

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0359TR

IN THE MATTER OF THE PROPOSED AMENDMENTS TO AGE OF MOTOR VEHICLE
RULES, 4 CODE OF COLORADO REGULATIONS 723-6.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
ADOPTING RULES**

Mailed Date: December 7, 2021

TABLE OF CONTENTS

I. STATEMENT and background.....	2
A. Summary.....	2
B. Procedural History and Background	2
II. DISCUSSION, FINDINGS, AND CONCLUSIONS	5
A. Statutory Authority to Promulgate Rules	5
B. Substantive Amendments to Vehicle Age and Condition Requirements.....	6
1. Rule 6117. Age and Condition of Passenger Carrying Motor Vehicles	6
a. Discussion, Findings, and Conclusions.....	8
2. Rule 6305. Luxury Limousine	10
a. Discussion, Findings, and Conclusions.....	11
C. Non-Substantive Amendments to Align with Changes to Vehicle Age Restrictions	12
1. Rule 6003. Petitions	12
a. Discussion, Findings, and Conclusions.....	12
2. Rule 6018. Maximum Civil Penalties, without Statutory Enhancement.....	13
a. Discussion, Findings, and Conclusions.....	13
3. Rule 6020. Report by Commission Staff	13
a. Discussion, Findings, and Conclusions.....	14
4. Rule 6302. Application and Permit	14

a. Discussion, Findings, and Conclusions.....14

D. Conclusion.....14

III. ORDER.....15

A. The Commission Orders That:15

I. STATEMENT AND BACKGROUND

A. Summary

1. This Decision adopts amendments to the Colorado Public Utilities Commission’s (Commission) Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* (CCR) 723-6 (Transportation Rules or Rules). Generally, changes amend rules relating to age and condition of the motor vehicles that regulated motor carriers may use to provide passenger transportation service.

B. Procedural History and Background

2. On July 30, 2021, the Commission initiated this matter by issuing a Notice of Proposed Rulemaking (NOPR) (Decision No. C21-0461), to consider amendments to Rules 6003, 6018, 6020, 6117, 6302, and 6305 of the Commission’s Transportation Rules. The Commission initiated this proceeding to consider revisions to rules relating to the motor vehicle age to adjust the way that the Commission addresses and balances the issue of aging motor vehicles with the need to ensure the continued safety of the traveling public.¹ As explained in Decision No. C21-0461, rules concerning the age of motor vehicles were adopted for taxicab carriers dating back to at least 1994, with vehicle age restrictions ranging between 8 and 12 years.² Similar age limitations were applied to luxury limousine vehicles, with restrictions

¹ Decision No. C21-0461, ¶¶ 2-3.

² Decision No. C21-0461, ¶ 5, *citing* Proceeding No. 94R-398CP.

ranging between 10 and 15 years.³ Ultimately, vehicle age restrictions were placed on many other categories of motor vehicles subject to the Commission's regulation.⁴

3. Most regulated motor carriers complied with the vehicle age rules, but some have sought waivers of the relevant rule provisions so that they would not be required to replace their vehicles. For example, between 2014 and 2019, Commission records show that approximately 1,651 petitions seeking rule waivers of the vehicle age provisions were filed and that the Commission denied less than 8 percent of those petitions.⁵ Conversely, this means the Commission granted approximately 92 percent (or 1,518) of those petitions.⁶ To address concerns that individual carriers' petitions require subjective and individual determinations rather than an objective safety analysis based on a clear set of safety criteria, the NOPR proposes rule changes that eliminate a strict vehicle age prohibition, and instead creates standards focusing on vehicle condition with more frequent safety inspections for aging and high mileage vehicles.⁷

4. In its NOPR, the Commission posed questions to stakeholders and invited public comment. Specifically, the Commission asked stakeholders to: provide information on whether the Rules should be amended to require regulated motor carriers to provide additional data to help with future data analysis; recommend specific considerations for seasonal fleets; and to comment on proposed changes to include the word "significant" in Rule 6117(f) or submit suggestions that would give the Commission discretion in reviewing motor vehicle condition defects.⁸

³ *Id.*, citing, Proceeding No. 07R-327TR.

⁴ *Id.*, citing, Proceeding Nos. 11R-792TR and 17R-0796TR.

⁵ *Id.* at ¶ 6.

