D: The zone rate for transportation between DIA and any point in Zone D shall be \$24.00.
 - (V) In addition to the above maximum rates, the Taxicab Carrier may charge Access Fees as established by DIA for the use of its facilities for one trip levied upon the Taxicab.
 - (VI) A drop fee of no more than \$5.00 may be charged for each additional drop within the above zones required by members of one traveling party.
- (d) Flat Rates within Zone A. The Maximum Rate within Zone A shall be no more than \$8.00, plus an additional \$3.00 drop off fee for each additional stop.
- (e) Additional requirements with Multiple Loading. The Taxicab Driver shall inform the parties of the total charge prior to departing from the point of origin of the second traveling party and advise the parties they must determine how much of the total charge each party is obligated to pay. The total charge may be approximated for Taxicab Service provided under subparagraphs (I), (II), or (III) of this paragraph.
- (I) If the first party is dropped at a point within a defined zone and additional parties are dropped at different points in the same zone, the total charge (not a per party charge) shall be the appropriate zone rate, plus any applicable airport Access Fee, plus a \$5.00 charge for each additional drop within the zone.

- (II) If the first party is dropped at a point within a defined zone and the second party is dropped at a point outside of any defined zone the charge for the first party shall be the appropriate zone rate plus the agreed portion of applicable airport Access Fees. The charge for the second party shall be the Meter fare from the first drop point to the second drop point, plus the agreed portion of applicable airport Access Fees.
- (III) If the first party is dropped at a point outside of the defined zones, the rates established in this rule shall not apply.

6256. Motor Carriers Providing Taxicab Service License Plates.

- (a) Motor Vehicles used in the provision of Taxicab Service require a Taxicab license plate.
- (b) A Person providing Taxicab Service under Article 10.1 of Title 40, C.R.S. shall register all Motor ~~V~~ehicles used for such purposes with the Colorado Department of Revenue and display the Taxicab license plates on the vehicles used in providing the services.
- (c) A Person providing Taxicab Service under an active Certificate or Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a Taxicab license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a Taxicab license plate unless the vehicle to which the license plates are attached is required to bear Taxicab license plates.
- (f) Any Motor ~~V~~ehicle operated in violation of this rule may be placed Out-of-Service.

6257. Conversion to a Transportation Network Company.

A Motor Carrier authorized through the granting of a Certificate of Public Convenience and Necessity, to provide Taxicab or Shuttle Service may convert that Authority to a Transportation Network Company (TNC) by filing an application to voluntarily abandon or suspend all or part of its Authority pursuant to rule 6205 and simultaneously filing an application for a Permit to operate as a TNC pursuant to rule 6702. During the period of suspension, the suspended portion of the Authority authorizing Taxicab or Shuttle Service is exempt from Taxicab and Shuttle Service standards concerning the regulation of rates and charges pursuant to the requirements of rule ~~6207~~6208. Further, the Motor Carrier may pro-rate the application fee of \$111,250 over 12 months, paying 1/12th per month. If the Motor Carrier at any time elects not to proceed with the conversion, the Motor Carrier shall not owe the remaining amount of the prorated fee. If the Motor Carrier elects not to proceed with the conversion, the Motor Carrier is not entitled to the return of any amounts paid or any forgiveness for amounts already paid. This pro-rating of the fee is only applicable in the first year of the transition.

6258. - 6299. [Reserved].

LIMITED REGULATION CARRIER RULES

6300. Applicability of Limited Regulation Carrier Rules.

Rules 6300 through 6399 apply to all Limited Regulation Carriers and to all Commission proceedings and operations concerning Limited Regulation Carriers, ~~Permit holders,~~ employees, and Drivers. (The general rules and the safety rules also apply to Limited Regulation Carriers.)

6301. Definitions.

In addition to the definitions in rules 6001, 6017 and 6101, the following definitions apply to all carriers subject to these Limited Regulation Carrier rules:

- (a) “Charter Bus” means a Limited Regulation Carrier that provides transportation in a Motor Vehicle with a Seating Capacity of 33 or more, including the Driver, and provides service for a Person or group of affiliated Persons traveling for a common purpose, for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the Motor Vehicle, including selection of the origin, destination, route and intermediate stops. A Charter Bus does not provide service on a regular route or Schedule.
- (b) “Charter Basis” means on the basis of a contract for transportation whereby a Person agrees to provide exclusive use of a Motor Vehicle to a single chartering party for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the vehicle, including selection of the origin, destination, route, and intermediate stops.
- (c) “Charter Order” means a paper or electronic document that memorializes the contract for Luxury Limousine or Off-Road Scenic Charter or Charter Bus service for a specific period of time reasonably calculated to fulfill the purpose of the contract. The Charter Order shall state the charge, the charge method, the name and telephone number of the parties to the contract, the pickup time and pick up address, and the type of Motor Vehicle that will be used. The Charter Order shall be maintained for at least one year following the provision of service and shall be provided to the parties to the contract and shall be available to the Commission upon request.
- (d) “Children’s Activity Bus” means a Limited Regulation Carrier that transports groups of eight or more children, 18 years of age or younger and their chaperones for trips that are sponsored by non-profit organization, and/ or transport children to and from school, school related activities, or school sanctioned activities that such transportation is not provided by the school or school district contractors to the school or school district. (§ 40-10.1-301(4), C.R.S.)
- (e) “Luxury Limousine Service” is a luxurious, specialized transportation service provided by a Luxury Limousine Carrier with great comfort, quality and ease of use that is not usually available from Common Carriers. The services provided are on a Prearranged Charter Basis memorialized in a contract prior to the provision of service.
- (f) “Medicaid Client Transport” is a Limited Regulation Carrier and means a service that uses a Motor Vehicle to transport Passengers who are recipients of Medicaid pursuant to Articles 4 to 6 of Title 25.5, C.R.S. and are being transported under a Medicaid Non-emergent Medical Transportation Contract or a Medicaid Non-Medical Transportation Contract. (§ 40-10.1-301(9), C.R.S.)

- (g) “Medicaid Non-emergent Medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing non-emergent medical transportation to approved recipients of Medicaid. (§ 40-10.1-301(10), C.R.S.).
- (h) “Medicaid Non-medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonmedical transportation to approved recipients of Medicaid. (§ 40-10.1-301(11), C.R.S.)
- (i) “Off-Road Scenic Charter” means a Limited Regulation Carrier that transports Passengers, on a Charter Basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads as that term is defined in § 40-10.1-301(12), C.R.S.
- (j) “Prearranged” or “Prearrangement” means that the Charter Order is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the Luxury Limousine at the point of departure.
- (k) “Trip Ticket” means a document, electronic or paper, that contains the information that the Driver needs to fulfill the Prearranged service, such as customer or Passenger contact information, pickup and drop off time and location.

6302. Application and Permit.

- (a) No Person shall operate or offer to operate as a Limited Regulation Carrier, without obtaining the appropriate Permit by filing the appropriate application using a Commission approved form, available on its website. Each application requires supporting information which must be submitted with the application at the time of filing.
- (b) No Person shall request a Permit under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier shall not have taxi in its name.) If an [Permit application is](#) filed in violation of this rule, the Commission shall not issue a Permit under such name.
- (c) The Motor Carrier must maintain the original or copy of its Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (d) In addition to completing and filing the Commission approved application form, a Motor Carrier shall:
 - (I) file the required proof of financial responsibility; and
 - (II) pay the required annual Vehicle ~~Inspection-Stamp~~ fees, as set forth in rule 6102 or, if applicable, shall be in compliance with the UCR Agreement.
- (e) Applications for new Permits ~~or renewals~~ require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than ~~180-20~~ days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable.

(f) Applications for renewals of Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 180 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable

(fg) A Permit is valid for one year from the effective date.

6303. Luxury Limousine Exterior Vehicle Markings, Signs, or Graphics.

Instead of the vehicle marking requirements set forth in rule 6015, a Luxury Limousine Carrier is required to have only exterior markings on Motor Vehicles operated under its Permit, as detailed below:

- (a) The Carrier's Permit number preceded by "LL" or "PUC LL" or "CO PUC LL" shall be displayed on both sides of the vehicle or on the front and back of the vehicle.
- (b) The markings shall be of a size and color readily visible from 50 feet, but in any case not less than one and a half inches tall and not more than three inches tall.
- (c) The Luxury Limousine Carrier has the option of including other markings, including company or trade name and phone number, on the vehicle, but is neither required to do so nor is it prohibited from including other markings

6304. Livery License Plates.

- (a) Motor Vehicles used in the provision of Luxury Limousine Service require a livery license plate.
- (b) A Person providing Luxury Limousine Service under Article 10.1 of Title 40, C.R.S., shall register all Motor ~~V~~ehicles used for such purposes with the Colorado Department of Revenue and display the livery license plates on the vehicles used in providing the services.
- (c) A Person providing Luxury Limousine Service under an active Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a livery license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a livery license plate unless the vehicle to which the license plates are attached is required to bear livery license plates.
- (f) Any Motor ~~V~~ehicle operated in violation of this rule may be placed Out-of-Service.

6305. Luxury Limousine.

- (a) A "Luxury Limousine" means one of the following vehicles:
 - (l) stretched limousine, which is a Motor Vehicle whose wheelbase has been lengthened beyond the original Manufacturer's specifications;

- (II) executive car, which is a Motor Vehicle that has four doors and is:
 - (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Land Rover, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla, or Volvo; or
 - (B) Chrysler 300, Hyundai Equus, Toyota Avalon Livery Edition, Chevrolet Suburban, Chevrolet Tahoe, Ford Expedition, GMC Yukon, Hummer;
 - (III) executive van, which is a Motor Vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the original Manufacturer);
 - (IV) luxury 4 wheel drive, which is a Motor Vehicle that is a 4 wheel drive crew-cab pickups manufactured by Chevrolet (~~Silverado 1500 and 3500~~), Ford (~~F-150 and 450 Limited~~), GMC (~~Denali~~), Nissan (~~Titan Platinum~~), Ram (~~1500 and 3500 Limited~~), and or Toyota (Platinum); in the Limited, Platinum, or equivalent class;
 - (V) collector's vehicle, which is defined in Title 42, C.R.S., as either a luxurious classic or antique vehicle, eligible for a collector's license plate. It is not a stretched limousine. Vehicles qualifying under this paragraph (V) must have a current appraised retail value of at least \$15,000. A certified appraisal is required to prove the value of the vehicle. Vehicles within this category are exempt from the age of vehicle requirements set forth in rule 6117; and
 - (VI) any Motor Vehicle for which the Motor Carrier has paid \$50,000 or more, as evidenced by a copy of the dealer bill of sale submitted to the Colorado Department of Revenue on form DR2407, dated no more than 180 days prior to placing the vehicle into service.
- (b) A Person who believes that the Motor ~~Vehicle~~ that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation experience in the relevant market to be served. The notice and intervention period shall be five ten days, after which time the Commission will consider the petition at its next weekly meeting as soon as practical.
 - (c) Age limits for Luxury Limousines shall be 15 years, with the age of the vehicle calculated as set forth in rule 6117. For vehicles older than eight model years and/or have more than 150,000 miles, the periodic safety inspection shall be completed semi-annually. After the Motor Vehicle reaches 225,000 miles, regardless of age, the inspections must occur every three months.

6306. Luxury Limousines – Operational Requirements, Prerequisite Required.

- (a) No Person shall provide Luxury Limousine Service or a service ancillary to Luxury Limousine Service, except on a Prerequisite Charter Basis.
- (b) The fact that the drop off time is amended in a Charter Order during the course of performance (i.e., the amended drop off time is agreed to before the original drop off time is reached) does not, in and of itself, mean that such transportation is not on a Prerequisite Charter Basis. All requirements of a Charter Order apply equally to the amended Charter Order.

- (c) Although a Charter Order must be for a specific period of time reasonably calculated to fulfill the purpose of the charter, these rules do not prohibit terms addressing time in excess of such calculated specific period of time.
- (d) Without affecting any other requirement of these rules, a Luxury Limousine Carrier shall, at all times when providing Luxury Limousine Service, carry in each vehicle a Charter Order or Trip Ticket. However, the total charge for the specific period of time may be omitted or stricken from the copy of the Charter Order or Trip Ticket carried in each vehicle.
- (e) A Luxury Limousine Carrier shall not station a Luxury Limousine within one hundred feet of a recognized Taxicab stand, a designated Passenger pickup point at an airport, a hotel, or a motel without the completed Charter Order in the vehicle. A Luxury Limousine Carrier shall not station a Luxury Limousine at the point of departure more than forty-five minutes prior to the pickup time noted on the Charter Order.
- (f) A Luxury Limousine Carrier shall provide the Charter Order or Trip Ticket immediately upon request by any Enforcement Official or Airport Official.
- (g) Prior to the provision of service, a Luxury Limousine Carrier shall provide the other party to the contract underlying the charter a paper or electronic copy of the Charter Order.

6307. Luxury Limousine Service – Presumptions.

- (a) A Person shall be presumed to have provided Luxury Limousine Service in violation of paragraph 6306(a) if, without prerearrangement, such Person:
 - (I) accepts payment for the transportation of the chartering party at the point of departure;
 - (II) makes the Luxury Limousine available to the chartering party at the point of departure;
 - (III) negotiates the immediate availability of, or the price for immediate use of, the Luxury Limousine at or near the point of departure;
 - (IV) loads the chartering party or its baggage into the Luxury Limousine; or
 - (V) transports the chartering party in the Luxury Limousine.
- (b) A Luxury Limousine Carrier that charges or offers to charge for transportation services on a per Person basis shall be presumed to be providing or offering to provide services as a Common Carrier.
- (c) A Luxury Limousine Carrier may rebut the presumptions created in this rule by competent evidence.

6308. – 6399. [Reserved].

* * * *

[indicates omission of unaffected rules]

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6 RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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 cover an array of carriers, including Common Carriers (such as Taxicab, Shuttle and Sightseeing service), Contract Carriers, Limited Regulation Carriers (such as Charter Buses, Children's Activity Buses, Luxury Limousines, Medicaid Client Transport, Off-Road Scenic Charters, and Fire Crew Transport), Transportation Network Companies, Hazardous Materials Carriers, Nuclear Materials Carriers, Towing Carriers, and Movers. These rules address a wide variety of subject areas including, but not limited to: the issuance, extension, transfer, and revocation of Certificates and Permits to operate; public safety including vehicle inspections, hours of service, and insurance requirements; Tariff and time Schedule requirements; record keeping; service standards; Civil Penalties; and the identification, condition, and leasing of Motor Vehicles. In addition, these rules cover Persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504(a), including Motor Carriers, motor private carries, freight forwarders, brokers, leasing companies, and other Persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-7-112 and 113, 40-10.1-101 through 705; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), 42-20-201, et seq., 42-20-501, et seq., and 24-4-104(4), C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. For Hazardous Materials Carriers and Nuclear Materials Carriers, rule 6010 and the related definitions in rule 6001 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, 6600, and 6700.

6001. Definitions.

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

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by the use of any oral, written, or graphic statement made in a newspaper or other publication, on radio,

television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property. § 40-10.1-101(1), C.R.S.

- (b) "Advice Letter" has the same meaning as set forth in paragraph 1004(d) of the Commission's Rules of Practice and Procedure.
- (c) "Airport Official" means any Person, designated by the airport's management or administration, who is connected with the operation, maintenance, security or servicing of the airport and identified by an airport identification badge.
- (d) "Annual Report" refers to the information required from Fully Regulated Intrastate Carriers as set forth in rule 6212.
- (e) "Authority" or "Authorities," except as otherwise defined or contextually required, means a Certificate of Public Convenience and Necessity granted to a Common Carrier or the Permit granted to a Contract Carrier, or an emergency temporary Authority or a temporary Authority issued by the Commission. The Authority specifies the Type of Service, the authorized geographic area of service, and any restrictions limiting the authorized service.
- (f) "AVI" means Automatic Vehicle Identification Tag.
- (g) "Call-and-Demand", "On Call-and-Demand", or "Call-and-Demand Service" means the transportation of Passengers by a Common Carrier, but not on a Schedule.
- (h) "CBI" means the Colorado Bureau of Investigation.
- (i) "Certificate of Public Convenience and Necessity", "Certificate", or "CPCN" means the Authority issued to a Common Carrier declaring that the present or future public convenience and necessity requires or will require the stated operation.
- (j) "C.F.R." means the Code of Federal Regulations.
- (k) "Charter Bus," "Charter Basis," and "Charter Order" refer to service by a Limited Regulation Carrier and are defined at rule 6301.
- (l) "Charter Service" is different from the service referred to in (k) above. Charter Service is transportation by a Common Carrier on a Call-and-Demand basis. The Passengers are individuals or groups of individuals who share a personal or professional relationship whereby all such individuals are members of the same affiliated group, including a family, business, religious group, social organization, or professional organization. This does not include groups of unrelated individuals brought together by a carrier, Transportation Broker, or other third party.
- (m) "Children's Activity Bus" means a type of Limited Regulation Carrier as defined in rule 6301.
- (n) "Commercial Motor Vehicle" is defined at paragraph 6101(b).
- (o) "Commission" has the same meaning as set for in paragraph 1004(h) of the Commission's Rules of Practice and Procedure.
- (p) "Common Carrier" is a public utility as defined in § 40-1-102, C.R.S., and includes the obligation to indiscriminately accept and carry Passengers for Compensation. Common Carrier includes

every Person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state, by Motor Vehicle; except that the term does not include a Contract Carrier as defined by § 40-10.1-101(6), C.R.S.; a Motor Carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; a Limited Regulation Carrier defined by § 40-10.1-301, C.R.S.; a Large Market Taxicab Service defined by § 40-10.1-101(9.5) C.R.S.; and a Transportation Network Company defined under § 40-10.1-602, C.R.S.

- (q) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly. § 40-10.1-101(5), C.R.S.
- (r) "Contract Carrier" means every Person, who, by special contract, directly or indirectly affords a means of Passenger transportation over any public highway of this state; except that the term does not include a Common Carrier defined in § 40-1-102, C.R.S.; a Limited Regulation Carrier defined in § 40-10.1-301, C.R.S.; a Transportation Network Company defined in § 40-10.1-602, C.R.S.; or a Large Market Taxicab Service defined in § 40-10.1-101(9.5), C.R.S.
- (s) "CPAN" means a Civil Penalty Assessment Notice as defined in rule 6017.
- (t) "Daily Vehicle Inspection Report" or "DVIR" refers to the inspection conducted by the Driver as set forth in rule 6105.
- (u) "DIA" means the Denver International Airport.
- (v) "Driver" means a Person who drives or applies to drive a Motor Vehicle for a Motor Carrier, regardless of whether such Person drives as an employee or Independent Contractor.
- (w) "Driver Qualification File" refers to the information required pursuant to rule 6108.
- (x) "Driver/Vehicle Compliance Report" or "DVCR" refers to the report prepared by an Enforcement Official as set forth in rule 6106.
- (y) "Driving Time" means all time spent at the driving controls of a Motor Vehicle operating in a for-hire capacity.
- (z) "Duplicating or Overlapping Authority" means transportation of the same Common Carrier Type of Service between the same points under two or more separate Authorities which are held by the same Fully Regulated Intrastate Carrier.
- (aa) "Employer" is defined at paragraph 6101(c).
- (bb) "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.
- (cc) "Enforcement Official" means either:
 - (I) any employee or Independent Contractor appointed or hired by the Director of the Commission, or the Director's designee, to perform any function associated with the regulation of transportation by Motor Vehicle; or
 - (II) "Enforcement Official," as that term is defined by § 42-20-103(2), C.R.S.
- (dd) "FBI" means the Federal Bureau of Investigation.

- (ee) "Flag Stop" means a point of service designated by a Common Carrier on its filed Schedule, which point is located between two scheduled points on the scheduled route.
- (ff) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (gg) "Fully Regulated Intrastate Carrier" means a Motor Carrier that is subject to market entry, economic, operational, and safety regulation by the Commission as a public utility pursuant to Article 10.1 of Title 40, C.R.S. Fully Regulated Intrastate Carriers include Common Carriers, such as Taxicab Carriers, Shuttle Service, formerly known as Limousine Service, Sightseeing Service, or Charter Service, and Contract Carriers.
- (hh) "Golf Cart" means a Golf Cart as defined in § 42-1-102(39.5), C.R.S.
- (ii) "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.
- (jj) "GVWR" means Gross Vehicle Weight Rating, the value specified by the Manufacturer as the loaded weight of a single Motor Vehicle.
- (kk) "Hazardous Materials Carrier" means a Motor Carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S. and is subject to the permitting requirements of the Commission, as set forth in § 40-20-201, C.R.S., et seq.
- (ll) "Household Goods Mover" or "Mover" refers to a Motor Carrier whose business is the moving of household goods from one location to another, as set forth in § 40-10.1-501, C.R.S., et seq.
- (mm) "Independent Contractor" means "Independent Contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (nn) "Intrastate Commerce" means transportation, other than in interstate commerce, for Compensation, by a Motor Vehicle over the public highways between points in Colorado. § 40-10.1-101(9), C.R.S.
- (oo) "Large Market Taxicab Service" means indiscriminate Passenger transportation for Compensation in a Taxicab on a Call-and-Demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld as defined in § 40-10.1-101(9.5), C.R.S., and is not a Common Carrier.
- (pp) "Letter of Authority" means a document issued by the Commission to a Common or Contract Carrier which describes the permanent Authority granted by the Commission. A Letter of Authority is deemed to provide proof of Commission-granted Common or Contract Carrier Authority.
- (qq) "Limited Regulation Carrier" means a Person who provides service by Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine, Medicaid Client Transport, or Off-Road Scenic Charter as those terms are defined in § 40-10.1-301, C.R.S. and rule 6301.

- (rr) "Live Meter" means any Taxicab Meter that, without intervention from the Driver, automatically calculates changes in rates for Taxicab Service due to waiting time, traffic delay, or changes in the Taxicab's speed.
- (ss) "Low-power Scooter" means low-power scooter as defined in § 42-1-102(48.5), C.R.S.
- (tt) "Low-speed Electric Vehicle" means low-speed electric vehicle as defined in § 42-1-102(48.6), C.R.S.
- (uu) "Limousine Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate, and the use of the Motor Vehicle is not exclusive to any individual or group. Limousine Service is also referred to as Shuttle Service which is defined below. The term Limousine Service is distinguished from the term "Luxury Limousine Service" as used in Article 10.1 of Title 40, C.R.S. and is only used in historical authorities.
- (vv) "Luxury Limousine Carrier" is a type of Limited Regulation Carrier that provides luxury limousine service as defined at rule 6301, using vehicles defined at rule 6305.
- (ww) "Manufacturer" means the final Person modifying the physical structure of a Motor Vehicle, such as the original Manufacturer or a Person subsequently modifying a Motor Vehicle's wheelbase in a Luxury Limousine.
- (xx) "Medicaid Client Transport" is a type of Limited Regulation Carrier defined at rule 6301.
- (yy) "Medicaid Non-emergent Medical Transportation Contract" is defined at rule 6301.
- (zz) "Medicaid Non-medical Transportation Contract" is defined at rule 6301.
- (aaa) "Meter" means a device that calculates charges for Passenger transportation and/or measurement of distance travelled by a Passenger.
- (bbb) "Motor Carrier" has the same meaning as set forth in paragraph 1004(s) of the Commission's Rules of Practice and Procedure and § 40-10.1-101(10), C.R.S.
- (ccc) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.
- (ddd) "Motor Vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby. § 40-10.1-101(11), C.R.S.
- (eee) "Multiple Loading" means the sharing of a Taxicab ride, or portion thereof, by unrelated traveling parties.
- (fff) "Nuclear Materials Carrier" means a Motor Carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S and subject to permitting requirements through the Commission as set forth in § 42-20-501, C.R.S., et seq.
- (ggg) "Off-Road Scenic Charter" means a Limited Regulation Carrier as further defined in rule 6301.
- (hhh) "On Duty" means:

- (I) all time that a Driver is at a facility of the Motor Carrier as well as time waiting to be dispatched while on public property or at a commercial holding lot;
 - (II) all time that a Driver is inspecting, servicing, or repairing a Motor Vehicle;
 - (III) all Driving Time; and
 - (IV) all time a Driver spends sitting at the controls of a Motor Vehicle, performing any other work in the capacity, employ, or service of the Motor Carrier.
- (iii) “Out-of-Service” is a state in which a Driver or Motor Vehicle is placed by an Enforcement Official due to a violation of Commission safety rules or Commercial Vehicle Safety Alliance Out-of-Service criteria. When a Driver is placed Out-of-Service, the Driver shall not operate any Motor Vehicle in a for hire capacity until such time the Out-of-Service violation is cured. When a Motor Vehicle is placed Out-of-Service, the vehicle shall not be operated in a for-hire capacity until such time the Out-of-Service violation is cured.
- (jjj) “Passenger”, except as otherwise specifically defined or contextually required, means any Person, other than a Driver, occupying a Motor Vehicle including any assistance animals as defined in § 24-34-803, C.R.S.
- (kkk) “Passenger Carrier” is defined in rule 6114.
- (III) “Permit” means the Permit issued to: a Contract Carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S.; a Limited Regulation Carrier pursuant to part 3 of Article 10.1 of Title 40, C.R.S.; a Towing Carrier pursuant to part 4 of Article 10.1 of Title 40, C.R.S.; a Household Goods Mover pursuant to part 5 of Article 10.1 of Title 40, C.R.S.; a Transportation Network Company pursuant to part 6 of Article 10.1 of Title 40, C.R.S.; a Large Market Taxicab Service carrier pursuant to part 7 of Article 10.1 of Title 40, C.R.S.; a Hazardous Materials Carrier pursuant to Article 20 of Title 42, C.R.S.; or a Nuclear Materials Carrier pursuant to Article 20 of Title 42, C.R.S.
- (mmm) “Person” has the same meaning as set forth in paragraph 1004(w) of the Commission’s Rules of Practice and Procedure and at § 40-10.1-101(15), C.R.S.
- (nnn) “Principal” means a Person who:
- (I) participates directly or indirectly in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
 - (II) is authorized to act on behalf of an entity;
 - (III) participates in the election, appointment, or hiring of Persons that are authorized to act on behalf of an entity; and
 - (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission’s jurisdiction, irrespective of his/her formal title or financial interest in the entity.

Examples of Principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.

- (ooo) "Roof Light" means a light attached to the roof or extending above the roofline of a Taxicab for the purpose of displaying information.
- (ppp) "Salvage Vehicle" means a vehicle branded as a Salvage Vehicle by any state, or the insurer of the vehicle as further set forth in § 42-6-102(17), C.R.S.
- (qqq) "Scheduled Service", "On Schedule", or "Schedule" means the transportation of Passengers by a Common Carrier between fixed points and over designated routes at established times as specified in the Common Carrier's Tariff filed with and approved by the Commission.
- (rrr) "Seating Capacity" means the greatest of the following:
- (I) the total number of seats as designed by the original Manufacturer;
 - (II) the total number of seat belts, including the Driver's, in a Motor Vehicle;
 - (III) the number generated by adding:
 - (A) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;
 - (B) the number of single-occupancy seats, including the Driver's seat if it is not part of a split-bench seat; and
 - (C) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number; and
 - (IV) the total number of seating positions within the vehicle.
 - (V) Auxiliary seating positions, such as folding jump seats, shall be counted in determining Seating Capacity.
- (sss) "Shuttle Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate and use of the Motor Vehicle is not exclusive to any individual or group. Historical Certificates of Public Convenience and Necessity refer to this service as Limousine Service, which is different than Luxury Limousine Service that is provided by a Limited Regulation Carrier.
- (ttt) "Sightseeing Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places of natural, historic, or scenic interest.
- (uuu) "Special Bus Service," "Special Bus Transportation", or "Special Bus" is defined in rule 6201.
- (vvv) "Tariff" means a schedule showing all rates and charges to be assessed by a Fully Regulated Intrastate Carrier, for all transportation and accessorial services. The Tariff also discloses all rules and conditions relating its rates and services, and time Schedules as applicable.
- (www) "Taxicab" means a Motor Vehicle with a Seating Capacity of eight or less, including the Driver, operated in Taxicab Service. § 40-10.1-101(18), C.R.S.

- (xxx) "Taxicab Carrier" means a Common Carrier with a Certificate to provide transportation in a Taxicab on a Call-and-Demand basis, with the first Passenger therein having exclusive use of the Vehicle unless said Passenger agrees to Multiple Loading.
- (yyy) "Taxicab Service" means an indiscriminate Passenger transportation service provided by either a Large Market Taxicab Service carrier or a Taxicab Carrier, on a Call-and-Demand basis, with the first Passenger having exclusive use of the Taxicab unless such Passenger agrees to Multiple Loading. § 40-10.1-101(9.5) and (19), C.R.S.
- (zzz) "Towing Carrier" means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.5 of Title 40, C.R.S. and rule 6500, et seq.
- (aaaa) "Transfer" is defined at paragraph 6201(h).
- (bbbb) "Transportation Broker" means a Person, who, for Compensation, arranges, or offers to arrange, for-hire, transportation of Passengers by a Motor Carrier under authority not operated by the Transportation Broker.
- (cccc) "Transportation Network Company" or "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 Taxicab 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. § 40-10.1-602(3), C.R.S.
- (dddd) "Type of Service" means any one of the following services provided by a Common Carrier under its Certificate of Public Convenience and Necessity: Charter, Shuttle, Sightseeing, Taxicab, or Scheduled.
- (eeee) "Unified Carrier Registration Agreement" or "UCR" or "UCR Agreement" refers to all Persons, Motor Carriers, freight forwarders, brokers, leasing companies or other Persons who are required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. 14504(a).
- (ffff) "Vehicle Inspection" refers to the annual or periodic safety inspection of vehicles pursuant to rule 6104.
- (gggg) "Vehicle Maintenance File" refers to the information required by rule 6112.
- (hhhh) "Vehicle Stamp" or "Motor Vehicle Identification Stamp" refers to the stamp issued pursuant to rule 6102 and § 40-10.1-111, C.R.S.

6002. Applications.

Any Person may seek Commission action regarding any of the following matters through the filing of an appropriate application and in compliance with Commission rules on completeness as set forth in paragraphs 1303(b) and (c) of the Commission's Rules of Practice and Procedure, to do or obtain the following:

- (a) the grant or extension of Authority, temporary Authority, or emergency temporary Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rules 6203 and 6204;
- (b) voluntarily abandon or suspend an Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rule 6205;
- (c) Transfer any Authority to operate as a Fully Regulated Intrastate Carrier, to acquire control of any Fully Regulated Intrastate Carrier, or to merge or consolidate a Fully Regulated Intrastate Carrier with any other entity, as provided in rule 6206;
- (d) amend a Tariff or time Schedule on less than statutory notice, as provided in rules 6208 and 6209;
- (e) convert a Common Carrier Authority for Taxicab or Shuttle Service, in whole or in part, to a Transportation Network Company as provided in § 40-10.1-605(n), C.R.S. and rule 6257;
- (f) permit to operate as a Part 3 Limited Regulation Carrier;
- (g) permit to operate as a Part 7 Large Market Taxicab Service carrier;
- (h) permit to operate as a Part 4 Towing Carrier; or
- (i) permit to operate as a Part 5 Household Goods Mover.

6003. Petitions.

- (a) Any Person may seek Commission action regarding any of the following through the filing of an appropriate petition:
 - (I) for a waiver or variance of a Commission rule, as provided for in rule 1003 of the Commission's Rules of Practice and Procedure by establishing hardship, seeking equity, or a more effective implementation of overall policy on an individual basis;
 - (II) for issuance of a declaratory order, as provided in paragraph 1304(i); or
 - (III) to commence a rulemaking as provided in rule 1306.
- (b) A Person seeking a waiver of rule 6109 (Medical Fitness), rule 6117 (Age and Condition of Motor Vehicle) or rule 6305 (Luxury Limousine Vehicle) shall file a completed petition using the form approved by the Commission and available on its website. Each petition must include the supporting information requested by the Commission-prescribed form. If the petition does not include all the requested information, the Commission may find the petition incomplete, dismiss the petition without prejudice, and close the proceeding.
- (c) The notice and intervention period for petitions that seek a waiver of rule 6117 shall expire ten days from the date the notice was mailed; the notice and intervention period for petitions that seek a waiver of rule 6305 shall expire ten days from the date the notice was mailed.

6004. UCR Registration.

A Person may seek Commission action through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rules 6400 through 6499.

6005. Naming Requirements, Contact Information, and Changes.

- (a) No Person shall operate under a name or trade name that identifies a transportation service not currently authorized by its Certificate or Permit (e.g., a Limited Regulation Carrier or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name).
- (b) A Motor Carrier is required to provide contact information to the Commission and to notify the Commission in writing of any change of name, 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 all of the affected Motor Carrier's Certificates, Permits, registrations and/or Vehicle Stamps. A notice of name change including trade name changes and trade name additions shall include copies of documents filed with or issued by the Colorado Secretary of State.
 - (I) In the event of a name change or an address change, the Motor Carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility and Tariffs.
 - (II) No name change shall be effective until proper proof of financial responsibility, as set forth in rule 6008, in the Motor Carrier's new name has been filed with the Commission.
- (c) If a Towing Carrier wishes to begin providing storage for towed Motor Vehicles at a new or additional storage facility, the Towing Carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.

6006. Designation of Agent, Service, and Notice.

- (a) In addition to providing contact information as set forth in rule 6005 above, each Motor Carrier shall file in writing with the Commission, its designation of the name, mailing address, and physical address of a Person upon whom service may be made of any lawful notice, order, process, or demand. The named Person is the Motor Carrier's designated agent for service as provided in these rules and under Colorado statutes. A Motor Carrier shall not designate the Secretary of State of Colorado as its designated agent. The Person designated, if a natural Person, shall be at least 18 years of age. The address and domicile of the Person designated shall be in the state of Colorado.
- (b) Each Motor Carrier 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 Motor Carrier's designated agent, on file with the Commission, shall be deemed to be service upon the Motor Carrier.
- (d) Notice sent to the Motor Carrier's designated agent on file with the Commission shall constitute prima facie evidence that the Motor Carrier received the notice.

6007. Commission's Records, Authority to Inspect Records, Motor Vehicles, and Facilities and to Interview Personnel.

- (a) A Motor Carrier is obligated to ensure the accuracy of any information it provides to the Commission pursuant to these rules. Any information provided pursuant to these rules by a

Motor Carrier for the Commission's files shall be deemed to be accurate until changed by the Motor Carrier.

- (b) Motor Carriers shall maintain all records required by these rules, or as ordered by the Commission, for three years and have the option to maintain the records in electronic format or in their original format.
- (c) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.
- (d) The Motor Carrier must maintain evidence of its Authority or Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (e) An Enforcement Official has the authority to interview personnel of a Motor Carrier and to inspect records, Motor Vehicles used in providing transportation service, and the facilities of a Motor Carrier as follows:
 - (I) immediately for any records required to be maintained in a Motor Vehicle or with the Driver, including towing authorizations, Mover estimates for service, Mover contracts for service, or any records related to insurance or safety;
 - (II) within two days for any records related to a complaint or investigation; or
 - (III) within ten days for all other records.
- (f) When a request under paragraph (e) of this rule meets multiple time periods, the shortest time period shall apply.
- (g) Upon request of an Enforcement Official during business hours, a Motor Carrier shall immediately make its facilities available for inspection.
- (h) Upon request by an Enforcement Official, a Motor Carrier, including its Drivers, shall immediately make its Motor Vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.
- (i) Upon request by an Enforcement Official, Motor Carrier personnel and Drivers shall be available for interview during business hours.
- (j) No Motor Carrier shall make or cause to be made fraudulent or intentionally false statements or records to the Commission or Commission staff.
- (k) No Person shall knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record subject to inspection by the Commission.
- (l) No Motor Carrier, its agents, or its representatives, shall produce or retain false records or records the Motor Carrier, its agents, or its representatives knew or should have known to be false or inaccurate. The Motor Carrier shall be responsible for the accuracy of the records it retains and produces.