⁶ *Id.*

⁷ *Id.* at ¶ 7.

⁸ *Id.* at ¶¶ 16-19.

5. The Commission published proposed rule changes as Attachments A and B with the NOPR.⁹ At the same time, the Commission referred this matter to an Administrative Law Judge (ALJ), and scheduled a remote public comment hearing to be held by video conference using Zoom for September 20, 2021 at 9:00 a.m.¹⁰ The Commission submitted the NOPR, with its attachments, to the Secretary of State (Secretary) for publication in *The Colorado Register* on July 30, 2021; the Secretary confirmed this submission on that same date.¹¹

6. On August 12, 2021, an Errata Notice was issued for the NOPR, correcting language in the original NOPR concerning the place of the September 20, 2021 video-conference public comment hearing.¹² With the corrections, the NOPR informs interested persons that the September 20, 2021 public comment hearing will be held “[b]y video conference using Zoom at a link in the calendar of events on the Commission’s website.”¹³

7. On August 26, 2021, the ALJ issued a decision establishing procedures for the September 20, 2021 public comment hearing; that Decision provides Zoom information necessary to participate in the public comment hearing.¹⁴ Consistent with Decision No. C21-0461-E, the same Zoom information was published on the calendar of events on the Commission’s website.

8. The ALJ held the September 20, 2021 public comment hearing as noticed. No one appeared to provide public comment. During the September 20, 2021 public comment hearing,

⁹ Decision No. C21-0461, ¶¶ 16-19.

¹⁰ *Id.* at ¶ 21.

¹¹ *See* Notice of Rulemaking Confirmation, filed July 30, 2021.

¹² *See* Decision No. C21-0461-E.

¹³ *Id.*

¹⁴ Decision No. R21-0519-I, Ordering ¶¶ 1-6.

the ALJ informed all interested persons that an additional public comment hearing would be scheduled for November 15, 2021 to allow an additional opportunity for public comment.¹⁵

9. By Decision No. R21-0590-I, the ALJ scheduled a second public comment hearing for November 15, 2021, from 4:30 p.m. to 6:30 p.m.¹⁶ That Decision included the Zoom information necessary to participate in the public comment hearing, which was also published on the calendar of events on the Commission's website.

10. The ALJ held the November 15, 2021 public comment hearing as noticed. No one provided public comment during the hearing.¹⁷

II. DISCUSSION, FINDINGS, AND CONCLUSIONS

A. Statutory Authority to Promulgate Rules

11. Under § 40-10.1-106, C.R.S., the Commission has specific statutory authority to promulgate rules necessary to administer article 10.1 of title 40, Colorado Revised Statutes, which governs the Commission's regulatory authority over motor carriers. In addition, under § 40-2-108, C.R.S., the Commission has general statutory authority to promulgate such rules as are necessary for the proper administration and enforcement of title 40. Because the proposed Rules directly relate to administering article 10.1 of title 40, the Commission has both specific and general rulemaking authority to adopt the proposed Rules.¹⁸

¹⁵ See Decision No. R21-0590-I issued September 20, 2021.

¹⁶ Decision No. R21-0590-I, Ordering ¶ 1.

¹⁷ During that hearing, one entity, identified in Zoom as "APLIMO" joined the hearing, but never provided public comment. It appeared that the entity was having technical difficulties. As such, the ALJ noted during the hearing that the public comment period would be held open through November 23, 2021, and provided information on how to submit written public comment. On November 18, 2021, Absolute Prestige Limousine Service, LTD submitted written public comment.

¹⁸ §§ 40-2-108 and 40-10.1-106, C.R.S.

B. Substantive Amendments to Vehicle Age and Condition Requirements

12. Substantive proposed rule changes focus on eliminating restrictions on regulated motor carriers' use of vehicles solely based on vehicle model age. Other substantive changes include adding language concerning requirements for vehicles to be considered in good condition. The remaining proposed changes are non-substantive minor changes to align with other rule amendments. Because the central focus of this rulemaking is on changing vehicle age restrictions, the ALJ starts by examining those proposed changes. The ALJ then turns to the remaining proposed changes, which are primarily non-substantive changes intended to align with changes to vehicle age restrictions. As such, the rules are not discussed in numerical order.