6008. Financial Responsibility.

- (a) Financial responsibility requirements.

- (I) Motor Vehicle liability coverage. Every Motor Carrier shall obtain and keep in force at all times commercial Motor Vehicle liability insurance coverage or a surety bond providing coverage that conforms to the requirements of this rule. Motor Vehicle liability means liability for bodily injury and property damage. Coverage shall be combined single limit liability. The minimum level for public entities, as defined in § 24-10-103(5), C.R.S., shall be the maximum amount pursuant to § 24-10-114(1), C.R.S. The minimum levels for all other Motor Carriers shall be:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Motor Carriers of Passengers	8 or less	\$ 500,000
	9 through 15	\$1,500,000
	16 through 32	\$3,000,000
	33 or more	\$5,000,000
Public Entities	Any	The maximum amount per § 24-10-114(1), C.R.S.
Movers	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000

- (II) To demonstrate proof of commercial Motor Vehicle liability coverage, all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Household Goods Movers, and Large Market Taxicab Service carriers shall cause one of the following to be filed with the Commission: a Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, a Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, or a certificate of self-insurance issued pursuant to §§ 10-4-624 and 42-7-501, C.R.S., or part 387 of 49 C.F.R.
- (A) The applicable Form E or Form G shall be executed by a duly authorized agent of the insurer or surety.
- (B) Upon renewal of the certificate of self-insurance, the Common Carrier, Contract Carrier, Limited Regulation Carrier, Household Goods Mover, Towing Carrier or Large Market Taxicab Service carrier shall file with the Commission a copy of the most current version of such certificate of self-insurance.
- (III) Cargo liability coverage. Every Mover and Towing Carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that conforms to the requirements of this rule. Cargo liability coverage for a Towing Carrier

shall include coverage of physical damage to the Motor Vehicle in tow (on hook) and loss of its contents.

- (A) For Towing Carriers, the cargo liability coverage shall provide coverage to the extent of the Towing Carrier's legal liability for loss or damage to the property of any Persons other than the insured, which is carried in, upon, or attached to the towing vehicle and/or its trailers or dollies operated by, or for, or under the control of the Towing Carrier.
 - (B) For Movers, the minimum level of cargo liability coverage shall be \$10,000.00 for loss of or damage to household goods carried on any one Motor Vehicle, or sixty cents (\$0.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
 - (C) All Movers and Towing Carriers shall cause a Form H, Uniform Motor Carrier Cargo Certificate of Insurance, or a Form J, Uniform Motor Carrier Cargo Surety Bond, to be filed with the Commission. For a Towing Carrier, a Colorado Form 12-INS, Towing Carrier Cargo Liability Insurance Certificate may be used in lieu of the Form H. The applicable form shall be executed by a duly authorized agent of the surety.
- (IV) Garage keeper's liability coverage. Towing Carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage.
- (A) 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, other than the insured, which is stored by the Towing Carrier directly or through an agent.
 - (B) All Towing Carriers shall cause a Colorado Form 14-INS, Garage Keepers Legal Liability Certificate of Insurance, to be filed with the Commission.
- (V) Workers' compensation insurance coverage. Every Towing Carrier shall obtain and keep in force at all times workers' compensation insurance coverage in accordance with § 40-10.1-401(3), C.R.S., the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S., and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
- (A) If workers' compensation insurance coverage is required, the Towing Carrier shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
 - (B) If a Person has proof of workers' compensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the Person is required to maintain such insurance.
 - (C) If workers' compensation insurance coverage is not required, the Towing Carrier shall cause:
 - (i) for corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers'

Compensation Form WC43 including a part B for each Person listed on part A; or

- (ii) for other Towing Carriers, a statement that workers' compensation insurance coverage is not required.
- (VI) General liability coverage. In addition to the Motor Vehicle liability coverage and, the cargo liability coverage, set forth above, every Mover shall obtain and keep in force at all times general liability insurance coverage, or surety bond, providing coverage of not less than \$500,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage. All Movers shall cause a Colorado Form GL, General Liability Certificate of Insurance to be filed with the Commission.
- (b) The Motor Carrier shall ensure that insurance or surety bond coverage:
- (I) is provided only by insurance or surety companies authorized to provide such coverage in the state of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and § 42-7-501, C.R.S.;
 - (II) is not less than the minimum limits set forth under paragraph (a) of this rule;
 - (III) covers all Motor Vehicles which may be operated by or for the Motor Carrier, or which may be under the control of the Motor Carrier, regardless of whether such Motor Vehicles are specifically described in the policy or amendments or endorsements thereto;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the Motor Carrier on a "first dollar"/"dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the Motor Carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a Motor Carrier to pay insurance or surety benefits directly to a party damaged by said Motor Carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the Motor Carrier's insurance or surety policy.
- (c) The provisions of subparagraphs (IV) through (VI) of paragraph (b) do not apply to Motor Carriers with regard to proof of self-insurance pursuant to 49 C.F.R. 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (b) do not apply to workers' compensation requirements for Towing Carriers pursuant to § 40-10.1-401(3), C.R.S.
- (d) The Motor Carrier shall retain each original insurance or surety policy for required coverage and keep a copy of its proof of Motor Vehicle liability coverage in each Motor Vehicle that it operates.
- (e) The Motor Carrier's failure to have proof of liability coverage or compliance with workers' compensation insurance requirements, on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the Motor Carrier is in violation of the requirements of this rule.

- (f) The Motor Carrier shall ensure that the policy and forms noted in this rule contain the Motor Carrier's exact name, trade name (if any), and address as shown in the records of the Commission.
- (g) Any change affecting the policy, including but not limited to a cancellation or change rating or premium, and the information contained in forms noted in this rule (e.g., name, address, or policy number) shall be filed with the Commission on an appropriate endorsement or amendment within seven days of receipt.
- (h) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
- (i) Except as provided in paragraph (j) of this rule, each certificate of insurance and/or surety bond required by and filed with the Commission shall be kept in full force and effect unless and until canceled or not renewed upon 30-days advance written notice, on a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies, a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds, Form BMC 35, or Form BMC 36, as applicable, from the insurer or surety to the Commission. The 30-day cancellation or non-renewal notice period shall commence on the date the notice is received by the Commission. In lieu of the prescribed form, the insurer or surety may cancel or not renew a certificate of insurance and/or surety bond by letter to the Commission containing the same information as required by such form.
- (j) 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 canceled. For purposes of this paragraph, type of coverage means those listed in paragraph (a) of this rule, and category of coverage means primary coverage or excess coverage.
 - (II) When the Commission grants an application filed by a Fully Regulated Intrastate Carrier, or receives notice from any other type of Motor Carrier to cancel all of its Authorities and Permits, all certificates of insurance and/or surety bond for the Motor Carrier shall be administratively canceled.
 - (III) When a Permit expires or is canceled or revoked, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.
 - (IV) When a Contract Carrier Permit or Certificate is suspended, revoked or abandoned, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.

6009. Summary Suspension and Revocation for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Motor Carrier's or a Nuclear Materials Carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Authority or Permit.

- (b) Whenever Commission records indicate that a Towing Carrier's workers' compensation insurance coverage is or will be canceled and the Commission has no proof on file indicating replacement coverage, or documentation filed demonstrating that coverage is not required, in accordance with rule 6008 the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Permit.
- (c) 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.
- (d) The summary suspension shall be effective on the date of coverage cancellation.
- (e) The Commission shall notify the Motor Carrier or Nuclear Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (II) that its Authority or Permit is summarily suspended as of the coverage cancellation date;
 - (III) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date;
 - (IV) that the Commission has initiated a proceeding to revoke its Authorities or Permits;
 - (V) that it may submit, at a hearing convened to determine whether its Authorities or Permits should be revoked, written data, views, and arguments showing why such Authorities or Permits should not be revoked; and
 - (VI) the date, time, and place set for such hearing.
- (f) Until proper proof of insurance or surety coverage, or documentation demonstrating that coverage is not required as to workers' compensation insurance coverage, is filed with the Commission, a Motor Carrier or Nuclear Material Carrier receiving notice of summary suspension shall not, under any of its Authorities or Permits, conduct operations after the effective date of such summary suspension.
- (g) If the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required prior to the hearing, the summary suspension will be dismissed without further order of the Commission, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (h) After the hearing and prior to a final decision by the Commission, if the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required, the Commission shall dismiss the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (i) After the hearing and upon proof of violation of the financial responsibility requirements by a final Commission decision, the Authority or Permit will be revoked.
- (j) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6010. Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/ Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Hazardous Materials Carrier's insurance or surety coverage is canceled and the Commission has no proof on file indicating replacement coverage, the Permit is automatically revoked pursuant to § 42-20-202(2)(a), C.R.S.
- (b) The Commission shall notify the Hazardous Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation and the effective date of the cancellation; and
 - (II) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date.
- (c) Operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6011. Summary Suspension and Revocation for Violation of Commission Rule or Order or for Endangering Public Health, Safety and Welfare.

- (a) The Commission may summarily suspend a Motor Carrier's Certificate or Permit in accordance with § 24-4-104(4), C.R.S., and pursuant to the following process.
 - (I) When Commission staff has objective and reasonable grounds to believe that a Motor Carrier has willfully and deliberately violated Commission rules or applicable statutes, based on a reasonable ascertainment of the underlying facts on which this action is based, or that the public health, safety, or welfare imperatively requires emergency action, the Director of the Commission may issue a letter incorporating such findings that summarily suspends the Motor Carrier's Certificate or Permit.
 - (II) "Willful and deliberate," for purposes of this rule, means a deliberate, voluntary, or intentional action or inaction that is in violation of the applicable rules, statutes, or any other lawful order. Willful and deliberate acts include: the same or similar action for which a Person has already been warned; reckless or dangerous action; action done without regard to the consequences or the rights or safety of others; fraudulent action; conduct without the proper authority or engaging another Person who performs without the proper authority.
 - (III) The letter of summary suspension by the Director of the Commission and the notice of hearing shall be served on the Motor Carrier along with supporting information.
 - (IV) Unless otherwise requested by the Motor Carrier, an Administrative Law Judge (ALJ) shall promptly hold a hearing no later than ten days after the Director of the Commission's letter of summary suspension was served on the Motor Carrier. The ALJ will expedite the issuance of a decision after hearing.
- (b) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6012. Revocation of Limited Regulation Permits, Towing Permits, Household Goods Mover Permits for Failure to Pay Civil Penalty.

- (a) When a Motor Carrier operating under a Limited Regulation Carrier Permit issued pursuant to Part 3 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (b) When a Motor Carrier operating under a Towing Carrier Permit issued pursuant to Part 4 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director may be disqualified from applying for a Permit for 60 months from the date the penalty payment was due.
- (c) When a Motor Carrier operating under a Household Goods Mover Permit issued pursuant to Part 5 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6013. Period of Ineligibility.

- (a) In addition to the periods of ineligibility under rule 6012, a Motor Carrier whose Certificate or Permit is revoked shall be ineligible to be issued another Certificate or Permit for at least one year from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (b) A Motor Carrier whose Certificate or Permit is revoked more than twice shall be ineligible to be issued another Certificate or Permit for at least two years from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (c) In the case of an entity other than an individual, such period of ineligibility shall also apply to all Principals, members, owners, managers, officers, and directors of the entity, without regard to capacity in the same or different entity during the period of ineligibility.
- (d) Paragraphs (a) and (b) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility requirements of rule 6008, unless the Motor Carrier knowingly operated without the required financial responsibility.
- (e) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law. To the extent that there is a conflict between this rule and the periods set forth in rule 6012, the longer period of disqualification shall apply.

6014. Prohibited Credit Card Fees.

Motor Carriers and Drivers are prohibited from imposing a surcharge on any Passenger or customer who uses a credit or charge card in lieu of payment by cash as set forth in § 5-2-212, C.R.S. The Civil Penalty is the greater of \$225 or two times the amount of the improper charge.

6015. Exterior Vehicle Markings, Signs, Graphics and Roof Lights.

- (a) All Motor Vehicles, with the exception of Luxury Limousines which are covered by rule 6303, must have external markings as detailed below. The markings must:
 - (I) appear on both sides of vehicles or on the front and back of the vehicle;
 - (II) be in letters that contrast sharply in color with the background on which the letters are placed;
 - (III) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
 - (IV) be maintained in a manner that retains the legibility required above;
 - (V) display the name or a trade name as set forth in the Motor Carrier's Certificate(s), Contract Carrier Permit(s), Limited Regulation Permit(s) (Charter Bus, Children's Activity Bus, Fire Crew Transport, Medicaid Client Transport, and Off-Road Scenic Charter); Large Market Taxi Permit(s); Household Goods Permit(s); or Towing Carrier Permit(s);
 - (VI) display the letter and/or number designation of the Motor Carrier's Certificate(s) and or Permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
 - (VII) either be permanently affixed on the Motor Vehicle or consist of a removable device.
- (b) Subparagraphs (a)(V) and (a)(VI) shall not apply to a Commercial Motor Vehicle that is subject to 49 U.S.C. § 14506 regarding restrictions on identification of vehicles.
- (c) Roof Lights. Except as otherwise required by law, only a Taxicab operated by a Common Carrier under an Authority to provide Taxicab Service or a Large Market Taxicab Service may have a Roof Light. In lieu of a Roof Light, a digital light providing identifying information may be installed on the condition that it is placed in the front and rear windshield and does not obstruct the Driver's view.
- (d) A Motor Carrier shall remove all markings, including Roof Lights, required or authorized by this rule from a Motor Vehicle that the Motor Carrier is permanently withdrawing from service.

6016. Restrictions on Offering or Advertising Transportation Service.

- (a) No Person shall offer to provide a transportation service without an Authority or Permit to provide such service.
- (b) Advertising to arrange transportation service as a Transportation Broker is not an offer to provide transportation service; rather, it is an offer to broker transportation service. A Person shall be presumed to have offered transportation service if the Person has not disclosed the fact that the services are being arranged by a Transportation Broker.

- (c) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (d) No Motor Carrier, or any officer, agent, employee, or representative of said carrier, shall offer a transportation service in a name, to the character, other than a name appearing on said carrier's Authority or Permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation).
 - (I) If a Motor Carrier operates its Authority or Permit under a trade name, nothing in this paragraph shall be construed to require advertising under all names appearing on said carrier's Authority or Permit.
 - (II) If a Motor Carrier holds an Authority or Permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.
- (e) Each advertisement of a Mover shall include the phrase "CO PUC Mover Permit No. [HHG Permit number]" and the physical address of the Mover.
- (f) Each advertisement of a Towing Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC. [T- Permit number]" of the Towing Carrier.
- (g) Each advertisement of a Luxury Limousine Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC [LL- Permit number]".

CIVIL PENALTIES

6017. Definitions

The following definitions apply to rules 6018 and 6019, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Civil Penalty" means any monetary penalty assessed against a Person as the result of violations of statutes in Articles 7 and 10.1 of Title 40, C.R.S., and violations of the safety regulations published in 49 C.F.R. 382 (Controlled Substances and Alcohol Use and Testing); 392 (Driving Commercial Vehicles); 395 (Hours of Service) and 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.

- (b) “Civil Penalty Assessment” means the act by the Commission of imposing a Civil Penalty against a Person subject to these rules after that Person has admitted liability or has been adjudicated by the Commission to be liable for violations of Articles 7 or 10.1 of Title 40, C.R.S., or 49 C.F.R. 386, Commission rules, and Commission orders.
- (c) “CPAN” means the written document by which a Person subject to these rules is given notice of an alleged violation. Pursuant to § 40-7-116, C.R.S., a CPAN may be issued by an Enforcement Official of the Commission, the Colorado State Patrol, or a Port of Entry Officer.
- (d) For purposes of this rule, an Enforcement Official includes the Colorado State Patrol and a Port of Entry Officer, authorized by § 40-7-116, C.R.S.

6018. Maximum Civil Penalties, without Statutory Enhancement.

- (a) The Director of the Commission, his or her designee, or an Enforcement Official have the authority to issue CPANs for violations of Article 10.1 of Title 40, C.R.S., Article 7 of Title 40, C.R.S. as well as 49 C.F.R. 386, subpart G and the relevant appendices as they existed on January 1, 2017.
- (b) The CPAN shall separately state for each violation the maximum penalty amount provided. In addition, the CPAN shall include the amount of the surcharge, if any, imposed pursuant to § 24-34-108(2), C.R.S., the amount of the penalty enhancement pursuant to § 40-7-113(2) and (3), C.R.S., as set forth in rule 6019, if any, and shall also provide for a reduced penalty of 50 percent of the penalty amount sought if the penalty is paid within ten days after the CPAN is tendered.
- (c) The Person cited for an alleged violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c), C.R.S. or may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.
- (d) Pursuant to § 40-10.1-114, C.R.S. each occurrence of a violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.
- (e) An admission to, or Commission adjudication of, a liability for a violation of the following may result in the assessment of a Civil Penalty up to the amount specified in the statute, 49 C.F.R. 386, subpart G or in these rules as follows:

Citation	Description	Maximum Penalty Per Violation
§ 40-7-113, C.R.S. Rule 6008	Financial responsibility/Motor Vehicle liability coverage	\$11,000
§§ 40-10.1-201(1) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Common Carrier in Intrastate Commerce without first having obtained a CPCN from the Commission or operating in violation of the Certificate	\$1,100

§§ 40-10.1-202(1)(a) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Contract Carrier in Intrastate Commerce without first having obtained a Permit for such operations from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-302 and 40-7-113(1), C.R.S. Rule 6302	Operating or offering to operate a Charter Bus, Children’s Activity Bus, Fire Crew Transport, Luxury Limousine Carrier, Medicaid Client Transport, or Off-Road Scenic Charter in Intrastate Commerce without first having obtained a Permit from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-205 and 40-7-113(1), C.R.S. Rule 6206	Transferring a Certificate or Permit or the rights obtained under said Certificate or Permit prior to obtaining authorization from the Commission	\$1,100
Rule 6007	Violation of record keeping rule or refusal to make records, facilities, personnel, or Drivers available for interview	\$1,100
Rules 6105, 6106, and 6116	Failure to abide by Out-of-Service orders	\$1,100
Rules 6106, 6107, 6109 6114, and 6116	Requiring or permitting a Person, who does not meet the Driver minimum qualification, to act as a Driver	\$1,100
Rule 6110	Violation of hours of service requirements.	\$1,100
Rule 6111	Failure to maintain digital log system and dispatch system	\$1,100
Rules 6208 and 6209	Failure to have Tariffs or time Schedules on file and or failure to operate pursuant to the Tariffs or time Schedules	\$1,100
Rule 6306	Providing Luxury Limousine Service or service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis	\$1,100
Rule 6015	Improper use of exterior vehicle markings, signs, graphics or Roof Light	\$500
Rule 6016	Violating the restrictions on offering or Advertising transportation services	\$500
Rule 6212	Failure to file an Annual Report on or before April 30 of each year	\$500

Rule 6253	Failure to maintain and retain true and accurate trip records, for a period of one year	\$500
Rule 6106(a)(II)(C)	Failure to return the completed DVCR to the Commission at the address shown on the DVCR	\$500
Rule 6105	Requiring or permitting a motor vehicle to be used or operated without the completion of a Daily Vehicle Inspection Report and/or failure to maintain the Vehicle Maintenance File	\$500
Rule 6112	Requiring or permitting a Motor Vehicle to be used or operated without maintaining a Vehicle Maintenance File	\$500
Rule 6113	Failure to maintain accident registry and to submit information to Commission	\$500
Rule 6306	Failure to comply with Charter Order requirements.	\$500
Rule 6210	Failure to comply with contract requirements of the Permit	\$500
§ 40-10.1-111 (2), C.R.S.	Failure to pay filing, issuance and annual fees	\$400
§ 40-7-113(1)(e), C.R.S. Rule 6102	Failure to comply with annual Motor Vehicle Identification Stamp fee, Vehicle Stamp and Registry	\$400
Rule 6005	Failure to maintain accurate contact information with Commission	\$225
Rule 6006	Failure to maintain current registered agent with Commission	\$225

Rule 6103	Failure to use ASE mechanic to conduct safety inspection	\$225
Rule 6108	Failure to maintain Driver Qualification File	\$225
Rule 6113	Failure to maintain accident registry	\$225
Rule 6114(c), (d), (e), (i) and (j)	Fingerprint-based Criminal History Record Checks	\$225
Rule 6014	Improper credit card charges	Greater of \$225 or two times the amount of the charge.
Rule 6254	Overcharging in flat rate zones	\$225
Rule 6211	Refusal of service	\$225
Rule 6256 and 6304	Failure to display Taxicab license plate and or livery license plate	\$225
Rule 6303	Failure display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the age or type of vehicle requirements	\$225

	Any other violation of these rules	\$225
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6019. Doubling and Tripling of Civil Penalties.

- (a) The Commission may assess doubled penalties for similar violations within 24 months pursuant to § 40-7-113(3), C.R.S., as follows:
 - (I) the Person has admitted liability by paying a previous Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the doubled Civil Penalties are sought violates the same statute, rule or order; and
 - (III) the conduct for which the doubled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.

- (b) The Commission may assess tripled penalties for similar violations occurring three times within 24 months pursuant to § 40-7-113(4), C.R.S., as follows:
 - (I) the Person has admitted liability by paying the Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the tripled Civil Penalties are sought violates the same statute, rule or order as conduct for which the Person has admitted liability by paying the Civil Penalty or conduct for which the Person has been adjudicated by the Commission in an administratively final written decision to be liable; and
 - (III) the conduct for which the tripled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.

- (c) Doubled and tripled penalties may be sought in the same CPAN.

- (d) Nothing in these rules shall affect the Commission's ability to pursue other remedies in lieu of or in addition to, issuing Civil Penalties.

6020. Report by Commission Staff.

At least once every twelve months, or more frequently if requested by the Commission, the Commission staff shall provide a report to the Commissioners and to the Director of the Commission of the financial results (for Fully Regulated Intrastate Carriers), the operational performance of Motor Carriers regulated

by these rules as well as the enforcement and compliance actions taken by Enforcement Officials. The first report is due July 1, 2019. The financial and operational report shall include the following:

- (a) number of existing and new Certificates and Permits (by type) issued in the current year as well as the previous four years by Type of Service and geographical area;
- (b) total amount of revenue as reported on the Annual Report for the current year and the previous four years for each Common Carrier as well as revenue in the main geographic areas of the state;
- (c) number of trips to Denver International Airport and revenue generated for the current year and each of the last four years for each of the Common Carriers or Contract Carriers or Large Market Taxicab Service providers;
- (d) total number of Motor Vehicle Identification Stamps issued for the current year and for each of the previous four years as well as the amount of annual revenue generated from the stamps;
- (e) the total number of UCR Plan registrations each year as well as the previous four years;
- (f) number of Authorities suspended, revoked, or abandoned in the current year and each of the previous four years and a summary of the reasons for such status;
- (g) number of Permits (but not Contract Carrier permits) expired, canceled, or revoked in the current year and each of the previous four years;
- (h) number of vehicle inspections conducted by Enforcement Officials in the current year and each of the previous four years by type (vehicles 10,000 pounds or less and 15 Passenger or less and Commercial Vehicles 10,001 pounds or more and 16 Passengers or more) and a summary of the types of deficiencies noted;
- (i) safety and compliance reviews for the current year and each of the past four years; investigations opened and closed;
- (j) number of CPANs issued (by type) and the amount collected for the current year and each of the previous four years;
- (k) refunds to customers for current year and each of the past four years;
- (l) violation warnings issued for current year and each of the past four years;
- (m) number of petitions for age waivers for each year and the previous four years, action taken by the Commission, and age of vehicles and mileage for petitions granted and denied;
- (n) recommendations as to what if any changes should be made to the current rules of the Commission; and
- (o) recommendations as to the priority for the type of enforcement actions for the next year.
- (p) The report shall be provided to each of the Commissioners and the Director and shall be posted on the website of the Commission.

6021. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

One of the most important obligations of the Commission is to require that any Motor Carrier abide by reasonable safety requirements so that the traveling public is safe.

- (a) Rules 6100 through 6199 apply to:
 - (I) Common Carriers, Contract Carriers, Limited Regulation Carriers, Large Market Taxicab Service carriers; and
 - (II) Drivers (whether as employees or Independent Contractors), employees, and Motor Vehicles of the Motor Carriers listed in subparagraph (a)(I).
- (b) Motor Carriers that operate Commercial Motor Vehicles as defined by 49 C.F.R. 390.5, or the modifications of the Colorado State Patrol, are subject to the rules found in title 49 of the Code of Federal Regulations and the rules adopted by the Colorado State Patrol; 49 C.F.R. 382 (Controlled Substances); 391.41 (Physical Qualifications for Drivers); 392 (Driving); 395 (Hours of Service); 396 (Vehicle Inspection Repair and Maintenance); and/or 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.
- (c) Rule 6008 (Financial Responsibility) is a safety rule to provide benefits to the traveling public and is incorporated into these safety rules.

6101. Definitions.

In addition to the definitions in rule 6001, and those incorporated from federal law in this section, the following definitions apply to all Motor Carriers subject to these safety rules:

- (a) "Commission" means the Public Utilities Commission of the state of Colorado. Any reference to the United States Department of Transportation, the FMCSA, or any other federal agency in any provision of the Code of Federal Regulations adopted by reference in these safety rules shall be construed to refer to the Commission.
- (b) "Commercial Motor Vehicle" means a self-propelled or towed vehicle used in commerce on the public highways and is operated by a Fully Regulated Intrastate Carrier or a Limited Regulation Carrier that: has a Manufacturer's Gross Vehicle Weight Rating or Gross Combination Weight Rating of at least 10,001 pounds or is designed or used to transport more than 15 Passengers including one Driver. 49 C.F.R. 390.5.

- (c) "Employer" means a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, in addition to the definition found in 49 C.F.R. 390.5.

6102. Annual Motor Vehicle Identification Fees and Vehicle Registry.

- (a) Every Motor Vehicle operated by a Motor Carrier pursuant to its Authority or Permit must obtain and display a Motor Vehicle Identification Stamp.
- (b) To obtain the Motor Vehicle Identification Stamp, the Motor Carrier shall:
- (I) pay to the Commission an annual fee before the first day of January of each calendar year, for each Motor Vehicle that such Motor Carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.; and
 - (II) provide to the Commission, on a Commission prescribed form or through a Commission provided electronic Motor Vehicle registry, the identification of the vehicle to which the Vehicle Stamp will be placed and shall include the Manufacturer, type, make, model year, the vehicle identification number or VIN, license plate number, mileage, date of purchase and if applicable the automatic vehicle identification tag. The Motor Carrier shall also list and describe all structural modifications made to the Motor Vehicle, including the date and reason.
- (c) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.
- (d) If the Motor Carrier does not own the vehicle or know all the information in paragraph (b) above at the time of purchase of the Vehicle Stamp, the Motor Carrier shall have 60 days from the purchase of the Vehicle Stamp to provide the information to the Commission. If the Motor Carrier does not provide the information in paragraph (b) above within 60 days, the Vehicle Stamp shall be canceled and the Motor Carrier is not entitled to a refund of the amount paid.
- (e) If the Motor Carrier is required to place an automatic vehicle identification tag on the vehicle by DIA or any other airport or tolling authority, the Motor Carrier shall, within 30 days of obtaining the transponder, provide the identifying number of the transponder to the Commission for each vehicle used by the Motor Carrier.
- (f) A Motor Carrier that obtains an Authority or Permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the Authority or Permit.
- (g) A Motor Carrier that acquires one or more additional Motor Vehicles during the calendar year shall pay the annual fee and provide the information required by this rule, prior to placing the additional vehicle(s) into service.
- (h) A Vehicle Stamp is valid only for the calendar year for which it is purchased.
- (i) A Motor Carrier shall not operate a Motor Vehicle unless it has affixed a valid Vehicle Stamp to the inside lower right-hand corner (Passenger side) of the Motor Vehicle's windshield. In the alternative, the Vehicle Stamp may be affixed to the right Passenger side window of the Motor Vehicle so long as the Vehicle Stamp does not interfere with the Driver's use of the right-hand outside mirror.

- (j) A Motor Carrier may request a replacement Vehicle Stamp if the stamp is damaged. The Commission will provide a replacement stamp, without charge, so long as the Motor Carrier requesting the replacement stamp remits a sufficient portion of the damaged stamp, including the unique number of the stamp to be replaced.
- (k) Exemption for a UCR registrant.
 - (I) Except as provided in subparagraph (II) of this paragraph, a Motor Carrier is exempt from paragraphs (a) through (j) of this rule if it is a current UCR registrant.
 - (II) A Motor Carrier that is also a current UCR registrant is not exempt from paragraphs (a) through (j) of this rule, for any Motor Vehicle that:
 - (A) is used only in Intrastate Commerce;
 - (B) was not included in the calculation of fees paid under the UCR Agreement; and
 - (C) provides nonconsensual tows, or Passenger transportation that is not subject to the preemption provisions of 49 U.S.C. § 14501(a).
- (l) Exemption for a Household Goods Mover. A Mover holding a Permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (k) of this rule.

6103. Vehicle Inspectors—Who Is Authorized to Inspect a Motor Vehicle.

Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles not defined as Commercial Motor Vehicles at 49 C.F.R. 390.5, shall be an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection and employed by a company authorized to do business in Colorado. Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles defined as Commercial Motor Vehicles at 49 C.F.R. 390.5 shall be qualified to perform the inspection pursuant to the requirements of 49 C.F.R. 396.19.

6104. Safety Inspections of Motor Vehicles.

- (a) Every Motor Carrier shall cause an authorized vehicle inspector to conduct an initial safety inspection of any Motor Vehicle that will be used by the Motor Carrier in providing transportation services under these rules and shall cause periodic inspections of vehicles conducted thereafter, at intervals of a least one inspection per year or as otherwise required by Commission rule or order. The Driver and the Motor Carrier shall ensure that the initial and periodic inspections are completed on a form prescribed by the Commission. A Motor Vehicle shall be placed Out-of-Service if it fails to meet the minimum vehicle inspection criteria identified in this rule. The Motor Carrier may reinstate the vehicle for service after the Out-of-Service condition is removed or resolved.
- (b) Initial inspections and periodic inspections shall include an inspection of the following items.
 - (I) 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 pads, shoes, or linings.

- (II) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the Manufacturer.
- (III) Frame or chassis shall not be cracked, loose, sagging, or broken.
- (IV) 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.
- (V) Suspension shall not be cracked, broken, loose, or have missing parts.
- (VI) Windshield shall be free of discoloration or cracks.
- (VII) 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 cracks.
- (VIII) Windshield wipers: each vehicle 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.
- (IX) Head lamps: each vehicle must have head lamps that do not have broken or missing lens covers and that have both upper and lower beams; and are in proper working condition.
- (X) Tail lamps: each vehicle must have tail lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XI) Turn indicator lights: each vehicle must have turn indicator lights that do not have broken or missing lens covers and the lamps must be in proper working condition. The vehicle must be equipped with a hazard warning signal unit that is in proper working condition.
- (XII) Stop lamps: each vehicle must have stop lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XIII) Doors: all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original Manufacturer.
- (XIV) Horn: each vehicle must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (XV) Bumpers: each vehicle must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (XVI) Mufflers and exhaust system: each vehicle 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.

- (XVII) Emission compliance: if the vehicle is registered in a jurisdiction that requires an emission inspection and emission sticker, the vehicle must have the proper emission documentation.
- (XVIII) Speedometer: each vehicle must be equipped with an operating speedometer that is paired with an original equipment Manufacturer approved tire size.
- (XIX) 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.
- (XX) Rear view mirrors and back-up cameras: each vehicle must be equipped with rear view mirrors as designed by the original Manufacturer. If the original Manufacturer has installed a back-up camera, that camera must be operational as designed by the original Manufacturer.
- (XXI) Safety belts: each vehicle designed by the original Manufacturer to carry no more than eight Passengers, must 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.
- (XXII) Passenger restraints: any Passenger restraints, including air bags, must be in proper working condition.
- (XXIII) Heating and air conditioning must be in proper working condition.
- (XXIV) A vehicle equipped with restraints, ramps, lifts, or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities has all such devices in good working order including:
 - (A) wheelchair lifts: a lift must be able to lift a minimum of 600 pounds;
 - (B) a lift must also be able to accommodate individuals who use walkers, crutches, canes, braces or who have difficulty using steps. The equipment must also permit onboarding and offboarding of individuals with wheelchairs and other mobility aids. The platform must be equipped with handrails on two sides, which move with the lift to provide support to standees throughout the lift operations, must have lift controls which are interlocked with the vehicle brakes, transmission, door or other devices;
 - (C) a ramp which is less than 30 inches in length must be able to support 300 pounds;
 - (D) a ramp which is 30 inches or longer must be able to support 600 pounds; and
 - (E) the maximum allowable slope of a ramp is:

- (i) a ratio of 1:4, if the floor height is three inches or less above a six-inch curb;
- (ii) a ratio of 1:6, if the floor height is between three and six inches above a six-inch curb;
- (iii) a ratio of 1:8, if the floor height is between six and nine inches above a six-inch curb; and
- (iv) a ratio of 1:12 if the floor height is greater than nine inches above a six-inch curb.

(XXV) Wheelchair accessible vehicles must have the following:

- (A) slip resistant surfaces in all areas where individuals walk, including all aisles, steps and floors;
- (B) a band of contrasting color(s) on each step edge, threshold and the boarding edge of ramps or lift platforms. The contrasting colors must run the full width of the step or edge; and
- (C) the entrance doors equal to or greater than the following minimum heights:
 - (i) 56 inches for vehicles 22 feet or less in length; or
 - (ii) 68 inches for vehicles greater than 22 feet in length.

(XXVI) Within the vehicle, signs must designate securement locations and seating locations for persons with disabilities. Stepwells and doorways must have treads that are lit at all times while the vehicle is lit.

(XXVII) Wheelchair tie down and occupant restraint systems:

- (A) shall be designed, installed, and operated to accommodate Passengers in a forward facing position;
- (B) shall be affixed to a vehicle in such a manner that no exit or aisle is blocked in the vehicle;
- (C) shall be free of sharp or jagged areas and shall be of non-corrosive material or treated to resist corrosion;
- (D) shall consist of a minimum of four anchor points. Two points shall be located in the front and two in the rear. All anchor points shall be secured to the floor;
- (E) each wheelchair tie down shall provide a means of slack adjustment and shall not allow more than two inches of movement in any direction during normal driving conditions. They shall be free of any fraying, rust, cuts or inoperable slack adjusters; and

- (F) all vehicles equipped with attachment point devices shall also be equipped with a durable webbing cutter having a full width hand grip and protected blade. The cutter must be stored in the Driver's compartment within the Driver's reach.