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

13. Rule 6117 governs motor vehicle requirements for common carriers, contract carriers, limited regulation carriers, and large market taxicab service carriers.¹⁹ As relevant here, existing paragraph (b) prohibits taxicab carriers from using a vehicle over 12 years old, regardless of condition and mileage; and paragraph (c) generally prohibits any motor carrier holding a Commission certificate or permit from using a vehicle over 15 years old, regardless of condition and mileage. The NOPR proposes to delete paragraphs (b) and (c) entirely, thereby eliminating restrictions on vehicle use solely based on age.

14. Existing Rule 6117(d) requires that vehicles over eight model years old or which have more than 150,000 miles be inspected semi-annually and vehicles with 225,000 miles (or more) be inspected every three months regardless of vehicle age. Proposed changes would require inspections for vehicles over eight model years old "and/or" which have more than 150,000 miles to occur every six months, and that vehicles over 15 model years old "and/or"

¹⁹ Rule 6100(a), 4 CCR 723-6 (identifying carriers to whom Rules 6100 to 6199 apply).

which have more than 225,000 miles be inspected every three months. Thus, many proposed changes to paragraph (d) build off or otherwise clarify existing standards to focus on a combination of vehicle age and mileage to trigger regular inspections while eliminating strict prohibitions on using vehicles based on age alone.

15. Existing Rule 6117(e) defines how vehicle age is calculated. Proposed changes merely add a cross-reference to the paragraph which sets requirements relating to vehicle age.

16. Existing Rule 6117(f)(I) and (II) provide minimum standards that vehicles must meet to be considered in “good physical condition,” a prerequisite to vehicle use. Specifically, under existing subparagraph (I), vehicles must be “devoid of dents, rust, cracked bumpers, broken trim, broken mirrors, or cracked windows including the windshield.” And, under existing subparagraph (II), vehicles may have “no cracks, tears or stains on the upholstery, seats, headliners, floor mats, carpeting or interior trim.” These requirements essentially mandate that vehicles have none of the identified issues in order to be considered in good physical condition. Proposed changes would add “significant” to both subparagraphs so that only significant defects would render a vehicle not in good physical condition.

17. Finally, the NOPR proposes to entirely delete Rule 6117(g), which lists requirements for petitions seeking to waive Rule 6117. The NOPR includes other minor changes to Rule 6117, such as renumbering the paragraphs, and revising the rule header.

Public comments generally express dissatisfaction with existing requirements that set vehicle restrictions based on age, and posit that the focus should instead be on the vehicle condition.²⁰

²⁰ See Absolute Prestige Limo’s comments filed November 18, 2021 (Absolute Prestige Limo’s 11/18/21 Comments) at 1-3; and Colorado Jeep Tours’ comments filed August 4, 2021 (Colorado Jeep Tours’ 8/4/21 Comments); and Durango and Silverton Scenic Tour Bus Co.’s (Durango Tour Bus) comments filed September 16, 2021 (Durango Tour Bus’s 9/16/21 Comments).

For example, Absolute Prestige Limousine Service, Ltd.'s (Absolute Prestige Limo) explains that vehicle age does not always speak to whether the vehicle is safe or in good condition (*e.g.*, older vehicles that are not driven daily may have less wear and tear and mileage).²¹ Absolute Prestige Limo urges the Commission to focus on vehicle maintenance and condition as a more accurate litmus of vehicle safety.²² Other comments suggest that the current vehicle age restrictions place an undue burden on regulated motor carriers based on numerous factors, including high vehicle replacement cost; limited available stock of newer vehicles (caused by the COVID-19 pandemic); and difficulties associated with seasonal operations.²³

18. Colorado Jeep Tours supports inspection timelines based upon mileage rather than inspection triggers based on factors such as seasonal vehicle use.²⁴ Colorado Jeep Tours explains that while the majority of its business is seasonal, it does operate year-round, with vehicles assigned based on weather and passenger group size.²⁵ This would make it difficult for Colorado Jeep Tours to comply with inspection requirements based on seasonal use.²⁶

19. As to remaining items the Commission requested specific comments on, no public comments suggest additional reporting or record keeping requirements; different considerations for seasonal fleets; or changes beyond adding “significant” to existing Rule 6117(f)(I) and (II).

a. Discussion, Findings, and Conclusions

20. The ALJ finds that the proposed changes to Rule 6117 result in safety standards that are more closely tied to whether the vehicle is safe for the traveling public. Indeed, by

²¹ Absolute Prestige Limo's 11/18/21 Comments at 1.

²² *Id.*

²³ See Durango Tour Bus's 9/16/21 Comments and Absolute Prestige Limo's 11/18/21 Comments at 2.

²⁴ Colorado Jeep Tours' 8/4/21 Comments.

²⁵ *Id.*

²⁶ *Id.*

completely banning the use of vehicles over a certain age regardless of condition, the current rules heavily rely on vehicle age as a primary indicator of vehicle condition and safety, which may or may not be accurate. This is confirmed by the Commission's record of granting approximately 92 percent of the approximate 1,651 petitions seeking to waive the vehicle age provisions filed between 2014 and 2019.²⁷ By eliminating a complete ban on using vehicles over a certain age, and instead creating triggers for more frequent inspections based on mileage or age, the proposed changes to existing paragraphs (b), (c), and (d) maintain high safety standards based on actual vehicle condition. More frequent inspections for aging and high mileage vehicles, rather than a complete ban on older model vehicles, better serves the Commission's ultimate goal to ensure vehicles are safe for the traveling public. The ALJ finds that a minor change to proposed amendments to existing paragraph (d) will help avoid confusion and ensure clarity. Specifically, the ALJ recommends that "and/or" be replaced with "or" in existing paragraph (d). This clarification will avoid an incorrect rule interpretation that both conditions must exist (age *and* mileage) to trigger the referenced vehicle inspection timelines.

21. The ALJ finds that adding the word "significant" to the requirements for a vehicle to be considered in good physical condition in Rule 6117(f)(I) and (II) sets reasonable and attainable standards without compromising vehicle safety or customer experience. Indeed, the existing rule language could be viewed as setting an unattainable standard of perfection that even new vehicles may fail (*e.g.*, with a minor dent). Determining whether a defect is "significant" necessarily requires Commission enforcement staff (enforcement staff) to use their judgment. As such, adding "significant" also gives enforcement staff needed discretion to determine whether a defect is significant enough to warrant a finding that the vehicle is not in good physical

²⁷ Decision No. C21-0461 at ¶ 6.

condition. For the same reasons, the ALJ finds that it is unnecessary to make other changes to ensure that enforcement staff has discretion.²⁸

22. Given the absence of public comment on the other specific items the Commission identified, the record lacks support for changing Rule 6117 to include additional reporting or record keeping requirements or different considerations for seasonal fleets.²⁹ Indeed, comments suggest that different requirements for seasonal fleets may be unworkable.³⁰ Finally, the ALJ finds that it is appropriate to delete paragraph (g), setting requirements for petitions seeking to waive Rule 6117, because that paragraph is directed at waivers relating to vehicle age requirements.³¹ With the changes to vehicle age restrictions, such language becomes obsolete.

23. For all the reasons discussed, the ALJ finds that the proposed rule changes, with the minor modifications discussed above, are in the public interest. The ALJ adopts changes to Rule 6117 as proposed in the NOPR, with the minor modifications to Rule 6117(f)(I) and (II) discussed above.

2. Rule 6305. Luxury Limousine

24. Existing Rule 6305 applies to luxury limousine carriers, a type of limited regulation carrier.³² As relevant here, existing Rule 6305 defines a luxury limousine vehicle (paragraph (a)); exempts collector's vehicles from the vehicle age requirements in existing Rule 6117 (subparagraph (a)(V)); authorizes persons to apply for a waiver of Rule 6305

²⁸ The Commission requested public comment on whether additional change beyond adding "significant" to existing Rule 6117(f)(I) and (II) are necessary, including changes to ensure that enforcement staff has discretion. *Id.* at ¶ 19.

²⁹ *Id.* at ¶¶ 17-18.

³⁰ Colorado Jeep Tours' 8/4/21 Comments.

³¹ This is not to say that a motor carrier cannot seek to waive Rule 6117.

³² See Rules 6001(qq), and 6300, 4 CCR 723-6.

(paragraph (b)); and largely mirrors language in existing Rule 6117(d), including a bright line ban on using luxury limousine vehicles more than 15 model years old (paragraph (c)). Proposed changes to Rule 6305 would essentially align this rule with the changes to Rule 6117 by deleting references to vehicle age requirements and Rule 6117 in paragraph (a)(V), and entirely deleting paragraph (c) (substantive vehicle age restriction).