6105. Daily Vehicle Inspection Report (DVIR).

- (a) Every Driver and every Motor Carrier that operates more than one Motor Vehicle, shall require its Drivers to prepare a Daily Vehicle Inspection Report (DVIR), in writing at the completion of each day's work on each Motor Vehicle operated and the report shall cover at least the following parts and accessories:
 - (I) service brakes including trailer brake connections;
 - (II) parking (hand) brake;
 - (III) steering mechanism;
 - (IV) lighting devices and reflectors;
 - (V) tires;
 - (VI) horn;
 - (VII) windshield wipers;
 - (VIII) rear vision mirrors;
 - (IX) coupling devices;
 - (X) wheels and rims; and
 - (XI) emergency equipment.
- (b) The Driver, on the DVIR, shall:
 - (I) identify the vehicle and list any defect or deficiency discovered by or reported to the Driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;
 - (II) if no defect or deficiency is discovered by or reported to the Driver, the report shall so indicate;
 - (III) in all instances, the Driver shall sign the report;
 - (IV) on two-Driver operations, only one Driver needs to sign the DVIR, provided both Drivers agree as to the defects or deficiencies identified; and
 - (V) if a Driver operates more than one vehicle during the day, the Driver shall prepare the DVIR for each vehicle operated.

- (c) Prior to requiring or permitting a Driver to operate a vehicle in a for-hire capacity, every Motor Carrier shall repair any defect or deficiency listed on the DVIR that would be likely to affect the safety of operation of the vehicle.
- (d) The Driver shall review and certify the repairs have been made.
- (e) For every DVIR which identifies any defect or deficiency, every Motor Carrier or its agent shall certify, upon completion of the repair and on the original DVIR, that the defect or deficiency has been repaired or alternatively that repair is unnecessary before the vehicle is operated again.
- (f) Every Motor Carrier shall maintain all original DVIRs, any certification of repairs, and the certification of the Driver's review for three months from the date the DVIR was prepared.
- (g) For all reports required under this rule, Motor Carriers shall use the form provided on the Commission website.

6106. Inspection Process by Enforcement Official.

- (a) Inspection of Drivers and/or Motor Vehicles.
 - (I) When a Driver or Motor 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 Driver receiving a DVCR shall deliver it to the Motor Carrier with the Certificate or Permit under which the Motor Vehicle was operating at the time of the inspection. Delivery of the DVCR shall occur upon the Driver's next arrival at any of the Motor Carrier's terminals or facilities. If the Driver is not scheduled to arrive at a terminal or facility within 24 hours, the Driver shall immediately mail or electronically submit the report to the Motor Carrier.
 - (II) Motor Carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the Motor Carrier shall:
 - (A) complete the required repairs;
 - (B) certify all violations have been corrected by appropriately signing and dating the DVCR, completing the following fields:
 - (i) carrier official's signature,
 - (ii) title; and
 - (iii) date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (C) return the completed DVCR to the Commission at the address shown on the DVCR; and
 - (D) retain a copy of the DVCR in its records.
- (b) If the Enforcement Official determines that a Motor Vehicle will likely cause an accident or break down due to its mechanical condition, or that an unsafe condition exists that would likely harm the occupants, the Motor Vehicle shall be placed Out-of-Service.

- (c) A Motor Vehicle that would likely cause an accident or a breakdown due to its mechanical condition as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
- (d) A 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 as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
- (e) A DVCR declaring a Motor Vehicle and/or a Motor Vehicle Driver Out-of-Service shall constitute an Out-of-Service order giving notice to the Driver and the Motor Carrier regarding the Out-of-Service condition.
- (f) No Motor Carrier shall require or permit any Person to operate, nor shall any Person operate, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (g) No Motor Carrier shall require or permit any Person declared or ordered Out-of-Service to operate, nor shall any Person declared or ordered Out-of-Service operate any Motor Vehicle until the Person's Out-of-Service condition has been corrected.
- (h) A Motor Vehicle equipped with ramps, lifts or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities shall be placed Out-of-Service if such devices are not in good working order.
- (i) A Motor Vehicle identified as a Golf Cart, Low-power Scooter, Low-speed Electric Vehicle, or Motorcycle will be subject to all inspection rules applicable to that type of vehicle.
- (j) Motor Carriers and Drivers shall, upon request by an Enforcement Official, make available for inspection all records required to be made by these safety rules and all Motor Vehicles subject to these safety rules.
- (k) The Motor Carrier may reinstate the Motor Vehicle or Driver for service after the Out-of-Service conditions have been removed or resolved. The written certification is required to be provided to the Commission within 15 days.
- (l) A Motor Vehicle that does not qualify under these Part 6 rules may be placed Out-of-Service.

6107. Driver Minimum Qualifications.

- (a) A Motor Carrier shall not permit a Person to act as a Driver unless the Person:
 - (I) is at least 21 years of age;
 - (II) has a valid Driver's license;
 - (III) is medically qualified to drive as required by rule 6109; and
 - (IV) is not disqualified to drive based on the results of the DVCR report required by rule 6106 or the Criminal History Record Check required by rule 6114.

- (b) A Motor Carrier shall require a Driver to maintain on their person or in their Motor Vehicle the following documents in physical or electronic form:
 - (I) a current medical certification card;
 - (II) a valid driver's license;
 - (III) a current vehicle inspection form; and
 - (IV) any waiver granted by the Commission.
- (c) Before permitting an individual to act as a Driver, and at least once every 12 months thereafter, a Motor Carrier shall obtain and review a driving history from the Department of Motor Vehicles for the individual. The Driver Motor Vehicle report shall include, at a minimum, any moving violations in the United States for the three-year period preceding the individual's application.

6108. Driver Qualification File and Records.

A Motor Carrier shall maintain records for each Driver as follows.

- (a) A completed Driver's application. A Driver's application must be maintained during the period of service and for three years thereafter. The required Driver's application form is available on the Commission's website.
- (b) The driving history for a Driver, obtained from the Department of Motor Vehicles. Driving history reports shall be maintained for a period of three years from the date the research was conducted.
- (c) The Drivers fingerprint qualification status, if applicable.
- (d) The Driver's state issued driver's license. The driver's license copy shall be maintained during the period of service and for three years thereafter.
- (e) 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.
- (f) If applicable, any current medical waiver or variances issued to the Driver.
- (g) Hours of service records, including all required supporting documentation, 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.

6109. Proof of Medical Fitness.

- (a) No Motor Carrier shall permit any Driver to drive who is not medically examined and certified. Drivers of vehicles with a seating capacity of 16 Passengers or more, including the Driver, must be certified pursuant to the requirements of 49 C.F.R. 391.41, as revised on January 1, 2017. Drivers of vehicles with a seating capacity of 15 Passengers or less, including the Driver, may be certified under the provisions of this rule or 49 C.F.R. 391.41, as revised on January 1, 2017.
- (b) All medical examiners issuing Driver medical certification cards must be licensed medical practitioners in accordance with their specific specialty practice act in the Colorado Revised

Statutes 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 color blindness 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) a current clinical diagnosis of alcoholism.
- (d) All medical examiners issuing driver medical certifications shall use the medical examination report included in a packet available on the Commission's website. Such driver medical certifications shall include a certification that the medical provider conducted an examination in

accordance with these rules, with knowledge of the driving duties, finding 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.

6110. Hours of Service.

- (a) A Motor Carrier shall neither permit nor require nor shall any Driver be On Duty in violation of the following: a Driver shall not be On Duty (as defined in paragraph 6001(hhh)) or be permitted to be On Duty more than 12 consecutive hours in any 24-hour period. A Driver may go off duty for any period of time during the 12-hour period, but the 12-hour period shall only be restarted after 12 consecutive hours off duty.
- (b) In lieu of the 12 hour rule above, a Motor Carrier, other than a Motor Carrier providing Taxicab Service may, at their option, elect to account for hours of service as follows:
 - (I) 15 Hour Rule: At the end of the 15th hour after coming on duty, a Driver shall not drive for-hire and shall be released from duty, for a minimum of eight consecutive hours. Drivers may go off duty for any period of time during the 15-hour period, but the 15-hour period shall only be restarted after eight consecutive hours off duty. A Driver may only be released from duty by a Motor Carrier for a period of eight consecutive hours and not intermittently during the 15 hour period.
 - (II) Ten Hour Rule: After coming on duty and within the 15 hours provided by the 15 hour rule in subparagraph (I) above, a Driver shall not exceed ten hours Driving Time. At the end of the tenth hour, a Driver shall not drive for-hire until he or she has been released from duty by for a minimum of eight consecutive hours.
 - (III) 70 Hour Rule: In no instance shall a Driver's On Duty hours exceed 70 hours in any eight consecutive day period. Upon accumulating 70 hours On Duty in any rolling eight consecutive days, a Driver shall not drive and shall be released from duty for a minimum of eight hours. For the purposes of this rule, the total number of hours On Duty for each day within the eight day period shall be determined by adding the daily On Duty totals derived from the 15 hour rule in subparagraph (I) of this rule.
 - (IV) This election shall be made at the time the Motor Carrier purchases the Vehicle Stamps and shall remain in effect for the year listed on the stamp.
- (c) A Motor Carrier or Passenger Carrier that employs or retains a Driver shall maintain and retain accurate and true time records, including all supporting documents verifying such time records, for a period of six months showing:
 - (I) the time(s) the Driver reports for duty each day;
 - (II) the time(s) the Driver is released from duty each day;
 - (III) the total number of hours the Driver is On Duty each day; and
 - (IV) a good faith effort to require the Driver to report the total number of On Duty hours the Driver performed with other Persons during the reporting period.

- (d) The requirements of 49 C.F.R. 395.5(a)(2) and (b) and 395.8, apply to all Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 16 or more (including the driver), or GVWR or GCWR of more than 10,000 pounds.
- (e) The requirements of 49 C.F.R. 395.5(a)(2), 395.5(b) and the log book requirements set forth under 395.8 shall not apply to Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 15 or less (including the driver) and GVWR or GCWR or less than 10,001 pounds.

6111. Verification of Hours of Service for Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

- (a) Motor Carriers providing Taxicab Service operating within or between the counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be subject to the additional requirements of this rule:
 - (I) shall obtain and Advertise a central telephone number by which the public may call and request service;
 - (II) 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;
 - (III) shall employ a GPS-based, digital dispatch system that tracks and records Driver hours or service, and records and reports trip information including origination point and customer wait times;
 - (IV) shall employ a GPS-based, digital dispatch system that records and reports Driver location and On Duty time. Said system must log a Driver On Duty when the Driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand;
 - (V) shall employ a GPS-based digital dispatch system that locks out any Driver who has exceeded On Duty hours of service maximums;
 - (VI) shall lockout, for a minimum of eight hours, a Driver who has exceeded On Duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system; and
 - (VII) shall log a Driver as being On Duty when the vehicle assigned to said Driver, enters an area no less than two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

6112. Vehicle Maintenance File.

A Motor Carrier shall maintain, in the Vehicle Maintenance File, the following records for each vehicle:

- (a) a means of identifying the vehicle noting the year, make, model, and vehicle identification number of the vehicle;
- (b) an overall maintenance plan that identifies the nature and due dates of the various inspection and maintenance operations to be performed;

- (c) a record of work done, including all receipts;
- (d) all required periodic vehicle inspections;
- (e) if applicable, any current vehicle waiver or variances; and
- (f) the Daily Vehicle Inspection Reports for the immediately preceding 30 days.

6113. Accident Registry.

- (a) For the purposes of this rule an accident is defined as an occurrence involving a Motor Vehicle which results in any of the following:
 - (I) bodily injury to any Person; or
 - (II) \$5,000 of damage to any property or vehicle.
- (b) A Motor Carrier shall maintain a registry of accidents, for a period of three years after the accident occurs. The register must contain the date of the accident, city and state where accident occurred, the Driver's name, number of injuries and fatalities, and any police report number associated with the accident.
- (c) All accident reports required by state or local governmental entities or insurers must be maintained with the accident register.
- (d) No later than 30 days after an accident meeting the criteria stated above, a Motor Carrier must report the accident, including the above information, to the Commission.

6114. Fingerprint-Based Criminal History Record Checks.

- (a) For purposes of this rule only:
 - (I) "Criminal History Record Check" means a state and national fingerprint-based Criminal History Record Check..
 - (II) "Driver" means a Person who drives or wants to drive for a Passenger Carrier, regardless of whether such Person drives or wants to drive as an employee or Independent Contractor.
 - (III) "Passenger Carrier" means a Taxicab Carrier, a Large Market Taxicab Service carrier, and a Limited Regulation Carrier, except for Fire Crew Transport
- (b) This rule applies to Passenger Carriers and Drivers.
- (c) Within ten days of contracting or being employed to drive for a Passenger Carrier, a Driver who is not qualified by the Commission at the time of hire shall submit a set of the Driver's fingerprints, documentation of any name change of the Driver from the agency where the change was approved, and payment of the actual cost to conduct a Criminal History Record Check. The Passenger Carrier shall provide to the Driver a copy of the Commission's Notice to Driver Applicants which informs the Driver that his or her fingerprints will be submitted to the CBI and FBI. This notice shall be provided to the Driver prior to the submission of fingerprints.

- (d) A Driver shall, within five years after being qualified by the Commission and at least once every five years thereafter, re-submit: a set of the Driver's fingerprints; documentation of any name change of the Driver from the agency where the change was approved; and payment of the actual cost to conduct a Criminal History Record Check.
- (e) The Driver shall submit his or her fingerprints to the CBI according to its procedures.
- (f) Qualification determination based upon moral character or statutory disqualification.
 - (I) Upon the Commission's receipt of a completed Criminal History Record Check, Commission staff shall make a qualification determination regarding the Driver's qualification status. In making this determination, Commission staff is authorized to request from the Driver, and the Driver shall provide, additional information that will assist Commission staff in making the determination regarding the Driver's qualification status. If a Driver does not provide such additional information requested by Commission staff, or explain why it is unavailable within 15 days of the request, Commission staff may disqualify the Driver.
 - (II) A Driver is not of good moral character and shall be disqualified and prohibited from driving, if the Driver has:
 - (A) a conviction in the state of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;
 - (B) a conviction in the state of Colorado, within the ten years preceding the date the Criminal History Record Check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
 - (C) a conviction in the state of Colorado, within the eight years preceding the date the Criminal History Record Check is completed, of any class 3 felony under Title 18, C.R.S.;
 - (D) a conviction in the state of Colorado, within the four years preceding the date the Criminal History Record Check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or
 - (E) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (D) within the same time periods as listed in subparagraphs (A) through (D).
 - (III) Without a determination as to moral character at the time of determination, a Driver is disqualified by statute and prohibited from driving if the Driver has been:
 - (A) convicted in the state of Colorado at any time of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;
 - (B) within the two years preceding the date the Criminal History Record Check is completed, convicted in this state of driving under the influence (DUI), as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content (DUI per se), as described in § 42-4-1301(2)(a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301(1)(g), C.R.S.; or

- (C) within the two years preceding the date the Criminal History Record Check is completed, convicted of an offense comparable to those included in subparagraph (III)(B) in any other state or in the United States.
- (IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (g) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting Criminal History Record Checks. The Commission may require a name-based Criminal History Record Check of a Driver who has twice submitted to a fingerprint-based Criminal History Record Check and whose fingerprints are unreadable or unclassifiable.
- (h) At any time, Commission staff shall disqualify a previously qualified Driver whose subsequent conviction meets the criteria of this rule.
- (i) A Passenger Carrier shall not permit a Driver to drive for the Passenger Carrier if:
 - (I) the Driver has not complied with this rule and § 40-10.1-110, C.R.S., as applicable;
 - (II) the Driver is disqualified and prohibited from driving under paragraph (f) of this rule; or
 - (III) the Driver's qualification status has expired.
- (j) A Passenger Carrier shall, as a condition of continued contract or employment, require a Driver to submit his or her fingerprints to the Commission for a Criminal History Record Check:
 - (I) at least once every five years; and/or
 - (II) within ten days of becoming aware that the Driver has been convicted of the offenses listed in paragraph (f) of this rule.
- (k) The Commission will maintain a password-protected portion of its website where Drivers, Passenger Carriers, and other Persons authorized, in writing, by the Director of the Commission may access the current qualification status of Drivers.
 - (I) If the Driver is disqualified and prohibited from driving, the Driver may, within 60 days of Commission staff's notification, file a petition with the Commission for qualification determination.
 - (II) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (A) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(II), the Driver shall bear the burden of proving that he is of good moral character based upon all surrounding facts and circumstances or that disqualification is not supported by fact or law.
 - (B) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(III), the Driver shall bear the burden of proving that disqualification is not supported by fact or law.

- (C) If a Driver is disqualified pursuant to paragraph (h), the Commission staff shall bear the burden of proving all applicable elements.
- (D) The Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S. for disqualifications based on a determination of moral character.
- (l) Commission staff's qualification determination may be relied upon by all Persons, unless and until the Commission rules on a Driver's qualification.
- (m) If the Commission qualifies a Driver upon petition, paragraph (f) shall be waived as to qualification determinations for future fingerprint resubmissions regarding the events upon which Commission staff's disqualification was based.

6115. Motor Vehicle Weight.

An Enforcement Official may require a Motor Carrier to have a Motor Vehicle inspected or 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 or if the GVWR can't be determined or if there is a belief that the GVWR is incorrect.

6116. Prohibitions.

- (a) A Motor Carrier shall not require or permit any Driver declared and ordered Out-of-Service to drive, nor shall any Driver drive, any Motor Vehicle until the Driver's Out-of-Service condition has been corrected.
- (b) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (c) A Motor Carrier shall not allow a Driver to drive when the Driver's ability to operate a Motor Vehicle is impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle nor shall any Driver operate a Motor Vehicle while impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle.
- (d) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver is under the influence of or uses any drug or substance that renders the Driver incapable of safely operating a vehicle.
- (e) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver has consumed alcohol within four hours of driving or is under the influence of alcohol while driving.
- (f) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive while engaged in texting while operating a Motor Vehicle.

6117. Age and Condition of Passenger Carrying Motor Vehicles.

Motor Vehicles used by a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, shall meet the following standards.

- (a) No Motor Carrier shall operate a Salvage Vehicle as defined at paragraph 6001(ppp) and § 42-6-102(17), C.R.S.
- (b) No Taxicab shall be more than 12 years old regardless of condition or mileage.
- (c) With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.
- (d) A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.
- (e) The age of a vehicle shall be determined by subtracting the model year of the vehicle from the present calendar year. By way of example, a 2010 model year vehicle is seven years old for the calendar year 2017.
- (f) In addition to the periodic safety inspections required under rule 6104, Motor Vehicles shall be in good physical condition, meeting the following minimum standards:
 - (I) the body of the vehicle has a good not faded paint job; is devoid of dents, rust, cracked bumpers, broken trim, broken mirrors, or cracked windows including the windshield;
 - (II) the interior of the vehicle has no missing or loose parts; has no exposed wiring; is clean; and has no cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim;
 - (III) exterior markings are compliant with applicable vehicle marking rules 6015 or 6303; and
 - (IV) the Motor Carrier’s name, Certificate or Permit number, and the name of the Driver are identified in the interior of the vehicle and are clearly visible to the Passenger.
- (g) A petition for waiver of this rule shall be made under rule 6003 and is not complete unless it contains the following:
 - (I) photos of the interior and exterior (front and back and each side) of the vehicle;
 - (II) number of miles on the Motor Vehicle;
 - (III) dates and results of all periodic inspections for the last two years;
 - (IV) documents in the Vehicle Maintenance File required in rule 6112 for the last two years; and
 - (V) value of the Motor Vehicle using information from the Kelley Blue Book Price Guide, the Edmunds Used Car Price Guide, or similar valuation authority;
 - (VI) any petition that claims financial hardship prohibits replacement of the vehicle must include the revenue generated in the previous 12 months, the amount of loan on the Motor Vehicle, if any, an explanation of the market served and the reason why the Motor

Carrier cannot replace the vehicle. The petition must also list all safety equipment that is currently on the Motor Vehicle, by way of example – the number and type of seat belts, air bags, cameras, sonar detection systems, antilock braking systems, stability control, four-wheel drive, and age and type of tires; and

- (VII) any other information the petitioner deems relevant.
- (VIII) No vehicle is eligible for a waiver of the age requirements of this rule unless the petitioner has owned the vehicle for three full years and establishes proof of ownership for the three years with a title or registration from the Colorado Department of Revenue.

6118. – 6199. [Reserved].

FULLY REGULATED INTRASTATE CARRIER RULES

6200. Applicability.

Rules 6200 through 6249 apply to all Common Carriers, all Contract Carriers, and to all Commission proceedings and operations concerning Common Carriers and Contract Carriers as well as applicants, employees, and Drivers of such carriers.

6201. Definitions.

In addition to the definitions in rules 6001 and 6101, the following definitions apply to all Motor Carriers and Drivers subject to these Fully Regulated Intrastate Carrier rules:

- (a) “Access Fee” means the fee assessed by an airport for the use of its facilities for one trip levied upon Motor Carriers transporting Passengers to, from, or at an airport.
- (b) “Auto Livery” or “Auto Livery Service” means the transportation of Passengers by Common Carrier, including the transportation of Passengers in Scheduled and/or Call-and-Demand service. This term is only used in historical Authorities.
- (c) “Base Area” means a geographic area in which a Taxicab is authorized to provide point-to-point service. This term is defined only because of its use in Authorities issued by the Commission.
- (d) “Capable,” as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the Common Carrier’s Authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations under such Authority.
- (e) “Close Proximity”, as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and 20 minutes from the drop-off location and time.
- (f) “Special Bus Service,” “Special Bus Transportation,” or “Special Bus”, only used in historical authorities, means the transportation of Passengers by Common Carrier:
 - (I) not including ordinary and continuous Scheduled Service;
 - (II) rendered generally on weekends, holidays, or other special occasions;
 - (III) with a fixed termination date; and

- (IV) to a number of Passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, or for a trip or tour planned by the carrier.
- (g) "Tack" means the joinder of two or more separate Authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.
- (h) "Transfer" means, without limitation, any sale, lease, assignment, license, change in ownership, foreclosure of an Encumbrance, execution in satisfaction of any judgment or claim, merger, consolidation, or similar transaction in which control of any Authority or portion thereof changes from one entity to another, whether voluntarily, by court order, or otherwise.
- (i) "Transferee" means any entity newly acquiring control of any Authority or obtaining a security interest in the Authority.
- (j) "Transferor" means any entity transferring control of any Authority to a Transferee.

6202. Prohibited Operations.

- (a) No Person shall operate or offer to operate as a Common Carrier or a Contract Carrier, without obtaining the appropriate Certificate or Permit and paying the application fee and or the annual Motor Vehicle identification fees as set forth in rule 6102.
- (b) Without specific approval by the Commission, no Fully Regulated Intrastate Carrier shall:
 - (I) combine or Tack two or more separate Authorities or two or more separate parts of an Authority in order to render a transportation service not authorized by any individual Authority or part thereof;
 - (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its Authority;
 - (III) serve any point not included in its Authority or authorized by statute;
 - (IV) abandon or suspend operations under its Authority; or
 - (V) file a Tariff or time Schedule whose applicability or scope violates this rule.

6203. Applications to Operate as a Common or Contract Carrier.

- (a) Any Person seeking permanent Authority to operate as a Common or Contract Carrier, or permanent Authority to extend a Common Carrier Certificate or Contract Carrier Permit, shall file an application. The application shall contain the following information:
 - (I) the name, including trade name if applicable, physical address, mailing address, telephone number, and email address of the applicant;
 - (II) the name, mailing address, telephone number, and email address of the applicant's representative to whom the Commission may direct inquiries regarding the application;
 - (III) the name and address of the applicant's Colorado designated agent for service of process, as required by rule 6006;

- (IV) a statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.);
- (V) if the applicant is a corporation: the name of the state in which it is incorporated; the mailing address and physical address of its principal office; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.;
- (VI) if the applicant is a limited liability company: the name of the state in which it is organized; the mailing address and physical address of its principal office; the name of its managers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.;
- (VII) if the applicant is a partnership: the names, titles, and addresses of all general and limited partners;
- (VIII) the applicant's certificate of assumed trade name or trade name registration, if applicable;
- (IX) 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 (e.g., Charter, Shuttle, Sightseeing, Taxicab, or Scheduled, but not limousine, auto livery or special bus), if the applicant proposes to operate as a Common Carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the Authority sought; and
 - (E) a description of the make, model, and year of the Motor Vehicles proposed to be operated, or if unknown, then a summary of the number and types of Motor Vehicles proposed to be operated.
- (X) a map or diagram showing the proposed geographic service area, or the proposed points or routes of service, in the form requested by the Commission or Commission staff;
- (XI) a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations, including but not limited to its ability to meet the requirements of rule 6111 (requiring, inter alia, a GPS based digital system that records the hours of service), and rule 6254 requiring 24 hour provision of service, if the applicant proposes to serve a geographical area covered by those rules. If the applicant is not currently able to meet the requirements of rule 6111 and/or 6254, the applicant must provide the reason and must state the period of time needed to come into compliance which shall not be longer than 120 days;
- (XII) a statement describing the extent to which the applicant, or any Person affiliated with the applicant, holds or is applying for Duplicating or Overlapping Authority in any respect the Authority at issue in the application;

- (XIII) a statement identifying current Authorities issued by either a state or federal agency, authorizing the applicant or any affiliate to provide for-hire transportation of Passengers in the state of Colorado;
- (XIV) a statement that the applicant understands the Commission will, in its discretion, cancel any Duplicating or Overlapping Authorities created by granting the application;
- (XV) a statement indicating the town or city where the applicant prefers any hearing to be held; and
- (XVI) 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.
- (XVII) If the applicant applies for Common Carrier Authority, the applicant shall demonstrate a public need for the proposed service and that the authority is in the public interest and should be granted. Any letter of support filed to demonstrate a public need shall:
 - (A) contain the author's name, address, and telephone number;
 - (B) describe the public need;
 - (C) describe whether and how the existing service is inadequate;
 - (D) contain a statement that the letter contains only information that is true and correct to the best of the author's knowledge and belief; and
 - (E) be signed by the author.
- (XVIII) If the applicant seeks Contract Carrier Authority, the applicant shall provide a statement of the facts upon which the applicant relies to establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customers' needs. The applicant shall also attach a letter from each proposed customer. Such letters shall:
 - (A) contain the proposed customer's name, address, and telephone number;
 - (B) indicate the proposed customer's special or distinctive transportation needs;
 - (C) specifically support the applicant's particular request for authority;
 - (D) describe whether there is existing service and how the existing service is inadequate;
 - (E) contain a statement that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief; and
 - (F) be signed by the proposed customer.
- (XIX) A statement that the applicant understands that there is an obligation to comply with all applicable Commission rules, and that the vehicles which it plans to use to provide the service are compliant with those rules.

- (b) No Person shall file an application under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier, or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name). If an application is filed in violation of this rule, the Commission shall not issue a Certificate or Permit under such name.
- (c) In lieu of filing an application as set forth above, the applicant may use the application form approved by the Commission and posted to its website.

6204. Application for Temporary Authority or Emergency Temporary Authority for a Common Carrier or Contract Carrier.

- (a) A Person may seek temporary Authority to operate as a Common or Contract Carrier, for a period not to exceed 180 days, and shall file an application providing the information specified in rule 6203 modified as follows:
 - (I) the statement of facts shall also establish an immediate and urgent need for the proposed service and that there is no such service Capable of meeting the need;
 - (II) any letters of support shall contain 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;
 - (III) a statement indicating whether the Commission has previously granted to the applicant Authority to render all or any part of the proposed service and the decision number granting the Authority;
 - (IV) a statement of the period of time which the applicant requests the temporary Authority to cover, not to exceed 180 days; and
 - (V) if the application is a request to operate as a Contract Carrier, a support letter from each proposed customer including:
 - (A) the proposed customer's name, address, and telephone number;
 - (B) the proposed customer's special or distinctive transportation needs;
 - (C) support for the applicant's particular request for authority;
 - (D) description of whether there is an existing service and, if so, how the service is inadequate; and
 - (E) the signature of the proposed customer attesting to the validity of the information in the support letter.
- (b) A Person may seek emergency temporary Authority to operate as a Common or Contract Carrier for a period not to exceed 30 days and shall file an application with the Commission providing the information in paragraph (a) of this rule. The application shall also include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Any letters of support shall describe the basis and nature of the emergency.

- (c) The granting of temporary or emergency temporary Authority creates no presumption that permanent Authority will be granted.
- (d) The Commission shall not grant temporary Authority to provide the same service, including both temporary Authority and emergency temporary Authority for a total period greater than 180 days.
- (e) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6205. Applications to Voluntarily Abandon or Suspend Authority.

- (a) A Fully Regulated Intrastate Carrier shall file an application to voluntarily abandon or suspend its Authority, or any portion thereof. After ten days' notice, the Commission may either decide such an application without a hearing or set it for hearing. Carrier obligations are not affected by the filing of an application; rather they will be determined by Commission decision. The application shall:
 - (I) fully describe why the abandonment or suspension is sought;
 - (II) describe how the abandonment or suspension will affect the public;
 - (III) contain a statement that the application contains only information that is true and correct to the best of the applicant's knowledge and belief; and
 - (IV) be signed by the applicant.
- (b) A Fully Regulated Intrastate Carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:
 - (I) 12 consecutive months;
 - (II) 12 months in any 24-month period; or
 - (III) two consecutive seasons, for a Fully Regulated Intrastate Carrier operating seasonally.
- (c) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.
- (d) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6206. Application to Encumber, Transfer, Merge, Consolidate, or Acquire Control.

- (a) No Fully Regulated Intrastate Carrier shall by any means, directly or indirectly, encumber, Transfer any right or interest in any portion of said Fully Regulated Intrastate Carrier's Authorities, or the entity that is the owner of the Authorities, except as specifically provided by Commission order, this rule 6206, or § 40-10.1-205, C.R.S.
- (b) The Transferor and the Transferee shall file a joint application with the Commission not less than 60 days prior to the effective date of the proposed Transfer or Encumbrance. If the Transferee does not hold a Commission issued CPCN, the Transferee shall provide the Commission with the

information required pursuant to rule 6203, and must receive an appropriate Commission grant of authority to assume the Transferor's CPCN.

- (c) The application shall include:
- (I) the information required by subparagraph 6203(a)(I) through (VIII) and (XI) through (XIX), as applicable;
 - (II) a description of the transaction including the amount of consideration paid or to be paid and the terms of payment;
 - (III) name under which the Transferee is, or will be, providing service in Colorado if the Transfer is approved and information establishing the operational and financial fitness of the Transferee to conduct the operations of the Authority;
 - (IV) the specific assets, including any Authority (including copies of the Authorities) that the applicants propose to Transfer;
 - (V) all agreements concerning the transaction including but not limited to: purchase and sale agreement, lease agreements, operating agreement, Encumbrances, security interests, stock agreements, repurchase agreements, promissory notes and/or operating agreements;
 - (VI) an acknowledgment that by signing the application, the joint applicants represent the truth and accuracy of all statements in the application and supporting documents and understand and agree that:
 - (A) the filing of the application does not, by itself, constitute authority to execute the transfer;
 - (B) the applicants shall not undertake the proposed Transfer unless and until a Commission decision granting the application is issued;
 - (C) the granting of the application does not constitute the execution of the Transfer, but only represents the Commission's approval of the request for authority to Transfer or encumber;
 - (D) if a Transfer is granted, such Transfer is conditional upon:
 - (i) the existence of applicable, effective Tariffs for relevant services;
 - (ii) compliance with the statutes and all applicable Commission rules, including the Transferor's filing an Annual Report, complying with the rule on financial responsibility, updating the vehicle registry, and obtaining the periodic inspections of all vehicles and
 - (iii) compliance with all conditions established by Commission order; and
 - (E) if the application to Transfer is granted, the joint applicants shall notify the Commission if the Transfer is not consummated within 60 days of the proposed effective date stated in the application or if the proposed Transfer terms are changed prior to the consummation date. This notice shall include the

proceeding and decision number(s) which granted the authority to execute the Transfer.

- (d) The joint applicants may submit the required information by filing either an application or completing the Commission approved form on the website of the Commission.
- (e) The joint applicants may seek confidential or highly confidential treatment of information as provided in rule 1101 of the Commission's Rules of Practice and Procedure.

6207. Duplicating or Overlapping Authorities.

The Commission may cancel Duplicating or Overlapping Authorities that arise as a result of any grant, extension, or other modification to a Certificate or Contract Carrier Permit.

6208. Tariffs.

- (a) A Fully Regulated Intrastate Carrier shall not operate its Motor Vehicles without having approved Tariffs on file with the Commission.
- (b) A Fully Regulated Intrastate Carrier shall not operate in conflict with its approved Tariff or disseminate information contrary to that which is contained in its approved Tariff.
- (c) A Fully Regulated Intrastate Carrier shall keep on file with the Commission, at all times, approved Tariffs clearly showing rates and charges to be assessed for all transportation and accessorial services provided. The Tariff must also disclose all rules and conditions, and time Schedules, as applicable, relating to rates or service, shall be available for public inspection, at all reasonable times, in its office and posted on the website, if the carrier maintains a website.
- (d) Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period, or as otherwise ordered by the Commission.
- (e) A Common Carrier that is authorized to provide Taxicab Service shall publish, in its Tariffs, reduced fares applicable to each Passenger being transported under a Multiple Loading arrangement.
- (f) A Contract Carrier shall ensure that its Tariff, at a minimum:
 - (I) includes the names of the parties to the contract, the provisions regarding the scope and terms of transportation and accessorial services to be provided, and the date(s) and terms of the contract, including rates. A copy of the executed written contract may be filed in lieu of the requirement to provide dates, terms and rates of the contract;
 - (II) provides for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the Authority granted by the Commission; and
 - (III) prohibits payment from individual Passengers.
- (g) Notice. Within seven days of receipt of an Advice Letter and Tariff filing, the Commission will provide notice of the filing to affected parties by posting the filing in its E-Filings System.

- (h) Protests. Any Person affected by a Tariff change proposed under this rule may submit a written protest to the proposed change. Any protest must be filed sufficiently in advance of the effective date to permit Commission consideration before the Tariff becomes effective, generally at least ten days before the effective date of the proposed Tariff.
- (i) Any Person seeking to protest any portion of a rate, fare, classification or service not altered by the Motor Carrier in its proposed changes to an existing Tariff, shall bear the burden of proof as it pertains to why such rate, fare, classification or service is not just and reasonable.
- (j) A Fully Regulated Intrastate Carrier shall file additional supporting documentation upon the request of Commission staff. The documentation shall include an explanation of the circumstances and data relied upon to justify the proposed Tariff.

6209. Time Schedules.

- (a) A Common Carrier that has been granted Authority to provide Scheduled Service shall file time Schedules as part of the its Tariff. The time Schedule shall be filed on the form or in a format prescribed by the Commission. At minimum, time Schedules shall contain the following:
 - (I) an explanation of any symbols, reference marks, and abbreviations used;
 - (II) a list of all scheduled stops and all Flag Stops, including the address or description of the location, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate;
 - (III) a statement whether service is daily or otherwise; and
 - (IV) any other appropriate information regarding the service the Common Carrier desires to perform.
- (b) A Common Carrier may not operate its Motor Vehicles in Scheduled Service without having approved time Schedules on file with the Commission.
- (c) A Common Carrier shall not operate in conflict with its approved time Schedules.
- (d) A Common Carrier operating a Scheduled Service shall report in writing to the Commission and post to its website any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.
- (e) A Common Carrier shall drive by each Flag Stop in such 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(b)(II).
- (f) A Common Carrier operating a Scheduled Service shall ensure that a copy of its approved time Schedule is available for public inspection at all reasonable times in each of the Common Carrier's offices or terminals. If the Common Carrier maintains a presence on the Internet, its time Schedule must also be posted on its website(s) relevant to the Common Carrier's services.

6210. Contract Carrier Contracts.

- (a) A Contract Carrier shall not enter into a contract for transportation that is in conflict with the Contract Carrier's Permit or with any Person not named in the Contract Carrier's Permit.

- (b) A Contract Carrier shall not engage in any act of transportation for Compensation except in compliance with the contract between the Contract Carrier and the Person named in the Contract Carrier's Permit.
- (c) Contracts shall be written, not oral.
- (d) At a minimum, all contracts 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(s) and terms of the contract, including rates.
- (e) Contracts shall provide for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the authority granted by the Commission. In no circumstances shall a Contract Carrier receive payment for providing contract services from individual Passengers.

6211. Refusal of Service.

No Fully Regulated Intrastate 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 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 equipment, a Driver shall immediately report to the carrier any refusal to transport a Passenger.

6212. Annual Reports.

- (a) Each Fully Regulated Intrastate Carrier shall file with the Commission an Annual Report on a Commission-prescribed form on or before April 30 of each year. The Fully Regulated Intrastate Carrier shall complete all sections of the Annual Report applicable to said Fully Regulated Intrastate Carrier for the 12-month period ending on December 31 of the previous calendar year.
- (b) A Principal of the Fully Regulated Intrastate Carrier shall sign the certification of the Annual Report. In all Annual Report filings, the Fully Regulated Intrastate Carrier shall comply with subparagraph 1204(a)(III) and rule 1100, et seq., of the Commission's Rules of Practice and Procedure.

6213. Forms of Payment.

A Common Carrier may accept any form of payment, but must accept MasterCard and Visa credit cards.

6214. – 6249. [Reserved].

MOTOR CARRIERS PROVIDING TAXICAB SERVICE RULES

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6258 apply to all Motor Carriers providing Taxicab Service. Nothing in these rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any authority issued to any Common Carrier prior to the adoption of these rules.

6251. Notices.

- (a) Each Motor Carrier providing Taxicab service shall post the following notices, as applicable, on the inside of the left window immediately behind the Driver's window or on the back of the front seat of each Taxicab it operates. The font size of such notice shall be at least 14-point characters and the font size of the cab number shall be at least 24-point characters. The Taxicab Carrier shall complete all blanks in the notices.
- (b) The following notice shall be placed in all Taxicabs:

NOTICE

Cab No. _____

The Driver of this Taxicab shall not load other passengers without the permission of the first passenger.

The basis for calculating the rates charged, the amount of additional charges if any and the basis for them.

If the Taxicab Carrier serves DIA, the amount of the Flat Rate charges and a map showing the zones.

The amount of additional charges that may apply for additional passengers, passenger drop offs, baggage and packages, waiting time, pets, and toll charges or Access Fees.

Report any problems to the Public Utilities Commission at (303) 894-2070.

- (c) In lieu of the above posting, the Taxicab Carrier may provide this information on a digital screen, on the condition that the screen is clearly visible to the Passenger.

6252. Service: Multiple Loading and Routing.

- (a) Multiple loading.
 - (I) No Taxicab Carrier, Large Market Taxicab Service carrier, or Taxicab Driver shall engage in Multiple Loading from a common point of origin or from separate locations unless the first Passenger agrees to the Multiple Load.
 - (II) Each Passenger shall pay a reduced fare and the Taxicab Driver shall advise each passenger that the charge from his/her origin to destination will be reduced. The amount by which the fare is to be reduced shall be a percentage of the original fare. The percentage decrease shall be named in the Taxicab Carrier's Tariff or the Large Market Taxicab Service carrier's schedule of rates.

- (b) Motor Carriers providing Taxicab Service 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 Motor Carrier providing Taxicab Service has first advised the Passenger regarding the extent of deviation from the shortest possible route.

6253. Record Keeping.

- (a) In addition to other requirements to maintain accurate records, a Motor Carrier providing Taxicab Service shall maintain in its files, either electronically or in hard copy, 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.

6254. Additional Service Requirements for Motor Carriers Providing Taxicab Service Operating Within or Between Counties with a Population Density of 40 or More People per Square Mile.

Motor Carriers providing Taxicab Service operating within or between counties with a population density of 40 or more people per square mile based on the most recent federal census are required to provide service 24 hours per day.

6255. Maximum Rates for Transportation to and from Denver International Airport and within the Denver Downtown Area.

Motor Carriers providing Taxicab Service 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 and rule 6208.

- (a) The zones established in this rule include the following:
 - (I) Zone A (Downtown Denver): Beginning at the intersection of 11th Avenue and Clarkson Street; the west on 11th Avenue to its intersection with Speer Boulevard; then north on Speer Boulevard to its intersection with 13th Avenue; then west on 13th Avenue to its intersection with Interstate 25; then north on Interstate 25 to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Delgany Street; then north on Delgany Street to its intersection with Denargo Street; then north on Denargo Street to its intersection with Arkins Court; then northeast on Arkins Court to its intersection with 38th Avenue; then southeast on 38th Avenue to its intersection with Marion Street; then south on Marion Street to its intersection with Lawrence Street; then southwest on Lawrence Street to its intersection with Park Avenue West; then southeast

on Park Avenue West to its intersection with Clarkson Street; then south 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): Beginning at the intersection of Jay Road and U.S. Highway 36, then northwest on U.S. Highway 36 to Lee Hill Drive, then west on Lee Hill Drive for one mile, then south on an imaginary line for seven miles, then east on an imaginary line to Cherryvale Road, then north on Cherryvale Road as extended to Jay Road, then west on Jay Road to the point of the beginning.
 - (IV) Zone D (Tower Road): Beginning at the intersection of 56th Avenue and Genoa Street, then north on Genoa Street as extended to 72nd Avenue, then west for one mile along 72nd Avenue, then south along an imaginary line to 56th Avenue, then east along 56th Avenue to the point of the beginning.
- (b) Taxicab Drivers shall inform Passengers of the total charge prior to commencing the trip.
- (c) The maximum rate for Taxicab Service between the following defined zones and DIA shall be no more than:
- (I) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.
 - (II) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.
 - (III) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.
 - (IV) Zone D: The zone rate for transportation between DIA and any point in Zone D shall be \$24.00.
 - (V) In addition to the above maximum rates, the Taxicab Carrier may charge Access Fees as established by DIA for the use of its facilities for one trip levied upon the Taxicab.
 - (VI) A drop fee of no more than \$5.00 may be charged for each additional drop within the above zones required by members of one traveling party.
- (d) Flat Rates within Zone A. The Maximum Rate within Zone A shall be no more than \$8.00, plus an additional \$3.00 drop off fee for each additional stop.
- (e) Additional requirements with Multiple Loading. The Taxicab Driver shall inform the parties of the total charge prior to departing from the point of origin of the second traveling party and advise the parties they must determine how much of the total charge each party is obligated to pay. The total charge may be approximated for Taxicab Service provided under subparagraphs (I), (II), or (III) of this paragraph.

- (I) If the first party is dropped at a point within a defined zone and additional parties are dropped at different points in the same zone, the total charge (not a per party charge) shall be the appropriate zone rate, plus any applicable airport Access Fee, plus a \$5.00 charge for each additional drop within the zone.
- (II) If the first party is dropped at a point within a defined zone and the second party is dropped at a point outside of any defined zone the charge for the first party shall be the appropriate zone rate plus the agreed portion of applicable airport Access Fees. The charge for the second party shall be the Meter fare from the first drop point to the second drop point, plus the agreed portion of applicable airport Access Fees.
- (III) If the first party is dropped at a point outside of the defined zones, the rates established in this rule shall not apply.

6256. Motor Carriers Providing Taxicab Service License Plates.

- (a) Motor Vehicles used in the provision of Taxicab Service require a Taxicab license plate.
- (b) A Person providing Taxicab Service under Article 10.1 of Title 40, C.R.S. shall register all Motor Vehicles used for such purposes with the Colorado Department of Revenue and display the Taxicab license plates on the vehicles used in providing the services.
- (c) A Person providing Taxicab Service under an active Certificate or Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a Taxicab license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a Taxicab license plate unless the vehicle to which the license plates are attached is required to bear Taxicab license plates.
- (f) Any Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6257. Conversion to a Transportation Network Company.

A Motor Carrier authorized through the granting of a Certificate of Public Convenience and Necessity, to provide Taxicab or Shuttle Service may convert that Authority to a Transportation Network Company (TNC) by filing an application to voluntarily abandon or suspend all or part of its Authority pursuant to rule 6205 and simultaneously filing an application for a Permit to operate as a TNC pursuant to rule 6702. During the period of suspension, the suspended portion of the Authority authorizing Taxicab or Shuttle Service is exempt from Taxicab and Shuttle Service standards concerning the regulation of rates and charges pursuant to the requirements of rule 6208. Further, the Motor Carrier may pro-rate the application fee of \$111,250 over 12 months, paying 1/12th per month. If the Motor Carrier at any time elects not to proceed with the conversion, the Motor Carrier shall not owe the remaining amount of the prorated fee. If the Motor Carrier elects not to proceed with the conversion, the Motor Carrier is not entitled to the return of any amounts paid or any forgiveness for amounts already paid. This pro-rating of the fee is only applicable in the first year of the transition.

6258. - 6299. [Reserved].

LIMITED REGULATION CARRIER RULES

6300. Applicability of Limited Regulation Carrier Rules.

Rules 6300 through 6399 apply to all Limited Regulation Carriers and to all Commission proceedings and operations concerning Limited Regulation Carriers, employees, and Drivers. (The general rules and the safety rules also apply to Limited Regulation Carriers.)

6301. Definitions.

In addition to the definitions in rules 6001, 6017 and 6101, the following definitions apply to all carriers subject to these Limited Regulation Carrier rules:

- (a) “Charter Bus” means a Limited Regulation Carrier that provides transportation in a Motor Vehicle with a Seating Capacity of 33 or more, including the Driver, and provides service for a Person or group of affiliated Persons traveling for a common purpose, for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the Motor Vehicle, including selection of the origin, destination, route and intermediate stops. A Charter Bus does not provide service on a regular route or Schedule.
- (b) “Charter Basis” means on the basis of a contract for transportation whereby a Person agrees to provide exclusive use of a Motor Vehicle to a single chartering party for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the vehicle, including selection of the origin, destination, route, and intermediate stops.
- (c) “Charter Order” means a paper or electronic document that memorializes the contract for Luxury Limousine or Off-Road Scenic Charter or Charter Bus service for a specific period of time reasonably calculated to fulfill the purpose of the contract. The Charter Order shall state the charge, the charge method, the name and telephone number of the parties to the contract, the pickup time and pick up address, and the type of Motor Vehicle that will be used. The Charter Order shall be maintained for at least one year following the provision of service and shall be provided to the parties to the contract and shall be available to the Commission upon request.
- (d) “Children’s Activity Bus” means a Limited Regulation Carrier that transports groups of eight or more children, 18 years of age or younger and their chaperones for trips that are sponsored by non-profit organization, and/ or transport children to and from school, school related activities, or school sanctioned activities that such transportation is not provided by the school or school district contractors to the school or school district. (§ 40-10.1-301(4), C.R.S.)
- (e) “Luxury Limousine Service” is a luxurious, specialized transportation service provided by a Luxury Limousine Carrier with great comfort, quality and ease of use that is not usually available from Common Carriers. The services provided are on a Prearranged Charter Basis memorialized in a contract prior to the provision of service.
- (f) “Medicaid Client Transport” is a Limited Regulation Carrier and means a service that uses a Motor Vehicle to transport Passengers who are recipients of Medicaid pursuant to Articles 4 to 6 of Title 25.5, C.R.S. and are being transported under a Medicaid Non-emergent Medical Transportation Contract or a Medicaid Non-Medical Transportation Contract. (§ 40-10.1-301(9), C.R.S.)

- (g) “Medicaid Non-emergent Medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing non-emergent medical transportation to approved recipients of Medicaid. (§ 40-10.1-301(10), C.R.S.).
- (h) “Medicaid Non-medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonmedical transportation to approved recipients of Medicaid. (§ 40-10.1-301(11), C.R.S.)
- (i) “Off-Road Scenic Charter” means a Limited Regulation Carrier that transports Passengers, on a Charter Basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads as that term is defined in § 40-10.1-301(12), C.R.S.
- (j) “Prearranged” or “Prearrangement” means that the Charter Order is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the Luxury Limousine at the point of departure.
- (k) “Trip Ticket” means a document, electronic or paper, that contains the information that the Driver needs to fulfill the Prearranged service, such as customer or Passenger contact information, pickup and drop off time and location.

6302. Application and Permit.

- (a) No Person shall operate or offer to operate as a Limited Regulation Carrier, without obtaining the appropriate Permit by filing the appropriate application using a Commission approved form, available on its website. Each application requires supporting information which must be submitted with the application at the time of filing.
- (b) No Person shall request a Permit under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier shall not have taxi in its name.) If an application is filed in violation of this rule, the Commission shall not issue a Permit under such name.
- (c) The Motor Carrier must maintain the original or copy of its Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (d) In addition to completing and filing the Commission approved application form, a Motor Carrier shall:
 - (I) file the required proof of financial responsibility; and
 - (II) pay the required annual Vehicle Stamp fees, as set forth in rule 6102 or, if applicable, shall be in compliance with the UCR Agreement.
- (e) Applications for new Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 20 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable.

- (f) Applications for renewals of Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 180 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable
- (g) A Permit is valid for one year from the effective date.

6303. Luxury Limousine Exterior Vehicle Markings, Signs, or Graphics.

Instead of the vehicle marking requirements set forth in rule 6015, a Luxury Limousine Carrier is required to have only exterior markings on Motor Vehicles operated under its Permit, as detailed below:

- (a) The Carrier's Permit number preceded by "LL" or "PUC LL" or "CO PUC LL" shall be displayed on both sides of the vehicle or on the front and back of the vehicle.
- (b) The markings shall be of a size and color readily visible from 50 feet, but in any case not less than one and a half inches tall and not more than three inches tall.
- (c) The Luxury Limousine Carrier has the option of including other markings, including company or trade name and phone number, on the vehicle, but is neither required to do so nor is it prohibited from including other markings

6304. Livery License Plates.

- (a) Motor Vehicles used in the provision of Luxury Limousine Service require a livery license plate.
- (b) A Person providing Luxury Limousine Service under Article 10.1 of Title 40, C.R.S., shall register all Motor Vehicles used for such purposes with the Colorado Department of Revenue and display the livery license plates on the vehicles used in providing the services.
- (c) A Person providing Luxury Limousine Service under an active Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a livery license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a livery license plate unless the vehicle to which the license plates are attached is required to bear livery license plates.
- (f) Any Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6305. Luxury Limousine.

- (a) A "Luxury Limousine" means one of the following vehicles:
 - (I) stretched limousine, which is a Motor Vehicle whose wheelbase has been lengthened beyond the original Manufacturer's specifications;
 - (II) executive car, which is a Motor Vehicle that has four doors and is:

- (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Land Rover, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla, or Volvo; or
 - (B) Chrysler 300, Hyundai Equus, Toyota Avalon Livery Edition, Chevrolet Suburban, Chevrolet Tahoe, Ford Expedition, GMC Yukon, Hummer;
 - (III) executive van, which is a Motor Vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the original Manufacturer);
 - (IV) luxury 4 wheel drive, which is a Motor Vehicle that is a 4 wheel drive crew-cab pickup manufactured by Chevrolet, Ford, GMC, Nissan, Ram, or Toyota in the Limited, Platinum, or equivalent class;
 - (V) collector's vehicle, which is defined in Title 42, C.R.S., as either a luxurious classic or antique vehicle, eligible for a collector's license plate. It is not a stretched limousine. Vehicles qualifying under this paragraph (V) must have a current appraised retail value of at least \$15,000. A certified appraisal is required to prove the value of the vehicle. Vehicles within this category are exempt from the age of vehicle requirements set forth in rule 6117; and
 - (VI) any Motor Vehicle for which the Motor Carrier has paid \$50,000 or more, as evidenced by a copy of the dealer bill of sale submitted to the Colorado Department of Revenue on form DR2407, dated no more than 180 days prior to placing the vehicle into service.
- (b) A Person who believes that the Motor Vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation experience in the relevant market to be served. The notice and intervention period shall be ten days, after which time the Commission will consider the petition as soon as practical.
- (c) Age limits for Luxury Limousines shall be 15 years, with the age of the vehicle calculated as set forth in rule 6117. For vehicles older than eight model years and/or have more than 150,000 miles, the periodic safety inspection shall be completed semi-annually. After the Motor Vehicle reaches 225,000 miles, regardless of age, the inspections must occur every three months.

6306. Luxury Limousines – Operational Requirements, Prearrangement Required.

- (a) No Person shall provide Luxury Limousine Service or a service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis.
- (b) The fact that the drop off time is amended in a Charter Order during the course of performance (i.e., the amended drop off time is agreed to before the original drop off time is reached) does not, in and of itself, mean that such transportation is not on a Prearranged Charter Basis. All requirements of a Charter Order apply equally to the amended Charter Order.
- (c) Although a Charter Order must be for a specific period of time reasonably calculated to fulfill the purpose of the charter, these rules do not prohibit terms addressing time in excess of such calculated specific period of time.

- (d) Without affecting any other requirement of these rules, a Luxury Limousine Carrier shall, at all times when providing Luxury Limousine Service, carry in each vehicle a Charter Order or Trip Ticket. However, the total charge for the specific period of time may be omitted or stricken from the copy of the Charter Order or Trip Ticket carried in each vehicle.
- (e) A Luxury Limousine Carrier shall not station a Luxury Limousine within one hundred feet of a recognized Taxicab stand, a designated Passenger pickup point at an airport, a hotel, or a motel without the completed Charter Order in the vehicle. A Luxury Limousine Carrier shall not station a Luxury Limousine at the point of departure more than forty-five minutes prior to the pickup time noted on the Charter Order.
- (f) A Luxury Limousine Carrier shall provide the Charter Order or Trip Ticket immediately upon request by any Enforcement Official or Airport Official.
- (g) Prior to the provision of service, a Luxury Limousine Carrier shall provide the other party to the contract underlying the charter a paper or electronic copy of the Charter Order.

6307. Luxury Limousine Service – Presumptions.

- (a) A Person shall be presumed to have provided Luxury Limousine Service in violation of paragraph 6306(a) if, without Prearrangement, such Person:
 - (I) accepts payment for the transportation of the chartering party at the point of departure;
 - (II) makes the Luxury Limousine available to the chartering party at the point of departure;
 - (III) negotiates the immediate availability of, or the price for immediate use of, the Luxury Limousine at or near the point of departure;
 - (IV) loads the chartering party or its baggage into the Luxury Limousine; or
 - (V) transports the chartering party in the Luxury Limousine.
- (b) A Luxury Limousine Carrier that charges or offers to charge for transportation services on a per Person basis shall be presumed to be providing or offering to provide services as a Common Carrier.
- (c) A Luxury Limousine Carrier may rebut the presumptions created in this rule by competent evidence.

6308. – 6399. [Reserved].

* * * *

[indicates omission of unaffected rules]

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17R-0796TR

IN THE MATTER OF THE PROPOSED RULES REGULATING INTRASTATE CARRIERS, LIMITED REGULATION CARRIERS AND THE GENERAL PROVISIONS AND SAFETY RULES, 4 CODE OF COLORADO REGULATIONS 723-6.

COMMISSION DECISION DENYING APPLICATIONS FOR REHEARING, REARGUMENT, OR RECONSIDERATION

Mailed Date: March 12, 2019
Adopted Date: February 27, 2019

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I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of applications for rehearing, reargument, or reconsideration (RRR) of Decision No. C18-1150 filed by Mr. John Hafer of A Custom Coach, Mr. Luke Stone, the Colorado Limousine Association (CLA), and seven carriers filing jointly as the “Taxi Providers” (All Cities Taxi, Green Taxi

Cooperative, Freedom Cabs Inc., Denver Taxi, Alpine Taxi Inc., Mile High Cab, and Union Taxi).

2. By Decision No. C18-1150, issued December 24, 2018, we adopted final amendments to the Rules Regulating Transportation by Motor Vehicle at 4 *Code of Colorado Regulations* (CCR) 723-6. The parties filing RRR seek reconsideration or rehearing of certain rules adopted in our Decision No. C18-1150. By this Decision, we deny their requests for the reasons stated below. In denying the applications for RRR, our Decision No. C18-1150 becomes effective according to its terms.

B. Background

3. By Decision No. C17-0976, issued November 30, 2017, we issued a Notice of Proposed Rulemaking initiating this proceeding and we assigned Commissioner Frances A. Koncilja as Hearing Commissioner consistent with the procedures in § 40-6-109(2), C.R.S. After collecting a robust record of oral and written comments from interested parties and the Commission's Staff, the Hearing Commissioner issued Recommended Decision No. R18-0968 on October 31, 2018. This decision adopted extensive amendments to the Commission's Rules Regulating Transportation by Motor Vehicle at 4 CCR 723-6.

4. By Interim Decision No. C18-1009-I, issued November 13, 2018, we stayed the Recommended Decision so that we could review the Hearing Commissioner's recommendations. On November 20, 2018, pursuant to the procedures in § 40-6-109(2), C.R.S., the following interested parties filed exceptions to the Recommended Decision: the CLA; Prestige Worldwide Transportation Inc.; Towne & Country Limousine Inc.; A Custom Coach Transportation; Carey Limousine; and ABC Shuttle. These are all members or representatives of the luxury limousine industry, with the exception of ABC Shuttle, which also has a certificate of public convenience

and necessity to provide shuttle service. By Decision No. C18-1150, issued December 24, 2018, we granted in part, and denied in part, these exceptions and adopted final amendments to the Rules Regulating Transportation by Motor Vehicle at 4 CCR 723-6.

5. In accordance with § 40-6-114(1), C.R.S., and the procedures in Rule 4 CCR 723-1-1506 of our Rules of Practice and Procedure, applications for RRR were originally due 20 days after Decision No. C18-1150 became effective. By Decision No. C19-0031, issued January 10, 2019, we granted the Taxi Providers' motion to extend the time to file RRR to January 31, 2019. We granted this extension for any party wishing to file RRR.

6. On January 14, 2019, Mr. Hafer, and on January 17, 2019, Mr. Stone, made filings that we construe as applications for RRR of Decision No. C18-1150. By Decision No. C19-0096, issued January 28, 2019, we granted these applications for RRR for the sole purpose of tolling the statutory time limit in § 40-6-114(1), C.R.S., which requires the Commission to act upon any RRR within 30 days of its filing. We specified this grant was merely procedural to toll the 30-day time limit and that we would issue a future order ruling upon the merits of these RRRs.

7. On January 24, 2019, the CLA filed an application for RRR of Decision No. C18-1150. By Decision No. C19-0129, issued January 31, 2019, we granted this RRR for the sole purpose of tolling the statutory time limit in § 40-6-114(1), C.R.S. Again, we specified this grant was procedural to toll the 30-day time limit and that we would issue a future order on the merits.

8. On January 29, 2019, the Taxi Providers filed a motion requesting an extension beyond January 31, 2019, in which to formulate evidence they were developing, and for the Commission to establish a hearing date to permit that evidence to be presented by their witness. By Decision No. C19-0128-I, issued February 4, 2019, we granted this motion in part, and

denied it in part. We extended the time to file an application for RRR to February 14, 2019, and noted that any argument by the Taxi Providers that rehearing is required should be included in that filing. We further noted that, upon the filing of the Taxi Providers' RRR, we would decide whether to grant rehearing. On February 14, 2019, the Taxi Providers filed a pleading that we construe as their application for RRR, which requests rehearing on the issue of hours of service regulations as applicable to taxi and taxi-type operators.

9. We took up the merits of the applications for RRR filed by Mr. Hafer, Mr. Stone, the CLA, and the Taxi Providers at our February 27, 2019, Commissioners' Weekly Meeting. After deliberating, we denied the applications for RRR including the Taxi Providers' request for rehearing.

C. Discussion

10. Pursuant to the procedures and standards in § 40-6-114, C.R.S., within 20 days of a Commission decision, or within such additional time as the Commission may authorize, parties may apply for RRR of a Commission decision. Such applications shall specify with particularity the grounds upon which the applicant considers the decision unlawful. If, after rehearing, reargument, or reconsideration of the decision it appears the original decision is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the decision. If the Commission denies the RRR, the original order becomes effective.

11. Below we address, rule-by-rule, the requests made by Mr. Hafer, Mr. Stone, the CLA, and the Taxi Providers in their applications for RRR.

Rule 6018. Civil Penalties

12. This rule addresses civil penalties to be assessed for violation of Commission rules. New subsection (d) specifies, "Pursuant to § 40-10.1-114, C.R.S., each occurrence of a

violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.”

13. The CLA filed RRR requesting that we reconsider the provision specifying that civil penalties are assessed per day. The CLA recommends that penalties should instead be assessed only once for a particular violation during a 30-day audit. The CLA cautions that fines, as they are currently assessed, can financially devastate a carrier.

14. We find no grounds to reconsider this rule and therefore we deny the RRR. In the Recommended Decision, the Hearing Commissioner explained that she added this new subsection as a “statutory caution that each occurrence is a separate violation.” Recommended Decision at ¶ 193. This rule implements § 40-10.1-114(3), C.R.S., which expressly provides that “[e]ach day of a continuing violation” of Article 10.1, Title 40, C.R.S., “constitutes a separate offense.” We therefore deny the RRR on grounds that this rule is supported by clear statutory authority providing that each day a violation continues shall constitute a separate offense.

Rule 6102. Annual Motor Vehicle Identification Fees and Vehicle Registry

15. This rule implements a new requirement for carriers to provide vehicle information (manufacturer, make, vehicle identification number, license, etc.) for each vehicle operated under their Commission-issued permit or certificate. This information will then be compiled into a digital registry accessible to the Commission’s Staff. As we stated in Decision No. C18-1150 at ¶ 20, the intent of tying individual stamps to specific vehicles is to better equip the Commission’s Staff to verify and inspect the actual number of vehicles being operated by a carrier.

16. Mr. Hafer and the CLA filed RRR requesting that we reconsider this rule. They question how this rule relates to safety enforcement. In addition, Mr. Hafer cautions that

requiring this vehicle-specific information will create a financial burden for the Commission, while the CLA cautions it will create a financial burden for limousine carriers.

17. We find no cause to reconsider this rule and therefore we deny the RRR. The Hearing Commissioner adopted this requirement to help Enforcement Staff better “track vehicles and prioritize inspections.” Recommended Decision at ¶ 212. The Hearing Commissioner specifically cited comments by Enforcement Staff at the February 20, 2018 rulemaking hearing, where Commission Staff (Staff) estimated that implementing a motor vehicle registry would allow them to complete as many as 25 to 30 inspections in two hours, compared to having to spend three days on site without a registry. *Id.* at ¶ 210 (citing February 20, 2018, Rulemaking Hearing Transcript at pp. 96-97). In Decision No. C18-1150 at ¶ 25 we agreed with the Hearing Commissioner and found the motor vehicle registry “will make safety inspections and enforcement exponentially more efficient.” We concluded the safety benefits of requiring this vehicle-specific information as part of a carrier’s annual stamp purchases would outweigh the burden on the industry. *Id.* We uphold those findings and make no substantive change to this rule.

18. We make one ministerial change. In subsection (b)(II), we replace “make” with “model.” This change is necessary since “make” refers to the brand of the vehicle (*e.g.*, Toyota, Ford, Dodge) and this data point is already collected under “manufacturer” in this list. “Model” properly refers to the name of the car product (*e.g.*, Prius, Focus, or Caravan).

Rule 6103. Vehicle Inspectors

19. This rule requires that mechanics performing initial or periodic vehicle inspections pursuant to Rule 6104 must be Automotive Service Excellence (ASE) certified. As discussed in Decision No. C18-1150, this is more stringent than the previous rule, which incorporated the Federal Motor Carrier Safety Administration (FMCSA) regulations that allow a

mechanic performing a vehicle inspection to be either ASE-certified or certified based on having one year's qualifying experience as a mechanic or inspector. *See 49 Code of Federal Regulations (C.F.R.) § 396.19(a)(3).*

20. Mr. Hafer and the CLA filed RRR requesting reconsideration of this rule. They request the rule be clarified to specify the requisite ASE certification. They also caution that requiring ASE certification imposes a financial burden on medium to large carriers. In addition, Mr. Hafer inquires whether individual drivers must be ASE certified in order to complete the Daily Vehicle Inspection Report required by Rule 6105.

21. We find no grounds to reconsider this rule and therefore we deny the RRR. We continue to conclude this rule provides clarity, efficiency, and safety. In Decision No. C18-1150 at ¶ 33, we upheld the Hearing Commissioner's finding that requiring vehicle inspectors to be ASE certified should make the vehicle inspection process more efficient and reliable. Recommended Decision at ¶ 216. At the May 31, 2018 rulemaking hearing, Commission Staff commented that they frequently are asked by carriers where to go for vehicle inspections and that Staff can merely respond that a mechanic must meet the federal criteria (which as noted above can be met with one year's qualifying experience). May 31, 2018, Rulemaking Hearing Transcript at p. 118. We thus conclude that requiring ASE certification provides clarity and efficiency for our Staff and for carriers. In Decision No. C18-1150 at ¶ 33, we concluded that the safety benefit of ensuring inspections are conducted by competent mechanics, evidenced by their ASE certification, outweighs the burden on industry. At the May 31, 2018 rulemaking hearing, Commission Staff commented that they did not know how they could question a mechanic's claimed certification based on "qualifying experience" and supported modifying the rule to require ASE certification. May 31, 2018, Rulemaking Hearing Transcript at pp. 119, 121. We

find the safety, reliability, and clarity of this rule outweigh the concerns of a financial burden on the industry and we make no changes.

22. To respond to Mr. Hafer's RRR, the plain language of the rule does not permit an ASE-certified mechanic in, for example, air conditioning to perform a brake inspection. It is incumbent on the carrier to ensure the ASE-certified mechanic is fully qualified to perform the inspection. We also note the plain language of the rule does not require an individual driver to be ASE certified in order to complete the Daily Vehicle Inspection Report required by Rule 6105.

Rule 6104. Safety Inspections of Motor Vehicles

23. This rule requires a carrier to have an authorized vehicle inspector conduct an initial safety inspection of any vehicle the carrier will use to provide transportation services and periodic inspections thereafter, at least once per year or as otherwise required by Commission rule or order.

24. The CLA filed RRR requesting that we reconsider this rule. The CLA contends that new vehicles bought from the manufacturer or a dealership should be exempt from the initial inspection requirement for the first six months since they already must pass an inspection prior to leaving the manufacturer or dealership lot.

25. We find no grounds to reconsider this rule and we deny the RRR. This rule requires an initial safety inspection of any vehicle that will be placed into service by a carrier. Without exception, an initial safety inspection should be performed on all vehicles prior to their use to transport passengers regardless of age, mileage, or any other factor. As we found in Decision No. C18-1150 at ¶ 38, there simply is no way for our Enforcement Staff to determine whether a vehicle was new from the showroom when purchased. In addition, we find no support

for the contention that the final manufacturer or dealership inspection would be comparable to a thorough safety inspection conducted pursuant to our standards in Rule 6104(b).

Rule 6105. Daily Vehicle Inspection Report

26. This rule requires drivers to prepare a Daily Vehicle Inspection Report at the end of each day, for each vehicle operated where a carrier has two or more vehicles in its fleet. As we explained in Decision No. C18-1150 at ¶ 41, the purpose of this rule is to ensure the safety of vehicles when different drivers are assigned to the same vehicle, in which case a particular driver or the carrier may not know about issues arising the previous day or week. This daily report covers parts and accessories including brakes, steering, lights, tires, horn, wipers, mirrors, coupling devices, wheels, and emergency equipment.

27. Mr. Hafer filed RRR requesting clarification of whether a driver is required to be ASE certified in order to perform these inspections. We decline to modify the language of Rule 6103 (establishing standards for vehicle inspectors) or this Rule 6105, as the plain language of these rules clearly delineates that the ASE certification requirement applies only to mechanics performing initial and periodic inspections under Rule 6104 and not to individual drivers performing daily inspections under Rule 6105.

Rule 6110. Hours of Service

28. This rule establishes limits for driver hours of service. Under this rule, all motor carriers, except motor carriers providing taxicab service,¹ may elect between two accounting methods: the “12/12 rule” or the “10/15/70 in 8” rule. Under the 12/12 rule, a driver may be on duty for 12 consecutive hours, and then he or she must go off-duty for 12 consecutive hours.

¹ “Motor carriers providing taxicab service” are taxicab carriers providing service under Part 2 of Article 10.1, Title 40, C.R.S., and large market taxicab service carriers providing service under the new Part 7 of Article 10.1, Title 40, C.R.S.

Under the alternative, the 10/15/70 in 8 rule, a driver is allowed 10 hours of driving time within 15 consecutive hours of on duty time, and a total of 70 hours of on duty time within any 8 consecutive days. In addition, under the 10/15/70 in 8 rule, at the end of the 15th hour on duty, a driver must go off duty for at least 8 consecutive hours.

29. The Hearing Commissioner initially adopted the 12/12 rule for all motor carriers, with exception only for limousine carriers to elect between the two accounting methods. The Hearing Commission found there was almost unanimous agreement among taxi industry participants that the 12/12 rule was preferred. Recommended Decision at ¶ 231. She allowed limousine carriers to elect between the two methods on grounds that they had made a persuasive case that the 12/12 rule would prevent their drivers and carriers from making a living as the limousine business often requires split morning and evening shifts. *Id.* at ¶ 232; *see, e.g.*, March 29, 2018, Rulemaking Hearing Transcript at pp. 113-15 (discussing split shifts). In the Recommended Decision at ¶ 228, the Hearing Commission stated driver fatigue is a significant safety concern, especially in challenging economic times when drivers and carriers are tempted to push the limits. She acknowledged the 10/15/70 in 8 rule was more complicated but noted many limousine carriers already utilize digital rather than paper log books, which should better facilitate tracking the several data points of the 10/15/70 in 8 rule. *Id.* at ¶ 232.

30. In Decision No. C18-1150, we granted the exceptions of Mr. Abdi Buni of ABC Shuttle, who requested that shuttle service (a type of common carrier) also be given the option to elect between the two accounting methods. We granted his exception and modified the language of this rule to allow all carriers to elect between the two accounting methods, except for motor carriers providing taxicab service.

31. The Taxi Providers filed RRR to this rule requesting rehearing on the issue of hours of service regulations as made applicable to taxi and taxi-type operators. In their January 7, 2019, pleading, they state that Rule 6110 is “economically unworkable and would likely result in financial hardship at the very least, as well as subsequent insolvency, on account of changes in the industry involving the number of drivers now providing service for various taxi carriers, together with certain actions of Denver International Airport ... resulting in curtailment of trips available to them.”² They also state the 12/12 rule would result in “near cataclysmic financial results” for the Taxi Providers.³

32. After thorough consideration and weighing the business and economic concerns raised by the Taxi Providers and the paramount safety concern of driver fatigue, which underlies our adoption of the 12/12 rule for these carriers, we deny the RRR.