25. Grand Mountain Rides, LLC (Grand Mountain) supports changes that would allow older stretch limousines and party buses to be used.³³ Grand Mountain submits that doing so will allow more people access to such transportation (especially in places that are not as densely populated).³⁴ Grand Mountain also suggests this would help alleviate burdens on luxury limousine providers associated with the high costs of luxury limousine and specialty vehicles, insurance for the same, and difficulty in finding such vehicles at an affordable price.³⁵

a. Discussion, Findings, and Conclusions

26. Luxury limousine carriers are a type of limited regulation carrier.³⁶ Given that Rule 6117 applies to limited regulation carriers, the changes to that rule apply to luxury limousine carriers.³⁷ Thus, changes to Rule 6117 that eliminate bright-line vehicle age restrictions, create clear vehicle inspection requirements based on age or mileage, and remove exemptions to vehicle age restrictions for collector's vehicles apply to luxury limousine carriers. All of the proposed changes to existing Rule 6305 align with the changes made to Rule 6117. Specifically, deleting language in Rule 6305(a)(V) giving collector's vehicles an exemption to

³³ Grand Mountain's 11/16/21 Comments.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Rule 6001(qq), 4 CCR 723-6.

³⁷ Rule 6100(a), 4 CCR 723-6.

vehicle age restrictions in Rule 6117 aligns with changes that delete similar language in existing Rule 6117(c). And, deleting existing Rule 6305(c), (which prohibits using luxury limousines over 15 years old with inspection triggers largely mirroring existing Rule 6117(d)), aligns with changes to existing Rule 6117(c) and (d). For the same reasons the ALJ adopts changes to Rule 6117, the ALJ adopts changes to Rule 6305 proposed in the NOPR. The ALJ finds that these changes better serve the Commission's ultimate goal to ensure vehicles are safe for the traveling public and are in the public interest.

C. Non-Substantive Amendments to Align with Changes to Vehicle Age Restrictions

1. Rule 6003. Petitions

27. Rule 6003 governs procedures for rule waiver petitions, and includes specific provisions relating to petitions seeking to waive existing Rules 6117 and 6305 in paragraphs (b) and (c). Proposed changes eliminate references to Rules 6117 and 6305 in existing paragraph (b), and deletes Rule 6003(c) entirely, which set a notice and intervention period for petitions seeking to waive Rules 6117 and 6305. These changes are intended to align with substantive changes to vehicle age restrictions in Rules 6117 and 6305.

28. No comments were submitted on these proposed changes.

a. Discussion, Findings, and Conclusions

29. For the same reasons discussed above, the ALJ adopts the changes to Rule 6003 proposed in the NOPR. The ALJ finds that the changes provide needed consistency within the rules, and align with the changes to Rule 6117 and 6305. And, given the changes to Rules 6117 and 6305, the referenced language in Rule 6003 is unnecessary.

2. Rule 6018. Maximum Civil Penalties, without Statutory Enhancement

30. Existing Rule 6018(e) provides that a regulated motor carrier may be assessed a civil penalty up to \$225 for operating a vehicle that fails to comply with the age or type of vehicle requirements in Rules 6117 and 6305. Proposed changes would replace the reference to vehicle “age” with “condition.” With these changes, Rule 6018(e) would allow for a \$225 civil penalty against a regulated motor carrier who operates a vehicle that does not comply with the requirements relating to condition or type of vehicle in Rules 6117 and 6305.

31. No comments were submitted on these proposed changes.

a. Discussion, Findings, and Conclusions

32. For the same reasons discussed above, the ALJ adopts the changes to Rule 6018(e) proposed in the NOPR. The ALJ finds that the changes provide needed consistency within the rules, align with the changes to Rule 6117 and 6305, and eliminates now obsolete rule language.

3. Rule 6020. Report by Commission Staff

33. As relevant here, existing Rule 6020(m) requires Commission staff to provide a report to the Commission and Commission Director at least once every 12 months that must include the number of petitions for vehicle age waivers each year and the previous four years, action the Commission took, and the age of vehicles and mileage for petitions granted and denied. The NOPR proposes that this paragraph be eliminated entirely, and that the remaining paragraphs be renumbered accordingly.