33. First, although the 12/12 rule reduces the amount of hours a taxicab driver may spend “on duty” per day, it also offers certain driver-hours advantages the Taxi Providers may not have considered. Most significantly, the 12/12 rule increases a driver’s daily driving time by two hours and eliminates the cumulative cap that would apply under the previous rule (80 hours in 8 days) or under the alternative in new Rule 6110 (70 hours in 8 days). In addition, new Rule 6001(hhh) more narrowly defines “On Duty,” for purposes of hours of service accounting than the federal rule that previously applied. The FMCSA’s rule at 49 C.F.R. § 395.2, previously incorporated by reference, includes time performing compensated work for a person who is not a motor carrier. New Rule 6001(hhh) omits this other work from the definition of “On Duty.”

² Taxi Providers’ RRR at ¶ 4.

³ *Id.* at ¶ 3

34. Second, the 12/12 rule has several safety advantages over the alternative 10/15/70 in 8 rule, particularly as applied to motor carriers providing taxicab service. The Taxi Providers' pleadings fail to make any arguments addressing the safety concerns of driver fatigue and the challenge of drivers and carriers accurately tracking the multiple data points in the 10/15/70 in 8 rule, particularly when drivers and carriers use paper logs. The 12/12 rule requires less data points for drivers, carriers, and Enforcement Staff to track. In addition, it substantially increases driver rest time (from 8 hours to 12 hours) and decreases the potential for cumulative fatigue. *See* February 20, 2018 Rulemaking Hearing Transcript at pp. 118-19 (Commission Enforcement Staff commenting that daily fatigue contributes to the cumulative fatigue that happens over an eight-day period and questioning how much "rest" is achieved during an eight-hour break when a driver must also get to and back from work during that period). Further, since our Enforcement Staff is only able to monitor hours of service compliance after-the-fact, it is important to implement a rule that is likely to be understood and complied with. In the interest of safety of the traveling public, we find it best to adopt for taxicab service providers the simpler, straightforward 12/12 rule. We conclude this rule will increase safety because it is more likely to be complied with than the 10/15/70 in 8 rule, which presents more opportunity for confusion, error, and/or abuse.

35. Third, the Hearing Commissioner found that representatives of the taxi industry participating in this rulemaking almost unanimously preferred the 12/12 rule. Recommended Decision at ¶ 231. For example, at the February 20, 2018, rulemaking hearing, Mr. Sean McBride of Metro Taxi commented in favor of the 12/12 rule. February 20, 2018, Rulemaking Hearing Transcript at pp. 32-33. Likewise, Mr. Scott Holiskey, General Manager for zTrip out of Colorado Springs, commented in support of the 12/12 rule. *Id.* at pp. 46-47. He specifically

questioned how much “rest” a driver actually had during the 8-hour minimum break after the 15th hour of being on duty, noting it was unlikely a driver went straight to bed and to sleep. In addition, Mr. Matt Haefner, General Manager for Denver Yellow Cab, offered support for the 12/12 rule. *Id.* at p. 55.

36. Having fully considered this issue including the extensive rulemaking record and the arguments made in the Taxi Providers’ pleadings, we conclude that rehearing would not help us make our decision on this matter. We deny the request for rehearing and we make no changes to this rule.⁴

Rule 6113. Accident Registry

37. This rule requires carriers to maintain a registry of accidents (date, location, driver, injuries, and police report number) and to report any accidents resulting in bodily injury or \$5,000 of property or vehicle damage to the Commission within 30 days. Under our previous rules, carriers already had to maintain an accident registry pursuant to the federal rules, which were incorporated by reference. *See* previously incorporated FMCSA rule at 49 C.F.R. § 390.15 (requiring register of accident date, location, driver, injuries, fatalities, spills, and copies of reports). Our new rules add only the requirement that carriers also report these accidents to the Commission.

38. Mr. Hafer and the CLA filed RRR requesting that we reconsider this rule. They state this rule puts a financial burden on carriers and question how it applies to safety. They further note that accidents are already filed annually by carriers in their annual profit and loss report to the Internal Revenue Service.

⁴ Commissioner John Gavan dissented from this Decision. He supported modifying the rule language to allow all motor carriers, including motor carriers providing taxicab service, to elect between the two hours of service accounting methods.

39. We find no grounds to reconsider this rule and we deny the RRR. In Decision No. C18-1150 at ¶ 61, we agreed with the Hearing Commissioner that this is a safety rule that will assist the Commission's Enforcement Staff in monitoring whether drivers and vehicles are safe. *See* Recommended Decision at ¶ 240. By requiring carriers to report the occurrence of accidents to the Commission, Enforcement Staff will be alerted as to which carriers are more frequently having accidents and can focus its limited resources on those carriers. We uphold our finding in Decision No. C18-1150 at ¶ 61 that the benefit of maintaining this accident registry outweighs the burden to industry.

Rule 6117. Age and Condition of Passenger Carrying Motor Vehicles

40. This rule establishes requirements and limitations for vehicle age, mileage, and condition. In addition, it establishes age and mileage thresholds for annual, semi-annual, and quarterly vehicle inspections. Rule 6117(c) requires that, except for a luxury limousine collector's vehicle, no vehicle shall be more than 15 years old. Rule 6117(d) requires safety inspections be conducted: (1) semi-annually (every six months) once a vehicle reaches an age of eight model years or a mileage of 150,000 miles; and (2) quarterly once a vehicle reaches a mileage of 225,000. Rule 6117(g)(VIII) imposes the condition that a petitioner have owned the vehicle for at least three years prior to seeking a waiver of the 15-year age limit.

41. Mr. Hafer, the CLA, and Mr. Stone filed RRR requesting reconsideration of this rule. Mr. Hafer and the CLA request that we eliminate the quarterly inspections and raise the mileage threshold for semi-annual inspections from 150,000 miles to 300,000 miles. (They do not object to the age threshold of eight model years for semi-annual inspections.) They state that any higher frequency would put a financial burden on carriers, especially with the new

requirement that inspections be performed by ASE-certified mechanics. In addition, the CLA notes that Rule 6105 already requires daily vehicle inspections.

42. Mr. Stone takes issue with the 15-year age limit. He states it would be difficult or impossible to start a party bus company with a large vehicle, as they cost well into the hundreds of thousands of dollars. He adds that vehicle refreshment would be cost prohibitive for large, older, fleets. Lastly, he questions the requirement that a petitioner have owned the vehicle for at least three years prior to seeking a waiver of the age rule.

43. In Decision No. C18-1150, we denied requests to increase the semi-annual inspection threshold to 300,000 and to eliminate the quarterly inspections. We found the age and mileage thresholds as adopted appropriately balance the safety concerns of vehicle age and mileage with the financial burden to carriers of increased inspections. Decision No. C18-1150 at ¶ 69. We further noted there was industry support during the rulemaking proceeding to increase occurrence of inspections if a 15-year age limit was adopted. *Id.* at footnote 4.

44. We find no grounds to reconsider these determinations and therefore we deny the RRR. The 15-year age limit is an across-the-board increase for all carriers. Under the previous rules, vehicles were generally limited to 12 model years old. Taxicab carriers operating in certain areas were limited to ten model years, and in dense metropolitan areas to eight model years. Luxury limousines were limited to ten model years. The age and mileage thresholds in our amended rules for annual, semi-annual, and quarterly vehicle inspections accommodate this overall increase. Vehicles may remain in service longer but are subject to increased safety inspections as they continue to age. Finally, the daily inspections performed by drivers pursuant to Rule 6105, which the CLA refers to, do not substitute for the safety inspections required by Rule 6104, which are more thorough and performed by ASE-certified mechanics.

Rule 6302. Application and Permit

45. This rule outlines the application requirements for limited regulation carrier permits. Subsection (f) of this rule requires that carriers submit vehicle inspections, dated within 180 days, when renewing their annual permit.

46. Mr. Hafer and the CLA filed RRR requesting reconsideration of this rule. They state that requiring inspections to be performed within 180 days of a carrier's renewal application creates an unnecessary financial burden as the carrier may have to obtain another inspection solely for the purpose of renewing its permit. They add that this extra inspection is even more onerous in light of the new requirement that inspections be performed by ASE-certified mechanics.

47. In Decision No. C18-1150 at ¶ 85, we denied exceptions from parties requesting that we eliminate or extend this 180-day limit. We found the 180 days is already a reasonable accommodation and that the rule appropriately balances the need to improve and make more efficient our enforcement efforts (and to comply with statutory requirements) with the resulting requirement of industry of having to adjust their periodic inspection schedules or obtain another inspection. *Id.*

48. We find no cause to reconsider these determinations and therefore we deny the RRR. We again find the 180 days to be a reasonable balance between safety concerns, enforcement efficiencies, and the industry's concerns. Although we recognize this rule may present an initial inconvenience and cost, carriers should only need to adjust their periodic inspection cycle the first year.

Rule 6305. Luxury Limousine***Rule 6305(a) - Definition of “Luxury Limousine”***

49. This rule implements § 40-10.1-301(7), C.R.S., which provides that “luxury limousine” means a chauffeur-driven, luxury motor vehicle as defined by the Commission by rule. Based on a robust rulemaking record on this issue, Rule 6305(a) now defines “luxury limousine” by listing specific qualifying vehicle types (stretched, executive car, executive van, luxury 4-wheel drive, and collector’s vehicle) with certain qualifying characteristics (*e.g.*, four-door sedan manufactured by Cadillac). In addition, the rule contains a safe harbor. It defines as “luxury limousine” any vehicle for which the carrier paid \$50,000 or more, as evidenced by the dealer bill of sale.

50. Mr. Hafer and the CLA filed RRR requesting that we reconsider this rule. Mr. Hafer contends the rule is not precise and questions whether the \$50,000 safe harbor refers to the manufacturer’s suggested retail price (MSRP) or the amount paid. Similarly, the CLA states the rule is not consistent and asks if it refers to MSRP. In addition, the CLA advocates eliminating the vehicle list entirely and using instead simply a requirement of \$40,000 MSRP.

51. We find no grounds to reconsider this rule and therefore we deny the RRR. As we found in Decision No. C18-1150 at ¶ 88, the rulemaking record on this issue of how to define “luxury limousine” is robust. We found in our prior decision and affirm now that this rule adopts a reasonable solution to this contentious issue. We reaffirm that the use of a vehicle list is an appropriate way to implement a definition. Finally, we conclude that the plain language of this rule makes clear that the standard for the safe harbor in subsection (a)(VI) is what the carrier “has paid” for the vehicle, as evidenced by the “bill of sale” and not the MSRP.

Rule 6305(c) - Age Limit and Periodic Safety Inspections

52. This rule imposes a 15-year age limit for luxury limousines. In addition, it establishes vehicle age and mileage thresholds for annual, semi-annual, and quarterly inspections. Like Rule 6117(d), this rule specifies that safety inspections must be conducted: (1) semi-annually once a vehicle reaches an age of eight model years or a mileage of 150,000 miles; and (2) quarterly once a vehicle reaches a mileage of 225,000 miles.

53. As with Rule 6117, Mr. Hafer and the CLA request that we increase the mileage threshold for semi-annual inspections to 300,000 miles and eliminate the quarterly inspections. Again, they raise concern that frequent inspections coupled with the new requirement for ASE-certified mechanics will result in financial burden for carriers. Further, they suggest these periodic inspections are redundant since daily inspections are already required by Rule 6105. Mr. Hafer also reiterates his question of whether drivers must be ASE certified to perform the daily inspections.

54. Consistent with our determination to uphold Rule 6117, we find no grounds to reconsider this rule and therefore we deny the RRR. The 15-year age limit for luxury limousines raises the age limit by 5 years from the previous rule. The semi-annual and quarterly vehicle inspections adopted in these rules ensure that vehicles remain safe for passengers as they continue to age. These changes thus work together to extend the age limit while maintaining safety, as discussed during the rulemaking. *See, e.g., Supplemental Response of Colorado Limousine Association* at p. 3, June 14, 2018 (proposing rules set no age limit, but require semi-annual safety inspections for vehicles older than 10 years old, or in the alternative, proposing rules set a 15-year age limit with increased inspections). Finally, as noted in our discussion of Rules 6103 and 6105, individual drivers need not be ASE certified to perform the

daily inspections, which are intended only to ensure drivers and carriers in multiple-vehicle fleets remain appraised of the general condition of each vehicle.

D. Conclusion

55. Consistent with the discussion above, we find the final rule amendments adopted by Decision No. C18-1150 are reasonable and lawful and we therefore deny the applications for RRR including the request for rehearing. In denying the RRRs, our original Decision No. C18-1150 shall become effective according to its terms.

56. Attachment A to this Decision is the clean version of the rules adopted by Decision No. C18-1150 and the ministerial change noted in paragraph 18. The adopted rules are available as Attachment A through the Commission's E-Filings System in this proceeding (17R-0796TR) at:

[https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0796TR.](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0796TR)

II. ORDER

A. The Commission Orders That:

1. The application for rehearing, reargument, or reconsideration (RRR) of Decision No. C18-1150 filed by Mr. John Hafer of A Custom Coach on January 14, 2019, is denied.

2. The application for RRR of Decision No. C18-1150 filed by Mr. Luke Stone on January 17, 2019, is denied.

3. The application for RRR of Decision No. C18-1150 filed by the Colorado Limousine Association on January 24, 2019, is denied.

4. The application for RRR of Decision No. C18-1150 filed jointly by All Cities Taxi, Green Taxi Cooperative, Freedom Cabs Inc., Denver Taxi, Alpine Taxi Inc., Mile High Cab, and Union Taxi on February 14, 2019, is denied.

5. The opinion of the Attorney General of the State of Colorado shall be obtained regarding the constitutionality and legality of the rules as finally adopted. A copy of the final, adopted rules shall be filed with the Office of the Secretary of State. The rules shall be effective 20 days after publication in *The Colorado Register* by the Office of the Secretary of State.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 27, 2019.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

Commissioners

COMMISSIONER JOHN GAVAN
DISSENTING IN PART.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6 RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

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 cover an array of carriers, including Common Carriers (such as Taxicab, Shuttle and Sightseeing service), Contract Carriers, Limited Regulation Carriers (such as Charter Buses, Children's Activity Buses, Luxury Limousines, Medicaid Client Transport, Off-Road Scenic Charters, and Fire Crew Transport), Transportation Network Companies, Hazardous Materials Carriers, Nuclear Materials Carriers, Towing Carriers, and Movers. These rules address a wide variety of subject areas including, but not limited to: the issuance, extension, transfer, and revocation of Certificates and Permits to operate; public safety including vehicle inspections, hours of service, and insurance requirements; Tariff and time Schedule requirements; record keeping; service standards; Civil Penalties; and the identification, condition, and leasing of Motor Vehicles. In addition, these rules cover Persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504(a), including Motor Carriers, motor private carries, freight forwarders, brokers, leasing companies, and other Persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-7-112 and 113, 40-10.1-101 through 705; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), 42-20-201, et seq., 42-20-501, et seq., and 24-4-104(4), C.R.S.

GENERAL PROVISIONS

6000. Scope and Applicability.

All rules in this Part 6, the "6000" series, shall apply to all Commission proceedings and operations concerning regulated entities providing transportation by Motor Vehicle, unless a specific statute or rule provides otherwise. Rules 6000 – 6099 apply to all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Movers, UCR registrants, Large Market Taxicab Service carriers, and Drivers as defined herein. For Hazardous Materials Carriers and Nuclear Materials Carriers, rule 6010 and the related definitions in rule 6001 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, 6600, and 6700.

6001. Definitions.

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

- (a) "Advertise" means to advise, announce, give notice of, publish, or call attention to by the use of any oral, written, or graphic statement made in a newspaper or other publication, on radio,

television, or any electronic medium, or contained in any notice, handbill, sign (including signage on a vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any article of personal property. § 40-10.1-101(1), C.R.S.

- (b) “Advice Letter” has the same meaning as set forth in paragraph 1004(d) of the Commission’s Rules of Practice and Procedure.
- (c) “Airport Official” means any Person, designated by the airport’s management or administration, who is connected with the operation, maintenance, security or servicing of the airport and identified by an airport identification badge.
- (d) “Annual Report” refers to the information required from Fully Regulated Intrastate Carriers as set forth in rule 6212.
- (e) “Authority” or “Authorities,” except as otherwise defined or contextually required, means a Certificate of Public Convenience and Necessity granted to a Common Carrier or the Permit granted to a Contract Carrier, or an emergency temporary Authority or a temporary Authority issued by the Commission. The Authority specifies the Type of Service, the authorized geographic area of service, and any restrictions limiting the authorized service.
- (f) “AVI” means Automatic Vehicle Identification Tag.
- (g) “Call-and-Demand”, “On Call-and-Demand”, or “Call-and-Demand Service” means the transportation of Passengers by a Common Carrier, but not on a Schedule.
- (h) “CBI” means the Colorado Bureau of Investigation.
- (i) “Certificate of Public Convenience and Necessity”, “Certificate”, or “CPCN” means the Authority issued to a Common Carrier declaring that the present or future public convenience and necessity requires or will require the stated operation.
- (j) “C.F.R.” means the Code of Federal Regulations.
- (k) “Charter Bus,” “Charter Basis,” and “Charter Order” refer to service by a Limited Regulation Carrier and are defined at rule 6301.
- (l) “Charter Service” is different from the service referred to in (k) above. Charter Service is transportation by a Common Carrier on a Call-and-Demand basis. The Passengers are individuals or groups of individuals who share a personal or professional relationship whereby all such individuals are members of the same affiliated group, including a family, business, religious group, social organization, or professional organization. This does not include groups of unrelated individuals brought together by a carrier, Transportation Broker, or other third party.
- (m) “Children’s Activity Bus” means a type of Limited Regulation Carrier as defined in rule 6301.
- (n) “Commercial Motor Vehicle” is defined at paragraph 6101(b).
- (o) “Commission” has the same meaning as set for in paragraph 1004(h) of the Commission’s Rules of Practice and Procedure.
- (p) “Common Carrier” is a public utility as defined in § 40-1-102, C.R.S., and includes the obligation to indiscriminately accept and carry Passengers for Compensation. Common Carrier includes

every Person directly or indirectly affording a means of transportation, or any service or facility in connection therewith, within this state, by Motor Vehicle; except that the term does not include a Contract Carrier as defined by § 40-10.1-101(6), C.R.S.; a Motor Carrier that provides transportation not subject to regulation pursuant to § 40-10.1-105, C.R.S.; a Limited Regulation Carrier defined by § 40-10.1-301, C.R.S.; a Large Market Taxicab Service defined by § 40-10.1-101(9.5) C.R.S.; and a Transportation Network Company defined under § 40-10.1-602, C.R.S.

- (q) "Compensation" means any money, property, service, or thing of value charged or received or to be charged or received, whether directly or indirectly. § 40-10.1-101(5), C.R.S.
- (r) "Contract Carrier" means every Person, who, by special contract, directly or indirectly affords a means of Passenger transportation over any public highway of this state; except that the term does not include a Common Carrier defined in § 40-1-102, C.R.S.; a Limited Regulation Carrier defined in § 40-10.1-301, C.R.S.; a Transportation Network Company defined in § 40-10.1-602, C.R.S.; or a Large Market Taxicab Service defined in § 40-10.1-101(9.5), C.R.S.
- (s) "CPAN" means a Civil Penalty Assessment Notice as defined in rule 6017.
- (t) "Daily Vehicle Inspection Report" or "DVIR" refers to the inspection conducted by the Driver as set forth in rule 6105.
- (u) "DIA" means the Denver International Airport.
- (v) "Driver" means a Person who drives or applies to drive a Motor Vehicle for a Motor Carrier, regardless of whether such Person drives as an employee or Independent Contractor.
- (w) "Driver Qualification File" refers to the information required pursuant to rule 6108.
- (x) "Driver/Vehicle Compliance Report" or "DVCR" refers to the report prepared by an Enforcement Official as set forth in rule 6106.
- (y) "Driving Time" means all time spent at the driving controls of a Motor Vehicle operating in a for-hire capacity.
- (z) "Duplicating or Overlapping Authority" means transportation of the same Common Carrier Type of Service between the same points under two or more separate Authorities which are held by the same Fully Regulated Intrastate Carrier.
- (aa) "Employer" is defined at paragraph 6101(c).
- (bb) "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.
- (cc) "Enforcement Official" means either:
 - (I) any employee or Independent Contractor appointed or hired by the Director of the Commission, or the Director's designee, to perform any function associated with the regulation of transportation by Motor Vehicle; or
 - (II) "Enforcement Official," as that term is defined by § 42-20-103(2), C.R.S.
- (dd) "FBI" means the Federal Bureau of Investigation.

- (ee) "Flag Stop" means a point of service designated by a Common Carrier on its filed Schedule, which point is located between two scheduled points on the scheduled route.
- (ff) "FMCSA" means the Federal Motor Carrier Safety Administration and includes predecessor or successor agencies performing similar duties.
- (gg) "Fully Regulated Intrastate Carrier" means a Motor Carrier that is subject to market entry, economic, operational, and safety regulation by the Commission as a public utility pursuant to Article 10.1 of Title 40, C.R.S. Fully Regulated Intrastate Carriers include Common Carriers, such as Taxicab Carriers, Shuttle Service, formerly known as Limousine Service, Sightseeing Service, or Charter Service, and Contract Carriers.
- (hh) "Golf Cart" means a Golf Cart as defined in § 42-1-102(39.5), C.R.S.
- (ii) "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.
- (jj) "GVWR" means Gross Vehicle Weight Rating, the value specified by the Manufacturer as the loaded weight of a single Motor Vehicle.
- (kk) "Hazardous Materials Carrier" means a Motor Carrier that transports hazardous materials as defined in § 42-20-103(3), C.R.S. and is subject to the permitting requirements of the Commission, as set forth in § 40-20-201, C.R.S., et seq.
- (ll) "Household Goods Mover" or "Mover" refers to a Motor Carrier whose business is the moving of household goods from one location to another, as set forth in § 40-10.1-501, C.R.S., et seq.
- (mm) "Independent Contractor" means "Independent Contractor" as that term is used in Article 11.5 of Title 40, C.R.S.
- (nn) "Intrastate Commerce" means transportation, other than in interstate commerce, for Compensation, by a Motor Vehicle over the public highways between points in Colorado. § 40-10.1-101(9), C.R.S.
- (oo) "Large Market Taxicab Service" means indiscriminate Passenger transportation for Compensation in a Taxicab on a Call-and-Demand basis, within and between points in the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld as defined in § 40-10.1-101(9.5), C.R.S., and is not a Common Carrier.
- (pp) "Letter of Authority" means a document issued by the Commission to a Common or Contract Carrier which describes the permanent Authority granted by the Commission. A Letter of Authority is deemed to provide proof of Commission-granted Common or Contract Carrier Authority.
- (qq) "Limited Regulation Carrier" means a Person who provides service by Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine, Medicaid Client Transport, or Off-Road Scenic Charter as those terms are defined in § 40-10.1-301, C.R.S. and rule 6301.

- (rr) "Live Meter" means any Taxicab Meter that, without intervention from the Driver, automatically calculates changes in rates for Taxicab Service due to waiting time, traffic delay, or changes in the Taxicab's speed.
- (ss) "Low-power Scooter" means low-power scooter as defined in § 42-1-102(48.5), C.R.S.
- (tt) "Low-speed Electric Vehicle" means low-speed electric vehicle as defined in § 42-1-102(48.6), C.R.S.
- (uu) "Limousine Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate, and the use of the Motor Vehicle is not exclusive to any individual or group. Limousine Service is also referred to as Shuttle Service which is defined below. The term Limousine Service is distinguished from the term "Luxury Limousine Service" as used in Article 10.1 of Title 40, C.R.S. and is only used in historical authorities.
- (vv) "Luxury Limousine Carrier" is a type of Limited Regulation Carrier that provides luxury limousine service as defined at rule 6301, using vehicles defined at rule 6305.
- (ww) "Manufacturer" means the final Person modifying the physical structure of a Motor Vehicle, such as the original Manufacturer or a Person subsequently modifying a Motor Vehicle's wheelbase in a Luxury Limousine.
- (xx) "Medicaid Client Transport" is a type of Limited Regulation Carrier defined at rule 6301.
- (yy) "Medicaid Non-emergent Medical Transportation Contract" is defined at rule 6301.
- (zz) "Medicaid Non-medical Transportation Contract" is defined at rule 6301.
- (aaa) "Meter" means a device that calculates charges for Passenger transportation and/or measurement of distance travelled by a Passenger.
- (bbb) "Motor Carrier" has the same meaning as set forth in paragraph 1004(s) of the Commission's Rules of Practice and Procedure and § 40-10.1-101(10), C.R.S.
- (ccc) "Motorcycle" means motorcycle as defined in § 42-1-102(55), C.R.S.
- (ddd) "Motor Vehicle" means any automobile, truck, tractor, motor bus, or other self-propelled vehicle or any trailer drawn thereby. § 40-10.1-101(11), C.R.S.
- (eee) "Multiple Loading" means the sharing of a Taxicab ride, or portion thereof, by unrelated traveling parties.
- (fff) "Nuclear Materials Carrier" means a Motor Carrier that transports nuclear materials as defined in § 42-20-402(3), C.R.S and subject to permitting requirements through the Commission as set forth in § 42-20-501, C.R.S., et seq.
- (ggg) "Off-Road Scenic Charter" means a Limited Regulation Carrier as further defined in rule 6301.
- (hhh) "On Duty" means:

- (I) all time that a Driver is at a facility of the Motor Carrier as well as time waiting to be dispatched while on public property or at a commercial holding lot;
 - (II) all time that a Driver is inspecting, servicing, or repairing a Motor Vehicle;
 - (III) all Driving Time; and
 - (IV) all time a Driver spends sitting at the controls of a Motor Vehicle, performing any other work in the capacity, employ, or service of the Motor Carrier.
- (iii) "Out-of-Service" is a state in which a Driver or Motor Vehicle is placed by an Enforcement Official due to a violation of Commission safety rules or Commercial Vehicle Safety Alliance Out-of-Service criteria. When a Driver is placed Out-of-Service, the Driver shall not operate any Motor Vehicle in a for hire capacity until such time the Out-of-Service violation is cured. When a Motor Vehicle is placed Out-of-Service, the vehicle shall not be operated in a for-hire capacity until such time the Out-of-Service violation is cured.
- (jjj) "Passenger", except as otherwise specifically defined or contextually required, means any Person, other than a Driver, occupying a Motor Vehicle including any assistance animals as defined in § 24-34-803, C.R.S.
- (kkk) "Passenger Carrier" is defined in rule 6114.
- (III) "Permit" means the Permit issued to: a Contract Carrier pursuant to part 2 of Article 10.1 of Title 40, C.R.S.; a Limited Regulation Carrier pursuant to part 3 of Article 10.1 of Title 40, C.R.S.; a Towing Carrier pursuant to part 4 of Article 10.1 of Title 40, C.R.S.; a Household Goods Mover pursuant to part 5 of Article 10.1 of Title 40, C.R.S.; a Transportation Network Company pursuant to part 6 of Article 10.1 of Title 40, C.R.S.; a Large Market Taxicab Service carrier pursuant to part 7 of Article 10.1 of Title 40, C.R.S.; a Hazardous Materials Carrier pursuant to Article 20 of Title 42, C.R.S.; or a Nuclear Materials Carrier pursuant to Article 20 of Title 42, C.R.S.
- (mmm) "Person" has the same meaning as set forth in paragraph 1004(w) of the Commission's Rules of Practice and Procedure and at § 40-10.1-101(15), C.R.S.
- (nnn) "Principal" means a Person who:
- (I) participates directly or indirectly in a firm, partnership, corporation, company, association, joint stock association, or other legal entity taking an action as an entity;
 - (II) is authorized to act on behalf of an entity;
 - (III) participates in the election, appointment, or hiring of Persons that are authorized to act on behalf of an entity; and
 - (IV) through his/her conduct or activity, directly or indirectly controls an entity subject to the Commission's jurisdiction, irrespective of his/her formal title or financial interest in the entity.

Examples of Principals include the owner of a sole proprietorship, a member or manager of a limited liability company, a partner in a partnership, and an officer, director, or shareholder of a corporation.

- (ooo) "Roof Light" means a light attached to the roof or extending above the roofline of a Taxicab for the purpose of displaying information.
- (ppp) "Salvage Vehicle" means a vehicle branded as a Salvage Vehicle by any state, or the insurer of the vehicle as further set forth in § 42-6-102(17), C.R.S.
- (qqq) "Scheduled Service", "On Schedule", or "Schedule" means the transportation of Passengers by a Common Carrier between fixed points and over designated routes at established times as specified in the Common Carrier's Tariff filed with and approved by the Commission.
- (rrr) "Seating Capacity" means the greatest of the following:
- (I) the total number of seats as designed by the original Manufacturer;
 - (II) the total number of seat belts, including the Driver's, in a Motor Vehicle;
 - (III) the number generated by adding:
 - (A) for each bench or split-bench seat, the seat's width in inches, divided by 17 inches, rounded to the nearest whole number;
 - (B) the number of single-occupancy seats, including the Driver's seat if it is not part of a split-bench seat; and
 - (C) for each curved seat, the seat's width in inches measured along the inside arc of the curve, divided by 17 inches, rounded down to the nearest whole number; and
 - (IV) the total number of seating positions within the vehicle.
 - (V) Auxiliary seating positions, such as folding jump seats, shall be counted in determining Seating Capacity.
- (sss) "Shuttle Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis charged at a per-Person rate and use of the Motor Vehicle is not exclusive to any individual or group. Historical Certificates of Public Convenience and Necessity refer to this service as Limousine Service, which is different than Luxury Limousine Service that is provided by a Limited Regulation Carrier.
- (ttt) "Sightseeing Service" means the transportation of Passengers by a Common Carrier on a Call-and-Demand basis originating and terminating at the same point for the sole purpose of viewing or visiting places of natural, historic, or scenic interest.
- (uuu) "Special Bus Service," "Special Bus Transportation", or "Special Bus" is defined in rule 6201.
- (vvv) "Tariff" means a schedule showing all rates and charges to be assessed by a Fully Regulated Intrastate Carrier, for all transportation and accessorial services. The Tariff also discloses all rules and conditions relating its rates and services, and time Schedules as applicable.
- (www) "Taxicab" means a Motor Vehicle with a Seating Capacity of eight or less, including the Driver, operated in Taxicab Service. § 40-10.1-101(18), C.R.S.

- (xxx) “Taxicab Carrier” means a Common Carrier with a Certificate to provide transportation in a Taxicab on a Call-and-Demand basis, with the first Passenger therein having exclusive use of the Vehicle unless said Passenger agrees to Multiple Loading.
- (yyy) “Taxicab Service” means an indiscriminate Passenger transportation service provided by either a Large Market Taxicab Service carrier or a Taxicab Carrier, on a Call-and-Demand basis, with the first Passenger having exclusive use of the Taxicab unless such Passenger agrees to Multiple Loading. § 40-10.1-101(9.5) and (19), C.R.S.
- (zzz) “Towing Carrier” means a Motor Carrier that provides towing of Motor Vehicles pursuant to a Towing Permit granted by the Commission pursuant to part 4 of Article 10.5 of Title 40, C.R.S. and rule 6500, et seq.
- (aaaa) “Transfer” is defined at paragraph 6201(h).
- (bbbb) “Transportation Broker” means a Person, who, for Compensation, arranges, or offers to arrange, for-hire, transportation of Passengers by a Motor Carrier under authority not operated by the Transportation Broker.
- (cccc) “Transportation Network Company” or “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 Taxicab 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. § 40-10.1-602(3), C.R.S.
- (dddd) “Type of Service” means any one of the following services provided by a Common Carrier under its Certificate of Public Convenience and Necessity: Charter, Shuttle, Sightseeing, Taxicab, or Scheduled.
- (eeee) “Unified Carrier Registration Agreement” or “UCR” or “UCR Agreement” refers to all Persons, Motor Carriers, freight forwarders, brokers, leasing companies or other Persons who are required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. 14504(a).
- (ffff) “Vehicle Inspection” refers to the annual or periodic safety inspection of vehicles pursuant to rule 6104.
- (gggg) “Vehicle Maintenance File” refers to the information required by rule 6112.
- (hhhh) “Vehicle Stamp” or “Motor Vehicle Identification Stamp” refers to the stamp issued pursuant to rule 6102 and § 40-10.1-111, C.R.S.

6002. Applications.

Any Person may seek Commission action regarding any of the following matters through the filing of an appropriate application and in compliance with Commission rules on completeness as set forth in paragraphs 1303(b) and (c) of the Commission’s Rules of Practice and Procedure, to do or obtain the following:

- (a) the grant or extension of Authority, temporary Authority, or emergency temporary Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rules 6203 and 6204;
- (b) voluntarily abandon or suspend an Authority to operate as a Fully Regulated Intrastate Carrier, as provided in rule 6205;
- (c) Transfer any Authority to operate as a Fully Regulated Intrastate Carrier, to acquire control of any Fully Regulated Intrastate Carrier, or to merge or consolidate a Fully Regulated Intrastate Carrier with any other entity, as provided in rule 6206;
- (d) amend a Tariff or time Schedule on less than statutory notice, as provided in rules 6208 and 6209;
- (e) convert a Common Carrier Authority for Taxicab or Shuttle Service, in whole or in part, to a Transportation Network Company as provided in § 40-10.1-605(n), C.R.S. and rule 6257;
- (f) permit to operate as a Part 3 Limited Regulation Carrier;
- (g) permit to operate as a Part 7 Large Market Taxicab Service carrier;
- (h) permit to operate as a Part 4 Towing Carrier; or
- (i) permit to operate as a Part 5 Household Goods Mover.

6003. Petitions.

- (a) Any Person may seek Commission action regarding any of the following through the filing of an appropriate petition:
 - (I) for a waiver or variance of a Commission rule, as provided for in rule 1003 of the Commission's Rules of Practice and Procedure by establishing hardship, seeking equity, or a more effective implementation of overall policy on an individual basis;
 - (II) for issuance of a declaratory order, as provided in paragraph 1304(i); or
 - (III) to commence a rulemaking as provided in rule 1306.
- (b) A Person seeking a waiver of rule 6109 (Medical Fitness), rule 6117 (Age and Condition of Motor Vehicle) or rule 6305 (Luxury Limousine Vehicle) shall file a completed petition using the form approved by the Commission and available on its website. Each petition must include the supporting information requested by the Commission-prescribed form. If the petition does not include all the requested information, the Commission may find the petition incomplete, dismiss the petition without prejudice, and close the proceeding.
- (c) The notice and intervention period for petitions that seek a waiver of rule 6117 shall expire ten days from the date the notice was mailed; the notice and intervention period for petitions that seek a waiver of rule 6305 shall expire ten days from the date the notice was mailed.

6004. UCR Registration.

A Person may seek Commission action through the filing of an appropriate registration form for registration in the UCR Agreement, as provided in rules 6400 through 6499.

6005. Naming Requirements, Contact Information, and Changes.

- (a) No Person shall operate under a name or trade name that identifies a transportation service not currently authorized by its Certificate or Permit (e.g., a Limited Regulation Carrier or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name).
- (b) A Motor Carrier is required to provide contact information to the Commission and to notify the Commission in writing of any change of name, 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 all of the affected Motor Carrier's Certificates, Permits, registrations and/or Vehicle Stamps. A notice of name change including trade name changes and trade name additions shall include copies of documents filed with or issued by the Colorado Secretary of State.
 - (I) In the event of a name change or an address change, the Motor Carrier shall comply with all other applicable Commission rules, including but not limited to, rules regarding financial responsibility and Tariffs.
 - (II) No name change shall be effective until proper proof of financial responsibility, as set forth in rule 6008, in the Motor Carrier's new name has been filed with the Commission.
- (c) If a Towing Carrier wishes to begin providing storage for towed Motor Vehicles at a new or additional storage facility, the Towing Carrier shall, prior to using the new or additional storage facility, file with the Commission the storage facility's address and, if one exists, telephone number.

6006. Designation of Agent, Service, and Notice.

- (a) In addition to providing contact information as set forth in rule 6005 above, each Motor Carrier shall file in writing with the Commission, its designation of the name, mailing address, and physical address of a Person upon whom service may be made of any lawful notice, order, process, or demand. The named Person is the Motor Carrier's designated agent for service as provided in these rules and under Colorado statutes. A Motor Carrier shall not designate the Secretary of State of Colorado as its designated agent. The Person designated, if a natural Person, shall be at least 18 years of age. The address and domicile of the Person designated shall be in the state of Colorado.
- (b) Each Motor Carrier 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 Motor Carrier's designated agent, on file with the Commission, shall be deemed to be service upon the Motor Carrier.
- (d) Notice sent to the Motor Carrier's designated agent on file with the Commission shall constitute prima facie evidence that the Motor Carrier received the notice.

6007. Commission's Records, Authority to Inspect Records, Motor Vehicles, and Facilities and to Interview Personnel.

- (a) A Motor Carrier is obligated to ensure the accuracy of any information it provides to the Commission pursuant to these rules. Any information provided pursuant to these rules by a

Motor Carrier for the Commission's files shall be deemed to be accurate until changed by the Motor Carrier.

- (b) Motor Carriers shall maintain all records required by these rules, or as ordered by the Commission, for three years and have the option to maintain the records in electronic format or in their original format.
- (c) UCR registrants shall maintain the records upon which annual registration in the UCR Agreement is based for a period of three years.
- (d) The Motor Carrier must maintain evidence of its Authority or Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (e) An Enforcement Official has the authority to interview personnel of a Motor Carrier and to inspect records, Motor Vehicles used in providing transportation service, and the facilities of a Motor Carrier as follows:
 - (I) immediately for any records required to be maintained in a Motor Vehicle or with the Driver, including towing authorizations, Mover estimates for service, Mover contracts for service, or any records related to insurance or safety;
 - (II) within two days for any records related to a complaint or investigation; or
 - (III) within ten days for all other records.
- (f) When a request under paragraph (e) of this rule meets multiple time periods, the shortest time period shall apply.
- (g) Upon request of an Enforcement Official during business hours, a Motor Carrier shall immediately make its facilities available for inspection.
- (h) Upon request by an Enforcement Official, a Motor Carrier, including its Drivers, shall immediately make its Motor Vehicles available for inspection and shall assist, if requested, in the inspection of such equipment.
- (i) Upon request by an Enforcement Official, Motor Carrier personnel and Drivers shall be available for interview during business hours.
- (j) No Motor Carrier shall make or cause to be made fraudulent or intentionally false statements or records to the Commission or Commission staff.
- (k) No Person shall knowingly falsify, destroy, mutilate, change, or cause falsification, destruction, mutilation, or change to any record subject to inspection by the Commission.
- (l) No Motor Carrier, its agents, or its representatives, shall produce or retain false records or records the Motor Carrier, its agents, or its representatives knew or should have known to be false or inaccurate. The Motor Carrier shall be responsible for the accuracy of the records it retains and produces.

6008. Financial Responsibility.

- (a) Financial responsibility requirements.

- (I) Motor Vehicle liability coverage. Every Motor Carrier shall obtain and keep in force at all times commercial Motor Vehicle liability insurance coverage or a surety bond providing coverage that conforms to the requirements of this rule. Motor Vehicle liability means liability for bodily injury and property damage. Coverage shall be combined single limit liability. The minimum level for public entities, as defined in § 24-10-103(5), C.R.S., shall be the maximum amount pursuant to § 24-10-114(1), C.R.S. The minimum levels for all other Motor Carriers shall be:

Type of Carrier	Vehicle Seating Capacity or GVWR	Minimum Level
Motor Carriers of Passengers	8 or less	\$ 500,000
	9 through 15	\$1,500,000
	16 through 32	\$3,000,000
	33 or more	\$5,000,000
Public Entities	Any	The maximum amount per § 24-10-114(1), C.R.S.
Movers	10,000 pounds or more GVWR	\$ 750,000
	Less than 10,000 pounds GVWR	\$ 300,000
Towing Carriers	Any GVWR	\$ 750,000

- (II) To demonstrate proof of commercial Motor Vehicle liability coverage, all Common Carriers, Contract Carriers, Limited Regulation Carriers, Towing Carriers, Household Goods Movers, and Large Market Taxicab Service carriers shall cause one of the following to be filed with the Commission: a Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, a Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond, or a certificate of self-insurance issued pursuant to §§ 10-4-624 and 42-7-501, C.R.S., or part 387 of 49 C.F.R.
- (A) The applicable Form E or Form G shall be executed by a duly authorized agent of the insurer or surety.
- (B) Upon renewal of the certificate of self-insurance, the Common Carrier, Contract Carrier, Limited Regulation Carrier, Household Goods Mover, Towing Carrier or Large Market Taxicab Service carrier shall file with the Commission a copy of the most current version of such certificate of self-insurance.
- (III) Cargo liability coverage. Every Mover and Towing Carrier shall obtain and keep in force at all times cargo liability insurance coverage or a surety bond providing coverage that conforms to the requirements of this rule. Cargo liability coverage for a Towing Carrier

shall include coverage of physical damage to the Motor Vehicle in tow (on hook) and loss of its contents.

- (A) For Towing Carriers, the cargo liability coverage shall provide coverage to the extent of the Towing Carrier's legal liability for loss or damage to the property of any Persons other than the insured, which is carried in, upon, or attached to the towing vehicle and/or its trailers or dollies operated by, or for, or under the control of the Towing Carrier.
 - (B) For Movers, the minimum level of cargo liability coverage shall be \$10,000.00 for loss of or damage to household goods carried on any one Motor Vehicle, or sixty cents (\$0.60) per pound per article, whichever is greater. By way of example, "article" means a desk, but not each individual drawer of the desk.
 - (C) All Movers and Towing Carriers shall cause a Form H, Uniform Motor Carrier Cargo Certificate of Insurance, or a Form J, Uniform Motor Carrier Cargo Surety Bond, to be filed with the Commission. For a Towing Carrier, a Colorado Form 12-INS, Towing Carrier Cargo Liability Insurance Certificate may be used in lieu of the Form H. The applicable form shall be executed by a duly authorized agent of the surety.
- (IV) Garage keeper's liability coverage. Towing Carriers providing storage, directly or through an agent, shall obtain and keep in force at all times garage keeper's liability insurance coverage.
- (A) 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, other than the insured, which is stored by the Towing Carrier directly or through an agent.
 - (B) All Towing Carriers shall cause a Colorado Form 14-INS, Garage Keepers Legal Liability Certificate of Insurance, to be filed with the Commission.
- (V) Workers' compensation insurance coverage. Every Towing Carrier shall obtain and keep in force at all times workers' compensation insurance coverage in accordance with § 40-10.1-401(3), C.R.S., the "Workers' Compensation Act of Colorado" found in articles 40 to 47 of Title 8, C.R.S., and the rules set forth by the Department of Labor and Employment, Division of Workers' Compensation.
- (A) If workers' compensation insurance coverage is required, the Towing Carrier shall cause proof of coverage to be filed and maintained with the Commission on a Commission prescribed Form WC in lieu of the original policy.
 - (B) If a Person has proof of workers' compensation insurance coverage on file with the Commission, there shall be a rebuttable presumption that the Person is required to maintain such insurance.
 - (C) If workers' compensation insurance coverage is not required, the Towing Carrier shall cause:
 - (i) for corporations or limited liability companies, a completed Colorado Department of Labor and Employment, Division of Workers'

Compensation Form WC43 including a part B for each Person listed on part A; or

- (ii) for other Towing Carriers, a statement that workers' compensation insurance coverage is not required.
- (VI) General liability coverage. In addition to the Motor Vehicle liability coverage and, the cargo liability coverage, set forth above, every Mover shall obtain and keep in force at all times general liability insurance coverage, or surety bond, providing coverage of not less than \$500,000.00. For purposes of this subparagraph, "general liability" means liability for bodily injury and property damage. All Movers shall cause a Colorado Form GL, General Liability Certificate of Insurance to be filed with the Commission.
- (b) The Motor Carrier shall ensure that insurance or surety bond coverage:
- (I) is provided only by insurance or surety companies authorized to provide such coverage in the state of Colorado; or, for self-insurance, is provided in accordance with §§ 10-4-624 and § 42-7-501, C.R.S.;
 - (II) is not less than the minimum limits set forth under paragraph (a) of this rule;
 - (III) covers all Motor Vehicles which may be operated by or for the Motor Carrier, or which may be under the control of the Motor Carrier, regardless of whether such Motor Vehicles are specifically described in the policy or amendments or endorsements thereto;
 - (IV) provides for the payment of benefits by the insurance or surety bond company directly to parties damaged by the Motor Carrier on a "first dollar"/"dollar one" basis;
 - (V) if the coverage contains a retained risk provision, such provision shall obligate the insurance or surety company to pay the party damaged by the Motor Carrier regardless of the level of funds in the retained risk pool; and
 - (VI) does not permit a Motor Carrier to pay insurance or surety benefits directly to a party damaged by said Motor Carrier; except that nothing in this subparagraph shall preclude a damaged party from settling a claim for loss or damage prior to making a claim against the Motor Carrier's insurance or surety policy.
- (c) The provisions of subparagraphs (IV) through (VI) of paragraph (b) do not apply to Motor Carriers with regard to proof of self-insurance pursuant to 49 C.F.R. 387, if applicable, and §§ 10-4-624 and 42-7-501, C.R.S. The provisions of subparagraphs (III) through (VI) of paragraph (b) do not apply to workers' compensation requirements for Towing Carriers pursuant to § 40-10.1-401(3), C.R.S.
- (d) The Motor Carrier shall retain each original insurance or surety policy for required coverage and keep a copy of its proof of Motor Vehicle liability coverage in each Motor Vehicle that it operates.
- (e) The Motor Carrier's failure to have proof of liability coverage or compliance with workers' compensation insurance requirements, on file at the Commission, as required by this rule, shall constitute a rebuttable presumption that the Motor Carrier is in violation of the requirements of this rule.

- (f) The Motor Carrier shall ensure that the policy and forms noted in this rule contain the Motor Carrier's exact name, trade name (if any), and address as shown in the records of the Commission.
- (g) Any change affecting the policy, including but not limited to a cancellation or change rating or premium, and the information contained in forms noted in this rule (e.g., name, address, or policy number) shall be filed with the Commission on an appropriate endorsement or amendment within seven days of receipt.
- (h) The proof of minimum levels of financial responsibility required by this rule is public information and may be obtained from the Commission.
- (i) Except as provided in paragraph (j) of this rule, each certificate of insurance and/or surety bond required by and filed with the Commission shall be kept in full force and effect unless and until canceled or not renewed upon 30-days advance written notice, on a Form K Uniform Notice of Cancellation of Motor Carrier Insurance Policies, a Form L Uniform Notice of Cancellation of Motor Carrier Surety Bonds, Form BMC 35, or Form BMC 36, as applicable, from the insurer or surety to the Commission. The 30-day cancellation or non-renewal notice period shall commence on the date the notice is received by the Commission. In lieu of the prescribed form, the insurer or surety may cancel or not renew a certificate of insurance and/or surety bond by letter to the Commission containing the same information as required by such form.
- (j) 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 canceled. For purposes of this paragraph, type of coverage means those listed in paragraph (a) of this rule, and category of coverage means primary coverage or excess coverage.
 - (II) When the Commission grants an application filed by a Fully Regulated Intrastate Carrier, or receives notice from any other type of Motor Carrier to cancel all of its Authorities and Permits, all certificates of insurance and/or surety bond for the Motor Carrier shall be administratively canceled.
 - (III) When a Permit expires or is canceled or revoked, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.
 - (IV) When a Contract Carrier Permit or Certificate is suspended, revoked or abandoned, all certificates of insurance and/or surety bonds for the Motor Carrier may be administratively canceled.

6009. Summary Suspension and Revocation for Lack of Financial Responsibility/Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Motor Carrier's or a Nuclear Materials Carrier's required insurance or surety coverage, except for garage keeper's coverage, is or will be canceled and the Commission has no proof on file indicating replacement coverage, the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Authority or Permit.

- (b) Whenever Commission records indicate that a Towing Carrier's workers' compensation insurance coverage is or will be canceled and the Commission has no proof on file indicating replacement coverage, or documentation filed demonstrating that coverage is not required, in accordance with rule 6008 the Commission shall, pursuant to §§ 24-4-104(4) and 40-10.1-112(3), C.R.S., summarily suspend such Permit.
- (c) 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.
- (d) The summary suspension shall be effective on the date of coverage cancellation.
- (e) The Commission shall notify the Motor Carrier or Nuclear Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation, and the effective date of such cancellation;
 - (II) that its Authority or Permit is summarily suspended as of the coverage cancellation date;
 - (III) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date;
 - (IV) that the Commission has initiated a proceeding to revoke its Authorities or Permits;
 - (V) that it may submit, at a hearing convened to determine whether its Authorities or Permits should be revoked, written data, views, and arguments showing why such Authorities or Permits should not be revoked; and
 - (VI) the date, time, and place set for such hearing.
- (f) Until proper proof of insurance or surety coverage, or documentation demonstrating that coverage is not required as to workers' compensation insurance coverage, is filed with the Commission, a Motor Carrier or Nuclear Material Carrier receiving notice of summary suspension shall not, under any of its Authorities or Permits, conduct operations after the effective date of such summary suspension.
- (g) If the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required prior to the hearing, the summary suspension will be dismissed without further order of the Commission, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (h) After the hearing and prior to a final decision by the Commission, if the Commission receives proper proof of coverage or documentation that workers' compensation insurance coverage is not required, the Commission shall dismiss the summary suspension, even if there is a lapse in coverage. However, operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (i) After the hearing and upon proof of violation of the financial responsibility requirements by a final Commission decision, the Authority or Permit will be revoked.
- (j) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6010. Automatic and Immediate Revocation of Permit of Hazardous Material Carrier for Lack of Financial Responsibility/ Failure to Maintain Insurance Coverage.

- (a) Whenever Commission records indicate that a Hazardous Materials Carrier's insurance or surety coverage is canceled and the Commission has no proof on file indicating replacement coverage, the Permit is automatically revoked pursuant to § 42-20-202(2)(a), C.R.S.
- (b) The Commission shall notify the Hazardous Materials Carrier:
 - (I) that the Commission is in receipt of insurance or surety cancellation and the effective date of the cancellation; and
 - (II) that it shall not conduct operations under any of its Authorities or Permits after the coverage cancellation date.
- (c) Operations performed during lapses in coverage are subject to Civil Penalty Assessments.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6011. Summary Suspension and Revocation for Violation of Commission Rule or Order or for Endangering Public Health, Safety and Welfare.

- (a) The Commission may summarily suspend a Motor Carrier's Certificate or Permit in accordance with § 24-4-104(4), C.R.S., and pursuant to the following process.
 - (I) When Commission staff has objective and reasonable grounds to believe that a Motor Carrier has willfully and deliberately violated Commission rules or applicable statutes, based on a reasonable ascertainment of the underlying facts on which this action is based, or that the public health, safety, or welfare imperatively requires emergency action, the Director of the Commission may issue a letter incorporating such findings that summarily suspends the Motor Carrier's Certificate or Permit.
 - (II) "Willful and deliberate," for purposes of this rule, means a deliberate, voluntary, or intentional action or inaction that is in violation of the applicable rules, statutes, or any other lawful order. Willful and deliberate acts include: the same or similar action for which a Person has already been warned; reckless or dangerous action; action done without regard to the consequences or the rights or safety of others; fraudulent action; conduct without the proper authority or engaging another Person who performs without the proper authority.
 - (III) The letter of summary suspension by the Director of the Commission and the notice of hearing shall be served on the Motor Carrier along with supporting information.
 - (IV) Unless otherwise requested by the Motor Carrier, an Administrative Law Judge (ALJ) shall promptly hold a hearing no later than ten days after the Director of the Commission's letter of summary suspension was served on the Motor Carrier. The ALJ will expedite the issuance of a decision after hearing.
- (b) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction or disqualification authorized by law.

6012. Revocation of Limited Regulation Permits, Towing Permits, Household Goods Mover Permits for Failure to Pay Civil Penalty.

- (a) When a Motor Carrier operating under a Limited Regulation Carrier Permit issued pursuant to Part 3 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (b) When a Motor Carrier operating under a Towing Carrier Permit issued pursuant to Part 4 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director may be disqualified from applying for a Permit for 60 months from the date the penalty payment was due.
- (c) When a Motor Carrier operating under a Household Goods Mover Permit issued pursuant to Part 5 of Title 40, Article 10.1, C.R.S., fails to pay a Civil Penalty imposed by a final decision of the Commission within the time prescribed for payment, the Permit is revoked immediately. The Motor Carrier, any owner, Principal, officer, member, partner, or director of the Motor Carrier; and any other entity owned or operated by that owner, Principal, officer, member, partner, or director are disqualified from applying for a Permit for 36 months from the date the penalty payment was due.
- (d) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law.

6013. Period of Ineligibility.

- (a) In addition to the periods of ineligibility under rule 6012, a Motor Carrier whose Certificate or Permit is revoked shall be ineligible to be issued another Certificate or Permit for at least one year from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (b) A Motor Carrier whose Certificate or Permit is revoked more than twice shall be ineligible to be issued another Certificate or Permit for at least two years from the date of such revocation or for such additional period of time as required by statute or as the Commission may in its discretion determine to be appropriate.
- (c) In the case of an entity other than an individual, such period of ineligibility shall also apply to all Principals, members, owners, managers, officers, and directors of the entity, without regard to capacity in the same or different entity during the period of ineligibility.
- (d) Paragraphs (a) and (b) shall not apply to revocations that are solely the result of failure to maintain the financial responsibility requirements of rule 6008, unless the Motor Carrier knowingly operated without the required financial responsibility.
- (e) Any action taken pursuant to this rule is in addition to and not in lieu of any other Civil Penalty, sanction, or disqualification authorized by law. To the extent that there is a conflict between this rule and the periods set forth in rule 6012, the longer period of disqualification shall apply.

6014. Prohibited Credit Card Fees.

Motor Carriers and Drivers are prohibited from imposing a surcharge on any Passenger or customer who uses a credit or charge card in lieu of payment by cash as set forth in § 5-2-212, C.R.S. The Civil Penalty is the greater of \$225 or two times the amount of the improper charge.

6015. Exterior Vehicle Markings, Signs, Graphics and Roof Lights.

- (a) All Motor Vehicles, with the exception of Luxury Limousines which are covered by rule 6303, must have external markings as detailed below. The markings must:
 - (I) appear on both sides of vehicles or on the front and back of the vehicle;
 - (II) be in letters that contrast sharply in color with the background on which the letters are placed;
 - (III) be readily legible during daylight hours from a distance of 50 feet, but in no case be less than three inches tall;
 - (IV) be maintained in a manner that retains the legibility required above;
 - (V) display the name or a trade name as set forth in the Motor Carrier's Certificate(s), Contract Carrier Permit(s), Limited Regulation Permit(s) (Charter Bus, Children's Activity Bus, Fire Crew Transport, Medicaid Client Transport, and Off-Road Scenic Charter); Large Market Taxi Permit(s); Household Goods Permit(s); or Towing Carrier Permit(s);
 - (VI) display the letter and/or number designation of the Motor Carrier's Certificate(s) and or Permit(s), as applicable, preceded by the letters "CO PUC" or "PUC;" and
 - (VII) either be permanently affixed on the Motor Vehicle or consist of a removable device.
- (b) Subparagraphs (a)(V) and (a)(VI) shall not apply to a Commercial Motor Vehicle that is subject to 49 U.S.C. § 14506 regarding restrictions on identification of vehicles.
- (c) Roof Lights. Except as otherwise required by law, only a Taxicab operated by a Common Carrier under an Authority to provide Taxicab Service or a Large Market Taxicab Service may have a Roof Light. In lieu of a Roof Light, a digital light providing identifying information may be installed on the condition that it is placed in the front and rear windshield and does not obstruct the Driver's view.
- (d) A Motor Carrier shall remove all markings, including Roof Lights, required or authorized by this rule from a Motor Vehicle that the Motor Carrier is permanently withdrawing from service.

6016. Restrictions on Offering or Advertising Transportation Service.

- (a) No Person shall offer to provide a transportation service without an Authority or Permit to provide such service.
- (b) Advertising to arrange transportation service as a Transportation Broker is not an offer to provide transportation service; rather, it is an offer to broker transportation service. A Person shall be presumed to have offered transportation service if the Person has not disclosed the fact that the services are being arranged by a Transportation Broker.

- (c) Advertising to provide transportation service or advertising transportation service other than by brokerage is an offer to provide the advertised service.
- (d) No Motor Carrier, or any officer, agent, employee, or representative of said carrier, shall offer a transportation service in a name, to the character, other than a name appearing on said carrier's Authority or Permit (e.g., A and B Transportation violates this rule when advertising as A & B Transportation).
 - (I) If a Motor Carrier operates its Authority or Permit under a trade name, nothing in this paragraph shall be construed to require advertising under all names appearing on said carrier's Authority or Permit.
 - (II) If a Motor Carrier holds an Authority or Permit under more than one trade name, nothing in this paragraph shall be construed to require said carrier advertise under all the trade names.
- (e) Each advertisement of a Mover shall include the phrase "CO PUC Mover Permit No. [HHG Permit number]" and the physical address of the Mover.
- (f) Each advertisement of a Towing Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC. [T- Permit number]" of the Towing Carrier.
- (g) Each advertisement of a Luxury Limousine Carrier in any newspaper or other publication, on radio, television, or any electronic medium, including more than the name and telephone number of the Carrier shall include the phrase "PUC [LL- Permit number]".

CIVIL PENALTIES

6017. Definitions

The following definitions apply to rules 6018 and 6019, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Civil Penalty" means any monetary penalty assessed against a Person as the result of violations of statutes in Articles 7 and 10.1 of Title 40, C.R.S., and violations of the safety regulations published in 49 C.F.R. 382 (Controlled Substances and Alcohol Use and Testing); 392 (Driving Commercial Vehicles); 395 (Hours of Service) and 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.

- (b) “Civil Penalty Assessment” means the act by the Commission of imposing a Civil Penalty against a Person subject to these rules after that Person has admitted liability or has been adjudicated by the Commission to be liable for violations of Articles 7 or 10.1 of Title 40, C.R.S., or 49 C.F.R. 386, Commission rules, and Commission orders.
- (c) “CPAN” means the written document by which a Person subject to these rules is given notice of an alleged violation. Pursuant to § 40-7-116, C.R.S., a CPAN may be issued by an Enforcement Official of the Commission, the Colorado State Patrol, or a Port of Entry Officer.
- (d) For purposes of this rule, an Enforcement Official includes the Colorado State Patrol and a Port of Entry Officer, authorized by § 40-7-116, C.R.S.

6018. Maximum Civil Penalties, without Statutory Enhancement.

- (a) The Director of the Commission, his or her designee, or an Enforcement Official have the authority to issue CPANs for violations of Article 10.1 of Title 40, C.R.S., Article 7 of Title 40, C.R.S. as well as 49 C.F.R. 386, subpart G and the relevant appendices as they existed on January 1, 2017.
- (b) The CPAN shall separately state for each violation the maximum penalty amount provided. In addition, the CPAN shall include the amount of the surcharge, if any, imposed pursuant to § 24-34-108(2), C.R.S., the amount of the penalty enhancement pursuant to § 40-7-113(2) and (3), C.R.S., as set forth in rule 6019, if any, and shall also provide for a reduced penalty of 50 percent of the penalty amount sought if the penalty is paid within ten days after the CPAN is tendered.
- (c) The Person cited for an alleged violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c), C.R.S. or may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.
- (d) Pursuant to § 40-10.1-114, C.R.S. each occurrence of a violation and each day that a violation continues shall constitute a separate violation and is subject to a separate Civil Penalty.
- (e) An admission to, or Commission adjudication of, a liability for a violation of the following may result in the assessment of a Civil Penalty up to the amount specified in the statute, 49 C.F.R. 386, subpart G or in these rules as follows:

Citation	Description	Maximum Penalty Per Violation
§ 40-7-113, C.R.S. Rule 6008	Financial responsibility/Motor Vehicle liability coverage	\$11,000
§§ 40-10.1-201(1) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Common Carrier in Intrastate Commerce without first having obtained a CPCN from the Commission or operating of violation of the Certificate	\$1,100

§§ 40-10.1-202(1)(a) and 40-7-113(1), C.R.S. Rules 6202 and 6204	Operating or offering to operate as a Contract Carrier in Intrastate Commerce without first having obtained a Permit for such operations from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-302 and 40-7-113(1), C.R.S. Rule 6302	Operating or offering to operate a Charter Bus, Children's Activity Bus, Fire Crew Transport, Luxury Limousine Carrier, Medicaid Client Transport, or Off-Road Scenic Charter in Intrastate Commerce without first having obtained a Permit from the Commission or operating in violation of the Permit	\$1,100
§§ 40-10.1-205 and 40-7-113(1), C.R.S. Rule 6206	Transferring a Certificate or Permit or the rights obtained under said Certificate or Permit prior to obtaining authorization from the Commission	\$1,100
Rule 6007	Violation of record keeping rule or refusal to make records, facilities, personnel, or Drivers available for interview	\$1,100
Rules 6105, 6106, and 6116	Failure to abide by Out-of-Service orders	\$1,100
Rules 6106, 6107, 6109 6114, and 6116	Requiring or permitting a Person, who does not meet the Driver minimum qualification, to act as a Driver	\$1,100
Rule 6110	Violation of hours of service requirements.	\$1,100
Rule 6111	Failure to maintain digital log system and dispatch system	\$1,100
Rules 6208 and 6209	Failure to have Tariffs or time Schedules on file and or failure to operate pursuant to the Tariffs or time Schedules	\$1,100
Rule 6306	Providing Luxury Limousine Service or service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis	\$1,100
Rule 6015	Improper use of exterior vehicle markings, signs, graphics or Roof Light	\$500
Rule 6016	Violating the restrictions on offering or Advertising transportation services	\$500
Rule 6212	Failure to file an Annual Report on or before April 30 of each year	\$500

Rule 6253	Failure to maintain and retain true and accurate trip records, for a period of one year	\$500
Rule 6106(a)(II)(C)	Failure to return the completed DVCR to the Commission at the address shown on the DVCR	\$500
Rule 6105	Requiring or permitting a motor vehicle to be used or operated without the completion of a Daily Vehicle Inspection Report and/or failure to maintain the Vehicle Maintenance File	\$500
Rule 6112	Requiring or permitting a Motor Vehicle to be used or operated without maintaining a Vehicle Maintenance File	\$500
Rule 6113	Failure to maintain accident registry and to submit information to Commission	\$500
Rule 6306	Failure to comply with Charter Order requirements.	\$500
Rule 6210	Failure to comply with contract requirements of the Permit	\$500
§ 40-10.1-111 (2), C.R.S.	Failure to pay filing, issuance and annual fees	\$400
§ 40-7-113(1)(e), C.R.S. Rule 6102	Failure to comply with annual Motor Vehicle Identification Stamp fee, Vehicle Stamp and Registry	\$400
Rule 6005	Failure to maintain accurate contact information with Commission	\$225
Rule 6006	Failure to maintain current registered agent with Commission	\$225

Rule 6103	Failure to use ASE mechanic to conduct safety inspection	\$225
Rule 6108	Failure to maintain Driver Qualification File	\$225
Rule 6113	Failure to maintain accident registry	\$225
Rule 6114(c), (d), (e), (i) and (j)	Fingerprint-based Criminal History Record Checks	\$225
Rule 6014	Improper credit card charges	Greater of \$225 or two times the amount of the charge.
Rule 6254	Overcharging in flat rate zones	\$225
Rule 6211	Refusal of service	\$225
Rule 6256 and 6304	Failure to display Taxicab license plate and or livery license plate	\$225
Rule 6303	Failure display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the age or type of vehicle requirements	\$225

	Any other violation of these rules	\$225
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6019. Doubling and Tripling of Civil Penalties.

- (a) The Commission may assess doubled penalties for similar violations within 24 months pursuant to § 40-7-113(3), C.R.S., as follows:
 - (I) the Person has admitted liability by paying a previous Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the doubled Civil Penalties are sought violates the same statute, rule or order; and
 - (III) the conduct for which the doubled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.
- (b) The Commission may assess tripled penalties for similar violations occurring three times within 24 months pursuant to § 40-7-113(4), C.R.S., as follows:
 - (I) the Person has admitted liability by paying the Civil Penalty or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted a violation of Articles 7 or 10.1 of Title 40, C.R.S., and/or 49 C.F.R. 386, subpart G and associated appendices to part 386 as the subpart existed in January 1, 2017, and/or a Commission rule or order;
 - (II) the conduct for which the tripled Civil Penalties are sought violates the same statute, rule or order as conduct for which the Person has admitted liability by paying the Civil Penalty or conduct for which the Person has been adjudicated by the Commission in an administratively final written decision to be liable; and
 - (III) the conduct for which the tripled Civil Penalties are sought occurred within 24 months after previous payment or adjudication.
- (c) Doubled and tripled penalties may be sought in the same CPAN.
- (d) Nothing in these rules shall affect the Commission's ability to pursue other remedies in lieu of or in addition to, issuing Civil Penalties.

6020. Report by Commission Staff.

At least once every twelve months, or more frequently if requested by the Commission, the Commission staff shall provide a report to the Commissioners and to the Director of the Commission of the financial results (for Fully Regulated Intrastate Carriers), the operational performance of Motor Carriers regulated

by these rules as well as the enforcement and compliance actions taken by Enforcement Officials. The first report is due July 1, 2019. The financial and operational report shall include the following:

- (a) number of existing and new Certificates and Permits (by type) issued in the current year as well as the previous four years by Type of Service and geographical area;
- (b) total amount of revenue as reported on the Annual Report for the current year and the previous four years for each Common Carrier as well as revenue in the main geographic areas of the state;
- (c) number of trips to Denver International Airport and revenue generated for the current year and each of the last four years for each of the Common Carriers or Contract Carriers or Large Market Taxicab Service providers;
- (d) total number of Motor Vehicle Identification Stamps issued for the current year and for each of the previous four years as well as the amount of annual revenue generated from the stamps;
- (e) the total number of UCR Plan registrations each year as well as the previous four years;
- (f) number of Authorities suspended, revoked, or abandoned in the current year and each of the previous four years and a summary of the reasons for such status;
- (g) number of Permits (but not Contract Carrier permits) expired, canceled, or revoked in the current year and each of the previous four years;
- (h) number of vehicle inspections conducted by Enforcement Officials in the current year and each of the previous four years by type (vehicles 10,000 pounds or less and 15 Passenger or less and Commercial Vehicles 10,001 pounds or more and 16 Passengers or more) and a summary of the types of deficiencies noted;
- (i) safety and compliance reviews for the current year and each of the past four years; investigations opened and closed;
- (j) number of CPANs issued (by type) and the amount collected for the current year and each of the previous four years;
- (k) refunds to customers for current year and each of the past four years;
- (l) violation warnings issued for current year and each of the past four years;
- (m) number of petitions for age waivers for each year and the previous four years, action taken by the Commission, and age of vehicles and mileage for petitions granted and denied;
- (n) recommendations as to what if any changes should be made to the current rules of the Commission; and
- (o) recommendations as to the priority for the type of enforcement actions for the next year.
- (p) The report shall be provided to each of the Commissioners and the Director and shall be posted on the website of the Commission.

6021. – 6099. [Reserved].

SAFETY RULES

6100. Applicability of Safety Rules.

One of the most important obligations of the Commission is to require that any Motor Carrier abide by reasonable safety requirements so that the traveling public is safe.

- (a) Rules 6100 through 6199 apply to:
 - (I) Common Carriers, Contract Carriers, Limited Regulation Carriers, Large Market Taxicab Service carriers; and
 - (II) Drivers (whether as employees or Independent Contractors), employees, and Motor Vehicles of the Motor Carriers listed in subparagraph (a)(I).
- (b) Motor Carriers that operate Commercial Motor Vehicles as defined by 49 C.F.R. 390.5, or the modifications of the Colorado State Patrol, are subject to the rules found in title 49 of the Code of Federal Regulations and the rules adopted by the Colorado State Patrol; 49 C.F.R. 382 (Controlled Substances); 391.41 (Physical Qualifications for Drivers); 392 (Driving); 395 (Hours of Service); 396 (Vehicle Inspection Repair and Maintenance); and/or 49 C.F.R. 386 subpart G (Penalties) and associated appendices to part 386 as these subparts existed in January 1, 2017, which are incorporated by reference. The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov/regulations.
- (c) Rule 6008 (Financial Responsibility) is a safety rule to provide benefits to the traveling public and is incorporated into these safety rules.

6101. Definitions.

In addition to the definitions in rule 6001, and those incorporated from federal law in this section, the following definitions apply to all Motor Carriers subject to these safety rules:

- (a) "Commission" means the Public Utilities Commission of the state of Colorado. Any reference to the United States Department of Transportation, the FMCSA, or any other federal agency in any provision of the Code of Federal Regulations adopted by reference in these safety rules shall be construed to refer to the Commission.
- (b) "Commercial Motor Vehicle" means a self-propelled or towed vehicle used in commerce on the public highways and is operated by a Fully Regulated Intrastate Carrier or a Limited Regulation Carrier that: has a Manufacturer's Gross Vehicle Weight Rating or Gross Combination Weight Rating of at least 10,001 pounds or is designed or used to transport more than 15 Passengers including one Driver. 49 C.F.R. 390.5.

- (c) "Employer" means a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, in addition to the definition found in 49 C.F.R. 390.5.