34. No comments were submitted on these proposed changes.

a. Discussion, Findings, and Conclusions

35. For the same reasons discussed above, the ALJ adopts the changes to Rule 6020 proposed in the NOPR. The ALJ finds that the changes provide needed consistency within the rules, align with the rule changes discussed above, and eliminates now obsolete rule language.

4. Rule 6302. Application and Permit

36. Existing Rule 6302 governs requirements for applications and permits. As relevant here, existing paragraphs (e) and (f) both reference “Age and Condition” requirements. The NOPR proposes to delete those “Age and Condition” references.

37. No comments were submitted on these proposed changes.

a. Discussion, Findings, and Conclusions

38. For the same reasons discussed above, the ALJ adopts changes to Rule 6302 proposed in the NOPR. The ALJ finds that the changes provide needed consistency within the rules, and align with the rule changes discussed above.

D. Conclusion

39. For the reasons and authorities discussed above, the ALJ recommends that the Commission adopt changes to the Rules as outlined in Attachments A and B to the NOPR, with modifications to existing Rule 6117(f)(I) and (II) discussed above. This includes minor changes proposed in the NOPR, such as renumbering paragraphs to align with deleted paragraphs and modifying rule headers. A version of the proposed Rules with the modifications discussed herein in legislative format (*i.e.*, redline) is included as Attachment A; and a clean version of the same is included as Attachment B.

40. Being fully advised in this matter and consistent with the above discussion, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this proceeding along with this written recommended decision and attachments.

III. ORDER

A. The Commission Orders That:

1. The Rules Regulating Transportation by Motor Vehicle, 4 *Code of Colorado Regulations* 723-6 attached to this Recommended Decision as Attachments A and B are adopted.

2. The rules in final and legislative format (Attachments A and B), are also 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=21R-0359TR

3. This Recommended Decision will 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 will be served upon the parties, who may file exceptions to it.

5. 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 will become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

6. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the

administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

7. If exceptions to this Decision are filed, they may not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

* * * *

[indicates omission of unaffected rules]

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.~~

* * * *

[indicates omission of unaffected rules]

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	\$1,100

	operating in violation of the Permit	
§§ 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 <u>to</u> display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the <u>agecondition</u> or type of vehicle requirements	\$225

	Any other violation of these rules	\$225
--	------------------------------------	-------

* * * *

[indicates omission of unaffected rules]

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;~~
- ~~(m)~~ recommendations as to what if any changes should be made to the current rules of the Commission; and
- ~~(e)~~ 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.

* * * *

[indicates omission of unaffected rules]

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. every six months for vehicles that are over eight model years old or have more than 150,000 miles and every three months for vehicles that are over fifteen model years old or have more than 225,000 miles.~~
- ~~(e)~~ For the purposes of paragraph (b), 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 significant 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 significant 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.~~

* * * *

[indicates omission of unaffected rules]

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.

* * * *

[indicates omission of unaffected rules]

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.~~

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

* * * *

[indicates omission of unaffected rules]

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) 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.

* * * *

[indicates omission of unaffected rules]

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.	Transferring a Certificate or Permit or the rights obtained under said Certificate or Permit prior to obtaining	\$1,100

Rule 6206	authorization from the Commission	
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 to display appropriate markings on vehicle	\$225
Rule 6117 and 6305	Operating a vehicle that fails to comply with the condition or type of vehicle requirements	\$225
	Any other violation of these rules	\$225

* * * *

[indicates omission of unaffected rules]

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) recommendations as to what if any changes should be made to the current rules of the Commission; and
- (n) recommendations as to the priority for the type of enforcement actions for the next year.
- (o) The report shall be provided to each of the Commissioners and the Director and shall be posted on the website of the Commission.

* * * *

[indicates omission of unaffected rules]

6117. 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) 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 every six months for vehicles that are over eight model years old or have more than 150,000 miles and every three months for vehicles that are over fifteen model years old or have more than 225,000 miles.
- (c) For the purposes of paragraph (b), 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.
- (d) 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 significant 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 significant 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.

* * * *

[indicates omission of unaffected rules]

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 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 or rule 6305, as applicable.
- (g) A Permit is valid for one year from the effective date.

* * * *

[indicates omission of unaffected rules]

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; 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.