6102. Annual Motor Vehicle Identification Fees and Vehicle Registry.

- (a) Every Motor Vehicle operated by a Motor Carrier pursuant to its Authority or Permit must obtain and display a Motor Vehicle Identification Stamp.
- (b) To obtain the Motor Vehicle Identification Stamp, the Motor Carrier shall:
- (I) pay to the Commission an annual fee before the first day of January of each calendar year, for each Motor Vehicle that such Motor Carrier owns, controls, operates, or manages within the state of Colorado as set forth in § 40-10.1-111, C.R.S.; and
 - (II) provide to the Commission, on a Commission prescribed form or through a Commission provided electronic Motor Vehicle registry, the identification of the vehicle to which the Vehicle Stamp will be placed and shall include the Manufacturer, type, model, model year, the vehicle identification number or VIN, license plate number, mileage, date of purchase and if applicable the automatic vehicle identification tag. The Motor Carrier shall also list and describe all structural modifications made to the Motor Vehicle, including the date and reason.
- (c) The Commission shall provide public notice on the Commission's website at least 60 days prior to the effective date of such annual fee.
- (d) If the Motor Carrier does not own the vehicle or know all the information in paragraph (b) above at the time of purchase of the Vehicle Stamp, the Motor Carrier shall have 60 days from the purchase of the Vehicle Stamp to provide the information to the Commission. If the Motor Carrier does not provide the information in paragraph (b) above within 60 days, the Vehicle Stamp shall be canceled and the Motor Carrier is not entitled to a refund of the amount paid.
- (e) If the Motor Carrier is required to place an automatic vehicle identification tag on the vehicle by DIA or any other airport or tolling authority, the Motor Carrier shall, within 30 days of obtaining the transponder, provide the identifying number of the transponder to the Commission for each vehicle used by the Motor Carrier.
- (f) A Motor Carrier that obtains an Authority or Permit during the calendar year shall, unless the Commission orders otherwise, pay the annual fee at the time of obtaining the Authority or Permit.
- (g) A Motor Carrier that acquires one or more additional Motor Vehicles during the calendar year shall pay the annual fee and provide the information required by this rule, prior to placing the additional vehicle(s) into service.
- (h) A Vehicle Stamp is valid only for the calendar year for which it is purchased.
- (i) A Motor Carrier shall not operate a Motor Vehicle unless it has affixed a valid Vehicle Stamp to the inside lower right-hand corner (Passenger side) of the Motor Vehicle's windshield. In the alternative, the Vehicle Stamp may be affixed to the right Passenger side window of the Motor Vehicle so long as the Vehicle Stamp does not interfere with the Driver's use of the right-hand outside mirror.

- (j) A Motor Carrier may request a replacement Vehicle Stamp if the stamp is damaged. The Commission will provide a replacement stamp, without charge, so long as the Motor Carrier requesting the replacement stamp remits a sufficient portion of the damaged stamp, including the unique number of the stamp to be replaced.
- (k) Exemption for a UCR registrant.
 - (I) Except as provided in subparagraph (II) of this paragraph, a Motor Carrier is exempt from paragraphs (a) through (j) of this rule if it is a current UCR registrant.
 - (II) A Motor Carrier that is also a current UCR registrant is not exempt from paragraphs (a) through (j) of this rule, for any Motor Vehicle that:
 - (A) is used only in Intrastate Commerce;
 - (B) was not included in the calculation of fees paid under the UCR Agreement; and
 - (C) provides nonconsensual tows, or Passenger transportation that is not subject to the preemption provisions of 49 U.S.C. § 14501(a).
- (l) Exemption for a Household Goods Mover. A Mover holding a Permit issued under Part 5 of Article 10.1 of Title 40, C.R.S., is exempt from paragraphs (a) through (k) of this rule.

6103. Vehicle Inspectors—Who Is Authorized to Inspect a Motor Vehicle.

Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles not defined as Commercial Motor Vehicles at 49 C.F.R. 390.5, shall be an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection and employed by a company authorized to do business in Colorado. Individuals performing the initial vehicle inspection or a periodic inspection by or for a Motor Carrier of vehicles defined as Commercial Motor Vehicles at 49 C.F.R. 390.5 shall be qualified to perform the inspection pursuant to the requirements of 49 C.F.R. 396.19.

6104. Safety Inspections of Motor Vehicles.

- (a) Every Motor Carrier shall cause an authorized vehicle inspector to conduct an initial safety inspection of any Motor Vehicle that will be used by the Motor Carrier in providing transportation services under these rules and shall cause periodic inspections of vehicles conducted thereafter, at intervals of a least one inspection per year or as otherwise required by Commission rule or order. The Driver and the Motor Carrier shall ensure that the initial and periodic inspections are completed on a form prescribed by the Commission. A Motor Vehicle shall be placed Out-of-Service if it fails to meet the minimum vehicle inspection criteria identified in this rule. The Motor Carrier may reinstate the vehicle for service after the Out-of-Service condition is removed or resolved.
- (b) Initial inspections and periodic inspections shall include an inspection of the following items.
 - (I) 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 pads, shoes, or linings.

- (II) Emergency brake: each vehicle shall be equipped with an emergency brake that will hold a parked vehicle in place as designed by the Manufacturer.
- (III) Frame or chassis shall not be cracked, loose, sagging, or broken.
- (IV) 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.
- (V) Suspension shall not be cracked, broken, loose, or have missing parts.
- (VI) Windshield shall be free of discoloration or cracks.
- (VII) 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 cracks.
- (VIII) Windshield wipers: each vehicle 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.
- (IX) Head lamps: each vehicle must have head lamps that do not have broken or missing lens covers and that have both upper and lower beams; and are in proper working condition.
- (X) Tail lamps: each vehicle must have tail lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XI) Turn indicator lights: each vehicle must have turn indicator lights that do not have broken or missing lens covers and the lamps must be in proper working condition. The vehicle must be equipped with a hazard warning signal unit that is in proper working condition.
- (XII) Stop lamps: each vehicle must have stop lamps that do not have broken or missing lens covers and the lamps must be in proper working condition.
- (XIII) Doors: all doors must be in proper working condition and capable of opening, closing, locking, and unlocking as designed by the original Manufacturer.
- (XIV) Horn: each vehicle must be equipped with a horn and actuating element that shall give an adequate warning signal that is in proper working condition.
- (XV) Bumpers: each vehicle must be equipped with both front and rear bumpers which are not loose or protruding so as to create a hazard.
- (XVI) Mufflers and exhaust system: each vehicle 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.

- (XVII) Emission compliance: if the vehicle is registered in a jurisdiction that requires an emission inspection and emission sticker, the vehicle must have the proper emission documentation.
- (XVIII) Speedometer: each vehicle must be equipped with an operating speedometer that is paired with an original equipment Manufacturer approved tire size.
- (XIX) 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.
- (XX) Rear view mirrors and back-up cameras: each vehicle must be equipped with rear view mirrors as designed by the original Manufacturer. If the original Manufacturer has installed a back-up camera, that camera must be operational as designed by the original Manufacturer.
- (XXI) Safety belts: each vehicle designed by the original Manufacturer to carry no more than eight Passengers, must 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.
- (XXII) Passenger restraints: any Passenger restraints, including air bags, must be in proper working condition.
- (XXIII) Heating and air conditioning must be in proper working condition.
- (XXIV) A vehicle equipped with restraints, ramps, lifts, or other special devices to facilitate the loading, unloading or transportation of individuals with disabilities has all such devices in good working order including:
 - (A) wheelchair lifts: a lift must be able to lift a minimum of 600 pounds;
 - (B) a lift must also be able to accommodate individuals who use walkers, crutches, canes, braces or who have difficulty using steps. The equipment must also permit onboarding and offboarding of individuals with wheelchairs and other mobility aids. The platform must be equipped with handrails on two sides, which move with the lift to provide support to standees throughout the lift operations, must have lift controls which are interlocked with the vehicle brakes, transmission, door or other devices;
 - (C) a ramp which is less than 30 inches in length must be able to support 300 pounds;
 - (D) a ramp which is 30 inches or longer must be able to support 600 pounds; and
 - (E) the maximum allowable slope of a ramp is:

- (i) a ratio of 1:4, if the floor height is three inches or less above a six-inch curb;
- (ii) a ratio of 1:6, if the floor height is between three and six inches above a six-inch curb;
- (iii) a ratio of 1:8, if the floor height is between six and nine inches above a six-inch curb; and
- (iv) a ratio of 1:12 if the floor height is greater than nine inches above a six-inch curb.

(XXV) Wheelchair accessible vehicles must have the following:

- (A) slip resistant surfaces in all areas where individuals walk, including all aisles, steps and floors;
- (B) a band of contrasting color(s) on each step edge, threshold and the boarding edge of ramps or lift platforms. The contrasting colors must run the full width of the step or edge; and
- (C) the entrance doors equal to or greater than the following minimum heights:
 - (i) 56 inches for vehicles 22 feet or less in length; or
 - (ii) 68 inches for vehicles greater than 22 feet in length.

(XXVI) Within the vehicle, signs must designate securement locations and seating locations for persons with disabilities. Stepwells and doorways must have treads that are lit at all times while the vehicle is lit.

(XXVII) Wheelchair tie down and occupant restraint systems:

- (A) shall be designed, installed, and operated to accommodate Passengers in a forward facing position;
- (B) shall be affixed to a vehicle in such a manner that no exit or aisle is blocked in the vehicle;
- (C) shall be free of sharp or jagged areas and shall be of non-corrosive material or treated to resist corrosion;
- (D) shall consist of a minimum of four anchor points. Two points shall be located in the front and two in the rear. All anchor points shall be secured to the floor;
- (E) each wheelchair tie down shall provide a means of slack adjustment and shall not allow more than two inches of movement in any direction during normal driving conditions. They shall be free of any fraying, rust, cuts or inoperable slack adjusters; and

- (F) all vehicles equipped with attachment point devices shall also be equipped with a durable webbing cutter having a full width hand grip and protected blade. The cutter must be stored in the Driver's compartment within the Driver's reach.

6105. Daily Vehicle Inspection Report (DVIR).

- (a) Every Driver and every Motor Carrier that operates more than one Motor Vehicle, shall require its Drivers to prepare a Daily Vehicle Inspection Report (DVIR), in writing at the completion of each day's work on each Motor Vehicle operated and the report shall cover at least the following parts and accessories:
 - (I) service brakes including trailer brake connections;
 - (II) parking (hand) brake;
 - (III) steering mechanism;
 - (IV) lighting devices and reflectors;
 - (V) tires;
 - (VI) horn;
 - (VII) windshield wipers;
 - (VIII) rear vision mirrors;
 - (IX) coupling devices;
 - (X) wheels and rims; and
 - (XI) emergency equipment.
- (b) The Driver, on the DVIR, shall:
 - (I) identify the vehicle and list any defect or deficiency discovered by or reported to the Driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;
 - (II) if no defect or deficiency is discovered by or reported to the Driver, the report shall so indicate;
 - (III) in all instances, the Driver shall sign the report;
 - (IV) on two-Driver operations, only one Driver needs to sign the DVIR, provided both Drivers agree as to the defects or deficiencies identified; and
 - (V) if a Driver operates more than one vehicle during the day, the Driver shall prepare the DVIR for each vehicle operated.

- (c) Prior to requiring or permitting a Driver to operate a vehicle in a for-hire capacity, every Motor Carrier shall repair any defect or deficiency listed on the DVIR that would be likely to affect the safety of operation of the vehicle.
- (d) The Driver shall review and certify the repairs have been made.
- (e) For every DVIR which identifies any defect or deficiency, every Motor Carrier or its agent shall certify, upon completion of the repair and on the original DVIR, that the defect or deficiency has been repaired or alternatively that repair is unnecessary before the vehicle is operated again.
- (f) Every Motor Carrier shall maintain all original DVIRs, any certification of repairs, and the certification of the Driver's review for three months from the date the DVIR was prepared.
- (g) For all reports required under this rule, Motor Carriers shall use the form provided on the Commission website.

6106. Inspection Process by Enforcement Official.

- (a) Inspection of Drivers and/or Motor Vehicles.
 - (I) When a Driver or Motor 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 Driver receiving a DVCR shall deliver it to the Motor Carrier with the Certificate or Permit under which the Motor Vehicle was operating at the time of the inspection. Delivery of the DVCR shall occur upon the Driver's next arrival at any of the Motor Carrier's terminals or facilities. If the Driver is not scheduled to arrive at a terminal or facility within 24 hours, the Driver shall immediately mail or electronically submit the report to the Motor Carrier.
 - (II) Motor Carriers shall examine the DVCR and correct all violations or defects noted thereon. Within 15 days following the date of the inspection, the Motor Carrier shall:
 - (A) complete the required repairs;
 - (B) certify all violations have been corrected by appropriately signing and dating the DVCR, completing the following fields:
 - (i) carrier official's signature,
 - (ii) title; and
 - (iii) date portions of the DVCR, certifying that all violations on the DVCR have been corrected;
 - (C) return the completed DVCR to the Commission at the address shown on the DVCR; and
 - (D) retain a copy of the DVCR in its records.
- (b) If the Enforcement Official determines that a Motor Vehicle will likely cause an accident or break down due to its mechanical condition, or that an unsafe condition exists that would likely harm the occupants, the Motor Vehicle shall be placed Out-of-Service.

- (c) A Motor Vehicle that would likely cause an accident or a breakdown due to its mechanical condition as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
- (d) A 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 as determined by the current Out-of-Service criteria set forth by the Commercial Vehicle Safety Alliance or Commission safety rules shall be placed Out-of-Service.
- (e) A DVCR declaring a Motor Vehicle and/or a Motor Vehicle Driver Out-of-Service shall constitute an Out-of-Service order giving notice to the Driver and the Motor Carrier regarding the Out-of-Service condition.
- (f) No Motor Carrier shall require or permit any Person to operate, nor shall any Person operate, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (g) No Motor Carrier shall require or permit any Person declared or ordered Out-of-Service to operate, nor shall any Person declared or ordered Out-of-Service operate any Motor Vehicle until the Person's Out-of-Service condition has been corrected.
- (h) A Motor Vehicle equipped with ramps, lifts or other special devices to facilitate the loading, unloading, or transportation of individuals with disabilities shall be placed Out-of-Service if such devices are not in good working order.
- (i) A Motor Vehicle identified as a Golf Cart, Low-power Scooter, Low-speed Electric Vehicle, or Motorcycle will be subject to all inspection rules applicable to that type of vehicle.
- (j) Motor Carriers and Drivers shall, upon request by an Enforcement Official, make available for inspection all records required to be made by these safety rules and all Motor Vehicles subject to these safety rules.
- (k) The Motor Carrier may reinstate the Motor Vehicle or Driver for service after the Out-of-Service conditions have been removed or resolved. The written certification is required to be provided to the Commission within 15 days.
- (l) A Motor Vehicle that does not qualify under these Part 6 rules may be placed Out-of-Service.

6107. Driver Minimum Qualifications.

- (a) A Motor Carrier shall not permit a Person to act as a Driver unless the Person:
 - (I) is at least 21 years of age;
 - (II) has a valid Driver's license;
 - (III) is medically qualified to drive as required by rule 6109; and
 - (IV) is not disqualified to drive based on the results of the DVCR report required by rule 6106 or the Criminal History Record Check required by rule 6114.

- (b) A Motor Carrier shall require a Driver to maintain on their person or in their Motor Vehicle the following documents in physical or electronic form:
 - (I) a current medical certification card;
 - (II) a valid driver's license;
 - (III) a current vehicle inspection form; and
 - (IV) any waiver granted by the Commission.
- (c) Before permitting an individual to act as a Driver, and at least once every 12 months thereafter, a Motor Carrier shall obtain and review a driving history from the Department of Motor Vehicles for the individual. The Driver Motor Vehicle report shall include, at a minimum, any moving violations in the United States for the three-year period preceding the individual's application.

6108. Driver Qualification File and Records.

A Motor Carrier shall maintain records for each Driver as follows.

- (a) A completed Driver's application. A Driver's application must be maintained during the period of service and for three years thereafter. The required Driver's application form is available on the Commission's website.
- (b) The driving history for a Driver, obtained from the Department of Motor Vehicles. Driving history reports shall be maintained for a period of three years from the date the research was conducted.
- (c) The Drivers fingerprint qualification status, if applicable.
- (d) The Driver's state issued driver's license. The driver's license copy shall be maintained during the period of service and for three years thereafter.
- (e) 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.
- (f) If applicable, any current medical waiver or variances issued to the Driver.
- (g) Hours of service records, including all required supporting documentation, 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.

6109. Proof of Medical Fitness.

- (a) No Motor Carrier shall permit any Driver to drive who is not medically examined and certified. Drivers of vehicles with a seating capacity of 16 Passengers or more, including the Driver, must be certified pursuant to the requirements of 49 C.F.R. 391.41, as revised on January 1, 2017. Drivers of vehicles with a seating capacity of 15 Passengers or less, including the Driver, may be certified under the provisions of this rule or 49 C.F.R. 391.41, as revised on January 1, 2017.
- (b) All medical examiners issuing Driver medical certification cards must be licensed medical practitioners in accordance with their specific specialty practice act in the Colorado Revised

Statutes 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 color blindness 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) a current clinical diagnosis of alcoholism.
- (d) All medical examiners issuing driver medical certifications shall use the medical examination report included in a packet available on the Commission's website. Such driver medical certifications shall include a certification that the medical provider conducted an examination in

accordance with these rules, with knowledge of the driving duties, finding 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.

6110. Hours of Service.

- (a) A Motor Carrier shall neither permit nor require nor shall any Driver be On Duty in violation of the following: a Driver shall not be On Duty (as defined in paragraph 6001(hhh)) or be permitted to be On Duty more than 12 consecutive hours in any 24-hour period. A Driver may go off duty for any period of time during the 12-hour period, but the 12-hour period shall only be restarted after 12 consecutive hours off duty.
- (b) In lieu of the 12 hour rule above, a Motor Carrier, other than a Motor Carrier providing Taxicab Service may, at their option, elect to account for hours of service as follows:
 - (I) 15 Hour Rule: At the end of the 15th hour after coming on duty, a Driver shall not drive for-hire and shall be released from duty, for a minimum of eight consecutive hours. Drivers may go off duty for any period of time during the 15-hour period, but the 15-hour period shall only be restarted after eight consecutive hours off duty. A Driver may only be released from duty by a Motor Carrier for a period of eight consecutive hours and not intermittently during the 15 hour period.
 - (II) Ten Hour Rule: After coming on duty and within the 15 hours provided by the 15 hour rule in subparagraph (I) above, a Driver shall not exceed ten hours Driving Time. At the end of the tenth hour, a Driver shall not drive for-hire until he or she has been released from duty by for a minimum of eight consecutive hours.
 - (III) 70 Hour Rule: In no instance shall a Driver's On Duty hours exceed 70 hours in any eight consecutive day period. Upon accumulating 70 hours On Duty in any rolling eight consecutive days, a Driver shall not drive and shall be released from duty for a minimum of eight hours. For the purposes of this rule, the total number of hours On Duty for each day within the eight day period shall be determined by adding the daily On Duty totals derived from the 15 hour rule in subparagraph (I) of this rule.
 - (IV) This election shall be made at the time the Motor Carrier purchases the Vehicle Stamps and shall remain in effect for the year listed on the stamp.
- (c) A Motor Carrier or Passenger Carrier that employs or retains a Driver shall maintain and retain accurate and true time records, including all supporting documents verifying such time records, for a period of six months showing:
 - (I) the time(s) the Driver reports for duty each day;
 - (II) the time(s) the Driver is released from duty each day;
 - (III) the total number of hours the Driver is On Duty each day; and
 - (IV) a good faith effort to require the Driver to report the total number of On Duty hours the Driver performed with other Persons during the reporting period.

- (d) The requirements of 49 C.F.R. 395.5(a)(2) and (b) and 395.8, apply to all Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 16 or more (including the driver), or GVWR or GCWR of more than 10,000 pounds.
- (e) The requirements of 49 C.F.R. 395.5(a)(2), 395.5(b) and the log book requirements set forth under 395.8 shall not apply to Motor Carriers of Passengers operating a Motor Vehicle having a Seating Capacity of 15 or less (including the driver) and GVWR or GCWR or less than 10,001 pounds.

6111. Verification of Hours of Service for Carriers Operating Within and Between the Counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson.

- (a) Motor Carriers providing Taxicab Service operating within or between the counties of Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, El Paso, and Jefferson shall be subject to the additional requirements of this rule:
 - (I) shall obtain and Advertise a central telephone number by which the public may call and request service;
 - (II) 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;
 - (III) shall employ a GPS-based, digital dispatch system that tracks and records Driver hours or service, and records and reports trip information including origination point and customer wait times;
 - (IV) shall employ a GPS-based, digital dispatch system that records and reports Driver location and On Duty time. Said system must log a Driver On Duty when the Driver's assigned vehicle is within two miles of Denver International Airport or Colorado Springs Municipal Airport, and 500 feet of any known taxi stand;
 - (V) shall employ a GPS-based digital dispatch system that locks out any Driver who has exceeded On Duty hours of service maximums;
 - (VI) shall lockout, for a minimum of eight hours, a Driver who has exceeded On Duty hours of service maximums. Drivers who are locked-out, shall not be allowed access to the carriers dispatch system, credit card processing system, and metering system; and
 - (VII) shall log a Driver as being On Duty when the vehicle assigned to said Driver, enters an area no less than two miles of Denver International Airport or Colorado Springs Municipal Airport, or 500 feet of known taxi stands.

6112. Vehicle Maintenance File.

A Motor Carrier shall maintain, in the Vehicle Maintenance File, the following records for each vehicle:

- (a) a means of identifying the vehicle noting the year, make, model, and vehicle identification number of the vehicle;
- (b) an overall maintenance plan that identifies the nature and due dates of the various inspection and maintenance operations to be performed;

- (c) a record of work done, including all receipts;
- (d) all required periodic vehicle inspections;
- (e) if applicable, any current vehicle waiver or variances; and
- (f) the Daily Vehicle Inspection Reports for the immediately preceding 30 days.

6113. Accident Registry.

- (a) For the purposes of this rule an accident is defined as an occurrence involving a Motor Vehicle which results in any of the following:
 - (I) bodily injury to any Person; or
 - (II) \$5,000 of damage to any property or vehicle.
- (b) A Motor Carrier shall maintain a registry of accidents, for a period of three years after the accident occurs. The register must contain the date of the accident, city and state where accident occurred, the Driver's name, number of injuries and fatalities, and any police report number associated with the accident.
- (c) All accident reports required by state or local governmental entities or insurers must be maintained with the accident register.
- (d) No later than 30 days after an accident meeting the criteria stated above, a Motor Carrier must report the accident, including the above information, to the Commission.

6114. Fingerprint-Based Criminal History Record Checks.

- (a) For purposes of this rule only:
 - (I) "Criminal History Record Check" means a state and national fingerprint-based Criminal History Record Check..
 - (II) "Driver" means a Person who drives or wants to drive for a Passenger Carrier, regardless of whether such Person drives or wants to drive as an employee or Independent Contractor.
 - (III) "Passenger Carrier" means a Taxicab Carrier, a Large Market Taxicab Service carrier, and a Limited Regulation Carrier, except for Fire Crew Transport
- (b) This rule applies to Passenger Carriers and Drivers.
- (c) Within ten days of contracting or being employed to drive for a Passenger Carrier, a Driver who is not qualified by the Commission at the time of hire shall submit a set of the Driver's fingerprints, documentation of any name change of the Driver from the agency where the change was approved, and payment of the actual cost to conduct a Criminal History Record Check. The Passenger Carrier shall provide to the Driver a copy of the Commission's Notice to Driver Applicants which informs the Driver that his or her fingerprints will be submitted to the CBI and FBI. This notice shall be provided to the Driver prior to the submission of fingerprints.

- (d) A Driver shall, within five years after being qualified by the Commission and at least once every five years thereafter, re-submit: a set of the Driver's fingerprints; documentation of any name change of the Driver from the agency where the change was approved; and payment of the actual cost to conduct a Criminal History Record Check.
- (e) The Driver shall submit his or her fingerprints to the CBI according to its procedures.
- (f) Qualification determination based upon moral character or statutory disqualification.
 - (I) Upon the Commission's receipt of a completed Criminal History Record Check, Commission staff shall make a qualification determination regarding the Driver's qualification status. In making this determination, Commission staff is authorized to request from the Driver, and the Driver shall provide, additional information that will assist Commission staff in making the determination regarding the Driver's qualification status. If a Driver does not provide such additional information requested by Commission staff, or explain why it is unavailable within 15 days of the request, Commission staff may disqualify the Driver.
 - (II) A Driver is not of good moral character and shall be disqualified and prohibited from driving, if the Driver has:
 - (A) a conviction in the state of Colorado at any time of any class 1 or 2 felony under Title 18, C.R.S.;
 - (B) a conviction in the state of Colorado, within the ten years preceding the date the Criminal History Record Check is completed, of a crime of violence, as defined in § 18-1.3-406(2), C.R.S.;
 - (C) a conviction in the state of Colorado, within the eight years preceding the date the Criminal History Record Check is completed, of any class 3 felony under Title 18, C.R.S.;
 - (D) a conviction in the state of Colorado, within the four years preceding the date the Criminal History Record Check is completed, of any class 4 felony under Articles 2, 3, 3.5, 4, 5, 6, 6.5, 8, 9, 12, or 15 of Title 18, C.R.S.; or
 - (E) an offense in any other state or in the United States that is comparable to any offense listed in subparagraphs (A) through (D) within the same time periods as listed in subparagraphs (A) through (D).
 - (III) Without a determination as to moral character at the time of determination, a Driver is disqualified by statute and prohibited from driving if the Driver has been:
 - (A) convicted in the state of Colorado at any time of a felony or misdemeanor unlawful sexual offense against a child, as defined in § 18-3-411, C.R.S., or of a comparable offense in any other state or in the United States at any time;
 - (B) within the two years preceding the date the Criminal History Record Check is completed, convicted in this state of driving under the influence (DUI), as defined in § 42-4-1301(1)(f), C.R.S.; driving with excessive alcoholic content (DUI per se), as described in § 42-4-1301(2)(a), C.R.S.; driving while ability impaired, as defined in § 42-4-1301(1)(g), C.R.S.; or

- (C) within the two years preceding the date the Criminal History Record Check is completed, convicted of an offense comparable to those included in subparagraph (III)(B) in any other state or in the United States.
- (IV) For purposes of this rule, a deferred judgment and sentence pursuant to § 18-1.3-102, C.R.S., shall be deemed to be a conviction during the period of the deferred judgment and sentence.
- (g) The Commission and Commission staff may consult and use any commercially or governmentally available information source in conducting Criminal History Record Checks. The Commission may require a name-based Criminal History Record Check of a Driver who has twice submitted to a fingerprint-based Criminal History Record Check and whose fingerprints are unreadable or unclassifiable.
- (h) At any time, Commission staff shall disqualify a previously qualified Driver whose subsequent conviction meets the criteria of this rule.
- (i) A Passenger Carrier shall not permit a Driver to drive for the Passenger Carrier if:
 - (I) the Driver has not complied with this rule and § 40-10.1-110, C.R.S., as applicable;
 - (II) the Driver is disqualified and prohibited from driving under paragraph (f) of this rule; or
 - (III) the Driver's qualification status has expired.
- (j) A Passenger Carrier shall, as a condition of continued contract or employment, require a Driver to submit his or her fingerprints to the Commission for a Criminal History Record Check:
 - (I) at least once every five years; and/or
 - (II) within ten days of becoming aware that the Driver has been convicted of the offenses listed in paragraph (f) of this rule.
- (k) The Commission will maintain a password-protected portion of its website where Drivers, Passenger Carriers, and other Persons authorized, in writing, by the Director of the Commission may access the current qualification status of Drivers.
 - (I) If the Driver is disqualified and prohibited from driving, the Driver may, within 60 days of Commission staff's notification, file a petition with the Commission for qualification determination.
 - (II) Upon the filing of a petition for qualification, Commission staff shall be an indispensable party.
 - (A) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(II), the Driver shall bear the burden of proving that he is of good moral character based upon all surrounding facts and circumstances or that disqualification is not supported by fact or law.
 - (B) If a Driver submitting fingerprints is disqualified to drive pursuant to subparagraph (f)(III), the Driver shall bear the burden of proving that disqualification is not supported by fact or law.

- (C) If a Driver is disqualified pursuant to paragraph (h), the Commission staff shall bear the burden of proving all applicable elements.
- (D) The Commission will consider the petition using the standards set forth in § 24-5-101(2), C.R.S. for disqualifications based on a determination of moral character.
- (l) Commission staff's qualification determination may be relied upon by all Persons, unless and until the Commission rules on a Driver's qualification.
- (m) If the Commission qualifies a Driver upon petition, paragraph (f) shall be waived as to qualification determinations for future fingerprint resubmissions regarding the events upon which Commission staff's disqualification was based.

6115. Motor Vehicle Weight.

An Enforcement Official may require a Motor Carrier to have a Motor Vehicle inspected or 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 or if the GVWR can't be determined or if there is a belief that the GVWR is incorrect.

6116. Prohibitions.

- (a) A Motor Carrier shall not require or permit any Driver declared and ordered Out-of-Service to drive, nor shall any Driver drive, any Motor Vehicle until the Driver's Out-of-Service condition has been corrected.
- (b) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive, any Motor Vehicle declared and ordered Out-of-Service until all repairs required by the Out-of-Service order have been satisfactorily completed.
- (c) A Motor Carrier shall not allow a Driver to drive when the Driver's ability to operate a Motor Vehicle is impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle nor shall any Driver operate a Motor Vehicle while impaired through illness, fatigue, or any other condition that would likely cause the unsafe operation of a vehicle.
- (d) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver is under the influence of or uses any drug or substance that renders the Driver incapable of safely operating a vehicle.
- (e) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive if the Driver has consumed alcohol within four hours of driving or is under the influence of alcohol while driving.
- (f) A Motor Carrier shall not require or permit any Driver to drive, nor shall any Driver drive while engaged in texting while operating a Motor Vehicle.

6117. Age and Condition of Passenger Carrying Motor Vehicles.

Motor Vehicles used by a Fully Regulated Intrastate Carrier, Limited Regulation Carrier, or Large Market Taxicab Service carrier, shall meet the following standards.

- (a) No Motor Carrier shall operate a Salvage Vehicle as defined at paragraph 6001(ppp) and § 42-6-102(17), C.R.S.
- (b) No Taxicab shall be more than 12 years old regardless of condition or mileage.
- (c) With the exception of a Luxury Limousine which meets the definition of “Collector’s Vehicle” in subparagraph 6305(a)(IV), no Motor Vehicle operated under a Certificate or Permit shall be more than 15 years old regardless of condition or mileage.
- (d) A Motor Carrier operating any Motor Vehicle shall cause the vehicle to have the periodic safety inspection, as set forth in rules 6103 and 6104, to be completed semi-annually for vehicles that are over eight model years old and/or have more than 150,000 miles. After a Motor Vehicle reaches 225,000 miles, regardless of the age of the vehicle, the inspections set forth in rules 6103 and 6104 must occur every three months.
- (e) The age of a vehicle shall be determined by subtracting the model year of the vehicle from the present calendar year. By way of example, a 2010 model year vehicle is seven years old for the calendar year 2017.
- (f) In addition to the periodic safety inspections required under rule 6104, Motor Vehicles shall be in good physical condition, meeting the following minimum standards:
 - (I) the body of the vehicle has a good not faded paint job; is devoid of dents, rust, cracked bumpers, broken trim, broken mirrors, or cracked windows including the windshield;
 - (II) the interior of the vehicle has no missing or loose parts; has no exposed wiring; is clean; and has no cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim;
 - (III) exterior markings are compliant with applicable vehicle marking rules 6015 or 6303; and
 - (IV) the Motor Carrier’s name, Certificate or Permit number, and the name of the Driver are identified in the interior of the vehicle and are clearly visible to the Passenger.
- (g) A petition for waiver of this rule shall be made under rule 6003 and is not complete unless it contains the following:
 - (I) photos of the interior and exterior (front and back and each side) of the vehicle;
 - (II) number of miles on the Motor Vehicle;
 - (III) dates and results of all periodic inspections for the last two years;
 - (IV) documents in the Vehicle Maintenance File required in rule 6112 for the last two years; and
 - (V) value of the Motor Vehicle using information from the Kelley Blue Book Price Guide, the Edmunds Used Car Price Guide, or similar valuation authority;
 - (VI) any petition that claims financial hardship prohibits replacement of the vehicle must include the revenue generated in the previous 12 months, the amount of loan on the Motor Vehicle, if any, an explanation of the market served and the reason why the Motor

Carrier cannot replace the vehicle. The petition must also list all safety equipment that is currently on the Motor Vehicle, by way of example – the number and type of seat belts, air bags, cameras, sonar detection systems, antilock braking systems, stability control, four-wheel drive, and age and type of tires; and

- (VII) any other information the petitioner deems relevant.
- (VIII) No vehicle is eligible for a waiver of the age requirements of this rule unless the petitioner has owned the vehicle for three full years and establishes proof of ownership for the three years with a title or registration from the Colorado Department of Revenue.

6118. – 6199. [Reserved].

FULLY REGULATED INTRASTATE CARRIER RULES

6200. Applicability.

Rules 6200 through 6249 apply to all Common Carriers, all Contract Carriers, and to all Commission proceedings and operations concerning Common Carriers and Contract Carriers as well as applicants, employees, and Drivers of such carriers.

6201. Definitions.

In addition to the definitions in rules 6001 and 6101, the following definitions apply to all Motor Carriers and Drivers subject to these Fully Regulated Intrastate Carrier rules:

- (a) “Access Fee” means the fee assessed by an airport for the use of its facilities for one trip levied upon Motor Carriers transporting Passengers to, from, or at an airport.
- (b) “Auto Livery” or “Auto Livery Service” means the transportation of Passengers by Common Carrier, including the transportation of Passengers in Scheduled and/or Call-and-Demand service. This term is only used in historical Authorities.
- (c) “Base Area” means a geographic area in which a Taxicab is authorized to provide point-to-point service. This term is defined only because of its use in Authorities issued by the Commission.
- (d) “Capable,” as used in § 40-10.1-204(1), C.R.S., means ready, willing, and able to provide services under the terms of the Common Carrier’s Authority. Capability may be evidenced by, among other things, ongoing transportation operations or good faith efforts to conduct such operations under such Authority.
- (e) “Close Proximity”, as referenced in § 40-10.1-203, C.R.S., means within a one-mile radius and 20 minutes from the drop-off location and time.
- (f) “Special Bus Service,” “Special Bus Transportation,” or “Special Bus”, only used in historical authorities, means the transportation of Passengers by Common Carrier:
 - (I) not including ordinary and continuous Scheduled Service;
 - (II) rendered generally on weekends, holidays, or other special occasions;
 - (III) with a fixed termination date; and

- (IV) to a number of Passengers whom the carrier on its own initiative has assembled into a travel group, through its own promotion and sale of individual tickets, or for a trip or tour planned by the carrier.
- (g) "Tack" means the joinder of two or more separate Authorities or two or more separate parts thereof at a common service point for the purpose of providing a through service.
- (h) "Transfer" means, without limitation, any sale, lease, assignment, license, change in ownership, foreclosure of an Encumbrance, execution in satisfaction of any judgment or claim, merger, consolidation, or similar transaction in which control of any Authority or portion thereof changes from one entity to another, whether voluntarily, by court order, or otherwise.
- (i) "Transferee" means any entity newly acquiring control of any Authority or obtaining a security interest in the Authority.
- (j) "Transferor" means any entity transferring control of any Authority to a Transferee.

6202. Prohibited Operations.

- (a) No Person shall operate or offer to operate as a Common Carrier or a Contract Carrier, without obtaining the appropriate Certificate or Permit and paying the application fee and or the annual Motor Vehicle identification fees as set forth in rule 6102.
- (b) Without specific approval by the Commission, no Fully Regulated Intrastate Carrier shall:
 - (I) combine or Tack two or more separate Authorities or two or more separate parts of an Authority in order to render a transportation service not authorized by any individual Authority or part thereof;
 - (II) extend, enlarge, diminish, change, alter, or vary the territory, route, or service authorized by its Authority;
 - (III) serve any point not included in its Authority or authorized by statute;
 - (IV) abandon or suspend operations under its Authority; or
 - (V) file a Tariff or time Schedule whose applicability or scope violates this rule.

6203. Applications to Operate as a Common or Contract Carrier.

- (a) Any Person seeking permanent Authority to operate as a Common or Contract Carrier, or permanent Authority to extend a Common Carrier Certificate or Contract Carrier Permit, shall file an application. The application shall contain the following information:
 - (I) the name, including trade name if applicable, physical address, mailing address, telephone number, and email address of the applicant;
 - (II) the name, mailing address, telephone number, and email address of the applicant's representative to whom the Commission may direct inquiries regarding the application;
 - (III) the name and address of the applicant's Colorado designated agent for service of process, as required by rule 6006;

- (IV) a statement describing the applicant's business structure (corporation, limited liability company, partnership, sole proprietorship, etc.);
- (V) if the applicant is a corporation: the name of the state in which it is incorporated; the mailing address and physical address of its principal office; the names of its directors and officers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.;
- (VI) if the applicant is a limited liability company: the name of the state in which it is organized; the mailing address and physical address of its principal office; the name of its managers; and a certified copy of its certificate of good standing authorizing it to do business in Colorado, certified within 14 days prior to the filing of the application.;
- (VII) if the applicant is a partnership: the names, titles, and addresses of all general and limited partners;
- (VIII) the applicant's certificate of assumed trade name or trade name registration, if applicable;
- (IX) 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 (e.g., Charter, Shuttle, Sightseeing, Taxicab, or Scheduled, but not limousine, auto livery or special bus), if the applicant proposes to operate as a Common Carrier;
 - (C) the proposed geographic area of service or the proposed points or routes of service;
 - (D) any proposed restrictions to the Authority sought; and
 - (E) a description of the make, model, and year of the Motor Vehicles proposed to be operated, or if unknown, then a summary of the number and types of Motor Vehicles proposed to be operated.
- (X) a map or diagram showing the proposed geographic service area, or the proposed points or routes of service, in the form requested by the Commission or Commission staff;
- (XI) a statement setting forth the qualifications of the applicant, including managerial, operational, and financial fitness, to conduct the proposed operations, including but not limited to its ability to meet the requirements of rule 6111 (requiring, inter alia, a GPS based digital system that records the hours of service), and rule 6254 requiring 24 hour provision of service, if the applicant proposes to serve a geographical area covered by those rules. If the applicant is not currently able to meet the requirements of rule 6111 and/or 6254, the applicant must provide the reason and must state the period of time needed to come into compliance which shall not be longer than 120 days;
- (XII) a statement describing the extent to which the applicant, or any Person affiliated with the applicant, holds or is applying for Duplicating or Overlapping Authority in any respect the Authority at issue in the application;

- (XIII) a statement identifying current Authorities issued by either a state or federal agency, authorizing the applicant or any affiliate to provide for-hire transportation of Passengers in the state of Colorado;
- (XIV) a statement that the applicant understands the Commission will, in its discretion, cancel any Duplicating or Overlapping Authorities created by granting the application;
- (XV) a statement indicating the town or city where the applicant prefers any hearing to be held; and
- (XVI) 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.
- (XVII) If the applicant applies for Common Carrier Authority, the applicant shall demonstrate a public need for the proposed service and that the authority is in the public interest and should be granted. Any letter of support filed to demonstrate a public need shall:
 - (A) contain the author's name, address, and telephone number;
 - (B) describe the public need;
 - (C) describe whether and how the existing service is inadequate;
 - (D) contain a statement that the letter contains only information that is true and correct to the best of the author's knowledge and belief; and
 - (E) be signed by the author.
- (XVIII) If the applicant seeks Contract Carrier Authority, the applicant shall provide a statement of the facts upon which the applicant relies to establish the superior, special, or distinctive nature of the transportation service, or how the transportation service will be specifically tailored to meet the customers' needs. The applicant shall also attach a letter from each proposed customer. Such letters shall:
 - (A) contain the proposed customer's name, address, and telephone number;
 - (B) indicate the proposed customer's special or distinctive transportation needs;
 - (C) specifically support the applicant's particular request for authority;
 - (D) describe whether there is existing service and how the existing service is inadequate;
 - (E) contain a statement that the letter contains only information that is true and correct to the best of the proposed customer's knowledge and belief; and
 - (F) be signed by the proposed customer.
- (XIX) A statement that the applicant understands that there is an obligation to comply with all applicable Commission rules, and that the vehicles which it plans to use to provide the service are compliant with those rules.

- (b) No Person shall file an application under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier, or a Common Carrier with only Call-and-Demand Shuttle Service, shall not have taxi in its name). If an application is filed in violation of this rule, the Commission shall not issue a Certificate or Permit under such name.
- (c) In lieu of filing an application as set forth above, the applicant may use the application form approved by the Commission and posted to its website.

6204. Application for Temporary Authority or Emergency Temporary Authority for a Common Carrier or Contract Carrier.

- (a) A Person may seek temporary Authority to operate as a Common or Contract Carrier, for a period not to exceed 180 days, and shall file an application providing the information specified in rule 6203 modified as follows:
 - (I) the statement of facts shall also establish an immediate and urgent need for the proposed service and that there is no such service Capable of meeting the need;
 - (II) any letters of support shall contain 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;
 - (III) a statement indicating whether the Commission has previously granted to the applicant Authority to render all or any part of the proposed service and the decision number granting the Authority;
 - (IV) a statement of the period of time which the applicant requests the temporary Authority to cover, not to exceed 180 days; and
 - (V) if the application is a request to operate as a Contract Carrier, a support letter from each proposed customer including:
 - (A) the proposed customer's name, address, and telephone number;
 - (B) the proposed customer's special or distinctive transportation needs;
 - (C) support for the applicant's particular request for authority;
 - (D) description of whether there is an existing service and, if so, how the service is inadequate; and
 - (E) the signature of the proposed customer attesting to the validity of the information in the support letter.
- (b) A Person may seek emergency temporary Authority to operate as a Common or Contract Carrier for a period not to exceed 30 days and shall file an application with the Commission providing the information in paragraph (a) of this rule. The application shall also include a statement of facts establishing the basis and nature of the emergency need for the proposed service. Any letters of support shall describe the basis and nature of the emergency.

- (c) The granting of temporary or emergency temporary Authority creates no presumption that permanent Authority will be granted.
- (d) The Commission shall not grant temporary Authority to provide the same service, including both temporary Authority and emergency temporary Authority for a total period greater than 180 days.
- (e) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6205. Applications to Voluntarily Abandon or Suspend Authority.

- (a) A Fully Regulated Intrastate Carrier shall file an application to voluntarily abandon or suspend its Authority, or any portion thereof. After ten days' notice, the Commission may either decide such an application without a hearing or set it for hearing. Carrier obligations are not affected by the filing of an application; rather they will be determined by Commission decision. The application shall:
 - (I) fully describe why the abandonment or suspension is sought;
 - (II) describe how the abandonment or suspension will affect the public;
 - (III) contain a statement that the application contains only information that is true and correct to the best of the applicant's knowledge and belief; and
 - (IV) be signed by the applicant.
- (b) A Fully Regulated Intrastate Carrier may not request and the Commission shall not grant a voluntary suspension persisting for longer than:
 - (I) 12 consecutive months;
 - (II) 12 months in any 24-month period; or
 - (III) two consecutive seasons, for a Fully Regulated Intrastate Carrier operating seasonally.
- (c) In addition to all other applicable requirements, any request for waiver or variance from this time period limitation must demonstrate that the suspension is in the public interest and that alternative service will be available during the period of suspension.
- (d) In lieu of the filing of an application, the applicant may use the application form approved by the Commission and posted to its website.

6206. Application to Encumber, Transfer, Merge, Consolidate, or Acquire Control.

- (a) No Fully Regulated Intrastate Carrier shall by any means, directly or indirectly, encumber, Transfer any right or interest in any portion of said Fully Regulated Intrastate Carrier's Authorities, or the entity that is the owner of the Authorities, except as specifically provided by Commission order, this rule 6206, or § 40-10.1-205, C.R.S.
- (b) The Transferor and the Transferee shall file a joint application with the Commission not less than 60 days prior to the effective date of the proposed Transfer or Encumbrance. If the Transferee does not hold a Commission issued CPCN, the Transferee shall provide the Commission with the

information required pursuant to rule 6203, and must receive an appropriate Commission grant of authority to assume the Transferor's CPCN.

- (c) The application shall include:
- (I) the information required by subparagraph 6203(a)(I) through (VIII) and (XI) through (XIX), as applicable;
 - (II) a description of the transaction including the amount of consideration paid or to be paid and the terms of payment;
 - (III) name under which the Transferee is, or will be, providing service in Colorado if the Transfer is approved and information establishing the operational and financial fitness of the Transferee to conduct the operations of the Authority;
 - (IV) the specific assets, including any Authority (including copies of the Authorities) that the applicants propose to Transfer;
 - (V) all agreements concerning the transaction including but not limited to: purchase and sale agreement, lease agreements, operating agreement, Encumbrances, security interests, stock agreements, repurchase agreements, promissory notes and/or operating agreements;
 - (VI) an acknowledgment that by signing the application, the joint applicants represent the truth and accuracy of all statements in the application and supporting documents and understand and agree that:
 - (A) the filing of the application does not, by itself, constitute authority to execute the transfer;
 - (B) the applicants shall not undertake the proposed Transfer unless and until a Commission decision granting the application is issued;
 - (C) the granting of the application does not constitute the execution of the Transfer, but only represents the Commission's approval of the request for authority to Transfer or encumber;
 - (D) if a Transfer is granted, such Transfer is conditional upon:
 - (i) the existence of applicable, effective Tariffs for relevant services;
 - (ii) compliance with the statutes and all applicable Commission rules, including the Transferor's filing an Annual Report, complying with the rule on financial responsibility, updating the vehicle registry, and obtaining the periodic inspections of all vehicles and
 - (iii) compliance with all conditions established by Commission order; and
 - (E) if the application to Transfer is granted, the joint applicants shall notify the Commission if the Transfer is not consummated within 60 days of the proposed effective date stated in the application or if the proposed Transfer terms are changed prior to the consummation date. This notice shall include the

proceeding and decision number(s) which granted the authority to execute the Transfer.

- (d) The joint applicants may submit the required information by filing either an application or completing the Commission approved form on the website of the Commission.
- (e) The joint applicants may seek confidential or highly confidential treatment of information as provided in rule 1101 of the Commission's Rules of Practice and Procedure.

6207. Duplicating or Overlapping Authorities.

The Commission may cancel Duplicating or Overlapping Authorities that arise as a result of any grant, extension, or other modification to a Certificate or Contract Carrier Permit.

6208. Tariffs.

- (a) A Fully Regulated Intrastate Carrier shall not operate its Motor Vehicles without having approved Tariffs on file with the Commission.
- (b) A Fully Regulated Intrastate Carrier shall not operate in conflict with its approved Tariff or disseminate information contrary to that which is contained in its approved Tariff.
- (c) A Fully Regulated Intrastate Carrier shall keep on file with the Commission, at all times, approved Tariffs clearly showing rates and charges to be assessed for all transportation and accessorial services provided. The Tariff must also disclose all rules and conditions, and time Schedules, as applicable, relating to rates or service, shall be available for public inspection, at all reasonable times, in its office and posted on the website, if the carrier maintains a website.
- (d) Proposed Tariffs must be filed on a form approved by the Commission and shall be complete, providing all of the information required by the form. Proposed Tariffs shall provide for 30 days' notice before they are in effect, unless the Commission has approved an application for less than statutory notice to shorten this time period, or as otherwise ordered by the Commission.
- (e) A Common Carrier that is authorized to provide Taxicab Service shall publish, in its Tariffs, reduced fares applicable to each Passenger being transported under a Multiple Loading arrangement.
- (f) A Contract Carrier shall ensure that its Tariff, at a minimum:
 - (I) includes the names of the parties to the contract, the provisions regarding the scope and terms of transportation and accessorial services to be provided, and the date(s) and terms of the contract, including rates. A copy of the executed written contract may be filed in lieu of the requirement to provide dates, terms and rates of the contract;
 - (II) provides for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the Authority granted by the Commission; and
 - (III) prohibits payment from individual Passengers.
- (g) Notice. Within seven days of receipt of an Advice Letter and Tariff filing, the Commission will provide notice of the filing to affected parties by posting the filing in its E-Filings System.

- (h) Protests. Any Person affected by a Tariff change proposed under this rule may submit a written protest to the proposed change. Any protest must be filed sufficiently in advance of the effective date to permit Commission consideration before the Tariff becomes effective, generally at least ten days before the effective date of the proposed Tariff.
- (i) Any Person seeking to protest any portion of a rate, fare, classification or service not altered by the Motor Carrier in its proposed changes to an existing Tariff, shall bear the burden of proof as it pertains to why such rate, fare, classification or service is not just and reasonable.
- (j) A Fully Regulated Intrastate Carrier shall file additional supporting documentation upon the request of Commission staff. The documentation shall include an explanation of the circumstances and data relied upon to justify the proposed Tariff.

6209. Time Schedules.

- (a) A Common Carrier that has been granted Authority to provide Scheduled Service shall file time Schedules as part of the its Tariff. The time Schedule shall be filed on the form or in a format prescribed by the Commission. At minimum, time Schedules shall contain the following:
 - (I) an explanation of any symbols, reference marks, and abbreviations used;
 - (II) a list of all scheduled stops and all Flag Stops, including the address or description of the location, in geographical order, designating the departure and/or arrival times for the scheduled stops, as appropriate;
 - (III) a statement whether service is daily or otherwise; and
 - (IV) any other appropriate information regarding the service the Common Carrier desires to perform.
- (b) A Common Carrier may not operate its Motor Vehicles in Scheduled Service without having approved time Schedules on file with the Commission.
- (c) A Common Carrier shall not operate in conflict with its approved time Schedules.
- (d) A Common Carrier operating a Scheduled Service shall report in writing to the Commission and post to its website any interruption of regular service for 24 continuous hours or more, explaining in detail the cause and anticipated length of the service interruption.
- (e) A Common Carrier shall drive by each Flag Stop in such 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(b)(II).
- (f) A Common Carrier operating a Scheduled Service shall ensure that a copy of its approved time Schedule is available for public inspection at all reasonable times in each of the Common Carrier's offices or terminals. If the Common Carrier maintains a presence on the Internet, its time Schedule must also be posted on its website(s) relevant to the Common Carrier's services.

6210. Contract Carrier Contracts.

- (a) A Contract Carrier shall not enter into a contract for transportation that is in conflict with the Contract Carrier's Permit or with any Person not named in the Contract Carrier's Permit.

- (b) A Contract Carrier shall not engage in any act of transportation for Compensation except in compliance with the contract between the Contract Carrier and the Person named in the Contract Carrier's Permit.
- (c) Contracts shall be written, not oral.
- (d) At a minimum, all contracts 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(s) and terms of the contract, including rates.
- (e) Contracts shall provide for payment by the Person or agent of the entity with whom the Contract Carrier has directly contracted pursuant to the authority granted by the Commission. In no circumstances shall a Contract Carrier receive payment for providing contract services from individual Passengers.

6211. Refusal of Service.

No Fully Regulated Intrastate 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 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 equipment, a Driver shall immediately report to the carrier any refusal to transport a Passenger.

6212. Annual Reports.

- (a) Each Fully Regulated Intrastate Carrier shall file with the Commission an Annual Report on a Commission-prescribed form on or before April 30 of each year. The Fully Regulated Intrastate Carrier shall complete all sections of the Annual Report applicable to said Fully Regulated Intrastate Carrier for the 12-month period ending on December 31 of the previous calendar year.
- (b) A Principal of the Fully Regulated Intrastate Carrier shall sign the certification of the Annual Report. In all Annual Report filings, the Fully Regulated Intrastate Carrier shall comply with subparagraph 1204(a)(III) and rule 1100, et seq., of the Commission's Rules of Practice and Procedure.

6213. Forms of Payment.

A Common Carrier may accept any form of payment, but must accept MasterCard and Visa credit cards.

6214. – 6249. [Reserved].

MOTOR CARRIERS PROVIDING TAXICAB SERVICE RULES

6250. Applicability of Taxicab Carrier Rules.

Rules 6250 through 6258 apply to all Motor Carriers providing Taxicab Service. Nothing in these rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any authority issued to any Common Carrier prior to the adoption of these rules.

6251. Notices.

- (a) Each Motor Carrier providing Taxicab service shall post the following notices, as applicable, on the inside of the left window immediately behind the Driver's window or on the back of the front seat of each Taxicab it operates. The font size of such notice shall be at least 14-point characters and the font size of the cab number shall be at least 24-point characters. The Taxicab Carrier shall complete all blanks in the notices.
- (b) The following notice shall be placed in all Taxicabs:

NOTICE

Cab No. _____

The Driver of this Taxicab shall not load other passengers without the permission of the first passenger.

The basis for calculating the rates charged, the amount of additional charges if any and the basis for them.

If the Taxicab Carrier serves DIA, the amount of the Flat Rate charges and a map showing the zones.

The amount of additional charges that may apply for additional passengers, passenger drop offs, baggage and packages, waiting time, pets, and toll charges or Access Fees.

Report any problems to the Public Utilities Commission at (303) 894-2070.

- (c) In lieu of the above posting, the Taxicab Carrier may provide this information on a digital screen, on the condition that the screen is clearly visible to the Passenger.

6252. Service: Multiple Loading and Routing.

- (a) Multiple loading.
 - (I) No Taxicab Carrier, Large Market Taxicab Service carrier, or Taxicab Driver shall engage in Multiple Loading from a common point of origin or from separate locations unless the first Passenger agrees to the Multiple Load.
 - (II) Each Passenger shall pay a reduced fare and the Taxicab Driver shall advise each passenger that the charge from his/her origin to destination will be reduced. The amount by which the fare is to be reduced shall be a percentage of the original fare. The percentage decrease shall be named in the Taxicab Carrier's Tariff or the Large Market Taxicab Service carrier's schedule of rates.

- (b) Motor Carriers providing Taxicab Service 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 Motor Carrier providing Taxicab Service has first advised the Passenger regarding the extent of deviation from the shortest possible route.

6253. Record Keeping.

- (a) In addition to other requirements to maintain accurate records, a Motor Carrier providing Taxicab Service shall maintain in its files, either electronically or in hard copy, 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.

6254. Additional Service Requirements for Motor Carriers Providing Taxicab Service Operating Within or Between Counties with a Population Density of 40 or More People per Square Mile.

Motor Carriers providing Taxicab Service operating within or between counties with a population density of 40 or more people per square mile based on the most recent federal census are required to provide service 24 hours per day.

6255. Maximum Rates for Transportation to and from Denver International Airport and within the Denver Downtown Area.

Motor Carriers providing Taxicab Service 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 and rule 6208.

- (a) The zones established in this rule include the following:
 - (I) Zone A (Downtown Denver): Beginning at the intersection of 11th Avenue and Clarkson Street; the west on 11th Avenue to its intersection with Speer Boulevard; then north on Speer Boulevard to its intersection with 13th Avenue; then west on 13th Avenue to its intersection with Interstate 25; then north on Interstate 25 to its intersection with Park Avenue West; then southeast on Park Avenue West to its intersection with Delgany Street; then north on Delgany Street to its intersection with Denargo Street; then north on Denargo Street to its intersection with Arkins Court; then northeast on Arkins Court to its intersection with 38th Avenue; then southeast on 38th Avenue to its intersection with Marion Street; then south on Marion Street to its intersection with Lawrence Street; then southwest on Lawrence Street to its intersection with Park Avenue West; then southeast

on Park Avenue West to its intersection with Clarkson Street; then south 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): Beginning at the intersection of Jay Road and U.S. Highway 36, then northwest on U.S. Highway 36 to Lee Hill Drive, then west on Lee Hill Drive for one mile, then south on an imaginary line for seven miles, then east on an imaginary line to Cherryvale Road, then north on Cherryvale Road as extended to Jay Road, then west on Jay Road to the point of the beginning.
 - (IV) Zone D (Tower Road): Beginning at the intersection of 56th Avenue and Genoa Street, then north on Genoa Street as extended to 72nd Avenue, then west for one mile along 72nd Avenue, then south along an imaginary line to 56th Avenue, then east along 56th Avenue to the point of the beginning.
- (b) Taxicab Drivers shall inform Passengers of the total charge prior to commencing the trip.
- (c) The maximum rate for Taxicab Service between the following defined zones and DIA shall be no more than:
- (I) Zone A: The zone rate for transportation between DIA and any point in Zone A shall be \$51.00.
 - (II) Zone B: The zone rate for transportation between DIA and any point in Zone B shall be \$57.00.
 - (III) Zone C: The zone rate for transportation between DIA and any point in Zone C shall be \$84.00.
 - (IV) Zone D: The zone rate for transportation between DIA and any point in Zone D shall be \$24.00.
 - (V) In addition to the above maximum rates, the Taxicab Carrier may charge Access Fees as established by DIA for the use of its facilities for one trip levied upon the Taxicab.
 - (VI) A drop fee of no more than \$5.00 may be charged for each additional drop within the above zones required by members of one traveling party.
- (d) Flat Rates within Zone A. The Maximum Rate within Zone A shall be no more than \$8.00, plus an additional \$3.00 drop off fee for each additional stop.
- (e) Additional requirements with Multiple Loading. The Taxicab Driver shall inform the parties of the total charge prior to departing from the point of origin of the second traveling party and advise the parties they must determine how much of the total charge each party is obligated to pay. The total charge may be approximated for Taxicab Service provided under subparagraphs (I), (II), or (III) of this paragraph.

- (I) If the first party is dropped at a point within a defined zone and additional parties are dropped at different points in the same zone, the total charge (not a per party charge) shall be the appropriate zone rate, plus any applicable airport Access Fee, plus a \$5.00 charge for each additional drop within the zone.
- (II) If the first party is dropped at a point within a defined zone and the second party is dropped at a point outside of any defined zone the charge for the first party shall be the appropriate zone rate plus the agreed portion of applicable airport Access Fees. The charge for the second party shall be the Meter fare from the first drop point to the second drop point, plus the agreed portion of applicable airport Access Fees.
- (III) If the first party is dropped at a point outside of the defined zones, the rates established in this rule shall not apply.

6256. Motor Carriers Providing Taxicab Service License Plates.

- (a) Motor Vehicles used in the provision of Taxicab Service require a Taxicab license plate.
- (b) A Person providing Taxicab Service under Article 10.1 of Title 40, C.R.S. shall register all Motor Vehicles used for such purposes with the Colorado Department of Revenue and display the Taxicab license plates on the vehicles used in providing the services.
- (c) A Person providing Taxicab Service under an active Certificate or Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a Taxicab license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a Taxicab license plate unless the vehicle to which the license plates are attached is required to bear Taxicab license plates.
- (f) Any Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6257. Conversion to a Transportation Network Company.

A Motor Carrier authorized through the granting of a Certificate of Public Convenience and Necessity, to provide Taxicab or Shuttle Service may convert that Authority to a Transportation Network Company (TNC) by filing an application to voluntarily abandon or suspend all or part of its Authority pursuant to rule 6205 and simultaneously filing an application for a Permit to operate as a TNC pursuant to rule 6702. During the period of suspension, the suspended portion of the Authority authorizing Taxicab or Shuttle Service is exempt from Taxicab and Shuttle Service standards concerning the regulation of rates and charges pursuant to the requirements of rule 6208. Further, the Motor Carrier may pro-rate the application fee of \$111,250 over 12 months, paying 1/12th per month. If the Motor Carrier at any time elects not to proceed with the conversion, the Motor Carrier shall not owe the remaining amount of the prorated fee. If the Motor Carrier elects not to proceed with the conversion, the Motor Carrier is not entitled to the return of any amounts paid or any forgiveness for amounts already paid. This pro-rating of the fee is only applicable in the first year of the transition.

6258. - 6299. [Reserved].

LIMITED REGULATION CARRIER RULES

6300. Applicability of Limited Regulation Carrier Rules.

Rules 6300 through 6399 apply to all Limited Regulation Carriers and to all Commission proceedings and operations concerning Limited Regulation Carriers, employees, and Drivers. (The general rules and the safety rules also apply to Limited Regulation Carriers.)

6301. Definitions.

In addition to the definitions in rules 6001, 6017 and 6101, the following definitions apply to all carriers subject to these Limited Regulation Carrier rules:

- (a) “Charter Bus” means a Limited Regulation Carrier that provides transportation in a Motor Vehicle with a Seating Capacity of 33 or more, including the Driver, and provides service for a Person or group of affiliated Persons traveling for a common purpose, for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the Motor Vehicle, including selection of the origin, destination, route and intermediate stops. A Charter Bus does not provide service on a regular route or Schedule.
- (b) “Charter Basis” means on the basis of a contract for transportation whereby a Person agrees to provide exclusive use of a Motor Vehicle to a single chartering party for a specific period of time, during which the chartering party has the exclusive right to direct the operation of the vehicle, including selection of the origin, destination, route, and intermediate stops.
- (c) “Charter Order” means a paper or electronic document that memorializes the contract for Luxury Limousine or Off-Road Scenic Charter or Charter Bus service for a specific period of time reasonably calculated to fulfill the purpose of the contract. The Charter Order shall state the charge, the charge method, the name and telephone number of the parties to the contract, the pickup time and pick up address, and the type of Motor Vehicle that will be used. The Charter Order shall be maintained for at least one year following the provision of service and shall be provided to the parties to the contract and shall be available to the Commission upon request.
- (d) “Children’s Activity Bus” means a Limited Regulation Carrier that transports groups of eight or more children, 18 years of age or younger and their chaperones for trips that are sponsored by non-profit organization, and/ or transport children to and from school, school related activities, or school sanctioned activities that such transportation is not provided by the school or school district contractors to the school or school district. (§ 40-10.1-301(4), C.R.S.)
- (e) “Luxury Limousine Service” is a luxurious, specialized transportation service provided by a Luxury Limousine Carrier with great comfort, quality and ease of use that is not usually available from Common Carriers. The services provided are on a Prearranged Charter Basis memorialized in a contract prior to the provision of service.
- (f) “Medicaid Client Transport” is a Limited Regulation Carrier and means a service that uses a Motor Vehicle to transport Passengers who are recipients of Medicaid pursuant to Articles 4 to 6 of Title 25.5, C.R.S. and are being transported under a Medicaid Non-emergent Medical Transportation Contract or a Medicaid Non-Medical Transportation Contract. (§ 40-10.1-301(9), C.R.S.)

- (g) “Medicaid Non-emergent Medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing non-emergent medical transportation to approved recipients of Medicaid. (§ 40-10.1-301(10), C.R.S.).
- (h) “Medicaid Non-medical Transportation Contract” means a contract or provider agreement with the Department of Health Care Policy and Financing or its approved agent for the purpose of providing nonmedical transportation to approved recipients of Medicaid. (§ 40-10.1-301(11), C.R.S.)
- (i) “Off-Road Scenic Charter” means a Limited Regulation Carrier that transports Passengers, on a Charter Basis, to scenic points within Colorado, originating and terminating at the same location and using a route that is wholly or partly off of paved roads as that term is defined in § 40-10.1-301(12), C.R.S.
- (j) “Prearranged” or “Prearrangement” means that the Charter Order is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the Luxury Limousine at the point of departure.
- (k) “Trip Ticket” means a document, electronic or paper, that contains the information that the Driver needs to fulfill the Prearranged service, such as customer or Passenger contact information, pickup and drop off time and location.

6302. Application and Permit.

- (a) No Person shall operate or offer to operate as a Limited Regulation Carrier, without obtaining the appropriate Permit by filing the appropriate application using a Commission approved form, available on its website. Each application requires supporting information which must be submitted with the application at the time of filing.
- (b) No Person shall request a Permit under a name or trade name that identifies a transportation service not requested or currently authorized (e.g., a Limited Regulation Carrier shall not have taxi in its name.) If an application is filed in violation of this rule, the Commission shall not issue a Permit under such name.
- (c) The Motor Carrier must maintain the original or copy of its Permit at its principal place of business and, upon request, shall immediately present it to any Enforcement Official.
- (d) In addition to completing and filing the Commission approved application form, a Motor Carrier shall:
 - (I) file the required proof of financial responsibility; and
 - (II) pay the required annual Vehicle Stamp fees, as set forth in rule 6102 or, if applicable, shall be in compliance with the UCR Agreement.
- (e) Applications for new Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 20 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable.

- (f) Applications for renewals of Permits require the submission of a periodic Vehicle Inspection as set forth in rule 6104 that is no older than 180 days and the information required for the Vehicle Registry and set forth in Rule 6102 for each vehicle to be operated under the Permit. The Motor Vehicles identified on the Permit application must also be compliant with rule 6117 (Age and Condition) or rule 6305, as applicable
- (g) A Permit is valid for one year from the effective date.

6303. Luxury Limousine Exterior Vehicle Markings, Signs, or Graphics.

Instead of the vehicle marking requirements set forth in rule 6015, a Luxury Limousine Carrier is required to have only exterior markings on Motor Vehicles operated under its Permit, as detailed below:

- (a) The Carrier's Permit number preceded by "LL" or "PUC LL" or "CO PUC LL" shall be displayed on both sides of the vehicle or on the front and back of the vehicle.
- (b) The markings shall be of a size and color readily visible from 50 feet, but in any case not less than one and a half inches tall and not more than three inches tall.
- (c) The Luxury Limousine Carrier has the option of including other markings, including company or trade name and phone number, on the vehicle, but is neither required to do so nor is it prohibited from including other markings

6304. Livery License Plates.

- (a) Motor Vehicles used in the provision of Luxury Limousine Service require a livery license plate.
- (b) A Person providing Luxury Limousine Service under Article 10.1 of Title 40, C.R.S., shall register all Motor Vehicles used for such purposes with the Colorado Department of Revenue and display the livery license plates on the vehicles used in providing the services.
- (c) A Person providing Luxury Limousine Service under an active Permit may provide such service without registering the Motor Vehicle with the Colorado Department of Revenue or using a livery license plate if the Motor Vehicle is rented, but the Person shall not provide such services using a rented Motor Vehicle for more than 30 days.
- (d) If a Motor Vehicle is used to provide both Taxicab and Luxury Limousine Services, a Taxicab license plate is required.
- (e) No Person shall operate a Motor Vehicle with a livery license plate unless the vehicle to which the license plates are attached is required to bear livery license plates.
- (f) Any Motor Vehicle operated in violation of this rule may be placed Out-of-Service.

6305. Luxury Limousine.

- (a) A "Luxury Limousine" means one of the following vehicles:
 - (I) stretched limousine, which is a Motor Vehicle whose wheelbase has been lengthened beyond the original Manufacturer's specifications;
 - (II) executive car, which is a Motor Vehicle that has four doors and is:

- (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Land Rover, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, Rolls Royce, Tesla, or Volvo; or
 - (B) Chrysler 300, Hyundai Equus, Toyota Avalon Livery Edition, Chevrolet Suburban, Chevrolet Tahoe, Ford Expedition, GMC Yukon, Hummer;
 - (III) executive van, which is a Motor Vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the original Manufacturer);
 - (IV) luxury 4 wheel drive, which is a Motor Vehicle that is a 4 wheel drive crew-cab pickup manufactured by Chevrolet, Ford, GMC, Nissan, Ram, or Toyota in the Limited, Platinum, or equivalent class;
 - (V) collector's vehicle, which is defined in Title 42, C.R.S., as either a luxurious classic or antique vehicle, eligible for a collector's license plate. It is not a stretched limousine. Vehicles qualifying under this paragraph (V) must have a current appraised retail value of at least \$15,000. A certified appraisal is required to prove the value of the vehicle. Vehicles within this category are exempt from the age of vehicle requirements set forth in rule 6117; and
 - (VI) any Motor Vehicle for which the Motor Carrier has paid \$50,000 or more, as evidenced by a copy of the dealer bill of sale submitted to the Colorado Department of Revenue on form DR2407, dated no more than 180 days prior to placing the vehicle into service.
- (b) A Person who believes that the Motor Vehicle that they have purchased or plan to purchase provides a luxurious and specialized transportation service may file a petition for waiver of paragraphs (a) or (c) of this rule, as set forth in rule 6003, explaining why the use of their vehicle of choice will effectively implement the Commission's policies of a luxury transportation experience in the relevant market to be served. The notice and intervention period shall be ten days, after which time the Commission will consider the petition as soon as practical.
- (c) Age limits for Luxury Limousines shall be 15 years, with the age of the vehicle calculated as set forth in rule 6117. For vehicles older than eight model years and/or have more than 150,000 miles, the periodic safety inspection shall be completed semi-annually. After the Motor Vehicle reaches 225,000 miles, regardless of age, the inspections must occur every three months.

6306. Luxury Limousines – Operational Requirements, Prearrangement Required.

- (a) No Person shall provide Luxury Limousine Service or a service ancillary to Luxury Limousine Service, except on a Prearranged Charter Basis.
- (b) The fact that the drop off time is amended in a Charter Order during the course of performance (i.e., the amended drop off time is agreed to before the original drop off time is reached) does not, in and of itself, mean that such transportation is not on a Prearranged Charter Basis. All requirements of a Charter Order apply equally to the amended Charter Order.
- (c) Although a Charter Order must be for a specific period of time reasonably calculated to fulfill the purpose of the charter, these rules do not prohibit terms addressing time in excess of such calculated specific period of time.

- (d) Without affecting any other requirement of these rules, a Luxury Limousine Carrier shall, at all times when providing Luxury Limousine Service, carry in each vehicle a Charter Order or Trip Ticket. However, the total charge for the specific period of time may be omitted or stricken from the copy of the Charter Order or Trip Ticket carried in each vehicle.
- (e) A Luxury Limousine Carrier shall not station a Luxury Limousine within one hundred feet of a recognized Taxicab stand, a designated Passenger pickup point at an airport, a hotel, or a motel without the completed Charter Order in the vehicle. A Luxury Limousine Carrier shall not station a Luxury Limousine at the point of departure more than forty-five minutes prior to the pickup time noted on the Charter Order.
- (f) A Luxury Limousine Carrier shall provide the Charter Order or Trip Ticket immediately upon request by any Enforcement Official or Airport Official.
- (g) Prior to the provision of service, a Luxury Limousine Carrier shall provide the other party to the contract underlying the charter a paper or electronic copy of the Charter Order.

6307. Luxury Limousine Service – Presumptions.

- (a) A Person shall be presumed to have provided Luxury Limousine Service in violation of paragraph 6306(a) if, without Prearrangement, such Person:
 - (I) accepts payment for the transportation of the chartering party at the point of departure;
 - (II) makes the Luxury Limousine available to the chartering party at the point of departure;
 - (III) negotiates the immediate availability of, or the price for immediate use of, the Luxury Limousine at or near the point of departure;
 - (IV) loads the chartering party or its baggage into the Luxury Limousine; or
 - (V) transports the chartering party in the Luxury Limousine.
- (b) A Luxury Limousine Carrier that charges or offers to charge for transportation services on a per Person basis shall be presumed to be providing or offering to provide services as a Common Carrier.
- (c) A Luxury Limousine Carrier may rebut the presumptions created in this rule by competent evidence.

6308. – 6399. [Reserved].

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[indicates omission of unaffected rules]